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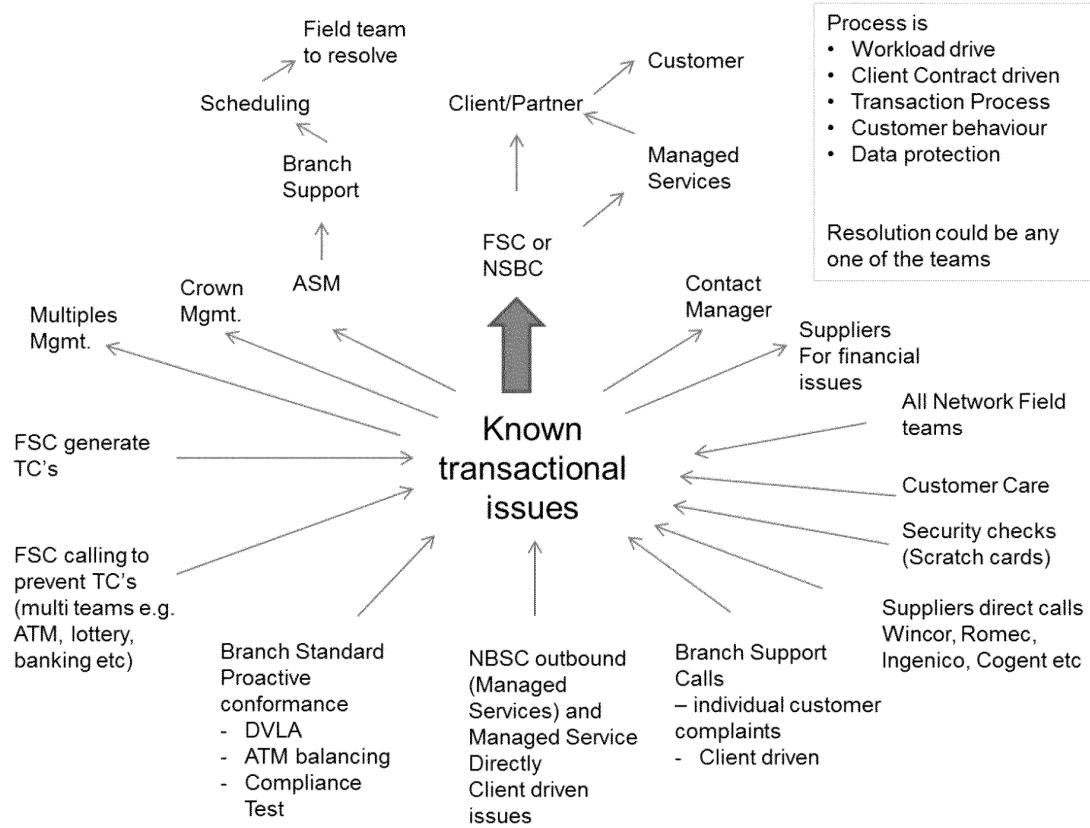
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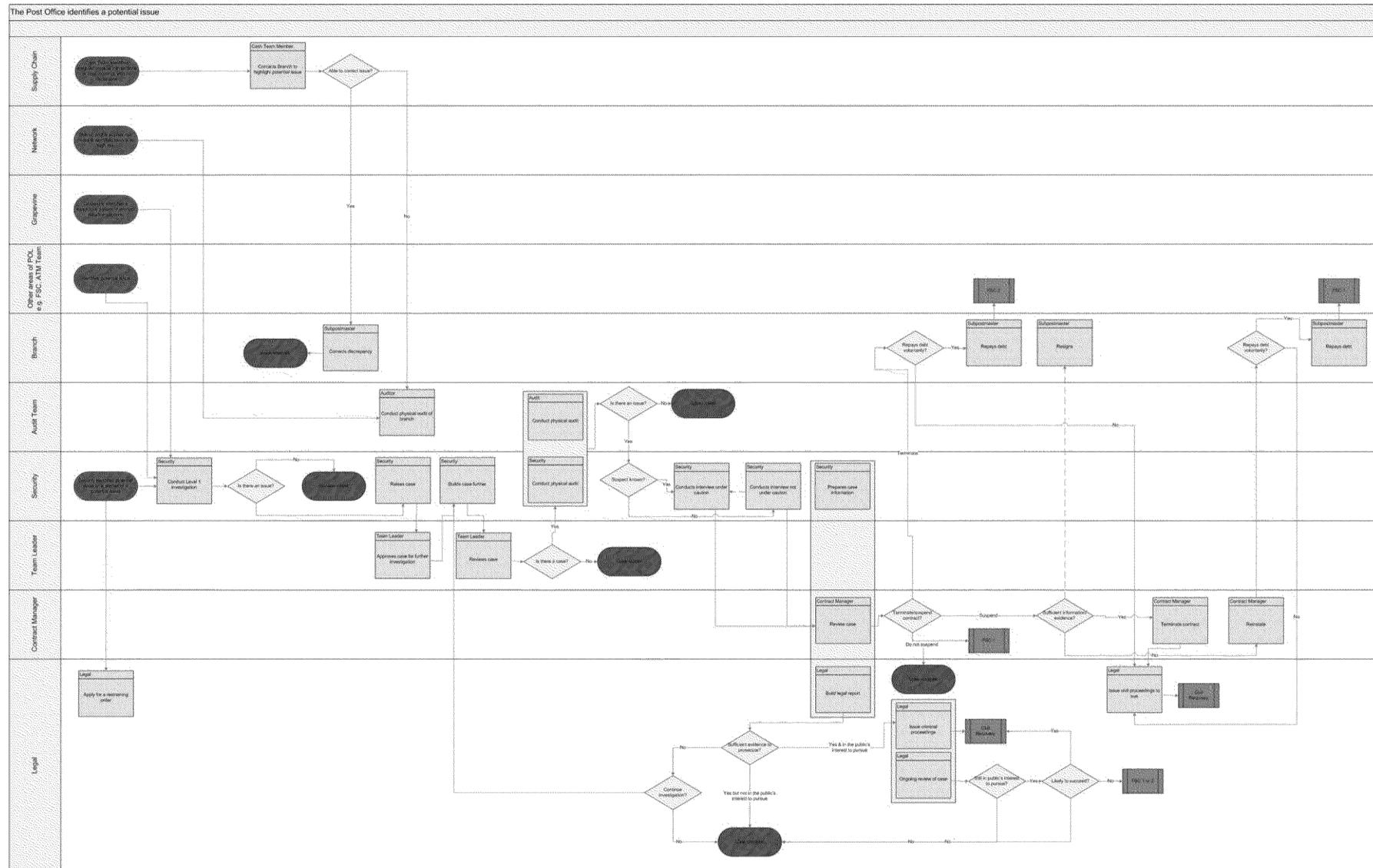
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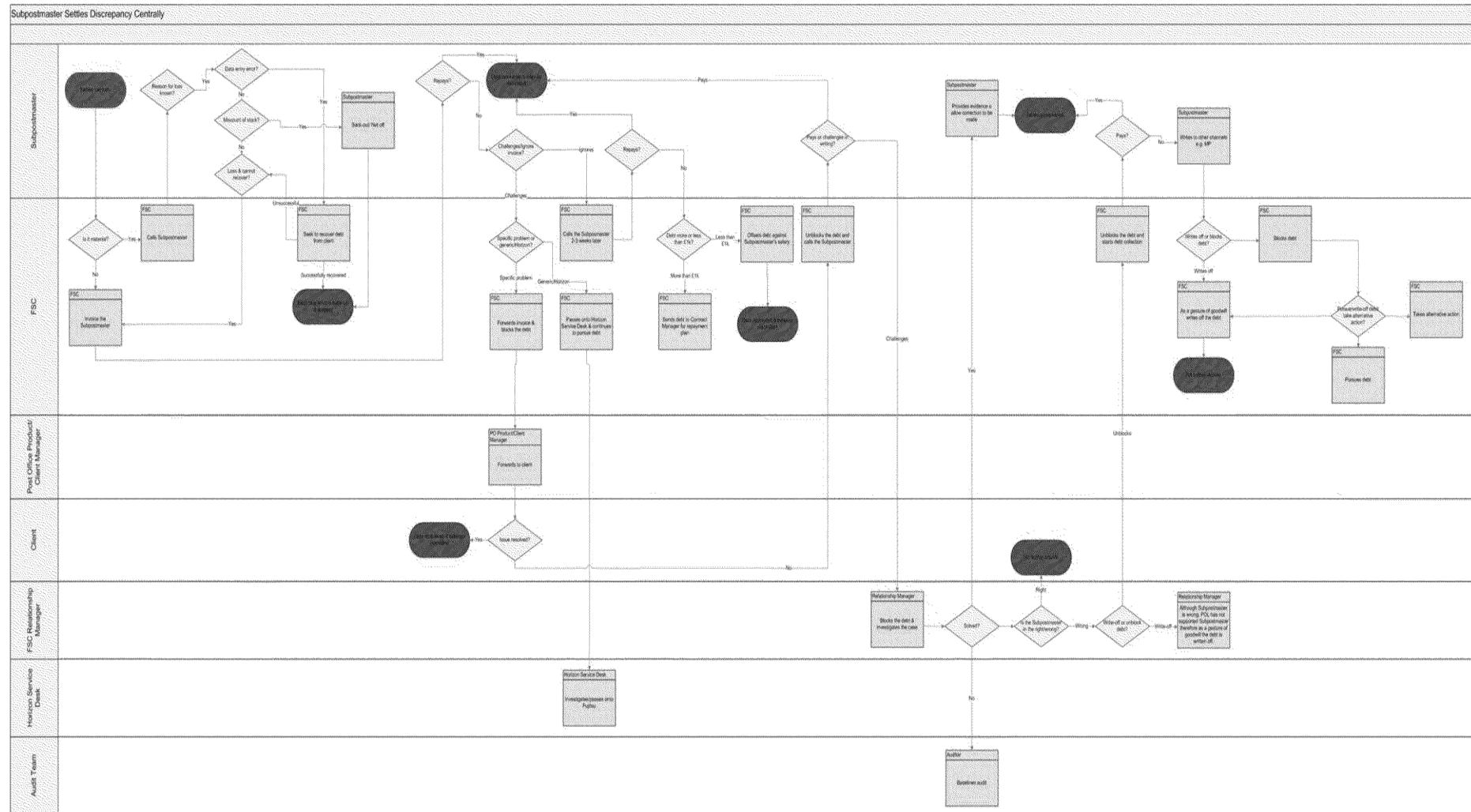
APPENDIX A – “KNOWN TRANSACTIONAL ISSUES” SPIDERGRAM

Branch Issues - Business As Usual (BAU)



APPENDIX B – “POST OFFICE IDENTIFIES A POTENTIAL ISSUE” FLOW DIAGRAM [To be finalised]





APPENDIX C – CURRENT POL PROSECUTION POLICY



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APPENDIX D – NEW DRAFT PROSECUTING POLICY BEING DEVELOPED BY CARTWRIGHT KING & BRIAN ALTMAN QC.

[Draft] Post Office Prosecution Policy

England and Wales

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Effective from: 1st November 2013

Review: 1st November 2014

Simon Clarke

Cartwright King Solicitors

1. Introduction

- 1.1. The investigation and prosecution of crime in and against the Postal Service can be traced back at least as far as the 1680's, when an Assistant Solicitor to the General Post Office was tasked with the investigation and prosecution of those offending against the mail; thus it is possible to trace a continuous and unbroken line of investigative and prosecutorial activity by the Postal Service in its various guises for over 350 years. Upon the separation of Post Office Ltd from Royal Mail Group on the 1st April 2012 Post Office Ltd determined to retain that historic function.
- 1.2. In England and Wales both the investigative and the prosecuting functions are conducted by Post Office Ltd.¹ In Scotland, Post Office Ltd's representative agents² report alleged criminal activity to the Crown Office and Procurator Fiscal Service ('COPFS')³; in Northern Ireland Post Office Ltd. Security Managers report to the Public Prosecution Service following the same processes as do the police services in those jurisdictions.
- 1.3. This Policy statement is intended to explain the way in which Post Office Ltd. will deal with allegations of crime committed against our assets in England and Wales. We will abide by the terms of this Policy in deciding whether to prosecute in any particular case. In applying this Policy to the decision-making process we will act fairly, openly and with a high degree of transparency; we will not discriminate against, nor favour, any individual, group or organization; we will strive to act objectively, impartially and with integrity; and we will consider any relevant material brought to our attention by an interested party.
- 1.4. We use the following terms and meanings in this Policy: 'suspect' – a person who is not the subject of formal criminal proceedings; 'defendant' – a person who has been summonsed to appear in a criminal court or charged with a criminal offence; 'offender' – a person who has admitted guilt to a criminal court or who has been found guilty by a criminal court; 'prosecutor' – a person or organization instructed or retained by Post Office Ltd. to act as prosecutor on behalf of Post Office Ltd.

¹ Post Office Ltd. is a recognized private prosecutor by the Ministry of Justice; currently Post Office Ltd. delegates the prosecuting function to Messrs. Cartwright King Solicitors.

² Presently Messrs. **bto** Solicitors, Edinburgh.

³ COPFS recognizes Post Office Ltd. as a Special Reporting Agencies (SRA).

2. Scope and Aims of this Policy

2.1. Post Office Ltd. is a public body providing a wide range of essential public and commercial services to all those who rely upon us to deliver those services. We are answerable to Parliament, government, our commercial partners and the general public, all of whom place a very high degree of trust in the integrity of our operations. We carry a heavy responsibility for the guardianship of public and private assets⁴. We employ or are contracted to many thousands of trusted employees and small businesses who conduct millions of transactions daily across the United Kingdom. By reason of these matters it is incumbent upon us to ensure that the integrity and reputation of Post Office Ltd. and all with whom we work is protected against those who would breach the trust placed in us. The aim of this Policy is to achieve that end.

2.2. Post Office Ltd. also recognises the importance of the integrity of the mail service and the trust placed therein.

2.3. Accordingly Post Office Ltd will, subject to the terms of this Policy, prosecute under the criminal law all those who are alleged to have committed criminal offences against Post Office Ltd. and those alleged to have interfered with postal packets.⁵

2.4. This Policy applies equally to all employees of Post Office Ltd. without exception; and to non-employees, whether they are contractors, customers or those with no formal relationship with Post Office Ltd.

2.5. The aims⁶ of this policy are:

⁴ We include in this description all those who work with and for us, including those who are contracted to provide our services on our behalf.

⁵ Postal Services Act 2000, s.83

⁶ In no particular order of precedence.

- I. To ensure that those who steal, defraud or otherwise offend against Post Office Ltd. are brought to justice;
- II. To deter those would offend against Post Office Ltd. from doing so;
- III. To protect the physical and financial assets of Post Office Ltd.
- IV. To recover those assets, losses and shortages arising out of criminal conduct committed against us;
- V. To maintain and reinforce the trust placed in Post Office Ltd. by those for whom we provide public and commercial services and those who rely upon us to deliver those services;
- VI. To ensure consistency, in so far as possible, in the way in which we deal with those alleged to have stolen from, defrauded or otherwise offended against Post Office Ltd.

3. General Principles

3.1. Post Office Ltd. will ensure that prosecutors always apply the Code for Crown Prosecutors issued by the Director of Public Prosecutions.⁷ In addition Post Office Ltd will apply those further considerations set out in this Policy.

3.2. The decision as to whether to prosecute in any particular case, or to continue with any prosecution, will always be taken by Post Office Ltd. In arriving at such a decision Post Office Ltd. will always apply the terms of this Policy. Post Office Ltd. will never institute criminal proceedings against any person until competent legal advice has been provided by a properly qualified lawyer that such a course meets the terms of this Policy and the Code for Crown Prosecutors.

3.3. The decision-taker will be

⁷ 7th Edition, issued January 2013. Go to www.cps.gov.uk

- i. A qualified lawyer
- ii. Independent of any Post Office Ltd. department having a direct financial or other interest in prosecution.⁸

3.4. Subject to the terms of this Policy, each case will be considered solely on its own facts and on its own merits.

3.5. Prosecutors will ensure that the law is fairly and properly applied; that all disclosure obligations are fully met; that all Criminal Procedure Rules, Practice Directions and authorities are followed and that any Guidelines issued by the Attorney-General are followed. Prosecutors will apply the principles of the European Convention on Human Rights and the Human Rights Act 1998.

3.6. Post Office Ltd. will ensure that the decision whether to prosecute in any individual case will be taken in a timely manner, so as to avoid unnecessary stress and uncertainty in those subject to such a decision.

4. The Decision to Prosecute

4.1. Prosecutors review every case before the decision is taken to prosecute, and advise Post Office Ltd. on the decision to prosecute. Before advising as to whether a prosecution ought to be commenced, prosecutors will identify any evidential weaknesses in a case and advise Post Office Ltd. as to rectification. A prosecution will only commence when the case has passed both stages of the Full Code Test in the Code for Crown Prosecutors and accords with the provisions of this Policy.

4.2. In accordance with paragraph 3.2 of this Policy, the decision whether to prosecute, or to continue a prosecution, rests solely with Post Office Ltd. When taking that decision Post Office Ltd. will only apply this Policy and will consider and take into account all factors relevant to the particular case and

⁸ This practice mirrors the approach of the Crown Prosecution Service, and is designed to ensure that the decision to prosecute is taken by someone who is independent of the victim/loser and of the investigation.

contained within this Policy. Post Office Ltd. will not take into consideration any matter not contained within this Policy, or not identified as relevant by reason of any factor contained within this Policy

4.3. Once the decision to prosecute is taken, prosecutors will keep the case under a process of continuous review. Where at any time it appears to the prosecutor that a case will not meet the Evidential Stage of the Full Code Test in the Code for Crown Prosecutors, or concludes that a prosecution is not, or is no longer in the Public Interest, the prosecutor will advise Post Office Ltd. to discontinue the prosecution without undue delay.

4.4. When applying the Evidential Stage of the Full Code Test the prosecutor will have regard both to the matters set out in the Evidential Stage of the Full Code Test and, additionally, to the following factors:

- i. The reliability and credibility of witnesses and their evidence. Consideration will be given to issues of disclosure from an early stage in the decision-making process.
- ii. Particular emphasis will be given to the reliability, credibility and integrity of electronic and data-based evidence.

4.5. In applying the provisions of the Public Interest Stage of the Full Code Test the prosecutor will have regard both to the matters set out in the Public Interest Stage of the Full Code Test and, additionally, to the following factors:

- i. The quantum of any loss or shortage arising out of the alleged criminal conduct. Post Office Ltd. regard this as an important factor and accordingly consideration will be given to the following matters:
 - (a) The value in monetary terms of the loss or shortage. Whilst a lesser value⁹ may militate

⁹ In general and subject to the other matters set out in this paragraph, a loss or shortage of less than £5,000 might indicate that we will not prosecute. This does not mean that we will always prosecute where the loss or shortage is greater than that sum, or that we will never prosecute where the loss or shortage is less than that sum, the value of the loss or shortage being but one factor to be considered. In appropriate cases we will prosecute where a loss or shortage is well-below that figure.

against prosecution it does not follow that any particular value will be determinative. A substantial or significant loss or shortage will usually result in prosecution even where other factors tend to militate against that outcome.

- (b) Whether or not some or all of the loss or shortage has been repaid to Post Office Ltd. Again repayment may militate against prosecution but it does not follow that in all cases of repayment we will not prosecute.
- ii. The degree of sophistication employed to commit the offence(s). The higher the degree of sophistication employed in preparing, conducting or hiding any wrong-doing, or to escape detection, the more likely it will be that prosecution will follow.
- iii. In cases of fraud or false accounting, the quantity or number of any multiple transactions or incidents. Again the greater the number of individual false transactions the more likely it will be that prosecution will follow.
- iv. The period over which the offending conduct has been committed. Generally, the longer the period over which the misconduct was committed, the more likely it will be that prosecution will follow. In appropriate cases a single incident of misconduct may be prosecuted.
- v. Implicating innocent parties. Attempts by a suspect to deflect guilt towards others, or to implicate others in their misconduct, or to accuse others of misconduct committed by the suspect, will usually be met with prosecution.

- vi. Vulnerable victims. Post Office Ltd. provides essential services to a number of particularly vulnerable sections of the general public, including the elderly; those who are infirm or physically disabled; those who have mental health issues or who are less competent; and those who rely upon the state benefits system for their income. Where misconduct is targeted at a particularly vulnerable section of the general public, prosecution is likely to follow.
- vii. The position and status of the suspect. Sub-postmasters hold a unique position of trust both in the eyes of Post Office Ltd. and the general public. Abuse of that trust is a serious matter and will usually attract prosecution.
- viii. The circumstances of the suspect. Post Office Ltd. and prosecutors will always consider any material provided by the suspect or her representatives when determining the decision to prosecute. Such material may include, but is not limited to: bereavement; personal or family issues; and matters pertaining to the health or well-being of the suspect or someone close to them, including any mental health issues. Such material may make prosecution less likely but will not be determinative.
- ix. Cost. Prosecution is an expensive process, both to Post Office Ltd. and to the public purse.¹⁰ Post Office Ltd. and prosecutors will weigh the cost of prosecuting a case against factors such as the likely penalty on conviction; the recovery or likelihood of recovery of any loss or shortage; and the wider Public Interest in prosecuting those who commit crime.

4.6. In applying the Full Code Test, no single factor will determine the decision whether or not to commence proceedings against any person alleged to have

¹⁰ E.g. where a suspect qualifies for Legal Aid.

committed an offence. Each factor will be considered in the light of the other factors falling for consideration and an overall view will be taken by the prosecutor. Consequently this Policy vests a wide degree of discretion in both the prosecutor and in Post Office Ltd; accordingly the decision to prosecute will be taken in an open and transparent manner and should be readily-justifiable on both the facts of a case and in terms of those matters set out in this Policy. Best practice dictates that the decision itself and the reasons behind it are recorded in writing and retained on the file until the conclusion of a period ending 6-years after the end of the case.

4.7. No prosecution will be commenced or continued in circumstances where it is, or it becomes likely, that the courts would regard the prosecution as oppressive, unfair or an abuse of the process of the court.

5. Charging Suspects

5.1. Whilst the commonest offences committed against Post Office Ltd. are those of theft, fraud and false accounting, prosecutors acting on behalf of Post Office Ltd. are not limited to those charges and will consider and bring the most appropriate charge(s) which meets the circumstances of the individual case.

5.2. In addition to those matters set out on the Code for Crown Prosecutors, Post Office Ltd. will apply the following considerations:

- I. Alternative charges. Where a suspect is charged with offences of theft and false accounting arising out of the same basic facts, those charges will always be alternative charges.¹¹ This approach is not to be regarded as an invitation to plead guilty to any particular charge(s).

- II. Where more than one suspect is to be charged, separate consideration will be given to each suspect's case as to the most appropriate charge(s) in his case.

¹¹ This is consistent with the decision of Sachs, LJ., in *R. v. Eden* 55 Cr. App. R. 193, CA

6. Disclosure

6.1. Post Office Ltd. will be bound by all of the relevant Acts, Codes, Protocols and Guidance set out below:

- The Criminal Procedure and Investigations Act 1996
- The Protocol for the Control and Management of Unused Material in the Crown Court
- The Code of Practice issued under Part II of the Criminal Procedure and Investigations Act 1996
- The Attorney-General's Guidelines on Disclosure

6.2. Post Office Ltd. will take all reasonable steps to identify and record material which may meet the test for disclosure,¹² and will retain any such material for a period of not less than 6 years. In so doing, Post Office Ltd. will operate a continuous process designed to identify any material, whether the subject of a criminal investigation or not, which may relate to the integrity and reliability of Post Office Ltd.'s I.T and data systems. Any such material as is identified will be recorded and retained for a period of not less than 6 years.

7. The Acceptance of Guilty Pleas

7.1. In appropriate cases prosecutors will consider whether any offer of plea(s) to particular charge(s) meets with the Scope and Aims of this Policy.

7.2. The decision whether to accept any offer of plea(s) rests with Post Office Ltd. only, acting on the advice of the prosecutor.

7.3. In cases where a defendant seeks to admit guilt on a basis other than that advanced by the prosecutor, Post Office Ltd. will only consider an offer of

¹² Material which "...might reasonably be considered capable of undermining the case for the prosecution ...or of assisting the case for the accused...." CPIA 1996, ss.3&7

plea(s) where the offer is expressed in writing and in the form of a recognised 'Basis of Pleas' document signed by the parties.¹³ Post Office Ltd. is not bound to accept any such offer of plea(s).

7.4. In cases where the charges are expressed in the alternative and the defendant accepts the prosecution case without qualification, Post Office Ltd. will consider whether to accept pleas of guilty to particular charges by reference to those matters set out in paragraphs 2.5 and 4 of this Policy.

7.5. In cases where the charges are expressed in the alternative and the defendant seeks to admit guilt to particular charges on a basis other than that advanced by the prosecutor, paragraph 7.3 of this Policy will apply.

7.6. In any case where a defendant seeks to enter guilty pleas on a basis not agreed by Post Office Ltd., we will invite the court to hear evidence to determine the facts upon which the defendant is to be sentenced.

8. Recovery: Confiscation, Compensation & Costs

8.1. Subject to paragraph 8.3, Post Office Ltd. will in every case seek to recover from offenders any losses, shortages and costs arising out of any criminal conduct committed by the offender.

8.2. Post Office Ltd. will in appropriate cases seek to obtain:

- i. Restraining Orders against assets owned or controlled by suspects;
- ii. Confiscation Orders against offenders under the provisions of the Proceeds of Crime Act 2002;
- iii. Compensation Orders;
- iv. Costs Orders against an offender, in the full amount of our investigation and prosecution costs;

¹³and which accords with the decision in *R. v. Underwood*, [2005] 1 Cr. App. R. 13 CA

- v. Any combination of these orders

8.3. Post Office Ltd. will only instigate and continue any recovery proceedings mentioned in paragraph 8.2 where it is fair and proportionate to do so. In assessing issues of fairness and proportionality Post Office Ltd. will consider the following factors:

- i. Those matter set out in paragraphs 2, 3, 4.1, 4.5.i, 4.5.viii and 4.7 of this Policy.
- ii. The availability to the offender of realisable assets. In this respect it should be noted that many of those who commit offences against Post Office Ltd. own their own business and which continues to trade.
- iii. The Cost to Post Office Ltd. Of pursuing such proceedings

APPENDIX E – THE BUSINESS IMPROVEMENT PROGRAMME OVERVIEW

1. Business Improvement Programme

To ensure proper focus on both the Scheme and the Business Improvement programme the Business Improvement programme has been separated into an individual programme under separate governance reporting to Kevin Gilliland.

Purpose & scope

The purpose of the Business Improvement Programme (BIP) is to improve the effectiveness and efficiency of the support we provide to our subpostmasters in the running of their Post Offices from an operational and engagement perspective by:

- Reviewing the life cycle of the subpostmaster and all touch points with the business.
- Taking input from owners, users and recipients of Post Office policies and processes.
- Designing policies and processes that deliver improved ways of working with our subpostmaster network in a cost effective and engaging way.
- Reviewing all our interactions with Subpostmasters and making recommendations on structure design for the network and admin support function touch points.
- Developing an implementation plan to move from existing to future state.

Quick Wins

In the process of mapping the “As is” and “To be” processes. Quick wins have already been implemented with more planned for implementation in Q4. The key areas of change are the training offered for new Subpostmasters and our approach to Subpostmaster contract breaches.

- **Precautionary Suspension** approach – we have reviewed our approach in how we respond to material contract breaches by Subpostmasters and made the following improvements:
 - Our default position is to keep the Subpostmaster in post and the branch operational, unless in the usually low number of cases where not to precautionary suspend the Subpostmaster would carry a high risk of damage to POL’s reputation and / or a high risk to POL’s assets, or where a customer has been directly involved in a potential fraud by the Subpostmaster.
 - We are introducing in Q4 a new category of action in dealing with material breaches of contract i.e. Suspended termination. This is where the Subpostmaster has materially breached the contract and would have previously had their contract terminated. The new Suspended Termination category is where mitigating circumstances are such that the decision is to award a suspended termination is made; the Subpostmaster remains in post on the condition that if a further breach of contract occurs in an agreed period (set by the nature of the first breach and typically a year) then the contract termination is triggered.
 - Where a potential breach of contract has occurred our approach is to work with the Subpostmaster to establish the facts and then to take the appropriate action. Any investigation is carried out in a totally objective way treating the Subpostmaster at all times with dignity and respect regardless of whether there is evidence to suggest any wrong doing.
- **Training** - we have improved the training approach by:
 - introducing an introductory call to the new Subpostmaster two weeks before they take up post.
 - having earlier contact with the Subpostmaster following their initial training and replacing the month 1 telephone call with a branch visit.
 - reviewing the effectiveness of the balancing work-aid to help Subpostmasters identify and hopefully resolve balancing problems earlier.

Longer Term Changes

The Business Improvement Programme has 9 work streams that capture all the touch points the Subpostmaster has with Post Office in running their branch. These are: pre-appointment process; operational support; physical support; performance management; training; communication; IT; early warning/intervention approach; leavers process.

The milestone plan for each of the workstreams is currently being scoped and will be completed by the end of February 2014. Some of the workstreams will have longer timelines than others due in part to the interdependency on other workstreams to complete or other business considerations – the IT workstream is a good example of where delivery will depend on the requirements of the other programme workstreams.

Review Mechanism

The proposed ways of working for each workstream will include an ongoing review mechanism that ensures that continuous improvement is embedded into business as usual.

Measuring Success

The Programme has two main key performance indicators (KPIs) – Agent Engagement and Operational Cost Reduction.

- **Agent Engagement** - the formal measure is the Subpostmaster annual engagement and in particular the support category of the survey. This will be supplemented with Pulse surveys undertaken by Comms at quarterly intervals throughout the year. Reviewing the life cycle of the subpostmaster and all touch points with the business
- **Operational Cost Reduction** - the cost of support to the network will be baselined as part of this Programme. Headline numbers suggest that 40% of the current support to the network is spent on recovery support ie correcting things that haven't been done right first time

Each of the nine workstreams will have performance measurements that feed into the two main KPIs.

Branch User Forum

The purpose of the Branch User Forum is to provide a way for Subpostmasters and others to raise issues and insights around business processes, training and support directly feeding into the organisation's thinking at the highest level. The forum is a forward looking mechanism to ensure the business processes and approaches are fit for purpose for users and are in keeping with Post Office behaviours and values. The Forum consists of 6 Subpostmasters, 2 Crown members and 4 PO Senior Managers. The second meeting took place on 16 January and covered the communication approach that the forum would take and a review of the initial inputs to the forum.

APPENDIX F – THE MAIN PROS AND CONS OF EACH OPTION

OPTION	PROS	CONS	COMMENTS
All POL - Prosecute all cases ourselves (using external lawyers).			What we do now.
All CPS - Send all cases to a public prosecuting authority, e.g. the Police or CPS.	<p>Would allow us to distance ourselves from all prosecutions.</p> <p>Removes all risk of a complaint that we wrongfully prosecuted someone.</p>	<p>Police and CPS may not be interested and it soon becomes common currency that POL prosecutions won't go anywhere (undermining the deterrence effect).</p> <p>POL loses direct control over the process.</p> <p>POL would still be involved in the investigations.</p>	
Some CPS/Some POL - Prosecute some cases ourselves (using external lawyers) and send others to a public prosecuting authority.	Would allow us to pass more "controversial" cases to Police and CPS.	Police and CPS may not co-operate, leaving us seen as bringing prosecutions for lesser cases when the Police / CPS won't prosecute the more serious ones.	
Fewer cases - Prosecute some cases ourselves (using external lawyers) by reference to new, more stringent criteria	<p>Would allow us to ditch lesser cases and focus resources on more serious crimes.</p> <p>We would be seen to be taking our duty to protect public money seriously.</p> <p>We would combine it with civil recovery proceedings.</p>	<p>We would need to be very clear as to the criteria and the application of them. Otherwise we would run the risk of claims against us for e.g. Malicious Prosecution.</p> <p>We would need to make sure we were still seen to be protecting public money (as we are still partly funded by</p>	

		Government).	
Stop - Cease prosecuting all cases.	We would reduce our costs. We would still have civil recovery as a means of deterrence.	We would lose the deterrence effect which criminal brings. Query whether we would be able to recover as much money under the civil route as we have been able to under the criminal route. Query whether civil recovery only is enough to protect public money.	

<u>Criminal Route</u>	<u>Civil Route</u>
High standard of proof required – allegations must be proved “beyond reasonable doubt”.	Lower standard of proof required – allegations must be proved “on balance of probabilities”.
Defendant is usually formally convicted of a crime, which can affect their ability to find employment, obtain finance, travel, and may result in them going to jail.	Defendant is ordered to pay money, and we can try to take their assets (e.g. sell their house) or make them bankrupt if they don’t.
We have to explain in open court why we want to stop a prosecution.	We can stop a civil claim at any time by cutting a deal or unilaterally discontinuing the case.
An “all or nothing” outcome - Defendant is either guilty or not guilty.	Can be resolved by compromise at any time, with or without admission of liability.
Relatively easy to restrain (i.e. freeze) “at risk” assets under the Proceeds of Crime Act procedures.	High thresholds need to be satisfied (at significant legal cost) to freeze assets under an injunction.
Financial recoveries obtained or ordered by the Court in 2012-2013 were approx. £ 1.5million	Financial recoveries obtained or ordered by Court in 2012- 2013 were approx. £1.1million.

APPENDIX H - THE RISKS IF WE GET IT WRONG

Potential civil actions that a SPMR could try to bring if (1) an on-going criminal prosecution against an SPMR was abandoned or (2) an SPMR's conviction was overturned are:

Claim Type	Applicable if...	Consequences if proved (1)	Directors' Liability? (2)
Malicious Prosecution	POL prosecuted a SPM without reasonable or probable cause, and without proper motive.	Monetary Compensation payable by POL to SPM.	Highly Unlikely – directors do not have direct and personal involvement in individual prosecutions.
Wrongful Imprisonment	A SPM's conviction is reversed because new facts show there has been a miscarriage of justice.	Monetary Compensation payable by the Government (<u>not</u> POL) to SPM.	No – liability rests with the Government.
Malicious Falsehood/Defamation	POL (or someone from POL) said or printed false words about a SPMR being a criminal.	Monetary Compensation payable to SPM by whoever said or printed the words.	Possible if an individual Director personally says or prints the words about an individual SPM.
Breach of SPM Contract	POL terminated a SPM's contract because of alleged (but unfounded) dishonesty.	Monetary Compensation payable to SPM by POL.	Highly Unlikely – liability should rest with POL as the contracting party.
Data Protection Act	It is established that POL used inaccurate Horizon data to make a decision to prosecute a SPM.	Monetary Compensation payable to SPM by POL as the data controller. Regulatory sanctions are also possible.	No – liability rests with POL as the data controller.
Protection from Harassment Act	POL's prosecution or debt recovery actions amounted to grave and repeated harassment of a SPM.	Monetary Compensation payable to SPM by POL.	Highly Unlikely – directors do not have direct and personal involvement in individual prosecutions or debt recovery action.

Breach of Director's Duty to POL	A Director failed to comply with his/her duties under the Companies Act 2006 (e.g. to act with reasonable skill and care).	Director liable for any loss caused to POL by the director's failure.	Highly Unlikely – claim needs to be brought by POL or (in rare circumstances) by BIS. Further, directors should avoid liability if they acted
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(1) There are no personal consequences for a director under criminal law if POL has failed to make adequate disclosure in any criminal proceedings as no director has directly and personally led the disclosure process.

(2) Insurance cover may be available to directors under POL's Directors & Officers Liability Insurance if they are sued (even erroneously) as a result of a wrongful act resulting from something that they are alleged to have done while acting as a director of POL.