

From: Watson, Richard - UKGI
Sent: Wed, 22 Jan 2020 08:33:35 +0000
To: Cooper, Tom - UKGI
Cc: Aldred, Tom - UKGI; Scott, Joshua - UKGI; Creswell, Carl (Professional Business Services, Retail & Post Directorate)
Subject: RE: Query re POL Prosecution powers re horizon issues

Tom

I certainly think this challenge should be raised with POL and would question whether he should be used as part of the CCRC process going forward. I don't question his integrity but there is a clear perception issue with using someone to advise now who appears to have given POL a clean bill of health 6 years ago.

Irrelevant

Let's discuss mechanics later – the GLO meeting today might be the forum but I have not yet considered who will be there.

Kind regards

Richard

Richard Watson|General Counsel
UK Government Investments

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T: **GRO**

E: **GRO**

W: <https://www.ukgi.org.uk/>

From: Cooper, Tom - UKGI <GRO>
Sent: 21 January 2020 16:49
To: Watson, Richard - UKGI <GRO>
Cc: Aldred, Tom - UKGI <GRO>; Scott, Joshua - UKGI <GRO>; Creswell, Carl (Professional Business Services, Retail & Post Directorate) <GRO>
Subject: Re: Query re POL Prosecution powers re horizon issues

Richard

Having read this do you think Brian Altman is the right person to be advising POL?

I've also got an issue with the company using WBD on **Irrelevant** which is a reward for failure

Tom

Sent from my iPhone

On 21 Jan 2020, at 14:34, Watson, Richard - UKGI <[REDACTED]> wrote:

GRO

Thanks Tom

We have a POL litigation sub-committee meeting tomorrow where part of our focus will be on the current process with the Criminal Cases Review Commission.

Kind regards

Richard

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From: Aldred, Tom - UKGI <[REDACTED]>
Sent: 21 January 2020 12:52
To: Scott, Joshua - UKGI <[REDACTED]>; Cooper, Tom - UKGI <[REDACTED]>; Creswell, Carl (Professional Business Services, Retail & Post Directorate) <[REDACTED]>
Cc: Watson, Richard - UKGI <[REDACTED]>
Subject: RE: Query re POL Prosecution powers re horizon issues

The pdf is an interesting read – Tom, Richard you might want to take a look. It dates from 2013 and is written by Brian Altman QC, who is now advising POL on the course to be taken with convicted claimants.

- He concludes that POL conducts its prosecutions in a well-organised, structured and efficient manner, through an expert and dedicated team of in-house investigators and lawyers” and that there are no

good reasons to hand this over to the CPS. In fact there are significant downsides given POL's experience and expertise

- He makes reference to the "Horizon data integrity issue" which was "an exceptional instance of POL prosecutorial failure of serial non-disclosure" in breach of its obligations. He argues that this wasn't necessarily POL's fault because the information wasn't provided by Fujitsu, nevertheless POL 'is and remains accountable for prosecutorial failure, and must (and does) accept ultimate responsibility'
- He lists various process improvements in the exec summary – it'd be good to know if these were implemented
- In paras 75-81 he dismisses POL's own arguments for why it should retain prosecutorial powers, pointing out that nearly every other commercial organisation relies on the police and CPS
- Case for retaining prosecution powers rests on "POL's undoubted expertise at investigating and prosecuting the very nature and volume of cases it handles annually, which provides it with a unique specialism inevitably leading to good and efficient use of its resources, as well as efficacy. That is not just of real benefit to POL but in my judgment it is also of real benefit to the general public and the communities POL serves."

Tom Aldred, Post Office Shareholder Team, UKGI

T: [GRO] | M: [GRO]

From: Scott, Joshua - UKGI <[GRO]>
Sent: 21 January 2020 09:10
To: Cooper, Tom - UKGI <[GRO]>; Aldred, Tom - UKGI <[GRO]>; Creswell, Carl (Professional Business Services, Retail & Post Directorate) <[GRO]>
Cc: Watson, Richard - UKGI <[GRO]>
Subject: FW: Query re POL Prosecution powers re horizon issues

FYI – Detail on POL private prosecutions.

Joshua Scott | Analyst

Post Office Shareholder Team

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From: Ben Foat <[GRO]>
Sent: 20 January 2020 23:14
To: Scott, Joshua - UKGI <[GRO]>; Watson, Richard - UKGI <[GRO]>
Cc: Rodric Williams <[GRO]>; Emanuel, Catherine

GRO

Subject: FW: Query re POL Prosecution powers re horizon issues

Richard / Joshua

Rod has helpfully set out the position in more detail to my previous email.

Do let us know if you need any further information.

Kind regards

Ben

<image001.png>

Ben Foat

Group General Counsel
Ground Floor
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EC2Y 9AQ

Mobile : GRO

From: Rodric Williams <GRO>
Sent: 20 January 2020 19:49
To: Ben Foat <GRO>
Cc: Emanuel, Catherine <GRO>; Lord, William
<GRO>; Ainslie Cranwell <GRO>
Subject: FW: Query re POL Prosecution powers re horizon issues

Ben,

The right to bring a private prosecution is provided by section 6(1) of the Prosecution of Offences Act 1985. A private prosecution can be started by any private individual or entity who/which is not acting under a statutory power to prosecute (see the CPS's online Legal Guidance on "Private Prosecutions", updated October 2019).

In a "Review of Post Office Ltd Prosecution Role" dated 19 December 2013, Brian Altman QC advised that "POL's prosecuting role is not founded in any statutory power, and... like RMG its predecessor, its investigators are accorded no special powers. Thus, when POL prosecutes it prosecutes purely as a private prosecutor" (see attached at para.28).

The CPS has also prosecuted Post Office-related offences, currently and in the past (we are preparing a briefing note for you this week on a prosecution due to go to trial in early March 2020, which has raised an issue with Horizon). The CPS will have to comply with the post-prosecution duties of disclosure for the prosecutions it conducted. Peters & Peters are considering how best to join up with this, e.g. as part of engaging with the DPP over Fraser J's referral of the Fujitsu witnesses.

As for the "liability issue", HSF are speaking to Brian tomorrow, and I have asked them to get Brian to confirm the basis for his previous advice that Post Office is responsible for the conduct of the prosecutions, in particular compliance with post-prosecution duties of disclosure.

Rod

From: Scott, Joshua - UKGI [mailto:GRO]
Sent: 20 January 2020 15:05
To: Ben Foat <GRO>; Watson, Richard - UKGI
 <GRO>; Rodric Williams
 <GRO>; Emanuel, Catherine
Cc: Lambert, Lucie - UKGI <GRO>; Culshaw, Robin - UKGI
 <GRO>; Aldred, Tom - UKGI <GRO>
Subject: RE: Query re POL Prosecution powers re horizon issues

Hi Ben,

Thank you very much for confirming.

Please do let us know were you get to re the liability issue too.

Cheers,

Josh

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From: Ben Foat <GRO>
Sent: 20 January 2020 12:46
To: Watson, Richard - UKGI <GRO>; Scott, Joshua - UKGI
 <GRO>; Rodric Williams <GRO>;
 Emanuel, Catherine <GRO>
Cc: Lambert, Lucie - UKGI <GRO>; Culshaw, Robin - UKGI
 <GRO>; Aldred, Tom - UKGI <GRO>
Subject: RE: Query re POL Prosecution powers re horizon issues

Hi Richard and Josh

POL used its private prosecution powers. I have asked the team to double check but that was the previous answer given. I have also asked the team to look at the liability issue re Royal Mail given the companies separate. The initial view is that responsibility would still sit with Post Office (rather than Royal Mail).

Kind regards
Ben

<image001.png>

Ben Foat

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From: Watson, Richard - UKGI [<mailto:GRO>]
Sent: 20 January 2020 10:14
To: Scott, Joshua - UKGI <GRO>; Ben Foat
<GRO>
Cc: Lambert, Lucie - UKGI <GRO>; Culshaw, Robin - UKGI
<GRO>; Aldred, Tom - UKGI <GRO>
Subject: RE: Query re POL Prosecution powers re horizon issues

Ben

Just to be clear we need to understand the position in relation to POL's prosecution powers to enable Government to reply to a question raised in the House of Lords so your early response would be much appreciated.

Kind regards

Richard

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UK Government Investments

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From: Scott, Joshua - UKGI <[REDACTED] GRO>
Sent: 17 January 2020 17:03
To: [REDACTED] GRO
Cc: Watson, Richard - UKGI <[REDACTED] GRO>; Lambert, Lucie - UKGI <[REDACTED] GRO>; Culshaw, Robin - UKGI <[REDACTED] GRO>; Aldred, Tom - UKGI <[REDACTED] GRO>
Subject: Query re POL Prosecution powers re horizon issues

Hi Ben,

Hope you are well and my apologies for sending an email last thing on a Friday.

I'm getting in touch on behalf of Richard as we had had an internal query we need your confirmation on.

For the historic prosecutions in relation to the litigation do you know what powers Post Office used or did use prior to the 2011 Postal Act? Were they all private prosecutions or does POL have separate statutory powers to enable investigation and prosecution?

We have done some digging our side and assume they were private prosecutions but I would like to be 100% sure.

Any powers POL used previously or now would be useful to know.

Very grateful if you could get back to us on Monday and hope you have a good weekend.

Cheers,

Josh

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