

Speaking notes for Paula – meeting with James Arbuthnot

Criminal Process

Criminal Investigation and Prosecution Process

Post Office applies consistent investigation and prosecution processes across our Sub office and our Crown estate.

Once any branch comes to our attention (eg through the red flags – for instance having excess cash) an investigation would commence and proceed in a formalised manner.

Suspect offenders would be interviewed under the auspices of PACE (Police and Criminal Evidence Act) and cases passed for advice to lawyers.

The lawyers internal initially then external would apply the “prosecutors’ guidelines” (in reality CPS checks and balances) to the matters in hand and advise prosecution, or not, accordingly dependant on the available evidence.

Once it has been decided that there is sufficient evidence to launch a prosecution there is an additional test which considers whether such a prosecution is in the public interest. In the cases that we have public interest factors would include breach of trust and the nature of the offences. In addition it is thought that convictions will act as a deterrence and help protect public money.

In addition the if the case goes to court the subpostmaster/mistress will have legal representation who will act for him/her and test the relevant evidence.

In the event that a case goes to court the evidence would also be reviewed by Counsel for both prosecution (POL) and the defence (subpostmaster) and in the case of a number of cases a jury.

Shoemiths cases

Shoemiths are acting on a no win no fee basis and although press releases have indicated that they are acting for a large number of sub postmasters we have only received four notifications

- (a) Scott Darlington, (b) Julian Wilson, (c) Terence Walters and (d) Thakshila Somaskandarajah) by Shoosmiths all remain at the pre-action stage (i.e. letters before action have been received). No other action has been taken in respect of these claims.

I would guess that is because Shoemiths feel that there is little chance of success at this stage. In addition of the four cases listed at least two of the sub postmasters have already admitted to a criminal offence.