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Tim Bonner: Post Office scandal puts spotlight on RSPCA

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There are striking similarities between the Post Office's approach to private prosecutions, which has come under such media scrutiny this week, and that of the RSPCA. They both used tactics like multiple charging, charging without sufficient evidence, targeting vulnerable people and plea bargaining with threats. They even used the same legal firms to head up their prosecutions. Underlying this approach in both organisations seems to have been an institutional arrogance which was exacerbated by a complete failure to separate investigations, charging decisions and prosecutions.

The Crown Prosecution Service (CPS) was created 40 years ago exactly because it was recognised that even for statutory bodies like the police it was almost impossible for those with a vested interest, including those who had investigated

alleged crimes, to make objective decisions about bringing criminal charges and the process of prosecutions. That recognition did not, however, extend to private prosecutors which meant that individuals and organisations like the RSPCA and the Post Office continued to prosecute without check or oversight.

The RSPCA, after a long campaign led by the Countryside Alliance, has finally accepted that bringing private prosecutions on an industrial scale is not in its own interests or those of animal welfare, let alone the many innocent people it prosecuted. It says it will hand over cases to the CPS and its Trustees so we must surely be asking why that process has not been completed already given the current scandal. Equally, it seems very unlikely that the Post Office will return to prosecuting its own contractors.

The potential for further miscarriages of justice will, however, remain until private prosecutions are curtailed or at very least the process is radically reformed. As we dug into the RSPCA's prosecutions more than a decade ago I was shocked that the courts assumed the good standing of private prosecutors, that there was a complete lack of regulation and almost no consequences for even the most egregious of behaviour. Charges were dropped on the steps of the court because there was never any evidence to justify them, vital evidence was withheld and witnesses lied, yet there was no sanction against the RSPCA and the taxpayer picked up the bill through the courts. Whilst the Director of Public Prosecutions (DPP) has always had the power to take over private prosecutions, that power has very rarely been used and given that there is not even a register of private prosecutions it is currently impossible for anyone to deploy consistent scrutiny over them.

In the wake of ITV's drama on the Post Office Horizon scandal, the focus of the

public and politicians is on overturning convictions, compensating victims and identifying culprits. The danger is that once those immediate priorities are met another issue will arise and the spotlight will move on without the underlying system which allowed the Post Office to destroy people's lives being addressed. If we want to ensure that the sort of abuse of the criminal justice system perpetrated by the Post Office and the RSPCA does not happen again, then there must be a commitment from all political parties to fundamental reform of private prosecutions. This will not make the headlines that the RSPCA's prosecutions did, or that we are currently seeing in relation to the Post Office, but it will ensure that the criminal courts cannot be used by those with a vested interest to bully and convict innocent people.

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