

## CLI Review of R v David Charles Blakey

### Case Summary

#### Introduction

1. At the time of the audit at Riby Square Post Office, David Blakey was the Sub Post Office assistant. He had worked for Post Office Ltd ('POL') from September 1996. He was the husband of the Subpostmistress ('SPMR'), Gillian Blakey.
2. Following the audit on 13 May 2004, Mr Blakey was charged with seven offences.<sup>1</sup> He faced one charge of theft (of £64,435.24 belonging to POL between 1 April 2003 and 12 May 2004), contrary to section 1 of the Theft Act 1968. He also faced six charges of false accounting, contrary to section 17(1) of the Theft Act 1968 (namely that on six occasions between 3 April 2003 and 13 May 2004, he dishonestly, with a view to gain for himself or with intent to cause loss to another, falsified the weekly cash account).
3. On 17 December 2004, at Grimsby Crown Court, Mr Blakey pleaded guilty to Counts two to seven (i.e., the six counts of false accounting). Count 1 (i.e., the theft count) was left to lie on the file.
4. On 25 February 2005, Mr Blakey was sentenced to nine months' imprisonment suspended for two years, concurrent on each count. No order for compensation was made. Costs of £1,000 were ordered, to be paid in monthly instalments of £50 (with the first payment due four weeks after 25 February 2005).<sup>2</sup>
5. Mr Blakey's convictions were overturned by the Court of Appeal (Criminal Division) on 23 April 2021. He has given human impact evidence to the Inquiry.

#### Prosecution Case

6. On 13 May 2004, auditors Glen Morris, Lynne Eastwood and Christopher Taylor attended Riby Square Post Office in Grimsby as a result of the branch having a disproportionately high cash on hand figure.
7. Mrs Gillian Blakey, SPMR, was at the branch and was asked to produce all cash, stock and vouchers on hand for the audit. Whilst auditors were waiting for the time lock on the safe to finish so that they could commence their audit, Mr David Blakey arrived at the branch and asked to speak with the auditors.
8. Mr Blakey spoke to the audit team, informing them there would be a shortage of cash in the region of £60,000 due to cash going missing from the office "*over the last few months*". One of the auditors, Glen Morrison, asked Mr Blakey to write and sign a statement

<sup>1</sup> Doc ID POL-0063031; POL-0089805 – Memo from Phil Taylor to Paul Whitaker (cc PSO Leeds). No indictment is among the available documents.

<sup>2</sup> Doc ID POL-0063031; POL-0089805 – Memo from Phil Taylor to Paul Whitaker (cc PSO Leeds).

confirming those comments, which he did.<sup>3</sup> At the conclusion of the audit, a total shortage of £64,435.24 was discovered.

#### Interview of David Blakey

9. Mr Blakey was interviewed under caution by Paul Whitaker and Helen Dickinson on 13 May 2004 at Riby Square Post Office between 13:08 and 13:50 hours, and 13.53 and 14.25 hours. It is apparent from the Record of Tape recorded Interview that Mr Blakey declined the offers to seek legal representation or to have a Post Office friend present in the interview.<sup>4</sup>
- a) Mr Blakey confirmed that he would attend the branch office every day after finishing his work as an engineer, to help do the daily cut offs and the weekly balancing on a Wednesday. Mr Blakey stated that whilst there were four other members of staff, and his wife who would run the office in the daytime, he would always enter the figures onto Horizon and produce the cash accounts.
  - b) He explained that on 13 May 2004, his wife rang him and said auditors were there. He told his boss he needed to leave work as there was an issue at the post office.
  - c) When Mr Blakey arrived at the branch, he approached the auditors and explained there would be a discrepancy. Mr Blakey agrees that he signed piece of paper with this account on, stating that “*about 3 months ago money started to go missing*” and he had covered this up, hoping to replace it. The note also stated that his wife [GRO] On the note, Mr Blakey had said the shortage would be £63,259.00 but in interview, when discussing the signed note, he said he meant to write £63,529.00. That was the cash he “*knew was short*”.
  - d) Mr Blakey was adamant throughout the interview that he did not know where or how the money had gone. He was hoping there was an error but it did not “*appear to be the case*” and the figure had just accumulated.
  - e) According to Mr Blakey, the branch suffered big discrepancies when they took it over, which he put down to someone “*unsavoury*” working for him. Gillian Blakey had [GRO] and was worrying when there were big discrepancies. He replaced the money, but his wife [GRO] That was why, when more recent losses appeared, he tried to protect her by not telling her.
  - f) Mr Blakey said that he completely trusted his employees and did not believe them capable of stealing money. He did, however, say that it was possible the money went

<sup>3</sup> There is no copy of this note but it was referenced in Mr Blakey’s interview. It was said that he wrote that the loss would be £63,259.00, and later corrected this to £63,529,00 during interview.

<sup>4</sup> Doc ID – POL-0049091; POL-0088620 – Record of Tape-Recorded Interview of David Blakey on 13 May 2004 between 13:08 and 13:50 hours. See also Doc ID POL-0041310; POL-0087743 [Inquiry URN: POL00044831] – Record of Tape-recorded interview of David Blakey on 13 May 2004 between 13:53 and 14:25 hours.

missing as a result of errors / incompetence on the part of his staff. As an example, he said that Patricia Brown who had recently retired, used to make a lot of mistakes.

- g) Mr Blakey said that he was in the process of obtaining a loan from his bank in order to repay the missing money and had an appointment with the bank the next week. When questioned further about the bank loan, Mr Blakey said that did not have an appointment, but he had already seen the bank manager and been given forms to fill in. He was going to call the bank later, after the interview, to make a second appointment. The loan he was going to ask for was for £50,000.00 and he claimed he had told the bank manager that it was for office building projects.
- h) Mr Blakey was asked why he would repay the sum if the discrepancies were a regular occurrence and likely to just continue, given that he had not told anybody about them. Mr Blakey responded that his intention, once he had repaid that sum, was to inform somebody the next time there was a discrepancy. He did not say who he would inform.
- i) He was repeatedly asked where the money had gone and Mr Whittaker repeatedly accused Mr Blakey of stealing the money, saying he did not believe his account. In response, Mr Blakey vehemently denied stealing the money and asserted that he did not know where the money had gone.
- j) At one point, Mr Blakey accepted that his account seemed implausible given that he had failed to inform anyone and had failed to even gather his employees together to discuss the matter at hand, if he believed it was a result of errors or incompetence on their part. He did, however, recollect that when they had first started at the branch and had discovered an employee stealing, he had confronted the man in question, who had in turn handed in his notice. Mr Blakey noted that the losses had subsequently stopped, until the more recent discrepancies started.
- k) Paul Whittaker attempted to narrow down the period of time in which the money had gone missing. Initially, Mr Blakey had said three months. However, the cash accounts showed that the cash on hand had steadily risen from the normal region of £40,000.00 to the figure £94,414.49 in May 2004. At this point, Mr Blakey said it was more likely to be a year ago that the money started going missing, although he could not remember exactly when.
- l) Ultimately, Mr Blakey admitted false accounting in the interview and said that the last true account was probably a year before the audit. He said that he had kept it to himself and altered the account every week to cover up the loss. He vehemently denied stealing the money.

#### Interview of Mrs Blakey

- a) Mrs Blakey was interviewed after Mr Blakey and confirmed that he completed all daily and weekly accounts for the branch. She knew nothing about any shortages prior to the audit and stated that she did not believe her husband could have stolen the money.

- b) Mrs Blakey was suspended as SPMR following her interview and a temporary SPMR was appointed for the branch.

#### Further Enquiries

10. Mr Blakey's mother, Shirley Blakey, who occasionally worked in the branch, was interviewed but denied knowledge of any theft or the shortages.
11. The four other employees at the branch (Natasha Beck, Patricia Bown, Samantha Callaghan and Deborah Oxten) were interviewed in the days following the audit and all confirmed that Mr Blakey was the only person to complete daily and weekly accounts for the branch – only he would input figures onto Horizon. They all denied theft of the money and stated that Mr Blakey would ask for the daily cash figures to be recorded on paper and given to him, and he would then personally input the figures on Horizon.
12. Although the initial shortfall discovered at audit was £64,435.24, further investigation after the audit determined the final shortfall to be £65,366.46. It was subsequently found that there were charges of £1,000.00 and £46.00 in relation to error notices, dated 24 March 2004 and 7 April 2004 respectively, which had not been considered at the audit. Finally, there was a credit of £114.78 discovered, which was deducted from the final debt figure, relating to remuneration made on 13 May 2004.
13. Paul Whittaker, the investigation manager, believed that Mr Blakey had stolen the money and made enquiries with the local information office at Grimsby Police station, to establish whether anything was known of Mr Blakey's "*lifestyle choices*". It does not appear that anything untoward was discovered.

#### Charges

14. Following advice from Jarnail Singh,<sup>5</sup> Mr Blakey was charged with seven offences:
  - 1) That between 1 April 2003 and 12 May 2004, he stole £64,435.24 belonging to POL (contrary to section 1 of the Theft Act 1968).
  - 2) That on or about 3 April 2003, he dishonestly with a view to gain for himself or with intent to cause loss to another falsified a document required for an accounting purpose namely the weekly cash account for week ending 2 April 2003 by making an entry therein purporting to show that the cash on hand was £58,226.97 when the true figure was a lesser amount (contrary to section 17(1) of the Theft Act 1968).
  - 3) That on or about the 10 April 2003 he dishonestly with a view to gain for himself or with intent to cause loss to another falsified a document required for an accounting purpose namely the weekly cash account for week ending 9th April 2003 by making an entry therein purporting to show that the cash on hand was £51,494.56 when the true figure was a lesser amount.

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<sup>5</sup> POL-0041299; POL-0087741 [Inquiry URN: POL00044820]

- 4) That on or about the 2 October 2003 he dishonestly with a view to gain for himself or with intent to cause loss to another falsified a document required for an accounting purpose namely the weekly cash account for week ending 1 October 2003 by making an entry therein purporting to show that the cash on hand was £87,286.63 when the true figure was a lesser amount.
- 5) That on or about the 9th day of October 2003 he dishonestly with a view to gain for himself or with intent to cause loss to another falsified a document required for an accounting purpose namely the weekly cash account for week ending 8th October 2003 by making an entry therein purporting to show that the cash on hand was £79,133.52 when the true figure was a lesser amount.
- 6) That on or about the 25th day of March 2004 he dishonestly with a view to gain for himself or with intent to cause loss to another falsified a document required for an accounting purpose namely the weekly cash account for week ending 24th March 2004 by making an entry therein purporting to show that the cash on hand was £91,639.71 when the true figure was a lesser amount.
- 7) That on or about the 13th day of May 2004 he dishonestly with a view to gain for himself or with intent to cause loss to another falsified a document required for an accounting purpose namely the weekly cash account for week ending 12th May 2004 by making an entry therein purporting to show that the cash on hand was £94,414.49 when the true figure was a lesser amount.

#### Court hearings

15. Mr Blakey appeared before Grimsby Magistrates' Court for the first appearance on 22 September 2004. The case was committed to Grimsby Crown Court on an unknown date.
16. At the Plea and Case Management Hearing on 17 December 2004, at Grimsby Crown Court before Recorder Kelly, Mr Blakey pleaded guilty to six counts of false accounting. One count of theft was ordered to lie on the file. The alleged shortfall was £65,366.46.
17. On 25 February 2005, Recorder Gibson sentenced Mr Blakey to nine months' imprisonment suspended for two years (concurrent on each count of false accounting). A pre-sentence report was ordered but this is not among the available papers. Mr Blakey was ordered to pay £1000 towards the costs of the prosecution to be paid in monthly instalment of £50. According to Gillian Blakey in the Group Action documents, the Judge said in sentencing that Mr Blakey was "*foolish but not dishonest*".<sup>6</sup> It was apparently also stated by the Judge that Mr Blakey would have to "*repay the £64,000.00 to the post office at some point*" but no formal order for compensation made.

#### Human Impact Evidence

##### *Mr Blakey's evidence*

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<sup>6</sup> Doc ID POL-0062943; POL-0089775 – Post Office Mediation Application Form from Gillian Blakey, dated 6 September 2013.

18. Mr Blakey has given Human Impact Evidence to POHIT Inquiry in a witness statement dated 29 October 2021.<sup>7</sup> Mr Blakey states that he suffered a stroke in September 2017, which he attributes to the stress of reliving his experiences when he joined the Justice for Sub-Postmasters Alliance. Mr Blakey explains that as a result of losing their jobs with POL, he and his wife had to sell their home, which only had £26,000 left on the mortgage. He had to declare bankruptcy, so the proceeds of the sale went to the Official Receivers. After this, Mr and Mrs Blakey moved into rented accommodation.
19. Mr Blakey states that he has suffered low mood, poor sleep pattern, tiredness, a loss of enjoyment in activities, poor appetite, poor concentration, lack of motivation, low self-esteem, feelings of worthlessness, hopelessness, low self-confidence and feelings of guilt. He also states that he has suffered suicidal thoughts. He also suffers from feelings of unease, palpitations, migraines, and headaches.
20. Mr Blakey states that, *“It was very difficult following my conviction. I even suffered with hypnagogic hallucinations. I can recall several occasions where I have even heard a voice or a noise. I once saw a figure in the bedroom and thought this was my sister. I felt a sense of unease all the time. I tried to get a job as a plumber, but it was hard to make a living, everything became a challenge”*.
21. For 2-3 years Mr Blakey struggled to find employment due to the reluctance to employ individuals with criminal records. He was therefore forced to claim benefits. Mr Blakey eventually did find a job as a handyman at a leisure centre. After 8 years in the role, being paid half what he was paid before his conviction, he was promoted to health and safety manager as well as engineering manager.
22. Mr Blakey explains that, before his conviction, he had a number of hobbies including painting and going on holiday. Following his conviction, he lost his passion for painting.
23. As a result of Mr Blakey’s conviction, his sister disowned him. He and his wife were the life and soul of the party, but this was taken away from him. Mrs Blakey noticed that he became *“snappy and less tolerable”*, and he would lose his temper easily. It was upsetting for Mr Blakey that his mother passed away without knowing that his conviction had been overturned.
24. Mr Blakey avoids certain things like going into a Post Office. He tried to switch off from anything to do with the Horizon case.
25. Mr Blakey explains that his mother also lost her job as a result of his conviction, as she worked in the Post Office. He and his wife struggled for two to three years to find work, which Mr Blakey felt was degrading. Mr Blakey’s sister still has nothing to do with him and he has lost out on having a relationship with his nephew.

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<sup>7</sup> [https://www.postofficehorizoninquiry.org.uk/sites/default/files/2022-03/WITN01530100%20-%20David%20Blakey%20-%20First%20Statement\\_0.pdf](https://www.postofficehorizoninquiry.org.uk/sites/default/files/2022-03/WITN01530100%20-%20David%20Blakey%20-%20First%20Statement_0.pdf)

26. Mr and Mrs Blakey now live in social housing. He receives a state pension and £300 per month. As he lost his job following his conviction, Mr Blakey stopped paying into his private pension. Mr Blakey concludes by stating, *“Even though my innocence has been proven, I feel guilty about going through everything in the first place. I also feel guilty about the impact this has had on my family. One of the biggest things for me now is that I do not own anything”*.

*Mrs Blakey’s evidence*

27. Mrs Blakey also gave Human Impact Evidence to POHIT Inquiry in a witness statement dated 13 January 2022.<sup>8</sup> She stated that the training she received on how to use Horizon was not adequate or sufficient, with very little training on the accounting, financial, and management side of the business. Mrs Blakey stated that the training was inadequately focused, as more focus should have been placed on balancing. She remembered being shown how to do the balancing procedure once but stated that this was not a straightforward process. Mrs Blakey explained that she struggled to roll the balance over. Mr and Mrs Blakey asked for assistance and Ron McLauchlan visited the branch. Mrs Blakey stated, *“he was hopeless; worse than hopeless. He did not have a clue about Horizon, or the balancing procedure, so he was totally unable to help”*. Mrs Blakey stated that Mr McLauchlan’s presence made things worse, as he was unable to balance. She stated that, *“The whole process was really very tiring. We had had a busy day working in the post office, and we could not manage to figure out how the system worked. I think it was concerning, given that the process was taking so long, and taking so long such a short time after Horizon had been installed”*.
28. Mrs Blakey explained that she could not remember whether her and her husband telephoned the helpline to rectify the problems they were having. She stated that her branch was audited twice before Horizon was installed and no problems were found.
29. Mrs Blakey described how shortfalls began accumulating, which her husband hid from her to avoid exacerbating her asthma. Mrs Blakey described her shock and disbelief that the shortfall was so high. Mrs Blakey stated that she was interviewed the day after her husband’s interview. She stated that she asked the interviewer, Mr Whitaker, if there could be any problems with Horizon. Mrs Blakey stated that Mr Whitaker looked surprised and replied *“no, someone has stolen it”*. She was informed by her husband that Mr Whitaker asked him if he was having an affair.
30. Mrs Blakey stated that, to assist the investigation, she gave Mr Whitaker the name of someone who worked in the branch who appeared to be living beyond her means. Mrs Blakey stated that Mr Whitaker showed this person the email and told her to sue Mrs Blakey for defamation.
31. Mrs Blakey stated that she knew that POL had not checked her and her husband’s bank accounts.

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<sup>8</sup> <https://www.postofficehorizoninquiry.org.uk/sites/default/files/2022-03/WITN02310100%20-%20Gillian%20Blakey%20-%20First%20Statement.pdf>

32. Mrs Blakey described how her husband lost his job following his conviction. Her *“world had come crashing down”* and she was worried that she would lose her home. Mrs Blakey underwent counselling for the stress and worry.
33. Mrs Blakey described how she and her husband had no choice but to file for bankruptcy. All the proceeds of the sale of their house went to the mortgage lender. They lost their car and had to move into rented accommodation.
34. Although Mr Blakey received compensation, Mrs Blakey stated that most of the compensation was taken up by legal costs.
35. Mrs Blakey stated that POL robbed her and her husband of their business, livelihood and home: *“It robbed us of the chance of a peaceful, happy and prosperous retirement, and the chance of selling a thriving business”*. She described her husband’s devastation at his conviction. Mr and Mrs Blakey continue to live in rented accommodation. Mrs Blakey described how her husband has been diagnosed with PTSD and that his pension is very much reduced.
36. Mrs Blakey ended her statement by stating: *“I’d like the Inquiry to put this right and to show where the blame really belongs and to put us in the position we would have been in if none of this had ever [sic] happened”*.

**CLI Questions**

**Investigation**

<p>Q.121. Who was responsible for conducting the investigation?</p>	<p>Paul Whitaker (Investigation Manager)</p>	<p>POL-0041297; POL-0087740 [Inquiry URN: POL00044818]</p>
<p>Q. 124. What (if any) advice or guidance did they receive regarding (a) their duty to conduct a thorough investigation; (b) their duty to pursue all reasonable lines of enquiry; and (c) their duty of disclosure? Were these adequate?</p>	<p>In his memo dated 23 June 2004, Jarnail Singh asked the investigators to obtain the following statements:</p> <ol style="list-style-type: none"> <li>1) Statements from the auditors.</li> <li>2) A “<i>statement from the Retail Network Manager concerning the appointment of the Subpostmaster and identifying Mrs Blakey the Subpostmistress and producing a copy of the relevant extract of the contract showing that it is not permitted to use Post Office funds</i>”.</li> <li>3) Statements from other members of staff</li> <li>4) A “<i>statement from Paul Graham Whitaker and Helen Dickinson outlining their total involvement in the matter and producing all relevant exhibits including the interviews</i>”.</li> <li>5) Any other statements the Officers considered relevant.</li> </ol> <p>The memo does not address the specific duties in this question, and does not suggest investigation into the matters that Mr Blakey raised during his interview. There is no other material amongst the available papers that deals with these specific duties.</p> <p>In POL’s Respondent’s Notice dated 2 October 2020, it was accepted that the evidence from Horizon was essential in this case. “<i>The audit was a comparison of the office snapshot with the cash and stock held at branch. There was no investigation into Horizon. Based on the papers available from the criminal proceedings, there is nothing to suggest any ARQ data was obtained.</i>”</p> <p>It further states “<i>there was no investigation into the matters raised by Mr Blakey during his interview, nor was there any investigation into Horizon reliability.</i>”</p>	<p>POL-0041299; POL-0087741 [Inquiry URN: POL00044820]</p> <p>Respondent’s Notice dated 2 October 2020</p>

	The Court of Appeal also noted that “ <i>there is nothing to indicate that any ARQ data was obtained at the time of the criminal proceedings. There was no evidence to corroborate the Horizon evidence. There was no investigation into the matters raised by Mr Blakey during his interview, nor was there any investigation into Horizon reliability</i> ”.	<i>Hamilton &amp; Others v POL</i> [2021] EWCA Crim 577
Q.125. What factors influenced the scope of enquiries undertaken?	Not known from the available papers.	
Q.126. What (if any) role did financial or reputational considerations play?	Not known from the available papers.	
Q.127. Who was responsible for supervising or reviewing the conduct of this investigation?	Not known from the available papers.	
Q.129. To what extent (if at all) was independent oversight exercised in relation to the conduct of these criminal investigations? By whom was it exercised and was it adequate?	Not known from the available papers.	

### **Charging**

Q.130. Who made the charging decision?	Jarnail Singh (Senior Lawyer, Criminal Law Division)	POL-0041299; POL-0087741 [Inquiry URN: POL00044820]
Q.133. What policies, guidance or principles did they apply when making charging decisions? Were they suitable and applied appropriately?	It appears from Jarnail Singh’s ‘charging memo’ (see answer to question 134) that he considered whether or not there was a “ <i>realistic prospect of conviction</i> ’ (i.e. part of the ‘Full Code Test’ used by Crown Prosecutors, without referencing the test).  There is no indication that Mr Singh gave consideration to ‘public interest’ factors.	
Q.134. What (if any) legal advice did they receive concerning the appropriateness of bringing charges in individual cases?	On 23 June 2004, Jarnail Singh provided a ‘charging memo’ to S & A Casework (cc Paul Whitaker) and provided his opinion that there was a “ <i>realistic prospect of conviction of Mr Blakey for an offence of theft with a low prospect of success and for false</i>	POL-0041299; POL-0087741 [Inquiry URN: POL00044820]

	<p><i>accounting with a high prospect of success”.</i></p> <p>Mr Singh continued, “<i>Clearly in the absence of any admissions from Mr Blakey for theft of the £64,435.24 then we will need to eliminate the involvement of Mrs Blakey and other members of staff, and they will need to give evidence (if they can do so) to implicate Mr Blakey in the preparation of the inputs of all the daily figures for the Office on the Horizon system and that each week he completes the Office balance and subsequently produces and signs the weekly cash account and the other members of staff do not perform any of the accounting procedures at the Office. This has been accepted by David Blakey. This fact needs to be confirmed in witness statements. The witnesses will need to confirm that they did not steal cash or falsify the accounts. Once we can get these statements, then I would confirm that there would be a good prospect of success to prosecute Mr Blakey for theft. The case will further be strengthened by the further enquiries which are in hand in relation to his finances.”</i></p> <p>Mr Singh stated that in his opinion the case was more suitable for trial in the Crown Court.</p>	
<p>Q.135. What (if any) action did they take upon receipt of such advice?</p>	<p>Not known from the available papers.</p>	
<p>Q.136. Was an offence of theft charged? If so, was there sufficient evidence to support it? Did the charge place improper pressure on the D? Was that intended?</p>	<p>Yes, theft was charged. In its judgment, the Court of Appeal concluded (§§ 351-352):</p> <p><i>“POL accepts that this was an unexplained shortfall case and that evidence from Horizon was essential to Mr Blakey's case. There is nothing to indicate that any ARQ data was obtained at the time of the criminal proceedings. There was no evidence to corroborate the Horizon evidence. There was no investigation into the matters raised by Mr Blakey during his interview, nor was there any investigation into Horizon reliability. There was no proof of an actual loss as opposed to a Horizon-generated shortfall.</i></p> <p><i>POL concedes only that Mr Blakey's prosecution was unfair (Ground 1) but we</i></p>	<p><i>Hamilton &amp; Others v POL [2021] EWCA Crim 577</i></p> <p>POL’s Respondent Notice (dated 2 October 2020)</p>

	<i>are bound to conclude that his prosecution was in addition an affront to justice (Ground 2). The public interest requires us to mark this latter conclusion. We do so by allowing his appeal both on Ground 1 and on Ground 2. His convictions are unsafe. Notwithstanding his guilty pleas, we quash his convictions on all six counts”</i>	
Q.137. Who was responsible for supervising or reviewing the charging decision?	Not known from the available papers.	
Q.139. To what extent (if at all) was independent oversight exercised in relation to charging decisions? By whom was it exercised and was it adequate?	Not known from the available papers.	

### **Prosecution**

Q140. Who was responsible for conducting the prosecution?	Jarnail Singh (Senior Lawyer, Criminal Law Division)	POL-0041299; POL-0087741 [Inquiry URN: POL00044820]
Q.143. What legal advice did they receive concerning the appropriateness of pursuing private prosecutions in individual cases?	The only relevant document seen amongst the available papers is the charging memo at question 134 above.	
Q.144. What action did they take upon receipt of such advice?	As noted in answer to question 134 above, in his ‘charging memo’ Mr Singh advised that, in the absence of admissions from Mr Blakey for theft, it was necessary to eliminate the involvement of Mrs Blakey and other members of staff. He stated that others needed to give evidence on the involvement of Mr Blakey in the preparation of the inputs of all the daily figures into Horizon and that other members of staff did not perform any of the accounting procedures at the Post Office. He stated that these facts needed to be confirmed in witness statements. Mr Singh stated that there would be a good prospect of success to charge Mr Blakey with theft and that the case would be strengthened by the further enquiries which were being made into Mr Blakey’s finances. Mr Singh stated that, once the evidence was forthcoming from	POL-0041299; POL-0087741 [Inquiry URN: POL00044820]

	other members of staff, it would be appropriate to proceed by way of a summons. It can be seen that there are a number of witness statements among the available papers.	
Q.146. Who was responsible for supervising or reviewing the conduct of the prosecution?	Not known from the available papers.	
Q.148. How (if at all) was supervision of private prosecutions exercised?	Not known from the available papers.	
Q.149. To what extent (if at all) was independent oversight exercised in relation to the conduct of prosecutions?	In his 'charging memo' Jarnail Singh states that the prosecution will be conducted by his agent, Messrs Frank Allen Pennington, Solicitors of Hill House Chambers, South Parade, Doncaster. It is not known from the available papers what involvement they had in the conduct of the prosecution. No details of known of counsel instructed to prosecute in the Crown Court.	POL-0041299; POL-0087741 [Inquiry URN: POL00044820]

### **Disclosure**

Q150. Who was responsible for making disclosure decisions?	Not known from the available papers. However, there is a (unsigned and undated) schedule of unused among the available papers.  It is not known who the Disclosure Officer was, but it is likely that it was Paul Whitaker. Similarly, it is not known who dealt with disclosure from the legal team, but as lawyer with conduct of the case, it is likely that Jarnail Singh had responsibility for this task.	POL-0041296; POL-0087739 [Inquiry URN: POL00044817]
Q.153. What legal advice did they receive concerning duties of disclosure?	Not known from the available papers.	
Q.154. What action did they take upon receipt of such advice?	Not known from the available papers. However, there is a schedule of unused material among the available papers.	POL-0041296; POL-0087739 [Inquiry URN: POL00044817]
Q.155. What factors influenced the scope of disclosure?	Not known from the available papers.	
Q.156. What (if any) role did financial or reputational considerations play?	Not known from the available papers.	
Q.157. Were the decisions which they took in relation	Not known from the available papers.	

to disclosure appropriate?		
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**Negotiation and Acceptance of Pleas**

Q158. Who was responsible for decision-making re: negotiation and acceptance of pleas?	Not known from the available papers. Mr Blakey pleaded guilty to six counts of false accounting and the theft was left to lie on the file.	
Q.159. What policies, guidance or principles did they apply when making their decisions? Were they suitable and applied appropriately?	Not known from the available papers.	
Q.160. In what circumstances and upon what conditions were charges not pursued? Were these appropriate?	Not known from the available papers.	
Q.161. In what circumstances and upon what conditions were pleas accepted? Were these appropriate?	Not known from the available papers.	