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**From:** Jessica Madron [GRO]  
**Sent:** Wed 19/11/2014 2:46:28 PM (UTC)  
**To:** Chris Aujard [GRO]  
**Subject:** FW: Top 5 cases


Fyi

Kind Regards  
Jessica Madron  
Head of Infrastructure and Dispute Resolution  
Legal

My working days are Tuesday to Friday.

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 148 Old Street, LONDON, EC1V 9HQ

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**From:** Jarnail Singh  
**Sent:** 19 November 2014 14:46  
**To:** Jessica Madron  
**Subject:** RE: Top 5 cases

Jessica

Security has appointed high level team which includes me to assess cases continually by applying number of criteria together with the prosecution test of sufficiency of evidence and public interest test to decide whether case proceeds with investigation with view to potential prosecution or liaise and refer the cases to network contract team to take it on contractual basis.

Hope this helps!

Jarnail

Jarnail Singh | Criminal Lawyer



148 Old Street, LONDON, EC1V 9HQ



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**From:** Jessica Madron  
**Sent:** 19 November 2014 14:12  
**To:** Jarnail Singh  
**Subject:** RE: Top 5 cases

Jarnail

Could you give me a bit more detail about the 69 cases – which of these are being actively (i) investigated and (ii) prosecuted please?  
Many thanks

**Kind Regards**  
**Jessica Madron**  
**Head of Infrastructure and Dispute Resolution**  
**Legal**

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**From:** Jarnail Singh  
**Sent:** 31 October 2014 15:02  
**To:** Jessica Madron  
**Subject:** RE: Top 5 cases

Jessica

#### 1 .Police liaison cases

Whilst reviewing the list of cases provided by security team I became aware of number of police liaison cases these are cases police are prosecuting through the CPS. On the basis information provided by POL .This causes me significant concerns as there is at the present time there is no input by POL internal or external lawyers from criminal perspective.

Accordingly there is a risk that defendant may say that disclosure has not been properly dealt with; the CPS is reliant on information provided by POL and it may be alleged that POL

Has failed to provide information which it should have to enable CPS disclosure decisions to be made. It may not be case the investigation officers deliberately failing to provide information; they may simply fail to realize the significance or not even know of some information known within the wider organisation. Clearly POL would not want judicial comment or adverse publicity.

Agreed with security all existing police liaison cases and /or future cases are referred to legal for appropriate input. The events of the last 12 months or so have shown investigation officers have been completely unaware of some highly important points through no fault of their own. Have set up system with security to filter for disclosure requests from police. Disclosure issues are being made and likely to be made.

#### 2.Expert

One of the important issues has been to locate suitable and instruct an expert.

.Identified an expert. Accompanied CK to number of meeting with expert and it is hoped expert be instructed shortly.

.In these meetings discussed important issues and assisted in briefing of the expert.

. By liaising with different areas of POL gathering information technical aspects and funding and Fujitsu as appropriate and liaising between external lawyers and internal POL departments.

. Feed information to experts, who then become better, informed to be able to deal with Horizon issues/scope.

Current & on-going prosecutions cannot re-commence, until instruction independent HOL computer expert is instructed and his report is hand.

Experts have undertaken counter training and briefing from Fujitsu

Presently dealing by liaison with BD and CK and GC with the following ;

1. Updated non-disclosure agreement
2. ICON Agreement
3. Copy of the instructions to experts
4. The previous summary note (in relation to the Expert Agreement)
5. New note dealing with the Instructions – summary of the main provisions and risks
6. Considering CAF/High level consultancy form and POLs standard consultancy agreement
- 7 GC has requested CK and the ICL experts should consider the assurance work Deloitte undertook for POL on Horizon earlier this year in connection with Project Sparrow.

This work undertaken and reports produced are extremely confidential. As such, while it is desirable for it to

be shared with ICL (e.g. to avoid duplication of effort),

The first step to getting Deloitte's work to CK and ICL is to obtain their authority for its release. Deloitte has provided this in the past when the recipient has signed a "hold harmless" letter, presently being considered by CK and ICL

### **3. POL Mediation scheme**

The Scheme is open to any Sub postmaster who believes they have suffered a loss or been treated unfairly as a result of the Horizon system or any

Associated issues.

.Considered Documents prepared by Bond Dickinson of risks facing POL due to Mediation Process.

.Sought Specialist advice from CK as and when appropriate

. Written risk warning highlighted by CK to minimise the risk to POL.

. Arranged criminal and civil litigation lawyers to discuss face to face how to minimise risk to POL of the mediation process.

.mechanism set to limited risk to POL arising out of the mediation scheme. Drawing red line, not say sorry or apology.

.provide briefing note on each application.

.Provide training to POL representatives to the mediation scheme.

### **4. Revised Prosecution Policy and Future of POL prosecutions**

POL has an in-house security and prosecution team. As part of its remit it undertakes investigations and where deemed appropriate will undertake criminal prosecutions in line with the business prosecution policy. If an incident is considered to have sufficient evidence to prosecute it is passed to the POL legal team for review and consideration against the evidential and public interest tests. Legal team's recommendations are then passed to the Head of Security and if satisfied, he will then make a decision on Prosecution.

a) Following the Second Sight review and revised prosecution policy with a resultant cultural shift within the business, greater emphasis will be placed on fraud prevention and early intervention activities. It is envisaged that a number of fraud risk programmes will be initiated this year driven by emerging patterns and trends identified by the fraud team in Chesterfield. The success of these programmes will only be achieved by a collaborative approach with other security strands and key stakeholders.

b) Cases will only be raised for criminal investigation once all alternative avenues which may culminate in a successful outcome have been explored and dismissed. The decided course of action needs to be proportionate, justified and necessary. Cases raised for investigations will be limited to those likely to seriously damage the brand or reputation of the Post Office. Other cases will be considered where there is a clear and obvious business need to conduct a criminal investigation.

The draft revised prosecution policy which BAQC was instructed and briefed to prepare has now been considered by several relevant members at POL and as such number of potential amendments has been considered by BAQC and advice POL in conference. BAQC is now preparing the draft version accordingly.

### **5. Draft policy document entitled "POLICY DOCUMENT – Contract Breach."**

Advise upon any impact such a policy may have within the criminal law arena, with a particular emphasis on issues relating to the potential prejudice of criminal investigations and prosecutions .Advising in writing and meetings with the south and North contract teams -the purpose / implications of bringing an informal discussion to a halt if information of a criminal nature is divulged

### **6. Cases in hand**

Attending Security forum meetings reviewing case in hand presently 69 cases by advising investigators on operational matters ,evidence gathering operation by telling the security team what evidence is needed ,



advising on an investigation as to what is needed ,why and what is wrong/lacking in what has been obtained so far then decision is made early that material may be insufficient and cases closed down if there is no merit in continuing with from criminal investigation perspective and files passed to contractual advise team.

Jarnail Singh | Criminal Lawyer



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**From:** Jessica Madron

**Sent:** 28 October 2014 12:14

**To:** Rodric Williams; Jarnail Singh; Jean Reynolds

**Subject:** Top 5 cases

Hi all

Please could you do me a summary of your top 5 cases and anything else of note that you think I should be aware of.  
Many thanks

Kind Regards

Jessica Madron

Head of Infrastructure and Dispute Resolution

Legal

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