

# **Post Office Prosecution Policy**

**Version 1.0**

**Effective From: 1 April 2012**

**Review of this policy due: 1 April 2013**

**Owner: Jarnail Singh, Post Office Legal**

## 1. Purpose

### 1.1. The Post Office Prosecution Policy:

- 1.1.1. Supports Post Office's related crime and investigation policies in prosecuting, in all circumstances in which prosecution is appropriate, those who have been investigated and are believed to have stolen property from Post Office or to have defrauded Post Office.
- 1.1.2. Recognises the importance of the integrity of the mail and accordingly will consider prosecuting offenders who are believed to have interfered with postal packets (s83 of the Postal Services Act 2000).
- 1.1.3. Applies equally to employees at every level, whether front-line, management or executive, and to non-employees equally, whether contractors, customers or having no formal relationship with Post Office.

## 2. Scope of Policy

- 2.1. This policy applies to criminal conduct only.
- 2.2. This policy applies to anyone who is suspected of committing a crime as outlined in paragraph 1 above.

## 3. Criminal Investigation

- 3.1. Prosecution will normally follow a criminal investigation, conducted by members of Post Office Security and other law enforcement bodies such as the Police, with a view to ascertaining whether a person:
  - 3.1.1. Should be charged with a criminal offence; or
  - 3.1.2. If charged with an offence is guilty of it.

## 4. Prosecutorial Decisions

- 4.1. **England & Wales:** The decision to prosecute Post Office investigations in England and Wales will be made by the Post Office Head of Security taking advice from Post Office Legal and HR as appropriate and relevant.
- 4.2. **Scotland:** In Scotland the Procurator Fiscal's office will make all prosecution decisions on Post Office investigations.

- 4.3. **Northern Ireland:** In Northern Ireland the office of the Director of the Public Prosecution Service will make all prosecution decisions on Post Office investigations.
- 4.4. In the event of any issue or disagreement arising in relation to any investigations or prosecutions, the matter will be referred to the Director of HR & Corporate Services who will consider the case and provide guidance and advice to ensure that Post Office maintains a consistent prosecution policy.

## 5. Test for Prosecution and Public Interest

- 5.1. The decision to prosecute will be reached by applying the general principles and guidance offered by 'The Code for Crown Prosecutors', in particular 'The Full Code Test'.
- 5.2. 'The Full Code Test' will be applied and adhered to before commencing a criminal prosecution. The 'Test' has two stages. If the evidence passes the evidential stage, the Prosecutor must proceed to the second stage and decide if a prosecution is needed in the public interest. A prosecution will be required if it is in the public interest to do so.
- 5.3. Where a criminal investigation identifies an employee's behaviour that falls short of requiring a criminal prosecution the employee will normally be subject to the relevant HR processes.