
From: Brian Altman [GRO]
Sent: Fri 30/05/2014 3:29:09 PM (UTC)
To: Matthews, Gavin [GRO]
Subject: RE: POL Prosecution Policy [BD-4A.FID20472253]

Goo. Thanks.

From: Matthews, Gavin [GRO]
Sent: 30 May 2014 16:28
To: Brian Altman
Subject: RE: POL Prosecution Policy [BD-4A.FID20472253]

Yes it read very well I thought and was just what they were looking for.

G

From: Brian Altman [GRO]
Sent: 30 May 2014 16:27
To: Matthews, Gavin
Subject: RE: POL Prosecution Policy [BD-4A.FID20472253]

OK thanks.

Did it read alright from your point of view?

I'm out of London for the next couple of weeks so forgive any slowness in response.

Have a good weekend too.

Brian

From: Matthews, Gavin [GRO]
Sent: 30 May 2014 16:25
To: Brian Altman
Subject: RE: POL Prosecution Policy [BD-4A.FID20472253]

Hi Brian

Hope all is well with you.

I sent the document to POL but to date have not received feedback – often a good sign!

I will follow up next Monday and let you know.

Have a great weekend

Gavin

From: Brian Altman [GRO]
Sent: 30 May 2014 12:46
To: Matthews, Gavin
Subject: RE: POL Prosecution Policy [BD-4A.FID20472253]

Gavin

I thought I might touch base with you as I haven't heard from you - not that I'm rushing you. Just curious.

Brian

From: Matthews, Gavin [GRO]
Sent: 20 May 2014 16:50
To: Brian Altman
Subject: RE: POL Prosecution Policy [BD-4A.FID20472253]

Thanks Brian. I will review it this evening.

Kind regards

Gavin

From: Brian Altman [GRO]
Sent: 20 May 2014 15:45
To: Matthews, Gavin
Subject: RE: POL Prosecution Policy [BD-4A.FID20472253]

Dear Gavin

I am attaching my first draft.

Please note the following:

1. In light of our discussions with Chris, particularly his perfectly understandable wish for a "real world" rather than mechanistic, legalistic type policy document, I have (as we discussed some days ago) gone for a far more (I hope) user-friendly document than that originally drafted by CK. Indeed, it (and the title which I have readily adopted) takes the emphasis off criminal prosecution and focuses on the means of enforcement which may (but not inevitably) include prosecution. In my view this fits POL's requirements.
2. While the Beachcroft example was good I felt it far too wordy and over-inclusive for what is required and it incorporated too much unnecessary information.
3. If the policy is to be published then it needs to inform as well as be JR proof. Essentially the attached describes (1) to whom it applies (2) the underlying need for POL enforcement action (3) the options available to it (4) when non-criminal action might be deployed (5) the basic principles of criminal enforcement (incorporating by reference the CPS Code and defining the 2 stage test) (6) when criminal enforcement will be deployed (7) who makes the decision (8) the recovery of money and (9) review.

In particular:

1. At para 1.4.1 I hope I have accurately described (and may be permitted to describe) the BIP which Angela and Chris agreed is designed to identify problems and direct intervention.
2. At para 4.3 and 7.3 to 7.4 I have written in a very wide ambit of discretion for POL decision-makers but have emphasised the 'Option B' factors/approach approved by the Board without being prescriptive about any one factor and without including any cut-off financial figure (as we all agreed).
3. At para 4.4 have added in the 'safeguard' I was asked for. I have left it broad enough not to tie POL's hands about other enforcement options.
4. Section 5 (based inevitably on the Beachcroft document which Jarnail tells us was written on instructions) I have simplified.
5. As for section 8, I have done what I can on current instructions. I have left it deliberately simple. It may be that the team names are wrong. If so they can easily be corrected.
6. At para 8.2 I thought that the Head of Security would be more likely to have the power to disagree with the POLCT senior lawyer than an investigation officer (as was Jarnail's suggestion in the email last week). Again if this is wrong then it can be changed. Either way the decision tree set out in the Security Team's policy document (referred to at para 8.4 and footnote 3) and the decision making hierarchy in the text of that document will require revision according to any new decision tree.

There's bound to be some discussion around its terms and I will of course revise the document if asked to. Maybe you and Andy would like to cast an eye over it before submitting it?

I do hope it reflects everything we have discussed. Please let me know if you think there is anything I have omitted.

Regards,

Brian

From: Matthews, Gavin [GRO]
Sent: 14 May 2014 17:51
To: Brian Altman
Subject: FW: POL Prosecution Policy [BD-4A.FID20472253]

Hi Brian

Hope you are well.

Please see below response from Jarnail/Chris

Regards

Gavin

Gavin Matthews

Partner

for and on behalf of Bond Dickinson LLP

Bond Dickinson

Direct: [GRO]
Mobile: [GRO]
Office: [GRO]

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From: Jarnail Singh [GRO]
Sent: 14 May 2014 16:13
To: Matthews, Gavin
Cc: Chris Aujard
Subject: RE: POL Prosecution Policy [BD-4A.FID20472253]

Gavin

Please see in blue below Chris and my reply to BAQC two questions on the POL prosecution policy.

Regards

Jarnail

Jarnail Singh | Criminal Lawyer



148 Old Street, LONDON, EC1V 9HQ



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From: Matthews, Gavin [GRO]
Sent: 09 May 2014 13:08
To: Chris Aujard; Jarnail Singh
Subject: POL Prosecution Policy [BD-4A.FID20472253]

Dear Chris/Jarnail

By way of update, I understand from Brian that he is close to having a first draft of the POL prosecution policy document.

He does have some further questions which need to be clarified before getting the draft out;

1. What will the hierarchy of POL prosecution decision making be in the future? ie who will be making the final decision on authorising prosecution – Jarnail or Chris (as GC) or will the role be split between you and if so in what circumstances? You will recall that we discussed this at our recent conference where it was decided that it needed to be a lawyer who makes the final decision rather than the head of security. Jarnail will be the decision maker for POL prosecutions. We recommend that procedure be put in place to enable the investigation officer to appeal to Chris(GC) in the event he/ she disagrees with Jarnail decision..
2. Secondly, it was suggested at our conference that POL wanted to exclude all other enforcement action before embarking on considerations of criminal prosecution (which makes sense). The EPP (drafted by Beachcroft) caters for that under the heading "Actions available outside of Criminal Process". Can you please confirm whether the passages they have drafted about POL "Informal action", "disciplinary proceedings" and "civil proceedings" are completely accurate and reflect POL informal, disciplinary and civil action processes. I assume that Beachcroft drafted this on instructions? If not, can you let me know if POL have other such options available to them and are willing to adopt them for the purposes of this policy? ? a). These were drafted on consultations and instructions from POL ..b) However there will be cases which should be considered for prosecution in which it will be possible to quickly dismiss alternative avenues. We would advise that a safeguard be put in place to ensure that such cases are not compromised through delay or the consideration of inappropriate avenues, There will be cases where swift and appropriate action will be necessary to preserve POL brand, image and reputation e.g. in circumstances in which a counter clerk or Sub postmaster may have stolen significant sums of money from elderly customers .c) I have been provided with policy document entitled contract breach.. I have advised this should be amended so as to include mechanism to quickly identify cases in which ,it would be appropriate to commence investigation with view to potential prosecution, to avoid such prosecution being compromised.

I look forward to hearing from you.

Kind regards

Gavin

Gavin Matthews

Partner

for and on behalf of Bond Dickinson LLP



Direct: **GRO**
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