
From: Patrick Bourke [GRO]
Sent: Fri 27/03/2015 2:44:35 PM (UTC)
To: Rodric Williams [GRO]; Belinda Crowe [GRO]; Tom Wechsler [GRO]; 'andrew.parsons' [GRO]
Subject: RE: POL Pt II Response - Revised

I would personally end the sentence after "accounts". The reason is that I would not want to encourage a subjective debate about whether or not Applicants intended to gain, or cause us loss. I can just see someone saying 'I was in such a muddle, I didn't know what else to do, but I didn't mean to...' etc etc.

Does that make sense ?

From: Rodric Williams
Sent: 27 March 2015 14:40
To: Patrick Bourke; Belinda Crowe; Tom Wechsler; 'andrew.parsons' [GRO]
Subject: RE: POL Pt II Response - Revised

Good distinction, but I think it should reflect the actual offence. Wld you be happy with this?:

It is important to understand that Subpostmasters are not prosecuted by Post Office for incurring losses in branch. Prosecutions for false accounting occur where a person dishonestly falsifies branch accounts with a view to gain for himself or another, or with intent to cause loss to another.

I know it's legal, but I don't think we should try to paraphrase the statute (at least not without running it past the experts).



From: Patrick Bourke
Sent: 27 March 2015 14:23
To: Belinda Crowe; Rodric Williams; Tom Wechsler; 'andrew.parsons' [GRO]
Subject: RE: POL Pt II Response - Revised

Rod

Many thanks.

I have put into a word doc and tweaked (attached). I am not absolutely wedded to the idea, but I have put in a couple of lines to make it crystal clear that we do not prosecute people for incurring losses. We prosecute people for committing the crime of disguising those losses. I think that is a distinction that many people fail to draw (including some of the Applicants).

Best wishes

Patrick

From: Belinda Crowe
Sent: 27 March 2015 14:18
To: Rodric Williams; Tom Wechsler; Patrick Bourke; 'andrew.parsons@postoffice.co.uk'; GRO
Cc: Belinda Crowe
Subject: RE: POL Pt II Response - Revised

Looks good to me.

Best wishes

Belinda

Belinda Crowe
148 Old Street, LONDON, EC1V 9HQ

GRO Postline: **GRO**

GRO

From: Rodric Williams
Sent: 27 March 2015 14:12
To: Belinda Crowe; Tom Wechsler; Patrick Bourke; 'andrew.parsons@postoffice.co.uk'; GRO
Subject: POL Pt II Response - Revised

All – can you please take a look at my amends response to section 26 and let me have any comments asap.

Thanks, Rod

Post Office's response to section 26 – Post Office Investigations

311. This section of the Report provides Second Sight's opinion on the process that is undertaken by Post Office when it investigates branch activity, including potentially criminal conduct.
312. This topic is outside the scope of the Scheme (which is to consider "Horizon and associated issues") and is also outside the scope of Second Sight's expertise. Second Sight, as forensic accountants and not criminal lawyers, are not qualified to comment on Post Office's prosecution processes. Further, much of this section of the Report is based on generalised, anecdotal statements. Post Office therefore disputes the findings Second Sight makes in this section of the Report as inexperienced opinion and speculation based on unsubstantiated assertion.
313. Nevertheless, Post Office needs to address some specific inaccuracies which Second Sight advance in this section of the Report concerning the criminal offence of false accounting. Post

Office denies Second Sight's assertion that the focus of Post Office investigators is to secure an admission of false accounting and not to consider the root cause of any losses. This is incorrect – Post Office investigators' first task is to establish what has happened in the branch, and its approach to each investigation will, by necessity, be influenced by the particular circumstances of the individual case.

314. That task will be frustrated when a Subpostmaster deliberately falsifies his/her accounts, which is an act which precedes any Post Office investigation. By falsifying the accounts (whether through the inflation of cash on hand or otherwise) Subpostmasters or their assistants prevent Post Office from being able to identify the transactions that may have caused discrepancies and losses. The first step in identifying a genuine error is to determine the days on which the cash position in the accounts is different from the cash on hand. Where the cash on hand figure has been falsely stated, this is not possible.
315. The false accounting therefore hides any genuine errors from Post Office and a Subpostmaster. It hides it at the time the losses occur and it remains the case now that Post Office is not able to identify which transactions may have caused the losses. The Report is therefore entirely incorrect in its evaluation of how Post Office approaches prosecutions. It is the Subpostmaster's (or their assistant's) false accounting that prevents Post Office from investigating the underlying losses, not the attitude of Post Office investigators.
316. Where the Post Office discovers evidence of criminal wrongdoing, it may exercise the right to bring a private criminal prosecution which is available to all companies and individuals in England and Wales. In deciding whether a case is suitable for prosecution, Post Office considers (among other factors) whether it meets the tests set out in the Code for Crown Prosecutors. That Code requires Post Office to be satisfied that there is sufficient evidence for a realistic prospect of conviction and that the prosecution is in the public interest. The Code is issued by the Director of Public Prosecutions and followed by Crown Prosecutors. Like the CPS, the Post Office keeps cases under continuous review all the way up to and during any trial, and when Post Office does decide to prosecute, its conduct of the prosecution is scrutinised by defence lawyers and ultimately by the Courts themselves.



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GRO

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