

Royal Mail Group

**A follow-up review of inspection
recommendations on the Royal Mail
Group Crime Investigations Function**

June 2010





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Criminal Justice Inspection
Northern Ireland
a better justice system for all





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List of abbreviations

CJI	Criminal Justice Inspection Northern Ireland
PPS	Public Prosecution Service for Northern Ireland
PSNI	Police Service of Northern Ireland
UK	United Kingdom



Chief Inspector's Foreword

In this review we returned to assess how the Royal Mail Group Crime Investigations Function has progressed with the implementation of recommendations made in our inspection report published in July 2008.

Our original inspection report found that the team in Northern Ireland was effective and well managed, producing good quality case files based on sound investigations. Consequently the report made a total of seven recommendations - only six of which were the responsibility of Royal Mail to deliver. Additionally, the report reiterated a previous recommendation as regards the giving of reasons by directing lawyers.

Our review found that of the seven recommendations, two had been completed whilst four were partially complete. The seventh recommendation made with regard to the giving of reasons by directing lawyers, will form part of a full inspection by CJI during 2010-11.

The four recommendations assessed as being partially complete had required close partnership work with the Police Service of Northern Ireland (PSNI) and the Public Prosecution Service for Northern Ireland (PPS) to enable Royal Mail to finalise them. There had been much progress with these recommendations and good partnership activities, but completion had taken much longer than anticipated due to competing priorities.

A recommendation to submit case files direct to the PPS had caused difficulty for a period when the PSNI indicated that they would no longer handle Royal Mail cases without levying a charge for the service. However, at that time no alternative arrangements regarding direct submission to the PPS had been agreed. An overly complex system of submitting cases for prosecutorial decisions means that delay is much more likely. It is hoped that the submission of cases direct to the PPS will be established in a Service Level Agreement before the summer of 2010.

Bill Priestley led this inspection review for CJI and I would like to acknowledge the willing support and openness of everyone who provided information to him during this process.

Michael Maguire

Dr. Michael Maguire

Chief Inspector of Criminal Justice in Northern Ireland
June 2010

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Section



Follow-Up Review

CHAPTER 1:

Introduction

In our report on the Royal Mail Group Crime Investigations Function published in July 2008, we looked at the operation of the investigative element of the Royal Mail Group in Northern Ireland. The Royal Mail Group is subject to inspection and regulation by the Interception of Communications Commissioner's Office and the Office of the Surveillance Commissioner under the Regulation of Investigatory Powers Act 2000. The group had also been subject to oversight by the Police Information Technology Organisation with regard to its use of the Police National Computer.

The original report found that the team in Northern Ireland was a small, effective and efficient unit that was subject to excellent and detailed quality assurance systems. These systems had produced good quality case files, professional investigations, and skilled investigators. The quality assurance systems had been operated robustly for two years and this had improved case file quality and the standard of investigations.

Case files were of high quality and casework staff and managers said that files submitted by the team of investigators compared favourably with those from other areas. Direct comparison with the equivalent teams in England and Wales was not possible due to different systems and low case numbers in Northern Ireland. However, in the few cases submitted in

Northern Ireland, the percentage dealt with by way of caution had been higher than in England and Wales. There had also been fewer immediate custodial outcomes as compared to the rest of the United Kingdom (UK).

In England and Wales, prosecution advice and direction is provided by the Royal Mail Group Criminal Law team whilst in Northern Ireland, advice and direction is provided by the Public Prosecution Service for Northern Ireland (PPS). In Northern Ireland, Royal Mail Group cases were submitted to the PPS through the Police Service of Northern Ireland (PSNI). This overly complex case submission process had meant that reasons for decisions made by prosecutors had not been made available to the case investigators. In the absence of an explanation by the prosecutor as to why a caution or no prosecution was directed (as opposed to prosecution), investigators and line managers had been unable to establish detailed reasons for apparent anomalies in case outcomes in the figures between the two different jurisdictions.

At the time of the inspection review, the small team of investigators in Northern Ireland comprised three from Royal Mail Letters as well as one team leader. In addition, there was one investigator from Post Office Limited and a Royal Mail Security Risk manager.



The original report made seven recommendations aimed at improving the service provided by the Royal Mail Investigations team in Northern Ireland. Two recommendations were solely within the remit of the Royal Mail Group to complete. Four required close partnership work with the PPS and with the PSNI in order to be implemented. The remaining recommendation concerned the giving of reasons by directing prosecutors which will form part of a full inspection by CJI during 2010-11.

Progress on recommendations

Recommendation 1

Inspectors recommend that arrangements between Royal Mail Group and the PSNI are reviewed to produce an agreed Memorandum of Understanding.

Status: Partially completed

Organisation response:

Meetings have taken place between the intelligence communities of the PSNI and Royal Mail Group. Opportunities for data sharing/tactical co-operation were discussed and a draft Memorandum of Understanding shared. The Memorandum of Understanding between the Metropolitan Police and Royal Mail Group has been identified as 'best practice'. It is presently with the PSNI Legal Team for concurrence. Our experience of getting a Memorandum of Understanding agreed with other forces would suggest that this will take time.

Inspectors' assessment:

At the time of inspection fieldwork in March 2010 this recommendation had not yet been finalised. The understanding that had been in use between the Royal Mail Group and the Metropolitan Police was used as a template for discussion between the PSNI and Royal Mail. With some amendments to take account of Northern Ireland issues and slightly different processes and legislation, a draft agreement had been shared between the two

organisations. At the time of report drafting, the document was with the Royal Mail Group for finalising and agreement and completion is expected imminently. The recommendation is assessed as being partially complete.

Recommendation 2

To improve efficiency and reduce delay Inspectors recommend that Royal Mail Group establishes a more direct method of presenting their cases for a prosecution decision.

Status: Partially completed

Organisation response:

Following a series of meetings between the PPS and Royal Mail Group Legal Services, a Service Level Agreement has been agreed in principle and case papers are being examined for costing purposes. Once the agreement is signed and training on the preparation and submission of prosecution files direct to the PPS completed, the direct submission of case files from Royal Mail Group to the PPS will commence.

Inspectors' assessment:

The submission of cases via the PSNI remains a problem that causes delay and introduces an unnecessary stage to progression of cases for a prosecutorial decision. There had been a period during



2009 when the police indicated that they would no longer handle Royal Mail cases without levying a charge. However, at that time no alternative arrangements regarding direct submission to the PPS had been agreed. This led to a backlog of cases which was only cleared early in 2010. It is hoped that the submission of cases direct to the PPS will be established in a Service Level Agreement before the summer of 2010.

Inspectors tracked a fraud case prepared by the Post Office investigator that had been submitted to the PSNI at the end of February 2010. The route to final submission for prosecutorial decision is outlined below.

- The file was sent to the relevant police District by the Post Office investigator upon completion of the Post Office investigation.
- The file was forwarded to the PSNI's Criminal Investigation Department (CID) as the case involved a fraud. The police view was that the file had been professionally prepared, supplying all the relevant detail to entail a successful prosecution.
- The officer allocated to progress the submission consulted with the police Occurrence and Case Management Team in relation to the submission of a hard copy file to the PPS.
- The PPS stated that the file should be submitted electronically through the Causeway system.

- The police contacted the Royal Mail Group fraud investigator to forward all the statements, the outline of the case and all witness details so that the file could be uploaded electronically.
- The details of the outline of the case and statements were then uploaded onto the police electronic system. This included all interview notes, exhibit details and disclosure documents. This is a lengthy process and had not been completed at the time of drafting this report (late April 2010).
- The police intend to contact the suspect to inform them that the matter was going to be reported to the PPS.

At the time of report drafting the electronic case file was nearing completion, although it had yet to be forwarded to the PPS.

The case illustrates the effect an overly complicated submission process has on the time taken to process a case through the system to the point of prosecutorial decision. Inspectors would encourage the Royal Mail Group to pursue an agreement with the PPS regarding direct case file submission as a matter of urgency. The recommendation is assessed as being partially complete.



Recommendation 3

Inspectors recommend that the quality assurance system for investigations should be revised to adopt dip-sampling of case files as the default method of maintaining quality.

Status: Completed

Organisation response:

'Dip Sampling' was introduced about July 2008. Investigation Managers who fall short of the required standards receive a minimum of three full checks a year, those who fall just short of the required standards are subject to a minimum of one full check a year and a series of 'dip samples' while those who are meeting the required standards receive a series of 'dip samples'. The move to a combination of full and 'dip sample' quality checks has been welcomed by recipients of the feedback and is providing a more focussed approach to highlighting National, Team specific, and importantly individual training interventions.

Inspectors' assessment:

This recommendation had been implemented based on the draft inspection report shared with the Royal Mail Group prior to its publication in July 2008. A system had been introduced which investigators said was less intrusive but just as effective. Investigators were aware of the criteria that had been set for triggering each element of the quality assurance process. Line managers said that the process was less cumbersome than the previous one and had proved useful in identifying training needs. The recommendation is assessed as being complete.

Recommendation 4

Inspectors recommend that to improve efficiency and reduce the risk of delay that Post Office Ltd cases are submitted by a more direct method as recommended for Royal Mail cases.

Status: Partially completed

Organisation response:

See response to Recommendation Two.

Inspectors' assessment:

This recommendation had been combined with Recommendation Two by Royal Mail Group as the issue was the same. Recommendation Four highlighted the different type of cases generally submitted by the Post Office investigator. These cases were generally more complex than those submitted by the Royal Mail investigative team, for example, cheque fraud. The organisational response to Recommendation Two and the relevant Inspectors' assessment applies equally to this recommendation. It is assessed as being partially complete.



Recommendation 5

To improve resilience and support, Inspectors recommend that Royal Mail Group security formalises a flexible approach to investigations so that local investigative staff can be shared across its business areas in Northern Ireland in response to demand.

Status: Completed

Organisation response:

With current UK Government reviews of Royal Mail Group Ltd structure, the flexible arrangement remains in place and is effective.

Inspectors' assessment:

The flexible arrangement adopted by the Northern Ireland team of investigators is an established business practice and is embedded in the region's processes. Sharing of resources is the norm for the small team of investigators. The review of Royal Mail structures being undertaken may impact on working practices in the future. The recommendation is assessed as being complete.

Recommendation 6

Inspectors recommend that the routine preparation of full tape recorded interview transcripts should be reviewed in consultation with the Public Prosecution Service.

Status: Partially completed

Organisation response:

This will be included in work to complete Recommendation Two. The response we have had so far from the PPS Fraud Section in which our cases will be processed was 'In this section, Departments tend to send us transcripts as this often forms a crucial part of the evidence against an accused. It may be particularly relevant in theft/dishonesty cases such as those you investigate; in other parts of the service where the cases may be smaller summaries are used on occasion'. It is our intention to deal with this when finalising the Service Level Agreement with the PPS and during training in the preparation of files for direct submission.

Inspectors' assessment:

The more complex cases of fraud had continued to be subject to the requirement to provide full tape transcripts. However, Royal Mail Group were intending to pursue the provision of tape summaries in less serious cases during the process of agreeing direct submission of cases to the PPS. This recommendation is therefore directly tied in with progress of Recommendations Two and Four. It is assessed as being partially complete.





Recommendation 7

Reiteration of previous recommendation made in CJI report, 'Public Prosecution Service for Northern Ireland' published 2007 that 'Directing lawyers should explain fully their reasoning to the agency in cases where they direct no prosecution or where their decision is different from that recommended by the investigator'.

Status: Not completed

Organisation response:

The recommendation had not been pursued any further as it was tied in with progress of Recommendations Two and Four.

Inspectors' assessment:

This issue will form part of an inspection to be carried out by CJI during 2010-11 into the giving of reasons by directing lawyers.

CHAPTER 3:

Conclusion

Of the total of seven recommendations two had been fully completed. There had been no progress with the recommendation on the giving of reasons by deciding lawyers. There had been varying levels of progress with the four remaining recommendations.

A Memorandum of Understanding was on the verge of being agreed between the Royal Mail Group and the PSNI. At the time of drafting of this report, the proposed document was with Royal Mail for final ratification.

Recommendations One, Two, Four and Six were linked with work that had been ongoing with the PPS. At the time of report drafting, it was anticipated that agreement on the direct submission of case files by the Royal Mail Group to the PPS would be implemented in the summer of 2010.



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