While some of the actions CPS requested have been completed to bring the case up to standard for a trial (even when we are expecting an anticipated Guilty Plea), not all the Actions have been completed and this does have a bearing on the RPOC as it currently stands.

In order for me to consider a Conditional Caution I have to be content that the following conditions are met:

1. The offender has admitted the offence

2. There is sufficient evidence for a RPOC

3. The Public Interest is served by the offender complying with suitable conditions rather than a prosecution.

4. The offender accepts the conditions

The caveat to the above is that if the offender fails to meet any of the Conditions, the case has to be ready to progress to court with a RPOC and this would be based on the ability to evidence beyond all reasonable doubt that the exact amount alleged to have been taken has been taken by the suspect.

Having reviewed the evidence and read the OIC’s comments I am content that:

1. The suspect has admitted the offence. However, while she admits to the Fraud, she makes it clear that she was shocked it was as high a figure as it was. When shown the corresponding documents she admitted she must have taken that amount but this would not be seen as a clear and unambiguous admission. It would be seen as a sufficient enough admission with the corresponding evidence to back it up but for the cash amounts which we cannot evidence to the required standard, this would not be a sufficient enough admission.

2. I have been told the suspect will accept a Conditional Caution and therefore the consent element has been covered.

3. The Suspect is 72 years of age and is therefore over the 18 years required for a Conditional Caution and has the financial means to repay the money taken.

4. The victim(s) have been consulted and are keen for an out of court disposal/Conditional Caution.

While the above conditions are met, at this stage I do not believe this case is of the Evidential Standard where there is a RPOC for the total amount. This is a key element as if the conditions are not met then the case should automatically be transferred to the courts. A number of Actions were set by CPS when they reviewed the case back in August 2020 and some of these have not been completed.

These include:

A. The appointing of a forensic accountant to evidence the fraud.

This has not been done as the local parish council did not have the funds and so appointed a local book keeper instead. While not a forensic accountant, he has evidenced the fraud and produced a number of documents to evidence this. However, this is a summary and I cannot see a paper trail showing where this missing money has gone and is not of the required standard for court.

We need to be able to evidence every penny we are going to instruct the suspect to pay back, a fact that is particularly relevant as the suspect was described as being shocked when told about the figure in interview. I appreciate she somewhat accepted the amount when shown the corresponding documents and stated she must have therefore taken that amount, but my concern would be that this is a substantial amount and if we are asking her to pay this back, we need to be confident that it is the correct amount and attributed to just her. While I do not believe a Forensic Accountant is necessary to achieve that in these circumstances (and will likely cost the same amount as the suspect is alleged to have taken) more work is needed to evidence this and show the link between victim and suspect? I appreciate this may be hard for the Cash and so it maybe prudent for one further interview to cover each and every cash transaction and if admitted by the suspect in an unambiguous and clear admission, then this cash amount can be factored in also.

B. A second request from CPS was for evidence to be obtained of the suspects hiring. No statement has been obtained covering how she was hired and in what circumstances and whether or not her previous criminal history was disclosed or not. CPS have made it clear this would be crucial in securing a conviction. Attempts have been made to obtain this but I am told that there are no records of her employment and so this will not be obtainable. I do not consider this a major hinderance to securing a RPOC but all RLOI made to secure this will need to be documented and a statement from the council describing how this was not kept will be needed. ( Peter Cox added some minutes surrounding her appointment / but there is no application form or details of what was disclosed this is on the memory stick.

C. CPS also requested details of the suspects resignation – again something that has not been covered in any statement of council meeting minutes and will again need explaining in an evidential format. (This is covered on the memory stick that Peter Cox provided )

D. Statements were also requested from the Parish Clerks before Douglas LAWSON took over. He is the clerk who identified the fraud and so statements from them would be required to identify why they did not identify the fraud. These have not been obtained.

Despite the comments made by the previous reviewing officer, I believe that this is a case that would be suitable for a Conditional Caution. The victim has indicated their preferred outcome would be an out of court disposal and the repayment of moneys taken. The suspect has also indicated they are happy and have the means to pay this back. I appreciate the suspect has previous convictions but these were for offences 36 years ago and she is now 72 years of age. I believe that the payment of funds back into the parish council would be instant through a Conditional Caution and so would be in the Public Interest to have that money back and available to the public sooner rather than later and without incurring more expense to the public through a trial in order to achieve this.

CPS have even been consulted on this aspect and have agreed it would be in the “interests of justice” to deal with this Out of Court.

I do not doubt that the suspect will pay this money back but without further financial work to evidence the total amount I do not believe that RPOC element is met and as such cannot authorise the Conditional Caution until that condition is met