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The General Secretary
c/o The Press Office
Prison Officers Association
Cronin House
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23rd December 2019

OPEN REQUEST FOR MEDIA COMMENT

Dear Mr. Gillan,

I write to you following the recent case in which the Prison Officers Association (POA) were fined £210,000 for contempt of court following the Union's unlawful breaching of a High Court injunction to ask for your Union's response to the five specific questions listed below.

The court judgement is reported here:

<https://prisons.org.uk/the-view-from-here/poa-fined-210000-its-time-now-for-a-real-fresh-start/>

Following this case I arranged for the POA's latest financial annual return to be subject to independent forensic accounting analysis – the financial annual return is publicly available here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/811574/264T_2018.pdf

As a result of that analysis I need to put to you several questions; I accept of course you may just ignore my request, decline to answer it on the basis that I am not a POA Member, and that of course is your right – but as I am making this request publicly available it is I suggest inevitable that POA Branches/Members will raise these issues themselves – questions from those will not so easily be avoided.

Questions:

1. The POA Financial Return shows that the Union has nearly £2 million in cash reserves, but none of this money is recorded as being invested and earning interest on behalf of POA members. This is to say the least 'odd' because, given the rate of inflation, the value of your cash reserves is actually diminishing in value. Can the POA explain why the POA cash reserves are not invested and earning a return for its Members?
2. The POA Financial Return shows that the POA is owed some £2 million, this again is 'odd' and a significant amount that is unexplained. Some of this is unpaid subs by POA Members – could you provide a breakdown of how the POA has allowed debtors to run up £2million in accrued debt?
3. The POA Financial Return shows the POA is owed £500,000 that is described 'learning funds' without any further explanation as to the meaning of this term? What is meant by 'learning funds' and how has this half a million pounds of debt been accrued?
4. The POA Financial Return shows that the POA is owed a further £800,000 that is simply described as 'other debtors' without any breakdown as to how this £800,000 figure has been reached, by whom, when the debts are due for repayment and who and when this continuing debt was authorized; could you explain this please?

Further, and in relation to your recent Contempt of Court case, it is stated on the POA web site that even before the Court had decided this case, indeed even before the Court's judgment was handed down and made known to you and your Members, the following statement was made:

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POA LEGAL CHALLENGE AGAINST CONTEMPT OF COURT TO BE CHALLENGED AT APPEAL

"... The National Executive Committee had already determined that if we lost this legal case then we would instruct our legal team to seek leave to appeal...."

That statement can be found here:

http://www.poauk.org.uk/index.php?latest-news&newsdetail=20191219-87_poa-legal-challenge-against-contempt-of-court-to-be-challenged-at-appeal-1

As the POA has already discovered to its considerable cost, quite apart from the £210,000 fine that has already been imposed upon its cash reserves, monies the Union holds on behalf of its members, the legal costs in such cases can easily themselves runs to hundreds of thousands of pounds – paying as you now must not only the costs of your own legal team, including the costs of Thompsons Solicitors who the POA instructed, along with both a Queens Counsel and a Junior Barrister to represent the POA in defending this case – you must now also pay the full legal costs of the Secretary of State.

In those circumstances for the POA National Executive Committee to have *'already determined that if we lost this legal case then we would instruct our legal team to seek leave to appeal'* seems irresponsible to say the least given that Rule 2.1(a) of the POA Constitution makes clear the objectives are that the Union must 'protect and promote the interest of its members'

The costs of an appeal to the Court of Appeal is itself considerable, again easily running to hundreds of thousands of pounds of your Members funds.

5. I would be grateful if you could explain the NEC reasoning for what seems to have been a highly premature decision to appeal at a time *before you knew what the judgment was* or the likelihood of success of such an appeal if indeed such an appeal was ever advised by your legal advisers.

Yours sincerely,



MARK LEECH FRSA