

## Message

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**From:** Patrick Bourke [GRO]  
**Sent:** 07/09/2020 08:55:51  
**To:** Melanie Corfield [GRO]; Brooks-White (Jobshare) [GRO]; Scott, Joshua - UKGI [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0224934f23b1444386fd031b130603a8-Scott, Josh]; Vandini, Cecilia (Advanced Manufacturing and Services) [GRO]  
**CC:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate) [GRO]  
**Subject:** Re: POL's HSS

Thanks Mel - that's right. PO can't hold employees of other companies liable, so no cause of action in either direction is possible.

Patrick

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**From:** Melanie Corfield [GRO]  
**Sent:** Monday, September 7, 2020 9:53 am  
**To:** Brooks-White (Jobshare); Scott, Joshua - UKGI; Patrick Bourke  
**Cc:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate)  
**Subject:** RE: POL's HSS

Eleanor – as discussed. I have not yet heard back from HSF but essentially it is only those with contracts with Post Office who could potentially be held liable by Post Office, not those they employed.

My suggested response:

Background: The scheme was open to people/ companies who had or have a direct contract with Post Office, including multiples. It is only people with such contracts who would potentially have been held liable by Post Office for shortfalls. Assistants of postmasters, or employees of other companies who had no contract with Post Office would not therefore be eligible i.e. they had no liability to Post Office. Claims in the scheme will be assessed by the independent advisory panel using information available and in accordance with recognised legal principles (including those established as part of the group litigation).

Line to take: Postmasters and companies who had or have a direct contract with Post Office, and therefore could have been held liable for shortfalls, were eligible for the scheme – multiples were included and could apply. Claims can include consequential loss. Employees of other organisations with no direct contract with Post Office would have had no liability to Post Office and would need to resolve any issues they had with their employer.

Mel

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**From:** Brooks-White (Jobshare) [GRO]  
**Sent:** 06 September 2020 21:54  
**To:** Melanie Corfield [GRO]; Scott, Joshua - UKGI [GRO]; Patrick Bourke [GRO]  
**Cc:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate) [GRO]  
**Subject:** RE: POL's HSS

**OFFICIAL-SENSITIVE: COMMERCIAL**

Melanie

Thanks so much for coming back so quickly with this information and on a weekend!

You are right – the issue is about those employed by Coop and McColls having access to the HSS rather than the organisations themselves. This is likely to come up in the context of a House of Lords question being asked tomorrow, so I want to make sure we give the best possible answer. The Lord asking the question is likely to argue that these employees could have been affected in exactly the same way as a postmaster with a contract and asked to pay money back so they should be recompensed by the HSS in the same way.

It would be helpful to understand why the boundary for the scheme was drawn around only those with contracts and why assistants without direct contracts were excluded from the scheme. Is there a legal reason for drawing this boundary around the scheme? Is it because the Post Office would have taken up any discrepancies identified by Horizon with the person or organisation who had the contract with POL? If that's right what would have happened in cases where an assistant who worked for McColls / Co-op who was affected by a discrepancy identified by Horizon and potentially had to pay that money back? Would you have expected McColls / Co-op to make an application on their behalf?

Any further information you can provide would be helpful.

Eleanor

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**From:** Melanie Corfield [GRO]  
**Sent:** 06 September 2020 20:50  
**To:** Brooks-White (Jobshare) [GRO]; Scott, Joshua - UKGI [GRO]; Patrick Bourke [GRO]  
**Cc:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate) [GRO]  
**Subject:** RE: POL's HSS

Dear all,

Multiples (large and small) were NOT excluded from the Historical Shortfall Scheme and Post Office contacted them when the scheme launched. The Scheme was open to applications to people/ companies who have or previously had a contract directly with the Post Office - this was included in the publicised eligibility criteria for the scheme. As far as I am aware there has been nothing in the media regarding McColls making a claim - Post Office will not in any event comment to media on individual claims. In confidence, McColls has made a claim which is being discussed with them and I understand that Co-op made an enquiry but did not follow up with an actual application to the Scheme. It seems that the context for questioning is about *assistants* at McColls outlets who would most likely be excluded from the scheme because they do not have a direct contract with Post Office and are employees of McColls.

I hope this is useful but please let me know if further information needed.

Mel

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**From:** Brooks-White (Jobshare) [GRO]  
**Sent:** 05 September 2020 19:42  
**To:** Melanie Corfield [GRO]; Scott, Joshua - UKGI [GRO]; Patrick Bourke [GRO]  
**Cc:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate) [GRO]  
**Subject:** Re: POL's HSS

**OFFICIAL-SENSITIVE: COMMERCIAL**

Thank you! Apologies for having to contact you on the weekend. It's much appreciated that you have picked this up.

Kind regards  
Beth  
Beth White

GRO

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**From:** Melanie Corfield GRO  
**Sent:** Saturday, September 5, 2020 4:55:06 PM  
**To:** Brooks-White (Jobshare) GRO Scott, Joshua - UKGI GRO Patrick Bourke GRO  
**Cc:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate) GRO  
**Subject:** RE: POL's HSS

I will double check for you.

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**From:** Brooks-White (Jobshare) GRO  
**Sent:** 05 September 2020 16:26  
**To:** Melanie Corfield GRO Scott, Joshua - UKGI GRO Patrick Bourke GRO  
**Cc:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate) GRO  
**Subject:** Re: POL's HSS

**OFFICIAL-SENSITIVE: COMMERCIAL**

Mel,

We have an urgent question on this (I have also sent to Patrick). Were Co-op, McColls or other partners excluded from the scheme, even though they could have equally had to have paid back losses?

If possible, could we have an answer on this by 9:30 Monday at the latest?

Many thanks  
Beth

Beth White

GRO

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**From:** Melanie Corfield GRO  
**Sent:** Thursday, September 3, 2020 6:02:47 PM  
**To:** Scott, Joshua - UKGI GRO Patrick Bourke GRO Brooks-White (Jobshare) GRO  
**Cc:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate) GRO  
**Subject:** RE: POL's HSS

Dear all

Below are latest lines for you on the Historical Shortfall Scheme but do of course let me know if you need any further information:

1. POL is operating the Historical Shortfall Scheme, which was launched on 1 May 2020 and closed to applications on 14 August 2020. Potential applicants who feel they have good reasons which delayed the submission of their application beyond the closing date should get in touch with the scheme.
1. There have been 2195 applications to the scheme [up to 3/9].

1. The claims are currently being assessed for eligibility. Eligible applications will then be reviewed and assessed by the independent advisory panel thereby ensuring the independence of the scheme. The panel consists of Alex Charlton QC a leading barrister with particular expertise in software and IT systems; Susan Blower, a forensic accounting partner at BDO and fellow of Chartered Accountants of England and Wales; and retail expert Sunder Sandher, a member of the Independent Retailer Board of the Association of Convenience Stores. The panel is expected to begin case assessments shortly. Claims will be assessed in accordance with the principles established by Fraser J in the group litigation.
1. All claims will be progressed as quickly and efficiently as possible. The time taken to assess each claim will be heavily dependent on the circumstances of each individual claim and the volume of documentation involved. While it is difficult to provide an accurate estimate at this stage, we envisage it could take at least several months for individual case outcomes to be reached and communicated.
1. There is a dispute resolution procedure for any applicants who are not content with the outcome of their claim and this includes independent mediation. The independent mediation provider will be Wandsworth Mediation Service, a charitable community mediation service chaired by Stephen Ruttle QC, who co-mediated the resolution of the group litigation.

Best wishes,

**Mel Corfield**  
**Communications**  
20 Finsbury Street  
LONDON  
EC2Y 9AQ  
**GRO**

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**From:** Scott, Joshua - UKGI **GRO**  
**Sent:** 03 September 2020 11:36  
**To:** Patrick Bourke **GRO**; Brooks-White (Jobshare) **GRO**  
**Cc:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate) **GRO**  
Melanie Corfield **GRO**  
**Subject:** RE: POL's HSS

Brill thank you very much Mel!


Joshua Scott | Manager

UK Government Investments

1 Victoria Street, London, SW1H 0ET

T: **GRO** M: **GRO**

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Follow on 

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**From:** Patrick Bourke **GRO**  
**Sent:** 03 September 2020 11:26  
**To:** Scott, Joshua - UKGI **GRO**; Brooks-White (Jobshare) **GRO**

**Cc:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate) [REDACTED]  
Melanie Corfield <[REDACTED]>  
**Subject:** RE: POL's HSS

Ok, thanks. My colleague Mel, copied, has kindly agreed to pull something very brief together for you.

Patrick

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**From:** Scott, Joshua - UKGI [REDACTED]  
**Sent:** 03 September 2020 10:55  
**To:** Patrick Bourke [REDACTED] Brooks-White (Jobshare) [REDACTED]  
**Cc:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate) [REDACTED]  
**Subject:** RE: POL's HSS

Hi all,

I've not seen anything other than the OPQ in the Lords on Monday – the question is asking about progress in setting up the review into POL.

Our lines on the HSS are not too extensive. For example, they currently note that it was a key commitment from the settlement, has an independent panel for assessments and mostly direct enquiries on the detail to POL.

Now that the official application window has closed it would be useful to update these.

Next steps, timings and what we are comfortable in saying at present with regard to how claims are processed/assessed would be useful (on this last bit I do note that one of the grounds for the JR application covers this and HSF are bottoming out how best to respond).

I suspect we won't know a final figure for some time as POL work through assessing the claims however the total number of claims I believe have gradually been reported. We could say the HSS' independent panel are assessing over 2000 claims but I would not want to speculate on what the final figure would be (which will be coming to BEIS for approval anyway).

Cheers,

Josh


Joshua Scott | Manager

UK Government Investments

1 Victoria Street, London, SW1H 0ET

T: [REDACTED] M: [REDACTED]

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Follow on 

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**From:** Patrick Bourke [REDACTED]  
**Sent:** 03 September 2020 10:39  
**To:** Brooks-White (Jobshare) [REDACTED]  
**Cc:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate) [REDACTED]  
Scott, Joshua - UKGI [REDACTED]  
**Subject:** RE: POL's HSS

Beth

We don't have standard lines on the stocks.



Josh – have you had something on this at all ?

P

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**From:** Brooks-White (Jobshare) [GRO]  
**Sent:** 03 September 2020 09:58  
**To:** Patrick Bourke [GRO]  
**Cc:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate) [GRO]  
Scott, Joshua - UKGI [GRO]  
**Subject:** RE: POL's HSS

**OFFICIAL-SENSITIVE: COMMERCIAL**

Apologies! Historical Shortfall scheme

Beth

Beth White and Eleanor Brooks

Beth: [GRO]

Eleanor: [GRO]

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**From:** Patrick Bourke [GRO]  
**Sent:** 03 September 2020 09:55  
**To:** Brooks-White (Jobshare) [GRO]  
**Cc:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate) [GRO]  
Scott, Joshua - UKGI [GRO]  
**Subject:** RE: POL's HSS

Hi Beth

On which subject ? GLO ?

P

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**From:** Brooks-White (Jobshare) [GRO]  
**Sent:** 03 September 2020 09:34  
**To:** Patrick Bourke [GRO]  
**Cc:** Sunmonu A.F, Wendy (Professional Business Services, Retail & Post Directorate) [GRO]  
Scott, Joshua - UKGI [GRO]  
**Subject:** POL's HSS

**OFFICIAL-SENSITIVE: COMMERCIAL**

Hi Patrick

Thank you for the lines you sent through the other day on the Banking Framework, these are useful. Do you have any standard lines e.g. final figures, what's the next steps, how/when will claims be processed and payouts likely to begin. We have an Oral PQ in the Lords on Monday, so it would be good to have these asap to put into the briefing in case it comes up in the supplementaries.

Josh – if you already have these, please do shout!

Thanks  
Beth



Department for  
Business, Energy  
& Industrial Strategy

Eleanor Brooks and Beth White  
Deputy Director (Jobshare), Post Office Policy and Sectors Briefing Hub

Eleanor: **GRO**

Beth: **GRO**

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Working pattern: Eleanor: Monday-Wednesday; Beth: Wednesday-Friday

PA: **GRO**

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