

Message

From: Jessica Barker [/O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JESSICA BARKE2F1246A4-76F4-4975-AFF3-89E387E01434D2E]
Sent: 21/05/2014 08:57:29
To: Belinda Crowe [/O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Belinda Crowe79b93f11-569f-4526-a078-f5b4958a8917220]; Angela Van-Den-Bogerd [/O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Angela.Van den boge1c5fcfe7-2672-42d9-b324-4ea8d2814853]; Rodric Williams [/O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Rodric Williamse9c114f4-b03f-4595-b082-ce89be5c79d47b]; 'Parsons, Andrew' [GRO]
[GRO]
CC: Chris Aujard [/O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Christopher Aa0452485-80b7-40d2-ade7-6f6feae19cc3f88]; David Oliver1 [/O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=David Oliver17716bf08-0c00-4beb-82cc-31f0ff71becf395]
Subject: FW: M022
Attachments: draft WG minute 20052014 (3).docx

Dear all

Before our meeting at 11:00 to review M127, I am sending for your reference:

- The initial response to M022, which Chris sent to Second Sight on 09 May (below)
- The draft minutes from yesterday's Working Group (attached)

Many thanks and best wishes

Jess

From: Amanda A Brown **On Behalf Of** Chris Aujard
Sent: 09 May 2014 15:23
To: Ian Henderson; [rjw@](#) [GRO]
Subject: M022

Dear Ron and Ian,

Initial Complaint Review and Mediation Scheme ("the Scheme")
M022

Thank you for circulating the revised draft of your report on case M022. As you will recall we agreed at the last Working Group meeting that all members of the Working Group would have 24 hours to reflect on matters of style and presentation (rather than substance). This we have done and our comments, which we hope you will find helpful, are set out below.

By way of background it might be helpful for you to understand the way we have approached this exercise. In the main, this was by reference to your terms of reference which were to provide an expert analysis of any points in dispute between Post Office and each Subpostmaster and, where possible, to provide a logically reasoned and evidenced opinion on those points. The aim of your work was to narrow and inform the grounds of disagreement so that the parties may constructively discuss their differences in front of a mediator at a mediation session, with a view to reaching settlement. In addition we have had regard to the directions given to us by the Chair of the Working Group.

Our high level comments are as follows:

- We do not feel that the conclusions reached in your revised draft report logically flow from the analysis as set out in the text of the report. This is important because, unless the logical reasoning is set out in full, it will be more difficult for the mediator to support the parties in their efforts to reach an agreed outcome. It also appears that in a number of cases that you have

made reference to facts beyond those which were disclosed in the Post Office investigative report and it is unclear whether these are facts which you have assumed on balance to be true or whether they are ones backed up by evidence.

- It would have been useful, somewhere in the report, to set out, and assess, both parties' views, so that each party could understand the other's position better and so that the mediator could consider Second Sight's findings in that full context. The absence of this text makes the job of the mediator more difficult as they will have to cover this ground in the mediation meeting itself.
- As a related point we had understood that you would set out more clearly and separately the points of common ground, points of dispute and Second Sight's conclusions. However, it seems to us, that in places these three sections have become muddled and, on balance, we believe this may cause confusion for the reader (and potentially the mediator).

As an overarching comment I should add that our expectation was, and remains, that Second Sight's reports would in look and feel be more akin to the "dispassionate" reports produced by expert witnesses in a Court proceeding, where the expert's primary role is to assist the Court in its understanding of a disputed issue of fact. Viewed through this lens a number of conclusions as they are set out in the report seem to us to give the appearance of not being fully supported. That said we are very supportive of this case going through to mediation and fully appreciate that your full work load means that it may not be possible to refine this report any further. However for future reports we would like to see your reports presented with a sharper analytical focus, on (as the Chair has previously mentioned) whether Post Office was responsible or not in any way for the SPMRs "loss".

As agreed at the Working Group, we will, as requested be preparing a response to M022 dealing with points of substance rather than style.

Please do feel free to phone if any of these points are unclear.

Yours sincerely

Chris

Chris Aujard | General Counsel

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