
From: Ben Foat [GRO]
Sent: Fri 10/01/2020 4:34:43 PM (UTC)
To: Mark Underwood [GRO]; Rodric Williams [GRO]
Subject: RE: GLO Post Settlement GE Paper (RW 06.01.20)

Good challenge – change to “to be discussed”



Ben Foat

Group General Counsel
Ground Floor
20 Finsbury Street
LONDON
EC2Y 9AQ

Mobile : [GRO]

From: Mark Underwood [GRO]
Sent: 10 January 2020 16:34
To: Rodric Williams [GRO]; Ben Foat [GRO]
Subject: RE: GLO Post Settlement GE Paper (RW 06.01.20)

Hi Rod and Ben,

Further to the below and purposely just to you – I am not sure the workstream leads set out in Appendix 1 are set in stone yet. For example, I am not sure Nick wants me to lead the Historical Claims workstream owing to my prior involvement in the Complaint & mediation Scheme, Chairman’s Inquiry and the GLO.

It is probably waiting for absolute clarity before naming names in the Appendix.

Mark



Mark Underwood

Portfolio Director

Ground Floor
20 Finsbury Street
London EC2Y 9AQ

Mobile number: [GRO]

From: Mark Underwood [GRO]
Sent: 10 January 2020 16:31
To: Rodric Williams [GRO]; Ben Foat [GRO]; Emanuel, Catherine [GRO]; Ainslie Cranwell [GRO] andrew.parsons [GRO]
[GRO]

Cc: Watts, Alan [GRO]; Zoe Brauer [GRO]; Kenneth Garvey [GRO]; Julie Thomas [GRO]; Tim Perkins [GRO]; Angela Van-Den-Bogerd [GRO]; Chapman, Nick [GRO]; Heitlinger, Sam [GRO]; Katie Simmonds [GRO]

Subject: RE: GLO Post Settlement GE Paper (RW 06.01.20)

Hi Rod,

Some comments for your consideration:

Wider Impact

- In addition to setting out the lack of impact the Judgments have had from an operational / branch conformance perspective (ie appendices 7), would it be helpful to remind readers that although this is extremely uncomfortable and will be challenging for some time – it does not, as far as I am aware, appear to have affected our trading performance with a strong performance over Christmas?

Historic Claims

- I may have misread the recommendation and associated footnote in the second paragraph of this section but I am not sure we can wait until we have received every claim before determining what the assessment criteria will be. Would this not subsequently prevent us from being able to conclude / resolve any cases before the 3 month period set out in the settlement agreement (or whatever period of time the business deems appropriate over and above this) expires.
- Recognising further detail is provided in Appendix 5 - determining and agreeing 'eligibility criteria' with the GE and Board needs to be done asap and if at all possible I think we should be setting out our recommendations in this paper, rather than setting out the considerations.
- Questions which I do not think are covered in the body of the report or Appendix 5 include:
 - Is the Scheme open to convicted claimants and or those subject to a prior court ruling? The Complaint Review & Mediation Scheme did accept such applications which meant it was impossible to resolve these complaints.
 - Is the Scheme open to those who were claimants in the GLO?
 - Is the Scheme open to employees of our commercial partners (McColls etc)

I know the answers to the above and those identified in Appendix 5 seem obvious, but we should learn from Complaint Review & Mediation Scheme and obtain decisions against each, which the eligibility criteria being crystal clear and communicated as part of the Scheme's announcement.

Fees

- My strong view is that you cannot seek payment from applicants – however small and regardless of the rationale behind it. Optically this would be extremely challenging and would be a position that I believe the business would struggle to maintain under political and media pressure. I think you can achieve the same desired outcome though having a very tight and clearly communicated set of eligibility criteria and requirements in terms of the documentation applicants have to provide in order to be accepted into the Scheme.

Mediation Provider

- it may be helpful for Wandsworth to speak to CEDR (who were the mediators in the Complaint Review & Mediation Scheme) or be sighted on the reports they produced in order to understand and plan for some of the issues CEDR encountered.

Budget

- I think the wording used in the previous version of the paper is still fit for purpose as no decisions regarding budget have / can yet been made

I hope the above is helpful

Mark



Mark Underwood

Portfolio Director

Ground Floor
20 Finsbury Street
London EC2Y 9AQ

Mobile number: GRO

From: Rodric Williams

Sent: 10 January 2020 11:14

To: Ben Foat GRO; Emanuel, Catherine GRO; Mark Underwood GRO
GRO; Ainslie Cranwell GRO; andrew.parsons GRO

Cc: Watts, Alan GRO; Zoe Brauer GRO; Kenneth Garvey GRO
GRO; Julie Thomas GRO; Tim Perkins GRO
GRO; Angela Van-Den-Bogerd GRO; Chapman, Nick GRO; Heitlinger, Sam GRO; Katie Simmonds GRO

Subject: RE: GLO Post Settlement GE Paper (RW 06.01.20)

Ben,

I have revisited the draft report as per your email below. I now attach a fresh link to the revised version for review, which also seeks to incorporate our workshop discussions at HSF yesterday:

https://poluk.sharepoint.com/:w:/s/POA001/legal/EVg6izdevZFLv-j0-R1G7VEBmNyeubxp3B_3SWH32OKGmw

I also attach this in Word for those outside Post Office. Although it is long, I have kept the front end to 7 pages and put much of the build out detail into the appendices.

Julie – I have incorporated your Operations Implementation Update under the “Common Issues / Ops Modernisation” heading on p.6 and Appendix 7. My apologies if I have in any way corrupted your work in doing so.

Mark – there are a couple of placeholders in the report for budget discussion.

Zoe – please see the “Common Issues / Ops Modernisation” discussion on p.6 to make sure it reflects your understanding of the position.

Ken – please see the “Fujitsu Potential Claim” discussion on p.7 which sets out a way forward with Fujitsu following the Horizon Issues judgment.

All – please let me know if you have any comments.

Thanks, Rod

From: Ben Foat

Sent: 08 January 2020 12:11

To: Emanuel, Catherine [GRO]; Rodric Williams [GRO]; Mark Underwood [GRO]; Ainslie Cranwell [GRO]; Zoe Brauer [GRO]

Cc: Watts, Alan [GRO]

Subject: RE: GLO Post Settlement GE Paper (RW 06.01.20)

Both

Can you please re-look at the proposed board paper. Its very light on any operating plan or timetable. I would have thought that we have one board paper on the GLO rather than Julie's paper being separate.

I have provided the strawman pre Christmas which is basically replicated at a high level in this paper but the team needs to have built this out over the last 3 weeks. I would have thought you have at least as an appendix:

1. workstream actions plan (with key milestones/ update), what is the proposed resource structure, and a TBC comment on budget
2. governance structure chart for the programme,
3. an appendix on the agent contract options (ie what are the options – rewrite 8000 agent contracts? Unilaterally vary? Just on CIJ compliance or further optimal etc,),
4. appendix setting out process for historic claims together with the resource and artefacts

Can this urgently be completed today and finalised tomorrow. I will need to then review it on Friday and it must go to GE on Friday for our meeting next week.

Kind regards
Ben



Ben Foat

Group General Counsel
Ground Floor
20 Finsbury Street
LONDON
EC2Y 9AQ

Mobile : [GRO]

contact the sender by reply email and then delete this email from your system. Any views or opinions expressed within this email are solely those of the sender, unless otherwise specifically stated.

POST OFFICE LIMITED is registered in England and Wales no 2154540. Registered Office: Finsbury Dials, 20 Finsbury Street, London, EC2Y 9AQ.

From: Emanuel, Catherine [GRO]
Sent: 07 January 2020 09:39
To: Rodric Williams [GRO]
Cc: Ben Foat [GRO]; Watts, Alan [GRO]
Subject: GLO Post Settlement GE Paper (RW 06.01.20)

Morning Rod.

A few comments tracked in the attached. Before commenting on the FJ section, it would be good to see the NR advice.

Kind regards
Kate

Herbert Smith Freehills LLP and its subsidiaries and Herbert Smith Freehills, an Australian Partnership, are separate member firms of the international legal practice known as Herbert Smith Freehills.

This message is confidential and may be covered by legal professional privilege. If you are not the intended recipient you must not disclose or use the information contained in it. If you have received this email in error please notify us immediately by return email or by calling our main switchboard on [GRO] and delete the email.

Further information is available from www.herbertsmithfreehills.com, including our Privacy Policy which describes how we handle personal information.

Herbert Smith Freehills LLP is a Limited Liability Partnership registered in England and Wales with registered number OC310989. It is authorised and regulated by the Solicitors Regulation Authority of England and Wales (<https://www.sra.org.uk>), authorisation number 419682. A list of the members and their professional qualifications is open to inspection at the registered office, Exchange House, Primrose Street, London EC2A 2EG. We use the word partner of Herbert Smith Freehills LLP to refer to a member of Herbert Smith Freehills LLP, or an employee or consultant with equivalent standing and qualifications. Herbert Smith Freehills LLP's registration number for Value Added Tax in the United Kingdom is GB 927 1996 83.