

Message

From: Rodric Williams [rodric.williams@GRO]
Sent: 06/06/2014 15:18:33
To: Hocking, Stephen (sjhocking@GRO); [sjhocking@GRO]
CC: Chris Aujard [christopher.aujard@GRO]; Belinda Crowe [belinda.crowe@GRO]
Subject: Strictly Private & Confidential - Subject to Legal Privilege
Attachments: Ministerial Commitments & Working Group ToR etc.; 2014.06.06 sparrow subcommittee pack.pdf; 20130725 board update on Horizon process.pdf; POL Interim Report Signed.pdf; CaseReviewMediationPack.pdf

Stephen,

Post Office Limited is currently considering options for taking forward the "Initial Complaint Review and Mediation Scheme" (the "Scheme"). As we have discussed, in order to assist the Board make a decision on these options, can you please advise on the potential public law implications of pursuing these options, including in particular the risk that judicial review applications could be made against Post Office arising from any changes to the Scheme's current operation.

By way of background, the Scheme was established in August 2013 following the publication on 8 July 2013 of a report by Second Sight Support Services Limited into alleged problems with Post Office's "Horizon" system. "Horizon" is the point of sale IT system used to record transactions in Post Office branches, and the Scheme was set up to seek to resolve individual complaints that Horizon is defective and/or that the processes associated with it are inadequate.

To assist you, I attach the following:

1. Second Sight's 8 July 2013 Report.
2. An email with attachments dealing with the ministerial statements made about the Scheme and the "Working Group" which oversees the progress of individual cases through the Scheme.
3. A link to a Daily Telegraph article which gives a flavour how Scheme applicants' experiences with the Post Office have been portrayed in the media.
4. The 26 July 2013 Update to the Board setting out the rationale for the Scheme.
5. A link to POL's announcement of the Scheme made on 27 August 2013.
6. The Information Pack sent to potential applicants to the Scheme.
7. The paper presented on 06 June 2014 to the Board subcommittee overseeing POL's engagement in the Scheme, which sets out in section 3 the options under consideration.

In providing your advice, please assume that any JR application would be properly articulated with the assistance of specialist counsel (e.g. accessed through the Bar Pro Bono unit) and:

- identify for us any steps which we could take to minimise the risk of a JR application, and/or increase our ability to successfully defend such an application;
- outline the implications of a JR application with respect to our ongoing consideration of the complaints made to the Scheme;
- indicate the potential timescales and legal costs associated with defending a JR application; and
- assess (so far as you are able) the likely strength of a JR application, and whether it may present a case we would want to defend for precedent value (including on the general point of whether Post Office actions are amenable to judicial review).

Our General Counsel Chris Aujard would like to inform the Board of the status of your advice when it meets on the evening of Tuesday 10 July 2014. As we have discussed, you and I will speak on Monday afternoon to assess how far you have been able to take matters, and what you could deliver to Chris to use at the meeting.

Please let me know if you need anything further.

Kind regards, Rodric

<http://media.postoffice.co.uk/News-Releases/Post-Office-announces-independent-mediation-scheme-for-subpostmasters-8d.aspx>

<http://www.telegraph.co.uk/news/uknews/royal-mail/10179024/Labelled-as-criminals.html#source=refresh>

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