Message

From: Belinda Crowe [IMCEAEX-_O=MMS_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29_CN=RECIPIENTS_CN=BELINDA+20CROV
569F-4526-A078-F5B4958A8917220@C72A47.ingest.local]
on behalf of Belinda Crowe <IMCEAEX-_O=MMS_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29_CN=RECIPIENTS_CN=BELINDA+20CROV
569F-4526-A078-F5B4958A8917220@C72A47.ingest.local> [IMCEAEX-_O=MMS_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29_CN=RECIPIENTS_CN=BELINDA+20CROV
569F-4526-A078-F5B4958A8917220@C72A47.ingest.local]
Sent: 20/03/2014 08:31:01
To: Rodric Williams GRO
CC: Belinda Crowe GRO; David Oliver GRO; Chris Aujard GRO
Subject: FW: Draft report
Attachments: Post Office Limited_Report_Legal AnalysisCCA commnets.docx

Sorry Rod, I should have sent the report with Chris' comments.

Could we grab a word when you come in please – as well as answering the questions it would be good if you could have a scan to see if there are any howling errors of fact.

Could you also look at what they have said in 4.13 and 5.47 about the fact that PO may make discretionary decisions not to recover where it becomes known that there may be problem (e.g. a scam) until it has been investigated and, where appropriate revised guidance has been issued. This was the point we discussed a couple of days ago and I suggested LL discussed with you. I just want to check whether this accords with what you discussed with them.

A perhaps minor, but nevertheless important point I plan to raise with Christa is the comment in 5.33 about the working relationship with JFSA and Post Office. I do not think it is that SS have a good working relationship with JFSA and not the Post office, I think it is more the slant of their report in terms of acknowledging the input from JFSA rather than Post Office and the paragraph cited, as written suggests that their work was aimed at addressing issued raised through JFSA rather than the fundamental question about Horizon. Or put another way, JFSA fed in accusations and concerns about which SS then challenged Post Office.

Best wishes
Belinda

Belinda Crowe

148 Old Street, LONDON, EC1V 9HQ
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GRO

From: Chris Aujard
Sent: 20 March 2014 00:19
To: Swil, Jonathan
Cc: Band, Christa; David Oliver GRO Belinda Crowe
Subject: RE: Draft report

Hi Jonathan – my detailed comments are set out in the attached. Two big points, though:

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1) The intro section needs to be re-worked a bit to make it clear that this report focuses mainly on the legal liability point, and that you will be working with us in relation to alternative structures (and may be not even producing a report). The reason for this is that some board members think that the task of coming up with alternatives to the scheme should be an internally driven bit of work, not something that is outsourced to a law firm.
2) The executive summary is still pretty long, and doesn't hit the reader between the eyes with what I understand to be your main conclusion – namely: Unless there is something wrong with the system, we are entitled to rely on the accounts produced by Horizon as the basis of claiming sums of money from SPMRs. Further that there can be no question of a claim for consequential losses based simply on the recovery by the Post Office of losses if the losses were properly payable and the Post Office was entitled to the money.

   These 2 statements together are quite powerful, and need to be brought our clearly, and it also needs to be said that in consequence the amounts that could be successfully claimed in court are a fraction of the aggregate amounts (c£100m) that has been claimed under the scheme.

   I would be most grateful if you could turn this round asap in the morning.

   Cheers

   Chirs

From: Swil, Jonathan [mailto: GRO
Sent: 19 March 2014 21:58
To: Chris Aujard
Cc: Band, Christa; David Oliver GRO Belinda Crowe
Subject: Draft report
Importance: High

Chris

As discussed, I attach our draft report on the legal issues.

There is a factual question that we would like you to confirm in paragraph 5.22 (and a related question in 5.37), but otherwise please provide any comments you may have in the time available and we will send through a finalised version as soon as possible in the morning.

In the interests of time, I have left in the outline of "Part B" of the report in this document so that, as requested, you can see where that part is headed. I will remove it (i.e. everything from section 6 onwards) in the final version for the Board we send through tomorrow.

Kind regards

Jonathan Swil
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