POL00103420

Message

From: Thomas Cooper
on behalf of Thomas Cooper GRO
Sent: 13/03/2019 22:51:29
To: Jane MacLeod GRO ; Tim Parker GRO ; Ken McCall GRO ; GRO ; Carla Stent GRO ; Shirine Khoury-Haq GRO ; GRO ; Tim.Franklin GRO
CC: Alisdair Cameron GRO ; Paula Vennells GRO ; Veronica Branton GRO
Subject: Re: GLO Board Call at 10.30 am Tuesday 12 March CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE. DO NOT FORWARD

Jane

I wanted to follow up with some questions after yesterday's call hopefully for discussion once the team are ready. These are the immediate reactions to the judgement and the call yesterday so I'd welcome comments. I know you and the rest of the team are already working on many of these as flagged up in the Board note prepared for yesterday's call:

Judgement

Hearing the new QC's perspectives on:

- understanding the judgement, its legal basis and why it is so far away from expectations
- the legal implications of the positive comments from the judge of the Claimants statements about the facts and witnesses and his criticism of Horizon, its associated processes and Post Office witnesses
- what the judgement suggests about the potential cost of the claim
- what options exist to challenge the judgement and what the realistic outcomes might be

Subject to the views of others, I'd suggest it would be appropriate to have a separate session to discuss these questions as a Board with the new QC without the existing legal advisers present.

Contract

- how do the liability and termination provisions in the Post Office contracts for sub postmasters compare to those for multiples?
- are there provisions in similar sectors (eg franchising and retail) that provide comfort that the Post Office contract terms are not out of line with the rest of the business world?
- you've mentioned that some contract changes are now required eg because some clauses (such as the liability clause in the NTC contract) have been struck out in the ruling:
  - what are the risks that such changes face further legal and reputational challenge?
  - how would the contract changes you identify play into a longer term business model options (and associated contracts) for Post Office which presumably might involve some fundamental changes to the current contract? (This is a big question and I don't think it's possible to answer in any detail at this stage but it would at least help to understand potential directions of travel.)

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Operations

- what are the current processes for notifying, recording and resolving discrepancies and disputed items between postmasters and Post Office (to the extent it's different from that described by the judge)? It would be helpful to see an example Branch Trading Statement and how discrepancies are currently recorded and communicated between Post Office and postmasters
- what changes to procedures are proposed following the judgement and what additional resources are needed?

Communications

- Mark has already shared a draft release this evening. Patrick and I are in touch about a written briefing to share with BEIS when public. We are close to final on preparing for an urgent question in Parliament - we're aiming to align messages as far as we can in the context of the litigation being an operational matter for the Post office
- We're seeking time in diaries for a verbal briefing for Ministers and the Permanent Secretary if required (this was already in train last week). I'll update you tomorrow. I'm happy to brief other members of the Board as well of course

Tom

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From: Jane MacLeod GRO

Sent: Monday, March 11, 2019 7:56 pm

To: Tim Parker; Ken McCall GRO arla Stent GRO Thomas Cooper; Shirine Khoury-Haq; Tim.Franklin GRO

Cc: Alisdair Cameron; Paula Vennells; Veronica Branton

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All

Please find attached a paper summarising the current position. On the call tomorrow we will address the following, as well as providing opportunity for questions:

:

- View of the judgement and thoughts on appeal – David Cavender QC
- Operational impact and contingency planning – Alisdair Cameron/Jane MacLeod
- Next steps

You should have received a meeting invitation containing the dial in details, however these are also set out in the attached paper.

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Kind regards,

Jane

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