

Message

From: Rodric Williams; [GRO]
on behalf of Rodric Williams; [GRO]
Sent: 01/02/2015 17:27:58
To: Mark R Davies; [GRO]; Melanie Corfield; [GRO]; Jane Hill
 [GRO]; Mike Granville; [GRO]; Chris Aujard
 [GRO]; Tom Wechsler; [GRO]; Patrick Bourke
 [GRO]; Mark Underwood; [GRO]; Belinda Crowe
Subject: Narrative Boxes - RW comments on the "Difficult Questions (Boxes)" document - SUBJECT TO LEGAL PRIVILEGE

All – here are my comments on the "Difficult Questions (Boxes)" document.
 Happy to discuss as necessary, Rod

1. COMPENSATION

- We set up the scheme to find out the substance of the complaints – suggesting compensation before knowing that (and specifically whether we had done anything wrong) is illogical.
- Settlements will be reasonable and proportionate to the branch losses in issue.
- *"But the amount which will go on financial settlements is in the thousands, not the millions".* We've settled for more than thousands (i.e. a 4-figure number), especially if you factor in write offs. Can we pitch it as a best estimate, e.g. *"But on what we've seen so far, we don't believe the amount which will go on financial settlements is in the millions"* – this may also help avoid a follow up question of "how many thousands?", or suggesting that we've put a cap on cases before they have all been through the full process?
- We haven't refused to mediate any case solely because of the level of compensation being claimed.
- *"If an Applicant has very high expectation of large financial pay out when there is no evidence of any fault on PO's part, mediation is unlikely to offer resolution".* Can we change this to *"If an Applicant has very high expectation of large financial pay out which far exceed anything PO may be responsible for, mediation is unlikely to offer resolution"* – the question of fault is something that could be mediated.

2. CRIMINAL CASES

- Only a court can overturn a conviction:
 - o neither Post Office or mediation can usurp the role of the courts;
 - o it's reasonable to refuse mediation when a court order is needed to achieve resolution; and
 - o only the applicant can appeal - PO can't do this for them.

3. CULPABILITY

No comment.

4. REMOTE TAMPERING

- What the branch recorded (the "transaction data") cannot be manipulated. It can be supplemented by new, identifiable entries, e.g. if needed to balance the branch's account.
- "Tampering" suggests something underhand. There is no evidence of this.

5. COST

No comment.

6. PERSONAL/APOLOGY

No comment.

7. TREATMENT OF MPS

- Change “*The Scheme is working as agreed with MPs*” to “*The Scheme is has been working as agreed with MPs for the past year and a half*”?
- “*PO has now completed investigation of all cases in the Scheme and no fault identified with Horizon. Progress of PO’s investigations and their findings was fully transparent to the WG.*”

8. SECOND SIGHT

- “*What we can’t do is continually be asked to prove a negative....*” [We have been doing quite a good job of proving the negative thus far...]
- “*Second Sight say that you have changed their terms of engagement to narrow the scope of their investigations – is this true? No. Second Sight has agreed the scope of their engagement.*”
- Re: “fettering” SS independence/“challenging” SS’s findings – this demonstrates their independence. SS make findings and recommendations, NOT decisions. PO has always retained that power.
- Re: safeguards that SS are seeing everything, “*Investigation process was agreed with JFSA and SS as part of the Scheme. PO’s investigations have been fully transparent to SS and the WG throughout the Scheme.*”

9. HORIZON

No comment.

10. SCHEME

- “*But the Scheme is satisfying no-one?*”:
 - o Add a bullet: “Complaints are being raised now, after Scheme has been running for past 18 months”?
 - o “*We agreed with SS, JFSA and MPs exactly what we would do and that is what we are doing, as has been visible to the WG throughout*”
- Re: “secretive”:
 - o confidentiality is offset by Scheme being overseen by the WG and its Independent Chair, and PO’s actions being fully transparent to the WG and the individual applicants.
- “*How does mediation work?*”:
 - o should this be “*How does the Scheme work?*”?
 - o If not, then first bullet should read: “*The Scheme ~~Mediation~~ is a two stage process*” (the numbered points that follow relate to the Scheme, not mediation per se).
 - o “51 cases” needs to be amended to “41”.
- Re: “legalistic approach”:
 - o we consider all factors, including SS recommendations, but PO retains decision making power.
 - o Only declined 5 out of 41 cases recommended
- Re: refusing to mediate:
 - o “*Where there is no evidence that Post Office is responsible for allegations in a complaint – or where neither Post Office nor mediation can provide what an applicant wants - there is no reasonable prospect of resolution*”

11. TRAINING AND SUPPORT

No comment.

12. CRIMINAL INVESTIGATIONS AND PROSECUTIONS

Re: *"should not every single criminal case be allowed an appeal?"*:

- Only the convicted person can appeal - PO can't do this for them;
- They have to do this through the court process – only the court can overturn a conviction.

13. CONTRACTS

No comment.



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