

3 September 2012

Mr Alan Bates



Thank you for your email to Janet Walker of 31 August 2012, bringing me up to date with your concerns about this matter. Please be assured that I am well aware of the difficulty individual SubPostmasters and mistresses have had, and continue to have, with regard to this entire matter. Do not underestimate my determination to see that they are dealt with fairly.

I am slightly at a loss as to your message, however, as I did not think that you believed investigations ought not to proceed until we had your agreement. Investigations are indeed already underway. 2nd Sight have a number of these that have been passed from individuals to their MPs, and thence to my office. In every case, my office has ensured that the individual concerned, as well as his or her MP, is fully aware that his or her details will be passed to the Post Office, who require this detail in order to pass on relevant data to 2nd Sight in order for them to conduct their investigation. We will continue to proceed along these lines with any individual SubPostmaster or mistress that approaches us via their MP.

I understand that you have been sent a copy of the letter the Post Office sent to me, confirming that they have set aside £5000 for the review of 2nd Sight's initial investigations, which we discussed at our last meeting. Do you agree that this should be done by Miss Kay Linnell.

The Post Office has, in addition, drafted a form of words which I understand you have also seen, but not commented on, as follows, and I draw your attention in particular to paragraphs 2 and 3, and ask that you might let me have your thoughts on their points. They seem to me to be reasonable:

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Post Office Limited ("POL") has agreed that the Office of the Rt Hon James Arbuthnot should contact Alan Bates and the Justice for Sub Postmasters Alliance ("JFSA") and request that the JFSA submit approximately 5 of their best cases for independent review by Second Sight Support Services Ltd ("2nd Sight"). Ideally, cases for review should be less than 5 years old, but it may be possible to accept older cases in certain circumstances. 2nd Sight is the body appointed by POL to conduct an independent review of a number of cases that have previously been subject to formal investigation by POL.

POL recognises that the JFSA may have concerns about submitting detailed information about possible cases to POL and agrees that the JFSA may submit this information directly to 2nd Sight, via the Office of the Rt Hon James Arbuthnot. JFSA must recognise that minimum basic information about each case such as branch details, identity of the sub-postmaster and relevant dates must be notified to POL by 2nd Sight in order that the appropriate records and correspondence may be provided to 2nd Sight.

POL also recognises that some members of JFSA may have concerns about submitting cases for independent review by 2nd Sight where even basic case information is communicated to POL. Whilst POL cannot provide any form of immunity from prosecution in respect of information held by POL, in recognition of the concerns expressed by the JSFA, POL agrees not to take any prosecution action relating to information provided by JFSA without the agreement of the Executive Committee of POL and to deal with each case submitted in a sensitive manner. The Executive Committee of POL comprises 9 senior members of staff including the POL Chief Executive and the POL Lead Counsel.

Finally, I do not think it is wise or indeed feasible to dictate to 2nd Sight how their conduct their investigations. Neither you nor I are experts in this field. They are, and Miss Linnell is being offered the opportunity to bring her expertise to bear in her review. I do not think we can do more than this and would suggest we left those with the requisite skills to do their job independently. They outlined how they would conduct their investigation when we met, and Miss Linnell was content, as was I, and as I thought were you. I had no expectation that anyone anticipated signing an agreement to this effect.

I think you and I, and the Post Office as well, want the right result from this undertaking – a fair and independent examination of a number of cases, from which results can be extrapolated to see what next steps may be required. It would be a shame if you felt unable to lend this your support, as I believe it is the best chance the Alliance is going to be offered to help your membership get the justice they seek. I hope you might give this some thought.