

**From:** Belinda Crowe[IMCEAEX-  
\_O=MMS\_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29  
\_CN=RECIPIENTS\_CN=BELINDA+20CROWE79B93F11-569F-4526-A078-  
F5B4958A8917220[GRO]  
**Sent:** Mon 09/03/2015 8:57:13 AM (UTC)  
**To:** Jane MacLeod[GRO]; Mark R Davies[GRO]  
**Cc:** Belinda Crowe[GRO]; Patrick Bourke[GRO]; Tom Wechsler[GRO];  
Melanie Corfield[GRO]  
**Subject:** RE: Fwd: JS letter  
**Attachment:** JSletttr-1.docx

Both

I know Jane is looking at this and do not want to encourage a protracted email debate but on the non-legal points I think that:

- a) It would be difficult to rely on 'CEDR advice' in this way:
  - i. Tony has said in a decision which has gone to an applicant that he thinks we can mediate criminal cases (albeit on narrow grounds) and that is known by JFSA and others involved in the Scheme
  - ii. If someone asks CEDR they may not be as unequivocal as this suggests
  - iii. We will be mediating cases where we think there is no reasonable prospect of success as that is likely to be the case with a number of non-criminal cases (and it is those cases which formed the basis for CEDR's comments in their report)
- b) We cannot say that independent forensic accountants have ratified anything in relation to disclosure:
  - i. They do not have the necessary expertise to make this judgement, a point we keep making, so we cannot on the one hand say that they have confirmed something in relation to criminal law and procedure and on the other pray them in aid on the subject (I realise that is not quite what we are doing here but close enough to be problematic)
  - ii. They have publically accused us of withholding information generally therefore I would not

Overall my view is that the more we play in others the more they are likely to be brought into the debate and our position likely to unravel or be undermined publicly.

Suggested draft attached.

Best wishes

Belinda

**Belinda Crowe**

148 Old Street, LONDON, EC1V 9HQ

**GRO**

**GRO**

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**From:** Patrick Bourke  
**Sent:** 09 March 2015 08:18  
**To:** Mark R Davies; Belinda Crowe; Melanie Corfield; Tom Wechsler  
**Cc:** Jane MacLeod  
**Subject:** Re: Fwd: JS letter

Morning Mark

The degree of legal risk is a matter for legal colleagues but, for what it is worth, my own view is that there is a risk of our reasonably robust and workable stance on criminal cases beginning to fray at the edges in an undesirable way.

I must caveat this since I am unsighted as to what, if any, additional work has been done to quantify the risk of collective action against POL which is making it prey on Paula's mind in the way it clearly is. Do we have a view on the basis for any action of this nature, in particular in criminal cases ?

In terms of specifics, at paragraph 6, the second sentence is incomplete. More generally, I am a bit uncomfortable on seeking to rely too much on CEDR guidance to justify our stance. I personally think there are perfectly good reasons not to mediate these cases (and that has been the advice of our external criminal lawyers) and I wouldn't want to be accused of hiding behind CEDR advice: we should decide for ourselves what is the right approach and pursue it.

At paragraph 7, introducing the notion that some cases may (in POL's view) present an opportunity for resolution through mediation could open things up in an unhelpful way - what would the criteria for that assessment be; could someone challenge it etc.

Patrick

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**From:** Mark R Davies  
**Sent:** Monday, March 09, 2015 07:32 AM  
**To:** Belinda Crowe; Melanie Corfield; Tom Wechsler; Patrick Bourke  
**Cc:** Jane MacLeod  
**Subject:** Fwd: JS letter

All  
To see.  
Please can I views on this pre 0930?  
M

Mark Davies  
Communications and Corporate Affairs Director  
Mobile GRO

Sent from my iPhone  
Begin forwarded message:

**From:** Paula Vennells GRO  
**Date:** 8 March 2015 22:53:23 GMT  
**To:** Mark R Davies GRO, Jane MacLeod  
GRO  
**Subject:** JS letter

Hi both.  
I have amended slightly to buy us some more space. If we could buy even more and avoid a class action I would do so. I do not want to do anything that aggravates or accelerates that possibility if we can help it. Therefore, anything that continues to respond flexibly on individual issues the better.  
Let's discuss in the morning.  
Thanks,  
Paula

Paula Vennells  
Chief Executive  
Post Office Ltd

GRO

GRO

Sent from my iPad