

BBC Programme Legal Advice
British Broadcasting Corporation
Room WC 2251
White City
London
W12 7TS

**URGENT
NOT FOR BROADCAST**

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15 December 2014

Your ref

By Fax - 020 8008 2210

Our ref SCB/SCB/MIT/111850.00038

Dear Sirs

Post Office Limited – The One Show

As you will recall, we act for Post Office Limited. We understand that our client has been contacted by you in relation to a further piece you are proposing to broadcast this week, again on the One Show.

Our client was first informed by email shortly before midday on Friday 12 December that the story was to run “at around the same time next week”. Our client was also asked for a substantive response to the extensive issues raised by noon today, Monday 15 December 2014. From this our client initially understood that the broadcast was to run on Tuesday this week at the earliest. However, it was then informed that the broadcast was likely to be today. On querying that, it now appears that broadcast is scheduled for Wednesday. This lack of clarity over the time of broadcast has complicated our client’s response. Please would you therefore confirm, as a matter of urgency, the date and time at which you intend to broadcast this piece.

Your recent communications raise a number of new and serious allegations, and refer to further contributors, including Geoffrey Sturgess and Sandip Patel QC. Please confirm whether these are the only new contributors. In any event, if our client is to have a fair opportunity to respond to these serious allegations, it is essential that our client’s most appropriate spokesperson gives any interview. This is the busiest time of the year for our client, and our client is also still in the process of conducting mediations

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under its Complaint Review and Mediation Scheme. The most appropriate spokesperson is engaged in mediation scheme work today and tomorrow. Nonetheless, our client has made every effort to accommodate you, and has therefore offered you an interview in the late afternoon tomorrow, Tuesday 16 December (see the email of our client's Mark Davies to your Ingrid Kelly of 10.28am on 14 December). Ms Kelly has rejected this out of hand, insisting that the interview must take place today. She has offered no reason for this. Our client cannot see why an interview conducted a full 24 hours before what we understand is the intended time of broadcast cannot be included.

Every effort has been made to make our client's interviewee available, but your insistence on allowing barely more than one working day for the interview to take place, without giving reasons for the urgency, is not a fair and appropriate deadline for our client's response. The alternative of a brief "sofa interview", following a film broadcast without a full filmed interview with our client's proper representative, also does not represent a fair opportunity to respond to these serious allegations.

We consider that you must have known that you were proposing to run a further story on these issues well in advance of last Friday and that, in the circumstances, you should have given our client proper notice before any intended broadcast. In any event, there is no reason why an interview should not have been conducted tomorrow.

In the circumstances our client requests that the broadcast be postponed until it has had a fair opportunity to respond to the allegations made. There is no urgency in reporting on this matter such that the broadcast needs to take place this week. To go ahead with the broadcast without our client having a proper opportunity to respond, in the light of the serious allegations raised in the email sent to our client, would run a serious risk of significant inaccuracies and damaging statements, which would be likely to misrepresent the facts and cause serious harm to our client.

Our client has sent you a detailed response to your email of Friday 12 December. If you do proceed with the broadcast, this response should be included in full. However, at the very least, we urge you to remind your viewers that any reference to the Horizon system needs to be seen in the context of the approximately 6 million different transactions conducted through the system every day and the tens of thousands of people in the different subpostoffices who carry on their business using the system with no difficulty; that only a tiny proportion of Post Offices have reported problems; and that there is no evidence of any negative impact on consumers. You must also make clear that Post Office put an interviewee forward to respond to these allegations in full, but that the BBC refused to accommodate this.

All of our client's rights remain reserved.

Yours faithfully

CMS Cameron McKenna LLP