

Message

From: Jane MacLeod; GRO
on behalf of GRO
Sent: 10/10/2015 10:11:59
To: Jonathan.Swift; GRO
CC: Patrick Bourke; GRO; Rodric Williams; GRO; Mark Underwood1; GRO
Subject: FW: draft terms of reference
Attachments: 151009 Mediation Scheme Timeline - Confidential & Subject to Legal Privi....docx

Jonathan

Many thanks for your email yesterday. The following is a summary of our current plans:

- Attached is a draft chronology of events over the last 4 years. This has been collated from work done at different times by various teams so includes a range of types of events. However it does highlight the political and media comments. We are currently collating the correspondence and other documents that underpin that chronology, and will seek to get that to you early next week.
- we will also send to you on Monday our initial response to your questions regarding investigations into the IT system and the support provided by the call centre.
- we have scheduled a meeting between yourself and Tim Parker for Tuesday 20 October. Unfortunately Tim's diary availability is limited, so we wanted to ensure that the time was set aside. Hopefully we can also get a further meeting with you next week to address any outstanding questions and get greater clarity on the proposed scope, before your meeting with Tim.

Once you have had a chance to review the materials we send through on Monday, it would be useful to discuss what (if any) other aspects should be in scope. One of the difficulties we have encountered over the last few years, is that the nature of the concerns expressed in public have shifted such that references to 'Horizon' implicitly (and sometime explicitly) encompass other issues – this can be seen from the extracts in the chronology.

This has been compounded by the fact that while the initial concerns arising from individual cases raised the possibility of a systemic problem with Horizon (the IT system), no evidence has been found of either such a systemic problem, or that the underlying causes of individual complaints of participants in the Scheme were attributable to any such systemic issue. Clearly this is not the same as positive assurance that there are no such problems (which is the basis of your initial questions), but it has led Second Sight (in particular) to expand the interpretation such that references to 'systemic issues' are now interpreted by Second Sight as including training, support and even the extent of the contractual arrangements between postmasters and the Post Office.

We will therefore need to be satisfied that, to the extent possible, the scope of Tim's review at least addresses these concerns even if it may not satisfy the various interested parties .

Kind regards,

Jane MacLeod

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On 9 Oct 2015, at 08:51, Jonathan Swift GRO wrote:

Dear Jane and Rodric,

Thank you again for the instructions on this matter.

As mentioned in the course of the consultation yesterday, I have had a stab at preparing a list that can be the starting point for deciding what the terms of reference should be. It is a little rough and ready, and is very much a draft, for discussion. However, I thought it would be better to get something to you sooner than later, so the process of consideration can begin. As you will see I have drafted a list the is wide enough to cover everything that could have been done in response to the complaints. We can then check this against what we have already done, and form a view as to what we need now.

I am in court today, but should be back in chambers by 4.30-ish. Otherwise I am back in chambers on Monday morning.

Regards,

Jonathan

Jonathan Swift QC

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