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**From:** Callard Richard (ShEx)[/O=BIS PRODUCTION/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EF0FA57983304064B518D3B87774A899-RCALLARD]  
**Sent:** Mon 23/11/2015 12:55:37 PM (UTC)  
**To:** Thompson Laura (Shareholder Executive)[GRO]  
**Subject:** RE: Note to Baroness Neville-Rolfe on Post Office Horizon

Is there not a thread that "there's a bug in the system"?

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**From:** Thompson Laura (Shareholder Executive)  
**Sent:** 23 November 2015 12:34  
**To:** Callard Richard (ShEx)  
**Subject:** FW: Note to Baroness Neville-Rolfe on Post Office Horizon

Proposed response – thoughts?

Andrew

The short answer is that we do not know – the only information that the JFSA have published is that they are preparing "a civil litigation action through the High Court for compensation/damages against Post Office Limited".

The challenge that JFSA will face will be in finding a "common thread" to link together cases into a group action. Based on what we know about some of the more public cases to date, the most likely options would be either:

- A claim that Post Office wrongfully terminated subpostmasters' contracts, or
- A claim that Post Office itself breached an aspect of the contract between Post Office and the subpostmaster (although it is not clear what that could be)

It is worth emphasising that this is not the first time the JFSA have announced they are "preparing for group action". When this was last raised nearly a year ago (December 2014) the press notice put out by the solicitor at the time (Edwin Coe LLP) gave no specifics about the nature of any action, only that they were "pursuing their rights" and "exploring their options... to achieve justice".

We will of course keep the Minister updated if any further information is available

Thanks  
Laura

Laura Thompson | Assistant Director | Shareholder Executive

GRO

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**From:** Neville-Rolfe MPST  
**Sent:** 23 November 2015 11:44  
**To:** Thompson Laura (Shareholder Executive)  
**Cc:** SpAd Javid MPST; Javid MPST; Perm Sec (BIS); Russell Mark (ShEx); Manson Justin (ShEx); ShEx POL Team; Barker Matthew (Communications); French Claire (Communications); Kilgarrieff Patrick (LEGAL B)  
**Subject:** RE: Note to Baroness Neville-Rolfe on Post Office Horizon

Laura,

Thank you for your note. BNR has asked how the JFSA would seek to bring a class action and the grounds on which any claim would be based.

Kind regards



**Andrew Smith**

Private Secretary to Baroness Neville-Rolfe, Parliamentary Under Secretary of State and Minister for Intellectual Property

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Department for Business, Innovation and Skills, 1 Victoria Street, SW1H 0ET

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**From:** Thompson Laura (Shareholder Executive)

**Sent:** 20 November 2015 15:30

**To:** Neville-Rolfe MPST

**Cc:** SpAd Javid MPST; Javid MPST; Perm Sec (BIS); Russell Mark (ShEx); Manson Justin (ShEx); ShEx POL Team; Barker Matthew (Communications); French Claire (Communications); Kilgariff Patrick (LEGAL B)

**Subject:** Note to Baroness Neville-Rolfe on Post Office Horizon

**Importance:** High

Sophie, Andrew

As discussed, please see attached a brief note for Baroness Neville-Rolfe on a recent development on the Post Office Horizon issue. No action is required at this stage, and we consider that this represents the latest in a number of threats to bring class action against Post Office which have come to nothing. However I would be grateful if the Minister could see this over the weekend.

Andrew – would you also be able to send down the letter from Oliver Letwin for us to prepare a response, I don't think it has hit us through the system yet. Note that I refer to this letter at the end of my note.

Thanks  
Laura

#### **Post Office Horizon: update**

The Justice for Subpostmasters Alliance (JFSA), who are the campaign group on the Horizon issue, have announced on their website that they are preparing for Group Litigation against the Post Office. They have appointed a legal firm, Freeths Solicitors, and are appealing for individuals to come forward to join the action. So far no letters have been sent to Post Office regarding the proposed group action.

This is not the first time that the JFSA have mooted a group action against the Post Office: the most recent was in December 2014, where solicitors Edwin Coe issued a press release saying that a group action was being prepared, but no further action was taken. JFSA have also threatened legal action with solicitors Howe & Co and Shoosmiths, but again this has come to nothing, not least due to the evidential challenges involved with the cases: Second Sight have not presented any clear evidence of systemic faults with Horizon despite three years of investigation).

This is not an unexpected development – the previously vocal campaign has been quiet lately, since the Panorama

programme in August 2015, so it comes as little surprise to Post Office that this is being proposed again. Officials share this view – indeed, our lines to date have emphasised that legal options remain available to individuals, particularly where mediation was not appropriate or has not been successful, and that Government should not intervene while those options remain unexhausted.

We do not expect to receive any press enquiries on this, but if we do, we recommend maintaining our current response that this is a matter for Post Office and directing queries there.

It remains the case that actions are underway to seek resolution on this matter: the Criminal Cases Review Commission (CCRC) are reviewing c.20 applications; Post Office continue to make progress with mediations, with a resolution rate of c.50% to date; and Tim Parker is conducting his review of this matter having taken up his role in October.

As a further update on Tim's review:

- Tim has appointed a QC who is assisting him with the review. The QC is Jonathan Swift of 11 King's Bench Walk, who was previously First Treasury Counsel for the Government (2006-2014) and has a wide range of experience across public law.
- Tim now has meetings in the diary to meet Lord Arbuthnot and representatives from Second Sight (as separate meetings). He is also likely to meet Mr Alan Bates who is the head of the JFSA campaign group.
- Tim is keen to look into this thoroughly but promptly, and we recommend you arrange to meet him early in the New Year (as your diaries allow) to discuss his findings.

Finally, Oliver Letwin has written you a short note, copied to Andrew Bridgen, asking for an update on your meeting with Second Sight and on Tim's review. We will provide a draft reply shortly.

**Laura Thompson** | Assistant Director | Shareholder Executive

BIS, 1 Victoria Street, London SW1H 0ET

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