
From: Cooper, Tom - UKGI [/O=HMT/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8D968D43E33749AE9E59F9C9350E69D5-COOPER, THOMAS (TCOO)]
Sent: Mon 16/04/2018 4:48:30 PM (UTC)
To: Callard, Richard - UKGI [redacted] GRO
Subject: RE: Draft UKGI Group Lit Protocol (POL 11.04.18).docx

OK. Sounds good. Maybe we could catch up tomorrow? There are a few interesting things coming out of the site visit today.

Also would like your thoughts on what training we should give Tom Aldred. There's POL related stuff which you've mentioned in your email but I'm also wondering about whether he can perform well without some basic accounting and legal training

Tom

From: Callard, Richard - UKGI
Sent: 16 April 2018 10:54
To: Cooper, Tom - UKGI <[redacted] GRO>
Subject: RE: Draft UKGI Group Lit Protocol (POL 11.04.18).docx

I am monitoring this but let me know if there is anything you want me to do more directly. I do get your concerns however, full sharing of everything (within reason) seems to be the right way forward and BEIS legal need to be happy too. I have talked to Helen who seems relatively relaxed but is keen to talk to you.

Separately, and as I think we discussed, I was going to get Stephen Clarke up to speed on this, as you will need administrative support on this (e.g. writing of submissions at key points, lines to take etc). Laura used to do that for me but that's not appropriate now, and you need some deft civil servant skills on this, making him the best bet I think.

R

From: Cooper, Tom - UKGI
Sent: 14 April 2018 21:29
To: Lambert, Helen - UKGI <[redacted] GRO>
Cc: O'Neill, Elizabeth - UKGI <[redacted] GRO>; Callard, Richard - UKGI <[redacted] GRO>
Subject: Re: Draft UKGI Group Lit Protocol (POL 11.04.18).docx

Helen

Have to say I'm not very comfortable with these arrangements.

Most importantly I think BEIS Legal should have a direct nexus with POL. I'm not a lawyer or a litigator and I don't think it's appropriate for me to have to make judgements about what information is important for BEIS and, more importantly, what questions need to be asked of POL and its legal advisers.

There are also practical issues eg what happens if I miss a sub-committee meeting?

Having said that, the obvious question is whether BEIS Legal finds the construct acceptable.

In relation to the requirement that we police where the information goes, I understand why POL wants it. Do we have any experience of operating an arrangement like this?

For it to work, as a minimum, I imagine we would need a back to back agreement with BEIS that also identifies the individual(s) in BEIS who will be responsible for ensuring compliance.

Again there are some other questions that spring to mind eg I'd have thought Treasury should be covered not just BEIS.

Tom

Tom Cooper
Director

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Please note that with immediate effect, my email address has changed to [GRO">tom.cooper@GRO](mailto:tom.cooper@<span style=)

I will still receive emails sent to my old address until 30 April 2018. Thereafter you will only be able to contact me on my new address and emails sent to my ukgi.gov.uk address will not be forwarded.

I would be grateful if you could note this and change my contact details accordingly.

On 13 Apr 2018, at 15:15, Lambert, Helen - UKGI <[GRO_____">_____GRO_____](mailto:_____ wrote:

Tom

Following our providing a suggested reporting protocol to POL, they returned an alternative suggestion linked to the meetings of the Board. We have amended this up as attached, but, as is it quite heavily reliant on your role on the board and Litigation Sub-committee, we wanted to ensure that you are comfortable with this proposal before we respond to POL.

In summary, the proposal by POL is that:

- You will attend Board meetings and meetings of the “Postmaster Litigation Advisory Board Subcommittee” and receive all of the materials made available to the Board and sub-committee. In light of the difficulties we are having with confidentiality arrangements, we have amended the wording of the protocol to expressly provide for you to be able to share information obtained through these forums with UKGI and BEIS.
- This will mean you will be dealing with legally privileged documents (and we will provide you with appropriate guidance in this respect) and will have to take appropriate care, however we have also inserted an obligation on POL that they will appropriately mark all such information.
- Practically, when sharing this information you will have to ensure that the individuals you are sharing with are aware of the confidentiality restrictions attached to this protocol. This could be achieved by attaching a copy of Annex B whenever you are circulating information to an individual for the first time. UKGI will also have to keep a list of all individuals who have access to any of this information. Do you think this is feasible?
- POL will have an obligation to report developments in the case to UKGI/BEIS legal counsel following every board meeting. We have asked that this be in writing and fully comprehensive.
- As you will know, the dates of meetings of the sub-committee/board are fixed, but the litigation

timetable is subject/likely to change. We have therefore inserted an obligation on POL to inform us/BEIS of any material change in the timetable (e.g. change of hearing dates) or significant events (e.g. potential press campaigns).

After you have had a change to look at this, we would suggest sitting down and discussing the practicalities with you. Would you like me to put some time in the diary early next week?

Many thanks
Helen

Helen Lambert | Legal Seconded
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