
From: Scott, Joshua - UKGI[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0224934F23B1444386FD031B130603A8-SCOTT, JOSH]
Sent: Thur 16/01/2020 11:27:27 AM (UTC)
To: Permanent Secretary[**GRO**]
Subject: Heads Up - Further Letter re POL Litigation

Hi Ollie,

Good to chat just now.

We are expecting another letter (dated 10 Jan) to come into the Department re the POL litigation calling for a public inquiry and criticising HMG's role in scrutinising POL. It is from a journalist, Eleanor Shaikh on behalf of a subpostmaster in a similar circumstance to the claimants but was not part of the GLO.

The text of the letter you can see is here: <https://www.postofficetrial.com/2020/01/letter-demanding-public-inquiry-into.html>

Nick Wallis, commenting on the letter, notes some "conflicts of interest" for a potential inquiry for Alex which I wanted to give you a heads up on:

Additionally, according to the Cabinet Office Inquiries Guidance it falls to the Permanent Secretary of your department, Alex Chisholm, to 'put processes in place to start collecting relevant evidence... suspending the usual process of archiving and destruction of papers'.

Alex Chisholm is also the principle Accounting Officer of BEIS, is a non-executive Director of UKGI and until 2017 the Accounting Officer of POLtd's parent company Postal Services Holding Company. Given questions might be asked by an inquiry as to whether or not Alex Chisholm was successfully is discharging his combined duties of oversight in all these roles and given that BEIS will be both sponsor of and party to the inquiry, such potential conflicts of interest must be brought to its attention

A list of the questions for an inquiry the letter wants answering is below:

1. Evaluate the level of competence of the present POLtd Board, senior management and investigative department, the majority of whom remain in office despite two damning High Court Judgements;
2. Seek to establish how POLtd was permitted by BEIS to conduct highly aggressive and costly legal tactics with such reckless regard to the public purse. According to Judge Fraser 'Both this level, and rate, of expenditure is very high, even by the standards of commercial litigation between very high-value blue chip companies';
3. Determine if millions of pounds of unallocated funds which have for years accrued in POLtd suspense accounts represent the reverse effect of IT failure. It is suspected by Independent Forensic Accountants Second Sight, who spent years investigating POLtd, that they may, in part, represent the accumulation of phantom shortfalls generated by Horizon but subsequently made good by sub-postmasters under duress;
4. As a matter of urgency consider whether POLtd should any longer be trusted with the powers it wields to bring about its own prosecutions. This privilege currently permits POLtd to do so independently of the Crown Prosecution Service, thereby escaping the checks and balances that CPS involvement would routinely invite;
5. Finally, identify means of embedding more rigorous departmental oversight of POLtd by BEIS and for it to relinquish once and for all the defence of POLtd's 'operational independence' by which it has erstwhile sought to rationalise its non-intervention.

Cheers,

Josh

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