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*Bond Dickinson*INITIAL COMPLAINT REVIEW AND MEDIATION SCHEME
SETTLEMENT ANALYSIS

Background Information

Applicant details	Claim no.	M097
	Name	Janet Skinner
	Branch	North Bransholme
Loss position	Branch loss	£59,216.43
	Date of loss	June 2005 to May 2006
	Debt position	Loss remains outstanding. Post Office has the benefit of a confiscation order against the Applicant, further to which she has paid £1,400 against the debt.
	Consequential losses claimed	Loss of earnings since suspension (unquantified) <i>"Compensation for the losses that I have suffered"</i> (unspecified and unquantified)
Contract / termination position	SPMR / employee / other	SPMR
	Former or current SPMR?	Former SPMR
	Termination route	Unknown
	Termination date	Unknown – the Applicant was suspended on 31 May 2006 and pleaded guilty to charges of false accounting on 3 January 2007.
Applicant position	Bankrupt / IVA?	No
	Prosecuted?	Yes
	Outcome of criminal prosecution	The Applicant pleaded guilty to charges of false accounting and was sentenced to 9 months in prison. She served less than 2 months.
	Civil proceedings?	No
	High profile media / MP case?	No
	Professional advisor	Graham Cade Howe & Co.

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*Bond Dickinson***Bond Dickinson Legal Analysis****Legal risk adjusted claim value**

(£57,816.43) – POL should not make any settlement payment to the Applicant.

Legal analysis of branch losses

Legal factor	Legal risk (0% = no risk to POL)	Legal risk adjusted claim value
Claim value Loss owed to Post Office	0%	(£57,816.43)
Has the claim already been barred / determined so that legal proceedings cannot be brought against POL? Yes	0%	(£57,816.43)
Responsibility for loss No evidence of failure in Horizon or POL procedures. POL's position is that the loss was caused by human error or theft; the losses were deliberately concealed from POL by the Applicant, who admitted in interview that she inflated the reported cash figures to conceal the losses in branch. Second Sight's view is that " <i>the root cause of the losses arising in this branch, is that the Applicant had allowed her staff member full and unsupervised access to the branch and to the safe...This opportunity to access all of the cash...presented that employee with a perfect opportunity to commit theft</i> ".	0%	(£57,816.43)
Other legal issues None	n/a	n/a
Interest N/a		(£57,816.43)

Legal analysis of consequential losses resulting from termination

Legal factor	Legal risk (0% = no risk to POL)	Legal risk adjusted claim value
Value of claim based on Applicant's figures Loss of earnings Other unspecified losses		Unquantified

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Are the claimed consequential losses recoverable at law? Loss of earnings Other unspecified losses	Unknown Unknown	Unknown Unknown
Has the claim already been barred / determined so that legal proceedings cannot be brought against POL? Yes	0%	£0
Is there the possibility of an unlawful termination claim because the Applicant's contract was not terminated on the required notice? No. The Applicant was suspended immediately following the audit on 31 May 2006 and either resigned or was dismissed before pleading guilty to false accounting in January 2007.	0%	£0
Was contract termination unlawful? Given the Applicant's guilty plea and subsequent imprisonment, we do not consider that the Applicant would have any claim in respect of termination.	0%	£0
Is there evidence that the Applicant could have "sold" his / her branch as a going concern if given 3 months' notice? No evidence has been provided to date.	0%	£0
Interest	n/a	£0

Suitability for mediation

We do not consider that case is suitable for mediation as the Applicant:-

- admitted falsifying the branch's accounts to conceal losses she was aware existed in the branch and not seeking POL's assistance to resolve those issues; and
- was prosecuted and imprisoned for her offence.

In light of the above, other factors (such as the Applicant (1) failing to provide any evidence that any fault with Horizon was to blame for/contributed to the losses at her branch; (2) failing to identify any specific transactional issues she claims to have experienced; and (3) admitting failings in following procedure and protocol for operating the branch) are secondary and are unlikely to have any material bearing on POL's decision whether to mediate.

Bond Dickinson contact

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Advice qualifications

1. This advice has been produced by applying the principles set out in the Advice from Linklaters dated 20 March 2014.
2. No further legal analysis of the underlying legal principles has been carried out, in particular we have not considered any other possible legal bases for the Applicant's claims including without limitation malicious prosecution, defamation, malicious falsehood, breach of confidence, tortious causes of action or privacy law.
3. We have not analysed the possibility that failures by Post Office in training or supporting the Applicant, or subsequently investigating losses, may have contributed to the Applicant's ability to prevent losses in branch.
4. Our advice is based on only the information in the Applicant's Case Questionnaire Response, the Post Office Investigation Report and Second Sight's Case Review Report. Our advice does not factor in the possibility of further information being available at a later date that may change our analysis.
5. We have not considered the Applicant's appetite or capacity to bring proceedings against POL or any of the "other" factors set out in the settlement mandate.
6. We have not considered any criminal law issues or whether any conviction / sentence may be unsafe. We have assumed that there are no criminal law risks.
7. We have applied a de minimis threshold to legal risk. Where the legal risk is very small (less than 20%) we have recorded this as 0% in our analysis.

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Post Office Settlement Mandate

Legal risk adjusted claim value

(£57,816.43)

Other settlement factors

Factor	Adjustment	Adjusted settlement threshold
Legal risk adjusted claim value		
Other admissions of fault by POL No other admissions made.		
PR / media implications We are not aware of any special PR / media issues related to this specific case but POL may wish to confirm this position with the PR team.		
Applicant expectations / experience from any previous negotiations We are not aware of any previous negotiations that have taken place.		
Criminal case – need to protect safety of convictions The Applicant was charged with, pleaded guilty to, and imprisoned for false accounting. The Applicant served 6 weeks of a 9 month sentence.		
Actual cost of settlement to POL The branch losses have not been repaid by the Applicant. Any settlement would first require the write off of the outstanding debt to POL.		
Risk of future litigation / court costs There is no indication that the Applicant would seek to litigate this matter.		
Other factors		
General benefit of resolving cases		

Mandated financial settlement range

Alternative / additional non-financial settlement proposals that can be offered

Other matters

Approved for mediation

Post Office Approval

Name: _____ Date: _____