

LEGALLY PRIVILEGED AND CONFIDENTIAL

Response to JFSA
Steering Group 1 – 14 October 2011

Attendees

Rod Ismay – P&BA, Chair	Dave Hulbert – IT	Apologies:
Rebekah Mantle – Legal	David Gray – IT	
Emily Springford – Legal	Alison Bolsover – P&BA	David Simpson – Press Office
Paul Meadows – Legal	Jason Collins – Security	Hugh Flemington – Legal
Angela Van Den Bogerd – Network	Mike Granville – Reg Affairs	Sabrina Jethwa – Legal

Purpose of Meeting:

1. To agree the purpose of this group
2. To ensure common understanding of the issue
3. To receive legal advice on the response to the cases
4. To understand document retention requirements

Agreed Purpose of This Group

To propose to the defined business decision makers, and subsequently manage, a co-ordinated litigation plan to address existing challenges and deter future challenges in the most pragmatic and efficient manner. This group to review the status of the overall response and to be empowered to make decisions on tactical matters.

Letters Before Action

Four "Letters Before Action" have now been received. These make a number of allegations relating to POL's processes, support for subpostmasters, and the integrity of the Horizon system. They also include a number of requests for documentation by way of "pre-action disclosure".

The letters are likely to have been designed to be very onerous and to encourage early settlement rather than an expensive litigation process. POL needs to provide a robust response to the allegations made and its lawyers, Bond Pearce, are in the process of preparing this response. They urgently need information from POL in order to refute the allegations made. Jon Longman is co-ordinating this process.

In relation to the "pre-action disclosure" requests for documents, Shoosmiths are only entitled to make reasonable requests. POL considers their requests to be too wide and has responded to that effect. It has also requested an undertaking that the claimants will pay POL's costs of retrieving those documents – this has not yet been provided. (The recoverable costs include our solicitors' time, Fujitsu's charges, and photocopying costs – it may also be possible to recover some internal staff time, such as IT support, based on their internal charge out rates.) Therefore POL does not need to take steps to collate these documents at this stage. Nevertheless any shortened request is still likely to remain very onerous. Documentation requests will likely require more than one person.

All parties must be very careful to preserve all documents which may be relevant to the claims, and to take steps to ensure that any new documents which may undermine POL's legal case are privileged. Advice is to be sought from Legal Services in case of any doubt.

Actions Arising

1. DG – Fujitsu. To arrange meeting with them regarding possible internal reviews they are planning under their own internal mandates and understand potential implications
2. RI – Group Audit. Contact Stephen Collins regarding the current key business process audit
3. RI – Group Audit. Send Rebekah the audit terms of reference and a short summary of the work done so far
4. RM – Document retention. Send note to all this group and Heads about document creation and retention, and how to create and preserve privilege
5. RM – Other audiences. Ask this group for lists of any other people who we may need to make aware of information retention requirements
6. ES – Information schedules. Circ the schedules of documents showing (i) the documents requested by Shoosmiths (parked until costs undertaking received) and (ii) documents needed by Bond Pearce to prepare responses to allegations in Letters before Action
7. All – Relevance and reasonableness. To respond to the list from Emily clarifying what we feel we can respond to or not, in terms of time, cost and relevance of the information
8. AVDB – to continue the approach to live appeals as was applied in the Ferndown case.

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9. All – correspondence to be marked “Legally Privileged and Confidential” and copied to Rebekah or Emily in Legal
10. All – Find someone to assist Jon Longman in gathering documentation (148 Old St base)
11. All – review own resource plans to commit support to this issue
12. RI – to brief Kevin G, Susan C, Mike Y and Chris D on outcomes of today and to agree “delegated authorities” and agreed business decision maker

Next Meeting

Agreed to meet fortnightly, with next call on Friday 28th October. Invite sent for 28/10.