

From: Cooper, Tom - UKGI[/O=HMT/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8D968D43E33749AE9E59F9C9350E69D5-COOPER, THOMAS (TCOO)]

Sent: Sat 16/03/2019 9:37:00 AM (UTC)

To: Watson, Craig (Advanced Manufacturing and Services) [GRO]

Cc: Tolhurst, Mpst (BEIS) [GRO]; Clarke, Stephen - UKGI [GRO]; Lambert, Gavin (Advanced Manufacturing and Services) [GRO]; Watson, Richard - UKG [GRO]; Aldred, Tom - UKGI [GRO]; Miles, Annabelle (Communications & Partnerships) [GRO]; Fox, Joshua - UKG [GRO]; Lambert, Lucie - UKGI [GRO]; Clark, Mpst [GRO]; Clark Spad, Mpst (BEIS) [GRO]; Permanent Secretary [GRO]; Vandini, Cecilia (Advanced Manufacturing and Services) [GRO]

Subject: Re: Official Sensitive: POL Litigation Judgment Master Thread

Happy to join. Please confirm

Sent from my iPhone

On 15 Mar 2019, at 22:36, Watson, Craig (Advanced Manufacturing and Services) [GRO] wrote:

Hi Jess, Hibaq

Suggested lines for Kelly's call with Tim Parker attached, and copied below for ease.

Tom/Gavin – Hibaq has confirmed that Kelly will have a conference call with Tim Parker, Al Cameron and Jane MacLeod at 12:15pm tomorrow and has asked what officials will join. I'm happy to join if required or would you prefer to cover it to keep continuity with the SoS call?

Dial-in details are:

Dial-In Number: [GRO]
Conference code: [GRO]

Kelly Tolhurst call with Tim Parker, Al Cameron and Jane MacLeod

Suggested speaking points:

- Obviously a very disappointing judgment, but reassured to see POL are taking this very seriously and will be taking action
- Whilst these are operational matters, as the Minister responsible I need to ensure the findings in terms of both the contracts with postmasters, and also the criticism of POL's culture and practices, are addressed. What action are POL taking as a result of the judgment and how we will you keep me informed of progress to provide assurance this action is effective? Who will lead this work now Paula has stepped back and how will you (Tim) ensure strong leadership is shown on this?

- Parliament will rightly hold me to account, I expect this to be raised in BEIS Oral Questions next week and in meetings I regularly have with MPs. Therefore, important POL are sharing information with BEIS on this on a regular basis.
- Concern I often hear from MPs is that being a postmaster is becoming less attractive with changes to remuneration – this judgment will add to that concern. What comms are POL doing with postmasters on the judgment and how will you address their concerns?
- Concerned that the legal advice POL received appears to have been wide of the mark on the likely outcome of this trial, are you considering any changes to your strategy for the remaining trials? As you discussed with Alex Chisholm recently, we have learned from previous experience that it's very important to have independent legal advice in relation to strategy from now on to guard against the existing legal team being wedded to the existing approach.
- I understand POL will consult BEIS on any intention to appeal prior to doing so

Regards,
Craig

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Craig Watson – Deputy Director Retail, Services
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PA [GRO]
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<image008.png>
Mental Health First Aider
[MHFA Details on BEIS Intranet](#)

From: Tolhurst, Mpst (BEIS) <[GRO]>
Sent: 15 March 2019 18:53
To: Clarke, Stephen - UKGI [GRO]; Watson, Craig (Advanced Manufacturing and Services) [GRO]; Lambert, Gavin (Advanced Manufacturing and Services) [GRO]; Watson, Richard - UKGI [GRO]; Cooper, Tom - [GRO]; Aldred, Tom - UKGI [GRO]; Miles, Annabelle (Communications & Partnerships) [GRO]; Fox, Joshua - UKGI [GRO]; Lambert, Lucie - UKGI <[GRO]>
Cc: Clark, Mpst (BEIS) [GRO]; Clark Spad, Mpst (BEIS) [GRO]; Permanent Secretary <[GRO]> Vandini, Cecilia (Advanced Manufacturing and Services) <[GRO]> Tolhurst, Mpst (BEIS) [GRO]
Subject: RE: Official Sensitive: POL Litigation Judgment Master Thread

Hi All,

Thank you for joining the call, to follow up:

1. Kelly's main two concerns were about the potential liability and what our next steps are.
2. Call with Kelly, SoS, SpAds, Gavin and Tom C to happen over the weekend. Likely between 1-2.
SoS office to confirm timing and set up no 10 switch.
 - a. Hibaq (KT Duty PS on Mute): **GRO**
 - b. Kelly: **GRO**
 - c. Gavin: **GRO**
 - d. Tom C: **GRO**
3. Kelly would like to speak to Tim Parker (Chair of POL) over the weekend. **KT PO will set up** and confirm timings. **Gavin/Craig** to produce a note for Kelly ahead of the call.
4. Kelly would like to go ahead with MPs meeting on franchising on Monday.

Kind regards,
Jess

<image007.png>

Jessica Tysoe
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From: Tolhurst, Mpst (BEIS)
Sent: 15 March 2019 17:14
To: 'Clarke, Stephen - UKGI' **GRO**; Watson, Craig (Advanced Manufacturing and Services) **GRO**; Lambert, Gavin (Advanced Manufacturing and Services) **GRO**; 'Watson, Richard - UKGI' **GRO**; 'Cooper, Tom - UKGI' **GRO**; 'Aldred, Tom - UKGI' **GRO**; Miles, Annabelle (Communications & Partnerships) **GRO**; 'Fox, Joshua - UKGI' **GRO**; 'Lambert, Lucie - UKGI' **GRO**
Cc: Clark, Mpst (BEIS) **GRO**; Clark Spad, Mpst (BEIS) **GRO**; Permanent Secretary **GRO**; Vandini, Cecilia (Advanced Manufacturing and Services) **GRO**
Subject: RE: Official Sensitive: POL Litigation Judgment Master Thread

Hi All,

Kelly would like a call this evening with officials and the call with SoS over the weekend.

Please can those in the department joining the call this evening come up to 8F for 5:30 and others who will be dialling in let me know separately that you will be joining so I can send conference call details.

Thanks,
Jess

Jessica Tysoe
Private Secretary to Kelly Tolhurst MP

1 Victoria Street, London, SW1H 0ET

GRO

From: Tolhurst, Mpst (BEIS)

Sent: 15 March 2019 17:02

To: Clarke, Stephen - UKGI <[REDACTED]> GRO; Watson, Craig (Advanced Manufacturing and Services) <[REDACTED]> GRO; Lambert, Gavin (Advanced Manufacturing and Services) <[REDACTED]> GRO; Watson, Richard - UKGI <[REDACTED]> GRO; Cooper, Tom - UKGI <[REDACTED]> GRO; Aldred, Tom - UKGI <[REDACTED]> GRO; Miles, Annabelle (Communications & Partnerships) <[REDACTED]> GRO; Fox, Joshua - UKGI <[REDACTED]> GRO; Lambert, Lucie - UKGI <[REDACTED]> GRO

Cc: Clark, Mpst (BEIS) <[REDACTED]> GRO; Clark Spad, Mpst (BEIS) <[REDACTED]> GRO; Permanent Secretary <[REDACTED]> GRO; Vandini, Cecilia (Advanced Manufacturing and Services) <[REDACTED]> GRO

Subject: RE: Official Sensitive: POL Litigation Judgment Master Thread

To update those waiting for the call, Kelly wanted SoS to be on the call this evening but unfortunately, he has a big meeting in his constituency he has to attend. He suggested a call over the weekend, which would include Tom Cooper and Gavin.

I'm just waiting to hear back from Kelly on whether she would like a call this evening and if she is content for a call over the weekend.

I hope to hear from her shortly.

Thanks,
Jess

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From: Clarke, Stephen - UKGI <[REDACTED]> GRO

Sent: 15 March 2019 16:02

To: Tolhurst, Mpst (BEIS) <[REDACTED]> GRO; Watson, Craig (Advanced Manufacturing and Services) <[REDACTED]> GRO; Lambert, Gavin (Advanced Manufacturing and Services) <[REDACTED]> GRO; Watson, Richard - UKGI <[REDACTED]> GRO; Cooper, Tom - UKGI <[REDACTED]> GRO; Aldred, Tom - UKGI <[REDACTED]> GRO; Miles, Annabelle (Communications & Partnerships) <[REDACTED]> GRO; Fox, Joshua - UKGI <[REDACTED]> GRO; Lambert, Lucie - UKGI <[REDACTED]> GRO

Cc: Clark, Mpst (BEIS) <[REDACTED]> GRO; Clark Spad, Mpst (BEIS) <[REDACTED]> GRO; Permanent Secretary <[REDACTED]> GRO; Vandini, Cecilia (Advanced Manufacturing and Services) <[REDACTED]> GRO

Subject: RE: Official Sensitive: POL Litigation Judgment Master Thread

Hi Jess,

You're very welcome. If it's not too late to include, I've removed the following from the UQ (page 4):
"Post Office Limited believes that there is no merit to this case and it will not affect their ability to provide services". Corrected version is now attached.

Regards,

Stephen

From: Tolhurst, Mpst (BEIS) [GRO]
Sent: 15 March 2019 15:57
To: Clarke, Stephen - UKGI [GRO]; Watson, Craig (Advanced Manufacturing and Services) [GRO]; Lambert, Gavin (Advanced Manufacturing and Services) [GRO]; Watson, Richard - UKGI [GRO]; Cooper, Tom - UKGI [GRO]; Aldred, Tom - UKGI [GRO]; Miles, Annabelle (Communications & Partnerships) [GRO]; Fox, Joshua - UKGI [GRO]; Lambert, Lucie - UKGI [GRO]
Cc: Clark, Mpst (BEIS) [GRO]; Clark Spad, Mpst (BEIS) [GRO]; Permanent Secretary [GRO]; Vandini, Cecilia (Advanced Manufacturing and Services) [GRO]
Subject: RE: Official Sensitive: POL Litigation Judgment Master Thread

Hi Stephen,

Thank you for sending these across, in the end I sent across the following and renamed the annexes:

- Short summary of today's judgment
- POL Briefing to Ministers – Annex 1
- Draft UQ Rebuttal and Pack – Annex 2 and 3
- POL Statement - Annex 4
- POL Legal Analysis/advice – Annex 5

I'll let everyone know when she gets back to me on timing for the call.

Many thanks,
Jess

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 Department for Business, Energy and Industrial Strategy
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From: Clarke, Stephen - UKGI [GRO]
Sent: 15 March 2019 15:15
To: Tolhurst, Mpst (BEIS) [GRO]; Watson, Craig (Advanced Manufacturing and Services) [GRO]; Lambert, Gavin (Advanced Manufacturing and Services) [GRO]; Watson, Richard - UKGI [GRO]; Cooper, Tom - UKGI [GRO]; Aldred, Tom - UKGI [GRO]; Miles, Annabelle

(Communications & Partnerships) [GRO] > Fox, Joshua - UKGI
[GRO] Lambert, Lucie - UKGI [GRO]
Cc: Clark, Mpst (BEIS) [GRO] Clark Spad, Mpst (BEIS)
< [GRO] Permanent Secretary [GRO] Vandini,
Cecilia (Advanced Manufacturing and Services) < [GRO]
Subject: Official Sensitive: POL Litigation Judgment Materials
Importance: High

Official Sensitive and Subject to Legal Privilege

Jess,

As requested, please find below a short summary of today's judgment, plus the 7 attachments requested (which I have marked off against your email below).

On Friday 15 March Mr Justice Fraser handed down judgment in the "Common Issues" trial. The judgment found strongly in favour of postmasters with the principle finding being that the contract between POL and postmasters places a number of obligations on POL which will require them to change the way they work with postmasters. The judgment is also highly critical of POL's behaviours and uses strong language accusing POL of being heavy handed and lacking transparency. You can get a flavour of this with the quotes included in the legal analysis (see Annex 7 pages 2-3).

POL take this judgment and its criticisms very seriously. While the culture and practices of the business have improved in many ways over the years, they have taken the Judge's criticisms on board and will take action throughout the organisation. We (UKGI and BEIS) are urgently discussing the judgment and the action they will take with POL, we recommend you also have an call with POL's Chair to discuss the judgment and emphasise the importance of POL's response. We are also updating briefing materials ahead of BEIS Oral Questions next week.

The judgment is long and complex and POL will consider it fully. Some of the conclusions differ from what POL expected from a legal standpoint and they are therefore considering appealing on certain legal considerations, however this does not qualify how seriously POL take the judgment and they will take action to respond to its criticisms. Ministers will be consulted before any appeals are made.

Stephen

From: Tolhurst, Mpst (BEIS) [GRO]
Sent: 15 March 2019 14:04
To: Watson, Craig (Advanced Manufacturing and Services) < [GRO] > Lambert, Gavin (Advanced Manufacturing and Services) [GRO] Watson, Richard - UKGI
[GRO] > Cooper, Tom - UKGI < [GRO] > Aldred, Tom - UKGI
[GRO] Miles, Annabelle (Communications & Partnerships)
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Cc: Clark, Mpst (BEIS) [GRO] Clark Spad, Mpst (BEIS)
[GRO] Permanent Secretary < [GRO] Vandini,
Cecilia (Advanced Manufacturing and Services) < [GRO] Tolhurst, Mpst (BEIS)
[GRO]
Subject: POL Litigation Judgment Master Thread

Hi All,

I thought it would be useful to start a master thread on the judgment of the POL Litigation trail which was made publicly available this afternoon.

In summary Judgment found strongly in favour of postmasters, principle finding is that the contract between POL and postmasters places a number of obligations on POL which will require them to change the way they work with postmasters. Judgment is also highly critical of POL behaviours and uses strong language accusing POL of being heavy handed and lacking transparency.

As agreed by BEIS and UKGI teams, you will be sending up the following documents **for 3pm, please let me know if there is anything I missed:**

- Submission setting out the ruling – see email summary above
- POL Briefing to Ministers – attached as Annex 1
- Half pager of top lines/facts for Kelly to use at BEIS Orals – attached as Annex 2
- Updated UQ pack – attached as Annex 3 plus rebuttal as Annex 4
- and WMS in case if needed – attached as Annex 5 (but please check with us before employing this as (i) we are not sure it is wise to make a statement and (ii) draft was provided by POL and we'd like to consider this further.
- POL Statement attached as Annex 6
- POL Legal Analysis/advice – attached as Annex 7

This will be in addition to the documents requested by Kelly earlier in the week on the interim CEO issue which we hope to resolve early next week. I understand comms are already working on reactive lines, which will be cleared by SpAds.

I have informed Kelly and she would like to be briefed over the phone this afternoon by Tom Cooper, Craig Watson and Gavin Lambert. I will let you know timings once confirmed.

Many thanks,
Jess

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