

PRIVILEGED AND CONFIDENTIAL
DRAFT: 4 March 2014

Post Office Limited – Work Plan and issues

Issue	Proposed work
Legal relationship between Post Office Limited and the Sub-Post Offices	<ul style="list-style-type: none"> • Review contract <ul style="list-style-type: none"> ◦ Parties ◦ Duration ◦ Provision for termination ◦ Accounting between Post Office and Sub-Post-Offices • Variations to the contract to address uncertainty/improve Post Office position in future?
Definition of losses <ul style="list-style-type: none"> • How are they defined in the contract? • How are they determined in practice? • Methods of payment 	<ul style="list-style-type: none"> • Review contract • Practice to determine losses • Correspondence between Post Office and Sub-Post-Office about claims or potential claims • Practice as to payment or recoupment
Basis for claiming losses <ul style="list-style-type: none"> • Contractual claims • Other legal bases for a claim? 	<ul style="list-style-type: none"> • Review contract • Analysis of any other legal bases for claim • Other legal analysis • Review prior legal advice • What has been said to Sub-Post-Offices about the basis of claim?
Criminal aspects	<ul style="list-style-type: none"> • Review advice from Cartwright King • Prosecution policy • Basis for prosecutions • Outcomes of prosecutions to date

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<p>Mediation as a dispute resolution technique</p> <ul style="list-style-type: none"> • Typical features • The dynamics of mediation • Its limitations and benefits. 	<ul style="list-style-type: none"> • Legal analysis
<p>Mediation Scheme</p> <ul style="list-style-type: none"> • The application process and acceptance criteria for the Scheme • Contractual basis – at what point does a contract arise? • Nature of the relationship outside the contract? • Are there any estoppel or other issues arising? • Current status of the scheme – closed to new applicants? • Proposals for dealing with complaints that aren't dealt with through Scheme • Scheme publicity and value for reputation 	<ul style="list-style-type: none"> • Review Scheme overview and settlement policy • Consider criteria for Scheme acceptance and mediation • Is there standard form correspondence? • Legal analysis • Consider costs implications • Review public statements/publicity
<p>The Working Group</p> <ul style="list-style-type: none"> • Status • Ability to bind the Post Office • Implications of not following a recommendation 	<ul style="list-style-type: none"> • Review terms of reference • Review relevant correspondence • Review public statements/publicity • Assess what the Working Group has done to date/what else it could be doing
<p>Second Sight</p>	<ul style="list-style-type: none"> • Review engagement terms

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<ul style="list-style-type: none"> • Basis of engagement • Material available to them for their work • Their status and role • Terms of engagement • Ability to opine on relevant issues • What can be done to challenge the reports already given? • Interaction between Second Sight and the Working Group 	<ul style="list-style-type: none"> • Review reports • Correspondence with Second Sight?
<p>Horizon</p> <ul style="list-style-type: none"> • Its features and alleged shortcomings • Expert view on the shortcomings 	<ul style="list-style-type: none"> • Review of Second Sight reports • Discussion with Post Office Limited • Questions to Fujitsu?
<p>Individual complaints</p> <ul style="list-style-type: none"> • Legal basis • Calculation of compensation • Interaction with the criminal process • Time period for which complaints allowed 	<ul style="list-style-type: none"> • Review of case files • Legal analysis
<p>Proposals for the future</p> <ul style="list-style-type: none"> • Potential modifications to existing Scheme • Potential alternatives to existing Scheme • Horizon • Reputation 	<ul style="list-style-type: none"> • Analysis • Discussion with Post Office Limited