

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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Mediation as a dispute resolution technique <ul style="list-style-type: none">• Typical features• The dynamics of mediation• Its limitations and benefits.	<ul style="list-style-type: none">• Legal analysis
Mediation Scheme <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
The Working Group <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
Second Sight	<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?
Horizon <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?
Individual complaints <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
Proposals for the future <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