POL00109860

Message

From: Mark R Davies [GRO]
on behalf of Mark R Davies [GRO]
Sent: 12/01/2015 09:36:49
To: Louise Chatfield [GRO]
Subject: Fwd: The "dossier"
Attachments: POST OFFICE RESPONSE TO WESTMINSTER HALL DEBATE v2 - pb - clean - AVDB-BC-RW - 120114.docx; ATT00001.htm; POST OFFICE RESPONSE TO WESTMINSTER HALL DEBATE v2 - pb - tracked - AVDB-BC-RW - 120114.docx; ATT00002.htm; image002.jpg; ATT00003.htm; image003.png; ATT00004.htm; image004.png; ATT00005.htm; image005.png; ATT00006.htm; image006.png; ATT00007.htm; image007.gif; ATT00008.htm; image008.gif; ATT00009.htm; image009.png; ATT00010.htm; image010.png; ATT00011.htm; image011.jpg; ATT00012.htm

Please print

Mark Davies
Communications and Corporate Affairs Director
Mobile: GRO

Sent from my iPhone

Begin forwarded message:

From: "Patrick Bourke" <GRO>
To: "Rodric Williams" <GRO>, "Tom Wechsler" <GRO>, "Mark R Davies" <GRO>
Cc: "Belinda Crowe" GRO, "Melanie Corfield" GRO, "Angela Van-Den-Bogerd" GRO, "'andrew.parsons@ GRO '" GRO, "'martin.smith@ GRO '" GRO
Subject: RE: The "dossier"

Good morning

As promised – here is a clean and tracked version of where we have now to. A question for Rod on limitation highlighted but all and another comments gratefully received.

Best wishes

Patrick

From: Patrick Bourke
Sent: 11 January 2015 22:07
To: Rodric Williams; Tom Wechsler; Mark R Davies
Cc: Belinda Crowe; Melanie Corfield; Angela Van-Den-Bogerd; 'andrew.parsons@ GRO '; 'martin.smith@ GRO '
Subject: Re: The "dossier"

Rod, Angela

Many thanks for your contributions - I'll amend the document up accordingly where necessary as soon as I get in in the morning.

POL00109860

Good night !

Patrick

From: Rodric Williams
Sent: Sunday, January 11, 2015 09:22 PM
To: Patrick Bourke; Tom Wechsler; Mark R Davies
Cc: Belinda Crowe; Melanie Corfield; Angela Van-Den-Bogerd; Parsons, Andrew
GRO GRO >;
'martin.smith GRO
GRO
GRO >
Subject: RE: The "dossier"

Patrick – here are my proposed responses on the CPS and Limitation points:

CPS

17 Dec 2014 : Column 527WH, Mr David Jones (Clwyd West) (Con): "Is it a matter of concern to my right hon. Friend, as it is to me, that all the Post Office prosecutions have been conducted in-house? The Crown Prosecution Service has not been consulted, and therefore there has been no element of independent scrutiny prior to the prosecutions' commencement."

Andrew Bridgen (North West Leicestershire) (Con): "Will my right hon. Friend confirm that the Post Office is able to bring criminal prosecutions in cases that have already gone to the Crown Prosecution Service, even if the CPS believes that there are insufficient grounds for a prosecution?"

Mr Arbuthnot: "As my hon. Friend suggests, and as my hon. and learned Friend the Member for North East Hertfordshire (Sir Oliver Heald) suggested earlier, it is becoming increasingly untenable for the Post Office to act as its own prosecutor without the independent look that the Crown Prosecution Service would bring. My impression is that the Post Office shares that view, and the sooner it can get rid of its responsibility to prosecute—I believe it should happen today—the better."

[Introductory statement about how much (public) cash we have in the network to provide the justification for prosecuting?]

When confronted by criminal conduct within its network, Post Office can exercise the statutory right to bring a private prosecution open to all persons in England and Wales under the Prosecution of Offences Act 1985, or by supplying evidence to the national prosecutors in Scotland and Northern Ireland (where a private prosecution cannot be brought).

In deciding whether a case is suitable for prosecution, Post Office considers (among other factors) whether it meets the tests set out in the Code for Crown Prosecutors. That Code is issued by the Director of Public Prosecutions and followed by Crown Prosecutors. Post Office does not have to inform the CPS that a private prosecution has commenced, but the CPS can take over a private prosecution if circumstances warrant. Like the CPS, Post Office keeps cases under continuous review all the way up to and during any trial, and can effectively stop a prosecution by "offering no evidence" where appropriate.

POL00109860

When Post Office decides to prosecute a case, its conduct of the prosecution is scrutinised by defence lawyers and ultimately by the Courts themselves.

Statute of Limitations

17 Dec 2014 : Column 532WH, Mr Arbuthnot: "….. I hope the Government can prevent the Post Office from pleading the statute of limitations, because sub-postmasters' legal actions—some of them caused by the behaviour of the Post Office—should not be barred by the passage of time."

Limitation periods for bringing legal actions are a long and firmly established part of the law. The periods, currently established by the Limitation Act 1980, balance the interests of the claimant (who may need time to bring a claim) and the defendant (who must be protected from stale claims, e.g. because relevant materials are no longer available).

The limitation defence is available to all defendants, no matter how strong the claim they are asked to answer. Post Office, uniquely among defendants, should not be prevented from exercising this legal right.

The Scheme does not affect postmasters' legal rights, including the right to start Court proceedings if they believe their case has merit. Many of the complaints in the Scheme are very old, with the typical 6 year limitation period expiring well before the Scheme was established. Many postmasters received advice on their complaints before the limitation period expired, and Post Office has paid for postmasters in the Scheme to receive support from professional advisors who can help with any limitation issues.

Rodric Williams I Litigation Lawyer

[Description: address]

148 Old Street, LONDON, EC1V 9HQ

[Description: phone]

GRO Postline GRO

[Description: mobile]

GRO

[Description: email]

GRO

[Description: web]

Post Office stories<http://www.postofficestories.co.uk/>

[Description: twitter]

POL00109860

@postofficenews<http://www.twitter.com/postofficenews>

[Description: footer]
From: Patrick Bourke
Sent: 09 January 2015 12:09
To: Tom Wechsler; Mark R Davies
Cc: Belinda Crowe; Melanie Corfield; Rodric Williams; Angela Van-Den-Bogerd; Parsons, Andrew
Subject: RE: The "dossier"

Tom

We spoke.

Some of Mark's questions fall into the technical and I'd very much welcome Rod's advice on another two, as below:

For techhie:

- JA suggestion that at the end of the day, accounts were sometimes over, and sometimes under, and changing balances between a Sat and a Monday

- JA suggestion about discrepancies doubling following helpline advice

- Calls to helpline abandoned (10s of thousand)

- 25% cut to support staff

- Horizon was 'second hand' and designed for other purposes

For Rod please:

- The specific Bridgen accusation that we bring criminal cases even when CPS has advised against

- Statute of limitations

I think there is something of a limit to the number of accusations we can expect the dossier to cover, not in the sense that there are so many (although there are), but some just don't really lend themselves to an easy answer: for instance, it seems highly improbable that a discrepancy would double as the direct result of a call to the Helpline – what would have doubled it, presumably, were the actions taken by the relevant SPM following the call but this then becomes case-specific and off bounds.

Most of the others will simply involve adding to your draft which, as we noted yesterday, is already in good shape.

Speak later

POL00109860

Patrick

From: Tom Wechsler
Sent: 08 January 2015 16:26
To: Mark R Davies
Cc: Belinda Crowe; Melanie Corfield; Rodric Williams; Patrick Bourke; Angela Van-Den-Bogerd; Parsons, Andrew
Subject: RE: The "dossier"

Thanks Mark – really helpful.

Some of it is covered (eg the substance of Rudkin if not as a named case) but your suggestions are probably a level of detail below that I originally pitched at. Now we have the shorter version, I think a more detailed rebuttal probably is the way to go. A fair amount of this is in Second Sight's questions so we'll get on to it.

Cc others for info and the potential need for help

Tom

Tom Wechsler
GRO

From: Mark R Davies
Sent: 08 January 2015 16:10
To: Tom Wechsler
Subject: RE: The "dossier"

Hi Tom

This looks very good.

Apologies if I have missed these points as I have read through but if they are not there could we directly respond to the following as well:

- The Rudkin case

- JA suggestion that at the end of the day, accounts were sometimes over, and sometimes under, and changing balances between a Sat and a Monday

- JA suggestion about discrepancies doubling following helpline advice

- The specific Bridgen accusation that we bring criminal cases even when CPS has advised against

- Have we covered off sufficiently the JA suggestion that we have broken 'agreement' with MPs re range of the scheme?

- -'set out to sabotage' – I think we need to specifically rebut this

POL00109860

- Lost or destroyed documents
- Calls to helpline abandoned (10s of thousand)
- 25% cut to support staff
- Put it in an envelope
- Statute of limitations
- Horizon was 'second hand' and designed for other purposes

M

Mark Davies I Communications and Corporate Affairs Director

1st Floor, Banner Wing, 148 Old Street, London, EC1V 9HQ
GRO Postline GRO
GRO Mobex GRO
GRO GRO
[Footer 5]

From: Tom Wechsler
Sent: 08 January 2015 15:33
To: Patrick Bourke; Rodric Williams; Mark R Davies; Angela Van-Den-Bogerd; Parsons, Andrew; Jarnail Singh; Jane Hill
Cc: Belinda Crowe; Melanie Corfield; Chris Aujard; Georgia Barker; Jessica Barker
Subject: The "dossier"

All

With thanks to Belinda and Mel for their input so far, please find a first draft dossier attached. This would be for the us to offer to the Minister to place in Parliament and for us to use with MPs etc / publicly.

Please note: As colleagues are still commenting on the "short version" there will need to be a reconciliation of the two documents mostly for style / language rather than substance.

All comments welcome.

Thanks

Tom