POL00101668

Message

From: Patrick Bourke GRO
on behalf of Patrick Bourke GRO
Sent: 08/12/2014 09:11:11
To: Mark R Davies GRO; Belinda Crowe GRO
CC: Melanie Corfield GRO; Chris Aujard GRO; Rodric Williams GRO; Belinda Crowe GRO; Tom Wechsler GRO
Subject: RE: email to BBC

Mark

At the risk of putting my head above the parapet too far, I do just wonder whether this is likely to produce the results we are seeking:

- In their eyes, they are offering us a right of reply;
- I can't imagine they would pull the story, though I accept it may benefit from a fresh pair of editorial eyes; and
- It might appear that we are running scared and inadvertently cause further, rather than less, doubt in people's minds;

Would an alternative be more in the nature of a 'heads-up', simply flagging to him that that, despite the allegations we expect to be levelled at us, we are confident that we have acted appropriately at all stages etc ?

It's a bit less confrontational and calm ?

Best wishes

Patrick

From: Mark R Davies
Sent: 08 December 2014 08:51
To: Belinda Crowe
Cc: Patrick Bourke; Melanie Corfield; Chris Aujard; Rodric Williams; Belinda Crowe; Tom Wechsler
Subject: Re: email to BBC

Thanks - other views? I'd like all to be content with this approach so please do raise any concerns. Essentially this is going over nick Wallis head, by several degrees. It will get back to him and will harden his view of us. But equally I am concerned about letting it happen without raising our reasonable position.

Mel, please can you also find out name of the editor of the One Show?

M

Mark Davies
Communications and Corporate Affairs Director
Mobile: GRO

Sent from my iPhone

On 8 Dec 2014, at 08:03, "Belinda Crowe" GRO wrote:

> Thanks Mark

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I think that we need to avoid saying too much about the Scheme and resolutions at this stage – this could well get leaked and we do not want to give others a hook to start speaking publicly about resolution of cases. Also we have not yet agreed with the Board/ExCo that we will publish a report and Alice was a bit more circumspect about it.

Suggest as amended below:

Dear James

I hope you are well. You may remember me from my days as Jack Straw's special adviser. I am now communications director at the Post Office. I hope you will be able to explore the issue below for me, or urgently point me in the right direction so that the serious concerns of the business can be addressed.

In short, I am gravely concerned that the BBC could shortly embark on news coverage regarding the Post Office and its business which is unfairly damaging to its reputation, and which causes unnecessary distress to customers and colleagues. While I know that the BBC is rigorous, and rightly so, in its adherence to its editorial guidelines, I am concerned that on this occasion there is the potential for coverage which is unfair, potentially defamatory and which places the business in an intolerable position.

In short, a campaign was set up some years which suggested that a very small number of postmasters had been unfairly treated by the business. The suggestion is that our computer system caused losses in their accounts for which they were held liable. Some were successfully prosecuted.

The Post Office takes its responsibilities very seriously and that includes its approach to prosecutions and the management of branches. There is no evidence, now or in the past of any systemic issue with or computer system, which successfully deals with millions of transactions every day.

That said, given the concerns of this small number of subpostmasters, raised with us by the Justice for Subpostmasters Alliance (JFSA) and MPs representing postmasters in their constituencies, we decided in 2012 to set up a review by forensic accountants of our computer system. That review found no systemic faults with the system.

However, we set up a Complaints and Mediation Scheme to give postmasters a route through which to raise concerns. This Scheme is overseen by a working group, with an independent chair (a former High Court judge) and Terms of Reference agreed by all parties (including the JFSA).

The scheme involves a thorough investigation by the Post Office of any case, further independent review by forensic accountants and consideration as to whether a case should go to mediation by the working group.

We are close to completing all investigations of the 150 or so cases brought forward. Some have already been resolved.

What is clear is that some two and a half years on since we began to review this year, there remains no evidence at all of any systemic issue with our computer system. This is of course a critically important point.

Once all cases have been through the process we will be able to report publicly on the process

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and its content (but not individual cases), and we would at that time welcome the opportunity to discuss the approach in more detail.

My concern is that the BBC One Show is planning to report on the issue this week. We have been asked to give an interview. We are unable to do so given the confidentiality around the Scheme, agreed with all parties, and which is in the interests of all those who have brought cases forward. Regardless of the commitment to confidentiality agreed as part of the Scheme you will understand that we cannot discuss personal cases publicly and disclose information about individuals even to put right claims that they make.

I attach below the email from the BBC journalist making this request. He refers to a specific case in the Scheme. We are therefore unable of course to comment and would suggest that it would be unfair if the BBC were to report on it before the due process I set out above is complete – to do so could undermine the process.

The journalist, Mr Wallis, makes a number of points about the case of a named former subpostmaster, but as this case is a matter of public record, it is difficult to understand what new angle is being suggested.

Mr Wallis suggests that a barrister will be interviewed and make accusations about our computer system. These will be without foundation and this is extremely worrying in relation to the potential for inaccurate and potentially defamatory comments to be made about a system which works every day on behalf of millions of Post Office customers. The phrase "he is unlikely to be complimentary" does not strike me as that of someone going into the issue with an open mind.

Mr Wallis claims to have significant evidence which could challenge the decisions of the courts. If this is the case he and the BBC are under an obligation to make the Post Office aware of any such information. We have written separately to Mr Wallis requesting that he do so.

Allegations of miscarriages of justice are of course extremely serious and it is clear that there are well established avenues for such claims to be made.

Mr Wallis suggests that it "speaks volumes" that the Post Office has not been interviewed about these matters. With respect to the BBC we are accountable to our people and our customers, and I hardly think an independent review and a Mediation Scheme is evidence of a lack of accountability. Moreover I think the phrase "this speaks volumes" suggests that this item cannot therefore carry with it the editorial balance which is surely necessary in a case such as this.

I understand that the One Show plans to air this item this week, possibly as early as Tuesday. We are not aware, still, however as to the 'new' evidence which the BBC plans to air. This is gravely concerning given the seriousness of the matters at stake.

I would like to stress that at the appropriate time, the Post Office will be happy to speak publicly about the Scheme and the allegations which have been made. However, with the process ongoing, this is not the time at all. We are being placed in an intolerable position when our approach is reasonable, fair and beyond that which many companies in a similar position would do.

I look forward to hearing from you as soon as possible. Meanwhile, I have copied the email from your journalist, Mr Wallis, below.

Best wishes

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Mark Davies

Belinda Crowe

148 Old Street, LONDON, EC1V 9HQ

GRO

GRO

From: Mark R Davies
Sent: 07 December 2014 22:52
To: Belinda Crowe; Patrick Bourke; Melanie Corfield; Chris Aujard; Rodric Williams
Subject: email to BBC

All
This is the email I would like to send to James Harding, the BBC's director of news and current affairs.
Please let me have your thoughts asap as I would like to send by lunchtime MOnday (including a view please from legal).
Thanks
MArk

CONFIDENTIAL AND WITHOUT PREJUDICE

Dear James

I hope you are well. You may remember me from my days as Jack Straw's special adviser. I am now communications director at the Post Office. I hope you will be able to explore the issue below for me, or urgently point me in the right direction so that the serious concerns of the business can be addressed.

In short, I am gravely concerned that the BBC could shortly embark on news coverage regarding the Post Office and its business which is unfairly damaging to its reputation, and which causes unnecessary distress to customers and colleagues. While I know that the BBC is rigorous, and rightly so, in its adherence to its editorial guidelines, I am concerned that on this occasion there is the potential for coverage which is unfair, potentially defamatory and which places the business in an intolerable position.

In short, a campaign was set up some years which suggested that a very small number of postmasters had been unfairly treated by the business. The suggestion is that our computer system caused losses in their accounts for which they were held liable. Some were successfully prosecuted.

The Post Office takes its responsibilities very seriously and that includes in the management of branches. There is no evidence, now or in the past of any systemic issue with or computer system, which successfully deals with millions of transactions every day.

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We have also set up a Complaints and Mediation Scheme to give postmasters a route through which to raise concerns. This Scheme is overseen by a working group, with an independent chair (a former High Court judge) and Terms of Reference agreed by all parties (including the JFSA).

The scheme involves a thorough investigation by the Post Office of any case, further independent review by forensic accountants and consideration as to whether a case should go to mediation by the working group.

We are close to completing all investigations of the 100 or so cases brought forward. Some have gone to mediation: others have not. Some have been settled in mediation; others have not.

What is clear is that some two and a half years on since we began to review this year, there remains no evidence at all of any systemic issue with our computer system. This is of course a critically important point.

It is our intention once all cases have been through the process to issue a public report on the process and its content, and we would at that time welcome the opportunity to discuss the approach we have taken.

My concern is that the BBC One Show is planning to report on the issue this week. We have been asked to give an interview. We are unable to do so given the confidentiality around the Scheme, agreed with all parties, and which is in the interests of all those who have brought cases forward.

I atttach below the email from the BBC journalist making this request. He refers to a specific case. This case is one of those being considered in the Scheme. We are therefore unable of course to comment and would suggest that it would be unfair if the BBC were to report on it before the due process I set out above is complete.

The journalist, Mr Wallis, makes a number of points about the case of a named former subpostmaster, but as this case is a matter of public record, it is difficult to understand what new angle is being suggested.

Mr Wallis suggests that a barrister will be interviewed and make accusations about our computer system. These will be without foundation and this is extremely worrying in relation to the potential for inaccurate and potentially defamatory comments to be made about a system which works every day on behalf of millions of Post Office customers. The phrase "he is unlikely to be complimentary" does not strike me as that of someone going into the issue with an open mind.

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I would like to stress that at the appropriate time, the Post Office will be happy to speak publicly about the Scheme and the allegations which have been made. However, with the process ongoing, this is not the time at all. We are being placed in an intolerable position when our approach is reasonable, fair and beyond that which many companies in a similar position would do.

I look forward to hearing from you as soon as possible. Meanwhile, I have copied the email from your journalist, Mr Wallis, below.

Best wishes

Mark Davies

Mark Davies
Communications and Corporate Affairs Director
Mobile: GRO

The email from Mr Wallis is as follows:

Yesterday I had a conversation with your colleague Gabrielle O'Gara (apologies if I have got the spelling wrong) requesting an interview with Paula Vennells or a senior nominee within the Post Office. In the course of our conversation I explained there appears to have been a significant development in the attitude of various MPs towards the Complaint Review and Mediation scheme. I am not exactly clear on what that development is, but I understand it will be known soon.

We are preparing a piece for the One Show which will go out next week. The story is likely to be picked up before then by BBC network news.

In the One Show piece we will interview a former Subpostmaster - Susan Knight in St Keverne - who was accused of theft by the Post Office. She was subsequently completely exonerated, yet she has lost her job, her business, her place in the community, is now living below the bread line and is having to sell her house. Whilst we were there she received a notification that her water supply was in danger of being cut off. Yet she is an innocent woman.

In order to ensure Ms Knight's position on the mediation scheme is not in jeopardy, we have not discussed the mediation scheme at all - we simply wanted to hear about her experience of running the village Post Office and her treatment at the hands of the Post Office and the legal system.

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In our One Show piece we will also interview a barrister who is an expert in computer systems. He will say the idea that computer systems are faultless is a nonsense, and that relying solely on their output for criminal investigations (as the Post Office has done in a number of cases) can result in miscarriages of justice. He has been taking a close interest in Horizon and will state his professional opinion on Horizon during our piece. He is unlikely to be complimentary.

We have been in contact with a number of former SPMRs who all claim their innocence, yet most or all have been sacked/forced to resign by the Post Office. Many have been prosecuted, some have criminal convictions, some have been sent to prison. In the cases we are looking into, the common thread is a complete absence of any evidence of deliberate wrongdoing, let alone proof of criminal activity. Some have compelling evidence they are innocent of any crime or negligence. Some also have clear evidence of inexplicable errors made by Horizon.

The BBC, through various outlets, has made repeated requests for interview by the Post Office over the integrity of the Horizon system. These interview requests go back as far as the Taro Naw programme in 2009, my own broadcast on BBC1's Inside Out South in 2011, Matt Prodger's interview requests for BBC News in 2012 and 2013, the request by Taro Naw in 2013 and my request to you earlier this year.

To the best of my knowledge the Post Office has never allowed itself to be properly held to account in a formal recorded interview over the integrity of the Horizon system and/or the way it goes about prosecuting its Subpostmasters. This, in itself, speaks volumes.

I would like to reiterate my interview request with some urgency. **We would have to have it recorded by Monday evening**. We can get a camera crew anywhere reasonable in the UK at reasonable notice, and of course we can make one available at the weekend.

I called Ms O'Gara on your office phone number GRO at around 2.30pm yesterday afternoon and have not yet received a response. I think it is immensely important to get the Post Office's perspective on the integrity of the Horizon system, its treatment of Subpostmasters having problems using the Horizon system (including and with specific reference to Susan Knight) and any latest developments in the relationship between the Post Office and MPs over the mediation scheme. If you wish to discuss the exact terms of reference of the interview before it takes place, I would be willing to listen to what you have to say.

Please email me or call me on GRO if you require any further information or wish to discuss where and when the interview with Ms Vennells will take place.

Thank you

Sent from my iPad