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Message

From:	Rodric Williams [/o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Rodric Williamse9c114f4-b03f-4595-b082-ce89be5c79d47b]
on behalf of	Rodric Williams
Sent:	11/12/2014 16:27:48
To:	Belinda Crowe [/o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Belinda Crowe79b93f11-569f-4526-a078-f5b4958a8917220]
CC:	Patrick Bourke [/o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Patrick Bourkbe7db8d6-53ec-4534-922b-495877001727e11]; Tom Wechsler [/o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Tom Weschlerb6b453bc-4132-4d59-815b-2562634eea6b49c]; Melanie Corfield [/o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Melanie Corfi1de623c2-38b2-49fb-ae9a-12e4b20d626720c]; Jessica Barker [/o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Jessica Barke2f1246a4-76f4-4975-aff3-89e387e01434d2e]
Subject:	RE: Sparrow Questions

Apologies, but having seen Jess's email re: CEDR, my final observation is wrong – under the CEDR agreement, both the fact of settlement and its terms are confidential.

That said, I know the Settlement Agreement in Corner/M022, expressly permits the parties "to confirm the fact that the Complaint has been resolved but not the terms of that resolution", and issue an agreed statement that "Mr Corner and Post Office Limited are pleased to announce that they have amicably resolved to their mutual satisfaction any issues between them arising out of Mr Corner's tenure as a Temporary Subpostmaster at Cleadon Park Post Office, South Shields between 25 June 2010 and 1 February 2012."

From: Rodric Williams
Sent: 11 December 2014 14:56
To: Belinda Crowe
Cc: Patrick Bourke; Tom Wechsler; Melanie Corfield; Jessica Barker
Subject: RE: Sparrow Questions

Not sure if these will help or just confuse, but here are my observations:

- We have to respect the confidentiality of mediation, which:
  - is there to protect both parties;
  - is fundamental to all mediations, and inherent in a process which facilitates compromise; and
  - won't work without it - parties are unlikely to compromise and resolve their disputes if they think what they say and do could become public or be thrown back at them.
- This is the same principle which underscores the privilege for any other type of "without prejudice" communication, which prevents communications about settlement being used as evidence in civil court proceedings.
- The trick though is that you can't hide an injustice (e.g. unsafe conviction) behind privilege, so while a civil court can't hear anything communicated in mediation, we're advised that a criminal court could if it provided grounds for an appeal.

- It's not just Post Office that hasn't seen anything to say a conviction is unsafe. Second Sight haven't either (touch wood), and nor have the applicants following receipt of our Investigation Report, the disclosed supporting materials, and (where completed) Second Sight's report (again, touch wood).
- Further, nothing has been provided to us in response to our direct requests for information asserted to show that a conviction was unsafe (letters to SS, Kay Linnel and BBC).
- If there were grounds for an appeal, the applicant would be eligible for legal aid (I'm not 100% sure of this, so will check).

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- Finally, the fact of settlement is not confidential (e.g. "Post Office and Mr Corner have resolved their differences"), but the terms of it will be (e.g. "The resolution involved Post Office writing off a debt of £x").

Happy to elaborate as required.
Rod

Rodric Williams I Litigation Lawyer

148 Old Street, LONDON, EC1V 9HQ

GRO

Post Office stories

GRO

From: Belinda Crowe
Sent: 11 December 2014 13:11
To: Mark R Davies
Cc: Melanie Corfield; Patrick Bourke; Tom Wechsler; Rodric Williams; Jessica Barker; Belinda Crowe
Subject: RE: Sparrow Questions

Thanks Mark,

Helpful. But these are the trickiest questions. However we will add them to the list we are working on for Richard.

On the first: We are not saying we will not mediate cases which have been through the Courts. We are considering each case on its facts. However a conviction can only be overturned by a court it cannot be overturned by mediation. And if the Post Office investigation has not identified anything to suggest, in its view, that the conviction was unsound it is unlikely to mediate.

On the second, even the Working Group does not have access to information about which cases have settled. It only has access to information about whether a case has or has not been mediated. After 15 cases have been mediated it will receive from CEDR a report which shows (Jess, please confirm):
Number of cases mediated
Number resolved
Number not resolved. The reason for this is to ensure that the information provided by CEDR does not in any way make it possible to identify which applicants have settled and which have not.
Jess – could you give Patrick the exact CEDR wording on this. Can you please also clear whatever we are going to say about CEDR with them and alert them to the fact that it may be used in a debate – I think that we can use the letter John prepared for the WG as the source for information.

Best wishes
Belinda

Belinda Crowe

148 Old Street, LONDON, EC1V 9HQ

GRO

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From: Mark R Davies
Sent: 11 December 2014 12:51
To: Belinda Crowe
Cc: Melanie Corfield; Patrick Bourke; Tom Wechsler; Belinda Crowe
Subject: Re: Sparrow Questions

I saw Jo yday at the MP event too and we had a brief chat about the debate. She was very calm and prepared to be robust. She was pleased with our approach so far and wanted to push it back as an operational matter for us as much as possible.

That said she had two areas where she will challenge us and where we will need strong lines:

- why can't we mediate cases which have been through the courts? Her view was that the "other avenues" argument is weak due to cost for ex SPMRs in that position.

- she would like to be able to talk about cases where we have mediated and come to settlements: she wants to be able to show Post Office's good faith

I can see these are both tricky but we should of course do all we can to build up our argument for her, especially as she is supportive.

Mark

Mark Davies
Communications and Corporate Affairs Director
Mobile: GRO

Sent from my iPhone

On 11 Dec 2014, at 11:11, "Belinda Crowe" GRO wrote:

> Could we start populating these questions for Jo's briefing.
> Patrick, could you hold the pen on these please?
>
> Thanks
> Best wishes
> Belinda
>
> **Belinda Crowe**
>
> 148 Old Street, LONDON, EC1V 9HQ
>
> GRO
>
> **From:** Callard Richard (ShEx) GRO
> **Sent:** 11 December 2014 11:07
> **To:** Batten Peter (ShEx); Belinda Crowe

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Cc: Chris Aujard; Gavin Lambert; Mark R Davies
Subject: Sparrow Questions

Belinda

As discussed, sorry I couldn't join the call last night. Peter and I are working on the briefing jointly, particularly as he is soon to depart and so it helps me get up to speed. In that light I have considered the sorts of questions that Jo will face, which I have listed in the attached, and I would be grateful if you and the team could start preparing the answers given that you are best placed to do so – we just don't have some of the background required.

I would be happy to discuss these, but these are by their nature quite uncomfortable or unreasonable questions, but that is what we will be asked of Jo. Even if we don't speak publically of some of the questions needed in here, we still need the answers to provide Jo privately with the confidence to rebut James Arbutnot's claims. Although we have kept her sighted on the scheme, there has clearly been a limit to what we could tell her given confidentiality reasons to date.

It would be helpful if answers are short and punchy – Jo has to remember them ideally rather than scrabbling around for them.

Finally, I would be grateful for responses asap, but otherwise by close Friday so I have the weekend to look at them and turn them around (our deadline here is 2pm Monday which is a rather tight). I will separately establish what time any verbal briefing might be.

Many thanks

Richard

From: Batten Peter (ShEx)
Sent: 10 December 2014 18:26
To: Belinda Crowe
Cc: Callard Richard (ShEx)
Subject: Sparrow catch-up

Belinda

Many thanks for your time. As discussed, can you please send copies of:

- PV letter to Arbuthnot of 5 November
- The angels and devils briefing (I think that was the name ascribed to it)
- Mark's rebuttals for the Today programme
- Key facts sheet (i.e. # resolved cases, etc)

We also discussed the cost of the WG point. Recognising the risk that any number could be twisted against POL, this is a number that Jo will need to be aware of numerically and from a handling risk.

Best wishes
Peter

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Peter Batten | Shareholder Executive | Department for Business, Innovation & Skills |
GRO | www.bis.gov.uk |

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<Sparrow Questions for Parliamentary Debate 17th December 2014.docx>