

Message

From: Rodric Williams [GRO]
Sent: 24/03/2016 18:05:44
To: Parsons, Andrew [GRO]; Matthews, Gavin [GRO]
Subject: FW: S17 to POL - additional material Feb 2016
Attachments: CCRC Tracker.xlsx; Electronic Field Cabinet Extract Broughton 17.01.16.docx; DOCs ET1 Form.pdf; 19Feb15-Fozia Rashid, Protected Disclosures (PDF).pdf; CAM_1B-#3966164-v1-Amended_Grounds_of_Resistance_-_Rashid_POL.PDF; _DOC_31264753(3)_Draft Statement.pdf; 20160314145914393.pdf; 20160314163044923.pdf

Fyi only

From: Rodric Williams
Sent: 14 March 2016 16:45
To: 'PearceA'
Cc: 'frazer.stuart' [GRO]
Subject: RE: S17 to POL - additional material Feb 2016

Dear Amanda,

Many thanks for your email below, to which I respond using the same numbering.

1. & 3. Tracker document & civil litigation files

The civil litigation material has now been released to you through the Millnet viewing platform. Please find attached an updated version of the tracker reflecting this.

For the avoidance of any doubt, this email gives formal notice under section 25 of the Criminal Appeal Act 1995 (CAA) that there is material within the civil litigation files that is legally privileged and/or confidential, which is not to be disclosed without our prior consent. Accordingly, should the CCRC wish to disclose material from these files, Post Office Limited will need to review that material to form a definitive position on privilege/ confidentiality and whether or not it consents to disclosure.

2. Post Office Security electronic documents

As reported in my 13 January 2016 email to you, we ran searches against seven "theft cases" using the defendant's surname and extending 3 years, 2 years and 18 months back from the date of conviction. The results of these searches are set out for you again in the highlighted sections in the table below.

As requested in your 6 February 2016 email, we have now also run searches extending 3 years from the date of conviction for each case which has been referred to the CCRC. The results are set out in the table below, along with the number of responsive documents extending 2 years and 18 months back from the date of conviction, which I have included for context.

Assuming you are happy to proceed with the 3 year scope, I will ask Millnet to filter the documents accordingly and group them into sub-folders for your review. Please can you confirm you remain happy with this approach.

I should flag that whereas the searches done for the first seven highlighted cases were conducted across both the Post Office Security folders (2x) and the Cartwright King data, the searches for the remaining cases were undertaken across the Post Office Security team folders only, i.e. the search results do not include any responsive documents in the Cartwright King data. Instead, we intend dealing with the Cartwright King data separately by manually dividing it out into case-by-case subfolders, given that it should all relate to the prosecution under investigation.

	3 years back from date of conviction	Doc Count	2 years back from date of conviction	Doc Count	18 months back from date of conviction	Doc Count
Adedayo	31/3/2003 to 31/3/2006	2	31/3/2004 to 31/3/2006	2	30/9/2004 to 31/3/2006	2
Banks	20/6/1999 to 20/6/2002	0	20/6/2000 to 20/6/2002	0	20/12/2000 to 20/6/2002	0
Hamilton	4/2/2005 to 4/2/2008	241	4/2/2006 to 4/2/2008	164	4/8/2006 to 4/2/2008	143
Patel	3/6/2008 to 3/6/2011	2565	3 /6/2009 to 3/6/2011	2,092	3/12/2009 to 3 /6/ 2011	734
Thomas	30/6/2003 to 30/6/2006	583	30/6/2004 to 30/6/2006	520	30/12/2004 to 30/6/2006	449
Ward	23/3/2006 to 23/3/2009	4308	23/3/2007 to 23/3/2009	2983	23/9/2007 to 23/3/2009	1669
Wilson	15/6/2006 to 15/6/2009	1039	15/6/2007 to 15/6/2009	877	15/12/2007 to 15/6/2009	743
Henderson	15/12/2007 to 15/12/2010	202	15/12/2008 to 15/12/2010	171	15/6/2009 to 15/12/2010	167
Hall	30/6/2008 to 30/6/2011	2656	30/6/2009 to 30/6/2011	2347	30/12/2009 to 30/6/2011	582
Robinson	30/11/2009 to 30/11/2012	235	30/11/2010 to 30/11/2012	182	30/5/2011 to 30/11/2012	156
McDonald	21/1/2008 to 21/1/2011	322	21/1/2009 to 21/1/2011	242	21/7/2009 to 21/1/2011	180
Skinner	5/1/2004 to 5/1/2007	135	5/1/2005 to 5/1/2007	120	5/7/2005 to 5/1/2007	110
Barang	13/8/2009 to 13/8/2012	74	13/8/2010 to 13/8/2012	69	13/2/2011 to 13/8/2012	62
Prince	12/1/2009 to 12/1/2012	494	12/1/2010 to 12/1/2012	309	12/7/2010 to 12/1/2012	262
Ishaq	7/3/2010 to 7/3/2013	62	7/3/2011 to 7/3/2013	53	7/9/2011 to 7/3/2013	31
Williams	3/6/2008 to 3/6/2011	1868	3/6/2009 to 3/6/2011	1398	3/12/2009 to 3/6/2011	600
Holmes	22/12/2006 to 22/12/2009	494	22/12/2007 to 22/12/2009	430	22/6/2008 to 22/12/2009	412
Darlington	22/2/2007 to 22/2/2010	394	22/2/2008 to 22/2/2010	372	22/8/2008 to 22/2/2010	347
Misra	21/10/2007 to 21/10/2010	244	21/10/2008 to 21/10/2010	186	21/4/2009 to 21/10/2010	137
Fell	29/6/2004 to 29/6/2007	368	29/6/2005 to 29/6/2007	256	29/12/2005 to 29/6/2007	146
Rudkin	23/3/2006 to 23/3/2009	68	23/3/2007 to 23/3/2009	54	23/9/2007 to 23/3/2009	53
Trousedale	7/4/2001 to 7/4/2004	32	7/4/2002 to 7/4/2004	32	7/10/2002 to 7/4/2004	32
Hedges	7/1/2008 to 7/1/2011	393	7/1/2009 to 7/1/2011	353	7/7/2009 to 7/1/2011	342

4, 5 & 6. Prosecution Policies / Assurance Material

Thank you for providing the section 17 CAA Notice dated 5 February 2016, which covers the documents provided to you with my 13 January 2016 email. Again for the avoidance of any doubt, this email gives formal notice under section 25 CAA that there is material within those documents which is legally privileged and/or confidential, and which is not to be disclosed without our prior consent. Accordingly, should the CCRC wish to disclose any of that material, Post Office Limited will need to review it to form a definitive position on privilege/ confidentiality and whether or not it consents to disclosure.

In terms of the other material referred to, but not provided with, my 13 January 2016 email, I attach a copy of the letter I am sending to you by Special Delivery enclosing hard copies of the outstanding documents. That letter also provides formal notice under section 25 CAA that there is material within those documents which is legally privileged and/or confidential, and which is not to be disclosed without our prior consent.

7. Zubeir Patel

John Breeden, Post Office National Contract Manager, manages Post Office Limited's relationship with Mr Zubeir Patel, and has asked him whether he would be willing to assist the CCRC's review of Mrs McDonald's case. Mr Patel informed Mr Breeden that he is happy to help you if he can, but because he does not recall personally operating Mrs McDonald's branch, his recollection of events will be limited. We have all the same sent him your letter and asked him to contact you.

In the meantime, we have located the attached record for the Broughton branch held on Post Office Limited's "Electronic Filing Cabinet" (an IT system which records certain activities at particular branches). You'll see that towards the end of the EFC extract it records the branch closing because Mrs McDonald would no longer allow her premises to be used as a Post Office.

I hope this helps – if you need any of the documents referred to in the EFC extract, please let me know. Due to the way these documents are stored, they will need to be sent to you individually rather than via the Millnet platform.

Other matters:

- (i) We would be happy to arrange for a demonstration of the Horizon system, which will need to take place at the Model Office we have at our offices at Finsbury Dials, London. If you could please send me a range of possible dates, I will start making the necessary arrangements. If it was likely to be beneficial, we could also meet face-to-face at the same time for an update on investigation progress, document production and management etc.
- (ii) We are happy to provide the documents you list in respect of Ms Rashid's case. Please find attached (a) the ET1 claim form; (b) the ET3 Defence; (c) a protected disclosures document containing references to complaints about Horizon (see in particular para. 1.17a to 1.17c); (d) a draft witness statement produced by Post Office; and (e) the Settlement Agreement.

Ms Rashid's complaints about Horizon were set out in the "Protected Disclosures" document (a document used in the Employment Tribunal process), but were not advanced in the written evidence filed in support of her claim. Nevertheless, in anticipation of her raising those complaints during trial, Post Office Limited produced the attached (draft) witness statement. Please note that because the case settled before trial, the statement was not finalised with a signed statement of truth. The statement nonetheless reflects Post Office's position had the case proceeded to trial and Horizon been raised as an issue.

Please note that the Settlement Agreement has been redacted to obscure the reference to the settlement amount and its PAYE treatment, which is highly sensitive but not I would have thought relevant to the CCRC's enquiries. Please let me know if this is not the case.

Could you please send to us a section 17 Notices to cover the Rashid material provided with this email, which is disclosed to the CCRC in reliance upon section 25 CAA such that the CCRC is not to disclose it without Post Office Limited's prior written consent, given that the draft witness statement is a legally privileged draft, and the Settlement Agreement is confidential.

- (iii) We are in the process of collating and uploading all hardcopy documents and any remaining electronic documents for the three new cases (Rudkin, Trousdale and Hedges). As you can see above, some electronic

data has already been uploaded (the contents of the Security team folders) but we will confirm when all remaining material for these cases has been uploaded onto the data room.

- (iv) Finally, we note that it has been suggested to you that you speak to Second Sight Support Services Limited as part of your investigations. I will come back to you as soon as possible with Post Office Limited's position on this.

I trust this is clear, but please let me know if you have any questions or wish to discuss anything in more detail.

Kind regards, Rodric



Rodric Williams
Solicitor, Corporate Services
Post Office Ltd
20 Finsbury Street, London EC2Y 9AQ
GRO

From: PearceA [mailto:GRO]
Sent: 06 February 2016 09:14
To: Rodric Williams
Subject: S17 to POL - additional material Feb 2016

Rodric,

Thank you for your recent email. Please accept my apologies for the delay in responding. In the interests of clarity I've adopted the numbering from your email.

1. & 3. Tracker document & civil litigation files

Thank you for the tracker document. It will help us to see at a glance what material you've been able to locate and what's not available. If we notice any discrepancies between the tracker and the material in the data room, I'll let you know. I note that you'll provide an updated tracker once the civil litigation material has been uploaded.

2. Post Office Security electronic documents

Thank you for running the suggested search terms. From our records it appears that the theft cases are Banks, McDonald, Ishaq, Misra, Adedayo and Hedges. I'm sorry if this wasn't clear in the meeting. That said, on reflection I think it would be helpful to run a search against all of the applicants, not just the theft cases, and add the responsive documents to sub-folders as you suggest. In order to make sure that we don't miss anything relevant, I think we have to opt for surname & the 3 years preceding conviction. If this will involve an unreasonable amount of work, please let me know and we can reconsider. (I'm grateful for your offer of Millnet's assistance when it comes to searching the folders and for your advice about making a note of search terms. As you know, we're still more familiar with paper files!)

4. Prosecution policies

As requested, I attach a section 17 notice to cover the provision of this material.

5. & 6. Signposts to material which explains how Post Office assures itself and third parties of the integrity of the Horizon system

The attached section 17 notice also covers the production of the 'integrity' material attached to your email. Regarding the other material that you have identified, the attached notice asks that you preserve the technical reports and produce the Deloitte reports. Your comments regarding s.25 are noted.

7. Zubeir Patel

Are you able to provide an update on Mr Patel? I have attached a copy of the letter which we sent to his last known address. If you were able to pass this on to Mr Patel, I should be grateful.

Other matters:

- i. When we met in November, we spoke about the possibility of arranging a **demonstration of the Horizon system** to help us visualise some of the processes that we are reading about. We have reached a stage where it would be very helpful if we could arrange such a demonstration. (I think you mentioned when we met that there is someone working with the mediation team who is familiar with the training arrangements but that he is only available until the end of February?) We would be happy to attend your offices whenever it's convenient.
- ii. Our attention has been drawn to the case of **Fozia Rashid**. It has been suggested that she is a former Post Office employee who, but for a settlement, was due to give evidence to an employment tribunal which would have included evidence concerning errors caused by Horizon. The Commission would like to satisfy itself as to whether the case raises anything of relevance to our reviews. Unless there is a more efficient option, I think the Commission will need to see a copy of Ms Rashid's ET1 claim form and any supporting statements she might have made, POL's response (ET3) and any settlement agreement or settlement correspondence. It might be helpful for us to discuss this before I send a formal s17 notice. Perhaps you could call me when you've had chance to identify the case file?

As ever, I'm very grateful for your cooperation and assistance.

Kind regards,
Amanda

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