

Message

From: Mark Underwood1 [REDACTED] **GRO**
on behalf of Mark Underwood1 <**GRO**> [REDACTED] **GRO**
Sent: 18/09/2015 13:24:19
To: Patrick Bourke [REDACTED] **GRO**; Rodric Williams [REDACTED] **GRO**
Subject: RE: BNR/Arbuthnot - In Confidence

I don't know what they are, but it appears we gave JH some form of hardship loan / write off of c£3k in 2004

Mark Underwood
Complaint Review and Mediation Scheme
[REDACTED] **GRO**

From: Patrick Bourke
Sent: 18 September 2015 14:17
To: Mark Underwood1; Rodric Williams
Subject: RE: BNR/Arbuthnot - In Confidence

Whaaaaat ?

Sent from my Windows Phone

From: Mark Underwood1
Sent: 18/09/2015 13:37
To: Rodric Williams; Patrick Bourke
Subject: RE: BNR/Arbuthnot - In Confidence

Thanks Rod, no wonder you were looking so pleased with yourself as I left!

In addition – are you aware what happens when a SPMR requests an amount for financial hardship (see attached 2 documents)? These appear to prove that we have done quite the opposite to bullying her – going out of our way to help her?

Mark

Mark Underwood
Complaint Review and Mediation Scheme
[REDACTED] **GRO**

From: Rodric Williams
Sent: 18 September 2015 12:12
To: Mark Underwood1; Patrick Bourke
Subject: RE: BNR/Arbuthnot - In Confidence

Some observations. The most important ones for Paula's question are no.8 and the last one if you want to cut to the chase:

1. "Bullying" isn't a legal concept. The closest thing to it is abuse of process.
2. It's not clear whether "bullying" relates to Hamilton's dealings with Post Office generally, or just the prosecution.
3. I agree with Mark that it most likely refers to the prosecution.

4. Any alleged abuse of process in Hamilton's case is being looked at by the CCRC so far as it's relevant to Hamilton's prosecution.
5. From your meeting summary, JA appears to think that the CCRC will uphold the conviction.
6. JA is therefore benchmarking Hamilton's case against some nebulous concept of fairness for which he is arbiter, which he considers should give rise to the legal remedies of quashing of conviction and payment of compensation, but which is inconsistent with (indeed contrary to) any established legal construct.
7. Back to Hamilton, her hard copy files are currently being scanned for Millnet, so we can't go back through the whole file at the moment.
8. The files show that a number of witness statements were prepared in support of the prosecution and shared with Hamilton's defence.
9. Without the files, I can't comment on whether we still have the statements themselves, or if we do, what they say.
10. I do however have the "red folder" from which some of the RM/PO individuals involved could be identified.
11. My review of the file before it went to Millnet did not raise anything to suggest that the prosecution process was conducted improperly.
12. To the contrary, it shows that the prosecution was subject to continuous internal and external scrutiny, and that Jo Hamilton received legal advice throughout.
13. Therefore if there was any "bullying", it is only that inherent in exercising legal rights and following a legal process which we were demonstrably entitled to do.
14. Insofar as general contract dealings are concerned, Angela's investigation team would know what documents are available from Hamilton's time in post.
15. However, I'm not aware of Hamilton complaining about bullying in the operational context at any time during her tenure or through the Scheme.
16. Further, I understand that at the time of Hamilton's prosecution, the contract process effectively fell in behind and followed the outcome of the prosecution, so it's unlikely that there would have been much engagement with Hamilton at the contract level once the account shortfall had been identified.
17. Thus, any attempt now to raise "bullying" as an issue outside the prosecution process should be seen as hindsighted and opportunistic.
18. Ultimately, I do not recommend interviewing anyone:
 - a. it's so long ago that any recollections will be stale and therefore of marginal value(if any);
 - b. even assuming the individuals are still in the business, it's very difficult to interview someone without a clear idea of the questions you need answered and/or answers you want to get;
 - c. it is therefore not clear to me what is sought to be achieved, or indeed what could be achieved, by conducting an interview now;
 - d. perhaps most importantly, any interview will be covered by the CCRC's s.17 Notice for Hamilton and therefore would have to be disclosed to the CCRC.



Rodric Williams
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From: Mark Underwood1
Sent: 18 September 2015 09:11

To: Patrick Bourke; Rodric Williams
Subject: RE: BNR/Arbuthnot - In Confidence

This comes back to the sufficiency of evidence to bring a theft charge (I think). I think Paula has taken the 'bullying' term at face value when in actual fact it is becoming shorthand for the accusation that we brought a theft charge to force her into a guilty plea to false accounting.

I think taking her through Rod's red folder would make her feel more comfortable about that – but we could also share with her the interview transcripts as well to dispel any thoughts that someone at PO was heavy handed. For info, JH simply state 'no comment' over and over and over again in the interview.

Mark

Mark Underwood
Complaint Review and Mediation Scheme
[redacted]
GRO

From: Patrick Bourke
Sent: 18 September 2015 08:57
To: Mark Underwood1; Rodric Williams
Subject: FW: BNR/Arbuthnot - In Confidence

Morning

I haven't got an answer to her question (not entirely sure I understand it) – do either of you and, if not, could you get me one please ?

P

From: Paula Vennells
Sent: 17 September 2015 23:01
To: Tom Wechsler; Patrick Bourke
Cc: Jane MacLeod; Mark R Davies; Rodric Williams
Subject: Re: BNR/Arbuthnot - In Confidence

Ditto from me.

Thank you Patrick. I'm grateful.

As I'm on leave tomorrow, I'd appreciate a F2F on Monday.

A question I meant to ask before re the bullying claim: presumably we have names of colleagues who would have been involved at various stages of the JA claim. Have any of them been interviewed?

Thanks, PAula

Sent from my iPhone

On 17 Sep 2015, at 22:10, Tom Wechsler [redacted] GRO [redacted] > wrote:

Patrick

Just a quick message of thanks for such a full report.

I have so many thoughts on what has been feedback that I want to reflect before suggesting any next

step. But if accurate (and no reason to believe it is not) "primitive and untrained retailers" is a phrase we must not let pass. Was a private secretary in the room? If so, they must produce a formal note. Failing that, Laura should.

Thanks again. Happy to talk tomorrow

Tom

Sent from my Windows Phone

From: [Patrick Bourke](#)

Sent: 17/09/2015 18:59

To: [Paula Vennells](#); [Jane MacLeod](#); [Mark R Davies](#); [Rodric Williams](#); [Tom Wechsler](#)

Subject: BNR/Arbuthnot - In Confidence

All

A brief report from the BNR/Arbuthnot meeting.

1. JA spoke about Jo Hamilton's case at length and as the leading example of the whole affair and the Minister adopted a largely listening stance throughout. He went through Ms Hamilton's interpretation of what had occurred, including allegations we are familiar with (e.g. she rang the Helpline, implemented their advice, and her discrepancy immediately doubled). She had been put in a terrible dilemma between having to commit a crime or breach her contract. JA was clear that, even if she had seen a copy of her contract (which she alleges she did not), she was 'clearly not equipped' to understand it.
2. JA's principal ask of the Minister was that she should meet Second Sight. After all, she had met Paula, so it was only fair she should meet them too. The Minister committed only to consider doing so. His second main request was that the Minister watch the whole of the Panorama programme (which I understand she has not).
3. They spoke about the business of being an SPMR and the fact that it is more akin to running a bank branch than a shop, in terms of transactions being performed (this is apparently a notion that the Minister is somewhat sympathetic to at present). Given that fact, while JA understood that the Post Office had a high degree of responsibility for public funds and one might therefore expect the SPM Contract to be pretty stringent, the Post Office also had a duty to look after the 'primitive and untrained retailers' performing the job. In this, the Post Office had failed Jo Hamilton and others.
4. They then spoke about the CCRC. JA expressed himself pleased, naturally, at their involvement. However, the CCRC was 'all well and good' but:
 - a. The Post Office was clearly not providing the CCRC with certain documents (his evidence for this appears to stem from an exchange of emails between him and Jo Hamilton who was i) 'outraged' by the redactions made to the information she received in response to her Data Subject Access Request and ii) had spoken to her case handler at the CCRC who had reported that the Post Office was taking a bit of time to supply information to it); and
 - b. The CCRC would, regrettably in his view, have to take Jo Hamilton's conviction at face value since she committed an offence, was prosecuted and pleaded guilty. So, while the CCRC might (and should) find that the Post Office behaved disgracefully by bullying her

into a terrible dilemma, including by using the threat of a theft charge to secure a conviction for false accounting etc, there might well be nothing that it could do to give her what she actually deserved, which was both a quashing of her conviction and compensation from the Post Office.

5. JA raised remote access briefly and said that this allegation was another good reason for her to meet with Second Sight since they felt, although could not conclusively prove, that remote manipulation of branch data did probably occur. The Minister voiced the fact of all the many things she had heard about in her handling of this issue, this seemed to her to be quite 'far-fetched'.
6. The Minister explained what she was asking of Tim Parker. She had also told Oliver Letwin who felt it to be a very sensible move. JA, while welcoming of the idea broadly, was less convinced. Even if Tim were to be objective in his investigation (which was not a given), would he really want to reveal lots of 'bad things' about an organisation whose Chairmanship he had just assumed ? JA suggested that Tony Hooper should also be considered. He was 'credible and fair' and the Minister should also meet him. The Minister again committed only to consider doing so.
7. Lastly, JA informed the Minister that he would be using his maiden speech in the Lords to major on this issue. This clearly cannot happen before he is introduced to the House, an event which takes place on 20 October. Privately, the Minister is hopeful that she will have been able to forge sufficient of a relationship with him by then that he might share an advance copy of that speech with her.

In terms of immediate steps, the Minister will now write to Andrew Bridgen, explaining what she has asked of Tim Parker and saying that she has now met with JA. She then goes off to the Far East (or abroad at any rate) on Government business and will not be in the office at all next week. Her officials propose to use this time to reflect on what they might recommend she do next – for instance, whether she ought to meet with Second Sight etc. I have suggested that we meet with them (possibly next Tuesday, when they are both in FD for various reasons), to take stock.

I am happy to discuss the content of this note on the phone, of course, including this evening. My number appears below.

Kind regards

Patrick

Patrick Bourke

GRO
