
From: Ingrid Kelly [REDACTED] GRO [REDACTED]
Sent: Sat 13/12/2014 5:40:05 PM (UTC)
To: Mark R Davies [REDACTED] GRO [REDACTED]
Cc: Nick Wallis [REDACTED] GRO [REDACTED]; Jane French [REDACTED] GRO [REDACTED]; Melanie Corfield [REDACTED] GRO [REDACTED]; Ruth X Barker [REDACTED] GRO [REDACTED]
Subject: Re: Post Office interview

Hi Mark,

I'm sorry if our schedule disappoints and inconveniences you or the post office but we won't be postponing. You have the allegations and our schedule. You can respond within the film by a statement if no one appropriate is available for interview on monday - and of course you yourself will be responding on the sofa after the item airs.

Regards

Ingrid

On 13 Dec 2014, at 17:07, "Mark R Davies" [REDACTED] GRO [REDACTED] wrote:

Hi Ingrid

That is very disappointing. To stress we would like to offer a spokesperson for your programme's pre-recorded film and are able to but not in the timetable you suggest.

Our position is very reasonable. I assume the programme will return after Christmas. What is the urgent reason for being unable to give us the time we need?

You plan to make a series of complex and very serious allegations about Post Office Ltd, all of which can be answered in detail. I do not understand why your timescales are such that you cannot accommodate an interview for a film 24 hours before broadcast. You are asking for 48 hours for your own internal processes.

Nick has himself suggested that a sofa slot would not really give us the opportunity to answer the very complex range of allegations he is making. We agree and clearly would be unable to take part in the studio if our position is not reflected in the pre-recorded film.

It cannot be fair to feature a series of other interviews in the film, all of which were presumably filmed last week in good time for your deadlines, without giving Post Office, which is very firm in its position, the opportunity to respond. There are two sides to every story, as you know.

I would like to ask you to reconsider your position please.

Best wishes
Mark

Mark Davies
Communications and Corporate Affairs Director
Mobile: [REDACTED] GRO [REDACTED]

Sent from my iPhone

On 13 Dec 2014, at 12:24, "Ingrid Kelly" [REDACTED] GRO [REDACTED] wrote:

I'm afraid not. The programme is off air for a fortnight and will run on weds. If you really can't do an pre recorded interview on monday then as you'll be on the sofa on weds, you'll be able to respond then.

Regards

Ingrid

On 13 Dec 2014, at 12:15, "Mark R Davies" [REDACTED] GRO [REDACTED] wrote:

Hi Ingrid

Many thanks for this.

In that case please can I formally request that the item is held until it is possible for the Post Office to respond on film? There is no urgency or need to broadcast this item on Wednesday, especially as the Mediation Scheme is continuing. Due to pressing and competing business priorities related to the mediation scheme and involving applicants to it, we cannot provide suitable representation until late Tuesday afternoon at the earliest.

I appreciate your own legal and other processes - you will appreciate our own.

I am formally offering you this interview with a senior manager who leads on the issues you are discussing and think it is reasonable for the Post Office to have the opportunity to put forward its position in a reasonable timescale.

We also stand ready to put a spokesperson up live in the studio.

Best wishes

Mark

Mark Davies
Communications and Corporate Affairs Director
Mobile: [REDACTED] GRO [REDACTED]

Sent from my iPhone

On 13 Dec 2014, at 09:48, "Ingrid Kelly" [REDACTED] GRO [REDACTED] wrote:

Hi Mark,

I'm afraid the practicalities mean a filmed interview wd need to be done on monday to be incorporated into the piece. The lawyers and editorial advisory teams all need to take their time checking the Item so it's a rather cumbersome process. The interview can be as early or as late as suits but it does need to be monday i'm afraid.

best

ingrid

On 13 Dec 2014, at 09:29, "Mark R Davies"

GRO wrote:

Hi Nick

Many thanks for your email.

As you will appreciate you have raised a broad range of issues which range across legal, IT and network support. We are very keen to be able to respond to all these issues in detail, particularly as there are some really fundamental points raised in your questions.

To that end we are working to ensure that we can provide you with the best possible response. As mentioned in my previous email, as well as input from the suppliers of our IT system and a legal view on the serious points you raise, we need (and I think this is reasonable) to provide you with a spokesperson who can speak across this range of issues.

We are dealing however on Monday and Tuesday with mediation scheme matters which relate to applicants. So we can absolutely be available later on Tuesday or on Wednesday morning.

I do appreciate the challenges you have around filming and editing of course but I am sure you will appreciate the challenges from our side as well.

I suggest we speak first thing Monday morning and hopefully you will be able to come back to me on the timescale above and I will be able to update you too on where we are - please be assured we will do everything we can to ensure

we give you the opportunity to interview the Post Office on these important matters.

Best wishes

Mark

Mark Davies
Communications and Corporate Affairs
Director
Mobile: [REDACTED] **GRO** [REDACTED]

Sent from my iPhone

On 12 Dec 2014, at 20:43, "Nick Wallis"
[REDACTED] **GRO** [REDACTED] wrote:

Hi Mark
Thanks for your email. I am delighted you are inclined to offer studio live *and* pre-recorded filmed interviews.

As Ingrid (cc'd) has confirmed the planned transmission date for both would be Wed 17 Dec, to coincide with the planned Westminster Hall adjournment debate on the Post Office called by James Arbuthnot MP.

As Jane (cc'd) explained to you on the phone and as I am sure you understand, we need to set a time for the pre-recorded interview well in advance of the planned transmission date as the interview will have to be edited and go through all the usual processes before being delivered to the One Show for broadcast. It is in no one's interest to rush this.

As Ingrid may have mentioned (and I defer to her on exactly how things may be happening on Wednesday), any studio guest you nominate will most likely be allotted around three minutes interview time, but with Victoria Wood, Michael Ball, a children's choir already booked on Wednesday and the unpredictability of a live studio environment, the interview might get curtailed, or the discussion itself might veer off topic, despite everyone's best efforts.

Could I therefore urge you to fix up a date and time as soon as possible to film a pre-recorded interview where we can ask you, and give you the opportunity to answer, a series of questions on the subjects raised below in a calm and controlled environment.

The interview will, of course, be edited, but we will be scrupulous in our duty of fairness towards the interviewee and the answers they give. Furthermore, whether either, both or no proposed interviews end up being broadcast, we will be taking all reasonable steps to ensure the Post Office's perspective on the serious matters below is properly represented.

I hope all that makes sense. Just to ensure you are clear on the internal division of labour surrounding the two proposed interview opportunities, Ingrid will deal with you re the arrangements re the possible live interview on the One Show sofa, whilst Jane and I can work with you to arrange a pre-recorded interview at a location of your convenience.

I hope to hear from you soon re a proposed pre-recorded interview location/date/time and interviewee. I am happy to liaise with you over the weekend to book it in good time.

Yours,

Nick

From: Mark R Davies
[REDACTED]
GRO
Sent: 12 December 2014 18:47
To: Ingrid Kelly
Cc: Jane French; Nick Wallis; Melanie Corfield; Ruth X Barker
Subject: Re: Post Office interview

Ah - thanks Ingrid. That does give us more time. Many thanks for clarifying.

Best wishes
Mark

Mark Davies

Communications and Corporate
Affairs Director
Mobile: [REDACTED] **GRO** [REDACTED]

Sent from my iPhone

On 12 Dec 2014, at 18:34, "Ingrid
Kelly" [REDACTED] **GRO** [REDACTED]
wrote:

No Mark that's my
mistake in the
voicemail. as per my
text - it is weds!
Apologies all. Ingrid

On 12 Dec 2014, at
18:32, "Mark R
Davies"
[REDACTED] **GRO** [REDACTED]
[REDACTED] wrote:

Dear
Jane,

Thank
you for
your time
today.
Just to
follow up
my
previous
email, I
can
confirm
that the
Post
Office
would
welcome
the
opportuni
ty to
respond
in your
film and
in the
studio to
the very

serious
and
detailed
allegation
s being
made in
the email
we
received
from
Nick
Wallis
(copied
below for
ease of
reference
).

I
understan
d from
Ingrid
Kelly that
you are
now
planning
to air this
item on
Monday
evening.
This
comes as
a surprise
as you
indicated
Tuesday
or
Wednesd
ay when
we spoke
earlier.

Either
way,
given the
very
serious
nature of
the
allegation
s being
made,

and the
requireme
nt to give
us
reasonabl
e time to
respond,
we do not
believe
we can
meet
your
deadline
of noon
on
Monday
for an
interview
to be
conducte
d.

We are
inclined
to offer
an
interview
but our
spokespe
rson, who
is leading
the
investigat
ions
process
on the
matters
you
reference,
is
involved
in
mediation
scheme
work on
Monday
and
Tuesday.
I am sure
you will
recognise
that this

work,
which involves
scheme
applicants
, is very
important

.

She could
be
available
later in
the week
and as
she is
best
placed to
speak for
the
business
on the
complex
range of
issues
you have
raised, I
believe it
is
reasonabl
e to ask
you to
hold off
on
broadcast
ing your
item until
such time
as we are
able to
respond
properly.

Moreover
, our
spokespe
rson is
able to
respond
to the
specific
issues

you raise
in a way
no other
colleague
in our
business
can given
her role
and first
hand
knowledg
e of the
specifics
Nick has
referred
to. I
would
also
stress
again,
however,
that Post
Office
cannot
comment
on
individual
cases.

The
Ofcom
guidelines
on
matters
like this
make
clear that
we
should be
given
reasonabl
e time to
consider
and make
our
response
to
requests
such as
this.
What
constitute

s a
reasonable
time
must
surely
take the
urgency
of a
situation
into
account.
There is
no
urgency
here,
especially
in the
light of
your
broadcast
last week
and the
ongoing
nature of
the
mediation
scheme,
not to
mention
the point
I raised
on the
phone
about
potential
comprom
ise of
cases
going
through
the
scheme.
Given
that the
program
me is
broadcast
every
evening it
seems
reasonable
to me

to ask for
the
timescale
s to be
extended
so that
we can
respond
properly.

I look
forward
to
hearing
from you.
I am also
copying
this to
Ingrid
Kelly
who
kindly left
me a
voicemail
this
afternoon
confirming
g that we
could
indeed
have a
slot in the
studio to
answer
questions
on your
film. I
also copy
Nick
Wallis,
and Mel
Corfield
and Ruth
Barker
from the
Post
Office
press
office.

I am
happy to

discuss
this over
the
weekend.

Best
wishes

Mark

Mark
Davies
Communi
cations
and
Corporat
e Affairs
Director
Mobile:

GRO

From:
Nick
Wallis

GRO

Sent: 12
Decembe
r 2014
11:53
To:
Melanie
Corfield
Subject:
Interview
request

Dear
Melanie,

1) Thank
you for
your help
with The
One
Show
item
transmitte
d on

Tuesday
9th Dece
mber. We
are now
preparing
a second
film
which is
due to go
out on
The One
Show on
BBC1 at
around
the same
time next
week. We
would be
most
grateful if
the Post
Office
would be
prepared
to offer
an
interview
expressin
g its point
of view in
the
continuin
g dispute
with
some
Subpostm
asters
over
Horizon
and
associate
d issues.
This
would
need to
be
recorded
by noon
on
Monday
but we
would be

able to
meet you
at your
location
of choice
and we
can do it
over the
weekend
if that is
the only
option.

2) The
film we
are
broadcast
ing once
again
refers to
concerns
over
Horizon.
This time
it features
the story
of Steve
Phillips
from
Nelson in
South
Wales
who is
having
problems
with the
system,
as well as
interview
s from a
group of
former
subpostm
asters
including
Noel
Thomas,
Jo
Hamilton,
Julian
Wilson,
who say

they felt
under
pressure
to sign
off
incorrect
accounts
even
though
they did
not
understan
d how
sums
could be
missing.

Mr
Phillips
says he
and other
Subpostm
asters live
in fear of
being told
to pay
back
losses
neither
you or
they can
explain,
and he
adds that
he and
other
Subpostm
asters do
not trust
Horizon.
This
latter
point of
trust in
Horizon
by
Subpostm
asters is
one
which has
come up
many

times
with
other
former
Subpostm
asters we
have
spoken
to.

3) In our
film
former
Postmast
ers say it
is difficult
to
investigat
e the
causes of
shortfalls
for which
they are
held
liable,
because
of the
way
Horizon
and
associate
d POL
processes
and
policy
function.
They say
in order
to open
for
business
the day
after the
close of a
trading
period
they had
to agree
to pay
back
alleged
shortfalls

(either by settling to cash or settling centrally, which implies payment later). They say this put them in a very difficult position.

4) We ask one former Subpostmaster why she pleaded guilty to false accounting in court when she believed herself to be innocent. She told us she felt she couldn't defend herself because she didn't have proper records, that the Post Office had taken some potentially useful items and paperwor

k away
during
their
investigat
ion and
she felt
she
would be
prosecute
d for theft
as well as
false
accountin
g if she
had not
pleaded
guilty to
the latter.

5) We
understan
d from
the
Subpostm
aster
contract
and from
speaking
to former
Subpostm
asters
who have
been
through
the
process
that
Subpostm
asters are
not
allowed a
legal
represent
ative
when
they are
interview
ed under
caution
by Post
Office
investigat

ors.
Instead
they are
allowed
one
companio
n who
must be a
Post
Office
employee
, who is
not
allowed
to speak.
Does this
still
happen?
If so, why
does the
Post
Office
think it is
fair?
Also, we
are aware
that Post
Office
conducts
PACE
interview
s at which
Subpostm
asters are
allowed
legal
represent
ation.
Could
you
explain in
what
circumsta
nces you
think it
appropria
te to
interview
someone
under
caution
but with

legal representation, and why this is not available to Subpostmasters in the interview s which usually precede them?

6) We would also like to put to you some opinion about the Post Office's approach to investigating and prosecuting subpostmasters. We are in possession of expert opinion from a professor in criminal justice which implies the Post Office's dual function as investigator and

prosecutor, and its 300 year cultural history of using it against its agents is unique. That's not to say he thinks you are the only organisation with prosecuting powers, but that you have a unique culture of prosecuting your agents. He implies this approach lacks the checks and balances of a typical prosecution by the CPS. In his opinion this creates a situation where miscarriages of justice are more likely to occur.

The Post
Office
has
assured
us in a
Freedom
of
Informati
on Act
request
that it
uses the
Crown
Code for
Prosecut
ors. Can
you
please
explain
how this
code was
applied in
the
following
cases:
Jackie
McDonal
d,
Damian
Owen
and Tom
Brown.
In these
cases the
Post
Office
pursued
its own
prosecuti
on
despite
no
prosecuti
on having
been
brought
by the
CPS after
police
investigat
ions. If
you are

unable to
unable to
comment
on
individual
cases,
please
comment
on cases
like this
in
general.

7) There
is also a
point
raised by
Geoffrey
Sturgess,
a business
contract
expert.
He
believes
Subpostm
asters
should be
told
about the
history of
known
problems
with
Horizon
(such as
the
Calender
Square
issue and
others
raised in
Second
Sight's
Interim
Report)
which
have led
to
shortfalls
in
Subpostm
aster

accounts and the history of other allegation s against Horizon before they are allowed to sign the Subpostm aster contract.

8) We will also include opinion from Sandip Patel QC who specialise s in areas including business fraud and cyber crime. He will say he believes that innocent people might have been wrongly convicted . He will also say there may be grounds for arguing that the Horizon system (incorpor

ating the business processes around it) is not as reliable as the Post Office believed it to be. He goes on to say that if the PO had failed to carry out a proper inquiry in circumstances when they should have, then some of the convictions of some of the Postmasters in the mediation scheme might be unsafe.

9) With more than a hundred MPs now saying they have no confidence in the mediation scheme we would like to

ask the Post Office what it thinks is the correct way to move forward and find an equitable resolution to the concerns of subPostm asters up and down the country.

10) In summary, we have found a number of experts in their field who have concerns about the Horizon system, the PO's investigations and prosecutions function and the fairness of the Subpostm aster contract. It suggests there is the

possibility
that the
way the
Post
Office
goes
about its
business
or did go
about its
business
needs
some
proper
explanati
on. One
MP
described
the nature
of the
relationsh
ip
between
the Post
Office
and
SPMRs
as
as
“feudal”,
yet you
call them
your “life
blood”.

The
content
of the
proposed
program
me is not
set in
stone.
This is an
opportuni
nty for
the Post
Office to
respond
to the
widespre
ad
criticism

it is currently facing. I am seeking a senior member of staff from the Post Office who can explain everything from the Post Office's perspective so that we can get to the bottom of what has happened to these people. If you will not appear on camera then we ask that you provide a substantive response to the issues raised above by noon this coming Monday 15 Dec.

Thank
you

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