

From: Mark R Davies[/O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MARK R DAVIESA80D7269-659B-41D0-9C80-68D9DE4FA7C5D38]
Sent: Mon 20/04/2015 7:54:16 AM (UTC)
To: Rodric Williams [GRO]
Cc: Patrick Bourke [GRO]; Jane MacLeod [GRO]; Susan BARTY [GRO]; Tom Reid [GRO]; Angela Van-Den-Bogerd [GRO]; Melanie Corfield [GRO]; Ruth X Barker [GRO]
Subject: Re: Complaint Review and Mediation Scheme

Copying Ruth and Mel to challenge these.

Mark Davies
Communications and Corporate Affairs Director
[GRO]

On 20 Apr 2015, at 08:34, Rodric Williams [GRO] wrote:

On the BBC website at 800 am (heading "Post Office 'failings' over cash shortfall investigations" – well done Comms), the bits that concern me are:

- The opening line: "The Post Office failed to find out why large cash shortfalls occurred at sub-post offices before starting civil and criminal proceedings against sub-postmasters, according to a report by forensic accountants". **We have to satisfy both stages of the Code for Crown Prosecutors to start a prosecution: the Evidential Stage requires us to be "satisfied there is sufficient evidence to provide a realistic prospect of conviction"; and the Public Interest Stage which requires us "to consider whether a prosecution is required in the public interest" (where the Evidential Stage is met, "a prosecution will usually take place" unless the public interest factors against prosecution which outweigh those in favour).**

As for civil proceedings, the Court's protocols require parties to exchange information before proceedings are started, and if proceedings are started, we must set out a concise statement of the facts on which we rely and verify that with a "statement of truth" (ie "swear" to the court that you believe those facts are true).

- "People who run local sub-post offices have it written into their contract that, if the cash left at the branch does not match computer records, they must make up the difference themselves. **The position is PMs make up the difference only if they are responsible for the shortfall.**
- "A number of MPs raised concerns that dozens of sub-postmasters had been faced with unexpected demands to pay large shortfalls - and been sacked, sued or prosecuted for theft when they could not pay." **Shortfall are always raised with the PM so shldn't be "unexpected", and a PM could well have their contract terminated or be prosecuted, even if they do repay, if the conduct at the branch warrants.**

Solicitor, Corporate Services

Post Office Ltd
20 Finsbury Street, London EC2Y 9AQ

GRO

GRO

From: Mark R Davies
Sent: 20 April 2015 08:00
To: Rodric Williams
Cc: Patrick Bourke; Jane MacLeod
Subject: Re: Complaint Review and Mediation Scheme

In which case why don't we just publish everything on our site.....[playing devil advocate here]. It is getting traction in sense it is second news headline on BBC, but all being well we will work it down agenda as day goes on. Hopeless piece just now with Arburthnot on Today prog and the PA coverage is v balanced.

Sent from my iPad

On 20 Apr 2015, at 07:54, Rodric Williams <GRO> wrote:

If he's tweeting - it's difficult to shut down, and trying to do so can make more of a story than the original tweet.

Is it getting any traction? Piece on the 730 news was short and sweet.

Sent from my Windows Phone

From: Patrick Bourke
Sent: 20/04/2015 07:13
To: Mark R Davies; Jane MacLeod
Cc: Rodric Williams
Subject: RE: Complaint Review and Mediation Scheme

Reproduction of extract re 'miscarriages of justice' section.

Still baffles me that no-one seems capable of getting the fact that we don't prosecute people for making mistakes but only where they then go on to commit fraud.

Anyone who works a till in a shop knows you're responsible for it adding up at the end of the shift.

From: Mark R Davies
Sent: 20/04/2015 07:04
To: Jane MacLeod
Cc: Patrick Bourke; Rodric Williams
Subject: Re: Complaint Review and Mediation Scheme

He knows as he was the recipient of email last Thurs making that clear.

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

On 20 Apr 2015, at 07:00, Jane MacLeod <[REDACTED] **GRO**> wrote:

The issue will be whether he knew of the existence of confidentiality restrictions when he received it. Based on your original email below, he should have known but equally has anything been said to date that breaches those restrictions?

Rod - your thoughts?

Jane MacLeod
General Counsel
The Post Office
[REDACTED] **GRO**

Sent from my iPad
On 20 Apr 2015, at 06:32, Mark R Davies
[REDACTED] **GRO** wrote:

Legal advice please.

Mark

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

Begin forwarded message:

From: Nick Wallis [REDACTED] **GRO**
Date: 20 April 2015 06:31:28 BST
To: Mark R Davies
[REDACTED] **GRO**
Cc: Nick Wallis [REDACTED] **GRO**
Melanie Corfield
[REDACTED] **GRO**
Subject: Re: Complaint Review and Mediation Scheme

It wasn't made available to me on those terms

N

On 20 Apr 2015, at 06:30, Mark R Davies
[REDACTED] **GRO** wrote:

You will note then the terms on which it is made available.

Mark

Mark Davies
Communications and Corporate Affairs
Director

GRO

On 20 Apr 2015, at 06:30, Nick Wallis

GRO

wrote:

i've got both, thanks.

I've just sent you a tweet.

N

On 20 Apr 2015, at 06:29, Mark R
Davies

GRO

wrote:

Nick

I assume from this that you don't
want to see the report or our
response.

Mark

Mark Davies
Communications and Corporate
Affairs Director

GRO

On 19 Apr 2015, at 18:09, Nick
Wallis

GRO

wrote:

Thanks Mark. N

Sent from my mobile phone

----- Original
message -----

From: Mark R Davies

GRO

Date: 19/04/2015
17:57 (GMT+00:00)

To:

GRO

Cc: Melanie Corfield

GRO

GRO

Subject: Fwd:
Complaint Review
and Mediation
Scheme

Hi Nick

As below. Also sent
on Thursday to Jane
French and Jason
Horton at BBC South,
the Today programme
and PM, as outlets
which have previously
covered this issue.
Also to Computer
Weekly and to your
BBC address as
below.

I am copying to
Andrew Verity who
has called us this
afternoon about a
"leak", which is
puzzling.

I would note also that
the BBC has not at
any point covered our
own report on this
issue, published in
March.

Best wishes

Mark

Mark Davies
Communications and
Corporate Affairs
Director

GRO

Begin forwarded
message:

From:

GRO

GRO

Date: 16

April

2015

17:36:08

BST

To: Nick

Wallis

GRO

Subject:

Complai

nt

Review

and

Mediatio

n

Scheme

Dear

Nick,

I hope
you are
well.

Given
your
interest in
the issue,
I
am writin
g to let
you know
that the
report
that
independ
ent
forensic
accounta
nts,
Second
Sight,
have been
finalising
in the
Post
Office
Complain

t Review
and
Mediation Scheme
will be
sent
shortly,
along
with the
Post
Office's
response,
to the
applicants
in that
scheme
and their
advisors.

These are
confidential
documents
concerning
the
individual
complaints
being
reviewed
through
the
scheme.
However,
we
recognise
your
previous
interest in
this
matter
and we
will
provide
the
documents
on
request
on the
basis that,
whilst
they can

of course
be used
for
backgrou
nd,
confidenti
ality is
preserved
and the
document
s are not
reproduc
ed, and
that the
privacy of
individual
s is
respected
.

I hope
this
helpful. If
you wish
to discuss
please
contact
me or
Mel,
copied.

best
wishes

Mark

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intended for the
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