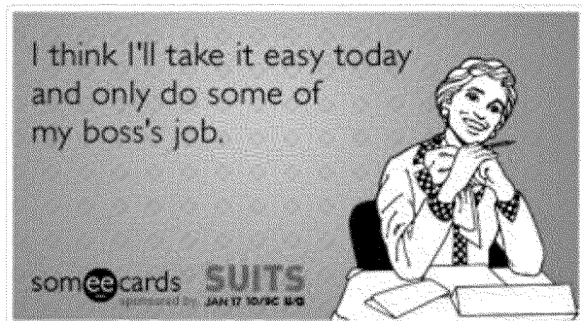


From: Emanuel, Catherine [GRO]
Sent: Sat 07/12/2019 11:03:44 PM (UTC)
To: Watts, Alan [GRO]; Ben Foat [GRO]
Subject: RE: 20191207 Settlement Agreement (HSF mark-up)



From: Watts, Alan [GRO]
Sent: 07 December 2019 19:36
To: Ben Foat [GRO]
Cc: Emanuel, Catherine [GRO]
Subject: Re: 20191207 Settlement Agreement (HSF mark-up)

She could have a Waitrose hamper but it probably wouldn't turn up!!
On 7 Dec 2019, at 5:17 pm, Ben Foat [GRO] wrote:

Thanks Kate – this is fine to go across they will need it to make progress tomorrow and I think you might want to give Freeths a heads up that it has gone across and they need to come to a finalised view by first thing on Monday as the last day of the mediation is Monday. Again, we do not want to hear anything more from them other than an appropriate offer and settlement deed wording. We aren't going to have sessions with them in chesterfield or wherever. Frankly I don't think there is anything more to be said. As for Nick and I, we need to focus on the other 10,000 postmasters who are running the branch network and serving customers over this busy December period. Hopefully that gives you enough clarity to pass on to the other side 😊

Ill liaise with Patrick re the joint statement.

Many thanks again for all your hard work particularly over the weekend. Given this performance, you are undoubtedly to receive a significant Christmas bonus from Alan....

<765E9B645F6942B2895E13FE4949C2B8[529966692].png>

Ben Foat
Group General
Counsel
Ground Floor
20 Finsbury
Street
LONDON
EC2Y 9AQ

Mobile :
[GRO]

From: Emanuel, Catherine [GRO]
Sent: Saturday, December 7, 2019 12:16:10 PM
To: Ben Foat [GRO]
Cc: Watts, Alan [GRO]
Subject: FW: 20191207 Settlement Agreement (HSF mark-up)

Ben,

Below is an email I am proposing to send to the other side.

Comments are:

- Claim over for malicious prosecution reinstated;
- Patrick's revised draft joint statement substituted but content still to be discussed.
- Floated possibility that we might offer a CEO letter (possible terms below) if the joint statement can be made more positive.

Welcome your thoughts on the drafts. If it is helpful, do give me a ring. I will leave it to you whether we should engage Patrick B now, given we are talking around the topic of communications [albeit nothing has moved on].

Have had several calls from James Hartley fishing for our plans on Monday. I have held the line that I have no instructions and that availability is limited (and non-existent after Monday given travel plans). The positive point to emerge from those conversations is that there is a commitment their side to try and resolve the documentation over the weekend. It would therefore be helpful to get these drafts out quickly.

Possible CEO letter we could consider

Dear [name]

As you will know, the long-running litigation in the High Court has been resolved, as a result of our mediation process which I found very instructive.

I wanted to write to you personally to share a copy of the Joint Press Statement agreed between the parties, a copy of which is attached, and to confirm my commitment, as the new Chief Executive Officer to applying the lessons learnt from the litigation. I am leading an ambitious and sustained programme of changes to the Post Office's relationship with postmasters across the country and would reiterate my fundamental belief that postmasters are core to our future success.

I wish you all the best.

Draft email to Freeths

All,

I attach some revised settlement documentation. It is not possible to track in word against the two versions of changes sent through as the second version had accepted all the changes made in the first version. The best we can therefore do is to provide two compares: (a) The word document tracks against the first amended draft sent through. (b) The comparewrite compares that draft to the second amended draft sent through.

As regards the key points of difference:

1. As discussed night, we are willing to consider appropriate undertakings from parties that do not wish to be parties to the main deed. I understand your side is preparing some appropriate wording.
2. Insofar as the Historic Shortfall Scheme is concerned, as this will need to be administered by Post Office and Post Office already has some thoughts about how this could be structured using independent bodies, we are not attracted to your alternative of a conciliation scheme. Nick Read is very keen on embedding a mediation-type process into dealings with SPMs going forward. We are also concerned that it would be hard to find a conciliator who would be perceived as fair and impartial by all concerned.
3. I note we are still to receive comments on the proposed joint statement. It would be helpful to have those. I was a bit disappointed by the tone of the Alan Bates quote, which for present purposes I have copied over in edited form, simply so that everything is in one place for further discussion. It would be helpful if the emphasis on Nick and Alan's quotes was conciliatory and positive. If that cannot be achieved, I'd suggest the quotes simply be omitted.
4. A personal and presumably discloseable apology to all 555 is problematic because the individual cases are not of equal merit. Post Office is committed to treating people fairly and, if in particular cases Claimants do want personal references to enable them to get new jobs, this is catered for in the agreement. If the tone of the joint statement can be significantly improved, Post Office would be willing to consider individual CEO letters in appropriate terms and I would welcome your thoughts in that regard.

I would welcome your comments.

Kind regards
Kate

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