

## Message

**From:** Rodric Williams [GRO]  
**Sent:** 03/12/2015 14:50:32  
**To:** Christopher Knight [GRO]  
**CC:** Jonathan Swift [GRO]; Mark Underwood [GRO]; Patrick Bourke [GRO]  
**Subject:** RE: Chairman's Review - Further Information - SUBJECT TO LEGAL PRIVILEGE  
**Attachments:** Strictly Private & Confidential - Subject to Legal Privilege; IoC2 - pbrw - 1620 - 091214 - fin.pdf; 6.31 PV letter to Arbuthnot 28112014.pdf; 6.32 Letter from Arbuthnot to Paula Vennells 8 12 14 (3).pdf; ScanToEmail.pdf; Half page bullet point note; 15360997\_1; Strictly Private & Confidential - Subject to Legal Privilege; RE: Strictly Private & Confidential - Subject to Legal Privilege; RE: Escalation points for WG [BD-4A.FID20472253]; Con 24 November Complaints and Mediation Scheme.docx; Instructions to Counsel - vfin - pb.docx; 6.33 Arbuthnot news release 9122014.doc; 6.34 R4 Today prog transcript December 9 2014.docx; image001.png

Chris,

### DACBeachcroft

Stephen Hocking at DACB provided advice to Post Office in 2014 to assist Post Office's Board consider its options for the Mediation Scheme (including the role of its "Working Group") as cases progressed through the various stages of the Scheme.

The advice was primarily provided to enable Post Office's then General Counsel Chris Aujard to discuss public law risks in meetings with the Board. It is therefore less formal, and reflected in the following attached emails (which in turn have embedded attachments):

1. POL to DACB 06.06.14;
2. DACB to POL 09.06.14;
3. DACB to POL 10.06.14;
4. POL to DACB 11.06.14;
5. DACB to POL 13.06.14; and
6. DACB to POL 09.09.14 (responding to the email from POL to DACB of 05.09.14).

### Tom Weisselberg QC

As dysfunction within the Working Group escalated towards the end of 2014, it was decided to get more formal advice in the form of advice from Leading Counsel Tom Weisselberg QC. Tom provided his initial advice to us in consultation on 24 November 2014 (instructions attached). We did not have a formal advice note drawn up following that consultation, but instead have used Tom's speaking notes (attached) as a record of the advice given.

We then had a further consultation on 10 December 2014 to determine whether events subsequent to the first con might change his advice. Those events are described in the instructions for the second con (attached along with enclosures). We did not ask for any written advice given Tom's view that they did not affect the substance of his initial advice.

Please let me know if you need anything further.

Kind regards, Rodric



**Rodric Williams**  
 Solicitor, Corporate Services  
 Post Office Ltd

20 Finsbury Street, London EC2Y 9AQ

**GRO**

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**From:** Christopher Knight **GRO**  
**Sent:** 26 November 2015 17:07  
**To:** Rodric Williams  
**Cc:** Jonathan Swift; Mark Underwood; Patrick Bourke  
**Subject:** RE: Chairman's Review - Further Information - SUBJECT TO LEGAL PRIVILEGE

Rodric,

Thanks for this batch of emails. Just on point 4 below, the instructions refer to public law advice from Tom Weisselberg QC and DAC Beachcroft. I think we should see those please. We don't need the media law ones. We have the Linklaters advice from you; is there any substantive advice from Bond Dickinson other than the settlement analysis documents we have in our samples? If so (i.e. if there is something similar to the Linklaters document), that would be useful.

Could we have a schedule of the ISAE 3402 reports you have and the dates they cover, so we can work out if there are any older ones we should look at?

Thanks,

Chris

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**From:** Rodric Williams **GRO**  
**Sent:** 26 November 2015 16:43  
**To:** Christopher Knight  
**Cc:** Jonathan Swift; Mark Underwood; Patrick Bourke  
**Subject:** Chairman's Review - Further Information - SUBJECT TO LEGAL PRIVILEGE

Chris,

I respond below to your requests for various further information. The majority of the attachments will follow in separate emails due to their size.

1. Deloitte

I cannot email the "Horizon: Desktop Review of Assurance Sources and Key Control Features" draft report dated 23 May 2014 and "Board Briefing" dated 4 June 2014, so will have hard copies sent to Chambers. I suggest you start with the Board Briefing.

2. Ernst & Young

I attach the "Description of Fujitsu's System of IT Infrastructure Services supporting Post Office Limited's POLSAP and HNG-X applications Throughout the Period 1 April 2014 to 31 December 2014" prepared by Fujitsu/Ernst & Young for Post Office Limited and its auditors (also Ernst & Young).

This report was prepared in accordance with ISAE 3402, the audit standard for reporting on controls at organizations which provide services likely to be relevant to the user's financial reporting. Similar reports have been prepared for some earlier periods, but not (so far as I am aware) over the full period of the postmaster complaints.

3. Brian Altman QC

We will prepare a letter for you/Jonathan/Tim addressing Post Office's response to the recommendations Brian made in his 31 October 2013 advice.

4. Further Legal Advice

Could you please call me to discuss which “legal advice documents in the original list” you require. As we have discussed, Post Office has received a wide variety of advice in various formats from different sources in the course of responding to the challenges to Horizon, and it would be helpful to narrow down the areas / topics / allegations etc with which you are most concerned.

5. Hamilton File:

You have asked us for an indication of the size of the full Hamilton prosecution file:

- The file made available to the CCRC via the Millnet platform contains 409 documents. These are of varying lengths, but we can ask Millnet to “image” the documents if you want to know the exact number of pages.
- We have also uploaded onto the Millnet platform some 184,000 Post Office Security documents taken from electronic storage locations within Post Office and Royal Mail, which potentially respond to the Section 17 Notices issued by the CCRC for the 20 individual applicants (the “Security Documents”). The Security Documents are held essentially as a data dump which can be searched by key word, date range and other meta-data fields, but are not currently stored in any meaningful structure.
- To get an indication of how many of the Security Documents may relate to Josephine Hamilton, we have run a couple of key word searches which produced the following results:

Keyword	Docs	Docs inc Family*
Hamilton	6,177	11,318
Jo* w/2 Hamilton	767	905
Josephine Hamilton	572	663
Josephine Hamilton AND between 1 March 2006 (audit) and 30 Nov 2007 (conviction)	31	31

[\* “Family” documents are those connected to documents having a keyword e.g. an email may contain a keyword; the attachments to the email (which do not contain a keyword) will be family documents.]

- There are also a further 380 documents relating to Jo Hamilton’s case on her civil litigation file. That file was created in response to a letter before (civil) action received from Shoosmiths LLP in 2011, and is likely to duplicate substantially material from the prosecution file.

6. Misra File

The trial full trial transcript will follow in 4 separate emails.

In case it assists your review of the transcripts, I will also email three tables (and a summary memorandum) which cross-reference the transcript entries addressing whether Horizon was free from defects, whether the postmaster training was adequate, and whether the Helpline advice was adequate. These documents were prepared in or about October 2011 in response to the letters of claim issued by Shoosmiths.

I will also email:

- the “Case Review” report dated 22 January 2014 prepared by Cartwright King for the Misra prosecution. This report considered whether further disclosure to Misra was required following the publication of Second Sight’s July 2013 report, and was prepared as part of the past prosecution review process on which Brian Altman QC advised in written advice notes dated 2 August 2013 and 15 October 2013. Post Office has recently asked Cartwright King to reconsider the advice provided in the Case Review report (which was based on a review of the trial transcripts only) now that the full prosecution files are

available, and in connection with a document referred to by BBC Panorama in the "Trouble at the Post Office" programme broadcast on 17 August 2015.

- witness evidence from the Misra trial (including that of the Fujitsu expert Gareth Jenkins); and
- the defence expert reports of Charles McLachlan (without appendices - please let me know if you would like these).

Please note that the Misra file made available to the CCRC via the Millnet platform contains 2,608 documents. Further documents are likely to be located within the Security Documents.

7. Castleton

To the best of my knowledge, the Castleton case is the only civil judgment on the Horizon issue.

I will email to you the witness statement of Anne Chambers, the Fujitsu witness referred to in para. 23 of the judgment. This is one of 19 statements filed in the case, three of which were filed for the Defendant/Pt20 Claimant Mr Castleton.

Ms Chambers' statement does not deal with the "Falkirk" bug. The Falkirk bug was however considered by the experts in the Misra prosecution - see the Jenkins statements of 8 March 2010 and 8 October 2010.

8. Richard Roll

I know Mark Underwood has emailed you separately on the contribution Mr Roll made to the Panorama programme, but just in case it is not clear to you, the BBC's failure to provide us with any information about Mr Roll's contribution (including his name), thereby preventing Post Office from formally commenting on that contribution for the programme, is one of Post Office's formal grounds of complaint to the BBC about the broadcast (see the letter from CMS Cameron McKenna LLP to BBC Programme Legal Advice and BBC Complaints dated 15 September 2015, from para. 3 page 4, which will follow separately).

9. "Spot Reviews"

Although you have not asked for them, in case they become relevant I will email separately the "Spot Review Bible". This contains the technical issues put to Post Office which Second Sight reported on in its July 2013 Report, and Post Office's responses.

Please let me know if I have overlooked anything, or if you require anything further.  
Kind regards, Rodric



**Rodric Williams**  
Solicitor, Corporate Services

Post Office Ltd  
20 Finsbury Street, London EC2Y 9AQ

**GRO**

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