

Post Office Limited

Postmaster Litigation Subcommittee Agenda



Date:	22 January 2020	Time:	16.00 – 17.00 hrs	Location:	Wakefield (Room 1.19)
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Present:		Other Attendees:		
<ul style="list-style-type: none"> • Tim Parker (Chairman) • Ken McCall (Senior Independent Director) 		<ul style="list-style-type: none"> • Tom Cooper (Non-Executive Director) • Nick Read (Group Chief Executive Officer) • Ben Foat (General Counsel) • Andrew Parsons (Womble Bond Dickinson) • Alan Watts (Herbert Smith Freehills) • Kate Emanuel (Herbert Smith Freehills) • Alasdair Cameron (Group Chief Financial Officer) • Veronica Branton (Company Secretary) • Rodric Williams (Head of Legal - Dispute Resolution & Brand) • Richard Watson (General Counsel – UKGI) 		
Agenda Item		Input needed/ Status	Lead	Timings
1.	Welcome and Conflicts of Interest	Noting	Chairman	16.00 – 16.05 hrs
2.	Minutes and Matters Arising	Approval	Chairman	
3.	Group Litigation Order: Post-settlement Report In particular: - Convicted Claimants; and - Historic Shortfall Claims Scheme.	Discussion	Ben Foat	16.05 – 16.55 hrs
4.	Any Other Business	Noting	Chairman	16.55 – 17.00 hrs
5.	Date of Next Meeting: 10.00 hrs, 18 February 2020.	Noting	Chairman	

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Postmaster Litigation Subcommittee Board



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MINUTES OF A MEETING OF THE POSTMASTER LITIGATION SUBCOMMITTEE OF POST OFFICE LIMITED HELD ON TUESDAY 10 DECEMBER 2019 AT 20 FINSBURY STREET, LONDON EC2Y 9AQ AT 11:00 AM

Present:	Tim Parker	Chairman (TP)
	Ken McCall	Senior Independent Director (KM) (by phone)
In attendance:	Veronica Branton	Company Secretary (VB)
	Nick Read	Group Chief Executive Officer (NR)
	Alisdair Cameron	Group Chief Financial Officer (AC)
	Ben Foat	General Counsel (BF)
	Andrew Parsons	Womble Bond Dickinson (AP)
	Catherine Emanuel	Herbert Smith Freehills (CE)
	Rodric Williams	Head of Legal – Dispute Resolution & Brand (RW)
Apologies:	Tom Cooper	Non-Executive Director (TC)

Agenda Item	Action
1. Welcome and Conflicts of Interest	
A quorum being present, the Chairman opened the meeting. The Directors declared that they had no conflicts of interest in the matters to be considered at the meeting in accordance with the requirements of section 177 of the Companies Act 2006 and the Company's Articles of Association.	
2. Minutes and Matters Arising	
The Postmaster Litigation Subcommittee APPROVED the minutes of the meeting held on 13 November 2019.	
3. Group Litigation Order	
<p>3.1 Ben Foat provided an update on the mediation. The previous evening the parties had agreed a financial settlement of £57.7m in principle. This was a global settlement and included the £5.5m in costs which the Managing Judge had already ordered Post Office Limited to pay. This sum was within the settlement range approved by the Postmaster Litigation Subcommittee and the Shareholder. We now needed to agree the settlement deed itself but were close to finalising.</p> <p>The next steps were to:</p> <ul style="list-style-type: none"> • Continue to negotiate the settlement deed and then agree a joint statement • Seek the written approval of the POL Chairman and Group CEO to the settlement • Seek Shareholder consent to the settlement through Tom Cooper and Richard Watson at UKGI • Agree the internal and external communications. <p>A number of points were raised, including:</p> <ul style="list-style-type: none"> - What would the timing of the public announcement be? It was reported that this could be as early as late afternoon today and that we were trying to reach a consensus on the outstanding points with the other party - Did the settlement include all the claimants? It was confirmed that it covered all the claimants for the civil case. What could not be covered was the potential claims for malicious prosecution in the event of any of the convicted claimants having their claims overturned. The convicted claimants could still take a claim through the Criminal Cases Review Commission (CCRC) 	

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	<ul style="list-style-type: none"> - Did we know how much of the settlement would go to the funders and how much to the claimants? It was reported that we would make no allocation between claimants. We did not know how much of the settlement the funders would receive. We had justified the settlement under the appropriate heads of damages and had not included litigation costs within this - When was the most recent criminal prosecution brought by POL against a Sub-postmaster? It was reported that this was around 6 years' ago. We had instructed Brian Altman QC to assist us with the outcome of the Horizon Issues Trial judgment and how that should influence how we dealt with the convicted claimants' cases - What was the position in relation to Fujitsu following the Horizon Issues trial judgment? It was reported that we had taken initial legal advice and were waiting for the final legal opinion. We would have a number of hurdles to reach before considering making a claim against Fujitsu. The judgment was not framed from the perspective of Fujitsu's culpability and did not answer whether our losses could have been caused by Fujitsu's actions. We should be able to leverage the fact that the judgment commented adversely on Fujitsu to improve Fujitsu's commercial performance. <p>The parties' joint statement and wider communications were discussed. The joint statement would be circulated to the Subcommittee once the wording under discussion had been resolved. The draft statement acknowledged the good faith demonstrated by both parties through the mediation process and commended POL's willingness to make changes. Discussions were taking place about how the joint statement would work with the confidentiality clauses. The claimants were keen for there to be no restrictions on what they could say about POL but this would undermine the purpose of a joint statement and we needed to be clear about the purpose of that statement. The draft joint statement had been shared with BEIS and we would be making sure that BEIS, Cabinet Office and No 10 Downing Street had an agreed set of statements to use if responding to press and other enquiries. Nick Read would talk directly with Alex Chisholm.</p> <p>POL's response to criticisms of the cost associated with reaching a settlement was discussed. It was noted that the principal emphasis would be on having reached a new settlement which enabled us to re-set the relationship with Sub-postmasters and move forward positively with a new CEO leading these changes. It was noted that we might face a new Select Committee hearing in due course and it would be sensible to prepare for that and the questions that might be asked.</p> <p>The Chairman thanked all those involved in helping to secure a positive outcome. The sustained effort involved in reaching this point was much appreciated.</p>	<p>Action: BF [Post meeting note: DONE]</p>
3.2	Operational activity	
	<p>Ben Foat reported that settlement would not bring to a close the operational activity required to respond to the judgments. The Common Issues judgment was now law and we had to implement its rulings. A meeting had taken place last week to discuss Sub-postmaster contracts¹ and the processes that would also need to be reviewed². We were considering how best to deal with contracts. We were likely to look at all 11,000 plus contracts and reissue these. If we used the unilateral right to vary the contract we would need to show that we had been reasonable in doing so. The decision on the approach was likely to be made in</p>	

¹ This included elements such as the basis of the contract, length, terms, suspension arrangements, recovery of losses.

² For example, the branch trading statement.

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	<p>January 2020, followed by a programme of implementation. A number of commercial decisions also had to be taken as the approach we took to contracts was not only linked to the Group Litigation³. There was a risk that some Sub-postmasters would not sign the new contract.</p> <p>A number of points were raised, including:</p> <ul style="list-style-type: none"> - Were there anything significant changes that needed to be made now? It was reported that the critical element was how we enforced the current contract, for example, we did not suspend Sub-postmasters without pay and we investigated the cause of a shortfall before taking action. It was noted that we would need to bring back the end-to-end view of the changes required and how this would be tested to provide sufficient assurance and independent perspective - That there would be additional costs associated with implementing the Common Issues judgment and the Horizon Issues judgment. We would need to flag our additional costs in our funding discussions with Government. 	
3.3	Horizon Issues trial judgment	
	<p>Ben Foat provided an update on work flowing from receipt of the embargoed Horizon Issues judgment:</p> <ul style="list-style-type: none"> - We were working through the process for convicted claimants and would follow the advice of an independent QC who specialised in criminal cases. If some claimants had their claims overturned this would provide scope for malicious prosecution claims to be brought against POL. The findings within the judgment on the legacy Horizon system created a risk but more than this would be required to overturn a case. We would follow the QC's advice in each case. The claimants supported this approach. - We would need to set up a process to deal with new claims brought in connection with the Horizon system in operation prior to 2018. Mediation and arbitration would be pursued rather court being the first step. We would need to discuss further whether or not we made a provision for these potential claims at this juncture. 	
3.4	Decisions	
	<p>The Postmaster Litigation Subcommittee RESOLVED to APPROVE that in the event of failing to settle the mediation Post Office Limited would agree to pay the claimants' costs of £3.4 m.</p> <p>The QC's advice was that we should not seek to appeal the Horizon Issues judgment. This had been a technical trial drawing on expert witness evidence. The Postmaster Litigation Subcommittee RESOLVED to APPROVE not to seek to appeal the Horizon Issues trial judgment.</p> <p>The Postmaster Litigation Subcommittee RESOLVED to APPROVE that Brian Altman QC be approached to act as Post Office Limited's QC in relation to the Criminal Case Review Commission cases.</p>	
4.	Date of next meeting: 22 January 2020.	

³ For example, we needed to take into account Starling (workers' rights case).



POST OFFICE LIMITED BOARD SUBCOMMITTEE REPORT

Title:	GLO: Post-settlement Report
Meeting Date:	22 January 2020
Author:	Rodric Williams, Head of Legal (Dispute Resolution)
Sponsor:	Ben Foat, General Counsel

Input Sought

General	
<i>For noting</i>	The Subcommittee is asked to NOTE the approach to managing the post-GLO settlement workstreams set out in the report prepared for the GE meeting on 15 January 2020 (accessible via the Reading Room).
Convicted Claimants	
<i>For decision</i>	The Subcommittee is asked to APPROVE taking a wide approach to post-conviction disclosure.
Future Claims Scheme	
<i>For noting</i>	The Subcommittee is asked to NOTE the proposed Scheme structure.
<i>For decision</i>	The Subcommittee is asked to APPROVE the engagement of Wandsworth Mediation Services as the scheme's chosen mediation provider.
<i>For decision</i>	The Subcommittee is also asked to APPROVE applicants to the scheme being required to make a nominal contribution towards the costs of mediation should a claim proceed that far through the scheme.
<i>For decision</i>	The Subcommittee is asked to DECIDE whether the Scheme should be launched on 3 February 2020 or be deferred to 2 March 2020.
Previous Governance Oversight:	GE (15 January 2020); GLO Steering Committee (16 January 2020)

Executive Summary

Context:	<p>A programme of five workstreams has been established to manage the actions and issues that need to be undertaken and addressed following the conclusion of the GLO. The workstreams cover:</p> <ul style="list-style-type: none">(i) convicted claimants' applications to the CCRC and Court of Appeal;(ii) operationalising the Common Issues Judgment;(iii) future claims arising following the Horizon Issues Judgment, including a mediation scheme as agreed in the GLO settlement;(iv) potential recourse against Fujitsu; and(v) complying with the obligations set out in the GLO Settlement Deed. <p>The Subcommittee's input is sought at the 22 January 2020 meeting on matters relating to <u>Convicted Claimants</u> and <u>Future Claims</u>.</p>
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Questions asked & addressed

1. What are the decisions the Subcommittee is asked to make at its 22 January 2020 meeting for the post-GLO settlement workstreams?
2. What are the next steps in the workstreams?

Report

At its meeting on 15 January 2020, the Post Office GE considered the approach to take to managing (through a programme of five workstreams) the actions and issues to be undertaken and addressed following the conclusion of the GLO. The report prepared for the GE can be accessed via the Reading Room. This paper addresses the decisions the Subcommittee is asked to make in connection with two of those workstreams, concerning Convicted Claimants and the Future Claims Scheme.

Convicted Claimants Workstream

1. The Settlement Deed only resolved the civil GLO court proceedings. It does not affect existing criminal convictions, which are a matter for the CCRC and ultimately the criminal courts. It also leaves open the possibility of civil claims for malicious prosecution if any of the criminal convictions are overturned.
2. As part of the settlement Post Office agreed to take advice from a leading criminal law QC on how it should proceed with regard to the convicted claimants in the GLO. To this end, Post Office has instructed leading Criminal Queens Counsel Brian Altman QC (BAQC) and specialist criminal law solicitors, Peters & Peters (who were not involved in any past Post Office prosecutions). BAQC and Peters & Peters are also advising on Post Office's approach to the CCRC's investigation of the 34 cases that have been referred to it (31 of which involve GLO claimants).
3. BAQC has advised that the GLO (most specifically the Horizon judgment) does not, of itself, mean that any conviction is unsafe because Fraser J did not make any findings on any individual cases. However, Post Office as a prosecutor may have a legal duty to disclose material facts to convicted postmasters which have now come to light through the GLO (for example, relating to the risk of bugs and errors in Horizon, the reliability of the Branch Trading Statement, and/or Post Office and Fujitsu's ability to access remotely a branch's accounts). If such facts were material (i.e. there is a real possibility that a jury would have arrived at a different conclusion had defence counsel been able to use the undisclosed material at trial) that may give a convicted claimant grounds to appeal. The obligation to give disclosure depends on whether the facts now known were material to any individual case – there is no "one-size-fits-all" approach.
4. On 14 January 2020, Mr Justice Fraser referred certain Fujitsu witnesses to the Director of Public Prosecutions (DPP) so that he can consider whether they may have committed an offence (perjury or perverting the course of justice) during previous, non-GLO criminal and civil trials. Although the fact that the referral has been made is a matter of public record, Fraser J directed that the content of the reference itself be kept confidential, with Post Office requiring Fraser J's permission to share it more widely.
5. Post Office has arranged a meeting with the CCRC on 29 January 2020 to offer co-operation and discuss next steps.

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Duty of Disclosure

6. Post Office's post-conviction disclosure duty extends to all individuals prosecuted by Post Office (work on identifying these cases is ongoing but present estimates suggest there may be c.574 historic prosecutions). BAQC and Peters & Peters are scoping an exercise to ensure that the appropriate disclosures are made. They have advised that there are two broad options:

- a. a narrow approach in which standardised disclosure is provided to all defendants without a review of each case; or
- b. a wide approach in which each case is reviewed individually.

A copy of BAQC and Peters & Peters advice is at **Appendix 1**. Their recommendation, is that Post Office adopt the wide approach, principally to demonstrate that Post Office is doing "the right thing", not just the minimum required.

7. That recommendation is subject to two further recommendations:
- a. Post Office ensure that its proposed approach is aligned with the CCRC's expectations. If the CCRC considers Post Office should do something different, then Post Office should take that into account; and
 - b. a staged approach is adopted to the review by prioritising the 34 cases currently being considered by the CCRC and, following an analysis of the findings on those cases, adjusting the review as necessary so that it promotes Post Office's compliance with its disclosure duty.

The Subcommittee is asked to approve taking a wide approach to complying with its legal duties of disclosure, subject to this being aligned with the CCRC's expectations and reassessed following the review of the 34 cases being considered by the CCRC.

8. In order to progress matters:
- A dedicated data-site has been set up and populated with the files of those who were claimants in the GLO and/or who referred their cases to the CCRC. The review will prioritise the cases where we have already collated the relevant information, starting with the 34 cases currently being reviewed by the CCRC;
 - Substantial work is being carried out to collate Post Office's records from other past prosecutions;
 - The specialist criminal law team have begun reading into the material. It is anticipated that the Board may want some visibility on the detail of the individual cases and a separate briefing session can be arranged, covering specific individual cases with BAQC and Nick Vamos (Partner at Peters & Peters);
 - It is anticipated that the review of the initial 34 CCRC referrals will be complete within two to three weeks once the scope of the review (wide or narrow) has been finalised; and
 - In the meantime, Post Office will offer maximum co-operation to both the CCRC and the DPP.



Historic Shortfall Claims Scheme

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Next Steps

The next steps for each workstream include:

- Convicted Claimants: meeting with the CCRC; scope and progress post-conviction disclosure review and address to any applications made to the criminal Court of Appeal.
- Common Issues /Ops Modernisation: consider appropriate contract remediation reflecting the Common Issues judgment; establish a programme team for the wider commercial reform of the postmaster contracts
- Future Claims: finalise and operationalise the recommended scheme structure and plan for communication to the network for approval.
- Fujitsu Potential Claim: [REDACTED]
- Settlement Deed Compliance: continue to progress the required actions to conclusion, liaising with the claimants' solicitors as appropriate.

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Appendix 1

POSITION PAPER: **CRIMINAL CASE REVIEW** **OPTIONS & RECOMMENDATIONS**

Introduction

1. We have been asked to provide this position paper for the Board Meeting to be held in the week commencing 20 January 2020. It is designed to set out:
 - (i) Post Office's duties as a prosecutor as regards disclosure post-conviction;
 - (ii) The options that are open to Post Office to discharge those duties together with our recommendation as to which of the options Post Office should pursue; and
 - (iii) The recommended stance Post Office should take with the Criminal Cases Review Commission ("CCRC") and other agencies.

Summary of Advice/Recommendations

2. There are two broad options open to Post Office to discharge its duty of post-conviction disclosure (that is, to disclose material to convicted defendants which might cast doubt on the safety of their convictions): a narrow approach in which standardised disclosure is provided to all defendants without a review of each case; and a wide approach in which each case is reviewed individually. There are legal, practical and reputational advantages and disadvantages to both. Our recommendation, however, is that Post Office should adopt the wide approach.

Post Office's Legal Duties

3. The Post Office's duty of post-conviction disclosure (the "**primary duty**") (based on Supreme Court authority) is:
 - (i) To disclose to the defendant any material which has come to light and might cast doubt on the safety of the conviction; and
 - (ii) Where there is a real prospect that further inquiry might reveal such material, making that inquiry.
4. It is important to note that the primary duty arises irrespective of the CCRC's involvement in any given case.
5. There is no one right answer to the question of how Post Office should discharge its primary duty. There is a range of interpretations, all of which would be considered rational and therefore legally defensible.
6. It is important to note that the outcome of any disclosure exercise is of paramount importance as compared with the process by which that outcome is achieved; there might be a range of valid methodologies for process.
7. There is no duty to disclose to the defendant anything s/he already knows. However, it is implicit that there is a duty to identify the material that might meet the test in paragraph 3 above so that the prosecution can be sure whether the defendant already knows it. Moreover, not all the defendants to whom Post Office owes the primary duty have seen the material from the civil litigation, so there is a clear need to consider disclosure in their cases. There is also the limited



duty of further inquiry at paragraph 3(ii) which, if engaged, might reveal material not already known even by the claimants. Therefore, it is impossible to avoid some review of the potentially disclosable material.

Options for Discharging Post Office's Legal Duties

8. We consider that there are two broad options open to Post Office.

Option 1: The narrow approach

9. The narrow approach to discharge the primary duty is the disclosure of everything, on a standardised basis, to all convicted defendants, without reviewing individual cases to make a determination whether Post Office in fact is required to make disclosure to that defendant.
10. Advantages to this approach are that it would be cost effective and less time consuming than reviewing each case (the wide approach).
11. Disadvantages of the narrow approach from a legal perspective include that:
- (i) The narrow approach is arguably an abdication of the prosecutor's responsibility to assess whether material "might cast doubt on the safety of the conviction", which must be case and fact specific;
 - (ii) It sends out the wrong message by implying that Post Office believes that a 'one-size-fits-all' approach can be taken to all cases, which might produce a knock-on effect to the view the CCRC and/or the Court of Appeal Criminal Division ("**CACD**") take to cases they are, respectively, investigating and/or determining; and
 - (iii) It shifts the responsibility to the defence to sort through the disclosed material to see what actually does, rather than might, cast doubt on the safety of the conviction. This is especially problematic where the material is voluminous, complex and might require expert analysis to determine its impact in any given case.
12. Disadvantages of the narrow approach from a reputational perspective include that:
- (i) Disclosure to *all* those convicted would most likely be unnecessary, which may result in far more individuals questioning whether their conviction is impacted by the disclosure, when in fact the disclosure has no impact. A focused review of individual cases would be able to discount those to which any disclosure should not be made, minimising time/resources in dealing with those cases;
 - (ii) The CCRC or, in turn, the CACD may criticise Post Office for not doing more to assist the defendants. The CACD may even say that Post Office's interpretation of its primary duty is overly narrow and, therefore, wrong;
 - (iii) The defendants and the media may criticise Post Office for not doing more to assist the defendants; and
 - (iv) Post Office wants to do, and be seen to be doing, the right thing, not the minimum necessary. For example, the way in which Post Office discharges its primary duty should not be (or not appear to be) less rigorous than the Cartwright King review following the Second Sight and Rose reports.
13. The narrow approach is also arguably unsuitable for witnesses whom the Mr Justice Fraser recently referred to the Director of Public Prosecutions ("**DPP**") and also in the case of possible remote access by Fujitsu to branch accounts, both of which may necessitate further, case-specific inquiry.

Option 2: The wide approach

14. Conversely, a wide approach to the primary duty would be to review individual cases on a fact specific basis. The review would be designed to identify whether, and to what extent, further disclosure should be made at this stage on the basis that the material might arguably cast doubt on the safety of the conviction by reason of the matters outlined in paragraph 17 below.
15. A logical order to conduct such a review would be as follows:
 - (i) The 34 CCRC referrals (consisting of 31 convicted claimants and 3 convicted non-claimants). These are the cases in respect of which Post Office has the most information and in respect of which there is likely to be the most risk, given these cases have been referred to the CCRC;
 - (ii) The balance (i.e. 31) of the 62 convicted claimants who have not (at least as yet) referred their cases to the CCRC; and
 - (iii) All those convicted who do not fall within (i) or (ii) above (who are comparatively disadvantaged as they have not had the discovery made in the civil claim).
16. Policies and processes would be devised and parameters set in order to reduce the number of cases to be reviewed, for example excluding any prosecution that resulted in an out of court disposal, such as a caution and restricting date parameters based on the bugs, errors or other defects identified in the Horizon Issues judgment.
17. The wider approach review would cover:
 - (i) Whether there has been material non-disclosure of a bug, error or other defect at the time of the trial or proceedings under review;
 - (ii) Whether some bug, error or other defect was materially capable of impacting, or did impact, on the branch account in question; and
 - (iii) Whether the branch account in question was remotely accessed and was responsible for manufacturing the alleged default.
18. The advantages and disadvantages outlined above in relation to the narrow approach at paragraphs 10 to 13 are inversely applicable to the wide approach. Therefore, its only apparent disadvantages are time/cost considerations.
19. To minimise the potential disadvantages of the wide approach, a staged approach could be adopted by prioritising the 34 CCRC referrals, following which our findings could be analysed, policies and processes adjusted, if needed in light of those findings, and a decision taken by the Board as to how the next stage (e.g. reviewing the remaining convicted claimants who had not yet referred their cases to the CCRC) should be conducted. This will then ensure that Post Office, as a prosecutor, can control the process, and still ensure that it discharges its legal duties.
20. An initial sift rather than a full review might be considered for the non-CCRC referred cases after the first stage review has been completed. This could have the advantage of eliminating unaffected cases with relative speed and fewer resource issues.

Our Recommendation

21. It is for Post Office to decide how it interprets and discharges its primary duty, whether adopting a narrow or wide approach. A narrow approach carries legal and reputational risk, for example, that the CCRC or CACD would interpret the primary duty more widely than Post Office had done or Post Office would be criticised for doing only the minimum required of it.
22. Based on these factors, it is our view that a review of individual cases is necessary in order to properly discharge Post Office's primary duty as well as to advise the Board as to whether any



convictions are arguably unsafe. Consequently, we recommend that the wide approach is adopted by Post Office, to be executed via a staged priority review, as outlined in paragraph 19.

Approach to CCRC

23. We will continue the policy of maximum cooperation with CCRC. The meeting between the CCRC and representatives of Post Office to be held on 29 January 2020 is intended to explain how Post Office interprets its legal duty and how it intends to discharge it.
24. We will endeavour to discover from the CCRC what its intentions are as regards the cases referred to it. The rationale, from our point of view, in meeting the CCRC is to ensure that we do not act inconsistently with its expectations and requirements; that Post Office does not engage in any misstep as far as its processes are concerned; and ultimately that the process Post Office intends to embark upon receives the approval of the CCRC (and the CACD, in due course, should any Post Office cases come before it).

Approach to the DPP

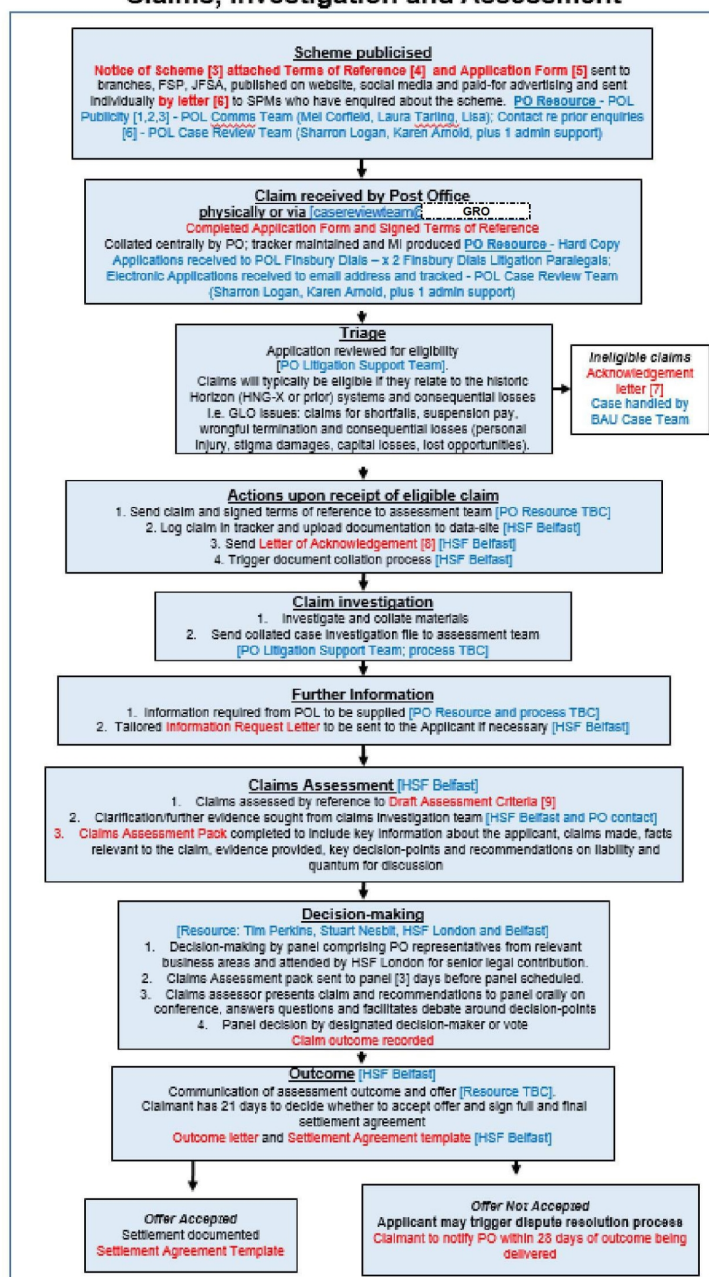
25. The Board will be aware that, on 14 January 2020, Mr Justice Fraser referred two Fujitsu witnesses to the DPP for consideration of the commission by them of offences during their evidence in two named historic cases, one criminal and one civil. If the DPP and/or the police were to take action on this referral, the likely offences to be investigated or considered would be perjury and perverting the course of justice.
26. Once we have obtained Mr Justice Fraser's permission to do so, we intend, as invited by the Judge in his cover letter to the parties, to consult with the DPP and take a similar approach to that which we are taking to the CCRC, namely maximum cooperation and support.

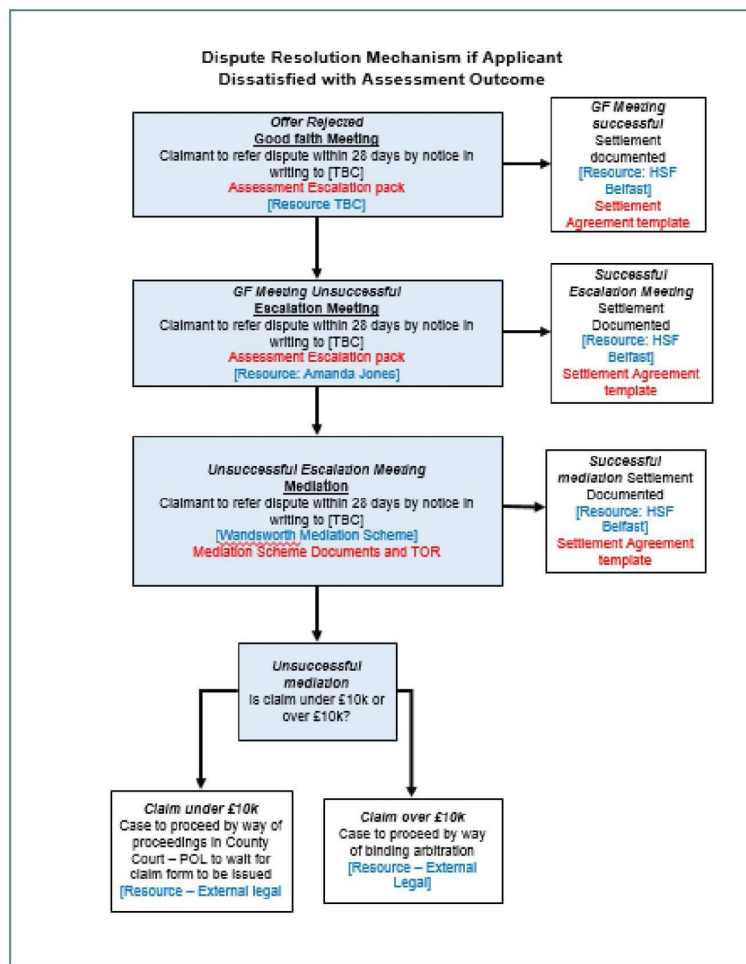
17 January 2020

**BRIAN ALTMAN QC
EMMA KING
PETERS & PETERS SOLICITORS LLP**

Appendix 2

Claims, Investigation and Assessment





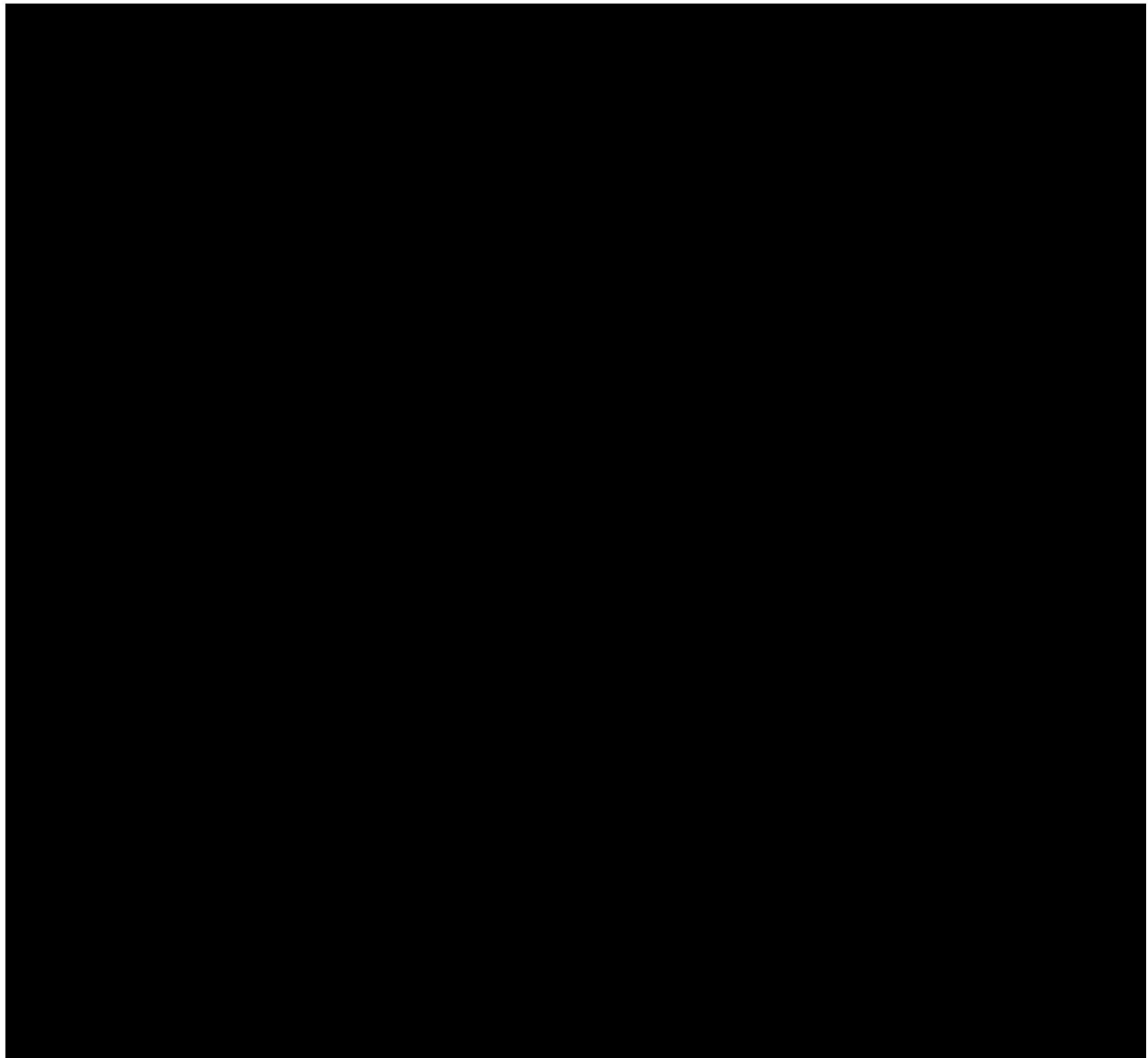


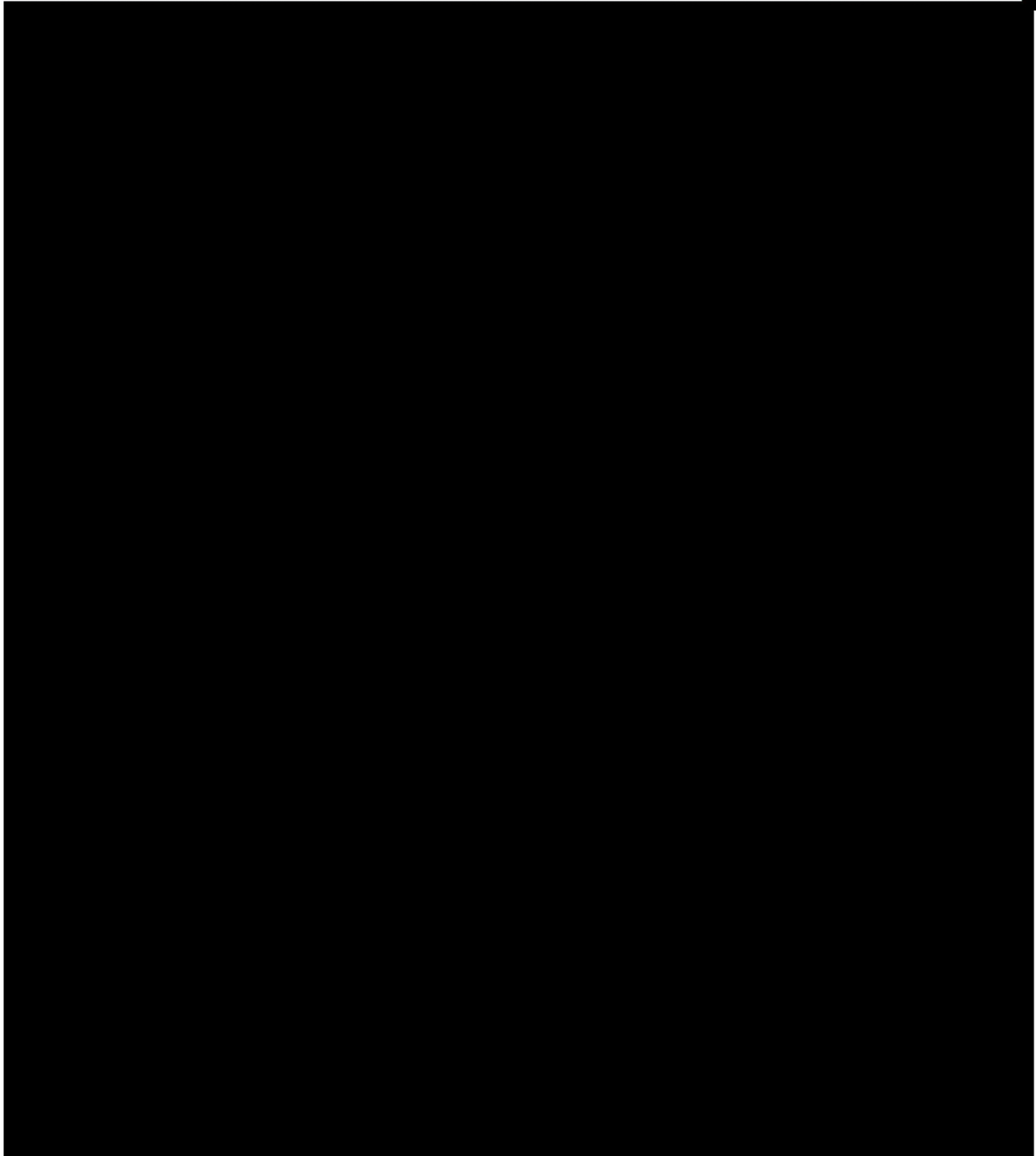
Appendix 3

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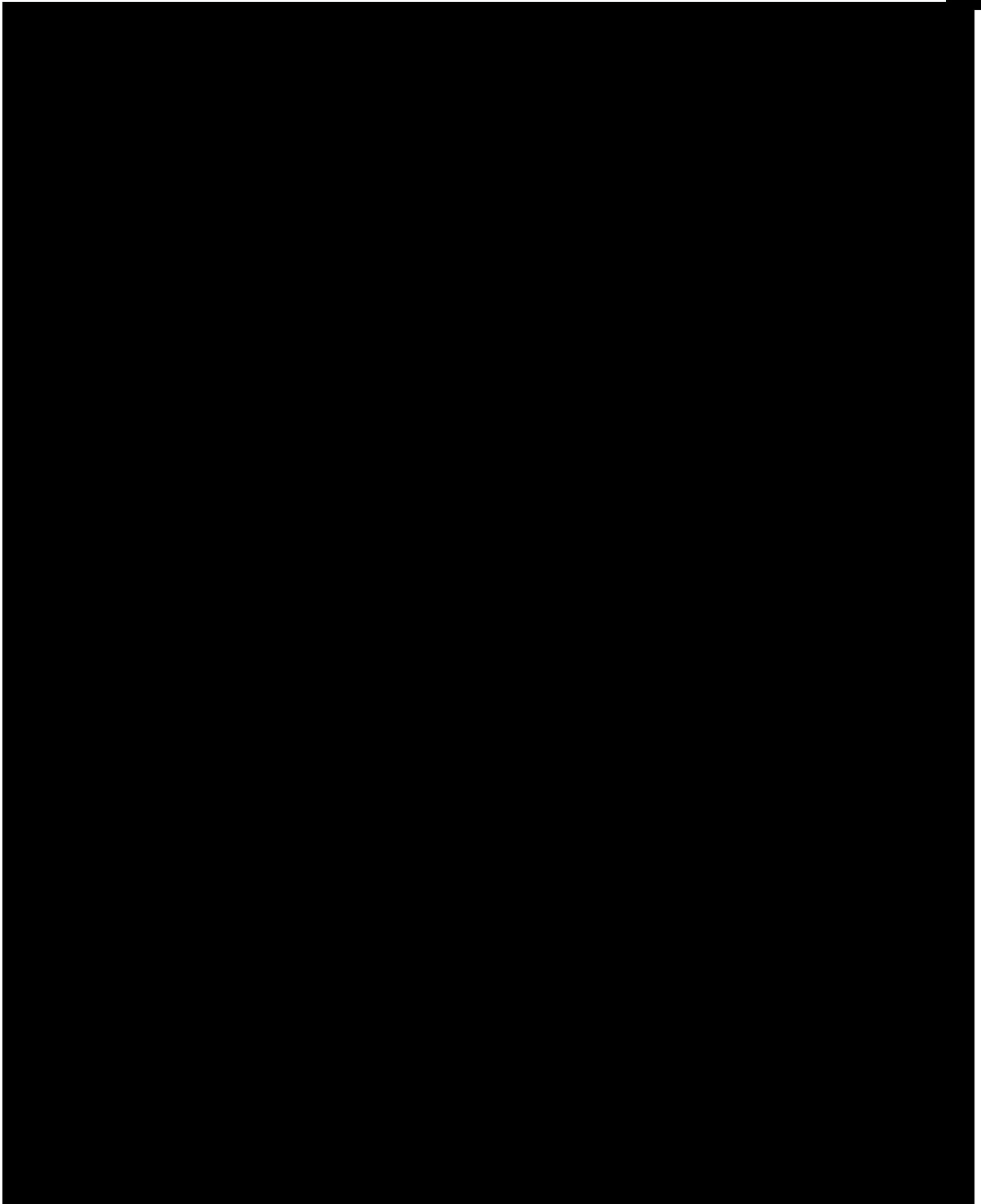
Charles Flint QC
Blackstone Chambers
Blackstone House
London EC4Y 9BW

Stephen Rutt QC
Brick Court Chambers
7-8 Essex Street
London WC2R 3LD



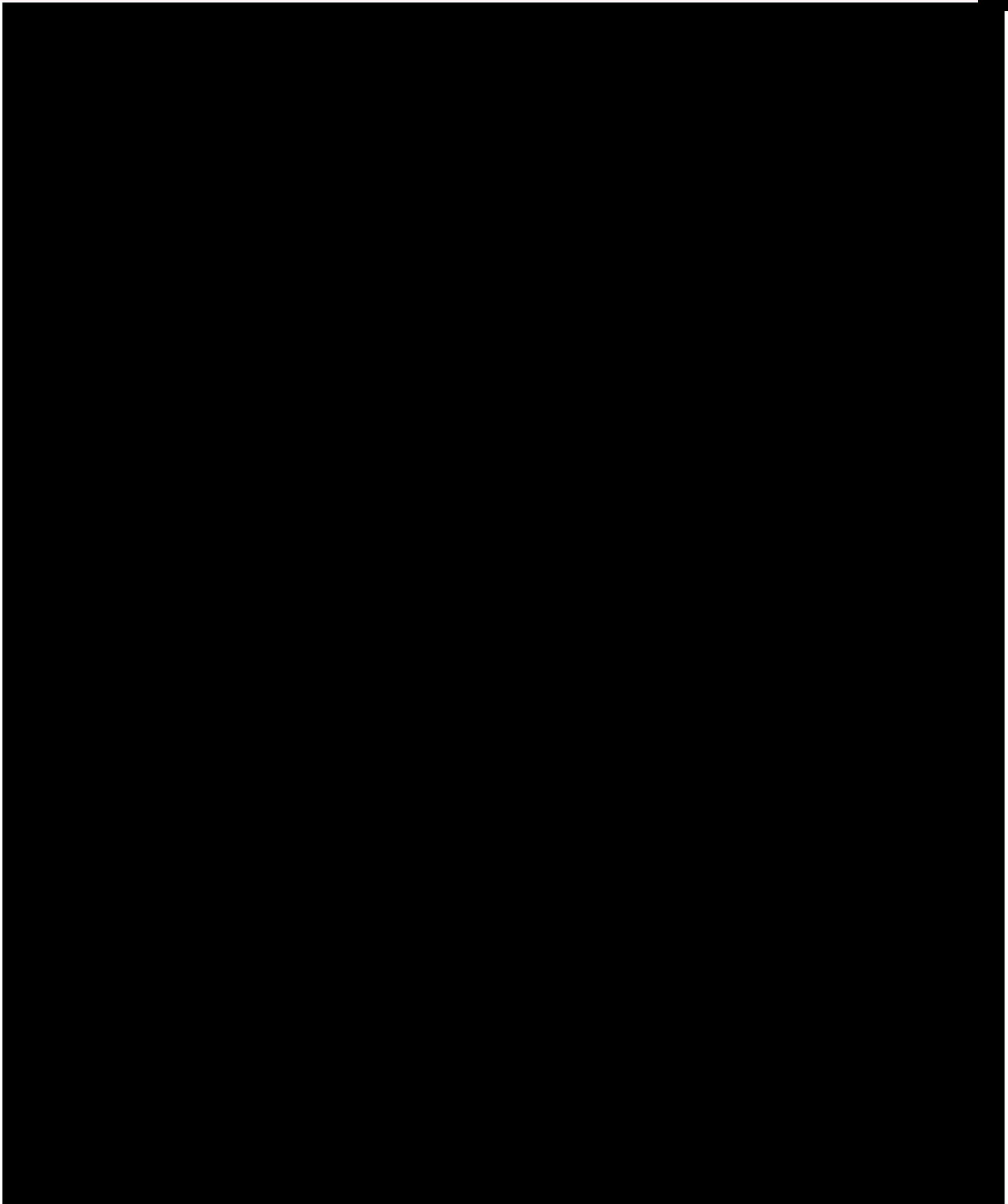


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Tab 2 Group Litigation Update and Implementation Plan



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