
From: Mark Underwood [GRO]
Sent: Fri 30/10/2015 2:12:02 PM (UTC)
To: Patrick Bourke [GRO]
Subject: RE: What about this ?

I hope so

Mark Underwood
Complaint Review and Mediation Scheme
[GRO]

From: Patrick Bourke
Sent: 30 October 2015 14:11
To: Mark Underwood [GRO]
Subject: RE: What about this ?

Well, there will be no need to do that, I don't think since it will not be a public facing document at all and, if they do their job right, they will factor in our 'reply' ie views and facts, into their report ?

From: Mark Underwood [GRO]
Sent: 30 October 2015 14:08
To: Patrick Bourke
Subject: RE: What about this ?

No, you are right. No hidden point. Just a reluctance on my part to admit that we will, at some stage, have to read another 50 page report and potentially prepare a 'reply'

Mark Underwood
Complaint Review and Mediation Scheme
[GRO]

From: Patrick Bourke
Sent: 30 October 2015 14:07
To: Mark Underwood [GRO]
Subject: RE: What about this ?

Thanks – they will produce a report for Tim though, irrespective of what we do externally – so I don't think this a commitment we can't give ? Or did I miss the point ?

From: Mark Underwood [GRO]
Sent: 30 October 2015 14:05
To: Patrick Bourke
Subject: RE: What about this ?

Fantastic! One very minor comment for your consideration but otherwise unblemished

Mark

Mark Underwood
Complaint Review and Mediation Scheme
[GRO]

From: Patrick Bourke
Sent: 30 October 2015 13:57

To: Mark Underwood
Subject: What about this ?

I said that I would provide you with regular updates about the work which is being done on your review of the Post Office's handling of complaints in relation to Horizon, following our meeting with Jonathan Swift QC. Jonathan is now being supported in his work by junior counsel, Christopher Knight, from the same Chambers and with whom we had a lengthy and productive meeting earlier this week.

On scope, we have confirmed that the review will follow four principal lines of enquiry which reflect our discussions with Jonathan. These are:

1. Whether the Post Office has had, and has adhered to, appropriate prosecution policy and practices to ensure that individual criminal charges brought against subpostmasters were/are underpinned by a sufficiency of evidence;
2. Establishing, in so far as possible, whether the Horizon system was or was not the underlying cause of discrepancies in the branch accounts of Applicants to the Scheme;
3. Whether the advice provided to Applicants to the Scheme by the Helpdesk was appropriate and, in particular, whether the advice provided caused Applicants to commit false accounting; and
4. Whether the investigations into the cases in Scheme were appropriate and reasonable in scope and depth and, in particular, whether anything was missed which could, and ought now, to be looked at.

On the shape of their report to you, we had an initial discussion about how this ground might best be captured and tentatively envisaged a thematic treatment, with specific examples drawn upon under each to support the overall finding. However, we will need to take a view on whether this remains the best way of doing this later in the process.

Jonathan and Christopher have indicated that they anticipate developing their findings through a thorough review of all relevant documentation and a series of interviews with key Post Office personnel as well as external experts and interested parties. In order to address questions of detail as to what has happened in practice, they will cover the ground by conducting randomised sampling exercises, looking in depth at a number of cases which are reflective of the Post Office's total caseload. Collectively, we think this is the most expedient way of proceeding without compromising quality and rigour.

On information sharing, the team has sent all the core documents and legal advice we have had to date, representing a huge amount of information, across to Jonathan and Christopher who are now working their way through it. We have also agreed with them that we will supply an all-encompassing spreadsheet which details all key information about each of the 136 cases in the Scheme, including which cases involve multiple criminal charges, allegations in relation to Horizon, to the Helpdesk and so on, and, which will enable Jonathan and Christopher to determine which of the cases they wish to drill down into the detail of.

The team is also starting to arrange the various meetings which Jonathan and Christopher need to have with Post Office staff and external interested parties – the latter group will, of course, need to include Lord Arbuthnot, Second Sight and Alan Bates, the head of the Justice for Subpostmasters Alliance.

As we discussed, it is important for the overall credibility and external presentation of your Review that you should have met with Lord Arbuthnot and Second Sight as a minimum as part of this work, and we think it is also the Minister's expectation that these should take place. In conversations with Diane, we understand that there is enormous pressure on your diary between now and Christmas. However, I nevertheless hope we will be able to find slots for these two meetings in the near-ish future.

The work has, then, begun at pace and getting this Review completed by Christmas remains a realistic, if challenging, target.

I am, of course, available if you would like to discuss any of the above.

Patrick Bourke

GRO