
From: Mark Underwood [GRO]
Sent: Tue 12/07/2016 12:17:56 PM (UTC)
To: Jane MacLeod [GRO]; Patrick Bourke [GRO]; Rodric Williams [GRO]
Subject: RE: Sparrow - speaking notes for Chairman's meeting with BNR - PRIVILEGED AND CONFIDENTIAL

Hi Jane,

Yes, no problem. In Rod's absence, Andy Parsons is reviewing my first draft (principally from a privilege point of view). Once I have received his comments, I will then circulate amongst this copy list before forwarding to Tom and Mike G.

Mark

From: Jane MacLeod
Sent: 12 July 2016 12:43
To: Mark Underwood [GRO]; Patrick Bourke; Rodric Williams
Subject: RE: Sparrow - speaking notes for Chairman's meeting with BNR - PRIVILEGED AND CONFIDENTIAL

Thanks – this is looking good.

On the issue as to what happens if the litigation falls away, I think the point is that we will have investigated the issues under the aegis of the litigation and we should also have a view on the strengths or weaknesses of our position on the range of issues that are identified as within scope of the litigation. Depending on why the litigation falls away, we could then consider Post Office's position in relation to any outstanding issue.

I think it's also worth saying that as a result of the issues raised through the investigation of cases as part of the mediation scheme, many changes have been made to improve Post Office's operating practices, including in relation to training and the type of support offered to Postmasters. We also monitor branch performance more closely with a view to identifying problems that postmasters may be having, so that where possible, issues do not escalate. We would expect any equivalent learnings arising from the litigation to be similarly addressed.

Would you mind re-circulating the final text before sending to Tom?

Thanks

Jane



Jane MacLeod

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From: Mark Underwood [GRO]
Sent: 11 July 2016 15:23
To: Patrick Bourke; Jane MacLeod; Rodric Williams
Subject: RE: Sparrow - speaking notes for Chairman's meeting with BNR - PRIVILEGED AND CONFIDENTIAL

Thanks Jane and Patrick,

I will fold this all into a short briefing for Tim and circulate amongst this group (by close on Weds) before forwarding on to Mike G for inclusion in the wider briefing.

The only area that I think we may need to provide lines on, that is not currently covered off is what we will do if the claim falls away. On calls, we have said that it is unlikely that we would re-open the Review. Does Tim have a view on this, that we are aware of?

Mark

From: Patrick Bourke
Sent: 11 July 2016 14:03
To: Jane MacLeod; Rodric Williams; Mark Underwood [GRO]
Subject: RE: Sparrow - speaking notes for Chairman's meeting with BNR - PRIVILEGED AND CONFIDENTIAL

Thanks Jane

I think that covers the ground well - my only suggestions would be:

A) we say a bit more about what underpins the TRQC strong advice (although it's implicit, it might be worth making it more obvious for these purposes)

B) we underscore even further that the self same issues as were being dealt with by TP Rev are included in what is now a much broader set of grounds for complaint (ie we are not subtracting from but adding to the lines of enquiry)

C) that this process finally gives both the complainants and POL the vehicle for getting to the actual bottom of this - we no longer have to guess at the real issues underlying the complaints and they no longer have to place their trust in a process of POL's making (however serious and well intentioned it may have been)

Hope makes sense - it's just bringing the interests of complainants a bit more to fore, for the purposes of this engagement.

Patrick

Sent from my Windows Phone

From: [Jane MacLeod](#)
Sent: 11/07/2016 14:29
To: [Rodric Williams](#); [Patrick Bourke](#); [Mark Underwood](#) [GRO]
Subject: Sparrow - speaking notes for Chairman's meeting with BNR - PRIVILEGED AND CONFIDENTIAL

All

Here is my starter for 10

- My original brief was review POL's handling of the longstanding complaints from postmasters with a view to determining, in particular, the question of what more could now reasonably be done to address these complaints.
- That led to my appointment of Jonathan Swift QC to review the criticisms that had been made against PO, and consider whether the investigations that PO had previously undertaken had gone far enough to address

those concerns.

- As set out in my letter to you of [4 March 2016], Jonathan Swift identified areas where he believed further work could be beneficial and PO commissioned further work to explore those. Some of these areas are necessarily complex and are dependent on third parties (such as Deloitte and Brian Altman QC) to deliver. While progress had not been as fast as I had hoped, good progress was being made in all areas.
- However, in April PO was notified that proceedings had been commenced against it in the High Court on behalf of approximately 92 postmasters, [and there are suggestions that there are at least as many further postmasters keen to join a 'class action' who have not done so to date. While the proceedings have not been formally served on PO, the legal advisers for both sides are in discussion to better understand the nature of the issues. At this stage there is still no information available as to the quantum of the claims or the basis on which quantum could be estimated. The background to the claims covers a very wide scope of issues – including those which were being addressed through my enquiry.
- PO has briefed lawyers and external counsel (including Antony de Garr Robinson QC) to advise on the claims.
- PO has received very strong advice from its external legal advisers that the work being undertaken under the aegis of my review should come to an immediate end, and instead these issues should now be addressed through equivalent work taken forward under the scope of the litigation.
- Given my duties to Post Office Limited as a director and its Chairman, I believe I must act in accordance with this advice. I have therefore instructed that the work being undertaken pursuant to my review should now be stopped.
- I am advised however that work covering the same issues is continuing so that these issues can and should be addressed through the litigation.
- The parties to the litigations include the high profile cases of which parliamentarians and other stakeholders (such as Lord Arbuthnot) are aware. It is therefore incumbent on those Stakeholders to accept that those postmasters have elected to pursue their claims through the courts and the Board of PO believes that this is now the appropriate forum through which the Postmasters' concerns should properly be determined.
- It has been proposed that the PO legal team should provide a briefing to BIS lawyers, and we are happy to facilitate this.

Thoughts?

Jane



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