POL00145145

From: Simon Clarke [GRO]
Sent: Thur 04/07/2013 11:03:10 AM (UTC)
To: Rodric Williams [GRO]
Subject: RE: Horizon Letters - Strictly Private & Confidential - Subject to Privilege - Do Not Forward

Rodric
I have looked at all of the letters and the following thoughts occur:

1. All letters. Is it necessary to inform each of the offices of the fact that other branches are affected? It seems to me that these letters will somehow get into the public domain (Justice for Sub Postmasters Alliance??). If that were to happen then again we run the risk of adverse speculation at least until Second Sight is published (if it is to be).

2. Merthyr Dyfan. In this case there are competing interests: open and transparent dealing by POL as against the proposition that this in likely to be an appeal case. Could you hold off on this letter for a short while – I will come back to you this afternoon once I've more fully considered the position and seen what POL have forwarded to Martin Smith.

I will also get back to you on the other points you raise in this email.

SC

From: Rodric Williams [mailto: GRO]
Sent: 03 July 2013 20:50
To: martin smith; Simon Clarke
Cc: Hugh Flemington; Jarnail A Singh
Subject: FW: Horizon Letters - Strictly Private & Confidential - Subject to Privilege - Do Not Forward

Simon, Martin,

Two issues following on from our conference today:

1. the letters to branches regarding the 14 Branch Anomaly ("B14") and its impact on the (purported) prosecution of an assistant at a "Costcutter" branch; and
2. the timing of when B14 came to the attention of Post Office Limited and Fujitsu

1. Letters to Branches

I attach the letters we propose sending to the branches affected by B14. The "Merthyr Dyfan" letter concerns the Costcutter branch which might have involved a Police prosecution of a branch assistant. Unfortunately, we are still no clearer on the status of this investigation/prosecution.

During our con, you recommended sending information concerning B14 to defense counsel (assuming there is one). Please provide us with a draft letter for this purpose and an indication of the information which should be supplied with it. In case it assists, I attach the initial report Gareth Jenkins produced on B14 (the version I received was dated 10 May 2013, but I see from the attachment that it uses an auto-date).

During our con, you explained prosecuting counsel's duty of disclosure. Please also let us know whether we could satisfy our duty of disclosure (i.e. that we know of an issue which might be relevant to criminal proceedings) by notifying the Police/Costcutter prosecuting counsel of B14 so that they can take a view on whether they should

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disclose it to the defense in accordance their duty.

2. B14 Timing

- Issue first surfaced at POL Finance Service Centre (FSC) on 6 February 2012, at the close of a Branch Trading period
- Issue concerned the £9799.88 discrepancy at Willen branch
- FSC might have proactively contacted SPM given the size of the discrepancy
- FSC investigated, saw that it looked wrong, and brought the account back to balance (i.e. £0) at no cost to the SPMR
- FSC would have monitored the Willen branch to see what happened the following month
- Over the next few weeks, as the rest of the Branch Trading data for the same period was processed, the other 13 branch anomalies were noted
- Those other branches' accounts were brought to balance, again at no cost to the subpostmaster
- This was not perceived to be a significant issue given the small number of branches affected and the small sums involved
- On 6 February 2013, the Willen SPMR contacted POL National Business Support Centre (NBSC) to report the same discrepancy in his Branch Trading as the previous year
- NBSC passed this on to Fujitsu between 6 and 8 February 2013
- Fujitsu then notified FSC of the problem on 28 February 2013
- Fujitsu resolved B14 on 25 April 2013

Does any of this change the advice given at the con?

Please let me know if you wish to discuss.

Kind regards, Rodric

Rodric Williams I Litigation Lawyer

148 Old Street, LONDON, EC1V 9HQ

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From: Parsons, Andrew [mailto: GRO]
Sent: 02 July 2013 16:25
To: Rodric Williams
Subject: RE: Horizon Letters - Strictly Private & Confidential - Subject to Privilege - Do Not Forward

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Rodric

As discussed, revised letters attached.

Kind regards
Andy

Andrew Parsons
Senior Associate
for and on behalf of Bond Dickinson LLP

Bond Dickinson

Direct:
Mobile: GRO
Fax:

Follow Bond Dickinson:

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From: Parsons, Andrew
Sent: 02 July 2013 15:37
To: Rodric Williams
Subject: RE: Horizon Letters - Strictly Private & Confidential - Subject to Privilege - Do Not Forward

Rodric

Please find attached the Merthyr Dyffd letter which I've amended in the same way as the previous 9.

Kind regards
Andy

Andrew Parsons
Senior Associate
for and on behalf of Bond Dickinson LLP

Bond Dickinson

Direct:
Mobile: GRO
Fax:

Follow Bond Dickinson:

www.bonddickinson.com

From: Andrew Winn [mailto: GRO]

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Sent: 02 July 2013 15:10
To: Rodric Williams
Cc: Parsons, Andrew
Subject: RE: Horizon Letters - Strictly Private & Confidential - Subject to Privilege - Do Not Forward

Hi Rodric

Yes they are the ones I sent to Andy.

Andy

From: Rodric Williams
Sent: 02 July 2013 14:40
To: Andrew Winn; andrew.parsons@ GRO
Cc: Rod Ismay
Subject: RE: Horizon Letters - Strictly Private & Confidential - Subject to Privilege - Do Not Forward

Thanks all.

Andy Winn – can you please confirm that letters in the zip file are those emailed by Andy Parsons at 1432, plus the one for Merthyr Dyfdd.

I need to check the position on the Merthyr Dyffd one because of a criminal prosecution taken against a staff member of that branch, before sending them all to Lesley Sewell and Alwen Lyons for approval.

Thanks, Rodric

Rodric Williams I Litigation Lawyer

148 Old Street, LONDON, EC1V 9HQ

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From: Andrew Winn
Sent: 02 July 2013 14:32
To: andrew.parsons@ GRO
Cc: Rod Ismay; Rodric Williams
Subject: FW: Horizon Letters - Strictly Private & Confidential - Subject to Privilege - Do Not Forward

Hopefully this zip file will have all 10 in!

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From: Andrew Winn
Sent: 02 July 2013 13:16
To: 'Parsons, Andrew'
Cc: Rod Ismay (GRO); Rodric Williams
Subject: RE: Horizon Letters - Strictly Private & Confidential - Subject to Privilege - Do Not Forward

Hi Andy

Amended versions.

On Rosyth Terminus I've altered the end of the 5th para "Errors made by yourself" as Alan does not work in branches. The same would be said of all the letters going to a head office rather than a branch. In the scheme of things not a big issue.

Cheers
Andy
GRO

From: Parsons, Andrew [mailto: GRO]
Sent: 01 July 2013 19:24
To: Rodric Williams; Rod Ismay
Cc: Matthews, Gavin; Andrew Winn
Subject: RE: Horizon Letters - Strictly Private & Confidential - Subject to Privilege - Do Not Forward

Rodric, Rod

Please find attached the 10 letters to SPMRs for your review.

I've based these on the template letter however each has needed to be customised depending on each branch's specific circumstances. My amendments are as follows:

- Amendments in yellow are where there is a variable in the template that needs to be changed in each letter and I have updated the variable.
- Track change amendments are where I have changed/deleted sections of the template letter to meet specific circumstances.

In general, my amendments have been to:

- Adjust for whether a branch suffered a gain or a loss.
- Adjust the loss/gain figures.
- Adjust the final paragraph as to how the gains/losses will be settled (this depends on whether there is a loss / gain and whether there is a SPMR or multiple branches)
- Adjust dates to reflect trading periods. For example, I believe that a loss incurred in TP10 will actually be in January. Hence the date of the loss needs to be 2012 rather than 2011 or 2013 rather than 2012.

I've taken my information from the original letters produced by Andy Winn.

I've inserted the address for WHSmith and updated the "typo" to refer to 14 branches rather than 5 SPMRs.

There is only one letter where the SPMR knew of this issue (Willen). However, I had understood that POL had received two complaints. Was this second complaint from a Crown branch?

I'll be on my direct dial below for the next 30 mins and then on the BB if you need me.

Kind regards
Andy

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Andrew Parsons
Senior Associate
for and on behalf of Bond Dickinson LLP

Bond Dickinson

Direct: GRO
Mobile:
Fax:

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www.bonddickinson.com

From: Rodric Williams [mailto: GRO]
Sent: 01 July 2013 14:50
To: Parsons, Andrew
Cc: Matthews, Gavin
Subject: FW: Horizon Letters - Strictly Private & Confidential - Subject to Privilege - Do Not Forward

Andy – here's the latest draft letter to branches re: the 14 Branch Anomaly.

Can you please produce the individual letters to the branches based on this template, then email them all back to me in draft.

Thanks for your assistance.

Kind regards, Rodric

Rodric Williams I Litigation Lawyer

148 Old Street, LONDON, EC1V 9HQ

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From: Rod Ismay
Sent: 01 July 2013 14:44
To: Rodric Williams; Simon Baker; Lesley J Sewell; Andrew Winn; Joanna Jacobson
Subject: Horizon Letters - Strictly Private & Confidential - Subject to Privilege - Do Not Forward

Hi, further to my conversations with Joanna in Communications and with Rodric in Legal I attach the latest redrafted letter. Suggested actions:

1. Simon / Lesley – consideration of whether need to run the letter past Fujitsu
2. To consider briefing NFSP (George and Marilyn)
3. Rodric to liaise with Bond Dickinson as per the remainder of my note below

I have made one change from the v2 version which I sent round at 17:22 on Friday. That change is to expand the introductory section for branches who have not previously had any communication about this issue. This is the bit in smaller font at the start of the letter

Rodric has advised that Bond Dickinson are on standby to populate individual tailored letters from a master template.

The plan is therefore that Bond Dickinson will produce the 10 individual letters as variants to the attached example. These should then be recirculated with myself and Andy as prime sign offs in terms of checking that the variants do properly reflect the chain of events. We appreciate that this is not a straightforward situation.

I think there are a number of paragraphs requiring tailoring of wording or values or dates etc. These should include the following areas:

Has there already been comms with this branch about it?

Gain or loss?

Does a previous branch owner need mentioning?

Is it right to refer to TP9 only?

Was the loss / gain made good locally or settled centrally?

If settled centrally, was it blocked or was payment made?

Are there other losses & gains to refer to?

How will it be resolved (pay run, or something else)

In terms of addressees, we believe that the addressees on the original draft of 10 letters produced by Andy are right to use. The addressees are either the current subpostmaster or the nominee / multiple retailer head office contact for branches which are owned by multiple partners.

There is one branch under separate review where a different agent was in tenure at the time when the original loss or gain arose in the first place in 2010 (Bowness 266418)

The one missing address in the earlier 10 drafts was WHS (for the Houndslow branch). We will send that on shortly.

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Thanks, Rod

Rod Ismay | Head of Finance Service Centre

2nd Floor West Block, No 1 Future Walk, West Bars, Chesterfield, S49 1PF

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