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**From:** Hugh Flemington[/O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HUGH.FLEMINGTON14106A9A-9886-403D-BF5B-E08821F432B3]  
**Sent:** Sun 07/07/2013 9:18:43 AM (UTC)  
**To:** Susan Crichton [GRO]  
**Subject:** RE: Proposed way forward

Past cases – Legal Case Review

In light of the SS interim report

Our external criminal specialist lawyers will be advising on us on the implications of the Second Sight Interim Review, including whether or not it has implications for past convictions. This may mean that we contact some people who have been convicted in the past, but we need to wait for this key advice. In order to obtain this key piece of advice they will need to review our past cases.

Initially they are looking at those going back for the last 18 months to two years. [We shouldn't just focus on Separation – we should go back to when e.g. the b14 anomaly first appeared] [We need to consider whether we go back further to PV's point]

[Need to give PV clarity on how many false accounting cases have we taken.]

Completing the SS review to a Final Report

There is a need to look at the remaining past cases with JFSA (and MPs if they wish) to see if either further themes or new evidence emerge. WHO DOES THIS? SS or someone else? You can:

- Continue with SS
- Appoint PWC as a new SS
- Don't have an independent reviewer – in which case the risk is you have PO and JFSA etc slugging it out IF we can't reach agreement.....and the process then doesn't conclude – messy etc

New processes we can identify NOW:

1. [Setting up of a review (chaired by PB/MO'C type) again via joint working between PO and JFSA, to determine how an independent safety net business process might be introduced ie., a commitment to an independent adjudicator or (non-statutory) ombudsman and the clear intention to agree scope and ToR.] NOT SURE HOW WE CAN DO THIS. DO THEY IN EFFECT BECOME A GATEKEEPER TO DECIDE WHETHER OR NOT WE PROSECUTE SOMEONE?
2. Working Party to
  - a. start exploring the SS (8) themes for improvement (can we get less than 8?) and agrees how they can be implemented.
  - b. Help establish the Branch Forum User Group.
  - c. [Possibly review the findings of the Legal Case Review – the LCR may simply result in us communicating to those convicted in some cases and then it's up to them to go to the Court of Appeal. We don't have the power to quash convictions presumably? What I mean is that there may not be anything for the Working Party to do on this]

3. [spare].


### Ongoing – The Branch Forum User Group

This will ensure ongoing independent involvement of Spmrs/(inc JFSA if they would like) to ensure the business listens to and acts upon issues as they arise; and as importantly, consults users on future systems planning and changes.


Hugh Flemington | Head of Legal


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**From:** Susan Crichton  
**Sent:** 07 July 2013 09:38  
**To:** Hugh Flemington  
**Subject:** Fw: Proposed way forward

Read from the bottom up!

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**From:** Lesley J Sewell  
**Sent:** Sunday, July 07, 2013 08:18 AM  
**To:** Paula Vennells  
**Cc:** Martin Edwards; Mark R Davies; Alwen Lyons; Susan Crichton  
**Subject:** Re: Proposed way forward

Paula

Just a couple of thoughts.

If we state that we will review the cases since Separation, that implies that there are material findings in the SS review and leaves us open to challenge against all cases. It may be better to offer in the spirit of the review and how we have listened to those who have been affected, and how we want to change our business.

This is the delicate line we are balancing and from memory Susan quoted more than 500 cases in the last 10 years. It may be an option to allow SPMRs to come forward to request a review.

I agree on the points around the working group and user group. A clear ToR for the WG will ensure that that is closed down whilst we start to establish the User Group. We also need to bring Kevin in on our thinking and how this will work with/alongside the engagement we already have with the NFSP.

Lesley

Sent from my iPad

On 6 Jul 2013, at 22:46, "Paula Vennells" <GRO> wrote:

Hi, thank you for the inputs today. Susan I need your thoughts on the note below especially 1) and 2) please and the questions at the end of the mail.

I think we have the following which is a variant:

1) a working party over the next three/four months. This comprises PO working collaboratively with the JFSA and does three things:

- .. Firstly explores the SS (8) themes for improvement (can we get less than 8?) and agrees how they can be implemented.
- . Secondly, looks at the remaining past cases with JFSA (and MPs if they wish) to see if either further themes or new evidence emerge.
- .. Thirdly, our external lawyers review all prosecutions in the past 12/18 months since PO has been independent of RM, in the light of the SS findings. The JFSA/PO working group reviews the findings. [Why would they not review all cases of false accounting, eg., over the last 5-10 years, especially where the amounts have been 'small'? I assume 'large' amounts would be less likely to get away with saying they were muddle-headed and not helped? But could we review all? It is the false accounting charge JA was most concerned about.]
- . Does the working party update JA in the autumn?

2) setting up of a review (chaired by PB/MO'C type) again via joint working between PO and JFSA, to determine how an independent safety net might be introduced ie., a commitment to an independent adjudicator or (non-statutory) ombudsman and the clear intention to agree scope and ToR.

3) the future introduction of an ongoing branch user group, once the working party has completed it's task. This will ensure ongoing independent involvement of Spmrs/(inc JFSA if they would like) to ensure the business listens to and acts upon issues as they arise; and as importantly, consults users on future systems planning and changes.

[4) a statement that although the system has been proved to have no systemic issues, and our training, support processes and helplines have worked for most of the 50-60000 colleagues over the past decade, we are nonetheless genuinely sorry that some of our Spmrs, who were struggling did not feel we offered them sufficient help and support when they needed it. And that we are grateful to JFSA and JA for highlighting the issues. Many are historic and already improved but we are always open to new ways to improve how we do business to ensure the PO stays as trusted and effective in its communities as it ever was.]

Last thought: if we can draft this into something I could send to Alan Bates 'in confidence', it would get us to a better place in agreeing the press statement and way through with JA on Monday. Could Martin try and corral views into a draft by Sunday early pm? The more I speak with him the better I feel it will be.

Susan, would we ever ask the lawyers to consider reviewing past prosecutions? Is that what we are

talking about in 1) above but simply not using the terms? If not, why would it be different? Of our 500 prosecutions, how many are false accounting? (For clarity these are open questions - just want to know the answers, not an indication that I want us to do so.)

Thanks, Paula  
Sent from my iPad

On 6 Jul 2013, at 21:08, "Martin Edwards" <[redacted] GRO > wrote:

Hmm, the boundaries between these groups are getting quite blurred and confusing (at least in my mind!).

I thought the focus of the working group involving the JFSA would be primarily thematic (i.e. the 8 or so themes which emerged from the SS process) - rather than focussing on resolving specific cases, which we would pick up through the seperate 1:1 briefings with MPs. The description below appears to shift it more towards the latter. Perhaps this is an academic distinction which we can't sustain in practice, but it certainly feels like safer territory to have the JFSA focussing on themes to do with training and support (which would then morph into the branch user forum) rather than individual cases...

Or have I misunderstood?

We also need to think about how the review of past cases by our external lawyers plays into the messaging (if at all). Certainly not something we would put in our proactive media statement I would have thought, but would we refer to this in meetings as an avenue if pushed by MPs or the JFSA?

Martin

Martin Edwards  
Chief of Staff to the Chief Executive  
Post Office

<[redacted] GRO >  
On 6 Jul 2013, at 18:18, "Mark R Davies" <[redacted] GRO > wrote:

I think that is the working group (number 2 below).

Sent from my iPad  
On 6 Jul 2013, at 17:53, "Alwen Lyons" <[redacted] GRO >  
wrote:

I think the only thing that is missing from James' agenda maybe not Alan's is what we do about past cases to scorch the suggestion os unfair convictions

Thanks  
Alwen

Alwen Lyons  
Company Secretary

<[redacted] GRO >

Sent from Blackberry

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**From:** Mark R Davies

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**Sent:** Saturday, July 06, 2013 04:46 PM  
**To:** Paula Vennells  
**Cc:** Martin Edwards; Mark R Davies; Lesley J Sewell; Susan Crichton; Alwen Lyons; Theresa Iles  
**Subject:** Re: Proposed way forward

Hi Paula

I think this points to the need for our package of measures to include two and possibly three new initiatives:

1. A Branch User Forum - for existing users to share views, discuss issues, examine processes etc.. Chaired by Exco and reporting to Exco. But this doesn't cover historic issues (ie the JFSA and MP cases) so we could also have (2)
2. A working party, to use Alan's phrase, to complete the MP and JFSA cases. This could "take over" the Second Sight review (perhaps involving them but perhaps not as they have effectively "cleared" Horizon, the remit of their inquiry). This would involve the JFSA and us working collaboratively on the remaining cases. We might wish to include an external party in this too (a PWC?). This is the area of greatest risk - looking back at historic cases which have gone through the courts. But it is also completing the job we asked SS to do.
3. A review by a Mike o Connor or Patrick Burns figure to consider potential independent levers which could be developed to give SPMRs a means of independent adjudication or (non statutory) ombudsman.

This package, it feels to me, covers all bases. It looks ahead to fix internal issues and create independent balancing view, but it also completes the review and has the potential for doing so with SS playing a different, or no, role.

It is also a compelling package for media, which handled carefully, could contain the story.

Grateful for views.

Mark

Sent from my iPad  
On 6 Jul 2013, at 10:35, "Paula Vennells"

**GRO**

wrote:

FYI and for any thoughts pls

Paula

Sent from my iPad

Begin forwarded message:

**From:** Paula Vennells

**GRO**

**Date:** 6 July 2013 10:35:03 BST

**To:** Alan Bates

**GRO**

**Subject: Re: Proposed way forward**

Alan, thank you for the note. Yes, I thought the meeting with James was positive too. My main concern is still how we manage the publicity, to avoid - as you said - it 'going ballistic'.

We had a useful conversation re a statement from James with quotes from you and me, or possible joint statement. And agreed we would pick up again on Monday.

Ours is now being re-worked in the light of that and as we liaise with SS over the weekend on some changes to the report where it is factually inaccurate. I am hopeful these will be addressed.

Once I have a final draft, I would be happy to send across to you.

It would be good to meet on Monday. And as I haven't met Kay, then I would be happy to extend the meeting to include her and I would bring Alwen Lyons, who is our Company Secretary - Alwen has been the key lead on the liaison with James' office.

In the meantime, I hope you enjoy the glorious weather - at last!

Paula

Ps. You were on my list to call today but I imagine this email exchange is sufficient now? However, if you would like to speak at any time, don't hesitate to text me.

Sent from my iPad

On 6 Jul 2013, at 09:51, "Alan Bates"

<**GRO**> wrote:

Hello Paula

I understand the meeting with James Arbuthnot went well on Friday and I believe he will be discussing his views with me on Monday morning.

I am sure you will agree that it is important that we have even an outline document of the proposed way forward we have discussed, before the MPs' meeting. As soon as it is available, I would appreciate seeing your version of what is proposed, hopefully amended to address the comment below.

Looking through my notes from our last conversation, there is an early item of concern, that being the name of the panel which you referred to as the 'user group'. Whilst I can appreciate you want such a group to continue on into the future, at which time such a name may be suitable. Initially, and whilst it is also looking at the issues surrounding the report and the cases, possibly 'task group' or 'working party' might be more accurate, as technically, the bulk of JFSA are ex users, and others will no doubt pick up on the name. I could offer 'review board', but I could see that might not be acceptable.

Regarding Monday 8<sup>th</sup>, do you still want to meet? If we do meet, and others are to attend, I would like Kay Linnell, who has been working with us for the last year, to accompany me. With travel arrangement to finalise, I would appreciate a response to that point as soon as you are able to let me know.

Regards

Alan