

**Application Form**

For Second Sight use only

Case ref:

Your Details PR/752033/TTC7/SPM/SFF	
Surname: Cousins	Forenames: Wendy
Your address: <div style="border: 1px dashed black; padding: 10px; text-align: center; font-size: 2em; font-weight: bold;">GRO</div>	
Telephone number 1: <div style="border: 1px dashed black; padding: 2px;">GRO</div>	Email address:
Telephone number 2:	<div style="border: 1px dashed black; padding: 2px;">GRO</div>
My current Member of Parliament is: Mark Prisk	

Your Branch <i>Please insert the details of the branch where you worked. If you worked at more than one branch, please provide details on an extra sheet of paper.</i>	
Name of branch: Hertford Heath	FAD Code of branch: 119 129 2
Address of branch: 14 London Road Hertford Heath Hertfordshire Postcode: SG13 7RH	
Your role at the branch (ie. Subpostmaster, Subpostmistress, clerk, etc.): Subpostmistress	
When did you begin in this role? 23 rd April 1997	Are you still in this role? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 5 th December 2006 If no, when did you leave this role: 5 th December 2006

Initial Case Overview

To the best of your knowledge, is your case (or any part of it) currently subject to any on-going criminal investigations or proceedings (including the issue of a summons, sentencing hearings or a confiscation order)?

YES – you may still submit your case, but Second Sight may not be able investigate it whilst criminal investigations or proceedings are on-going.

NO

The purpose of the 'Initial Case Overview' is to summarise the main issues you wish Second Sight to consider. If your case is accepted for mediation, you will then have an opportunity to supply much more detail together with supporting evidence.

The following Key Questions may help you with this Initial Case Overview but please feel free to supply any information that you consider may help explain your complaint.

What is the main issue or issues you wish us to consider that relate to Horizon or its associated processes?

Missing pouches containing green Giros

When did the incidents relating to the main issue or issues occur?

21/4/05 – 6/12/06

What prior contact have you had with the Post Office in regard to the incidents/issues that you are now reporting?

Audit carried out 12/10/06 at P.O investigation team lead by Lisa Allan

How was the issue or issues resolved at the time they occurred?

None

What is the monetary value of the issue or issues you are now reporting?

£18,017.91

Were you the subject of either civil recovery action or criminal prosecution regarding the main issue or issues you are now reporting?

Criminal Prosecution

Repayment of approximately £20,000 this included 200 hours community service

Criminal record

How were these actions against you (if any) resolved?

I pleaded guilty

What is your explanation for the events forming the main issue or issues you are now reporting?

On the 6/10/2000 the horizon system was installed at Hertford Heath Post Office at the time there were two of us working in the office myself and a part-time assistant Mrs Elizabeth Ann Lobacz (June 1998-September 2006). We were given only 1 ID user password as the office was very small.

This was picked up in an audit on 9th May 2005. I tried on numerous occasions to correct this to give Mrs Lobacz her own ID. I also contacted the Post Office helpline but they were unable to assist. On the 12th October 2006 a further audit took place and again the auditor stated "obsolete users had not been deleted from the horizon system" for security reasons these must be deleted to avoid the user account being accessed and utilised without the knowledge of the original user.

There were no obsolete users on my system we couldn't put on the existing member of staff. I know now that I should have queried this at the time to find out who had access to my computer but I didn't (copies of above audit migration forms available).

There were also discrepancies regarding transactions out of hours, copies of these I assume the Post Office will still have.

I do have copies of horizon migration, audit reports etc if required. The case against me was produced by the Post Office investigation team with "evidence" taken from the horizon system which I do believe to be at best flawed.

REF: PR/752033/TTC7/SPM/SFF

On the 4th of December 2006 I received a call from the Post Office audit team asking what time the post office opened as they were due to come and close the branch removing all items. I stated at the time that I had no knowledge of any closure.

At 8:30am Tuesday 5th December 2006 two investigating officers lead by Lisa Allan plus an auditor arrived, the Post Office was closed, never to reopen. I was informed that 14 pouches containing Green Giros had gone missing and that they had proof that these giros had been reintroduced or over claimed. The total being £30,121.69. The following day I tried to contact the Post Office with the number I had been given by Lisa Allan and again tried on a daily basis, after writing to my local Parish Council and my MP Mark Prisk (copies of all their correspondence and meetings with Post Office representatives available) the Post Office agreed to meet with me. Up to this point however I had still not received any paperwork or information regarding any of the alleged missing pouches so was unable to answer any queries regarding them. The meeting proved to be pointless. A further meeting was arranged and I was allowed some of the information but my contract was terminated on 26/04/2007.

In December 2007 I was informed that the Post Office were going to prosecute, I went to see a solicitor and requested copies of all relevant paperwork, information etc. This was eventually received after various court appearances the finale one on 29/7/2008 where an application to the court was made for disclosure. These were then handed over 17/09/08. The case against me then showed an amount of

£18,017.91 made up of reintroductions £14,553.32 and over claims of £3,464.59.

My best defence was to prove all giros that were cashed in my Post Office were all genuine (between 05 and 06) of which there were hundreds or plead guilty to some of them which I did following receipt of a letter advising me what to pack as if found guilty I would be going directly to Holoway Prison.

I have never believed that these pouches went missing nor have I ever understood the Post Office reluctance to at least and explain what could have happened. They have seemed all the way through this to just accept what they think happened regardless.

I have a copy of an "extract of Incidents Database for the SG postcode in relation to missing vouchers reported covering April 2005 and December 2006" this document shows 12 missing pouches at £23,535.82 not 14 at £30,121.69.

I also have copies of giros attached to several DSS Identification docketts G6311 R/04 from various Post Offices not mine with FAD codes ranging from 091/935 – 238-418 Fleet and Cumbria etc.

If these have been mixed up, misfiled is it not possible so have the missing giros. Missing postman's collection sheets which I was advised had been destroyed although I had asked for copies of these as far back as Friday 8th December 2006, the only ones which were not destroyed were the ones the Post Office took at least two of which were not mine and 1 which was 1 year out of date.

I have been unable to list all the information but would be pleased to if requested.

The Post Office investigation team didn't only steal my families money but I also have a criminal record for the rest of my life. I have no hope of ever getting another job and am restricted in whatever I might wish to do as a result of this.

At an "off the record" meeting my solicitor and Lisa Allan agreed that they didn't think that I was guilty, well surely if they had their doubts then the prosecution was unsafe at best.

If you could please look into my case I would of course be most grateful as I am sure there are many people who have or indeed work for the Post Office and they will never know when their life could be turned upside down as mine was.

Did you request assistance from the Post Office regarding the issue or issues you are now reporting?

Yes

What assistance if any was provided?

None

Please attach additional sheets of paper if you require more space.

Declaration

I acknowledge that:

- As part of the Scheme, I must promptly provide information about my case to Second Sight. If I do not provide full information in a timely manner, I accept that it may not be possible to investigate or mediate my case.
- Information I provide about my case or the findings of Second Sight's investigation may help reach a resolution with Post Office but that it may also reveal further claims against me.
- I am only entitled to financial support from Post Office if I have signed a Funding Agreement.

I confirm that:

- My case relates to the Horizon system or an associated issue.
- Post Office may communicate details of my case to Second Sight, JFSA, my Member of Parliament and/or its professional advisors.
- The facts and matters set out in this Application are true and accurate to the best of my knowledge and belief.

I confirm that I am:

Currently serving as a Subpostmaster and have already raised my case with Post Office and have completed all Post Office's internal complaint processes.

Not currently serving as a Subpostmaster.

(Please tick one box)

If you are unable to give all the above acknowledgements and confirmations, your case may not be eligible for the Scheme. In that circumstance, please contact the JFSA for assistance.

This Application Form and your involvement in the Scheme do not create any legally binding contract or obligations between Post Office and you.

The Working Group, its members and their advisors owe no obligations or duties, and accept no liability, to you in connection with the Scheme.

Signed **W.Cousins**

Name **Wendy Cousins**

Date **10/10/2013**

Client Details



Full name	Post Office Ltd
Greeting	Sir
Case Number	41714
Account Ref	P00830-180-0
UFN Number	Not a Legal Aid Matter

Supervisor	Andy Cash
Fee earner	Martin J Smith

Address	GRO
Date of birth	
Home telephone number	
Work telephone number	GRO
Mobile number	
Email address	
NINO	

Ethnicity	
Disability	
Gender	Unknown

Source	EXISTING
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Investigation Case Details

CartwrightKing
SOLICITORS

Full name	Post Office Ltd
Case Number	41714
DSCC number	0

Police station	None
Telephone number	
Officer in case	0
Officer's contact number	0
Custody record number	

Bail back date and time	30th day of December 1899 at 12:00 am
--------------------------------	---------------------------------------

Offence	0
Date of offence	19 November 2013
Anticipated plea	

Bail status	Unconditional police bail
--------------------	----------------------------------

Client: Post Office Ltd

Case No.: 41714

Account Ref: P00830-180-0

UFN:

Fee Earner: MS2Matter: POL Mediation -
Cousins, W

POL MEDIATION SCHEME	
APPLICANT: Wendy Cousins	NUMBER: M052
POST OFFICE BRANCH: Hertford Heath	In Post 23/4/97-5/12/06
Convicted / Cautioned / Acquitted (please circle) Pled guilty – 200 hours community service and repayment of approx. £20K	Civil:
Issues Raised in the Application Monetary Value £18,071.91 Period: 21/4/05 – 6/12/06 <ol style="list-style-type: none"> 1. Horizon system – I consider to be flawed at best. 2. There was an issue relating to 14 missing pouches containing green giros. I was told that there was proof that these giros had been reintroduced (£14,553.32) or over claimed (£3464.50). it was difficult to prove my innocence so entered guilty plea to avoid prison 3. Applicant claims to have evidence of mixed up giros from other offices. if these had been mixed up or misfiled, he asks if it is not possible the same has happened to the missing giros in his case. 	
CATEGORY	
Horizon System	yes
Training Issues	
Support	
Other	Loss of green giro pouches

Bundler 1

From: Leigh-Doyle, Cathal <[REDACTED]@GRO>
Sent: 06 March 2014 15:42
To: martin.smith
Subject: M052 Legal Report [BD-4A.FID25887221]
Attachments: _DOC_28357260(1)_DOC_28318542(1)_M052_POL Preliminary Investigation Report_PML amends 5 March 2014.DOC

Hi Martin

Please find M052's legal investigation report attached. Your comments would be appreciated.

The solicitor has asked me to highlight one comment:

I would also flag this as one that may have early settlement potential – the claim is not properly quantified but currently stands at around £30,000 which is close to BD's assessment against the settlement policy. The evidence put forward by POL in the investigation report rebuts a lot of the allegations put forward by the applicant to the extent that a small offer may persuade the applicant to settle (this is caveated with that the evidence POL has may lead it to take the view that out of principle it will not settle this claim). As the applicant was subject to criminal prosecution any settlement offer would need to be carefully worded.

Kind regards
Cathal

Cathal Leigh-Doyle

Trainee Solicitor

for and on behalf of Bond Dickinson LLP



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Office: [REDACTED] GRO

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Bundler 1

From: martin smith
Sent: 07 March 2014 09:34
To: Harry Bowyer
Cc: Simon Clarke; Chris Powell
Subject: FW: M052 Legal Report [BD-4A.FID25887221]
Attachments: _DOC_28357260(1)_DOC_28318542(1)_M052_POL Preliminary Investigation Report_PML amends 5 March 2014.DOC

Harry,

Please see the attached.

This relates to a convicted applicant and it is clear from the e-mail below that POL/BD are considering a settlement in relation to this case.

I doubt that we will have reviewed this case as, according to the proposed response, it was concluded prior to 1/1/10.

This is not a case which can be dealt with urgently. You will undoubtedly need to see the lever arch file and I propose to ask JS to have the criminal file sent through to us.

M

Martin Smith

GRO

Direct: GRO

From: Leigh-Doyle, Cathal [mailto:] GRO
Sent: 06 March 2014 15:42
To: martin smith
Subject: M052 Legal Report [BD-4A.FID25887221]

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Bundler 1

From: martin smith
Sent: 07 March 2014 13:54
To: 'Leigh-Doyle, Cathal'
Cc: Jarnail A Singh ([redacted] **GRO**)
Subject: RE: M052 Legal Report [BD-4A.FID25887221]

Hi Cathal,

We will need to see the criminal file in relation to this case. Could you arrange for it to be sent through to us please?

Many thanks,

Martin.

Martin Smith

[redacted] **GRO**

Direct: [redacted] **GRO**

From: Leigh-Doyle, Cathal [mailto:[redacted] **GRO**]
Sent: 06 March 2014 15:42
To: martin smith
Subject: M052 Legal Report [BD-4A.FID25887221]

Hi Martin

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Bundler 1

From: Leigh-Doyle, Cathal <[REDACTED] GRO >
Sent: 07 March 2014 13:55
To: martin.smith
Subject: Automatic reply: M052 Legal Report [BD-4A.FID25887221]

Thank you for your email.

I am now out of office for the day. I will have access to my emails tonight and I will respond to your email then. If you would like assistance in the meantime please contact my secretary Tiffany Readhead. Tiffany can be contacted on

[REDACTED] GRO or at [tiffany.readhead@\[REDACTED\] GRO](mailto:tiffany.readhead@[REDACTED] GRO)

Kind regards
Cathal

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Bundler 1

From: Leigh-Doyle, Cathal <[redacted] GRO >
Sent: 09 March 2014 10:43
To: martin smith
Subject: RE: M052 Legal Report [BD-4A.FID25887221]

Hi Martin

I will chase this.

Kind regards
Cathal

Cathal Leigh-Doyle
Trainee Solicitor
for and on behalf of Bond Dickinson LLP



Direct: [redacted] GRO
Office: [redacted] GRO

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From: martin smith [mailto:[redacted] GRO]
Sent: 07 March 2014 13:54
To: Leigh-Doyle, Cathal
Cc: Jarnail A Singh ([redacted] GRO)
Subject: RE: M052 Legal Report [BD-4A.FID25887221]

Hi Cathal,

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Many thanks,

Martin.

Martin Smith

[redacted] GRO
Direct: [redacted] GRO

From: Leigh-Doyle, Cathal [mailto:martin.smith@bond-dickinson.com] **GRO**
Sent: 06 March 2014 15:42
To: martin smith
Subject: M052 Legal Report [BD-4A.FID25887221]

Hi Martin

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I would also flag this as one that may have early settlement potential – the claim is not properly quantified but currently stands at around £30,000 which is close to BD's assessment against the settlement policy. The evidence put forward by POL in the investigation report rebuts a lot of the allegations put forward by the applicant to the extent that a small offer may persuade the applicant to settle (this is caveated with that the evidence POL has may lead it to take the view that out of principle it will not settle this claim). As the applicant was subject to criminal prosecution any settlement offer would need to be carefully worded.

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Initial Complaint Review and Mediation Scheme

Post Office Preliminary Investigation Report

Branch Name:	Hertford Heath	Branch Code:	119129	Case Number:	M052
Applicant Name:	Wendy Susan Cousins	Status of Case:	Mediation Application	Date of Appointment:	23 April 1997

Executive summary**Background**

The Applicant held the post of Subpostmaster at the Hertford Heath branch from 23 April 1997 until her precautionary suspension of 6 December 2006. The Applicant was subject to an audit at the branch on 5 December 2006. The suspension was due to a security investigation related to Green Giro Cheque fraud and not as a result of the audit findings.

Following an investigation into discrepancies at the branch, the contract at Hertford Heath was terminated on 26 April 2007 and the Applicant gave notice to appeal against the decision. The appeal was undertaken and the outcome was to uphold the termination of the Applicant's contract. The decision was communicated on 15 June 2007.

The Applicant was subject to a criminal prosecution following the security investigation. On 5 May 2009, at St. Albans Magistrates Court, the Applicant pleaded guilty to 11 charges of theft and asked for 23 other offences to be taken into consideration – the whole amounting to £13,759.38 (£13,000 was repaid on 21st May 2009).

On 28 May 2009, the Applicant was sentenced to 9 months imprisonment suspended for 2 years with a requirement to complete 200 hours of unpaid work. She was ordered to repay the remaining £759.38 and £2000 towards the prosecution costs.

A plea of guilty to a charge entails a complete admission to the offence. In this case she has admitted stealing £13,759.38. When a defendant asks for offences to be taken into consideration she is admitting the offences and asking the judge to take account of them in sentencing. This is effectively a final disposal of those offences which cannot be resurrected in subsequent proceedings.

Further to her guilty pleas she offered in mitigation that the thefts occurred to assist her elderly mother financially. Such mitigation cannot be advanced by counsel unless counsel have instructions from the defendant to that effect.

Applicant's complaint

The Applicant's complaint centres on missing Green Giro Pouches/Cheques between 27 April 2005 and 4 October 2006.

The other key areas raised by the Applicant are:

- 1) Inadequate training provided by Post Office;
- 2) Horizon issues /reconciliation discrepancies;

3) Unhelpful communications with the helpline, auditors and investigators;

4) Hardware problems experienced in the Hertford Heath branch;

5) Flaws in the investigation; and 6) Various forms of loss suffered by the Applicant in relation to this matter.

Issues with the Applicant's branch and subsequent investigations The accounting process for Green Giro Cheques dispatched from Hertford Heath Post Office highlighted concerns with this branch. At the end of each accounting week, the Green Giro Cheques accepted from customers for cash payments were summarised and forwarded to Girobank in pre-addressed pouches. The Green Giro Cheques are verified against the branch accounting records and client reconciliation. It was noted by Girobank that several pouches from this branch were not received and the contents did not reconcile with the Giro Cheques entered manually on Horizon.

It was noted in Girobank, and notified to Post Office, that some Green Giro cheque pouches that were recorded as being dispatched by the branch were not received by Girobank. It was further noted that some of the Green Giro Cheques received were date-stamped (which records the branch details and date of transaction) with a later date than would have been expected and these dates correlated with the dates of weeks when an expected pouch was not received at Girobank.

These are described as 'overclaims' as the Green Giro Cheques have been claimed once in the week of the "missing" pouch and again in a subsequent week when the pouch was received. These were overclaims as without the supporting Green Giro Cheque, Post Office cannot reclaim the money from Girobank that was paid by the branch to the customer.

If these overclaims were the result of genuine errors, these activities would have created positive discrepancies in the branch which would offset the overclaims (eg. the branch would still be holding the Green Giro Cheques that were missed from the remittances which would create a positive surplus of Green Giros in the branch).

However, given the volume of the overclaims and the fact that positive discrepancies were not reported by the branch, it is Post Office's view that these were not errors but deliberate acts of recording duplicate remittances of the same Giro cheque. The effect of this is that any surplus that would have been recorded from a genuine error has not occurred and it is likely that this was a sign of theft within the branch.

This is further supported as no issues with Green Giro cheques were raised during the Applicant's period away from the branch in Barbados in April 2006.

Post Office Security, consequently, conducted an investigation into the activities at the branch relating to Green Giro cheques. This led to the audit of 5 December 2006.

It is accepted by Post Office that an error was made in contacting the branch the day prior to the audit. This was due to a misunderstanding between the Audit Manager and the Auditor and should not have happened.

The purpose of the audit undertaken on 5 December 2006 was to verify assets (cash and stock) held in the branch at that time. Given that the overclaims and reintroductions of Green Giro cheques had taken place before the audit and no positive discrepancies were reported as they should have been, the audit result would not reflect the overclaims and reintroductions. Any resultant negative

discrepancy from the Green Giro Cheque activity would only come to light when remote checks were undertaken, as they were in this case, and returned to the branch as a transaction correction.

Post Office presented its findings to the Applicant on the day of the Audit and the Applicant attended an interview with the Contracts Manager on 20 February 2007 to offer reasons why the Applicant's contract should not be terminated. At the interview, the Applicant stated that she had not received the evidence relating to the Green Giro Cheque discrepancies and the Contracts Advisor offered to reschedule but the Applicant wished to continue. A further interview was offered once the evidence had been supplied to allow the Applicant time to prepare her arguments as to why her Contract should not be terminated. The second interview took place on 2 April 2007. Post Office cannot support the Applicant's claim that it was not interested in her perspective as the Applicant was given sufficient opportunity to state her explanation for what took place in the face of evidence presented to her by Post Office.

At St Albans Crown Court on 28 May 2009, the Applicant pleaded guilty to 11 counts of theft and accepted 23 other offences. She subsequently offered in mitigation that she had perpetrated this fraud to assist her elderly mother financially. The evidence supplied by Post Office was subject to scrutiny by the judicial system at this time. Therefore it is Post Office's view that the evidence supplied was not poor or flawed as the Applicant claims.

The Applicant cites that training on Horizon was inadequate. The standard training package was delivered at the time Horizon was introduced. There were no requests for additional training logged by the Network Business Support Centre ("NBSC") during the Applicant's period of tenure. Given that there were no balancing issues and only three transactional corrections issued, Post Office would state that this indicates an adequate working knowledge of Horizon procedures.

During the period examined, there was one call to the NBSC logged relating to Horizon hardware, specifically the back office printer which would have no effect on frontline services. There is one call logged relating to a loss of online services on 4 August 2005. This is a considerable time before the issue with the Green Giro Cheques. Post Office is unable to support the view that Horizon hardware or software issues had any bearing on this complaint. In conclusion, the Green Giro Cheque activity undertaken at this branch, to which the Applicant pleaded guilty in criminal proceedings, led directly to the Applicant's suspension and termination of her contract. In Post Office's view, the Horizon training delivered was adequate and this is supported as no additional training was requested by the Applicant and no balancing discrepancies reported. There is no evidence of any Horizon hardware or software issues causing discrepancies at the branch.

The Applicant's complaint

The Applicant has raised issues concerning missing giro cheque pouches. Her complaint was received by Post Office via Second Sight on 8 November 2013. A more detailed Case Questionnaire (CQR) was received on 16 January 2014.

The Applicant claims:

1. Post Office's actions have had a devastating impact on her health, relationships, family life, financial situation and her standing in the community.
2. Post Office treated her dismissively, placed upon her the burden of proving her innocence

and provided sketchy, flawed documentation in support of its assertions.

3. The Applicant was only able to obtain a copy of transactional documentation from Post Office after she had her contract terminated and only as a result of a court order forcing Post Office to produce the information.
4. There is ample evidence that the analysis undertaken by Post Office was weak and flawed because the audit trail for Giro cheques is non-existent and relies purely on Post Office assuming cheque values relating to specific individuals. The weak controls over Giro cheques after they leave the branch mean that it is an area where fraud could easily be perpetrated by pouches being tampered with or redirected and Giro cheques cashed again at other Post Offices. The Applicant claims that if this was the case it is totally outside of her control at the branch where they were cashed in the first place.
5. No transaction corrections were raised during the 18 month period Post Office claimed the Giro pouches had gone missing.
6. Post Office's investigative interviews cannot be described as serious attempts to either identify underlying reasons or listen to and address the Applicant's concerns.
7. Post Office's notes of the interview undertaken by the Contract Advisor on 2 April 2007 were only loosely related to the actual verbatim transcript of the recording taken by the Applicant. Absent from the interview notes were the 6 pages of detailed arguments forwarded by the Applicant to either explain or undermine the points raised by Post Office in relation to the missing Giro pouches.
8. Post Office deliberately manipulated data to make it look as if overclaims and reintroductions had occurred when in fact there were much simpler and more obvious explanations available.

Case Review Actions			
Information available from Post Office records:			
Information area	Information provided with this response	Information not available as beyond retention period	Information not available for other reason
NBSC Call Logs	x		
Record of Transaction Corrections	x		
Training Records	x		
Audit Reports	x		x
Fujitsu Data		x	
Contract Manager Contacts	x		
Financial Service Centre Report	x		
Post Office Investigation	x		
Crown Court Prosecution	x		

Record of Network Business Support Centre Call logs – (Doc 001 refers)

- **43 calls were recorded between 6 April 2005 – 19 December 2006**
24 calls from Applicant, 14 from Elizabeth Lobacz (staff member), 2 from Auditor, 1 from Hoddesdon Crown Office, 2 from Horizon Service Desk (HSD).
- **2005**
6 calls refer to transactional knowledge for customer service, 5 refer to balancing, 1 wrong number.
- **1 refers to Horizon**
4 August 2005 – Elizabeth Lobacz reports online service not working (this allows banking transactions to take place).
- **2006**
17 calls refer to transactional knowledge for customer service, 2 refer to balancing, 3 refer to operational processes, 2 requests for contact from the Contracts Advisor, 2 refer to Auditor procedures, 1 request for branch status
- **3 refer to Horizon**

12 April 2006 – Elizabeth Lobacz reports that the back office printer has not printed Branch Trading Statement (BTS) and requests advice on how to reprint the BTS.
24 April 2006 – The HSD contacts the branch to inform it that the BTS is overdue and the call is closed on production of the BTS.
5 December 2006 – The HSD updates the branch status on the NBSC databases

Record of Transaction Corrections (TC) (Doc 002 refers)

5 December 2005 – 21 October 2006
 3 Transaction Corrections issued – Total £345.00 invoice.
 2 refer to cheques dispatched
 1 refers to a Stock Remittance discrepancy

Audit Reports (Doc 003,004 refer)

03 May 2005 – discrepancy of £60.31(-) (£6.86 (+) in cash, £56.92 (-) in stock, £10.25 (-) previous discrepancy not made good)
12 October 2006 – discrepancy of £4.10(+), (£1.18(-) in cash, £5.28(+) in stock)
05 December 2006 – discrepancy £32.91(+) cited on CQR. Post office unable to locate report.
 Post Office are unable to determine why the Applicant was suspended the day after the date of the audit.

Fujitsu Data

HSD logs are not available as the retention period has expired.
 The records of calls on Horizon hardware issues have been sourced from the NBSC Call Logs.

Response to issues raised by Applicant

	Issue raised	Investigation findings
1	Insufficient Training to impart a full understanding of Horizon – initial two weeks and 1.5 days when Horizon installed.	<p>The standard induction training for new Subpostmasters in 1997 consisted of 10 days training in branch followed by 1 day of support for the first balance. The standard training was considered adequate and effective. This training related to the pre-Horizon era.</p> <p>Post Office is unable to confirm when this training was delivered for this branch as the retention period for the relevant data has expired. It is stated on the Applicant's CQR that the initial two weeks of training was received.</p> <p>The standard training for Horizon prior to the system going live was one day of off-site training for agents and staff covering customer service and balancing with an additional day for agents to cover branch accounting and back office functions.</p> <p>Training Manuals and workbooks were supplied to each branch. This branch went live with Horizon on 6</p>

		<p>October 2000.</p> <p>Records indicate that there were no requests for additional training by the Applicant registered with the NBSC. (Doc 012 Refers)</p> <p>Records indicate there were no discrepancies or balancing issues reported by the branch from the date of appointment on 23 April 1997 until suspension on 6 December 2006 as cited in the Applicant's CQR.</p> <p>It is Post Office's view this indicates that the Applicant and staff member had knowledge of Post Office transactions and balancing procedures.</p>
2	<p>Applicant received a call from Post Office Audit Team regarding branch closure on 4 December 2006.</p>	<p>Post Office audit procedures require an auditor to contact a branch in advance of attending a branch that is closing. Other audits are not notified to Subpostmasters in advance.</p> <p>Evidence shows that the branch was contacted by an auditor on the day prior to the audit of 5 December 2006. This was due to a communication failure between the auditor's line manager and the auditor. The auditor believed arrangements were being made for a business as usual closure.</p> <p>In summary this call should not have been received by the Applicant and was an error on Post Office's part.</p>
3	<p>Final audit result was a discrepancy of £32.01 (+). How does this relate to discrepancy of £18,000(-) claimed by Post Office.</p>	<p>A cash and stock audit undertaken on 5 December 2006 resulted in a discrepancy of £32.01 (+). This was cash and stock verification audit whereby cash and stock on hand at the branch is compared to the reported figures on Horizon.</p> <p>The audit was undertaken due to concerns from the Security & Investigation Team regarding office accounting procedures at the branch. Asset verification of the branch is the initial course of action that is taken in such circumstances.</p> <p>A cash and stock verification audit would not have included the discrepancy of £18,000(-) regarding reintroductions or overclaims in respect of the Giro cheques as these had been accounted for in previous balances.</p> <p>The practice of reintroducing Giro cheques would</p>

		<p>have resulted in a surplus at the branch. As there were no surpluses declared, an investigation was undertaken to understand what had occurred at the branch.</p>
4	<p>Why were no transaction corrections raised in respect of over-claimed Green Giros during the period concerned?</p>	<p>There is evidence that Post Office was made aware of missing Green Giro cheque pouches for this branch on 10 February 2006. This information was passed to the Security Team to conduct an investigation. (Doc 019 refers) This document contains no indication of who it was created by.</p> <p><u>Green Giro Cheque Process</u></p> <p>Green Giro cheques are input into Horizon at the time the customer is at the counter. As a minimum, these should be checked to the print out report from Horizon. If this is reconciled, the cheques report printout is finalised and remain in branch until the weekly dispatch. These finalised cheques will not appear on the next report listing but will remain on the office accounts until the end of the week balance is completed. The cheques are then dispatched weekly from the branch to Girobank, Bootle. These are verified against the branch accounting records and client reconciliation.</p> <p>The investigation centred on missing Giro pouches. The over-claiming of Giro cheques through Horizon was identified as part of this investigation into missing pouches.</p> <p><u>Re-introduction & Overclaims</u></p> <p>Re-introduction occurs when a cheque from a previous accounting week is introduced to the batch of cheques sent to the processing centre in a following week.</p> <p>Overclaims occur when an amount is claimed as paid to customers but there is no cheque to support the claim.</p> <p>If the outcome of the investigation had identified an alternative cause for the missing pouches, the issuing of TCs to the branch would have been incorrect.</p> <p>The Applicant was only ordered to pay the amount of the admitted offences (namely £13,759.38) following the outcome of the criminal proceedings.</p>

5	Post Office never addressed the hardware issues regarding printer problems and screen freezes despite repeated requests from the Applicant	<p>Examination of NBSC call logs from 17 October 2000 to 19 December 2006 shows a total of five calls referring to Horizon. (Doc 012 refers)</p> <p>Four of these calls refer to the Applicant reporting Horizon switching off or screen freezes between 2 May 2001 and 24 July 2002. There were no discrepancies reported by the branch between these dates.</p> <p>On 12 April 2006, the branch assistant reported a fault with the back office printer, and requested information on reprinting the branch trading statement.</p> <p>There were no other calls relating to Horizon hardware or software issues.</p> <p>There is no evidence that these hardware events caused any discrepancies and the Applicant states in the CQR that discrepancies did not occur in branch.</p>
6	Only allowed one Horizon user in branch when Horizon was installed.	<p>6 October 2000 - Horizon was introduced at this branch.</p> <p>Each branch was supplied with a Horizon System User Guide that consisted of 2 ring binders with booklets detailing how to:</p> <ul style="list-style-type: none">(a) process transactions on Horizon(b) complete general administration and balancing procedures. <p>In Volume 2 under the heading of General Administration, subheading Security, Subsection 20.1, Breaches of Security, (Doc 011 refers) clearly states that:</p> <ul style="list-style-type: none">• (i) 'Any misuse of the system could lead to an offence under the Computer Misuse and/or Data Protection Acts',• (ii) 'Users are accountable for any action undertaken with their user name and password'• (iii) 'Users are responsible for ensuring their password is kept private and not revealed to any other person'. <p>Subsection 20.3 states that:</p> <ul style="list-style-type: none">• 'Whenever you need to use the Horizon system, you will be required to personally identify yourself by entering your user

		<p>name. Your user name is unique within your office and is used to control what you do, according to the requirements of your job. It will allow you to access information and to change what you are authorised to change, but will prevent you from accessing or accidentally changing anything else.'</p> <p>This would also have been emphasised in the initial training given and as a part of any subsequent audit activity undertaken at branches.</p> <p>Specifically in response to the complaint that only 1 user was allowed when Horizon was installed, every user is able to have 2 User IDs and as many users on Horizon as is required to operate the branch, usually determined by number of staff employed at branch.</p> <p>Setting up stock units and User IDs at the Initial on-site support when Horizon was installed would have been the responsibility of the migration officer. The fact that obsolete user issues were raised indicates that there was more than one user on Horizon. Post training, the addition of users to Horizon would be the responsibility of the Subpostmaster.</p>
<p>7</p>	<p>Unable to create additional users despite contact with the Helpline on numerous occasions to assist with this.</p>	<p>There is no evidence on any of the NBSC call logs that the Applicant had requested assistance with regards to creating additional user accounts on Horizon (doc 012, 001 refer).</p> <p>The process for adding user accounts is clearly stated in the Horizon System User Guide Volume 2, General administration, User Administration, Subsection 11 pages 35 -39 (doc 013 refers).</p> <p>The note of the interview conducted by the Contracts Advisor on 20 February 2007 shows the Applicant was asked to confirm when she had contacted the NBSC about setting up user accounts.</p> <p>The Applicant was also asked to provide the branch copy of the audit report indicating that the auditor could not create a user account for her assistant. The Applicant failed to provide evidence on both counts (doc 006 refers).</p> <p>There is no evidence that auditors unsuccessfully attempted to create users on Horizon.</p>

8	<p>The Applicant invites Post Office to explain how 'obsolete' users could be on Horizon as advised on audit of 12 October 2006.</p>	<p>Obsolete users are User Ids that relate to staff who are no longer employed in the branch.</p> <p>Post Office was unable to obtain details of any obsolete users at the time of this audit due to the expiry of Fujitsu data.</p> <p>Checks with Human Resources show that there were no assistants registered at this branch since 2002. (Doc 023 refers).</p>
9	<p>The Applicant asks Post Office to determine whether the existence of 'obsolete' users implies that the terminals could have been accessed remotely by Post Office or Fujitsu.</p>	<p>Post Office and Fujitsu cannot access remotely any live transactions and cannot impact on branch balances. (Doc 017 refers)</p>
10	<p>The Applicant claims that the investigation and subsequent evidence was flawed</p>	<p>Records shows that the Investigation was reviewed by Post Office legal advisors. (Doc 018 refers)</p> <p>The investigation and subsequent evidence were subject to scrutiny by the judicial system and any flaws would have caused the court case to cease.</p> <p><u>Additional Information</u></p> <p>There is evidence that during sentencing at St Albans Crown Court on 28 May 2009, the Applicant offered mitigating circumstances.</p> <p>'Her elderly and sick mother was unable to obtain financial assistance for items needed such as a wheelchair and a downstairs toilet as she owned her own property. The Applicant had therefore perpetrated this fraud to assist her mother with obtaining these items'. (Doc 015 refers)</p> <p>There is evidence that members of the Applicant's family attempted to intimidate the investigating manager (Doc 016 refers)</p>
11	<p>Post Office was not remotely interested in her perspective and was routinely slow to respond to requests for supporting documentation.</p>	<p>Records show that a contractual interview was held by the Contracts Advisor on 20 February 2007, having been postponed twice to accommodate the Applicant.</p> <p>During the interview, the Applicant made it clear that while she had not received the typed summary of the investigation interview carried out on 5 December 2006, she had received the tape (as stated in the interview notes from the meeting of 20 February</p>

		<p>2007 – Doc 006 refers).</p> <p>The Applicant had also not received the evidence supplied by the investigation manager relating to Green Giro pouch discrepancies in weeks 22 to 31, 2006.</p> <p>The Contracts Advisor immediately offered to stop the interview and reschedule after the Applicant had time to review the documentation. This offer was declined by the Applicant and her representative from the National Federation of Subpostmasters (NFSP) who decided that the interview could proceed.</p> <p>The Contracts Advisor sent a letter containing interview notes to the Applicant on 27 February 2007. The Applicant responded on 6 March 2007 saying she did not agree with the contents of the notes as a true record of events mainly because she had not previously received the copies of the Investigation Report relevant to her case.</p> <p>The contracts advisor then wrote to the Applicant on 7 March 2007 exceptionally offering a further interview due to the Applicant having not received the relevant paperwork prior to the first interview and to ensure that the Applicant was offered the best opportunity to put forward her case.</p> <p>Copies of the Green Giro cheque summaries and the interview transcript from 5 December 2006 were sent with the letter. On receiving no response from the Applicant, the Contracts Advisor contacted her on 14 March 2007 to ask whether the Applicant intended to attend a further interview. The Applicant claimed that she had not received the letter dated 7 March 2007 which had been sent by Special Delivery.</p> <p>Royal Mail stated that they had attempted to deliver the letter on 9 March 2007 but as no-one was there to receive it, a card was left at the address. The card would have shown the address where the item could be collected.</p> <p>Royal Mail was asked to re-deliver the letter and a further copy was sent by ordinary post. Post Office is unable to determine if either letter was received.</p> <p>The Applicant attended a second interview with the contracts advisor on 2 April 2007. As cited in the</p>
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		<p>interview transcript supplied by the Applicant, the Applicant attended the interview alone as the NFSP member who had accompanied her at the previous interview had been told by the NFSP not to represent her as the Applicant was no longer a member of the NFSP.</p> <p>During the interview, the Applicant was given numerous opportunities to put her case forward.</p> <p>The notes of the interview of 2 April 2007 were sent to the Applicant on 17 April 2007. The Applicant responded with two letters bearing the same date of 18 April 2007, one letter stating that she had received a copy of the interview notes and the other stating that she had not. (Doc 009 refers)</p> <p>Following termination of her contract on 27 April 2007, the Applicant stated her intention to appeal which was acknowledged on 2 May 2007. (Doc 014 refers)</p>
12	<p>The Applicant invites Post Office to comment that the interview notes prepared by the Contract Advisor omit huge amounts of pertinent objections, explanations and queries raised by the Applicant and evident in the verbatim transcript of the recording taken by the Applicant.</p>	<p>The Applicant is referring to the second interview held on 2 April 2007. (Doc 005 refers)</p> <p>In the Post Office interview notes it is evident that the Applicant did not declare that a recording of the interview was being made, nor was permission sought. Point 52 of the notes states that the note-taker 'notices an electronic device' and asks if the Applicant has recorded the interview which the Applicant confirms.</p> <p>Following advice sought from the legal services team in respect of the candid recording of the interview, the notes were sent to the Applicant on 17 April 2007. It is Post Office's view that this recording was illegal. (Doc 010 refers)</p> <p>The verbatim transcript of the interview has been supplied by the Applicant. Post Office has not been provided with a copy of the recording so is unable to verify the accuracy of the notes.</p> <p>The verbatim notes provided by the Applicant state on page 10 that the man (the note-taker as this was the only man in the room) left the room to take photocopies of the papers provided by the Applicant. This contradicts the Post Office interview notes at point 33 where the interviewer, female, leaves the room to photocopy the evidence.</p>

		<p>At point 14 of the Post Office Interview notes, the note-taker states that it is impossible to record all of the detail given and that he is recording all of the salient points. This confirms that the interview notes would not be a full verbatim statement.</p> <p>At point 9 of the Post Office interview notes it is noted that the Applicant refers to the Investigation Report. At points 14 and 16 of the Post Office interview notes, the note-taker seeks clarification which is acknowledged and agreed by the Applicant at point 17, confirming that the Applicant agrees with the detail being recorded.</p> <p>In summary, notes at interview are not ad verbatim which is explained at the start of the interview process.</p>
13	<p>Why were copies of cheques provided along with ID dockets with FAD codes (unique branch code) unrelated to the Applicant's branch? The Applicant asks Post Office whether or not the specific Giro Cheques in question were cashed twice – once in the Applicant's branch and once fraudulently in the branch the ID docket refers to.</p>	<p>The evidence shows that the Giro cheques in question were processed through the Applicant's branch. This is supported by the fact that they bore the corresponding date on the Applicant's branch date-stamp. It can be seen from the Green Giro Summary (Doc 008 refers) that cheques with dates relating to a week where the pouch went missing were processed through the Applicant's branch in the following week. This was corroborated with statements obtained from customers by the investigating officer stating that they would not cash more than one week's Giro cheques at any one time.</p> <p>Evidence shows that the ID dockets (specific branch coded facing sheet) relate to the next batch of Giro cheques stored on the microfiche and not the branch that the cheque shown emanates from. (Doc 022 refers)</p>
14	<p>The Applicant invites Post Office to prove that its internal control procedures in place at the time unequivocally prevent cheques from being put back into the system after they have been processed. The implication being that if the same cheques were processed more than once it could have been because the same cheques were redirected after having been processed centrally.</p>	<p>As part of the investigation and court case, documentary evidence was gathered prior to the audit and subsequent suspension.</p> <p>This evidence was obtained from Post Office clients processing the paid Green Giro Cheques received from Post Office branches.</p> <p>Records show that the re-introductions were processed at the Applicant's branch as supported by the transaction logs on Horizon.</p> <p>The evidence shows User ID, date and time of transactions, Horizon session numbers, and amounts</p>

		claimed for these transactions. (Doc 008 refers)
15	The applicant claims she was demonstrably out of the country during a period which Post Office claimed reintroductions were happening at her branch.	<p>Post Office claims that Giro cheques from a missing pouch relating to week 1 in 2006 covering the period 23 March 2006 to 29 March 2006 were reintroduced the following week.</p> <p>The Applicant states that she was on holiday in Barbados in week 2 at the time of the reintroductions and provides a copy of a Barbados date-stamp from her passport dated Sunday 2 April 2006 as evidence that she was out of the country. (Doc 007 refers)</p> <p>Records show that the Giro cheques in question were processed on Horizon on Friday 31 March 2006. This is two days before the entry stamp for Barbados.</p> <p>No reintroductions were made whilst she was out of the country. (Doc 008 refers)</p>
16	Final amounts claimed by Post Office are disputed. The CQR cites £18,000 paid by the Applicant to Post Office plus £2,500 of costs paid as a result of prosecution.	<p>The evidence shows the total loss charged in court was £18,017.91. (Doc 021 refers)</p> <p>The Applicant pleaded guilty to the theft of £13,759.38 of which £13,000 was repaid on 21 May 2009, leaving £759.38 outstanding. (Doc 020 refers)</p> <p>Additionally the Applicant was ordered to pay the outstanding £759.38 plus £2,000 towards prosecution costs, to be paid within 12 months of 5 September 2009. (Doc 015 refers)</p> <p>In summary, the Applicant has repaid £13,759.38 plus £2,000 costs and not the amounts totalling £20,500 claimed by the Applicant.</p>
Documents being provided to Second Sight		

M052_POL_NBSC Call Logs_PH_001	NBSC Call logs 1 April 2005 – 31 December 2006
M052_POL_Transaction Corrections_PH_002	Transaction Corrections
M052_POL_Audit Report 03052005_PH_003	Audit Report 3 May 2005
M052_POL_Audit Report 12102006_PH_004	Audit Report 12 October 2006
M052_POL_Interview Notes 02042007_PH_005	Interview Notes 2 April 2007
M052_POL_Interview Notes 20022007_PH_006	Interview Notes 20 February 2007
M052_POL_Passport Stamp_PH_007	Copy of Passport Stamp
M052_POL_Green Giros Summary_PH_008	Summary of missing Green Giros
M052_POL_Letters 18042007_PH_009	Letters from Applicant 18 April 2007
M052_POL_Email Interview Recording_PH_010	Email – illegal recording of interview 2 April 2007
M052_POL_Horizon User Guide_PH_011	Extract from Horizon User Guide/ User IDs
M052_POL_NBSC Call Log_PH_012	NBSC Call logs 17 October 2000 – 31 March 2005
M052_POL_Horizon User Guide_PH_013	Extract from Horizon User Guide / Creating Users
M052_POL_Appeal Confirmation_PH_014	Confirmation of Appeal
M052_POL_Email Mitigating Circumstances_PH_015	Email stating Applicant's plea for mitigating circumstances
M052_POL_Witness Statement_PH_016	Witness Statement – Investigation Manager
M052_POL_Remote Access Response _PH_017	Remote access to Horizon - response from Fujitsu
M052_POL_Legal Team Response _PH_018	Response from Post Office Legal Team to proceed with prosecution
M052_POL_Missing Pouches_PH_019	Notification of missing pouches reported to Security Team
M052_POL_Legal Memo Sentence imposed 29052009_PH_020	Memo from Post Office Legal Services
M052_POL_Recovery Email_PH_021	Email detailing amounts recovered
M052_POL_Email Santander_PH_022	Email from Patricia Greer Santander
M052_POL_Staff details email_PH_023	Email detailing staff registered at this branch.

CARTWRIGHT KING**BRIEFING NOTE**

Branch Name:	Hertford Heath
SPMR Name:	Ms Wendy Susan Cousins
Case Number:	M052

1.**Prosecution Case**

- The Applicant held the post of Subpostmaster at the Hertford Heath branch from 23rd April 1997 until her precautionary suspension of 6 December 2006
- The Applicant was subject to an audit at the branch on 5 December 2006. The suspension was due to a security investigation related to Green Giro Cheque fraud and not as a result of the audit findings.

2.**Court Proceedings**

- The Applicant was subject to a criminal prosecution following the security investigation. The evidence shows the total loss charged in court was £18,017.91.
- On 5 May 2009, at St. Albans Magistrates Court, the Applicant pleaded guilty to 11 charges of theft and asked for 23 other offences to be taken into consideration – the whole amounting to £13,759.38 (£13,000 was repaid on 21st May 2009).
- On 28 May 2009, the Applicant was sentenced to 9 months imprisonment suspended for 2 years with a requirement to complete 200 hours of unpaid work. She was ordered to repay the remaining £759.38 and £2000 towards the prosecution costs.

3.**Applicant's Response to Mediation Scheme**

The Applicant's complaint centres on missing green giro pouches/cheques between 27th April 2005 and 4th October 2006. She also complains of:

- Inadequate training provided by POL
- Horizon issues/reconciliation discrepancies
- Unhelpful communications with helpline, auditors and investigators
- Hardware problems
- Flaws in the investigation
- Various forms of loss suffered by the applicant

4.**Analysis**

- The reality in this case is that this Applicant pleaded guilty on legal advice and was sentenced.
- A plea of guilty to a charge entails a complete admission to the offence. In this case

she has admitted stealing £13,759.38. When a defendant asks for offences to be taken into consideration she is admitting the offences and asking the judge to take account of them in sentencing. This is effectively a final disposal of those offences which cannot be resurrected in subsequent proceedings.

- Further to her guilty pleas she offered in mitigation that the thefts occurred to assist her elderly mother financially. Such mitigation cannot be advanced by counsel unless counsel have instructions from the defendant to that effect.
- **The evidence in this case, including her guilty plea, is overwhelmingly in support of the contention that the loss was brought about by the Applicant's dishonesty.**

5.

Dangers to Post Office Limited

- If concessions are made that *might* render this **conviction** unsafe then the Applicant may well be put in a position whereby she is able to appeal that conviction.
- Were such an appeal to succeed, then POL would be open to a claim for damages and/or restitution of monies paid by this appellant under any confiscation order.
- Such concessions would have to be disclosed to those with similar convictions. This may well necessitate a review of many hundreds of cases to establish who else may be entitled to such disclosure.
- If concessions are made that *might* render the **sentence** imposed in this case manifestly excessive then the Applicant might well be put in a position whereby she might be able to appeal that sentence, with similar consequences for POL.
- And again those concessions would have to be disclosed to those with similar convictions, with similar consequences for POL.
- **This is not a case where any concessions can or should be made; to do so has the potential to render her conviction by guilty plea unsafe, or her sentence as manifestly excessive; and accordingly to invite an application to the Court of Appeal.**

Bundler 1

From: Martin Smith
Sent: 14 March 2014 12:58
To: 'cathal.leigh-doyle' <[REDACTED]>
Cc: Jarnail A Singh <[REDACTED]>); Chris Powell
Subject: M052 - Draft Response CK amended.
Attachments: POL Preliminary Investigation Report - CK Response.doc

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The second e-mail on cousins.

M

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To: Leigh-Doyle, Cathal
Cc: Jarnail A Singh () GRO Chris Powell
Subject: M052 - Draft Response CK amended.

Hi Cathal,

Please find attached the proposed report upon which we have made a number of amendments and endorsed our comments.

We would advise against settlement. Not only did Wendy Cousins plead guilty to 11 charges of theft, she also asked for 23 other offences to be taken into consideration. In mitigation she explained that the thefts occurred to assist her elderly mother financially.

This is not a case where any concessions can or should be made; to do so has the potential to render her conviction by guilty plea unsafe, or her sentence as manifestly excessive; and accordingly to invite an application to the Court of Appeal.

Kind regards,

Martin.

Martin Smith

) GRO
Direct: () GRO



Birmingham | Derby | Leicester | London | Newcastle | Nottingham | Sheffield
Majority House, 51 Lodge Lane, Derby, DE1 3HB

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Bundler 1

From: Martin Smith
Sent: 21 March 2014 09:56
To: 'Rodric Williams'
Subject: RE: M052 POL legal for GC approval (incorporating CK's comments) [BD-4A.FID25887221]

Hi Rodric,

I have no issues with regard to the proposed amendments, thanks.

Kind regards,

Martin

Martin Smith

GRO

Direct: **GRO**

From: Rodric Williams [mailto: **GRO**]
Sent: 20 March 2014 17:01
To: Martin Smith
Subject: FW: M052 POL legal for GC approval (incorporating CK's comments) [BD-4A.FID25887221]

Hi Martin – thanks for your comments on this case report, including those concerning settlement (with which I agree).

I would like to make a couple of tweaks to the report as set out below. Are you ok with them from a criminal law perspective?

1. Executive Summary; Background

FROM:

Further to her guilty pleas she offered in mitigation that the thefts occurred to assist her elderly mother financially. Such mitigation cannot be advanced by counsel unless counsel have instructions from the defendant to that effect.

TO:

Further to her guilty pleas she offered in mitigation that the thefts occurred to assist her elderly mother financially. Counsel can only advance such mitigation if specifically instructed to do so by the defendant.

2. Response to Issues raised by Applicant ; 10. [...] investigation and subsequent evidence was flawed

FROM:

The investigation and subsequent evidence were subject to scrutiny by the judicial system and any flaws would have caused the court case to cease.

TO:

The investigation and subsequent evidence were subject to scrutiny by the judicial system, which afforded the Applicant opportunity to raise any purported flaws in the investigation or evidence

Kind regards, Rodric

Rodric Williams | Litigation Lawyer



From: Leigh-Doyle, Cathal [mailto:] **GRO**
Sent: 16 March 2014 22:26
To: Rodric Williams; Jonny Gribben
Cc: Kathryn Alexander
Subject: M052 POL legal for GC approval (incorporating CK's comments) [BD-4A.FID25887221]

Hi Rodric

Please find M052's legal investigation report (criminal application). CK's comments are below.

Your comments would be appreciated.

Kind regards
Cathal

From: Martin Smith [mailto:] **GRO**
Sent: 14 March 2014 12:58
To: Leigh-Doyle, Cathal
Cc: Jarnail A Singh [mailto:]; Chris Powell
Subject: M052 - Draft Response CK amended.

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Martin.

Martin Smith

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CartwrightKing

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Bundler 1

From: Martin Smith
Sent: 31 July 2014 16:10
To: 'Loraine, Paul'; [redacted] **GRO**
Cc: Parsons, Andrew; Matthew Harris
Subject: RE: M052 - Response to CRR / Settlement Analysis

Hi Paul,

May we have a copy of the CRR please?

Many thanks,

Martin.

Martin Smith

[redacted] **GRO**
Direct: [redacted] **GRO**

From: Loraine, Paul [mailto:[redacted]] **GRO**
Sent: 31 July 2014 12:23
To: jessica.barker [redacted] **GRO**; Martin Smith
Cc: Parsons, Andrew; Matthew Harris
Subject: M052 - Response to CRR / Settlement Analysis

Dear all

Please see attached a draft response to Second Sight's draft CRR for MO52 along with the settlement analysis.

Kind regards

Paul

Paul Loraine
Solicitor
for and on behalf of Bond Dickinson LLP

Bond Dickinson

Direct: [redacted] **GRO**
Mobile:
Office:

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*Bond Dickinson***INITIAL COMPLAINT REVIEW AND MEDIATION SCHEME
SETTLEMENT ANALYSIS****Background Information**

Applicant details	Claim no.	M052
	Name	Mrs Wendy Susan Cousins
	Branch	Hertford Heath
Loss position	Branch loss	£13,759.38 (note that the theft charges related to losses totalling £18,017.91 but the Applicant pleaded guilty to theft of £13,759.38)
	Date of loss	27 April 2005 – 27 August 2006
	Debt position	The sum of £13,759.38 was repaid by Applicant following criminal proceedings
	Consequential losses claimed	Loss of value in home after loss of business (not quantified) Pain and suffering (not quantified)
Contract / termination position	SPMR / employee / other	SPMR
	Former or current SPMR?	Former.
	Termination route	Contract summarily terminated
	Termination date	26 April 2007
Applicant position	Bankrupt / IVA?	Not as far as we are aware
	Prosecuted?	Yes
	Outcome of criminal prosecution	Pleaded guilty to 11 charges of theft and 23 other offences and was sentenced on 28 May 2009. The sentence given was 9 months imprisonment suspended for 2 years with a requirement to complete 200 hours of unpaid work (and to pay back the sum of £13,759.38 to Post Office)
	Civil proceedings?	No
	High profile media / MP case?	No
	Professional advisor	Howe & Co Solicitors

Bond Dickinson Legal Analysis

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*Bond Dickinson***Legal risk adjusted claim value**

POL have no responsibility for the loss (see analysis below) so should make no restitutionary payment to the Applicant.

Legal analysis of branch losses

Legal factor	Legal risk (0% = no risk to POL)	Legal risk adjusted claim value
Claim value POL has received payment for £13,759.38 from Applicant		£13,759.38
Has the claim already been barred / determined so that legal proceedings cannot be brought against POL? No – there is probably no legal bar to the Applicant bringing a claim against POL – see additional notes.	100%	£13,759.38
Responsibility for loss The Applicant pleaded guilty to theft of £13,759.38 from Post Office. Post Office remains of the view that the loss in the branch was caused by the Applicant's fraudulent handling of benefit transactions.	0%	£0
Other legal issues N/A	0%	£0
Interest Interest is due to Post Office on the net outstanding debt Approximately 18 months @ 3% per annum	£0	£0

Legal analysis of consequential losses resulting from termination

Legal factor	Legal risk (0% = no risk to POL)	Legal risk adjusted claim value
Value of claim based on Applicant's figures Total amount not quantified by Applicant		Amount not quantified
Are the claimed consequential losses recoverable at law? Loss of value in home after loss of business (not quantified) – probably not recoverable as a matter of causation but we would require more information to be certain Pain and suffering (not quantified) – not recoverable at law.	50%	Amount not quantified

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Has the claim already been barred / determined so that legal proceedings cannot be brought against POL? No – there is no legal bar to the Applicant bringing a claim against POL.	100%	Amount not quantified
Is there the possibility of an unlawful termination claim because the Applicant's contract was not terminated on 3 months' notice? Yes – Applicant's contract was summarily terminated	100%	Amount not quantified
Was contract termination unlawful? No evidence to suggest that termination was unlawful. Post Office conducted an investigation into discrepancies at the branch which led Post Office to the conclusion that the Applicant was improperly accounting for Giro Cheques. This was the basis on which the Applicant's contract was terminated.	0%	£0
Is there evidence that the Applicant could have "sold" his / her branch as a going concern if given 3 months' notice? No evidence provided yet	n/a	£0
Interest	n/a	£0

Suitability for mediation

This case is not believed to be suitable for mediation because:

- Post Office remains of the view that the loss in the branch was caused by the Applicant's fraudulent handling of benefit transactions;
- The Applicant pleaded guilty to theft in respect of £13,000 worth of losses at the branch; and
- Post Office is not responsible for any portion of the loss at the branch.

Bond Dickinson contact

Name: Paul Loraine
 Tel: GRO
 Email: GRO

Additional Notes

The loss occurred in 2006 and therefore would be ordinarily time barred. However, the Applicant repaid the loss in 2009 in response to a Court Order. It is complex legal question as to when the 6 year time limit on bringing legal claims would commence in this scenario.

Assuming that the Applicant were to bring a restitutionary claim (see Linklaters' advice) our initial view would be that time would run from the point of payment and therefore this claim would not be time barred.

Advice qualifications

1. This advice has been produced by applying the principles set out in the Advice from Linklaters dated 20 March 2014.

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2. No further legal analysis of the underlying legal principles has been carried out, in particular we have not considered any other possible legal bases for the Applicant's claims including without limitation malicious prosecution, defamation, malicious falsehood, breach of confidence, tortious causes of action or privacy law.
3. We have not analysed the possibility that failures by Post Office in training or supporting the Applicant, or subsequently investigating losses, may have contributed to the Applicant's ability to prevent losses in branch.
4. Our advice is based on only the information in the Applicant's Case Questionnaire Response, the Post Office Investigation Report and Second Sight's Case Review Report. Our advice does not factor in the possibility of further information being available at a later date that may change our analysis.
5. We have not considered the Applicant's appetite or capacity to bring proceedings against POL or any of the "other" factors set out in the settlement mandate.
6. We have not considered any criminal law issues or whether any conviction / sentence may be unsafe. We have assumed that there are no criminal law risks unless such risks have been previously highlighted by Cartwright King.
7. We have applied a de minimis threshold to legal risk. Where the legal risk is very small (less than 20%) we have recorded this as 0% in our analysis.

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*Bond Dickinson***Post Office Settlement Mandate****Legal risk adjusted claim value**

£13,759.38 – amount paid to Post Office by Applicant.

Other settlement factors

Factor	Adjustment	Adjusted settlement threshold
Legal risk adjusted claim value		£13,759.38
Actual cost of settlement to POL As the branch losses have been repaid by the Applicant, any financial settlement would take the form of re-payment of this money in restitution.		
Other admissions of fault by POL There are no admissions of fault in the Post Office Investigation Report.		
PR / media implications We are not aware of any special PR / media issues specific to this case.		
Applicant expectations / experience from any previous negotiations N/A		
Criminal case – need to protect safety of convictions This is a criminal case (please see details above)		
Risk of future litigation / court costs Given the lack of legal merit in any restitutionary claim by the Applicant, this risk appears to be low.		
Cost savings through early settlement In the context, this is not applicable as settlement is not being considered.		
Other factors N/A		

Mandated financial settlement range**Alternative / additional non-financial settlement proposals that can be offered**

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Other matters

Approved for mediation

Post Office Approval

Name:

Date:

Bundler 1

From: Loraine, Paul [GRO]
Sent: 31 July 2014 12:23
To: jessica.barker [GRO]; Martin Smith
Cc: Parsons, Andrew; Matthew Harris
Subject: M052 - Response to CRR / Settlement Analysis
Attachments: M052 - Response to CRR 31 July 14.DOCX; Settlement Advice - M052 - 31 July 14.DOCX

Dear all

Please see attached a draft response to Second Sight's draft CRR for MO52 along with the settlement analysis.

Kind regards

Paul

Paul Loraine
Solicitor
for and on behalf of Bond Dickinson LLP



Direct: [GRO]
Mobile: [GRO]
Office: [GRO]

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Bundler 1

From: Loraine, Paul <[redacted] GRO>
Sent: 31 July 2014 19:03
To: Martin Smith; jessica.barker <[redacted] GRO>
Cc: Parsons, Andrew; Matthew Harris
Subject: RE: M052 - Response to CRR / Settlement Analysis
Attachments: M052_DRAFT_CRR.PDF

Martin

Please see the draft CRR attached.

Thanks

Paul

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Solicitor
for and on behalf of Bond Dickinson LLP

Bond Dickinson

Direct: [redacted] GRO
Mobile: [redacted] GRO
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Martin.

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Attachments: M052_DRAFT_CRR.PDF

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Paul

Paul Loraine
Solicitor
for and on behalf of Bond Dickinson LLP



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POST OFFICE RESPONSE TO CRR ON M052

[TO GO ON POST OFFICE LETTERHEAD]

Second Sight

By email only

[DATE]

Ref: M052

Dear Sirs

Post Office's Response to Second Sight's Case Review Report on case M052

This letter sets out Post Office's response to Second Sight's Case Review Report for application M052 (the CRR).

Post Office has no substantive comments to make on the body of the CRR at this stage. However, it should be made clear that Post Office maintains its view that the loss suffered in the Applicant's branch was caused by her fraudulent handling of benefit transactions.

Yours faithfully

Angela Van Den Bogerd

Head of Partnerships

Post Office Limited

Appendix

Line-by-line comments

Paragraph in CRR	Post Office comment
1.9	The Applicant pleaded guilty at the St. Albans Magistrates Court on 5 th May 2009 to 11 charges of theft and she asked for 23 other offences to be taken into consideration by the court. She was sentenced on 28 th May 2009.
1.10	A plea of guilty to a charge entails a complete admission to the offence. Accordingly the Applicant has admitted the theft charges in respect of which she entered her guilty pleas. By asking the court to take additional offences into consideration, the Applicant was admitting them and asking the court to take them into account when passing sentence.
1.11	The Applicant advanced by way of mitigation that the thefts occurred to assist her elderly mother financially. Such mitigation could not be put forward by the Applicant's representative unless the Applicant had advanced instructions to that effect.

Bundler 1

From: Martin Smith
Sent: 01 August 2014 11:29
To: 'Loraine, Paul'
Cc: Harris, Matthew (GRO); Parsons, Andrew;
jessica.barker (GRO); Jarnail A Singh (GRO);
Chris Powell
Subject: M052 - URGENT
Attachments: M052 - Response to CRR 31 July 14.DOCX

Paul,

Please find attached the draft response to the CRR. We have made a number of comments and suggested amendments to the document.

Kind regards,

Martin.

Martin Smith

GRO

Tel: (GRO)

CartwrightKing
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Bundler 1

From: Belinda Crowe <[REDACTED] GRO>
Sent: 06 November 2014 19:13
To: 'andrew.parsons@[REDACTED] GRO'; 'paul.loraine@[REDACTED] GRO'; Kathryn Alexander; Martin Smith; Jarnail Singh
Cc: Rodric Williams; 'victoria.brooks@[REDACTED] GRO'; 'joel.durston@[REDACTED] GRO'; Belinda Crowe
Subject: Re: M052 - further disclosure [BD-4A.FID25887221]

Thanks Andy

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Best wishes

Belinda

[REDACTED] GRO

From: Parsons, Andrew [mailto:[REDACTED] GRO]
Sent: Thursday, November 06, 2014 05:12 PM
To: Loraine, Paul ([REDACTED] GRO); [REDACTED] GRO; Kathryn Alexander; martin.smith@[REDACTED] GRO; <martin.smith@[REDACTED] GRO>; Jarnail Singh
Cc: Belinda Crowe; Rodric Williams; Brooks, Victoria <[REDACTED] GRO>; Durston, Joel <[REDACTED] GRO>
Subject: M052 - further disclosure [BD-4A.FID25887221]

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Andrew Parsons
Managing Associate



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Mobile: [REDACTED] GRO
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Bundler 1

From: Martin Smith
Sent: 07 November 2014 10:42
To: 'Parsons, Andrew'; Belinda Crowe; 'paul.loraine@**GRO**'; Kathryn Alexander; Jarnail Singh
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel
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Martin Smith

GRO
Tel: **GRO**

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Sent: 07 November 2014 09:58

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Managing Associate

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Fax: [redacted]

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Bundler 1

From: Durston, Joel [redacted] GRO
Sent: 07 November 2014 15:15
To: Martin Smith
Subject: RE: M052 - further disclosure

Good afternoon Martin,

Could you please send over the following files for our consideration:

- M012;
- M025;
- M040;
- M051;
- M052;
- M058;
- M072;
- M077;
- M097;
- M108;
- M109;&
- M118.

Kind regards

Joel Durston

for and on behalf of Bond Dickinson LLP

Bond Dickinson

Direct: [redacted] GRO
Office: [redacted]

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From: Martin Smith [mailto:[redacted] GRO]
Sent: 07 November 2014 10:42
To: Parsons, Andrew; Belinda Crowe; 'paul.loraine@[redacted] GRO' Kathryn Alexander; Jarnail Singh
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel
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Martin Smith

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Bundler 1

From: Paul Morris
Sent: 07 November 2014 08:50
To: Martin Smith
Subject: FW: M052 - further disclosure [BD-4A.FID25887221] ck-out
Attachments: M052 Disclosure Index.DOCX; M052.zip

Email came in for you

Paul Morris

GRO
Tel: **GRO**

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From: Parsons, Andrew [mailto: **GRO**]
Sent: 06 November 2014 17:12
To: Loraine, Paul (**GRO**); Kathryn Alexander; Martin Smith; Jarnail A Singh (**GRO**)
Cc: Belinda Crowe; Rodric Williams (**GRO**); Brooks, Victoria; Durston, Joel
Subject: M052 - further disclosure [BD-4A.FID25887221]

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Bundler 1

From: Jarnail Singh <[redacted]@gro>
Sent: 10 November 2014 11:39
To: Martin Smith; 'Parsons, Andrew'; Belinda Crowe; 'paul.loraine' <[redacted]@gro>
Kathryn Alexander
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel
Subject: RE: M052 - further disclosure [BD-4A.FID25887221]

Dear All

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Jarnail

Jarnail Singh | Criminal Lawyer



148 Old Street, LONDON, EC1V 9HQ

GRO

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Password is the same as used for the POIR.

Kind regards
Andy

Andrew Parsons
Managing Associate

Direct: [REDACTED]
Mobile: [REDACTED] **GRO**
Fax: [REDACTED]

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Bundler 1

From: Jarnail Singh [mailto:GRO]
Sent: 10 November 2014 16:32
To: Parsons, Andrew; Martin Smith; Belinda Crowe; Kathryn Alexander; Shirley Hailstones
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel
Subject: RE: M052 - further disclosure [BD-4A.FID20472253]

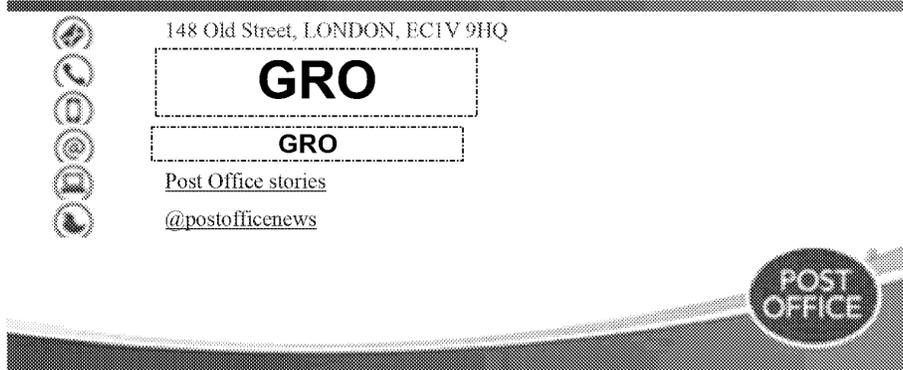
Andy

I understand there are 12 such cases. Disclosure which is sought is papers which would in any case be served on the defence solicitors. Which is the committal bundle consisting of witness statements and exhibits. To safe guard POLs position Disclosure in these cases should be restricted to the committal bundle only.

Regards.

Jarnail

Jarnail Singh | Criminal Lawyer



From: Parsons, Andrew [mailto:GRO]
Sent: 10 November 2014 13:54
To: Jarnail Singh; Martin Smith; Belinda Crowe; Kathryn Alexander; Shirley Hailstones
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel
Subject: RE: M052 - further disclosure [BD-4A.FID20472253]

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From: Jarnail Singh [mailto: [redacted] GRO]
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Cc: Rodric Williams; Brooks, Victoria; Durston, Joel
Subject: RE: M052 - further disclosure [BD-4A.FID25887221]

Dear All

I agree a robust stance should be taken by POL in relation to such requests by second sight.

Jarnail

Jarnail Singh | Criminal Lawyer

148 Old Street, LONDON, EC1V 9HQ

GRO

GRO

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From: Martin Smith [mailto: [redacted] GRO]
Sent: 07 November 2014 10:42
To: 'Parsons, Andrew'; Belinda Crowe; 'paul.loraine' [redacted] GRO; Kathryn Alexander; Jarnail Singh
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel
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Kind regards,

Martin.

Martin Smith



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Sent: 07 November 2014 09:58
To: Belinda Crowe; 'paul.loraine@cartwrightking.co.uk' **GRO**; Kathryn Alexander; Martin Smith; Jarnail Singh
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel
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Belinda

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Jarnail Singh
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel; Belinda Crowe
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[REDACTED] GRO

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Sent: Thursday, November 06, 2014 05:12 PM
To: Loraine, Paul (paul.loraine [REDACTED] GRO) <paul.loraine [REDACTED] GRO>; Kathryn Alexander; martin.smith [REDACTED] GRO >; Jarnail Singh
Cc: Belinda Crowe; Rodric Williams; Brooks, Victoria < [REDACTED] GRO >; Durston, Joel [REDACTED] GRO >
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148 Old Street, LONDON, EC1V 9HQ

[REDACTED] GRO



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Tel: GRO

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Bundler 1

From: Martin Smith
Sent: 11 November 2014 14:39
To: Jarnail A Singh [redacted] **GRO**
Subject: FW: M052 - further disclosure

Jarnail,

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Martin Smith

[redacted] **GRO**
Tel: [redacted] **GRO**

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From: Durston, Joel [redacted] **GRO**
Sent: 07 November 2014 15:15
To: Martin Smith
Subject: RE: M052 - further disclosure

Good afternoon Martin,

Could you please send over the following files for our consideration:

- M012;
- M025;
- M040;
- M051;
- M052;
- M058;
- M072;
- M077;
- M097;
- M108;
- M109;&
- M118.

Kind regards

Joel Durston

for and on behalf of Bond Dickinson LLP

Bond Dickinson

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Office:

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From: Martin Smith [mailto:GRO]
Sent: 07 November 2014 10:42
To: Parsons, Andrew; Belinda Crowe; 'paul.loraine'GRO; Kathryn Alexander; Jarnail Singh
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Please see the attached e-mail from BD below. Further to our telephone conversation this morning I confirm that we will forward the buff proceedings files which we hold to BD so as to comply with the request and advise further with regard to any proposed disclosure in individual mediations in due course on a case by case basis.

Kind regards,

Martin.

Martin Smith

[redacted] **GRO**

Tel: [redacted] **GRO**

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From: Durston, Joel [mailto:] **GRO**
Sent: 07 November 2014 15:15
To: Martin Smith
Subject: RE: M052 - further disclosure

Good afternoon Martin,

Could you please send over the following files for our consideration:

- M012;
- M025;
- M040;
- M051;
- M052;
- M058;
- M072;
- M077;
- M097;
- M108;
- M109;&
- M118.

Kind regards

Joel Durston

for and on behalf of Bond Dickinson LLP

Bond Dickinson

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Office:

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From: Martin Smith [mailto:] **GRO**
Sent: 07 November 2014 10:42
To: Parsons, Andrew; Belinda Crowe; 'paul.loraine[]'; Kathryn Alexander; Jarnail Singh
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel
Subject: RE: M052 - further disclosure [BD-4A.FID25887221]

Andy,

From a criminal perspective, we would advise as a general rule against the disclosure of any documents from a criminal file which have not previously been disclosed to the defendant during the course of the original proceedings. To do otherwise may well enable the Defendant or Second Sight to attempt to criticise the way in which the prosecution was conducted or how the prosecution policy was applied. Clearly such arguments in a public arena would be uncomfortable for POL.

We remain concerned that Second Sight are pushing for the disclosure of files and advise that a robust stance be taken by POL in relation to all such requests.

Please do not hesitate to call me to discuss this in more detail should you so wish.

Kind regards,

Martin.

Martin Smith



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From: Parsons, Andrew [mailto: [redacted] GRO]
Sent: 07 November 2014 09:58
To: Belinda Crowe; 'paul.loraine' ([redacted] GRO) Kathryn Alexander; Martin Smith; Jarnail Singh
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel
Subject: RE: M052 - further disclosure [BD-4A.FID25887221]

Belinda

Thanks – just to confirm...

There is only one statement about the actions of the Applicant's husband – the statement from Lisa Allen and this has already been disclosed with the POIR so there's nothing we can do about this now. Noted however for other cases.

Kind regards
Andy

Andrew Parsons

Managing Associate



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Fax:

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From: Belinda Crowe [mailto: **GRO**]
Sent: 06 November 2014 19:13
To: Parsons, Andrew; 'paul.lorain@ **GRO** '; Kathryn Alexander; 'martin.smith@ **GRO** '; Jarnail Singh
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel; Belinda Crowe
Subject: Re: M052 - further disclosure [BD-4A.FID25887221]

Thanks Andy

My only comment would be whether the statements about the behaviour of the applicant's family members actually add anything.

They are not in the category of docs that SS want or need and are not relevant to the conviction.

I am not sure whether the applicant has ever seen them but I do not think this information should be provided unless there is a good reason for us to provide it.

Best wishes

Belinda

GRO

From: Parsons, Andrew [mailto: **GRO**]
Sent: Thursday, November 06, 2014 05:12 PM
To: Loraine, Paul (paul.lorain@ **GRO**); Kathryn Alexander; martin.smith@ **GRO** >; Jarnail Singh
Cc: Belinda Crowe; Rodric Williams; Brooks, Victoria < **GRO** >; Durston, Joel
Subject: M052 - further disclosure [BD-4A.FID25887221]

All

SS have requested disclosure of all documents from Post Office's prosecution file in the above case. We have re-reviewed the prosecution files and those "non-privileged" documents (ie. anything that is not legal advice and does not relate to internal Post Office investigation steps) that could be disclosed are attached.

Paul / Kath - I'd be grateful if you could confirm whether any of the documents to be disclosed have any material impact on our POIR.

Martin / Jarnail - I'd be grateful if you could confirm whether you have any objection to these additional documents being released to SS.

Belinda - we can then take a final view on if, what and how to release any documents to SS.

Password is the same as used for the POIR.

Kind regards
Andy

Andrew Parsons
Managing Associate

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Bundler 1

From: Belinda Crowe { GRO }
Sent: 11 November 2014 08:30
To: Jarnail Singh
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel; Belinda Crowe; Martin Smith; Kathryn Alexander; Shirley Hailstones; Parsons, Andrew
Subject: RE: M052 - further disclosure [BD-4A.FID20472253]

Hi Jarnail

The Working Group, including POL, agreed that SS should be provided with documents relevant to the prosecution in certain cases.

Everyone agreed that there are likely to be few documents available and that the documents should not include privileged material or other material which may be in a committal bundle (which, as I understand may not be available/relevant in many cases). Whilst the committal bundle may be the best source of information there may be other documents which we would need to consider disclosing.

I suspect that in reality what you are suggesting will not be greatly different from what we may consider we need to disclose but we cannot refuse to disclose information, for example, which may already have been provided to the applicant at the time of the prosecution or that we would disclose in the event of a SAR being made.

I suggest what we do is consider this on a case by case basis when BD has completed its review of the documents and reach a view on any individual documents as a query arises.

The process Andy is undergoing – that is to review the file, index the documents available and that could be disclosed and we can all review (including CK) and agree what is appropriate for disclosure.

Best wishes

Belinda

Belinda Crowe

148 Old Street, LONDON, EC1V 9HQ

{ GRO } Postline: { GRO }

{ GRO }

From: Jarnail Singh
Sent: 10 November 2014 16:32
To: Parsons, Andrew; Martin Smith; Belinda Crowe; Kathryn Alexander; Shirley Hailstones
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel
Subject: RE: M052 - further disclosure [BD-4A.FID20472253]

Andy

I understand there are 12 such cases. Disclosure which is sought is papers which would in any case be served on the defence solicitors. Which is the committal bundle consisting of witness statements and exhibits .To safe guard POLs position Disclosure in these cases should be restricted to the committal bundle only.

Regards.

Jarnail

Jarnail Singh | Criminal Lawyer



148 Old Street, LONDON, EC1V 9HQ

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From: Parsons, Andrew [mailto:[GRO](#)]
Sent: 10 November 2014 13:54
To: Jarnail Singh; Martin Smith; Belinda Crowe; Kathryn Alexander; Shirley Hailstones
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel
Subject: RE: M052 - further disclosure [BD-4A.FID20472253]

All

I've discussed with Martin – the approach we are taking is as follows:

1. Kath / Shirley / CK to send prosecution papers to BD.
2. BD to review to identify documents that could be disclosed to SS (ie. anything that is not legal advice and does not relate to internal Post Office investigation steps).
3. BD to index those documents and recommend which ones should be disclosed (ie. those that are relevant to the case)
4. Kath / Shirley to comment on whether the docs have any material effect on the case.
5. CK to comment on whether disclosure is ok from a criminal perspective.
6. Me / Belinda to action actual disclosure of any docs to SS.

Kind regards
Andy

Andrew Parsons
Managing Associate

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From: Jarnail Singh [mailto:[GRO](#)]
Sent: 10 November 2014 11:39
To: Martin Smith; Parsons, Andrew; Belinda Crowe; 'paul.loraine'[GRO](#); Kathryn Alexander

Cc: Rodric Williams; Brooks, Victoria; Durston, Joel
Subject: RE: M052 - further disclosure [BD-4A.FID25887221]

Dear All

I agree a robust stance should be taken by POL in relation to such requests by second sight.

Jarnail

Jarnail Singh I Criminal Lawyer

148 Old Street, LONDON, EC1V 9HQ

GRO

Jarnail.a.singh **GRO**

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From: Martin Smith [mailto:] **GRO**
Sent: 07 November 2014 10:42
To: 'Parsons, Andrew'; Belinda Crowe; 'paul.loraine' **GRO** Kathryn Alexander; Jarnail Singh
Cc: Rodric Williams; Brooks, Victoria; Durston, Joel
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We remain concerned that Second Sight are pushing for the disclosure of files and advise that a robust stance be taken by POL in relation to all such requests.

Please do not hesitate to call me to discuss this in more detail should you so wish.

Kind regards,

Martin.

Martin Smith

GRO

Tel: (**GRO**)

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Andy

Andrew Parsons
Managing Associate

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Cc: Belinda Crowe; Rodric Williams; Brooks, Victoria [redacted] GRO >; Durston, Joel
[redacted] GRO
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