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Sent: Fri 21/11/2014 3:51:06 PM (UTC)
To: Patrick Bourke
Cc: Belinda Crowe
Subject: A few cases to show SS lack of quality
Attachment: M049_DRAFT_CRR.pdf
Attachment: M049 letter.docx
Attachment: M054_CRR1.pdf
Attachment: M052__FINAL_CRRv1.pdf
Attachment: M052_FINAL_CRR_Version_2a.pdf
Attachment: M095_Draft_CRR.PDF

Hi Patrick,

I think the following cases evidence the lack of quality and critical reasoning behind their recommendations. Further they show a worrying tendency to appear willing to be swayed easily by less than compelling and un-evidenced assertions or special pleadings, including where these contradict the findings of a Court process (see M052 below). The latter is perhaps useful given BC's recent point that given MPs are saying they are coming under increasing pressure from the Media – it is likely so too are SS and this, going on previous experience (M052) is something they do not stand up to.

M049 – recommendation to mediate. Criminal case, 16 months in prison, particularly poor draft CRR. I have attached the draft CRR and also a letter I previously drafted to pick them up on the quality of the CRR and query their recommendation.

M054 – because of its history which I understand was:

- Chair set a test for mediation that in order for a case to be mediated it needed to have a reasonable chance of resolution
- WG agreed and left the chair to produce a written decision on M054. He decided M054 was not suitable for mediation
- JFSA disagreed and stated the WG should not have a role in making such decisions
- SAH asked the WG whether or not they felt they should have such a role
- Submissions were made
- SAH decided his initial test was too tough and changed his decision to that M054 was suitable for mediation

BC has, as you will have seen forwarded on a host of other correspondence that you may wish included in any pack shared at the conference.

M052 – (personal favourite) An initial recommendation not to mediate case M052 in its 'Final' CRR was changed to a recommendation to mediate the case in a version 2A of the report. This latter recommendation seems odd given the detail included within the body of the report. Namely:

- An admission and subsequent verdict of guilty to 11 charges of theft (with a further 23 taken into consideration) at St Albans County Court.
- Acknowledgment that “the expiry of document retention periods has resulted in it no longer being possible to offer a fully evidenced opinion on a number of matters raised by the applicant”.

The argument for mediation appears to be based upon the idea:

- The Applicant only pleaded guilty to avoid a potential custodial sentence,
- The Applicant then committed to perjury to persuade the court she was guilty – using her now DEAD MOTHER as the excuse,
- Had she not pleaded guilty, Post office’s evidence would not have stood up to scrutiny in court.

However, the ‘Final’ CRR (superseded by V2A) acknowledges that “The adequacy or otherwise of the Post Office investigation process has no relevance in the light of the Applicant’s guilty plea, since the evidence was never considered by the court. **Since this is the only substantive point raised by the applicant, there are consequently no issues for us to consider.** Issues relating to Post Office prosecution policy, and the conduct of any prosecution and whether or not it should be deemed ‘safe’, fall outside of our (SS) terms of reference”.

The sentence in bold above, was removed from the CRR V2A.

I also think **M095** is worth a mention as it evidence the types of nature of some of the Applicants in the scheme. High level details below

- Applicant pleaded guilty to FA
- Applicant now asserts losses were potentially caused by power failures and hardware issues.
- SS admit:

“we have been unable to substantiate the Applicants assertions” and

“...we regard it as unlikely that transactions lost due to power or telecommunications interruptions would have been a significant cause of the discrepancies experienced by the Applicant”

- Further, the Applicant previously provided a letter stating

“he had always accepted that [he] was guilty of false accounting by way of creating false records to disguise the monetary loss to the Post Office caused as a result of [his] taking funds to keep [his] shop afloat”

- And that “I used to keep the shop afloat: I overstocked the shop due to joining a scheme run by 1st choice, a wholesale group which meant I had to take a certain amount of stock each month...it was more stock that I was selling”.

Despite this evidence, SS still won’t 100% commit to no mediating a case, citing a need for the finalisation of Part 2

Mark Underwood
Initial Complaint and Mediation Scheme

GRO