

From: "Parsons, Andrew" [GRO]

To: "David Oliver" [GRO]

Subject: RE: Advice and Speaking Notes. [BD-4A.FID20472253]

Date: Wed, 9 Jul 2014 13:52:30 +0000

Importance: Normal

Inline-Images: image002.jpg; image003.jpg; image004.jpg; image005.gif

David

Based on CK's advice some suggested talking points for dealing with Coates [GRO] and Banks [GRO]

- Coates [GRO]
 - **No evidence of fault by POL.** POL considered that the losses in this case were most likely caused by user error as there were a lack of controls in place at the branch eg. compromised passwords, physical checks of stock not being undertaken to the required standard and cash declarations not being accurately completed. It found no failings on POL's part.
 - **SS agree that POL not at fault for losses.** Second Sight concluded that the losses were likely caused by theft by a volunteer in the charity shop in which the branch was located. In particular, Second Sight appear to base their conclusion on the fact that the Applicant failed to ensure that those volunteers could not access the branch cash holdings. There is therefore nothing in SS' report to support a claim by the Applicant.
 - **Convicted.** The Applicant accepted a caution for false accounting. The Scheme has not produced any evidence to suggest that the Applicant's caution is unsafe.
- Banks [GRO]
 - **No evidence of fault by POL.** The Applicant has not provided any evidence that faults with Horizon were to blame for the losses. POL continues to believe that the Applicant stole the money.
 - **Second Sight** agree with POL's conclusion.
 - **No evidence of failing by POL.** The Applicant was convicted of theft after a full trial. There is no evidence that calls into question the safety of the conviction.
- Criminal cases in general:
 - **No scope for concession.** Any form of compromise by POL could upset the safety of a conviction. Hence POL is not able to offer any settlement unless the investigation process has revealed grounds that put a conviction at serious risk of being unsafe.
 - **Risk of mediating.** Even mediating a case, which is a process for resolving disputed matters, could raise questions over the safety of a conviction.
 - **Risk applies to all criminal cases.** The above risks are the same regardless of whether the conviction is by caution, guilty plea or following trial.
 - **Proper forum.** The correct forum for criminal cases is the Court of Appeal. POL would consider mediating a case if there was a successful appeal against conviction or sentence.

Kind regards

Andy

Andrew Parsons

Senior Associate

for and on behalf of Bond Dickinson LLP

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From: Parsons, Andrew
Sent: 09 July 2014 14:29
To: David Oliver; [REDACTED] GRO
Subject: FW: Advice and Speaking Notes. [BD-4A.FID20472253]

David

Advice from CK on mediating criminal cases attached.

In short:

- The risk of mediating a criminal case is the same regardless of whether the conviction is by caution, guilty plea or following trial.
- There is an increased criminal risk of mediating before an appeal rather than after.

A

Andrew Parsons
Senior Associate
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From: Martin Smith; [REDACTED] GRO
Sent: 09 July 2014 14:11
To: Parsons, Andrew
Cc: Jarnail A Singh; [REDACTED] GRO
Subject: Advice and Speaking Notes.

Andy,

Please find attached the Advice of Simon Clarke which contains speaking notes as requested.

Kind regards,

Martin.

Martin Smith

[REDACTED] GRO

Tel: [REDACTED] GRO



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