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**From:** Nick Wallis [GRO]  
**Sent:** Mon 15/12/2014 8:36:55 AM (UTC)  
**To:** Mark R Davies [GRO]  
**Cc:** Ingrid Kelly [GRO]; Jane French [GRO]; Melanie Corfield [GRO]; Ruth X Barker [GRO]  
**Subject:** RE: Post Office interview

Hi Mark

Please don't keep representing me. I have neither said it would be "impossible", nor have I said the studio would "not provide a suitable forum" for a discussion.

For the record I said in my email below: "the interview might get curtailed, or the discussion itself might veer off topic, despite everyone's best efforts."

That's not to say it will. In fact, it would be unlikely. I simply had a duty to warn you that anything can happen in a live studio environment. You are dealing with professional people who understand the seriousness of the matter in hand and the importance of giving you a right of reply.

As I stated below (though please note Ingrid's decision is final in all this) you are likely to get "around three minutes" to respond to the allegations in the piece and the questions of the presenters. Given the piece is likely to be around five minutes long, and suitably balanced itself, I would describe this as an excellent opportunity for the Post Office to put its views across.

As per my original request, I would be grateful for a pre-recorded interview with the Post Office, which we can film today, anywhere reasonable, with reasonable notice. If it remains out of the question, I would like to have a statement from you responding to the points in Friday's email by noon today, so that we can incorporate what you have to say into our piece.

Many thanks

Nick

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**From:** Ingrid Kelly  
**Sent:** 14 December 2014 22:38  
**To:** Mark R Davies  
**Cc:** Nick Wallis; Jane French; Melanie Corfield; Ruth X Barker  
**Subject:** Re: Post Office interview

As i have said unfortunately the team cannot accommodate a filmed interview beyond monday. Far from asking you to prioritise us over the scheme, we've said we can accommodate the interview as early or late tomorrow as necessary to suit your allotted person so as not to interfere with their working day. If neither you nor any other spokesperson can be available then, as ever, we can accept a written response. Appearing live in the studio on the sofa after the film was your suggestion which we were happy to accommodate. Should you no longer wish to do that then while it is disappointing, it is your decision. The offer remains open.

Regards

Ingrid

On 14 Dec 2014, at 21:19, "Mark R Davies" [GRO] wrote:

Hi Ingrid

Thanks for this. I am struggling to understand why it "needs" to be on Monday, particularly as, for the reasons set out in my earlier emails, we are unable to provide a suitable spokesperson on Monday due to competing business priorities related to the Scheme and applicants. It would be ironic indeed if we were to relegate these responsibilities.

As I've also said, and as Nick has acknowledged, your sofa slot will not provide a suitable forum for the Post Office to respond to the very serious and unfounded allegations you plan to make in what will now inevitably be a film which does not present a full and rounded picture. It would be extremely unfair to suggest as you do now that a minute or two in the studio will provide suitable opportunity for the Post Office's position to be fairly reflected.

Given the circumstances therefore we could not appear in the studio.

I ask you again to please reconsider your refusal to accept a Post Office spokesperson for your film on a more reasonable deadline.

Many thanks

Mark

Mark Davies  
Communications and Corporate Affairs Director  
Mobile: [REDACTED] GRO

Sent from my iPhone

On 14 Dec 2014, at 17:53, "Ingrid Kelly" [REDACTED] GRO wrote:

Dear Mark,

As I've said if you or a colleague wish to be interviewed for the film then it needs to be on Monday. You may feel late Tuesday is reasonable but as i've made plain from the outset, beyond Monday is not possible for us. As i've also said any monday interview can be as early or as late as you wish. Should neither you nor your colleague be available for a filmed interview tomorrow then we are content with a statement for the film as we had last week. As things stand, you yourself will be on the sofa on wednesday and able to reflect the Post Office's position.

Regards

Ingrid

On 14 Dec 2014, at 10:28, "Mark R Davies" [REDACTED] GRO wrote:

Hi Ingrid

It isn't about your schedule disappointing us at all, it is about our reasonable offer, repeated again here, to provide an interview for your programme and your reluctance to accommodate us in a reasonable timescale.

It is a little baffling that you are not prepared to allow us reasonable time to respond with an interview. While I appreciate the demands of filming, editing and clearing at your end, we are able to offer an interview for your programme a full 24 hours before you broadcast. That seems eminently reasonable to me and I am sure it is logistically achievable.

Without Post Office input by interview into the film and the opportunity to respond to the detailed points and allegations made it will clearly be impossible, as Nick has accepted, to respond fully in the studio in a two or three minute slot. I do not think in those circumstances we could appear in the studio: the film will be very skewed without our voice in it.

Given the work my colleague must undertake on behalf of the Scheme and applicants this week, I will have to check with her, but I think it might be possible to conduct an interview in the late afternoon on Tuesday.

I think she will be out of London but I am sure this can be overcome. Do let me know what time would be suitable and I will confirm a location.

Best wishes  
Mark

Mark Davies  
Communications and Corporate Affairs Director  
Mobile: GRO

Sent from my iPhone

On 13 Dec 2014, at 17:40, "Ingrid Kelly" GRO wrote:

Hi Mark,

I'm sorry if our schedule disappoints and inconveniences you or the post office but we won't be postponing. You have the allegations and our schedule. You can respond within the film by a statement if no one appropriate is available for interview on Monday - and of course you yourself will be responding on the sofa after the item airs.

Regards

Ingrid

On 13 Dec 2014, at 17:07, "Mark R Davies"

GRO

wrote:

Hi Ingrid

That is very disappointing. To stress we would like to offer a spokesperson for your programme's pre-recorded film and are able to but not in the timetable you suggest.

Our position is very reasonable. I assume the programme will return after Christmas. What is the urgent reason for being unable to give us the time we need?

You plan to make a series of complex and very serious allegations about Post Office Ltd, all of which can be answered in detail. I do not understand why your timescales are such that you cannot accommodate an interview for a film 24 hours before broadcast. You are asking for 48 hours for your own internal processes.

Nick has himself suggested that a sofa slot would not really give us the opportunity to answer the very complex range of allegations he is making. We agree and clearly would be unable to take part in the studio if our position is not reflected in the pre-recorded film.

It cannot be fair to feature a series of other interviews in the film, all of which were presumably filmed last week in good time for your deadlines, without giving Post Office, which is very firm in its position, the opportunity to respond. There are two sides to every story, as you know.

I would like to ask you to reconsider your position please.

Best wishes  
Mark

Mark Davies  
Communications and Corporate Affairs  
Director  
Mobile: GRO

Sent from my iPhone

On 13 Dec 2014, at 12:24, "Ingrid Kelly"

GRO wrote:

I'm afraid not. The programme is off air for a fortnight and will run on weds. If you really can't do an pre recorded interview on monday then as you'll be on the sofa on weds, you'll be able to respond then.

Regards

Ingrid

On 13 Dec 2014, at 12:15, "Mark R Davies"

GRO

wrote:

Hi Ingrid

Many thanks for this.

In that case please can I formally request that the item is held until it is possible for the Post Office to respond on film? There is no urgency or need to broadcast this item on Wednesday, especially as the Mediation Scheme is continuing. Due to pressing and competing business priorities related to the mediation scheme and involving applicants to it, we cannot provide suitable representation until late Tuesday afternoon at the earliest.

I appreciate your own

legal and other  
processes - you will  
appreciate our own.

I am formally offering  
you this interview  
with a senior manager  
who leads on the  
issues you are  
discussing and think it  
is reasonable for the  
Post Office to have  
the opportunity to put  
forward its position in  
a reasonable  
timescale.

We also stand ready  
to put a spokesperson  
up live in the studio.

Best wishes

Mark

Mark Davies  
Communications and  
Corporate Affairs  
Director  
Mobile: GRO  
GRO

Sent from my iPhone

On 13 Dec 2014, at  
09:48, "Ingrid Kelly"

GRO  
GRO wrote:

Hi Mark,  
I'm afraid  
the  
practicalities mean  
a filmed  
interview  
wd need  
to be  
done on  
monday  
to be

incorporated into the piece. The lawyers and editorial advisory teams all need to take their time checking the Item so it's a rather cumbersome process.

The interview can be as early or as late as suits but it does need to be Monday I'm afraid.

best

Ingrid

On 13 Dec 2014, at 09:29, "Mark R Davies"



wrote:

Hi Nick

Many thanks for your email.

As you will appreciate you have raised a broad range of issues which range across legal, IT and network support. We are very keen to be able to respond to all these issues in detail, particularly as there are some really fundamental points raised in your questions.

To that end we are working to ensure that we can provide you with the best possible response. As mentioned in my previous email, as well as input from the suppliers of our IT system and a legal view on the serious points you raise, we need (and I think this is reasonable) to provide you with a spokesperson who can speak across this range of issues.

We are dealing however on Monday and Tuesday with mediation scheme matters which relate to applicants. So we can absolutely be available later on Tuesday or on Wednesday morning.

I do appreciate the challenges you have around filming and editing of course but I am sure you will appreciate the challenges from our side as well.

I suggest we speak first thing Monday morning and hopefully you will be able to come back to me on the timescale above and I will be able to update you too on where we are - please be assured we will do everything we can to ensure we give you the opportunity to interview the Post Office on these important matters.

Best wishes

Mark

Mark Davies  
Communications and Corporate Affairs Director  
Mobile: [GRO]

Sent from my iPhone

On 12 Dec 2014, at 20:43, "Nick Wallis"  
[GRO] wrote:

Hi Mark  
Thanks for your email. I am delighted you are inclined to offer studio live *and* pre-recorded filmed interviews.

As Ingrid (cc'd) has confirmed the planned transmission date for both would be Wed 17 Dec, to

coincide with the planned Westminster Hall adjournment debate on the Post Office called by James Arbuthnot MP.

As Jane (cc'd) explained to you on the phone and as I am sure you understand, we need to set a time for the pre-recorded interview well in advance of the planned transmission date as the interview will have to be edited and go through all the usual processes before being delivered to the One Show for broadcast. It is in no one's interest to rush this.

As Ingrid may have mentioned (and I defer to her on exactly how things may be happening on Wednesday), any studio guest you nominate will most likely be allotted around three minutes interview time, but with Victoria Wood, Michael Ball, a children's choir already booked on Wednesday and the unpredictability of a live studio environment, the interview might get curtailed, or the discussion itself might veer off topic, despite everyone's best efforts.

Could I therefore urge you to fix up a date and time as soon as possible to film a pre-recorded interview where we can ask you, and give you the opportunity to answer, a series of questions on the subjects raised below in a calm and controlled environment.

The interview will, of course, be edited, but we will be scrupulous in our duty of fairness towards the interviewee and the answers they give. Furthermore, whether either, both or no proposed interviews end up being broadcast, we will be taking all reasonable steps to ensure the Post Office's perspective on the serious matters below is properly represented.

I hope all that makes sense. Just to ensure you are clear on the internal division of labour surrounding the two proposed interview opportunities, Ingrid will deal with you re the arrangements re the possible live interview on the One Show sofa, whilst Jane and I can work with you to arrange a pre-recorded interview at a location of your convenience.

I hope to hear from you soon re a proposed pre-recorded interview location/date/time and interviewee. I am happy to liaise with you over the weekend to book it in in good time.

Yours,

Nick

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**From:** Mark R Davies

GRO

**Sent:** 12 December 2014 18:47

**To:** Ingrid Kelly

**Cc:** Jane French; Nick Wallis; Melanie Corfield; Ruth X  
Barker

**Subject:** Re: Post Office interview

Ah - thanks Ingrid. That does give us more time.  
Many thanks for clarifying.

Best wishes  
Mark

Mark Davies  
Communications and Corporate Affairs Director  
Mobile: [REDACTED] GRO

Sent from my iPhone

On 12 Dec 2014, at 18:34, "Ingrid Kelly"

[REDACTED] GRO wrote:

No Mark that's my mistake in the  
voicemail. as per my text - it is weds!  
Apologies all. Ingrid

On 12 Dec 2014, at 18:32, "Mark R  
Davies"

[REDACTED] GRO wrote:

Dear Jane,

Thank you for your time today. Just  
to follow up my previous email, I  
can confirm that the Post Office  
would welcome the opportunity to  
respond in your film and in the  
studio to the very serious and  
detailed allegations being made in  
the email we received from Nick  
Wallis (copied below for ease of  
reference).

I understand from Ingrid Kelly that  
you are now planning to air this  
item on Monday evening. This  
comes as a surprise as you indicated  
Tuesday or Wednesday when we  
spoke earlier.

Either way, given the very serious  
nature of the allegations being  
made, and the requirement to give

us reasonable time to respond, we do not believe we can meet your deadline of noon on Monday for an interview to be conducted.

We are inclined to offer an interview but our spokesperson, who is leading the investigations process on the matters you reference, is involved in mediation scheme work on Monday and Tuesday. I am sure you will recognise that this work, which involves scheme applicants, is very important.

She could be available later in the week and as she is best placed to speak for the business on the complex range of issues you have raised, I believe it is reasonable to ask you to hold off on broadcasting your item until such time as we are able to respond properly.

Moreover, our spokesperson is able to respond to the specific issues you raise in a way no other colleague in our business can given her role and first hand knowledge of the specifics Nick has referred to. I would also stress again, however, that Post Office cannot comment on individual cases.

The Ofcom guidelines on matters like this make clear that we should be given reasonable time to consider and make our response to requests such as this. What constitutes a reasonable time must surely take the urgency of a situation into account. There is no urgency here, especially in the light of your broadcast last week and the ongoing nature of the mediation scheme, not to mention the point I raised on the phone about potential compromise of cases going through the scheme. Given that the programme is broadcast every evening it seems reasonable to me to ask for the

timescales to be extended so that we can respond properly.

I look forward to hearing from you. I am also copying this to Ingrid Kelly who kindly left me a voicemail this afternoon confirming that we could indeed have a slot in the studio to answer questions on your film. I also copy Nick Wallis, and Mel Corfield and Ruth Barker from the Post Office press office.

I am happy to discuss this over the weekend.

Best wishes

Mark

Mark Davies  
Communications and Corporate  
Affairs Director  
Mobile: GRO

From: Nick Wallis

GRO

Sent: 12 December 2014 11:53

To: Melanie Corfield

Subject: Interview request

Dear Melanie,

1) Thank you for your help with The One Show item transmitted on Tuesday 9th December. We are now preparing a second film which is due to go out on The One Show on BBC1 at around the same time next week. We would be most grateful if the Post Office would be prepared to offer an interview expressing its point of view in the continuing dispute with some Subpostmasters over Horizon and associated issues. This would need to be recorded by noon on Monday but we would be able to meet you at your location of choice and we can do it over the weekend if that is the only option.

2) The film we are broadcasting

once again refers to concerns over Horizon. This time it features the story of Steve Phillips from Nelson in South Wales who is having problems with the system, as well as interviews from a group of former subpostmasters including Noel Thomas, Jo Hamilton, Julian Wilson, who say they felt under pressure to sign off incorrect accounts even though they did not understand how sums could be missing.

Mr Phillips says he and other Subpostmasters live in fear of being told to pay back losses neither you or they can explain, and he adds that he and other Subpostmasters do not trust Horizon. This latter point of trust in Horizon by Subpostmasters is one which has come up many times with other former Subpostmasters we have spoken to.

3) In our film former Postmasters say it is difficult to investigate the causes of shortfalls for which they are held liable, because of the way Horizon and associated POL processes and policy function. They say in order to open for business the day after the close of a trading period they had to agree to pay back alleged shortfalls (either by settling to cash or settling centrally, which implies payment later). They say this put them in a very difficult position.

4) We ask one former Subpostmaster why she pleaded guilty to false accounting in court when she believed herself to be innocent. She tell us she felt she couldn't defend herself because she didn't have proper records, that the Post Office had taken some potentially useful items and paperwork away during their investigation and she felt she would be prosecuted for theft as well as

false accounting if she had not pleaded guilty to the latter.

5) We understand from the Subpostmaster contract and from speaking to former Subpostmasters who have been through the process that Subpostmasters are not allowed a legal representative when they are interviewed under caution by Post Office investigators. Instead they are allowed one companion who must be a Post Office employee, who is not allowed to speak. Does this still happen? If so, why does the Post Office think it is fair? Also, we are aware that Post Office conducts PACE interviews at which Subpostmasters are allowed legal representation. Could you explain in what circumstances you think it appropriate to interview someone under caution but with legal representation, and why this is not available to Subpostmasters in the interviews which usually precede them?

6) We would also like to put to you some opinion about the Post Office's approach to investigating and prosecuting subpostmasters. We are in possession of expert opinion from a professor in criminal justice which implies the Post Office's dual function as investigator and prosecutor, and its 300 year cultural history of using it against its agents is unique. That's not to say he thinks you are the only organisation with prosecuting powers, but that you have a unique culture of prosecuting your agents. He implies this approach lacks the checks and balances of a typical prosecution by the CPS. In his opinion this creates a situation where miscarriages of justice are more likely to occur.

The Post Office has assured us in a Freedom of Information Act request

that it uses the Crown Code for Prosecutors. Can you please explain how this code was applied in the following cases: Jackie McDonald, Damian Owen and Tom Brown. In these cases the Post Office pursued its own prosecution despite no prosecution having been brought by the CPS after police investigations. If you are unable to comment on individual cases, please comment on cases like this in general.

7) There is also a point raised by Geoffrey Sturgess, a business contract expert. He believes Subpostmasters should be told about the history of known problems with Horizon (such as the Calender Square issue and others raised in Second Sight's Interim Report) which have led to shortfalls in Subpostmaster accounts and the history of other allegations against Horizon before they are allowed to sign the Subpostmaster contract.

8) We will also include opinion from Sandip Patel QC who specialises in areas including business fraud and cyber crime. He will say he believes that innocent people might have been wrongly convicted. He will also say there may be grounds for arguing that the Horizon system (incorporating the business processes around it) is not as reliable as the Post Office believed it to be. He goes on to say that if the PO had failed to carry out a proper inquiry in circumstances when they should have, then some of the convictions of some of the Postmasters in the mediation scheme might be unsafe.

9) With more than a hundred MPs now saying they have no confidence in the mediation scheme we would like to ask the Post Office what it thinks is the correct way to move

forward and find an equitable resolution to the concerns of subPostmasters up and down the country.

10) In summary, we have found a number of experts in their field who have concerns about the Horizon system, the PO's investigations and prosecutions function and the fairness of the Subpostmaster contract. It suggests there is the possibility that the way the Post Office goes about its business or did go about its business needs some proper explanation. One MP described the nature of the relationship between the Post Office and SPMRs as "feudal", yet you call them your "life blood".

The content of the proposed programme is not set in stone. This is an opportunity for the Post Office to respond to the widespread criticism it is currently facing. I am seeking a senior member of staff from the Post Office who can explain everything from the Post Office's perspective so that we can get to the bottom of what has happened to these people. If you will not appear on camera then we ask that you provide a substantive response to the issues raised above by noon this coming Monday 15 Dec.

Thank you

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