

Message

From: Rodric Williams [GRO]
on behalf of [GRO]
Sent: 12/12/2014 12:31:19
To: Melanie Corfield [GRO]; Mark R Davies [GRO]; Belinda Crowe [GRO]; Patrick Bourke [GRO]; Ruth X Barker [GRO]; Tom Wechsler [GRO]
CC: Angela Van-Den-Bogerd [GRO]; Jarnail Singh [GRO]
Subject: RE: Urgent - Nick Wallis and One Show.

PLEASE COPY JARNAIL

From: Melanie Corfield
Sent: 12 December 2014 12:31
To: Mark R Davies; Belinda Crowe; Patrick Bourke; Rodric Williams; Ruth X Barker; Tom Wechsler
Cc: Angela Van-Den-Bogerd
Subject: RE: Urgent - Nick Wallis and One Show.

He has not confirmed exact date of programme and content not "set in stone". Although it will clearly be another BBC co-ordinated effort (and obv linked to debate) it could be run ahead to bring more pressure on Jo S. He does say wants recorded by noon on Monday.....but we are in a strong position to negotiate terms of any interviews/ responses I think.

From: Mark R Davies
Sent: 12 December 2014 12:07
To: Melanie Corfield; Belinda Crowe; Patrick Bourke; Rodric Williams; Ruth X Barker; Tom Wechsler
Cc: Angela Van-Den-Bogerd
Subject: RE: Urgent - Nick Wallis and One Show.

One question – if the programme goes out on Wednesday why are we only given until noon on Monday? And given the 'sofa' element why couldn't we actually go on the programme live too?

I am up for it.

M

Mark Davies | Communications and Corporate Affairs Director

1st Floor, Banner Wing, 148 Old Street, London, EC1V 9HQ

GRO



From: Melanie Corfield
Sent: 12 December 2014 12:02
To: Belinda Crowe; Mark R Davies; Patrick Bourke; Rodric Williams; Ruth X Barker; Tom Wechsler
Cc: Angela Van-Den-Bogerd
Subject: Urgent - Nick Wallis and One Show.

Hello all

To see below. Can I suggest we have a meeting/ call to discuss please.

Copying Angela to see if we can get any knowledge about Steven Phillips – looks as though he is serving subpostmaster. The other allegations and accusations are all themes we have robust lines about and also of course that we are preparing for Jo S.

But I think we need to be extremely robust about opinion from specialists who have not been involved in this and are commenting from the sidelines.

Let me know what suits today.

Thanks

Mel

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

Nick Wallis