
From: Nick Vamos [GRO]
Sent: Fri 18/03/2022 10:50:36 AM (UTC)
To: Miles Trent [GRO]; Anona Bisping [GRO]
Cc: stuart.lill [GRO]; Dominic Bullen [GRO]; Ciara Murphy [GRO]; Charlotte Tregunna [GRO]
Subject: RE: Post Office Limited: Additional non-PCDE Material
Attachment: Record of Tape.pdf
Attachment: Record of Tape2.pdf
Attachment: bontoft_Redacted.pdf

Dear Miles and Anona

Further to Charlotte's email below, I would like to alert you to two matters. I understand that you may have a meeting next week to which this may be relevant.

First, within the Branch Files (see 'Category A' material, below) for Dorothy Bontoft, yesterday we found her complete records of interview and a Post Office Investigation Report (attached). You will see that Mrs Bontoft made full admissions to personally taking the majority of the shortfall and used the money *inter alia* to pay bills and live beyond her means. As you may be aware, POL was opposing the appeal brought in Mrs Bontoft's name by her family on the basis that the lack of information about her prosecution meant that she had not discharged the evidential burden on all appellants to demonstrate that theirs was a Horizon case. This new material means that POL will also be opposing the appeal on the substantive basis that Mrs Bontoft's shortfall was explained rather than unexplained and, therefore, her case is analogous to that of Stanley Fell. The defence and Court of Appeal were notified of the new material yesterday. On behalf of POL I would like to sincerely apologise that this material was only identified yesterday and therefore POL were unable to provide it to the CCRC previously. We are looking into precisely why that happened and will update you fully in due course.

Second, as this material was found within the 'Category A' material set out below, which was not expected to contain any investigation or prosecution material, I wanted to alert you to the possibility that further such material may be identified for other cases currently under consideration by the CCRC. Our email below alerted you to the fact that we were still looking for material that might be relevant to your decisions, but the discovery of relevant material in Mrs Bontoft's case means we want to specifically draw this to your attention in advance of any meeting next week. We have been asked to prioritise the cases of [GRO] and [GRO] and those searches should be complete by 25 March (we have been corresponding with Lauren Baker and Laura Hulme respectively about these cases and they are aware of the deadline). We aim to have completed the searches for all other cases currently under consideration by the CCRC by 15 April.

Please let me know if you would like to discuss any of the above.

Kind regards

Nick

Nick Vamos
Partner

For and on behalf of Peters & Peters Solicitors LLP

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From: Charlotte Tregunna <[GRO]>
Sent: 21 February 2022 22:13
To: Miles Trent <[GRO]>; Anona Bisping <[GRO]>
Cc: stuart.lill [GRO]; Nick Vamos <[GRO]>; Dominic Bullen <[GRO]>; Ciara Murphy [GRO]
Subject: Post Office Limited: Additional non-PCDE Material

Dear Miles, Anona,

You will remember in mid-2021 that POL/P&P conducted an exercise to provide an assurance to the CCRC that POL had largely complied with historical s17 Notices.

During our follow up call with the CCRC in relation to our letter of 24 September 2021, you indicated that for some cases the mediation scheme documents that had been collated had been useful to the CCRC, particularly for cases where there was no or limited other material due to the age of the case. You therefore asked POL to reconsider whether the material that was previously collected for mediation scheme applicants should also be provided in relation to other PFAs who had applied to the CCRC.

Analysis of Mediation Scheme Document Repositories

Whilst we remain of the view that this material does not fall to be disclosed as part of the PCDE, We have analysed the categories of documents that were originally acquired for the mediation scheme in light of your comments. We have categorised that material into the following categories:

- **Category A** material – we believe this material *may* contain documents that may assist the CCRC in the exercise of its functions:
 - Branch files (hard copy and electronic) – these contain data that potentially goes back to 1999 and therefore in some cases may be the only data that still exists for certain cases.
 - Transaction Corrections – while this data only goes back to 2005, this material may assist in determining a postmaster's recollection regarding historical transaction corrections they received during their tenure;
 - Human resources records for Crown Office employees – if still available, there may be disciplinary records for Crown Office employees (there will not be similar records for postmasters/their assistants as these individuals were not employed by POL/RMG).
- **Category B** material – this is highly unlikely to contain information helpful to the CCRC because, in light of the definition of an 'Horizon case' in *Hamilton & Others*, reinvestigation of the root cause of a shortfall is not necessary to determine safety of the conviction:
 - POLSAP and Core Finance Data – this is back end financial data which only goes back to 2005; and
 - ARQ data – audit data from the Horizon system. Please note, however, if ARQ data was relied upon at trial and the investigation/prosecution papers still exist for that case, that ARQ data will have already have been disclosed to the CCRC.

The remaining categories of data that were routinely collected for the mediation scheme have already been collected and disclosed to the CCRC (NBSC and HSD Call Logs; PEAKs/KELs/BIMs and Investigation/Prosecution papers, if still held).

POL's Proposal

Given the CCRC's comments, POL considers that as the Category A material above may contain documents that the CCRC have indicated may assist in the exercise of its functions, therefore this material will be collected for all existing applicants for which POL has received a s17 Notice, and will be routinely collected and provided to the CCRC pursuant to future s17 Notices. In order to treat all applicants/PFAs fairly, equally and consistently, we also propose to provide Category A material for those individuals whose cases have been rejected by the CCRC (provisionally and fully), about which POL is aware.

POL does not consider that Category B material falls within the material identified by the CCRC as assisting in the exercise of its functions, and therefore on that basis POL does not propose to retrieve or provide this material to the CCRC.

We would be grateful if the CCRC could provide us with any observations to the above proposal, following which we will proceed to retrieve and provide the relevant material.

Timeframes

In terms of timeframes, we believe that Category A material will take approximately 3-4 weeks to retrieve for all existing s17 Notices. Should the CCRC disagree that Category B material should not be retrieved, the timeframes for provision of that material will be significantly longer.

Outstanding Requests

We are aware that the CCRC has requested confirmation as to whether there are any further documents for two CCRC applicants, [GRO] and [GRO]. In light of the above exercise, there may be additional material for these two individuals, and therefore we intend to seek to retrieve any records held in relation to these individuals within the Category A material as a matter of priority.

Happy to discuss on the phone should you need.

Kind regards,

Charlotte