

Jane Brown

From: clive.burton@GRO
Sent: 25 May 2007 14:57
To: Stephen Dilley
Subject: Re: FW: Mrs T Somaskandaraja, FAD Code 251/611 PO LTD 0405/0379
Attachments: Discipline Report.doc; eCopy scanned document.pdf

Dear Stephen,

I have now received a reply (see below) from Graham Ward, Investigation Team Casework Manager, to the earlier points that you raised. He has recorded his comments in red against each your questions and has also enclosed a copy of the discipline report for information.

As you can see though, he has been unable to provide answers to many of the questions raised. On the basis of this reply, perhaps would advise how best to proceed now and whether any further specific information would be needed (n.b. I'm still awaiting a response regarding the contract).

Your comments would be appreciated.

Kind Regards

Clive Burton
Former Agents Debts
Finance

First Floor West Block, Post Office Ltd, 1 Future Walk, West Bars, CHESTERFIELD, S49 1PF

Postline: 5309 2090, STD Phone: GRO Fax: GRO External Email: clive.burton@GRO
---- Forwarded by Clive Burton/e/POSTOFFICE on 22/05/2007 16:59 ----

Graham C Ward

To: Clive Burton/e/POSTOFFICE@GRO
17/05/2007 08:55 cc: Dave Posnett/e/POSTOFFICE@GRO
Subject: Re: FW: Mrs T Somaskandaraja, FAD Code 251/611
PO LTD 0405/0379

Clive

You are correct that this case (P&A overclaims) did not proceed to a prosecution due to poor controls, e.g. passwords were shared etc. The case file is archived here in Croydon. There are copies of original documents in the file i.e. Cash Account w/e 22/10/2003 & assorted schedules / transactions logs identifying the suspicious transactions - we also have a copy of the BAT04 and 205a's which were forwarded to Chesterfield on the 4th April 2005.(normally any original P&A foils would have been forwarded at this time with the BAT04)

I have made comments below in red against each of the points raised in your e mail dated 13/02/07

Hope this helpsif you have any further questions please direct them to me,

Regards

Graham

Investigation Team Casework Manager
Post Office Ltd
PO BOX 1, Croydon
CR9 1WN

STD: GRO Postline: GRO Mobile: GRO Mobex: GRO Fax: GRO

"If you wish to make a report concerning crime or suspected crime against Post Office Ltd please contact the Network Business Support Centre on GRO

Clive Burton

To: Dave Posnett/e/POSTOFFICE GRO
16/05/2007 16:49 cc: stephen.dilley GRO
Subject: FW: Mrs T Somaskandaraja, FAD Code 251/611
PO LTD 0405/0379

Dave,

Mrs Somaskandaraja was Postmistress at Splott Road PO from 17 July 2002 until 23 October 2004, when her contact was suspended. An investigation at that time, into irregularities in pension & allowance payments, was conducted by Steve George, Investigation Manager.

It is understood that there was no prosecution in this case, as a crime could not be detected due to poor controls. We are currently holding a debt of £38,898.96 and we are considering the merits, in conjunction with our external Solicitors (Bond Pearce), in taking civil action to recover our debt.

With this in mind, Stephen Dilley of Bond Pearce has requested a fair bit of information/documentation (the 9 items in his email dated 12 February 2007 refer).

It was thought that Steve George may have been able to assist with some of the information requested, and I sent him a email on 13 February 2007 (see below) requesting his assistance.

I have since discovered that Steve has now left the Business and, I understand, you may now have been allocated some of his work.

In the circumstances it would be very much appreciated if you could have a look at the emails below and say if you would be able to access the case file, and provide any information that would assist us in our assessment of the case. (n.b. if you are not able to assist us in this matter are you able to say who may be able provide the required information?).

Your comments would be appreciated.

Kind Regards

Clive Burton
Former Agents Debts
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Postline: GRO STD Phone: GRO Fax: GRO External Email: clive.burton GRO
---- Forwarded by Clive Burton/e/POSTOFFICE on 16/05/2007 15:08 ----

Clive Burton

To: Steve George/e/POSTOFFICE GRO
13/02/2007 16:51 cc: stephen.dilley GRO
Subject: FW: Mrs T Somaskandaraja, FAD Code 251/611
PO LTD 0405/0379

Steve,

Please see the foregoing email from Stephen Dilley, Solicitor, who is assisting PO Limited in their claim against Mrs T Somaskandaraja, former Postmistress at Splott Road Post Office.

I am writing to you as, I understand, you was the Investigation Officer that was involved in the irregularities found at the Branch and, presumably, conducted the interview(s) with Mrs Somaskandaraja.

As you can see Stephen has requested a fair amount of information and it is hoped that the answers to some of the 10 points raised may be contained in POID case file.

Perhaps you would say if any of the following documentation is still available: -

(1) Cash accounts 2 June to 20 October 2004 - It is appreciated that weekly cash accounts would have been submitted by the Postmistress to Chesterfield at the time. Regrettably these are no longer available. In an email to Andy Pearson (who was dealing with the case at the time) dated 29 April 2005 you advised that the Office (copy) cash accounts were currently being held by you as potential evidence in the investigation. Are these still available please? (Not in file - Sorry but I do not know where they are, presumably you've checked in Chesterfields archives ?)

(2) The opening and closing audit reports - All we seem to have regarding the final audit is a copy of the final account facing sheet which, bears the signatures of the Incoming Agent and the Auditor (J Balderson?), and the horizon Office snapshot dated 23 October 2004. Would you have details of the opening and closing audit reports? (Not in file, you could contact Michael Dadra in the audit team who may be able to assist)

(7 & 8) APS and DD reports & Balance snap shots - I do not know what the Postmistress is referring to when she mentions APS and DD reports. If you know what she is referring to perhaps you let me know. I presume that all the relevant paperwork at the Branch was taken away by the Investigation Team at the time of her suspension and that no documentation would still be at the Branch relating to her term in Office. Are you able to confirm this please? (Not sure what APS and DD reports are, but could be Automated Payment System & Declared Discrepancy, as for any other paperwork, I'm sorry but I do not know where they may be. If this case is to be pursued, it may be worth talking to Geoff Hall who was Steve George's line manager at this time, maybe they are still in an old office location used by Steve)

(9) Original Pension Counterfoils - I do not know if you ever had sight of the original counterfoils but presumably these have been returned to Lisahally at some point in time (Foils not recovered by our team would certainly be destroyed by now but as mentioned above, the foils with errors should have been sent to Chesterfield at case closure with BAT04)

In addition, perhaps you would also comment on: -

(3) The results of any investigations carried out by PO Ltd (NBSC or Fujitsu) into the allegations that the losses were due to horizon errors - It is understood that the problems at the Branch were exacerbated due to misuse of horizon terminals (i.e. shared passwords) but, as far as I'm aware, there was no mention of faulty equipment. Is this correct? (No indication in file that Horizon was investigated for faults / errors - This could still be done even at this stage but if it wasn't challenged by the defendant during interview I can't see the need)

(4) The criminal case was discontinued in full and final settlement - Mrs Somaskandaraja has not, to my knowledge, repaid anything towards the deficiency and I have no idea what she can mean by this. (No idea either, there were £32K's worth of P&A overclaims identified and no monies have been repaid as far as I'm aware)

(10) Splott Road was at the time a shared stock unit or had individual stock unit balancing and how many terminals there were - would you have knowledge of this or do I need to make further enquiries with the Area Office? (Attached below is the discipline report which mentions Individual tills being introduced to assist with identifying where errors were being made so I would assume they did have a shared stock at some point - the transaction logs in the file show only one stock unit "AA" in use for period 18/03/04 - 13/04/04 with 4 ID's logged on) (See attached file: Discipline Report.doc)

Your comments on the above or any other relevant information regarding this case would be very much appreciated.

Kind Regards

Clive Burton
Former Agents Debts
Finance

First Floor West Block, Post Office Ltd, 1 Future Walk, West Bars, CHESTERFIELD, S49 1PF

Postline: 5309 2090, STD Phone: 01246 542090, Fax: 01246 54 External Email: clive.burton[**GRO**]
----- Forwarded by Clive Burton/e/POSTOFFICE on 13/02/2007 12:27 -----

"Stephen Dilley"
<Stephen.Dilley[**GRO**]@postoffice.co.uk>
[**GRO**] To: <clive.burton[**GRO**]@postoffice.co.uk>
cc: [redacted]
Subject: FW: Mrs T Somaskandaraja, FAD Code 251/611
12/02/2007 16:53

Here's the attachment referred to.

From: Stephen Dilley
Sent: 12 February 2007 16:52
To: 'clive.burton[**GRO**]@postoffice.co.uk'
Subject: Mrs T Somaskandaraja, FAD Code 251/611

VF-MT-Code: 13671
VF-MT-Type: DB21
VF-Object ID: 1481824

Dear Clive,

I refer to our telephone conversation today.

Just as a reminder, Mrs Somaskandaraja was a sub-postmaster working at Splott Road at P.O until she was suspended on or around 21 October 2004.

The former sub-postmaster's statement of outstanding debt as at 15 January 2007 provides that the actual balance outstanding is £38,898.96. That consists of:

- (a) final cash account balance dated 23 October 2004 of £4,754.76;
- (b) various evidence such as Girobank and cheques; and
- (c) the bulk of the claim which is a pensions and allowance error dated 29 September 2004 for £32,879.25.

Mrs Somaskandaraja's "defence" is that the Post Office initiated criminal proceedings against her for failing to account, but then discontinued them and agreed not to pursue the matter because fault Horizon software was the cause of the problem.

You have helpfully provided me with copies of various documentation including the error notices and the documentation (for example Girobank slips) that support those error notices. In the case of the bulk of the claim (pension) I have the error notices, summary printouts form P5589 which is presumably what the sub-postmaster prints out from the system and attaches to the pension foils to go to Lisahally and also various spreadsheets (I attach one of them just for ease of reference) showing the pension docket totals and the charge or claim errors, together with a narrative for various weeks. As discussed, in the case of Post Office v Mahida (2003) the Court allowed a sub-postmaster's appeal where the P.O had only provided secondary evidence in support of its claim which related to discrepancies in DSS payments that had been made by the sub-postmaster. The secondary evidence consisted of schedules, but the primary documentation that went behind them had not been produced by the P.O because it had either been lost or destroyed by the Post Office or the DSS in the usual course of document destruction. Therefore I would like to speak to somebody in the pensions department to ascertain how the attached spreadsheet is generated, so that I can understand its evidential value. Would Anne Farndon be the right person for me to talk to?

Without wishing to overburden you, it would be helpful if you could supply the following documents (if available):

1. Cash accounts for the period 2 June to 20 October 2004;
2. The opening and closing audit reports;
3. The results of any investigation carried out either by the P.O (e.g NBSC or Fujitsu) into the allegations that there were Horizon errors;
4. Was a criminal case brought by the P.O and was it discontinued in full and final settlement? If it was, then the P.O would probably not be able to bring a civil claim. It depends upon precise wording of any settlement agreement for the criminal proceedings.
5. I understand that we do not have a signed copy of the sub-postmaster's contract, but she has referred to it so she must have seen a copy at the time. Please can you send me a copy of the contract that would have been in force at the relevant time.
6. Copies of the correspondence surrounding Mrs Somaskandaraja's dismissal including any appeal;
7. Copies of the APS and DD reports;
8. Balance snap shots for the relevant dates (if any) (this is not an essential);
9. If Lisahally has the original pension counter foils, then they should preserve them and we should ask for copies, but I suspect they don't. I wonder if they scan them before destroying the originals? Perhaps someone could find out.
10. Finally, please confirm whether Splott Road was at the time a shared stock unit, or had individual stock unit balancing and how many terminals there were.

I do think that this merits further investigation and I certainly wouldn't be writing the debt off at this stage.

I appreciate that it might take a while to collate the information on this shopping list and look forward to hearing from you in due course.

Kind regards.

Stephen Dilley
Solicitor
for and on behalf of Bond Pearce LLP

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