

Message

**From:** Andrew Parsons [GRO]  
**Sent:** 20/04/2018 12:38:01  
**To:** Jane MacLeod [GRO]; Rodric Williams [GRO]; Mark Underwood [GRO]  
**CC:** Ben Foat [GRO]; Patrick Bourke [GRO]  
**Subject:** RE: Litigation and Appointment - next steps - STRICTLY CONFIDENTIAL [BD-4A.FID26896945]

Jane

The amended protocol gives UKGI unfettered access to information about the Group Litigation. From a privilege perspective, that could still be workable – privilege should still apply to the information. The risk is a practical one – the more information that is allowed to flow to UKGI, the greater the risk of an accidental release of privileged material.

UKGI have also significantly expanded POL's reporting requirements, in terms of frequency and level of detail. They also want much of this in writing rather than verbally. This could be done but it would very be burdensome. This litigation changes shape frequently and this could lead to weekly / fortnightly written reports. If we could water down one aspect, I would go for the need to report in writing – that takes up the most time and presents the greatest risk of a leak.

Also – do we now need to extend this protocol to cover the potential CWU claim?

Kind regards  
Andy

**Andrew Parsons**  
Partner  
Womble Bond Dickinson (UK) LLP

**GRO**



womblebond Dickinson.com



**From:** Jane MacLeod [GRO]  
**Sent:** 20 April 2018 12:52  
**To:** Andrew Parsons; Rodric Williams; Mark Underwood1  
**Cc:** Ben Foat; Patrick Bourke  
**Subject:** FW: Litigation and Appointment - next steps - STRICTLY CONFIDENTIAL  
**Importance:** High

Andy

Your email was prescient – see below/attached (they sent through their version last night), and I wasn't aware of a Perm Sec briefing next week as driving the timetable ....

Jane



**Jane MacLeod**  
Group Director of Legal, Risk & Governance  
Ground Floor  
20 Finsbury Street  
LONDON  
EC2Y 9AQ

GRO

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**From:** Lambert, Helen - UKGI [GRO]  
**Sent:** 20 April 2018 12:08  
**To:** Rodric Williams [GRO]; Jane MacLeod [GRO]  
**Cc:** O'Neill, Elizabeth - UKGI [GRO]; Callard, Richard - UKGI [GRO]  
Cooper, Tom - UKGI [GRO]; Clarke, Stephen - UKGI [GRO]  
**Subject:** RE: Litigation and Appointment - next steps - STRICTLY CONFIDENTIAL  
**Importance:** High

Rodric, Jane

Having spoken with policy leads at UKGI this morning, there is a strong desire to get this protocol agreed in advance of meeting with the permanent secretary next week.

Could you please let me know as a matter of urgency if you will not be able to provide your thoughts on the policy by COP on Monday.

Many thanks  
Helen

Helen Lambert | Legal Seconddee  
**UK Government Investments**  
1 Victoria Street | London | SW1H 0ET

GRO

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**From:** Lambert, Helen - UKGI  
**Sent:** 19 April 2018 17:07  
**To:** [GRO]; Jane MacLeod [GRO]  
**Cc:** O'Neill, Elizabeth - UKGI [GRO]; Callard, Richard - UKGI [GRO]  
Cooper, Tom - UKGI [GRO]; Clarke, Stephen - UKGI [GRO]  
**Subject:** FW: Litigation and Appointment - next steps - STRICTLY CONFIDENTIAL

Rodric, Jane

Thank you for your draft protocol, a revised draft is attached.

As you indicate below, the case is being proactively managed by the Sir Peter Fraser and as such the timetable is liable to change dramatically. Because of this, we were somewhat uncomfortable with the fact that there would be over two months between dates on which BEIS/UKGI would receive a formal update. To alleviate this, we have suggested a provision that allows BEIS/UKGI to be informed of any material change in the timetable.

We have also clarified somewhat the information which can be disclosed to BEIS/UKGI by Tom Cooper, to ensure that his role on the Board and Sub-committee can be properly utilised, as well as suggesting measures to allow for more expedient sharing of privileged information. We would consider that assessing this information on a case-by-case basis would be disproportionate in the context of the relationship between BEIS, UKGI and POL.

Finally we have requested that legal counsel is provided with written updates to ensure that BEIS/UKGI is able to keep a strong and accurate audit trail in respect of its oversight of the litigation.

We trust that the wording in this protocol assists with your concerns in respect of disclosure of legally privileged information more widely.

We would be happy to discuss these points with you in person or over the phone.

Separately, we have noted that Tom Cooper has been appointed to the board. We assume that you are therefore content with the proposed appointment attached (which I sent to you on 23 March 2018). Is it possible to arrange for this appointment letter to be issued?

Kind regards  
Helen

Helen Lambert I Legal Seconded  
**UK Government Investments**  
1 Victoria Street I London I SW1H 0ET

**GRO**

**From:** Rodric Williams [mailto: ]

**Sent:** 27 March 2018 18:44

**To:** O'Neill, Elizabeth - UKGI <[REDACTED]> Patrick Bourke <[REDACTED]>  
**Cc:** Jane MacLeod <[REDACTED]> Callard, Richard - UKGI <[REDACTED]> Cooper, Tom - UKGI <[REDACTED]> Lambert, Helen - UKGI <[REDACTED]>  
**Subject:** RE: Litigation and Appointment - next steps - STRICTLY CONFIDENTIAL

Elizabeth,

Thank you for sending through your draft protocol identifying the touchpoints in the Post Office Group Litigation on which you would like visibility.

Your touchpoints overlap substantially the matters on which we will be reporting to our Board of Directors as part of our governance for managing the litigation and its risks. That governance includes the establishment of a Board Subcommittee to receive legal advice on Post Office's defence as the litigation proceeds. Tom Cooper, BEIS/UKGI's shareholder representative on the Board, is a member of the Litigation Subcommittee, which will meet shortly before full Board meetings so as to provide the full Board with contemporaneous, focussed updates.

In addition to the updates BEIS/UKGI will receive through its Board and Litigation Subcommittee representation, we are also happy to provide updates on the litigation to BEIS/UKGI's legal advisors. These should be done in-person or via telephone conference call, immediately following the full Board meetings to ensure continuity and consistency of reporting.

The above approach is reflected in the attached revised protocol, which is designed to protect Post Office's claims to legal professional privilege and attaches as appendices:

- a reporting timetable prepared around key stages in the litigation and our Board's calendar; and
- the obligations which will accompany the disclosure of confidential information.

Please note that the litigation timetable is very likely to change in response to the proactive case management being applied by the Managing Judge Sir Peter Fraser. It is also likely to change as the parties respond to developments in the litigation itself. We do not however propose to make any changes to scheduled update meetings unless they require Post Office to consider materially changing its approach to the litigation.

We look forward to receiving your comments on our draft. I am very happy to discuss those in person or over the telephone if you would find that easiest.

With kind regards, Rodric



2017 Winner of the Global Postal Award for Customer Experience

**Rodric Williams**

Head of Legal - Dispute Resolution & Brand  
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**GRO**

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**From:** O'Neill, Elizabeth - UKGI **GRO**  
**Sent:** 01 March 2018 15:51  
**To:** Patrick Bourke <**GRO**>  
**Cc:** Jane MacLeod <**GRO**>; Rodric Williams <**GRO**>; Callard, Richard - UKGI <**GRO**>; Cooper, Tom - UKGI <**GRO**>; Lambert, Helen - UKGI <**GRO**>  
**Subject:** Litigation and Appointment - next steps

Patrick, Helen,

Thank you for your time last week.

As discussed, I attach a standard form litigation protocol along the lines of what we would propose to submit to the Permanent Secretary. As you will see, this sets out various touchpoints in the litigation process, and the steps we intend to take to ensure the Permanent Secretary remains fully informed at each salient point.

If you are able to provide more detail on the litigation timetable, or indeed if you have any comments or suggestions, we would be happy to amend the protocol bespoke to the current litigation.

Separately I'd be grateful, as I indicated in my email to Helen on Monday, if in anticipation of Tom Cooper's appointment, you could let me know if you intend to agree an NDA similar to the one you have with Richard, and if so, forward me the proposed text so that Tom and I may consider.

Kind regards,

Elizabeth

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**From:** Patrick Bourke **GRO**  
**Sent:** 23 February 2018 15:10  
**To:** O'Neill, Elizabeth - UKGI <**GRO**>  
**Cc:** Jane MacLeod <**GRO**>; Rodric Williams <**GRO**>; Callard, Richard - UKGI <**GRO**>  
**Subject:** Litigation Meeting

Dear Elizabeth

It was a pleasure to meet with you this morning.

I just wanted to confirm that we have understood the need for an appropriately structured information flow in relation to the matters we discussed earlier, and agree that some form of protocol to govern those arrangements makes very good sense.

While recognising that there is no set format in this regard, it would nonetheless be helpful for us to draw inspiration from similar arrangements you have put in place with other ALBs. You kindly offered to share something with us for that purpose.

We will come back to you with our take on how this might work best in our case, having regard to the particularities of our governance arrangements and the litigation itself.

In the meantime, do please feel free to get in touch if there is anything you'd like to discuss.

Kind regards

Patrick



**2017 Winner of the Global  
Postal Award for Customer  
Experience**

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London EC2Y 9AQ

**GRO**

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