

**From:** Mark Underwood1 [GRO]  
**To:** Paul Loraine <[GRO]>  
**Cc:** Andrew Parsons <[GRO]>, Rodric Williams  
**Subject:** FW: Note of Today's Meeting with the CCRC  
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Paul – as requested, please find below my note of the meeting with the CCRC.

Mark



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**From:** Mark Underwood1  
**Sent:** 14 March 2018 15:41  
**To:** 'Rodric Williams' <[GRO]>; Jane MacLeod  
<[GRO]>  
**Subject:** Note of Today's Meeting with the CCRC

Hi Jane and Rod,

This is just a short note to feedback on today's meeting with the CCRC, which was held at Fujitsu's Offices in Bracknell.

#### **Attendees**

Mark Underwood (POL)

Pete Newsome (Fujitsu)

Mark Wright (Fujitsu)

Miles Trent (CCRC) – has been at the CCRC for c12 years, having initially taken a job as a ‘stop gap’ between the bar and Chambers.

Tessa Hinder (CCRC) – has been at the CCRC for c5 years, having previously been a criminal lawyer.

## **Purpose**

The CCRC stated that the purpose of the meeting was to confirm the Known Error Log (KEL) could not be searched by branch, as it is a generic knowledge base. This has previously been confirmed by Post Office but Miles said the CCRC need to be able to tell the applicants they have been to Fujitsu’s offices and actually seen the KEL themselves.

Post Office commented that the approach it took in the Complaint Review & Mediation Scheme was to review call logs (HSD and NBSC) and map these to transaction data. Fujitsu commented that if the CCRC has call reference numbers, these are more likely to show up in a KEL.

## **The Meeting**

Through actually showing the CCRC the KEL and performing some dummy searches, it became clear very quickly that the KEL was very unlikely to contain information specific to a particular branch. As such, the meeting became more of conversation.

A good rapport was struck up by all parties.

The CCRC expressed frustration at being tasked with investigating complaints which are not particularised. They made reference to, I believe, Jo Hamilton’s allegation that following the helpline’s instructions caused the shortfall to double.

The CCRC also referenced the Group Litigation. They had heard the adverts on the radio and were concerned these could lead to further anecdotally evidenced complaints – something they themselves have found challenging for over 2 years.

They noted that the evidential bar is set higher in criminal law when compared to civil law and that in order for cases to be referred to the Court of Appeal, it is not just “beyond reasonable doubt” but, rather, whether they believe the original conviction is “unsafe”. The CCRC commented that satisfying such a test becomes

even more challenging in circumstances where there has been a guilty plea – “*Hurdles are pretty damn high*”.

## **Progress**

The CCRC are still in the investigation phase. They are using Seema Misra as a test case.

Currently all referrals are being treated as a group. The CCRC are looking to share their findings on all referrals at one committee meeting. However, this does not mean that the outcome will be all or none are referred to the Court of Appeal.

If a case is referred to the Court of Appeal – this must be agreed by three Commissioners.

The CCRC mentioned that Grant Thornton have not completed their investigations.

I did not go as far as ask when any decisions are likely to be made, but noted that Rod would be giving Miles a call later today / tomorrow to make sure the meeting was to their satisfaction.

## **Other**

Freeths have contacted the CCRC a couple of times. The CCRC shared that they are very conscious they act neither for the Claimants nor defendants in the Group Litigation and respond accordingly.

The CCRC have spoken to:

- Potent solutions, who run a number of Post Offices on an interim basis, often in circumstances where, for example, the previous postmaster has been suspended owing to a shortfall being discovered. The CCRC commented on shortfalls appearing to stop once Potent Solutions take over such branches, noting this was also the case in Seema Misra’s branch.
- A Postmaster in Warwickshire who informed them that as long as you stay on top of things and follow the prescribed processes, you won’t get into difficulty.
- Second Sight (about 12 months or so ago). The CCRC commented that they “*were not naïve to what they were saying*”.

False accounting was discussed and the challenges it poses to uncovering what has actually happened in branch, particularly when you have allegations which are anecdotal and un-particularised. Post Office and Fujitsu shared with the CCRC some examples of what has been discovered upon the investigation of seemingly unexplainable transactions or events in branch . Examples included:

- A dog being ‘caught’ on CCTV jumping up on a counter, after hours, and pressing horizon keys.
- A knitting needle being used as a stylus, and thus causing multiple screen replacements.
- A man with a prosthetic hand using a frozen sausage as a finger, resulting is miskeying.

The point landed was that there is always an explanation.

The CCRC commented on how they are frustrated by what is reported in the Press. They stated that what is reported is very different to what they have actually shared with applicants. Further, they explained that legally they are not actually allowed to challenge or correct what is reported.

The CCRC also said that they had seen it reported in the press it had taken Post Office 3 years to discover a particular bug but that when they actually investigated this, they had discovered the bug only occurred in one branch one particular day a year. Thus, in effect, it had actually been discovered on the third working day.

Although Miles and Tessa commented that ultimately it is not them who make the decision, they said that today “*gives you a flavour*” of our current thinking.

If you have any questions please do let me know

Mark



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