

Confidential and legally privileged advice

*Bond Dickinson*

### Settlement Analysis

M054

#### Settlement sought by Applicant

Not clearly particularised but thought to be:

- 1 Write off of outstanding debt: £11,886.77
- 2 Unquantified compensation for loss of wages, business, reputation, etc.

#### Recommended settlement threshold

It is recommended that no settlement be offered in this case.

#### Suitable for mediation?

This case could be mediated but it is not recommended.

#### Position of applicant / case

Bankrupt?	No
Criminal case?	No
Live civil proceedings?	No
High profile media / MP case?	Yes
Employee of Post Office?	No
Professional advisor?	Porter Dobson (solicitors)

#### Basis of recommendation

The loss in this case was only £11,886.77. SS has concluded that the Applicant is at least liable for £9,500 of the £11,886.77 total loss. This leaves around only £2,400 in dispute on which SS offer no opinion on which party is liable for this sum.

There is nothing in the CRR that changes Post Office's position that the most likely cause of the remaining loss was an error in the branch for which the Applicant is responsible. As such, it is recommend that Post Office do not offer a settlement in this case.

Given this position and that the sum in dispute is very small, it would not be an efficient use of time or resources to mediate this matter. However, it is recommended that Post Office agree to speak with the Applicant outside of mediation so to avoid the perception that Post Office is avoiding the Applicant's complaints.

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Factors in favour of settlement	Factors against settlement
1 <b>Legal risk.</b> The claim is less than 6 years old and therefore proceedings could still be commenced against Post Office.	4 <b>Cost.</b> It would be disproportionately expensive to mediate this case given that Post Office is highly unlikely to offer any settlement.
2 <b>Scheme objectives.</b> It is generally desirable to reach a settlement with Applicants wherever possible.	5 <b>Culpability.</b> It is likely that the Applicant is responsible for the losses in this case.
3 <b>Profile.</b> This Applicant has petitioned support from her MP.	6 <b>Legal risk.</b> This case presents only a very low legal risk to Post Office.

**Route to settlement**

It is recommended that Post Office writes to the Applicant inviting her to either a meeting or telephone discussion about her case. The letter should make clear that Post Office does not consider that this case warrants a settlement but is prepared to discuss matters so to try to explain its position to the Applicant.

**Bond Dickinson contact**

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**Post Office Approval**

Name: Date: