
From: Patrick Bourke [GRO]
Sent: Wed 15/06/2016 12:18:04 PM (UTC)
To: Rodric Williams [GRO]
Subject: RE: Chairman's review - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE

Thx v much

I'd quite forgotten 'madness on stilts' but very pleased you didn't !

P

From: Rodric Williams
Sent: Wednesday, June 15, 2016 1:15 PM
To: Jane MacLeod; Patrick Bourke
Subject: RE: Chairman's review - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE

Thanks Patrick – that's very helpful and I agree completely with your view. I particularly like your point that nothing we do internally will be good enough for the postmasters, and that only something independent and objective (i.e. Court-based) will suffice.

I've had a go at putting down in bullet points below the message I would like to get across. Ultimately, it mirrors Patrick's view with a bit more context, but as I came to it independently I think it shows we're aligned:

- Tim's review was undertaken to answer BNR's challenge of determining whether anything more could be done to address the postmasters' complaints.
- The review was undertaken at a time of (relative) postmaster silence, so the issues recommended for further investigation were identified by reviewing historic material without direct input from the postmasters.
- The issues identified in the review have (among many others) subsequently been raised in High Court litigation brought by the postmasters.
- The High Court litigation potentially poses significant legal, financial, operational and reputational risk to Post Office.
- Post Office's response to the litigation and the issues raised must therefore be handled carefully, using the privilege against disclosure afforded to all parties engaged in litigation.
- In the litigation, the postmasters are represented by competent legal advisors, who are likely being paid by an independent party experienced in funding major litigation.
- It is therefore reasonable to assume that all issues of concern to postmasters will be raised through the litigation and ultimately addressed in accordance with the independent advice the postmasters receive.
- In these circumstances, continuing with the review and its recommendations will:
 - o be duplicative, in that the work necessary to address the review recommendations will be done in the litigation in any event;
 - o waste cost and resource, in that it won't satisfy the postmasters and cannot be used in the litigation;
 - o present substantial risk to Post Office, in that the privilege we are currently claiming over it may be open to challenge.
- Indeed, Tony Robinson QC (whose advice Jonathan Swift QC said it would be appropriate for Tim to follow) described continuing the review work as "madness on stilts", and that it should instead be led by the litigation.

I hope this helps and can discuss further as required.
Rod

From: Patrick Bourke
Sent: 15 June 2016 08:18

To: Jane MacLeod; Rodric Williams

Subject: RE: Chairman's review - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE

Jane

Thanks.

1. In terms of messages to Tim and from Tim to BNR, I think we're going to have to address the issue head on: the litigation makes the Review irrelevant since the issues to be considered will be put to a higher standard of testing in the Courts; to continue would be fruitless since we couldn't use its output, senseless in terms of expenditure, and present unnecessary risk to the organisation's legal position. It is, to my mind, in any event now clearer than ever that the Review (or indeed any other exercise not involving a third party adjudicator (not mediator)) just isn't capable of putting these issues to bed in the minds of some. That does not need to be pitched as a bad thing: yes, it frustrates the Review and is 'uncomfortable', but it has the clear merit of being independently determined and final. Indeed, before you joined I was racking my brain, with others, about how we might find a way of getting these cases or one of them into the Court. None of this new, but I do think the trick will be in the 'sell'. Anyway, that's my view FWIW, and I'd be interested in Rod and your take.
2. Happy to play my part in the drafting of a letter from TP to BNR. You should be aware that Tim is now due to meet BNR at 1700 on 19th July – this is their rescheduled, regular 6 monthly catch up.
3. Also, very happy to open up a channel to BIS, but I think we should only do so when armed with the outcome of your meeting with TP tomorrow, so we are sure BIS get a single message from POL.

Patrick

From: Jane MacLeod

Sent: Tuesday, June 14, 2016 11:20 PM

To: Rodric Williams; Patrick Bourke

Subject: Fwd: Chairman's review - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE

See below - Any approved messaging we want to get across? We probably need a draft letter to go from Tim to BNR that I can share with Tim. Could we please open the channels to Laura ahead of this?

Thanks

Jane MacLeod
General Counsel
The Post Office

GRO

Sent from my iPad
Begin forwarded message:

From: Tim Parker <[GRO]>

Date: 14 June 2016 at 23:15:31 BST

To: Jane MacLeod <[GRO]>

Subject: Re: Chairman's review - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE

Dear Jane,

Let us meet to discuss on Thursday.

Best

Tim

Tim Parker

Chairman
National Trust
20, Grosvenor Gardens, London SW1W 0DH

GRO

Chairman
Post Office Limited
Finsbury Dials, 20 Finsbury Street, London, EC2Y 9AQ

GRO

Chairman
Samsonite International SA
Westerring 17, B-9700 Oudenaarde, Belgium

GRO

On Fri, Jun 10, 2016 at 12:30 PM +0100, "Jane MacLeod" wrote:

GRO

Tim

Further to my email below, we met with Tony Robinson QC last night to discuss the Postmaster Litigation. In the course of that discussion we asked him for his advice as to whether the work being undertaken for the purposes of your review should be continued.

His strong advice was that the work being undertaken under the aegis of your review should not continue in light of the litigation. However, he also recommended that the subject matter of that work should continue provided it is re-scoped and re-instructed for the purposes of the litigation.

Clearly you will need to inform the Minister and we will prepare a form of words for you to use. I understand you are in the office next Thursday (16 June), so please let me know if you would like to discuss this then. I am of course available by phone in the meantime.

Kind regards,

Jane



Jane MacLeod

General Counsel
Ground Floor

20 Finsbury Street
LONDON
EC2Y 9AQ

Mobile number: GRO

-----Original Message-----

From: Jane MacLeod

Sent: 27 May 2016 18:07

To: Tim Parker

Subject: Chairman's review

Tim

As flagged at the Board earlier this week, I hosted a call with Jonathan Swift QC today to ask what, in his view, would be a reasonable course of action for you to take in relation to his recommendations as to the further lines of enquiry which could be undertaken, now that POL faces litigation covering essentially the same ground.

In summary, Jonathan felt that Tony Robertson QC (the barrister retained to advise POL on its defence to the proceedings) should first be requested to advise POL whether in light of the litigation, the various works teams should be continued, paused or re-defined.

We will send instructions to Tony early next week and expect to have this advice relatively quickly. Once this advice has been received, Jonathan has said that he would be happy to discuss with you how best to take this forward in the context of your review, as well as considering how to position this with BNR, and others with knowledge of and interest in the Review.

I will let you know as soon as we have Tony Robinson's advice. As ever, please give me a call if you would like to discuss.

Kind regards,

Jane

Jane MacLeod
General Counsel
The Post Office

GRO

Sent from my iPad