From:	Secretary Of State ADMINISTRATIV (FYDIBOHF23SF F09BCE-SH_BE	/E GROUP PDLT)/CN=REC	/ -		=EXCHANGE 846498CA8997D65
Sent:	Wed 20/11/2019	5:22:05 PM (U	TC)		
То:	Scott, Joshua - U Secretary (BEIS)[Office] Office)[GRO]; Tolhurst (P	rivate Office (Private	
Cc:	Tom - UKGI[UKGI] (BEIS)[Investment] Manufacturing ar (Finance & Portfo UKGI[Services, Retail & (Finance & Portfo (Legal) (Legal) (UKGI)[Portfolid Portfolid (Legal)[Adegun, Oluwato (Finance & Portfo	GRO	; Watsor ; Bhargava, ; Robso ; Vandi GRO ; Creswell, ate) RO ; Corera, ; Kilgarriff, P ; Manson ; Beckett, I ; Patel Morriso ; Cole, Ale	n, Richard - Pranita In, Hugo (Busini, Cecilia (Advilla); Fulshaw, Carl (Profession GRO ackson, Louise Jane atrick , Justin Richard (Finant, Vanisha (Finant, Emerex - UKGI	ness vanced Richards, Nigel Robin - onal Business j; Hill, Kate
	Partnerships)	GRO	,,		
Subject:	Re: [OFF:SEN - I	-	- Approval For	Settlement O	ffer in Post Office

Hi Carl,

Thanks for the quick call just now. As discussed, Secretary of State has reviewed the advice and remains concerned about the optics of mediation occurring during the pre-election period. She is minded to explore with POL whether they would be willing to ask the Court/Claimants to move the date of the mediation to post election. If they are not minded to do so, and I think this would be the expected response, she would like this as a formal response. Grateful if you could discuss with Perm Sec the best approach to contacting POL and let me know what you think is best. I think it would be useful for Alex C to discuss with her in his 1-1 tomorrow morning.

Hannah, we discussed as well. Grateful if you can flag to Alex. Best,

Bex

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From: Secretary Of State (Priv	ate Office)			
Sent: Wednesday, November	20, 2019 2:56:2	2 PM		
To: Scott, Joshua - UKGI ⊲		>; Permanent Se	ecretary	
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Office) GRO	h. SnA	Is Office (Private Office	6)	CPO
Cc: Cooper, Tom - UKGI	GRO	>: White, Beth (P	rofessional Bus	siness Services, Retail
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		Rachel (Communicatio	•	nips)
GRO GRO]	(33,000)		
Subject: RE: [OFF:SEN - LEGAL	l Advice - Appro	val For Settlement Of	fer in Post Offi	celtd (POI) Litigation
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Thanks Josh,				
manks sosn,				
I'll let you know if any furthe	er auestions			
Three you know it arry further	r questions.			
Best,				
best,				
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Rebecca Lowe, Private Secre	stary to the Pt H	on Androa Loadsom N	ID Donartmon	t for Rusiness Energy
and Industrial Strategy	etaly to the Nt n	on Andrea Leadson iv	ir, Departifieri	t for business, chergy
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Email: GRO	l			
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(Private Office) {	GRO	; Spads Office (Pri	vate Office)	
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GRO >; So	outherton, Sarah (BEIS)	GRO	; Yeomans,
Rachel (Communications & Par	rtnerships) {	GRO	
Subject: RE: [OFF:SEN - LEGAL] Litigation	Advice - Approval For	Settlement Offer in P	ost Office Ltd. (POL)

Hi Bex,

Further to SoS's request for specific advice in relation to moving the POL GLO mediation date please see the below. This has been cleared by UKGI, BEIS POL Policy and respective UKGI/BEIS legal teams.

- The Secretary of State has no legal power to intervene to move the mediation date, and Cabinet Office have confirmed that it is essential business that can proceed during the pre-election period. The only way in which we believe we could influence the date would be to say that we are unwilling to approve the settlement range and request that POL therefore considers postponing the mediation.
- But Ministers should be aware of the significant risks of doing so. The date has been agreed between the parties to the litigation. The Court has ordered the parties (of which Government is not one) to consider alternative ways to resolve the dispute and is aware this mediation is taking place. If POL were to withdraw at this very late state they would have to make clear that it was because the Department would not give them authority to offer any sum in settlement. As far as we are aware it would be unprecedented for Government to seek to intervene in a mediation in this way.
- There would be a significant risk of drawing BEIS Ministers into public criticism of POL's approach to the litigation if we were to take this step. It would be wholly counter to the Department's position that this litigation is an operational matter for POL and because it would probably become public quickly would raise questions about why Government is not willing to sanction a mediation. It is very likely to lead to adverse press coverage, damage our relationship with POL and risk any further participation by the claimants in POL's attempts to settle the litigation at a future stage.
- POL's external legal advisors have advised that that there is a high likelihood of losing on most of the claims which could expose POL, and therefore the taxpayer, to a higher overall payment than would occur through a successful mediation process.

If you have any questions please do feel free to contact me.

Cheers,				
Josh				
``L	DET IRO vww.ukgi.org.uk/			
From: Scott, Joshua - UKGI				
Sent: 20 November 2019 13:39				
To: Secretary Of State (Private Office	ce) 🖣	GRO	Permaner	t Secretary
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Rachel (Communications & Partner	rships) {	GRO		
Subject: RE: [OFF:SEN - LEGAL] Adv	rice - Approval Fo	r Settlement (Offer in Post Of	fice Ltd. (POL)
Litigation	• •			• •
Hi Bex,				
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Yes this has been picked up and w	e are just discuss	sing with officia	als	
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Cheers,				
Josh				
Joshua Scott I Analyst				
Post Office Shareholder Team				
UK Government Investments				
1 Victoria Street I London I SW1H (net.			

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E: GRC) I V	V : <u>www.ukgi.org.ւ</u>	1K/		
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Sent: 20 November	er 2019 1 <u>3:37</u>		,		
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Rachel (Communications &	Partnerships)	GRO	
Subject: RE: [OFF:SEN - LEG.	AL] Advice - Approval Fo	r Settlement Offer in Pos	t Office Ltd. (POL)
Litigation			
Hi all,			
SoS has reviewed the note y			ve can try to move the
date if were minded to do s	 Please note this is not 	yet decisions	
Grateful if someone can out	tline the process we cou	ld use in this instance. Is i	t possible to get this by
3pm?			
Thanks,			
Bex			
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d GRO				
Subject: RE: [OFF:SEN	- LEGAL] Advice - Approval Fo	or Settlemen	t Offer in Post O	office Ltd. (POL)
Litigation				
Hi Josh,				
	is up and for your patience where where where where we with the same back with the same b			ont of Perm Sec! He
proposed range for s sub that I would exp and noting at para 1 from Al Cameron ex would continue. On advice notably high	and team for this. I have resettlement and the condition ect given the high sums inverse that the subsidy cannot be plicitly links POL ability to some the substantive analysis and persuasive in all must keep our best options	ns around the colved that Colved that Colved that Colved the colve	nat, adding onl Carl would con ntirely separate heir expectatic recommendat However, as th	ly to para 11 of the sult me, ely' given the letter on that the subsidy ions I find the HSF ney say, the situation
Hope this is clear but of	do give me a shout if you'd lik	e to chat thr	ough.	
Best wishes,				
Oliver				
O. Ve.				
Oliver Page Private S	Secretary to Alex Chisholm, Pe	ermanent Se	cretary	
타 GRO	I: GRU	M:[GRO	
Department for Busin	ess, Energy and Industrial Stra	ategy		
		····· <u>i</u>		
From: Scott, Joshua - 1 Sent: 19 November 20	0110	P		
To: Secretary Of State		GRO	Grant C:	alum (BEIS)
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Rachel (Communications 8	ι Partnerships) ₹	GRO	-
Subject: RE: [OFF:SEN - LEG	GAL] Advice - Approval For	Settlement Offer in Po	ost Office Ltd. (POL)
Litigation			

Hi Bex

It is worth noting that normal protocol for mediation is that it is meant to be confidential so anything coming out of it would be constituted as a leak, and normal practice would be that HMG does not comment on leaks. However, given previous experience throughout the trial with this many claimants it is unlikely that the details of the mediation will stay confidential for long.

This isn't in the note but should be flagged to No10.

It's difficult to say at this stage re media coveage however our best estimate would be to base expected media coverage on who covered the first judgment in March.

Here is a short summary below:

- The judgment was covered by the Daily Mail, FT and Daily Telegraph (all of whom attended court during the trial). There was no coverage in the Sun, Times, Guardian, Independent or Mirror;
- Channel 4, ITN and Sky also covered the judgment on TV. BBC did not cover the story.
- There was also coverage in various regional and trade titles, all picking up POLs statement and depicting a fair assessment of the judgment.
- POL received some direct questions/comments from postmasters and POL colleagues that they dealt with as a priority.

In addition to this you can expected Nick Wallis, a crowd-funded journalist following the trial on behalf of the Justice for Subpostmaster Alliance (JFSA), to also post.

Hope this helps,

Josh

Joshua Scott I Analyst
Post Office Shareholder Team

UK Government Investments

1 Victoria Street I London I SW1H 0ET

T: GRO M: GRO

E: GRO W: www.ukgi.org.uk/

From: Secretary Of State (Private Office) ← GRO

Sent: 19 November 2019 16:24

To: Scott, Joshua - UKGI <	GRO	; Grant, Calum (BEIS)	
GRO	; Tolhurst (Private Offic		: ·
Secretary G	i RO ; SpA	ds Office (Private Offic	e)
GRO			
Cc: Cooper, Tom - UKGI	GRO GRO	; White, Beth (Profess	ional Business Services,
Retail & Post Directorate)	GRO	; Aldred, Tom - UKGI	
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Pranita (BEIS) 🖣	GRO >; Hug	go Robson ∢	GRO }; Vandini,
Cecilia (Advanced Manufac	cturing and Services)	GRO	;; Richards, Nigel
(Finance & Portfolio)	GRO	; Culshaw, Robin - UKG	
GRO	; Creswell, Carl (Profe	ssional Business Servic	
Directorate) G	RO ; Hill, Kate	<u>(</u> Finance & Portfolio) <	GRO
Jackson, Louise (Legal)		;; Corera, Jane (Legal)	<u>) </u>
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Oluwatosin - UKGI 🛉	GRO	; Taylor, Tom (Finan	
GRO	Southerton, Sarah (BEIS	GRO GRO	; Yeomans,
Rachel (Communications &	Partnerships)	GRO	
Subject: RE: [OFF:SEN - LEG	GAL] Advice - Approval Fo	r Settlement Offer in P	ost Office Ltd. (POL)
Litigation			
Hi Josh,			
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Thanks for this – would it h	e possible to include wha	at media coverage we	expect if the mediation ran
its course during purdah?	re possible to include with	it illedia coverage we	expect if the inculation run
Would you be able to add	this in hy 5nm?		
Best,	uns in by Spin:		
Bex			
Dalacca Laura Daireta Cas	untamita tha Dtillam Andi	es Landana MD Dava	utus out fau Direit and English
	retary to the Kt Hon Andi	ea Leausom WP, Depa	artment for Business, Energy
and Industrial Strategy	000		
Tel: GRO Mobi	le: GRO		
Email: GRO			
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From: Scott, Joshua - UKGI		>	
Sent: 19 November 2019 1			
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Secretary	SRO ; SpA	ds Office (Private Offic	e)
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Pranita (BEIS)	GRO >; Rob	son, Hugo (Business Ir	ıvestment)
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< GRO	>; Southerton, Sarah (BEIS) <	GRO	; Yeomans,
GRO Rachel (Communications 8	k Partnerships)	GRO		
Subject: RE: [OFF:SEN - LEG				e Ltd. (POL)
Litigation				
Hi Bex,				
Thanks for sending these a	and talking them through	gh with me earlier.		
				
Please see attached a revi	sed document address	sing the questions	below.	
Any further questions place	as fact from to drap me	o lino		
Any further questions pleas	se leel liee to drop me	a ime.		
Cheers,				
Officers,				
Josh				
Joshua Scott I Analyst				
Post Office Shareholder Te	eam			
UK Government Investment				
1 Victoria Street I London				
T: GRO M: GRO	GRO : I W: www.ukgi.org.	ul./		
Ct GRO	i vv. <u>www.ukgi.org.</u>	UK/		
From: Grant, Calum (BEIS)	. GRO			
Sent: 19 November 2019 1	\	<u></u> !		
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Jackson, Louise (Legal)	GRO	; Corera, Jane	')
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GRO	; Southerton, Sarah (BEIS) ₹	GRO	; Yeomans,
Rachel (Communications	& Partnerships)	GRO		
Subject: RE: [OFF:SEN - LE	GAL] Advice - Approva	al For Settlemer	nt Offer in Post C	Office Ltd. (POL)
Litigation				
Copying Sarah and Rache	l from Press Office in t	o the chain.		
From: Secretary Of State		GRO		
Sent: 19 November 2019	10:41	,		
To: Scott, Joshua - UKGI	GRO	>; Tolhurst	(Private Office)	
GRO	ኑ; Permanent Se	cretary 🖣	GRO	≽; SpAds
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Pranita (BEIS) ₹	GRO ;	Robson, Hugo	(Business Invest	ment)
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(Legal) { GRO Patrick (Legal) { Beckett, Richard (Finance	}; Corera, J	ane (Legal)	GRO	∳; Kilgarriff,
Patrick (Legal) {	GRO >;	Manson, Justin	(UKGI)	GRO ;
Beckett, Richard (Finance	& Portfolio)	GRO	>; Patel, V	anisha (BEIS)
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UKGI GRO	>; Adegun, Oluwat	tosin - UKGI <	GRO	;
Taylor, Tom (Finance & Po	ortfolio) { GF	RO		
Subject: RE: [OFF:SEN - LE	[GAL] Advice - Approva	al For Settlemen	nt Offer in Post C	Office Ltd. (POL)
Litigation				

; Beckett, Richard (Finance & Portfolio)

Hi Josh,

UKGI <

GRO

Thanks for sending this up. I think we need to strengthen the section on why the decision needs to be made during purdah before this is shared with No10. A few things I think helpful to address more specifically would be:

- How within our power is it to move the mediation date to after purdah?
- What specific risks would moving the mediation date have on POL's strategy ie. Increased cost of final settlement, poor media coverage etc?
- Would there be more of a media reaction if the mediation was moved than if the mediation happened?
- How much media coverage is expected if the mediation were to go ahead and what form of announcement would be necessary if the mediation was successful?
- If mediation was unsuccessful when would the 2nd session be?

Overall the note needs to show a clear benefit for mediation occurring in purdah, against delaying it to afterwards. Would it be possible to have a revised note with the above addressed for 2pm today?

More than happy to discuss,

Bex

Rebecca Lo and Industr		tary to the Rt H	on Andrea Leadson	n MP, Department	for Business, Energy
	RO Mobile:	GRO			
Email	GRO	<u></u> j			
	F.				
From: Scott	, Joshua - UKGI ﴿	GRO	<u></u>		
Sent: 18 No	vember 2019 15:	34		·	
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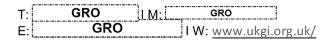
Hi Charlotte,

Further to the below please see attached the requested background note for No.10. I have also attached the previous read-out from Shanice re the earlier call between officials and Kelly.

Our understanding is that we are not being asked to seek approval from SoS or No 10. As discussed earlier we have an information sharing protocol in place with POL so if No10 request anything more detailed please do let us know and we can discuss.

We are also awaiting sign-off from the Perm Sec and HMT Chief Secretary.

Cheers,
Josh
Joshua Scott I Analyst Post Office Shareholder Team UK Government Investments 1 Victoria Street I London I SW1H 0ET T: GRO I M: GRO E: GRO I W: www.ukgi.org.uk/
From: Scott, Joshua - UKGI
Sent: 18 November 2019 10:36
To: Secretary Of State (Private Office) GRO; Tolhurst (Private Office)
GRO ; Permanent Secretary GRO ; SpAds
Office (Private Office) GRO
Cc: Cooper, Tom - UKGI GRO ; White, Beth (Professional Business Services, Retail & Post Directorate) GRO ; Aldred, Tom - UKGI
GRO ; Watson, Richard - UKGI GRO ; Bhargava, Pranita (BEIS) GRO ; Hugo Robson GRO ; Vandini,
Cecilia (Advanced Manufacturing and Services) GRO ; Richards, Nigel
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(Finance & Portfolio) GRO >; Jackson, Louise (Legal) { GRO ;
Corera, Jane (Legal) • GRO • ; Kilgarriff, Patrick (Legal)
GRO; Manson, Justin - UKGI GRO; Beckett,
Richard (Finance & Portfolio) < GRO ; Patel, Vanisha (BEIS)
GRO ; Morrison, Emer (Legal) GRO ; Cole, Alex -
UKGI GRO ; Adegun, Oluwatosin - UKGI GRO
Taylor, Tom (Finance & Portfolio) GRO
Subject: RE: [OFF:SEN - LEGAL] Advice - Approval For Settlement Offer in Post Office Ltd. (POL)
Litigation
Hi Charlotte,
Thanks for the quick response and no problem.
I'll pick this up and issue a 1-pager to you this afternoon.
Cheers,
Josh
Joshua Scott I Analyst Post Office Shareholder Team UK Government Investments 1 Victoria Street I London I SW1H 0ET



From: Secretary Of State ((Private Office)	∳ GR	o >		
Sent: 18 November 2019					
To: Scott, Joshua - UKGI ₹	GRO) ; Tol	hurst (Private O	ffice)	
GRO	>; Perma	nent Secretary <	G	RO	>; SpAds
Office (Private Office)	GRO	,			
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Retail & Post Directorate)	√ GR	O ; Alc	dred, Tom - UKG	il	
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Taylor, Tom (Finance & Po	ortfolio) 🖣	GRO			
Subject: RE: [OFF:SEN - LE	GAL] Advice - A	Approval For Sett	lement Offer in	Post Offic	e Ltd. (POL)
Litigation					

Hi Joshua,

Thank you for sending up – the Secretary of State has viewed over the weekend and has asked for a one pager on this decision that we can share with the PM's office, if necessary. This only needs to be top lines— i.e. what the decision is, key facts, why it needs to be made in purdah, implications of delaying etc

As far as I am aware, this decision hasn't yet been made by Minister Tolhurst – but if I could have this one pager by **4pm today**, that would be great.

Please could you confirm receipt that somebody has picked this up – and shout if this deadline is not feasible.

Happy to chat through on the phone, Thanks

Charlotte



Charlotte Weston Private Secretary (cover) to the Secretary of State for Business, Energy and Industrial Strategy Tel: GRO Mobile: GRO 1 Victoria Street, SW1H 0ET www.gov.uk/beis | twitter.com/beisgovuk

From: Scott, Joshua - UKG	GRO)		
Sent: 15 November 2019 1	12:56			
To: Secretary Of State (Priv	vate Office) √	GRO	>; Tolhur	st (Private Office)
- GRO	}; Permane	nt Secretary	GRO	; SpAds
Office (Private Office)	GRO			
Cc: Cooper, Tom - UKGI	GRO	; White, E	Beth (Profession	al Business Services,
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Taylor, Tom (Finance & Po	rtfolio) ﴿	GRO		-
Subject: [OFF:SEN - LEGAL]	Advice - Approv	al For Settlement	Offer in Post Of	fice Ltd. (POL) Litigation

OFFICIAL SENSITIVE - LEGAL

Shanice, Oliver, Jefferson and Bex,

Advice for approval.

Purpose

Following advice submitted 8 November (attached as Annex A) this advice requests Minister Tolhurs's approval for the settlement range proposed by POL (and their external legal advisors Herbert Smith Freehills (HSF)) in preparation for their mediation meeting with Claimants in the Group Litigation Order on 27/28 November.

This note seeks your approval to a proposal from the POL Board to authorise settlement at a figure up to £65m. CST approval is being sought in parallel. The settlement working group of BEIS/UKGI/HMT officials met on 14 November and agreed to support the POL board's proposal for settlement at a figure up to £65m.

In line with the decision of the POL Board, any offer above £48m could be made only if it ensures a settlement takes place and would require POL [CEO and Chair] approval, as well as the approval of officials from BEIS and HMT.

Minister Tolhurst has a phone call with officials on 18 November to discuss the advice and justifications for the settlement range proposed.

Timing

Urgent – a decision is required by 22 November.

We have discussed this advice with Perm Sec's Office in light of the pre-election period and can confirm it is classed as 'essential business' and should be allowed to continue during this time.

Special Advisers

This has been sent to SpAds office in parallel.

Annexes

Annex A – POL Approach to GLO Mediation Written Advice submitted 8 November.

Annex B – *Advice on Settlement (Draft)* provided by HSF and discussed at 14 November settlement working group meeting.

Annex C – Advice on Convicted Claimants provided by HSF and discussed at 14 November settlement working group meeting.

Annex D – POL CFO Confirmation Letter

Contacts

Director General – Justin Manson, GRO
Lead Official – Joshua Scott, GRO
Director Responsible – Tom Cooper, GRO
Any questions please let me know.
Cheers,
Josh
Joshua Scott I Analyst Post Office Shareholder Team UK Government Investments 1 Victoria Street I London I SW1H 0ET T: GRO I M: GRO E: GRO I W: www.ukgi.org.uk/
L. I VV. WWW.ukgi.org.uk/

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