
From: Permanent Secretary[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3109B3DC828545FFBF265AAB4 BEC9017-SECRETARY,]
Sent: Wed 20/03/2019 2:56:57 PM (UTC)
To: Chisholm Alex (Private Office) [GRO]
Cc: Permanent Secretary [GRO]
Subject: FW: Official Sensitive: Post Office Litigation Update

Hi Alex,

Readout from POL Board meeting below – they approved seeking a recusal.

Just to confirm, Kelly has not yet arranged a call with anyone – Kelly's Private Office have confirmed she agrees not to be involved in the decision.

...But if she did want a call, it would be with Tim Parker. Kelly wants to speak to Tim as he was present for the discussion, even though not taking part in the decision. But we have advised (and received assurances from Jess that) that BEIS legal also join.

Cheers,

Ben

From: Cooper, Tom - UKGI [GRO]
Sent: 20 March 2019 14:44
To: Tolhurst, Mpst (BEIS) [GRO]
Cc: Aldred, Tom - UKGI [GRO]; Clarke, Stephen - UKGI [GRO]; Clark Spad, Mpst (BEIS) [GRO]; Permanent Secretary [GRO]; Clark, Mpst (BEIS) [GRO]; Evans, Gareth (BEIS) [GRO]; Watson, Richard - UKGI [GRO]; Lambert, Lucie - UKGI [GRO]; Fox, Joshua - UKGI [GRO]; Watson, Craig (Advanced Manufacturing and Services) [GRO]; Vandini, Cecilia (Advanced Manufacturing and Services) [GRO]; Beckett, Richard (Finance & Portfolio) [GRO]; Lambert, Gavin (Advanced Manufacturing and Services) [GRO]
Subject: Re: Official Sensitive: Post Office Litigation Update

Apologies my note is missing the punchline. POL's Board approved seeking the recusal which will be lodged in Court tomorrow

Sent from my iPhone

On 20 Mar 2019, at 14:20, Cooper, Tom - UKGI [GRO] wrote:

Recusal

I just attended the Board meeting of POL.

There was a full discussion of the issues.

Lord Grabiner gave strong advice in favour of seeking recusal which he described as the only option available to the Company to seek redress for the unfairness in the first trial and prevent further unfairness in the second trial. He was clear in his opinion that Post Office isn't receiving a fair trial even if they might (or might not) eventually be found to be at fault.

The Board had a full discussion of the reputational consequences and concluded that the risks could be managed. One of the key concerns with the Horizon trial is that the judge might go beyond the joint evidence of the expert witnesses and conclude that the system doesn't work today, something that would be highly damaging for customer and postmaster confidence. In that context a number of the directors felt that the recusal application is necessary in order to try to protect the business today.

There are many operational consequences from last week's judgement that the management team are focused on and will come back to the Board on Monday. So far management have been relieved that the response, particularly from postmasters, has been relatively light. Having said that it is still early days and they expect to get a better picture in the next week or so when there is a monthly settlement date.

The Board now has independent legal support which is very welcome and something we have been pushing for. I hope this will be a catalyst for mapping out a path to resolving this case.

Tom

Sent from my iPhone