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**From:** Creswell, Carl (Professional Business Services, Retail & Post Directorate)/[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8E96F8EDAEC428BA60B03307B7392D3-CARL.CRESWE]  
**Sent:** Tue 10/12/2019 10:51:08 PM (UTC)  
**To:** Chisholm, Alex (BEIS); [REDACTED] GRO  
**Subject:** RE: POL final draft Settlement Agreement - GLO - off sen commercial

Thanks very much, Alex – much appreciated! And lots of credit to UKGI for their work on this.

I hope to at least be able to give you your evenings back now (albeit I know the life of a Perm Sec is that there will be others wanting your time too!).

Best wishes,  
Carl.



Carl Creswell  
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**From:** Chisholm, Alex (BEIS); [REDACTED] GRO  
**Sent:** 10 December 2019 22:46  
**To:** Creswell, Carl (Professional Business Services, Retail & Post Directorate); [REDACTED] GRO  
**Cc:** Permanent Secretary; [REDACTED] GRO; Watson, Richard - UKGI; [REDACTED] GRO; Cooper, Tom - UKGI; [REDACTED] GRO  
**Subject:** Re: POL final draft Settlement Agreement - GLO - off sen commercial

**OFFICIAL-SENSITIVE: COMMERCIAL**

Carl,  
Thanks for helpful explanation. Yes I agree with you we should give our consent to this settlement. Please pass my congratulations and thanks to the team who have worked hard and skilfully in a tight corner. Thanks also to you, Tom and Richard for sterling work.  
Alex

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**From:** Creswell, Carl (Professional Business Services, Retail & Post Directorate); [REDACTED] GRO  
**Sent:** Tuesday, December 10, 2019 10:34 pm  
**To:** Chisholm, Alex (BEIS)  
**Cc:** Permanent Secretary; Watson, Richard - UKGI; Cooper, Tom - UKGI  
**Subject:** RE: POL final draft Settlement Agreement - GLO - off sen commercial

**OFFICIAL-SENSITIVE: COMMERCIAL**

Thanks, Alex - I am pleased to say we have just had word that the claimants have agreed the whole deal. The POL Chair and CEO have also approved it so it now falls to us to consider approving this evening too.

On your fundamental question, the settlement concludes all claimants' claims in the litigation and is as comprehensive as we consider possible as advised to Ministers in Richard Watson's sub on Friday. This position reflects the views of BEIS, UKGI, POL and GLD.

The detail on the historic claims is that POL have no visibility of whether there are any potential claimants in this category. They cover a spectrum that could range from existing postmasters who bring complaints about shortfalls they have had to repay to former postmasters whose appointments were terminated and might bring significant claims for loss of earnings. On best estimates – as outlined in the sub to Ministers – is that if there were 100 claims arising from former postmasters and another 100 arising from current postmasters, this might require a POL budget of £9m. There are arguments that due to the passage of time some of these potential claims may no longer be allowed to be brought, either on the grounds that they are time-barred or because the claimants have had ample opportunity to join the Group litigation.

For anyone wanting to bring a claim the historic shortfall group process is the most cost effective. POL can't prevent people bringing court claims but the intention is that postmasters would prefer the historic shortfall group route because it will be cheaper for all. There is no cost cap in the deed but it does refer to establishing a cost effective scheme to the satisfaction of the two barristers. The two named barristers are the independent mediators who have been dealing with this mediation.

On this basis, I am proposing that we give the required financial approval. Given you've asked these questions, could you confirm that you're content for me to do so this evening, please? Richard Watson and I could have a call with you if needed!

Many thanks,  
Carl.



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**From:** Chisholm, Alex (BEIS) **GRO**  
**Sent:** 10 December 2019 21:58  
**To:** Creswell, Carl (Professional Business Services, Retail & Post Directorate)  
**GRO**  
**Cc:** Permanent Secretary **GRO**  
**Subject:** Re: POL final draft Settlement Agreement - GLO - off sen commercial

Thanks Carl

Good to hear this.

Can you please remind me what is the range of potential costs for 'historical shortfalls'? With some sense of more zone? And what protections we have against cost escalation here? I assume the two named barristers are one in each side?

Please also confirm how you/UKGI/GLD/POL see this as falling within the agreed terms set by ministers ie how it achieves finality and comprehensiveness within the acceptable sense of those words in the specific legal context.

Thanks again

A

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**From:** Creswell, Carl (Professional Business Services, Retail & Post Directorate)

**GRO**

**Sent:** Tuesday, December 10, 2019 9:43:17 PM

**To:** Chisholm, Alex (BEIS)

**GRO**

**Cc:** Permanent Secretary

**Subject:** Fwd: POL final draft Settlement Agreement - GLO - off sen commercial

For info - I have read this latest draft and am content with it. Mediation still in play this evening.

I'm not expecting you to read or comment at this late hour, but wanted to keep you looped in.

C

**From:** Watson, Richard - UKGI

**GRO**

**Sent:** Tuesday, December 10, 2019 9:31 PM

**To:** Cooper, Tom - UKGI; Creswell, Carl (Professional Business Services, Retail & Post Directorate)

**Subject:** Re: Settlement Agreement - GLO

I have read this and am content it is as far as we are going to get. Of course there remain risks but as Ben says this is the result of compromise after days of negotiation.

Let me know if you would like to discuss any aspect or set up a call with Ben/Herbert Smith

Richard

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**From:** Ben Foat

**GRO**

**Sent:** Tuesday, December 10, 2019 9:09 PM

**To:** Watson, Richard - UKGI; Cooper, Tom - UKGI; Creswell, Carl (Professional Business Services, Retail & Post Directorate)

**Cc:** Nick Read; Tim Parker; Patrick Bourke; Rodric Williams; Emanuel, Catherine; Watts, Alan; Lord, William

**Subject:** Settlement Agreement - GLO

Richard,

As requested, please find attached the latest version of the settlement agreement.

The parties are very close now on the settlement agreement. There is one outstanding issue which we are awaiting to hear back from the other side. The content of the agreement reflects a compromise between the parties. They have agreed not to require the POL CEO to provide individual personal letter to each claimant. The central risk is that we can't put a number on the potential new claims that we will receive as a result of the historical shortfalls but this risk exists irrespective of this settlement. What the settlement agreement does seek to do is to provide a dispute resolution process to manage the process more efficiently ultimately culminating in an arbitration on larger claims and hence avoiding another GLO (and the associated funding costs) although it can't obviously be ruled out.

I will revert once we have heard back from the other side with hopefully confirmation that the settlement agreement has been agreed.

Kind regards  
Ben



**Ben Foat**

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