

Message

From: Matthews, Gavin [/O=BOND PEARCE/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=GRM1]
Sent: 05/09/2014 10:03:04
To: Rodric Williams [GRO]
CC: Parsons, Andrew [/O=BOND PEARCE/OU=First Administrative Group/cn=Recipients/cn=ap6]
Subject: RE: Advice from Brian Altman QC on Suggested Approach to Criminal Case Mediation [BD-4A.FID20472253]
Attachments: ADVICE ON SUGGESTED APPROACH TO CRIMINAL CASE MEDIATION.PDF

Rodric

Please find attached Brian's written advice dealing with the two issues raised in your email below.

I have gone through it and think it is pretty clear but if you want to discuss it any further do give me a ring.

Kind regards

Gavin

Gavin Matthews

Partner

for and on behalf of Bond Dickinson LLP

Bond Dickinson

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From: Rodric Williams [GRO]
Sent: 29 August 2014 17:53
To: Matthews, Gavin
Cc: Parsons, Andrew
Subject: FW: Advice from Brian Altman QC on Suggested Approach to Criminal Case Mediation

Gavin,

As we discussed yesterday, we would like Brian Altman QC to advise in writing on the proposals made by the Chairman of the Mediation Scheme Working Group, Tony Hooper, for mediating claims made by Scheme Applicants who have criminal convictions ("Criminal Cases").

Set out below is the email I sent to Chris Aujard summarising the advice Brian gave to us on Tony's proposal during our conference call on 31 July 2014. I apologise in advance if my summary has inadvertently misrepresented Brian's advice. I also apologise for the formatting (iPads just don't word process as well as PCs!).

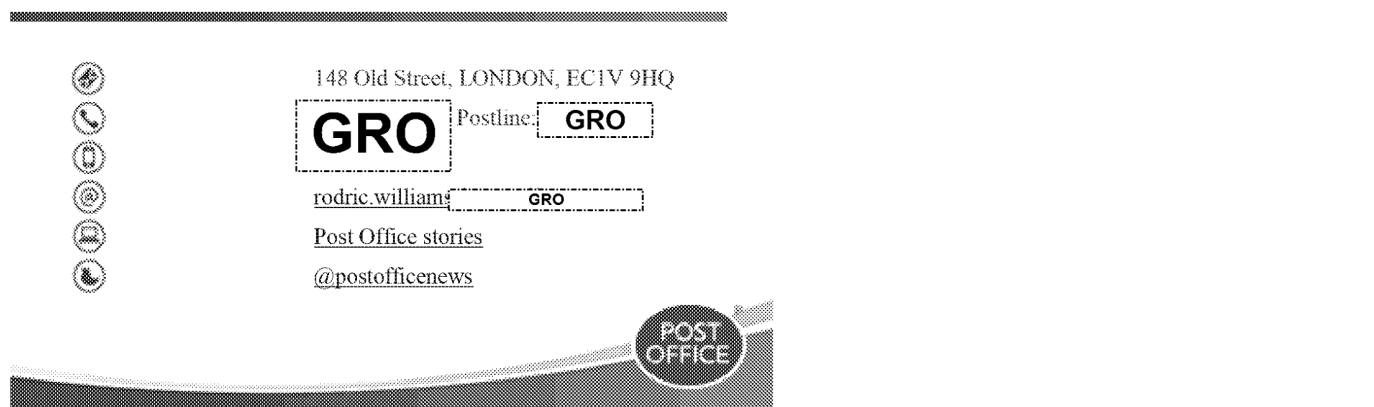
My email also sets out the approach we could take to the Criminal Cases in the Scheme. Strictly speaking, I don't think you or Brian advised on this point, rather it's my summary of the discussion the three of us had around this issue, and again, I apologise if this does not fairly reflect your views or those of Brian. Nevertheless, in considering whether that

approach is reasonable, my email was premised on POL having followed the process for investigating Criminal Cases as set out in a draft "Settlement Policy", which Brian drew to our attention during our conference call (copy attached; see para's 5.13 and 5.14). Although that policy was never, and will not be, formally adopted (and is to remain strictly confidential to Post Office) Post Office has dealt with the Criminal Cases in line with that process.

With those riders in mind, please feel free to forward my email to Brian in case it helps him provide his advice. To add an extra dimension, I understand Tony came up with a revised proposal during a Working Group discussion yesterday (see attached email from Andy Parsons). We would be grateful if Brian could advise on the feasibility of Tony's revised proposal and associated risks as part of his advice. Please feel free to give me a call if you want to discuss how best to instruct Brian in light of this development (with Brian if that is easiest).

With thanks for your support, Rod

Rodric Williams I Litigation Lawyer



From: Rodric Williams

Sent: 06 August 2014 23:16

To: Chris Aujard

Cc: Belinda Crowe; David Oliver1; 'andrew.parson'; GRO

Subject: Fw: Advice from Brian Altman QC on Suggested Approach to Criminal Case Mediation

From: rodric.williams@postoffice.co.uk GRO

Sent: Thursday, August 07, 2014 01:12 AM

To: Rodric Williams

Subject: Advice from Brian Altman QC on Suggested Approach to Criminal Case Mediation

Chris,

With apologies for only getting this to you now, in response to Tony Hooper's suggested approach to a limited "mediation" on criminal cases where only three possible outcomes are open for discussion (support, not oppose, or oppose an appeal), Brian Altman QC's advice is:

- The criminal appeal procedure is designed to fully develop the appellant's grounds of appeal before the prosecutor is required to form a view on that appeal.

- Tony's suggestion asks POL to state that view:

- * at an extremely early stage in the appeal process - no grounds of appeal will have been advanced, let alone perfected; and

* on partial information, i.e. POL's Investigation report (which does not focus on the prosecution, but on the narrower issues raised in the applicant's complaint) and Second Sight's report (which is an even more narrow commentary on POL's report).

- It is highly risky for POL to articulate to an appellant its view on a potential appeal before it has been properly articulated (i.e. through the formal criminal court appeal procedure).

- This is because that view may:

* change once the full circumstances of the prosecution (as opposed to mediation scheme complaint) has been considered;

* need to be consistently applied, not only across all claims to the Mediation Scheme, but potentially to all POL prosecutions, with the attendant risk of a Judicial Review challenge if it is not.

I understand POL's approach to investigating Mediation Scheme complaints is that if anything is found which would call into question the safety of a conviction, disclosure of that new material would be made to the applicant, and the application's progress through the Scheme would be suspended while the applicant considered (with his/her advisors) whether it would form the basis for an appeal through the criminal court's procedure.

The same approach can be taken to the criminal cases in the Scheme:

- we are providing the applicant with "new" information, i.e. the POL and Second Sight reports;
- the applicants can consider (with their advisors) whether that new information provides grounds for an appeal;
- if so, they can articulate those grounds in line with the criminal court's procedure. This is a reasonable step to ask of someone who believes has been unsafely convicted. POL can then respond accordingly;
- if not, then there is nothing which POL and the applicant could sensibly mediate.

I hope this helps. Please let me know if you need anything further.

Kind regards, Rod

Rodric Williams

GRO

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