

Minutes of Meeting

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GLO CONTINGENCY PLANNING GOVERNANCE	
Finsbury Dials	
[2 May 2019; 2.30 pm]	
Attendees: Ben Foat (BF), Zoe Brauer (ZB), Rodric Williams (RW), Angela Van-Den-Bogerd (AVB) Mark Underwood (MU) Rawa Hussain (RH)	
Apologies: Nil	

Agenda

1	AOB
2	Litigation Focussed Updates
3	Operational Focused Updates
5	Next Steps

1	<p><u>AOB</u></p> <ul style="list-style-type: none"> • BF – re-emphasised the purpose of these meetings is not to go into detail but is more to provide a high-level update in each team so everyone is broadly aligned. • BF - Rob Houghton has asked for Mark's assistance for a CEO paper? • MU – not project managing – role is to keep track of what each of the 8 pillars are trying to deliver and present to the board - more like creating a tracking mechanism – a briefing/ reporting note for the board. The board are concerned there are too many work streams going on in the business and they (the board) don't know what has happened so this is a way of updating them. • MU will pull the note together and circulate to the group. • MU – will also be working with Patrick on crisis contingency – meetings are being held with key people in the organisation so they understand the legal and operational issues. All in today's meeting will receive invites to these meetings.
2	<p><u>Litigation Focussed Updates – RW comments</u></p> <ol style="list-style-type: none"> 1. Main Appeal <ul style="list-style-type: none"> • 16 May – hearing for the application seeking permission to appeal common issues judgment – Herbert Smith have comfort in the broad scope of the application. • We are going to appeal good faith (as a label and extension of honesty, etc), implied terms, and procedural unfairness. • Tuesday 7 May – we are getting draft grounds plus skeleton argument. Counsel are currently drafting it and a lighter version will be presented to the court on 14 May. • Grabiner has involved himself but we are reviewing that. A question for Herbert Smith. 2. Recusal Application <ul style="list-style-type: none"> • Still sits with Court of Appeal with judge Coulson • Judge wants to deal with the two appeals separately • We are still seeking permission to appeal – decision expected before 6 May. 3. Common Issues Trial Costs <ul style="list-style-type: none"> • 23 May: costs application

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	<ul style="list-style-type: none"> Otherside have spent £7.7 million, they want all of it. They have said they will take in the interim £6.1 million. We are considering if it is too early to pay and wait until resolution of the trial / we may get permission to appeal on recusal. Current issue: do we make an offer to pay on an interim basis at a certain level? Herbert Smith submitting paper with risks in due course. For now, we agreed not making any offer. <p>4. Horizon Issues Trial</p> <ul style="list-style-type: none"> Recommences 4 June 2019 All expert evidence.
3	<p><u>Operational Focused Updates – ZB comments</u></p> <ul style="list-style-type: none"> Week after next (week commencing 13 May), there will be contract workshop with Norton Rose. Contracts discussion needs to happen now because everyone in the business is asking questions – whether living with the current contract or amending it – or if this is the opportunity to put in a new contract? We need to get all these things tabled with costs, etc. Norton Rose is good to help facilitate this. ZB wants to invite this team, Amanda, Julie and others to this workshop. BF- out of the 3 firms (WBD, Herbert Smith and Norton Rose), it definitely can't be WBD as that would be a conflict of interest as they devised the contracts but what about Herbert Smith? They can support on this one isolated piece as Norton Rose is at a disadvantage of not understanding any of this even though they have sort of come up to speed. However, there will be work required of bringing them up to speed a lot when we already have Herbert Smith who are aware. AVB- too many lawyers in a workshop, from experience, nothing gets done. RW – bring Herbert Smith in – have they been instructed? BF – Herbert Smith are to provide independent oversight and in-house support to board subcommittee (Norton Rose's previous role). They need another engagement letter. ZB – the idea of the workshop is to have input from POL, business ops from POL and Norton Rose is to capture all of the options as we need to come with a view as to what happens to the contract going forward. This is what is being planned unless told otherwise. BF – ZB to proceed with Norton Rose who have already looked at the contracts and done a mark-up so they can support and deliver this piece of work. We will look at the issue again as we continue to work through the operational piece. The worry here is there are 3 sets of external solicitors as well as counsel – too much cost and not the right way to manage this. ZB's action form workshop is to make sure Norton Rose are there to give answers. Norton Rose may need to speak to Herbert Smith. ZB – attended Chesterfield earlier in the week and had a catch up with Julie and Tim Parkin – they are working on their transformation programme – they see this kicking off in July – but this is still a piecemeal approach– BF advised to challenge and say this all needs to be set up. At Chesterfield, saw where processes and where stresses aware. Contract advisors claim they are not empowered to make decisions based on GLO. ZB – Angela has written a great paper on Post Office processes so still don't understand why this is being reinvented. AVB – we need to get into ways of working.
4	<p><u>Next Steps</u></p> <p>See actions below.</p>

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Actions

No	Description	Owner	Status
1	MU will pull the note to the board together and circulate to the group.	MU	
2	ZB to proceed with instructing Norton Rose for the contracts workshop.	ZB	
3	RW to complete Engagement Letter for Herbert Smith.	RW	

Author of Minutes: RH

Date: 2 May 2019