



20 Finsbury Street
London
EC2Y 9AQ

Mobile: **GRO**

Baroness Neville-Rolfe
Parliamentary Under Secretary of State
Department for Business, Innovation & Skills
1 Victoria Street
London
SW1H 0ET

10th July 2015

Post Office Complaint and Mediation Scheme

Thank you for your letter of 2 July 2015 following the recent Adjournment Debate on the Complaint Review and Mediation Scheme.

Post Office is, of course, willing to attend a meeting to discuss these matters and I note that it has been set up for Wednesday. Unfortunately, this coincides with a Post Office Board meeting; therefore I hope you will accept my apologies. However, my colleagues, Mark Davies, our Communications and Corporate Affairs Director, and Patrick Bourke, who leads the Post Office team dealing with the Scheme, would be pleased to attend. Given the importance of this issue for Post Office, I am pleased that we have also found some time on Tuesday morning when I can speak to you in advance of the meeting.

I also thought it might be helpful if I set out Post Office's position in advance of the meeting.

As you know we have been open and transparent with MPs throughout this important process and have met Mr Bridgen previously with some of his fellow MPs. Regrettably, it is clear that our engagement has done little to address his concerns. Indeed since our last meeting, Mr Bridgen has on three occasions refused our offer of a further meeting, most recently last week. We have also offered every MP with a constituent in the Scheme the opportunity to discuss the case with us, subject to their constituent giving consent for us to do so. To date, just three MPs have taken up this opportunity and the offer remains open to the others.

As you know, over the last three years, the Post Office has been trying to address a small number of individual, private, complaints brought to it by (mostly) former subpostmasters about problems they experienced while working in their post offices. Despite the finding of an initial investigation that our computer system did not suffer from systemic flaws, we established a Scheme through which individuals could further articulate and pursue their complaints.

During this time, all cases have been comprehensively reinvestigated and independently reviewed and all of this work has been shared with individual applicants to the Scheme. It is worth reiterating that in none of the cases has our computer system been shown to have caused the losses complained of and in none of the cases has any evidence emerged to suggest convictions are unsafe.

Instead, in a majority of cases, it is clear from the evidence that errors made in branch are responsible for the problems that arose. In some other cases, the Post Office acknowledges it might have done more to support individual subpostmasters and this is reflected when trying to come to an appropriate resolution with those involved. In a last group of cases (thankfully a minority), regrettably, subpostmasters have committed criminal offences, either by dishonestly covering up losses, or by stealing money, or both.

We are offering mediation in all cases in the Scheme that do not involve a previous court ruling (such as a conviction). The mediations, independently administered by the Centre for Effective Dispute Resolution, are focused on trying to find a consensual resolution to the issues between the parties on the basis of evidence of what actually happened in a particular case.

In cases involving a criminal conviction, our investigations reveal that the facts on which the convictions were based cannot be distinguished from the issues raised by applicants to the Scheme. Therefore, mediation is not appropriate as it is not capable of producing the principal outcome sought by these applicants because only the Courts can overturn a conviction. Post Office is also under a duty to disclose any material which is capable of assisting a defence or undermining the prosecution, even after the prosecution has concluded. We have complied with that duty and continue to do so. An applicant can also use all of the material from Post Office's investigation and independent review to appeal their conviction if they so choose.

As you note, a number of these applicants have asked the Criminal Cases Review Commission to look into their cases and it would be highly inappropriate to do anything which might interfere in its work. Applicants with convictions should therefore look to these established, independent routes to pursue challenges to a criminal conviction.

In short, and depending on their individual circumstances, applicants to the Scheme have a choice to sit down and mediate their case with the Post Office, litigate in the civil courts or pursue any claim of miscarriage of justice through the established processes. Given these clear choices, and bearing in mind that we are not able to discuss the detail of cases, it is not immediately clear what Post Office could offer, beyond restating the choices available to applicants to the Scheme. However, we will try to address as many of the concerns expressed by MPs as we can.

Finally, and while you do not mention them in your letter, there have been suggestions that Second Sight should attend a meeting. As Second Sight has no standing in the disputes between the Post Office and applicants to the Scheme, we do not consider their involvement to be necessary or appropriate.

I hope that this letter is helpful and I look forward to speaking to you on Tuesday.

Yours sincerely

Paula Vennells
Chief Executive