BEIS0000719

From: "Carl CRESWELL (DBT)" GRO

Sent: Mon 18/09/2023 9:26:35 AM (UTC)

To: Simon Recaldin < GRO >, "Emily SNOW2 (DBT)" < GRO >

Cc: Nicola Munden < GRO > Andrew Higham < GRO >, Neil McDaid < GRO > Melanie Corfield < GRO >, "Gratton, Lorna - UKGI" < GRO > Diane Wills < GRO > Nick Read < GRO >, "Bovtramovics, Vadims (BEIS)" < GRO >, "eleri.wones < GRO > < GRO >, Richard Taylor < GRO >

Subject: RE: Confidential - amended letter for claimant reps

OFFICIAL-SENSITIVE

Hi Simon,
Further to my earlier email, we have now had confirmation that our bid for an oral statement for today has been accepted.

That means the Minister is expected to make the announcement this afternoon – Emily will let your team have a more precise time later, once we know.

Thanks,
Carl.

OFFICIAL-SENSITIVE

From: Carl CRESWELL (DBT)
Sent: Monday, September 18, 2023 8:56 AM
To: Simon Recaldin < GRO >; Emily SNOW2 (DBT) < GRO >
Cc: Nicola Munden < GRO > Andrew Higham < GRO >; Neil McDaid < GRO > Melanie Corfield < GRO >; Gratton, Lorna - UKGI < GRO >; Diane Wills < GRO >; Nick Read <Nick.Read1 < GRO >; Bovtramovics, Vadims (BEIS) < GRO > eleri.wones < GRO > Richard Taylor < GRO >
Subject: RE: Confidential - amended letter for claimant reps

OFFICIAL-SENSITIVE

Hi Simon,
Thank you for your email and I hope you all had a good weekend.

Thanks also for your feedback on the statement, which we will review while we await news about whether the announcement will be today or tomorrow. We'll let you know as soon as we hear more on timings.

Our comms teams have been discussing ahead of the announcement, as I mentioned when we discussed the plans at the QSM last week. I can understand that it may feel challenging for people who have been working hard on the current process, but I would gently say that we've been talking to your team (and indeed I raised it orally with you myself) more than once over recent weeks. By making it clear that we have talked to the Post Office about this proposal, we were trying to minimise the impression that the Government is having to intervene because we are dissatisfied.

How Post Office decides to position itself on the issue is a question for your Board and exec team, though

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when the Minister asked Nick for his views about the idea last week, he said that the Post Office would be on the side of anything that speeds up compensation. Given it's been around two and a half years since the Court of Appeal judgments, I hope people will welcome the announcement as being a way to speed up resolution of a number of claims (for those who want to accept that route).

In the meantime, the crucial work that your team is doing to speed up resolution of pecuniary claims (via the principles) is invaluable and will be very necessary to enable us also to deliver speedier compensation to those who choose to remain with the current process. I look forward to hearing what feedback you received from claimants' lawyers and we remain keen to support you on getting them in place as soon as we can.

Carl.

Department for Business & Trade

Carl Creswell | Director, Business Resilience
Department for Business and Trade | 1 Victoria Street, London, SW1H 0ET
Tel: GRO | E-mail: GRO

OFFICIAL-SENSITIVE

From: Simon Recaldin GRO
Sent: Monday, September 18, 2023 12:13 AM
To: Emily SNOW2 (DBT) GRO
Cc: Nicola Munden GRO Andrew Higham GRO; Neil McDaid GRO Melanie Corfield GRO Carl CRESWELL (DBT) GRO; Gratton, Lorna - UKGI GRO Diane Wills GRO; Nick Read GRO Bovtramovics, Vadims (BEIS) GRO eleri.wones GRO
Subject: RE: Confidential - amended letter for claimant reps

Emily

Care with the statement please.

You are absolutely right this does read as a DBT proposal without showing interaction between POL & DBT as apart from you and an email exchange between myself and Carl (initiated by me) there hasn't been any! Of course this is will create a perception that Govt is 'stepping in' because it has lost faith in the POL process as this is precisely what it is! I don't think we should be disingenuous – we have to be honest and transparent here. It is clear from this and the lack of risk assessment to the SoS that the government nor the Advisory Board have any faith in Post Office. This will come up at the Inquiry with Government nowhere to be seen. The paragraph of most concern I have lifted and pasted below – my comments in red.

Government[, having consulted with the Post Office,] false, delete, only you have kindly told us the bare essentials and then to a highly restricted audience – this is not consultation has decided that postmasters who have their convictions on the basis of Horizon evidence overturned should have the opportunity upfront to accept an offer of £600,000 in full and final settlement of their claim. This will be delivered by the Post Office with funding from the Government. This implies this is extra funding and again is disingenuous – this is not extra funding as you know - the funding is already in place. It's just a different (hopefully more efficient) way of paying it out. In fact a quick look at Post Office accounts will show to anybody who wants to see that we are anticipating in paying out in excess of this on average. This is where consultation would have helped.

I suggest we change to:

'Government has decided that postmasters who have their convictions on the basis of Horizon evidence overturned should have the opportunity upfront to accept an offer of £600,000 in full and final settlement of their claim.'

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I think this is damaging enough and is a bit more like the truth please – I think somebody has to try and cling to some morals here please. This is an imposition and it should not be flowered up any other way. DBT/the SoS should take the credit for the initiative.

Let's not forget that this will all be exposed at the Inquiry where this will be seen for what it is - a clear Political intervention into a Post Office scheme with good/excellent intent but simply not thought through which is how the legal representatives will view it. Interestingly, despite the common interest and a direct request, Post Office have yet to be extended the courtesy of seeing the legal advice given on this – on a scheme we have to run! Does any actually exisit?

FYI – we had a pecuniary claim in from Hudgell's at the end of last week for £18,000. Their non-pecuniary was settled for c£195k. Under this proposal this individual will enjoy £600k. I am not saying this is wrong and as you know I want to pay out these sorts of sums but to date have been prevented by VFM restrictions, evidence, governance etc. At a stroke, all credibility/professionalism is gone never mind the months of work put in by Post Office and DBT on Principles and working with Postmaster lawyers. The Inquiry will see all this. I have to assume all are comfortable with this. I'm not.

Am I the only one worried about all this? Is it me or is this really emperor's new clothes stuff? I think we are sleep walking into real difficulties.

I have said my piece and - if Post Office have any say in anything anymore (which of course clearly we don't) - would be grateful for the above adjustment in the comms and a response re the above please.

Neil/Nicola/Mel – please can you pick this up with Emily and the comms teams. Sorry, I think this is going to be another difficult week.

Thanks

Regards

Simon

Simon Recaldin
Remediation Unit Director
Post Office Ltd I 100 Wood Street I London I EC2V 7ER
Tel: GRO
Email: GRO

From: Neil McDaid GRO
Sent: 17 September 2023 19:04
To: Simon Recaldin GRO ; Melanie Corfield GRO
Cc: Nicola Munden GRO Andrew Higham GRO
Subject: FW: Confidential - amended letter for claimant reps

Simon, Mel,

By way of update, HSF have crafted a high level heads up letter to claimant representatives which DBT have commented on. They have also provided comment on the core lines for POL.
We have some further comments on both these documents which we will feed back to DBT in the morning but this is where we are at for the moment.

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Will send password separately.
N

OFFICIAL-SENSITIVE

From: Emily SNOW2 (DBT)
Sent: Sunday, September 17, 2023 3:33 PM
To: Neil McDaid GRO
Cc: Nicola Munden GRO ; Andrew Higham GRO
Subject: RE: Confidential - amended letter for claimant reps

OFFICIAL-SENSITIVE

Hi all,

Thanks again for sharing and all the work going into this. Again **not urgent for today** but sharing to the extent that preliminary comments may be helpful to see as I appreciate all is quite to the wire tomorrow.

Please find attached:

1. My preliminary comments on the letter – as I said, will put through Carl & Vad tomorrow morning.
2. Core text to be used for our DBT products – this is still draft

You will spot comments in both attachments on pitching as a DBT only intervention: I appreciate that it is a DBT proposal and that the timescales at which we're working have meant we haven't been able to do the type of engagement and ironing out of issues that would have been preferred, not least by POL. However, I am somewhat cautious about the language which goes quite far to pitch as a DBT proposal without showing some interaction between POL & DBT (as you'll see in the core text). This is from a view that we do not want to create a perception that Govt is 'stepping in' because it has lost faith in the POL process – this is not the case at all. We should send a positive message, there are two good options for postmasters: £600k or remediation (which Govt supports), since postmasters who do not wish to accept the upfront offer will still need to go through the remediation process. I think the wording should uphold the faith in that POL-led process.

Hope that makes sense and I'll come back with final confirmations tomorrow. Happy to chat and otherwise hope you have a restful rest of your weekend(!)

Many thanks,
Emily

Emily Snow | Post Office Compensation | Business Resilience
Department for Business and Trade | Tel: GRO | E-mail: GRO

OFFICIAL-SENSITIVE

From: Neil McDaid GRO
Sent: Sunday, September 17, 2023 2:31 PM
To: Emily SNOW2 (DBT) GRO
Cc: Nicola Munden GRO Andrew Higham GRO
Subject: RE: Confidential - amended letter for claimant reps

Thanks Emily

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All good. We are checking the email (so please do shout if anything urgent crops up) but thanks for your message: If nothing changes we will touch base with you first thing tomorrow so we are all on the same page with the who/what/when.
N

From: Emily SNOW2 (DBT) GRO
Sent: 17 September 2023 14:12
To: Neil McDaid < GRO
Cc: Nicola Munden GRO ; Andrew Higham GRO >
Subject: RE: Confidential - amended letter for claimant reps

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Thanks all and sorry you are working on the weekend.

Not urgent for today but thought I'd let you know when I'll come back so you can hopefully enjoy the rest of your Sunday.

- I will review the letter again but will put through Carl and Vad first thing tomorrow morning for final clearance. I will give you comments back asap today so you have more sight as to likely amends, but up to you whether you'd prefer to just wait for final version tomorrow.
- Re: sending the draft announcement, I don't think we'll have a final cleared version until Mon morning (the Minister may have amends) so I'll share with you the core text we're using.
- Small technical point- when do you plan to send the letter? As soon as announcement is made or a bit after? Just with regard to annexing the announcement, the best way to do it is to refer to the official version which will appear on Hansard (as the Minister may sway from the text in the House) but there's a delay on that upload I think.

Many thanks,
Emily

Emily Snow | Post Office Compensation | Business Resilience
Department for Business and Trade | Tel: GRO E-mail: GRO

From: Neil McDaid GRO
Sent: Sunday, September 17, 2023 1:20 PM
To: Emily SNOW2 (DBT) < GRO
Cc: Nicola Munden GRO ; Andrew Higham GRO
Subject: FW: Confidential - amended letter for claimant reps

Emily

Please find attached a draft initial letter to claimant representatives.
As you will see, it simply gives the headlines about the offer, which is described as an 'optional alternative mechanism'.
Nicola and Andy have reviewed the letter – comments attached. We are not sure the £20k fees point is quite right as described?
I appreciate there are still a few details that we need to pin down before this letter is ready to go. Are you planning to meet with the Advisory Board tomorrow morning?
We are around today so if there is anything that you need urgently please just shout.

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Password to follow separately.

Neil

Neil McDaid
Head of Overturned Convictions
Post Office Ltd I 100 Wood Street I London I EC2V 7ER
Tel: +GRO

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