



Ian Henderson

**GRO**

By post and e-mail to:

**GRO**

Date: 18 March 2015

Dear Ian

Many thanks for your email of 11 March 2013, together with the draft of Second Sight's Briefing Report - Part 2.

In your email, you indicate that the current draft does not yet reflect certain matters addressed in my letters to you of 10 March and that, accordingly, it would be updated in due course. Please let me know what particular aspects of the report you feel need updating in light of those letters and when you might be able to complete those changes?

You asked when the Post Office might be in a position to let you have its comments on the substance of the draft report, so that you might plan your future work.

Post Office has significant concerns in relation to the following:

- As flagged in our letter to you dated 24 February in relation to case M103, the Report addresses areas beyond the Scope of the Scheme and which Post Office believes are outside Second Sight's professional expertise; for instance Section 26 on investigations and prosecutions, and Section 7, which purports to deal exclusively with the 'commercial aspects' of the Sub-postmasters' contract.
- In many cases the evidential basis for claims and assertions is weak or absent; for instance, in numerous places the Report notes issues that have been raised by Applicants and assumes these are 'facts', even though no evidence is provided by Applicants to substantiate these claims. In discussing previous iterations of this document, Post Office has stressed the importance of ensuring that that findings and recommendations are supported by the evidence. As we have previously stated: "this is most important where the information provided by Applicants is anecdotal and has yet to be investigated and tested".<sup>1</sup>

<sup>1</sup> "Paragraph 1.11 of Post Office Limited's Reply to Second Sight's 21 August 2014 version of the Briefing Report - Part Two".

- The Report goes over much ground which we consider has already been appropriately addressed, not least where explanations have already provided to Second Sight, often in considerable detail – for instance, Section 22 in respect of interruptions to power and telecommunications sources. Again, if Second Sight rejects these explanations, the Report should be clear as to the evidential basis for reaching that conclusion.

In addition to addressing these three broad areas of concern, I assume that you will satisfy yourselves that the finalised version of the Report reflects your Terms of Engagement, as well as your professional obligations more generally.

It is also difficult to see how a report of such length, the vast majority of which is comprised of annexes containing your questions to the Post Office, and our answers to them, will assist Applicants in preparing for mediation in any practical sense.

We are preparing a more detailed response to your report so that it can, if necessary, be sent to Applicants alongside yours. I expect that this more detailed response will be provided to you in the early part of next week, giving you a further opportunity to make any further changes you consider necessary in finalising your report.

However, I wish to stress that given the length of time which has already been expended on the preparation of this final version of your Report, the Post Office does not consider that the remainder of your notice period is best utilised, nor Applicants best served, by protracted discussion between us in relation to the contents of either document. We therefore suggest that, ultimately, the two documents will be sent to Applicants in parallel.

By limiting the amount of additional work on Part II both Post Office and Second Sight should be able to work on Applicants' individual cases collaboratively in an appropriately prioritised manner. With that in mind, please provide the Post Office with your final version of the Report no later than close of business on 27 March, so that we can meet the expectation that your report would be finalised and available to Applicants and mediators in time for the first week in April.

Please confirm by return that you will meet the time frame for the finalised report, so that we can offer Applicants as much certainty as possible about the progress of their cases.

Yours sincerely, I

**GRO**

Jane MacLeod  
General Counsel

GRO

@postofficenews