

Message

---

**From:** Parsons, Andrew [Andrew.Parsons@GRO]  
**Sent:** 26/03/2015 16:00:46  
**To:** Rodric Williams (rodric.williams@GRO) [rodric.williams@GRO]  
**Subject:** FW: Disclosure query [BD-4A.FID20472253]

"That seems to me to be a non-technical, inexpert opinion and one based on speculative theory rather than on proven fact".

Also highlighted in yellow below.

A

**Andrew Parsons**  
Managing Associate

**GRO**

**Direct:**  
**Mobile:**  
**Fax:**

**GRO**

Follow Bond Dickinson:



[www.bonddickinson.com](http://www.bonddickinson.com)

---

**From:** Parsons, Andrew [mailto:Andrew.Parsons@GRO]  
**Sent:** 02 March 2014 18:54  
**To:** Chris Aujard (christopher.aujard@GRO); Belinda Crowe (belinda.crowe@GRO); David Oliver (david.oliver@GRO); Rodric Williams (rodric.williams@GRO)  
**Cc:** Matthews, Gavin  
**Subject:** FW: Disclosure query [BD-4A.FID20472253]

All

Please see below from Brian Altman re the comms issue in SS' report. Brian's view is that the SS' statement is probably disclosable to other prosecuted / convicted SPMRs in a similar situation.

My view is that we are unlikely to be able to make SS change their opinion. Pressing them to add more detail or justify their view is I think likely to cement the current conclusion. However, as a point of principle, it may be questioned whether SS should even be offering their view given the lack of supporting evidence. It may be that we can persuade the WG that SS should not be making speculative statements as this is unlikely to assist at mediation – if anything, SS' conclusion is likely to drive a wedge between the parties.

This is not to say that POL should not challenge SS' conclusion – we should be getting FJ's view and (assuming its strongly supportive) giving it to SS asap. FJ's analysis can be deployed at mediation and may (subject to Brian's further thoughts) prevent the need for disclosure / mitigate the impact of the SS report in criminal proceedings.

Kind regards  
Andy

**Andrew Parsons**  
Senior Associate  
for and on behalf of Bond Dickinson LLP

GRO

Direct:  
Mobile:  
Fax:

GRO

Follow Bond Dickinson:



[www.bonddickinson.com](http://www.bonddickinson.com)

---

**From:** Brian Altman [<mailto:BAltman>] GRO  
**Sent:** 02 March 2014 10:01  
**To:** Parsons, Andrew  
**Cc:** Matthews, Gavin  
**Subject:** RE: Disclosure query [BD-4A.FID20472253]

Dear Andy

In principle the comment found in para 5.1 would I'm afraid *prima facie* be disclosable in any case involving assertions by a defendant that there was some casual link between communication line difficulties and reported losses. The fact SS's view is "unevidenced" would not alter its potential disclosability as such.

However, **before** any consideration is given to the cases in which such disclosure may arise, there seems to me first a requirement to understand what it is SS is saying.

The first important reference to the issue may be found at para 3.2 of the Brewster report, namely, "... Post Office disagree with the alleged opinion of the Fujitsu engineer that communication line problems could give rise to losses." Para 3.3 notes that following the removal of the back office phone in this case in October 2012 no further line faults or problems were reported.

It appears it is these findings that lead SS to conclude at para 4.2, "Whilst we have seen no technical evidence that links communications line problems to transactional discrepancies, we find the proximity of this solution to the resolution of the alleged problems to be quite compelling." Thus they conclude at para 5.1 as set out in your email below.

I am troubled by the assertion that SS has seen no technical evidence to establish any causal link and admits they've established no causal link between communications line problems and losses, yet "... believe that the communication line problems did play some part in these losses." Does that mean the Fujitsu engineer's opinion was not or did not rely on technical evidence?

It seems to me the **sole** basis upon which SS have arrived at that conclusion is because following resolution of the issue there were no further reported problems. That seems to me to be a non-technical, inexpert opinion and one based on speculative theory rather than on proven fact. Moreover, the report does not quantify the losses said to be caused by the communication issue. All they say is it played "some part in these losses".

On those grounds I feel POL would be justified in seeking to understand (and contest in the context of the mediation) the statement given its potential consequences. I think at all events you should request sight of the Fujitsu engineer's opinion/report to begin with, assuming you haven't seen it. But I think you need to tread cautiously. You don't want SS firming up their position.

The best result for now would be a concession from SS that this is a conclusion that is specific to this case only, and does not apply across the board, unlike for example SS's conclusions in their 8 July report. Whether SS might be prepared to concede that remains to be seen.



Were they not to soften their stance and stand by their conclusion then we may have a problem. You might then have to think of whether there is any other expert POL might instruct who could undermine SS's position on this. How realistic that is in practice and politically only you may know.

I hope this is of some assistance.

Regards,

Brian

---

**From:** Parsons, Andrew [<mailto:andrew.parsons>] **GRO**  
**Sent:** 27 February 2014 16:37  
**To:** Brian Altman  
**Cc:** Matthews, Gavin  
**Subject:** Disclosure query [BD-4A.FID20472253]

Brian

I hope you are well.

We have received the attached report which has been prepared by Second Sight into the case of Mrs Brewer. Mrs Brewer is one of the applicants to the Post Office mediation scheme but was not criminally prosecuted.

At the end of the report (para 5.1) SS draw the following conclusion:

*"Whilst we have not been able to establish a direct causal link between communication line problems and the losses reported, we believe that communication line problems did play some part in these losses."*

Post Office should be grateful for your thoughts on whether this type of comment is of a type that would be disclosable in other past or future criminal cases. I appreciate that this is a very broad hypothetical question and that disclosures need to be considered on a case-by-case basis. However, we are looking for a steer on whether this type of general, un-evidenced view could be over the disclosure threshold.

I've set out some more background information below on communications issues that may be of use. Post Office's immediate concern is that this issue could arise in a lot of cases and therefore could set a precedent. It is therefore considering whether to contest the statement and to what extent. The need to disclose this information in criminal proceedings would weigh favour of a stronger response by POL.

POL would be looking to discuss this matter with Second Sight early next week so anything you could provide before then would be much appreciated.

#### **Background to comms issues**

The Horizon system uses a standard telephone line to send transaction data from each branch to the central POL data centre. It is the subpostmaster's responsibility to install and maintain a telephone line in their branch for use by Horizon. It is clearly stated that the line must not be used for any other purpose (eg. surfing the internet on another computer).

In Mrs Brewer's case, she suffered a number of communication difficulties between her branch and the data centre. On investigating this matter, POL identified that Mrs Brewer had plugged a telephone into the Horizon line and advised that the telephone be unplugged. At around the same time as the telephone was unplugged, the number and size of losses in the branch decreased. It appears that Second Sight's conclusion above is drawn from the close correlation of these two events.

To put this issue in context, a number of branches have complained about communications failures. These range from claims that Horizon ran slowly to full allegations that the comms failures caused transaction data to be lost. For its part, POL is confident that the failure of a comms line would not cause any loss of data / transactions (there are several backup systems including a backup comms system that runs over the mobile telephone network).

Kind regards  
Andy

**Andrew Parsons**

Senior Associate

for and on behalf of Bond Dickinson LLP



Follow Bond Dickinson:



[www.bonddickinson.com](http://www.bonddickinson.com)

**Please consider the environment! Do you need to print this email?**

The information in this e-mail and any attachments is confidential and may be legally privileged and protected by law. [baltmar](#) **GRO** only is authorised to access this e-mail and any attachments. If you are not [baltmar](#) **GRO**, please notify [andrew.parsons](#) **GRO** as soon as possible and delete any copies. Unauthorised use, dissemination, distribution, publication or copying of this communication or attachments is prohibited and may be unlawful.

Any files attached to this e-mail will have been checked by us with virus detection software before transmission. Bond Dickinson LLP accepts no liability for any loss or damage which may be caused by software viruses and you should carry out your own virus checks before opening any attachment.

Content of this email which does not relate to the official business of Bond Dickinson LLP, is neither given nor endorsed by it.

This email is sent for and on behalf of Bond Dickinson LLP which is a limited liability partnership registered in England and Wales under number OC317661. Our registered office is **GRO** where a list of members' names is open to inspection. We use the term partner to refer to a member of the LLP, or an employee or consultant who is of equivalent standing. Our VAT registration number is GB123393627.

Bond Dickinson LLP is authorised and regulated by the Solicitors Regulation Authority.