

Message

From: Andrew Parsons [GRO]
Sent: 29/07/2019 16:45:19
To: Ben Foat [GRO]; Rodric Williams [GRO]; Lucy.H.Mason [GRO]
Emanuel, Catherine [GRO]; Henderson, Tom [GRO]; David Parry [GRO]; Sherrill Taggart [GRO]
Subject: RE: ARA - Disclosure Paper [WBDUK-AC.FID26896945]
Attachments: ARA GLO Starling July ARC Paper - Revised 29 July 19.docx

Ben

Updated paper attached, with revisions shown as track changes.

On the best information currently available, there are 61 convicted Claimants in the GLO, of which 31 have their cases lodged with the CCRC. As Post Office's historic records of prosecutions are incomplete, the 61 Claimant number has not been fully validated - for example sometimes Claimants say they have been convicted when they really mean prosecuted, but the prosecution was dropped. Any disclosure of figures therefore has to be put carefully and suitably caveated. We are confident that 31 Claimants have been referred to the CCRC (the total referred cases is 34 but 3 are not Claimants).

In theory, if a conviction is found to be unsafe this could give rise to compensation under a number of heads. Principally this will be for malicious prosecution if the conviction has been brought in bad faith. Moreover, a unsafe conviction could be because of a change in the underlying facts of the case, and those new facts could give rise to other claims eg. breach of contract for unlawful termination. However, it should be noted that the mere fact that a conviction is unsafe does not automatically expose Post Office to a claim for compensation in every case - there will need to be some other element, such as having brought the prosecution maliciously. There will also be questions about whether the claim for compensation lies against the state (as the body that convicts someone) or against Post Office (as the body bringing the prosecution).

In light of this, we have added the following wording to the disclosure in Appendix 4:

Further, a number of the Claimants assert that they have been convicted of criminal offences arising from their roles at Post Office, with 31 of those cases being considered by the Criminal Cases Review Commission (CCRC). The CCRC has the power to refer cases to the Court of Appeal who, in turn, have the power to overturn a conviction. This could then lead to claims for compensation.

Kind regards
Andy

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From: Ben Foat <Ben.Foat@GRO>
Sent: 29 July 2019 15:49
To: Andrew Parsons <@GRO>; Rodric Williams <@GRO>;
lucy.h.mason@GRO; Emanuel, Catherine <@GRO>; Henderson, Tom
<@GRO>; David Parry <@GRO>; Sherrill Taggart
<Sherrill.Taggart@GRO>
Subject: ARA - Disclosure Paper

ARC has recommended that the GLO disclosure (in Appendix 4):

1. 3rs last para, 1st sentence, be amended – While the Directors recognise that an adverse outcome **would be very** material

We need to refer to the fact that there are 30? claimants who have criminal convictions (as these may be referred to the CCRC from which there may be compensation at some point down the track). Could you confirm the number and also whether POL is exposed on criminal compensation (in theory).

Could you send me a mark up of the Appendix this afternoon – apologies Board is tomorrow.

Lucy / David - does that reflect your view from ARC?

Kind regards
Ben

Ben Foat
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