

## Message

**From:** Ian Henderson [GRO]  
**Sent:** 17/09/2012 10:01:22  
**To:** 'ARBUTHNOT, James' [GRO]  
**CC:** 'Ron Warmington' [GRO]  
**Subject:** RE: Post Office cases

Dear James

Thank you for sending us a copy of the letter from Alan Bates and your reply.

There are 2 substantive points raised by Alan Bates:

#### Current cases

I think there is broad agreement that it will be beneficial to include a number of cases in the independent review that are either live or have occurred recently.

I have discussed this with Post Office Limited ("POL") who also see the merit in this proposal. POL have said that the inclusion of current or recent cases in the independent review should not in any way impact on the normal reporting or trouble shooting procedures within POL that are available to sub-postmasters, such as the help desk procedure.

POL believe that it is important that the independent review should not be regarded as an alternative to POL's procedures that are designed to deal with problems that are of concern to sub-postmasters. Accordingly, POL would prefer not to make an announcement in Subspace or similar, as this could give rise to confusion as to the appropriate procedures to follow.

In order that an appropriate number of live or recent cases are included in the independent review, JFSA should be requested to nominate a small number of recent or live cases that they believe would benefit from the independent review procedure.

#### Immunity

I have discussed JFSA's concerns in this regard with POL. This is clearly a difficult issue. POL's position was set out in my email dated 26 July to Janet Walker. The relevant section is as follows:

*POL also recognises that some members of JFSA may have concerns about submitting cases for independent review by 2<sup>nd</sup> Sight where even basic case information is communicated to POL. Whilst POL cannot provide any form of immunity from prosecution in respect of information held by POL, in recognition of the concerns expressed by the JSFA, POL agrees not to take any prosecution action relating to information provided by JFSA without the agreement of the Executive Committee of POL and to deal with each case submitted in a sensitive manner. The Executive Committee of POL comprises 9 senior members of staff including the POL Chief Executive and the POL Lead Counsel.*

The JFSA appear to want a blanket immunity from prosecution and presumably other action such as debt recovery in respect of any cases that nominated for independent review. POL's position is that this is neither appropriate or possible bearing in mind POL's fiduciary and other responsibilities. Any policy statement by POL applies to the entire organisation and would include the departments and personnel mentioned by Alan Bates.

Kay Linnell has separately raised this issue with Ron Warmington, who has also explained POL's position. Kay Linnell has agreed to write further setting out JFSA's detailed concerns and proposals in this regard.

POL has considerable discretion when making decisions about prosecution and other actions. I would hope that the JFSA would be able to operate within the spirit of the above policy, even though it clearly falls short of the blanket immunity requested. It may be possible for POL to provide further assurances in this regard after considering the further representations due to be received from Kay Linnell.

With best wishes

Ian R Henderson CCE CISA FCA  
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**From:** ARBUTHNOT, James

GRO

**Sent:** 13 September 2012 17:56

**To:** Ian Henderson; 'Ron Warmington'

**Subject:** Post Office cases

Dear Ian and Ron,

I know that my office has been in touch with both of you and the Post Office over summer, passing on details of individual cases to the Post Office, who have passed these on to you. I have also had a letter from the Post Office agreeing to set aside £5000 for an independent forensic accountant to review the results of your investigations once they are available, and I have passed a copy of this letter to Mr Bates from the Justice for Subpostmasters Alliance.

I have now had a letter back from Mr Alan Bates of the Alliance, who believes there are some details which require clarification, and his agreement, in order for his group to be confident that the investigations are thorough and in line with what he believes is required. I attach a copy of his letter, and my reply to it, here.

I wonder if you might address his points about current and historic cases, and let me have your comments please? As you can appreciate, I am keen that we do have his cooperation if at all possible.

I shall also write to the Post Office asking for their comments on the points he raises that are relevant to them.

I should mention that I have already written to him stating that I do not want to interfere with the investigations, especially by dictating terms to the investigators who know their job far better than either he or I. That remains my position.

Many thanks for your help with this.

Yours ever,

James

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