

Message

From: Jonathan Swift [GRO]
on behalf of Jonathan Swift [GRO]
Sent: 11/12/2015 11:18:41
To: Tim.Parker [GRO]
CC: Christopher Knight [GRO]
Subject: meeting with Lord Arbuthnot

Dear Tim,

Here is a note (prepared by Chris, and reviewed by me) of the points made by Lord Arbuthnot in the course of our meeting with him yesterday.

1. Lord Arbuthnot opened by saying that his main concerns had been outlined in his December 201 Westminster Hall debate speech, and that he did not think that Tim Parker's review was sufficiently independent or impartial given that it was dependent upon the support of those being reviewed. He explained that his concern, influenced in large part by the case of Jo Hamilton, was the treatment of people with no experience of contracting with major organisations, given insufficient training and insufficient support, leading to the sort of bullying of them which would be the subject of condemnation elsewhere. He did not doubt that some SMPRs had behaved dishonestly, but could not believe all of them had.
2. Having heard Jonathan Swift QC outline the scope of the review, Lord Arbuthnot suggested that alongside the approach to prosecutions, thought might also be given to including the approach to disciplinary proceedings and the termination of SMPR contracts, which have had serious effects on people. He gave one example of a case which he suggested had not entered the mediation scheme, and thought it wrong to limit the review to cases within the scheme. He stressed his concern that the Post Office had led him to believe – or at least had not disagreed with him about the need to include them – that criminal cases would be mediated. He felt that in those criminal cases the Post Office should consent to, or actively support, an application for a Royal Pardon.
3. He reminded us of the conclusion of Second Sight that they believed that records could be amended by Bracknell, and that that was at least a possible explanation for some cases. When asked what would convince him that the Post Office had done what it could, he noted that he thought Second Sight and the Working Group had been wound up just as it seemed they were getting to the truth. Lord Arbuthnot accepted that he did not have a natural solution to what the Post Office should do if the CCRC declined to refer cases to the Court of Appeal and recognised that it would be difficult for them to refer in Jo Hamilton's case as both he and, he thought, she accepted that she had committed the offence of false accounting. However, he believed that the Post Office's decision to charge her with theft when there was no basis for it put undue pressure on her to plead guilty to false accounting. He thought that it might help if the Post Office wrote to the CCRC accepting that its charge of theft had put pressure on her to plead guilty to false accounting, that there was no evidence of theft and that applying that pressure had been the wrong thing to do. He also noted that a CCRC referral should be taken to have wider implications than on that particular case, and that it may feed into any civil litigation and disciplinary process issues.
4. Lord Arbuthnot said that he thought it would be a good sign if the Post Office accepted, as he thought it did, that it was not appropriate for it to act as a prosecutor because it lost the independent oversight the CPS provided. He also raised the issue of how the Post Office had investigated discrepancies at the time they were raised, and whether they were really investigated rather than the Post Office simply demanding the money from the SMPR. He noted that the agreement between

Fujitsu and the Post Office meant that it cost the Post Office money to investigate discrepancies, and so there was a financial disincentive to have done so, which was a matter of concern.

We think that the matters arising from this – for further consideration – are as follows.

- a. Should the present review seek to take account of cases which did not form part of the Working Group/mediation process (we think not, on the basis that all SPMs did have the opportunity to make raise complaints that could go into the mediation scheme)
- b. Should the present review recommend consideration the PO's approach to termination of SPM contracts (or, if there is opportunity under the terms of those contracts for discipline short of contract termination, that action too) (Here too, one problem would be identifying such cases – on the assumption that they are not cases within the scope of the mediation process.)
- c. Consider whether the work on criminal cases to date has specifically addressed whether in cases where theft was charged, was there a proper evidential basis for the decision to charge
- d. Consider the extent to which any conclusions drawn in this review might/ought to be subject to reconsideration if any of the cases presently under consideration by the CCRC are referred to the Court of Appeal

Happy – of course – to discuss any points arising.

Regards,

Jonathan

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