
From: "Rodric Williams" [GRO]
Sent: Wed 11/06/2014 11:00:00 AM [GRO]
To: "Hocking, Stephen" [GRO] <[GRO]>
Cc: "Chris Aujard" [GRO]; "Belinda Crowe" [GRO]
Subject: Strictly Private & Confidential - Subject to Legal Privilege
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Attachment: utf-8"Board%20Summary%20Paper%2006062014%20FINAL.pdf
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Stephen,

As we have just discussed, following its meeting yesterday our Board is minded to pursue "Option 2" for taking forward the "Initial Complaint Review and Mediation Scheme" (see para 3.1 of the attached "Board Summary Paper").

The Board would now like you to advise whether decisions to take any of the steps associated with Option 2 could give rise to an application for judicial review. Those steps (outlined in paras 3.3-3.7 of the attached "Annex Sub Committee Paper...") are:

- Making it clear that Post Office will deal with criminal cases last (they take longer because of the volume of documentation and the legal clearance is more complicated and dealing with them in the bulk of other investigations slows down progress on other cases) and that we would only mediate in these cases in exceptional circumstances, believing that the correct next step for any of these applicants would be the Criminal Courts.

- Moving Second Sight to a fixed fee structure with a clear work-plan (potentially with incentives to increase the speed of work) and regular quality and delivery review meetings – potentially saving several hundred thousand pounds depending on the fee level agreed.

- For cases which date back to pre-2007, for which records should have been destroyed under Post Office's data retention policies (as is best practice), carrying out a review of any available data to see if it supports a full investigation being taken forward. Where insufficient evidence still exists, no further work would be undertaken.

· Disseminating the Linklaters advice, making clear that Post Office considers itself to have very limited liability and almost no liability in respect of consequential loss. [nb. In practice this will involve disseminating a statement of our legal position informed by advice which will remain privileged.]

· Setting and enforcing hard deadlines for the 40 outstanding Case Questionnaire Reviews, requiring all to be submitted within a month or have their application removed from the Scheme.

In providing your advice, please again assume that any JR application would be properly articulated with the assistance of specialist counsel, and please again identify for us any steps which we could take to minimise the risk of a JR application, and/or increase our ability to successfully defend such an application.

As we discussed, we would like to receive your advice by Friday 13 June 2014 so that it can inform our approach to a meeting of the Scheme's Working Group on Monday 16 June 2014.

Please let me know if this will present any difficulties for you, or if you need anything further.

With thanks for your continuing support, Rodric

Rodric Williams | Litigation Lawyer
Description: split

Description: address

148 Old Street, LONDON, EC1V 9HQ

Description: phone

GRO Postline: **GRO**

Description: mobile

GRO

Description: email

GRO rodric.williams@ **GRO**

Description: web

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