POL00196707

From: Rodric Williams GRO
Sent: Thur 24/10/2013 10:30:15 AM (UTC)
To: Martin Edwards GRO
Subject: RE: CEO's report text on criminal cases review
Attachment: Helen Rose Report - REDACTED.PDF
Attachment: BRIEFING NOTE - 23-10-2013.pdf
Attachment: Lynette Hutchings - DISCLOSURE LETTER.PDF

Thanks Martin – I'll comment separately on your revised text (which read well), as amended by Andy Holt.

I attach a Briefing Note from Cartwright King addressing the issues we discussed yesterday, namely:

i. Update on the criminal case reviews to date. Unfortunately, Cartwright King wasn't able to give me clarity on how many more Royal Mail cases there are still to review due to the fragmented way the files have been provided to it.

ii. A summary of the appeal steps a Defendant can take in those (few) cases where further disclosure has been made. On appeals:
- Simon Clarke from Cartwright King has been in regular contact with the Court of Appeal, and no appeal has been made as at the start of this week (touch wood!);
- In those cases where disclosure has been made, Cartwright King has also given us its view of whether Post Office should oppose the appeal (every case to date); and
- Brian Altman has advised that there is "no one-size-fits-all approach" to appeals, which need to be dealt with on a case-by-case basis.

iii. Whether the "Helen Rose Report" is in the public domain (it's not) (copy attached along with covering letter).

I think it is sensible to keep references to the Helen Rose Report a minimum as it may not be a live issue going forward. You will see from the final paragraph of the Briefing Note that it is "unlikely to require disclosure in any further cases and will not be disclosed in any pending or future prosecution". Brian Altman QC was also of the view that it "added very little".

Please let me know if you need anything more.

Kind regards, Rodric

Rodric Williams I Litigation Lawyer

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From: Martin Edwards
Sent: 24 October 2013 00:19
To: Rodric Williams
Subject: RE: CEO's report text on criminal cases review

Hi Rodric – yes, agree a quick catch-up tomorrow makes sense.

As you'll see from the text I've just rearticulated, I've decided it's probably better not to mention the Helen Rose report specifically, as it will only serve to confuse things with the Board (although I will still need to give Paula background notes on the issue).

I've also cut back the text on the review of past cases – hope this still works.

Thanks again for your help,
Martin

From: Rodric Williams
Sent: 23 October 2013 20:57
To: Martin Edwards
Subject: RE: CEO's report text on criminal cases review

I thought as much!

Can I suggest we take 10 – 15 mins tomorrow morning to go over what we have and where it goes to help me tailor the response?

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From: Martin Edwards

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Sent: 23 October 2013 20:47
To: Rodric Williams
Subject: RE: CEO's report text on criminal cases review

Thanks very much Rodric. Unfortunately I think I probably do need to give Paula more information on this, as this is going to raise all sorts of questions from her and the Board! Please could you send me the report and any associated advice etc?
Thanks again,
Martin

From: Rodric Williams
Sent: 23 October 2013 20:42
To: Martin Edwards
Subject: RE: CEO's report text on criminal cases review

Martin,

Cartwright King advised that the Helen Rose Report meets the test for disclosure (ie it might undermine the prosecution's case or assist the accused's), and is therefore being disclosed where appropriate.

I have added a very high level sentence to address this (again in **bold**). I have quite a bit of further information on the Helen Rose Report, so can go into it in more detail if required. Please let me know if you would like me to do so, or if you want to see any of the underlying documents (e.g. the Report itself, or Cartwright King's or Brian Altman's advice on it).

Kind regards, Rodric

Further Amended Text

- Our criminal barrister, Brian Altman QC, has now completed his review of the approach we are taking to reviewing cases that have been subject to prosecution, in particular looking at whether we are complying with our duty to disclose the findings of the Second Sight and "Helen Rose" reports to the defence team in cases where it is appropriate to do so **(the "Helen Rose" report was prepared in June 2013 by a member of the Post Office security team, and refers to emails with Fujitsu from January and February 2013 suggestive of there being issues with Horizon, training and support)**. His conclusion is that our approach is "fundamentally sound", enabling us to assert (for example to the Criminal Cases Review Commission) that insofar as our historic prosecutions are concerned, we responded to the Second Sight report in a prudent and responsible manner. To date, following several sifts our external firm of solicitors has identified 10 cases where disclosure is required. It is now a matter for the defence in those particular cases to determine what action (if any) they might take in light of this additional information.

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From: Martin Edwards
Sent: 23 October 2013 18:46
To: Rodric Williams
Subject: Re: CEO's report text on criminal cases review

Hi Rodric - thanks for this. Is the Helen Rose report a key part of the disclosure? If so I think we'll need to include the reference to it in square brackets below. But we'll also need a sentence to explain what it is, as Paula and the board won't have heard of it. Please could you suggest some wording?
Many thanks, Martin

From: Rodric Williams
Sent: Wednesday, October 23, 2013 04:44 PM
To: Martin Edwards
Subject: RE: CEO's report text on criminal cases review

Martin – I have highlighted my amendments in **bold** below.

Please note:

- I have left in "fundamentally sound" as Brian uses it in his report (para. 5(xii));
- Brian's view on the CCRC is that we have "responded to the Criminal Cases Review Commission appropriately… but should the Commission continue to show interest in these cases there might have to come a time when Post Office Ltd considers sharing Cartwright King's review findings with the Commission, and cooperating with the Commission." (para 5(xi)).

I am also getting answers to the issues we discussed earlier this afternoon, and should have something tomorrow morning.

Please let me know

Amended Text

- Our criminal barrister, Brian Altman QC, has now completed his review of the approach we are taking to reviewing cases that have been subject to prosecution, in particular looking at whether we are complying with our duty to disclose the findings of the Second Sight **[and "Helen Rose"]** report**[s]** to the defence team in cases where it is appropriate to do so. His conclusion is that our approach is "fundamentally sound", **enabling us to assert** (for example **to** the Criminal Cases Review Commission) **that insofar as our historic prosecutions are concerned, we responded to the Second Sight report in a prudent and responsible manner**. To date, following several sifts our external firm of solicitors has identified **10** cases where disclosure is required. It is now a matter for the defence in those particular cases to determine what action (if any) they might take in light of this additional information.

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From: Martin Edwards
Sent: 23 October 2013 16:27
To: Rodric Williams
Subject: CEO's report text on criminal cases review

Hi Rodric – as discussed, here's the text. Grateful if you could amend as appropriate (ideally today if possible).

Thanks, Martin

- Our criminal barrister, Brian Altman QC, has now completed his review of the approach we are taking to reviewing cases that have been subject to prosecution, in particular looking at whether we are complying with our duty to disclose the findings of the Second Sight report to the defence team in cases where it is appropriate to do so. His conclusion is that our approach is "fundamentally sound", providing us with strong grounds to resist any formal review of our historic prosecutions (for example by the Criminal Cases Review Commission). To date, following several sifts our external firm of solicitors has identified 11 cases where disclosure is required. It is now a matter for the defence in those particular cases to determine what action (if any) they might take in light of this additional information.

Martin Edwards I Chief of Staff to the Chief Executive

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