
From: Nick Wallis [GRO]
Sent: Fri 12/12/2014 8:43:19 PM (UTC)
To: Mark R Davies [GRO]
Cc: Jane French [GRO]; Melanie Corfield [GRO]; Ruth X Barker [GRO]; Ingrid Kelly [GRO]
Subject: RE: Post Office interview

Hi Mark

Thanks for your email. I am delighted you are inclined to offer studio live *and* pre-recorded filmed interviews.

As Ingrid (cc'd) has confirmed the planned transmission date for both would be Wed 17 Dec, to coincide with the planned Westminster Hall adjournment debate on the Post Office called by James Arbuthnot MP.

As Jane (cc'd) explained to you on the phone and as I am sure you understand, we need to set a time for the pre-recorded interview well in advance of the planned transmission date as the interview will have to be edited and go through all the usual processes before being delivered to the One Show for broadcast. It is in no one's interest to rush this.

As Ingrid may have mentioned (and I defer to her on exactly how things may be happening on Wednesday), any studio guest you nominate will most likely be allotted around three minutes interview time, but with Victoria Wood, Michael Ball, a children's choir already booked on Wednesday and the unpredictability of a live studio environment, the interview might get curtailed, or the discussion itself might veer off topic, despite everyone's best efforts.

Could I therefore urge you to fix up a date and time as soon as possible to film a pre-recorded interview where we can ask you, and give you the opportunity to answer, a series of questions on the subjects raised below in a calm and controlled environment.

The interview will, of course, be edited, but we will be scrupulous in our duty of fairness towards the interviewee and the answers they give. Furthermore, whether either, both or no proposed interviews end up being broadcast, we will be taking all reasonable steps to ensure the Post Office's perspective on the serious matters below is properly represented.

I hope all that makes sense. Just to ensure you are clear on the internal division of labour surrounding the two proposed interview opportunities, Ingrid will deal with you re the arrangements re the possible live interview on the One Show sofa, whilst Jane and I can work with you to arrange a pre-recorded interview at a location of your convenience.

I hope to hear from you soon re a proposed pre-recorded interview location/date/time and interviewee. I am happy to liaise with you over the weekend to book it in in good time.

Yours,

Nick

From: Mark R Davies [GRO]
Sent: 12 December 2014 18:47
To: Ingrid Kelly
Cc: Jane French; Nick Wallis; Melanie Corfield; Ruth X Barker
Subject: Re: Post Office interview

Ah - thanks Ingrid. That does give us more time. Many thanks for clarifying.

Best wishes
Mark

Mark Davies
Communications and Corporate Affairs Director
Mobile [GRO]

Sent from my iPhone

On 12 Dec 2014, at 18:34, "Ingrid Kelly" [GRO] wrote:

No Mark that's my mistake in the voicemail. as per my text - it is weds! Apologies all. Ingrid

On 12 Dec 2014, at 18:32, "Mark R Davies" [GRO] wrote:

Dear Jane,

Thank you for your time today. Just to follow up my previous email, I can confirm that the Post Office would welcome the opportunity to respond in your film and in the studio to the very serious and detailed allegations being made in the email we received from Nick Wallis (copied below for ease of reference).

I understand from Ingrid Kelly that you are now planning to air this item on Monday evening. This comes as a surprise as you indicated Tuesday or Wednesday when we spoke earlier.

Either way, given the very serious nature of the allegations being made, and the requirement to give us reasonable time to respond, we do not believe we can meet your deadline of noon on Monday for an interview to be conducted.

We are inclined to offer an interview but our spokesperson, who is leading the investigations process on the matters you reference, is involved in mediation scheme work on Monday and Tuesday. I am sure you will recognise that this work, which involves scheme applicants, is very important.

She could be available later in the week and as she is best placed to speak for the business on the complex range of issues you have raised, I believe it is reasonable to ask you to hold off on broadcasting your item until such time as we are able to respond properly.

Moreover, our spokesperson is able to respond to the specific issues you raise in a way no other colleague in our business can given her role and first hand knowledge of the specifics Nick has referred to. I would also stress again, however, that Post Office cannot comment on individual cases.

The Ofcom guidelines on matters like this make clear that we should be given reasonable time to consider and make our response to requests such as this. What constitutes a reasonable time must surely take the urgency of a situation into account. There is no urgency here, especially in the light of your broadcast last week and the ongoing nature of the mediation scheme, not to mention the point I raised on the phone about potential compromise of cases going through the scheme. Given that the programme is broadcast every evening it seems reasonable to me to ask for the timescales to be extended so that we can respond properly.

I look forward to hearing from you. I am also copying this to Ingrid Kelly who kindly left me a voicemail this afternoon confirming that we could indeed have a slot in the

studio to answer questions on your film. I also copy Nick Wallis, and Mel Corfield and Ruth Barker from the Post Office press office.

I am happy to discuss this over the weekend.

Best wishes

Mark

Mark Davies
Communications and Corporate Affairs Director
Mobile: [REDACTED] **GRO**

From: Nick Wallis [REDACTED] **GRO**
Sent: 12 December 2014 11:53
To: Melanie Corfield
Subject: Interview request

Dear Melanie,

1) Thank you for your help with The One Show item transmitted on Tuesday 9th December. We are now preparing a second film which is due to go out on The One Show on BBC1 at around the same time next week. We would be most grateful if the Post Office would be prepared to offer an interview expressing its point of view in the continuing dispute with some Subpostmasters over Horizon and associated issues. This would need to be recorded by noon on Monday but we would be able to meet you at your location of choice and we can do it over the weekend if that is the only option.

2) The film we are broadcasting once again refers to concerns over Horizon. This time it features the story of Steve Phillips from Nelson in South Wales who is having problems with the system, as well as interviews from a group of former subpostmasters including Noel Thomas, Jo Hamilton, Julian Wilson, who say they felt under pressure to sign off incorrect accounts even though they did not understand how sums could be missing.

Mr Phillips says he and other Subpostmasters live in fear of being told to pay back losses neither you or they can explain, and he adds that he and other Subpostmasters do not trust Horizon. This latter point of trust in Horizon by Subpostmasters is one which has come up many times with other former Subpostmasters we have spoken to.

3) In our film former Postmasters say it is difficult to investigate the causes of shortfalls for which they are held liable, because of the way Horizon and associated POL processes and policy function. They say in order to open for business the day after the close of a trading period they had to agree to pay back alleged shortfalls (either by settling to cash or settling centrally, which implies payment later). They say this put them in a very difficult position.

4) We ask one former Subpostmaster why she pleaded guilty to false accounting in court when she believed herself to be innocent. She tell us she felt she couldn't defend herself because she didn't have proper records, that the Post Office had taken

some potentially useful items and paperwork away during their investigation and she felt she would be prosecuted for theft as well as false accounting if she had not pleaded guilty to the latter.

5) We understand from the Subpostmaster contract and from speaking to former Subpostmasters who have been through the process that Subpostmasters are not allowed a legal representative when they are interviewed under caution by Post Office investigators. Instead they are allowed one companion who must be a Post Office employee, who is not allowed to speak. Does this still happen? If so, why does the Post Office think it is fair? Also, we are aware that Post Office conducts PACE interviews at which Subpostmasters are allowed legal representation. Could you explain in what circumstances you think it appropriate to interview someone under caution but with legal representation, and why this is not available to Subpostmasters in the interviews which usually precede them?

6) We would also like to put to you some opinion about the Post Office's approach to investigating and prosecuting subpostmasters. We are in possession of expert opinion from a professor in criminal justice which implies the Post Office's dual function as investigator and prosecutor, and its 300 year cultural history of using it against its agents is unique. That's not to say he thinks you are the only organisation with prosecuting powers, but that you have a unique culture of prosecuting your agents. He implies this approach lacks the checks and balances of a typical prosecution by the CPS. In his opinion this creates a situation where miscarriages of justice are more likely to occur.

The Post Office has assured us in a Freedom of Information Act request that it uses the Crown Code for Prosecutors. Can you please explain how this code was applied in the following cases: Jackie McDonald, Damian Owen and Tom Brown. In these cases the Post Office pursued its own prosecution despite no prosecution having been brought by the CPS after police investigations. If you are unable to comment on individual cases, please comment on cases like this in general.

7) There is also a point raised by Geoffrey Sturges, a business contract expert. He believes Subpostmasters should be told about the history of known problems with Horizon (such as the Calender Square issue and others raised in Second Sight's Interim Report) which have led to shortfalls in Subpostmaster accounts and the history of other allegations against Horizon before they are allowed to sign the Subpostmaster contract.

8) We will also include opinion from Sandip Patel QC who specialises in areas including business fraud and cyber crime. He will say he believes that innocent people might have been wrongly convicted. He will also say there may be grounds for arguing that the Horizon system (incorporating the business processes around it) is not as reliable as the Post Office believed it to be. He goes on to say that if the PO had failed to carry out a proper inquiry in circumstances when they should have, then some of the convictions of some of the Postmasters in the mediation scheme might be unsafe.

9) With more than a hundred MPs now saying they have no confidence in the mediation scheme we would like to ask the Post Office what it thinks is the correct way to move forward and find an equitable resolution to the concerns of subPostmasters up and down the country.

10) In summary, we have found a number of experts in their field who have concerns about the Horizon system, the PO's investigations and prosecutions function and the fairness of the Subpostmaster contract. It suggests there is the possibility that the way the Post Office goes about its business or did go about its business needs some proper explanation. One MP described the nature of the relationship between the Post Office and SPMRs as "feudal", yet you call them your "life blood".

The content of the proposed programme is not set in stone. This is an opportunity for the Post Office to respond to the widespread criticism it is currently facing. I am seeking a senior member of staff from the Post Office who can explain everything from the Post Office's perspective so that we can get to the bottom of what has happened to these people. If you will not appear on camera then we ask that you provide a substantive response to the issues raised above by noon this coming Monday 15 Dec.

Thank you

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