
From: Jane French[GRO]
Sent: Mon 15/12/2014 2:36:59 PM (UTC)
To: Mark R Davies[GRO]
Cc: Ingrid Kelly[GRO]; Clare Hoban[GRO]
Subject: RE: Right of Reply

Dear Mark,

You will note that our letter of last week raised both the points I have highlighted and are not new. I should emphasise that you still have the offer of a right of reply in the studio following the MPs adjournment debate on Wednesday which is the reason the story is being covered on this day.

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?

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.

Jane French
Editor, Current Affairs
BBC South
[GRO]

From: Mark R Davies[GRO]
Sent: 15 December 2014 14:24
To: Jane French
Cc: Nick Wallis; Ingrid Kelly; Ruth X Barker; Melanie Corfield
Subject: Re: Right of Reply

Dear Jane

I've set out at length how the timetable set out by the BBC for a response on these incredibly serious allegations is unreasonable.

We will send you our statement in due course.

We will also respond in detail to the allegations you are making, the seriousness of which are only underlined by the further segments you are sharing with me now.

Indeed our ability to respond adequately to the points being made is being further hampered by this drip feed of information, which only points to the unreasonableness of your position.

We will now pick up these additional points in our response to you.

Best wishes

Mark

Mark Davies

Communications and Corporate Affairs Director

Mobile: GRO

Sent from my iPhone

On 15 Dec 2014, at 14:10, "Jane French" <GRO> wrote:

Dear Mark,

I have left a message on your voicemail as I'm keen to discuss your right of reply within the film we are making for The One Show. It is currently our intention to summarise your position as follows:

"The Post Office say they are fully committed to a confidential mediation scheme they have set up with the Subpostmasters and do not wish to prejudice that process by discussing individual cases. They say where money appears to be missing they have a duty to investigate, and there is no evidence of any systemic problem with the Horizon computer system. They note that millions of transactions are carried out every day on Horizon by upwards of 80-thousand users across the Post Office branch network without any problem."

It would be most useful if you could also send us your response to the areas laid out in our letter of last week especially if there are other areas you felt we should include so that we can consider this. The deadline for a written reply was midday today, however I am concerned that if you don't intend to take up the offer of a studio response it would be good to get a fuller view of the Post Office point of view and with this in mind we can accommodate more information if it gets to us by the end of today. Perhaps you could let me know if you have ruled out the studio appearance?

Obviously we are still happy to include an on camera interview if it can be done today.

In particular I would be interested to understand the Post Office position on questioning subpostmasters without the right to legal representation. We have an interview with Geoffrey Sturgess, a contract lawyer in which he says:

"The investigatory arm seems to have power to question under caution as if this were a full blown criminal investigation, yet the subpostmaster is not allowed to have anyone with them other than someone from the Post Office and that person is not allowed to speak".

We would also welcome your comments on the opinion of Sandip Patel QC:

"NW": Do you believe that in any of these cases there may have been unsafe convictions?

SP: Yes. I think with what I have seen that there may be grounds for arguing that the Post Office ought to have known at the time... with due diligence.... reasonable inquiry.... that perhaps the system was not as reliable as they believed it to be. And so... if they'd failed to carry out that inquiry in circumstances when they should have then it could be argued that the conviction as a result of that is unsafe."

Many thanks for your help in these matters.

Jane French
Editor, Current Affairs
BBC South

GRO

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