

From: Rodric Williams[/o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Rodric Williamse9c114f4-b03f-4595-b082-ce89be5c79d47b]
Sent: Tue 02/06/2015 2:48:21 PM (UTC)
To: Patrick Bourke[]; Mark Underwood1[]; Melanie Corfield[]; 'martin.smith[]; 'Parsons, Andrew[]; Tom Reid []; Susan BARTY [];
Cc: Mark R Davies[]; Jane MacLeod[]
Subject: Horizon / Panorama - Join Up Session - SUBJECT TO PRIVILEGE - DO NOT FORWARD
Attachment: Panorama letter (2) - pb.doc

All,

Thank you for being available to meet at 3pm tomorrow at CMS's London offices. The purpose of the meeting is to:

1. develop a common understanding of the challenges POL currently faces, particularly from a criminal law perspective, in relation to "Project Sparrow" specifically and prosecutions practices more generally;
2. develop a common understanding of the various strands of activity taking place across POL which engage those issues so that all understand the parameters within which we need to work; and
3. having established those baselines, finalise (in short order) Post Office's response to the BBC's 27 May 2015 letter detailing the areas on which Panorama wish to draw Post Office.

Criminal Law Challenges

Post Office has prosecuted subpostmasters, including most of the specific cases identified in the BBC's letter and other applicants to the Mediation Scheme.

This presents certain challenges to Post Office when responding to allegations about "Horizon" (in the broadest sense), including its need to:

- comply with the prosecutor's duty to provide to the defence any material which might support a defence or undermine a prosecution, which duty continues after prosecution;
- ensure that unwarranted concessions (unsupported by evidence or facts) are not inadvertently made which could potentially provide grounds to try to appeal a conviction;
- ensure that statements made about prosecutions are properly strengthened from a criminal law perspective to underscore Post Office's confidence in its prosecution practices; and
- be mindful that 20 Post Office prosecutions are currently being reviewed by the Criminal Cases Review Commission.

In this respect, I would be grateful if Martin Smith from POL's external criminal law solicitors Cartwright King could provide some more detailed background to these (and any other) challenges.

Other Activity

In addition to Panorama and other media interest, we are also engaged in the following Horizon-related activity:

- Further disclosure required in criminal cases (specifically concerning Horizon's Balancing Transaction function)
- Criminal Cases Review Commission reviews

- Data Subject Access Requests (including potential challenges to the ICO)
- Progress of Mediation Scheme cases
- Political activity (e.g. lobbying of new MPs/ministers?)
- Court action (including the “Rashid” Employment Tribunal case, due for hearing in September 2015, and potential debt recovery action).

Post Office Response to the BBC

I attach the current draft response. I would like us to consider how we can use the letter to:

- challenge why our previous responses have not satisfactorily addressed near identical questions;
- challenge the factual foundation for the questions are being asked, e.g. by asking the BBC to provide the when, where, why etc, by reference to specific cases (and not just because Second Sight have said so); and
- provide the basis for a formal complaint against the BBC if necessary.

This is by no means a fixed agenda, but rather an attempt to put some structure around tomorrow’s discussion, which could be wide-ranging.

All comments welcome.

Kind regards, Rodric

