

From: Belinda Crowe [GRO]
To: Amanda A Brown [GRO]
Cc: Belinda Crowe [GRO]; Jessica Barker [GRO]; "Parsons, Andrew" [GRO]; Angela Van-Den-Bogerd [GRO]; David Oliver [GRO]
Subject: FW: M0127
Date: Thu, 22 May 2014 11:32:23 +0000
Importance: Normal
Inline-Images: image001.jpg; image002.jpg

Amanda
Could you please set up a call with Ron and Ian as per the email below.

Others, for information.

Best wishes
Belinda

Belinda Crowe
148 Old Street, LONDON, EC1V 9HQ
[GRO] Postline: [GRO]
[GRO]
[GRO]

From: Belinda Crowe
Sent: 22 May 2014 12:29
To: Ian Henderson [GRO]; Ron Warmington [GRO]
Cc: Chris Aujard
Subject: M0127

Sent on behalf of Chris Aujard

Dear Ron and Ian,

**Initial Complaint Review and Mediation Scheme ("the Scheme")
M127**

Thank you for circulating the revised draft of your report on case M127. As agreed at the Working Group meeting yesterday, all members of the Working Group were given 24 hours to reflect on matters of style and presentation (rather than substance). We realise that your draft report is likely to change to reflect the points agreed at the Working Group meeting yesterday, particularly in relation to the need to focus on those factors that contributed to the loss.

Generally I find it disappointing that you have not taken on board my comments on your report on M022 (copy below). Your report on M127 would be a more useful document if it could be improved in line with the observations in my previous email. In light of this, I have commissioned a detailed response on M022 (as a party to mediation rather than as a member of the Working Group) which we will send to you as soon as possible. I believe that a number of the points we will be making on case M022 will apply equally to your report on case M127.

In addition to the general points already made, the conclusions in your report (and I refer specifically to paragraph 4.4) appear to be predicated on an erroneous understanding of the nature of the relationship between the Post Office and subpostmasters. Any analysis or conclusions reached by Second Sight must be based on an accurate representation of the duties that actually existed at the time and not a retrospective application of a different kind of relationship. This important point relates not only to this case but is also likely to be relevant in other cases in the Scheme. I would be happy to describe this relationship to you in detail. I would also

welcome the opportunity to explore what evidence you have which leads you to conclude that this relationship is other than as set out in the subpostmaster contract, that is one of principal and agent.

Please do feel free to phone if any of these points are unclear. I will ask my office to get in touch and set up a time for us to discuss the nature of the relationship between the Post Office and subpostmasters.

Yours sincerely
Chris

Chris Aujard I General Counsel

5th Floor, Bunhill Wing, 148 Old Street, London, EC1V 9HQ

GRO

Postline

GRO

GRO



From: Amanda A Brown **On Behalf Of** Chris Aujard

Sent: 09 May 2014 15:23

To: Ian Henderson; [rjw](#) GRO

Subject: M022

Dear Ron and Ian,

Initial Complaint Review and Mediation Scheme ("the Scheme")
M022

Thank you for circulating the revised draft of your report on case M022. As you will recall we agreed at the last Working Group meeting that all members of the Working Group would have 24 hours to reflect on matters of style and presentation (rather than substance). This we have done and our comments, which we hope you will find helpful, are set out below.

By way of background it might be helpful for you to understand the way we have approached this exercise. In the main, this was by reference to your terms of reference which were to provide an expert analysis of any points in dispute between Post Office and each Subpostmaster and, where possible, to provide a logically reasoned and evidenced opinion on those points. The aim of your work was to narrow and inform the grounds of disagreement so that the parties may constructively discuss their differences in front of a mediator at a mediation session, with a view to reaching settlement. In addition we have had regard to the directions given to us by the Chair of the Working Group.

Our high level comments are as follows:

- We do not feel that the conclusions reached in your revised draft report logically flow from the analysis as set out in the text of the report. This is important because, unless the logical reasoning is set out in full, it will be more difficult for the mediator to support the parties in their efforts to reach an agreed outcome. It also appears that in a number of cases that you have made reference to facts beyond those which were disclosed in the Post Office investigative report and it is unclear whether these are facts which you have assumed on balance to be true or whether they are ones backed up by evidence.
- It would have been useful, somewhere in the report, to set out, and assess, both parties' views, so that each party could understand the other's position better and so that the mediator could consider Second Sight's findings in that full context. The absence of this text makes the job of the mediator more difficult as they will have to cover this ground in the mediation meeting itself.
- As a related point we had understood that you would set out more clearly and separately the points of common ground, points of dispute and Second Sight's conclusions. However, it seems to us, that in places these three sections have become muddled and, on balance, we believe this may cause confusion for the reader (and potentially the mediator).

As an overarching comment I should add that our expectation was, and remains, that Second Sight's reports would in look and feel be more akin to the "dispassionate" reports produced by expert witnesses in a Court proceeding, where the expert's primary role is to assist the Court in its understanding of a disputed issue of fact. Viewed through this lens a number of conclusions as they are set out in the report seem to us to give the appearance of not being fully supported. That said we are very supportive of this case going

through to mediation and fully appreciate that your full work load means that it may not be possible to refine this report any further. However for future reports we would like to see your reports presented with a sharper analytical focus, on (as the Chair has previously mentioned) whether Post Office was responsible or not in any way for the SPMRs "loss".

As agreed at the Working Group, we will, as requested be preparing a response to M022 dealing with points of substance rather than style.

Please do feel free to phone if any of these points are unclear.

Yours sincerely

Chris

Chris Aujard I General Counsel

5th Floor, Bunhill Wing, 148 Old Street, London, EC1V 9HQ



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