

Message

From: Mark Underwood1 [GRO]
on behalf of Mark Underwood1 [GRO]
Sent: 03/08/2015 19:52:19
To: Jane MacLeod [GRO]; Rodric Williams [GRO]
CC: Mark R Davies [GRO]; Melanie Corfield [GRO]
Subject: RE: Sparrow
Attachments: What have SS said to the minister re.docx; Rudkin Note.docx; J. Branch Support Programme FINAL v2.pdf

Hi,

With thanks to MD and JH for their input, I have made a start to this (attached) and attached two further documents referenced in the answers (Note on M051 and some info on the branch support programme).

Rod – as discussed, perhaps we can sit for an hour or so tomorrow to try and refine.

Mark

Mark Underwood
Complaint Review and Mediation Scheme
[GRO]

From: Jane MacLeod
Sent: 03 August 2015 15:33
To: Mark Underwood1; Rodric Williams
Cc: Mark R Davies
Subject: Fwd: Sparrow

See Paula's queries below, we have addressed some of these already - can we look at the others and see if there answers?

Thanks

Jane MacLeod
Sent from my iPhone

Begin forwarded message:

From: Paula Vennells [GRO]
Date: 3 August 2015 15:26:59 BST
To: Jane MacLeod [GRO], Mark R Davies [GRO], Alisdair Cameron [GRO]
Cc: Tom Wechsler [GRO], Avene O'Farrell [GRO], Alwen Lyons [GRO]
Subject: Sparrow

Hi Jane, Mark, Al,
I've listed below some questions and requests. I know we have answered a number of these before but i want to be sure I have the right words in my head and not half remember them on Thursday.

As my earlier note, our priority is to protect the business and the thousands who operated under

the same rules and didn't get into difficulties; the points and queries below are not to reopen anything but to ensure so we are well briefed for Thursday.

Mark, could you also get Alwen to dig out the Q&A we prepared for the Board re the Grant Agreement with the NFSP. The CWU will be using that agreement against them/us and we'll need to be sure we have a short explanation easily available. (I don't suppose it will come up on Thurs but it could arise anytime, especially if we want to use George's support.) Ie., what I'm looking for is the counter line to we've 'bought their support'.

Lastly, if we decided to change anything (BNR's options), we would need to go back to the Board. (Is Neil Mc in the loop at all?)

Thanks, speak tomorrow.
Paula

- 1) What have SS said to the minister re 'their views have been misrepresented'?
- 2) SS clearly believe we should be paying compensation for something - what? Why are they actively supporting JFSA?
- 3) Why did they think we would be destroying data? Clearly we wouldn't; so what is so sensitive that they thought we might/ or wanted to be sure data was protected. (And if the data destruction point is just a red herring, then it comes back to 2)
- 4) What is the latest situation re Andrew Bridgen - if he meets us with Michael Rudkin, what are the details of the Rudkin case? Should BNR and PV be briefed fully? (It might be difficult for AB to be better briefed?) Would we consider taking GT along to the meeting, or getting a statement from GT to use in the meeting?
- 5) Would like a brief report with an exec summary, before BNR meeting, covering cases we are still dealing with - eg., type of case, 3/4 line summary of what the issue was and when it took place, where the case sits in the process (CCRC, mediated, mediation request withdrawn, etc.), compensation requested - £ and why, etc. And to include update on the overall stats as previously.
- 6) Is it possible to identify any common issues, which may be at the base of a class action/ public enquiry request? Also ref 2) above
- 7) What is our explanation as to why we refused to listen to SS, having employed them as our independent experts? To counter 'it's because we didn't like/agree with their conclusions/opinions'.
- 8) Would any compensation make this go away? (For the record I'm not suggesting this! Nor do I think the JFSA would entertain it. But want to be prepared if we are asked the question.)
- 9) What might the 3/4 law firms advising groups of SPMRs have found that convinces them a class action might be possible? Also ref 2) above
- 10) Is the 'unfair contract terms' view still around? Ie., institution vs individual. I seem to remember that it linked to the issue that we cannot prove a negative - ie., we don't know where the money went: overly onerous/unfair contract putting all the responsibility on SPMRs? Is it still the same contract that we are asking current new SPMRs to sign up to? How does it compare to other franchise contracts? (This is likely to be a question asked.)
- 11) Are we dealing with SPMRs differently today than we were 3,5,10 years ago? (My sense is yes as all businesses change/improve.) If the current processes/support had been in place then, how might any of these cases have been dealt with differently? Is there an opportunity to recognise/compensate that in some way? Only for those in the scheme and once off. My understanding is that one would not normally read back new processes into old judgements and so am only asking the question at this stage.
- 12) How much have we spent already? How much will we have spent if it runs its course? If it

went to JR or public enquiry, what is cost estimate? Is govt aware it would need to fund? If we became liable for any compensation, at what level would it create going concern issues? Is govt aware?

13) Is Sir AH involved at present? Or likely to be asked to speak to BNR? What would he say if he did?

14) If BNR wants to be sure we have been properly advised, is there a 'govt lawyer' function somewhere in the Cabinet Office, or indeed BIS, who might be asked to look at it? Could she/we use them for a second opinion?

15) Political context: AB, BNR, DC small majority, Commons minister, etc. Horizon scan re how to handle.

16) suicide case: want to be sure about this as it will help minister - didn't we have an understanding from the family that there were wider issues?

17) Options?

- Continue as we are but re-open mediation to avoid any misunderstanding. Allow it to take as long as it needs.
- Move to arbitration rather than mediation - to get to a lifo situation with each (non-criminal case) SPMR. Can this be done with a compensation cap?
- Just settle on the basis that costs will continue to strangle the business and it would remove the distraction. But see 11) and 12)
- Public enquiry - pros and cons?
- Independent review of SS reports - reporting to BNR or to AI, or to me.
- Independently arbitrated talks with PO, JFSA (and SS?)
- One-off settlement reading back today's principles to those SPMRs in the scheme that might have been affected differently.

Paula Vennells
Chief Executive
Post Office Ltd

T:

Sent from my iPad