

Message

From: Angela Van-Den-Bogerd [GRO]
Sent: 07/06/2012 09:51:08
To: Alwen Lyons [GRO]
Subject: FW: MPs visit

Alwen,

The information from Alison is below.

Angela

Angela Van Den Bogerd
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From: Alison Bolsover
Sent: 07 June 2012 10:45
To: Angela Van-Den-Bogerd
Subject: RE: MPs visit

Angela

Scott Darlington - Alderley Edge, Debt outstanding £44,193.46
This is one of our top 5 cases that I have recommended that we proceed on but I am awaiting a risk analysis and cost estimate from Bond Pearce on the top 5 cases (this was covered in a discussion with Susan when she visited with Alwen)

[GRO] – Blackwood –We do not hold a case on this, it is time expired.
The debt was written off Nov 2004 (£436,317.31) there is an email on the EFC that suggests it was not in the best interest of the business to pursue as the FI could not find further assets. The branch also had property debt of £49,005.10 (Email from Jean Reynolds 20.1.2006) that property holdings were looking into recovering as there was sufficient equity in the house, but I am not aware if this was pursued.

Sorry not to have more information
Kind regards Alison

From: Angela Van-Den-Bogerd
Sent: 07 June 2012 06:22
To: Alison Bolsover
Subject: Fw: MPs visit

Hi Alison,

Could you advise where we are / got to with pursuing the debt for Darlington and **GRO**?

Thanks,
Angela

From: Chris Darvill
Sent: Thursday, May 31, 2012 06:16 PM
To: Angela Van-Den-Bogerd
Cc: Simon Baker
Subject: MPs visit

Angela

I have compared the list of branches against the known cases being fronted by Shoosmiths. 3 of the 5 cases formally notified to POL fall within the constituencies of one of the 37 MPs due to attend the meeting:-

Branch	Subpostmaster	Constituency	MP	Party
Alderley Edge PO	Scott Darlington	Tatton	George Osborne	Conservative
Astwood Bank PO	Julian Wilson	Redditch	Karen Lumley	Conservative
Merthyr Tydfil PO	GRO	Merthyr Tydfil and Rhymney	Dai Havard	Labour

I have set out a summary of the facts below. I have taken some of this information from the letters prepared by Shoosmiths, but have not had an opportunity to verify it.

Scott Darlington

- SPM was appointed on 25 March 2005.
- Audit carried out on 12 February 2009. SPM suspended for inflating on-hand cash declarations by c.£44k.
- Pleaded guilty to 5 counts of false accounting based upon cash declarations made between September 2008 and February 2009.
- Debt of c.£44k remains outstanding in full.
- Letter before action sent by Shoosmiths on 16 August 2011. It is alleged by the SPM that he was compelled to make the false declarations by virtue of economic duress and that the offences resulted from the unfairness of the system devised for use by SPM's and/or as a result of errors generated by the Horizon system itself. As a result, the SPM claims that POL was not entitled to terminate his appointment and consequently POL is liable for the wrongful termination of his contract. The SPM claims damages of c.£150k.
- It is alleged that (a) the training provided was inadequate, (b) the helpline provided by POL was unfairly difficult to access due to both its hours of operation and the insufficiency of operators to deal with the level of demand placed on the service, (c) the Horizon system suffers with inherent defects and/or an unfair system of operation and (d) the standard operating procedures used by POL make it impossible to properly reconcile errors.
- Liability has been denied on the basis that the SPM can have no claim for wrongful termination in circumstances where he has committed fraud. POL has not responded to each individual allegation.
- There has been no correspondence on this matter since December 2011.
- There are no live court proceedings in play.

Julian Wilson

- SPM was appointed on 6 November 2002.
- In or around May 2003 an audit took place. A small discrepancy was found and made good.
- On 11 September 2008 a further audit took place. The auditors were advised that there would be a shortfall of c.£27k. A shortfall of £27,811.98 was identified and the SPM was suspended.
- On 15 June 2009 the SPM pleaded guilty to two charges of false accounting. He was made subject to a confiscation order and the debt has been paid in full.
- Letter before action sent by Shoosmiths on 23 August 2011. The issues raised in that letter are more or less identical to those set out in Darlington.
- Liability has been denied on the same basis as in Darlington.

- There has been no correspondence on this matter since December 2011.
- There are no live court proceedings in play.

GRO

- SPM between June 1997 and 7 July 2005. Prior to this she had been an employee of POL working as a cashier and substitute / relief manager in a Crown PO.
- It appears that the branch was audited on 23 September 2004. The total amount of the discrepancies stood at £425k. She was suspended and ultimately terminated by letter dated 19 January 2005.
- The SPM was interviewed under caution in respect of allegations of theft. It does not appear that any criminal proceedings were commenced.
- The SPM appealed the decision to terminate her contract and it appears that she was re-instated, albeit she remained on suspension. It also appears that POL wrote to her on 30 June 2005 inviting her to resign, which she did on 14 July 2005.
- Court proceedings were commenced in June 2011 and served on POL in October 2011. A letter before action was served on 23 December 2011. The allegations made are in almost identical terms to the claims made in both the Darlington and Wilson cases.
- This claim has been struck out on the basis of procedural error and the SPM is now time barred from bringing any future claims.

I hope the above is helpful. If you need more information, let me know.

Regards

Chris Darvill

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or

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