

Message

From: Parsons, Andrew [GRO]
Sent: 18/08/2015 09:20:56
To: Rodric Williams [GRO]
CC: Matthews, Gavin [GRO]
Subject: Panorama - confidentiality [BD-4A.FID20472253]

Rodric

My thoughts below on the confidentiality position following Panorama.

In short, my view is that POL either (i) does nothing but a bare denial of the allegations and waits for the CCRC or (ii) goes on a full attack – with the former being my strong preference. Any middle ground simply feeds the fire and I don't believe that steady reasoned argument or disclosure of further documents will assist in changing the story.

Applicants

The confidentiality of Applicant's cases is set out in the Mediation Scheme Documentation. This provides a reasonable endeavours obligation on both SPMR and POL to keep details of cases confidentiality. There is an exception where an Applicant discusses their case publicly. This exception has clearly been triggered for Misra, Hamilton and Thomas and POL are therefore legally free to discuss these cases publicly.

I'm not convinced that responding to the "*inappropriate theft charge*" allegation for each case with a more detailed explanation of what happened would be worthwhile. Our arguments are technical, rely in the intricacies of the prosecution process and are based on a range of evidence rather than a single smoking gun. The man in street will simply say: "*where is the evidence of the SPMR putting the money in her pocket?*". I don't believe we can win this battle in the media.

POL could however start attacking the postmasters credibility by calling out Thomas, Misra and Hamilton as the liars and criminals that they are. They all admitted to FA and all admitted to it again last night on Panorama. POL's language to date has been constrained (last night it was "*deliberate dishonest conduct*" which is a gentle way to put it). Perhaps some much punchy language, combined with more specific details of the FA (eg. falsified accounts over xx period covering up £xx, admitted doing this on xx occasions") might help re-balance public perception.

SS

It will be difficult to say that SS have breached confidence. There is an exemption in their engagement terms that allows them to discuss with the media issues already in the public domain. Having carefully reviewed the clips with Ian, I don't believe he transgressed this line as all his comments reflected statements in the P2 report that is in the public domain.

The only issue that may be a breach of confidence is at 25:20 of the programme where John Sweeney does a voiceover and says "*SS thinks that POL may have used theft charges as a tactic to put pressure on postmasters*". This statement is not in the P2 report – P2 says that POL may have had insufficient evidence of theft but it does not say that POL charged postmasters as tactic – the former being an allegation of incompetence and the latter being an allegation of bad faith.

From POL's perspective, the SS engagement terms are one-sided and so POL is not bound by any confidentiality and is legally free to discuss SS and their work (subject to the restriction above on details of applicant's cases).

For the reasons given above, I don't believe that a substantive debate over SS' views on the "*inappropriate theft charge*" allegation would be successful. Whatever we think about them, the wider perception is that they are independent experts and are credible.

If POL wish to respond, I would again recommend attacking their credibility and start with disclosing the extract from their engagement terms that says: "*it is acknowledged that matters relating to criminal law and procedure are outside Second Sight's scope of expertise*".

Kind regards
Andy

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