

To: Ben Foat [GRO]; Ken McCall [GRO]; Tim Parker [GRO]; Thomas Cooper [GRO]; Carla Stent [GRO]; Zarin Patel [GRO]; Lisa Harrington [GRO]; Nick Read [GRO]

Cc: Veronica Branton [GRO]; Mark Underwood [GRO]; Jonathan E Hill [GRO]

From: Alisdair Cameron

Sent: 2021-04-30T13:43:51Z

Importance: Normal

Subject: RE: FOI Request for Board Minutes and Attendees - 2013 Simon Clarke Advice

Received: 2021-04-30T13:43:51Z

[image001.png](#)

Ben, it would I think be helpful to do a high level and simple timeline of the Second Sight activity, the different reviews like SC, Brian Altman's review, disclosure excercises, deloitte H reviews so we can see how it pins together. 2013 does seem to be the pivotal year when PO doubled down. Thanks Al

From: Ben Foat [GRO]

Sent: 30 April 2021 14:17

To: Ken McCall [GRO]; Tim Parker [GRO]; Thomas Cooper [GRO]; Carla Stent [GRO]; Zarin Patel [GRO]; Lisa Harrington [GRO]; Alisdair Cameron [GRO]; Nick Read [GRO]

Cc: Veronica Branton [GRO]; Mark Underwood1 [GRO]; Jonathan E Hill [GRO]

Subject: Re: FOI Request for Board Minutes and Attendees - 2013 Simon Clarke Advice

Hi Ken

The Simon Clarke advice was sought following the Second Sight Report which contained information that Horizon may not be "bug free" and Post Office may have been aware of this. The Second Sight report identified two bugs with Horizon (receipts and payments mismatch and local suspense account) which had been highlighted to Second Sight by Gareth Jenkins. In the advice dated 8 July 2013 he advised on the need to conduct a review of all Post Office prosecutions (and a small number of current cases) to identify those in which the material ought to be disclosed. This post conviction exercise was referred to as the Cartwright King Sift Review. On 15 July 2013, Simon Clarke provided advice to Post Office as to "the use of expert evidence in support of prosecutions of allegedly criminal conduct. This advice is referred to in the CACD judgment as illustrating POL's poor investigation procedures.

Hope that helps. Happy to discuss/ provide further material.

Kind regards
Ben

Ben Foat
Group General Counsel
Post Office Limited
Ben.Foa [GRO] <mailto:[GRO]>

Get Outlook <<https://aka.ms/sdimjr>> for iOS

From: Ken McCall [GRO]; mailto [GRO]

Sent: Friday, April 30, 2021 1:08 pm

To: Ben Foat; Tim Parker; Thomas Cooper; Carla Stent [GRO]; Zarin Patel; Lisa Harrington [GRO]; Alisdair Cameron; Nick Read

Cc: Veronica Branton; Mark Underwood [GRO]; Jonathan E Hill

Subject: Re: FOI Request for Board Minutes and Attendees - 2013 Simon Clarke Advice

Ben

I was trying to remember what the Clarke advice was as i do not remember having seen it
Maybe its my memory and all others have noted the papers ?
Can you please clarify ?

Best

Ken

Get Outlook for iOS<<https://aka.ms/o0ukef>>

From: Ben Foat <mailto:GRO>
 Sent: Friday, April 30, 2021 8:22:46 AM
 To: Tim Parke <mailto:GRO>; Ken McCall <mailto:GRO>; Thomas Cooper <mailto:GRO>; Carla Sten <mailto:GRO>; Zarin Patel <mailto:GRO>; Lisa Harrington <mailto:GRO>; Alisdair Cameron <mailto:GRO>; Nick Read <mailto:GRO>;
 Cc: Veronica Branton <mailto:GRO>; Mark Underwood <mailto:GRO>; Jonathan E Hill <mailto:GRO>
 Subject: FOI Request for Board Minutes and Attendees - 2013 Simon Clarke Advice

Dear all,

We are due to respond to a FOI request for the minutes of Board Meetings which mention the 2013 Simon Clarke Advice. The scope of the FOI requests includes the names of Board members present at these Board Meetings but excludes any supporting Board papers.

The requestor did not specify a time period in his request for board minutes, and so reasonable searches have been conducted of board minutes from July 2013 (and in particular those in the second half of 2013). Although we have been able to determine that it is likely the Board were made aware of concerns held with the evidence provided by Dr Jenkins (i.e. the subject matter of the 2013 Clarke Advice), we have not been able to determine that the actual Clarke advice itself went to the Board in 2013.

The Board Minutes which do mention the 2013 Clarke Advice and are therefore responsive to the FOI request are as follows:.

1. A CCRC board meeting on 19 November 2020; and
2. A CCRC board meeting on 04 February 2021.

The relevant sections of the minutes are not being disclosed as they are legally privileged. However, the requestor has specifically asked for the names of Board members who attended the relevant meetings.

We consider that the disclosure of these names is necessary to meet the requestor's legitimate interests and that POL is therefore required to disclose them, together with the dates of these meetings. We have prepared a response to the requestor on this basis, which is attached.

The attached response will be sent out no later than Friday 7 May 2021. If you have any concerns or queries, please do not hesitate to contact myself or the team (copied).

Kind regards

Ben

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Ben Foat

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