



Eleanor Shaikh

Date: 4 September 2020

Dear Ms Shaikh,

## Freedom of Information Act 2000 (the Act)

We refer to the 15 requests you have sent to the UK Government Investments (UKGI) Freedom of Information inbox. These are detailed in the Annex to this letter.

Under the Freedom of Information Act 2000 ('the Act'), you have the right to:

- know whether we hold the information you require; and
- be provided with that information (subject to any exemptions under the Act which may apply).

Under the Act you have the right to see *recorded information* held by public authorities – that is information recorded in any form e.g documents. It does not cover the creation of new information or enquiries such as "please explain your policy on x" or "please explain your decision to do y". A number of your requests are not requests for recorded information. For further guidance please see - <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/>

Furthermore, Section 12 of the Act relieves public authorities of the duty to comply with a FOI request if the cost of dealing with it would exceed the appropriate limit.

Section 12(1) of the Act provides that “‘ Section 1(1) [*general right of access to information held by public authorities*] does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit ”. The appropriate limit for a public authority such as UKGI is set at £450. This represents the estimated cost of one person spending 2.25 working days in determining whether UKGI holds the information, and locating, retrieving and extracting it.

The exemption provides that the costs of answering more than one request can be added together or aggregated for the purposes of estimating whether the appropriate limit would be exceeded in relation to any one of those requests in the following circumstances:

- two or more requests for information must have been made to the same public authority;
- they must be either from the same person, or from 'different persons who appear to the public authority to be acting in concert or in pursuance of a campaign';
- the requests must relate to the same or similar information;

- they must have been received by the public authority within a space of 60 consecutive working days.

We consider that your requests fall within these circumstances, and therefore they can be aggregated. In particular, we consider that your requests relate to the same or similar information; that is information relating to Post Office Ltd. (POL) and the Horizon court case.

We are satisfied that the estimated costs of complying with your requests would exceed the applicable limit of £450. In considering what the estimated costs would be we have, for example, noted that some of your requests would require us to search through significant amounts of information to establish whether or not the specific information you have requested is included in the information we hold. In these circumstances we are not prepared to comply with your requests.

Under Section 16 of the Act, UKGI is obliged to provide advice and assistance to try to help prevent your request from exceeding the cost limit noted above. Where you have requested recorded information, a number of these requests cover an unspecified number of years and request multiple documents from different sources. We advise that you prioritise the top one or two requests, narrow down the time period in question and consider requesting specific documents.

We also advise that a refined request may continue to engage the cost limit under the Act because there is no central repository housing all potential information held by UKGI relevant to your requests.

### **Appeals procedure**

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original request and should be addressed to the UKGI FOI team:

Email: [freedomofinformation@ukgi.org.uk](mailto:freedomofinformation@ukgi.org.uk)

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

UK Government Investments

## UKGI Response to Freedom of Information (FOI) Requests from Eleanor Shaikh August 2020

Number	Date Received	Request
1	18/08/2020	<p>Dear UK Government Investments Limited,</p> <p>UKGI's Framework Agreement with it's Shareholder HM Treasury of April 2018 was updated on 23rd July 2020 but has not been updated online.</p> <p>Please can you release a copy of the updated Framework Agreement?</p> <p>Yours faithfully, Eleanor Shaikh</p>
2	18/08/2020	<p>Dear UK Government Investments Limited,</p> <p>According to UKGI's own protocols, Framework Documents must be implemented between UKGI, a Department and the Arm's Length Body or Partner Organisation which UKGI is managing on behalf of that Department: 'the specific accountability of the ALB board, chair, relevant Ministers and CEO must be explicitly agreed, primarily through the FWD [Framework Document]':</p> <p>(UKGI Government: Arm's Length Bodies, p11 point i), p12 point viii) and C i).</p> <p><a href="https://www.ukgi.org.uk/wp-content/uploads/2020/03/UK-Government-Arms-Length-Bodies-A-View-from-Practitioners-January-2020_WEB.pdf">https://www.ukgi.org.uk/wp-content/uploads/2020/03/UK-Government-Arms-Length-Bodies-A-View-from-Practitioners-January-2020_WEB.pdf</a></p> <p>(See also HM Treasury 'Managing Public Money' Appendix A, p184-199 September 2018 version and BIS's 2015-16 Annual Report p91, para 6).</p> <p>i) Please can you release any communications in which UKGI advised or asked the Department for BEIS to draw up a Framework Agreement governing the shareholder relationship between BEIS/UKGI and Post Office Limited?</p> <p>Please include the response of the Department.</p> <p>ii) Was the absence of a Framework Agreement governing the relationship between BEIS/UKGI and POL ever identified as a non-compliance or suggested improvement by internal GIAA audits or externally-facilitated reviews of UKGI?</p> <p>ii) On what date did BEIS agree to the drawing up of its Shareholder Framework Document between the Department, POL and UKGI and when did it start doing so?</p> <p>Yours faithfully, Eleanor Shaikh</p>

3	18/08/2020	<p>Dear UK Government Investments Limited,</p> <p>During its High Court Horizon Litigation, Judge Fraser originally asked POL to report its legal costs to the Court at £250k intervals, but POL costs rose so rapidly he had to adjust the reporting interval to £500k:</p> <p><a href="https://www.lawgazette.co.uk/news/bates-v-post-office-costs-hit-25m-as-both-parties-warned-about-spending/5070562.article">https://www.lawgazette.co.uk/news/bates-v-post-office-costs-hit-25m-as-both-parties-warned-about-spending/5070562.article</a></p> <p>At what intervals was it decided that POL would report its legal costs to BEIS/UKGI and was this reporting interval ever adjusted to accommodate the high rate of expenditure?</p> <p>Yours faithfully, Eleanor Shaikh</p>
4	18/08/2020	<p>Dear UK Government Investments Limited,</p> <p>The Shareholder Relationship Framework Document between BEIS/UKGI and POL implemented on April 1st 2020 outlines the roles which function to support Partner Organisation communications (p11).</p> <p>Please can you identify the current Policy Sponsor and Policy Champion who liase with POL on behalf of BEIS.</p> <p>ii) Who is the 'Shareholder Representative at Executive level' (as distinct from the Shareholder NED)?  ii) Please can you also identify the Corporate Governance Sponsor in the BEIS Partnership Team (see below, p11, point 6.5)?  i) Who undertook these roles during the period encompassed by POL's High Court Litigation, March 2017-April 2020?</p> <p><a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874283/post-office-limited-shareholder-relationship-framework-part-1.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874283/post-office-limited-shareholder-relationship-framework-part-1.pdf</a></p> <p>Yours faithfully, Eleanor Shaikh</p>
5	09/08/2020	<p>Dear UK Government Investments Limited,</p> <p>As part of its inquiry into the Post Office and Horizon, the Chair of the BEIS Select Committee asked POL's former CEO, Paula Vennells, for information concerning the involvement of UKGI officials in discussions about Horizon at Board level. In her letter of response (24th June 2020) Ms Vennells, stated:</p> <p>'The UKGI directors were fully engaged in the discussions...The present UKGI incumbent director...was fully engaged on the Board, sub- committee and with ministers and lawyers at BEIS' (p17, para 60 in response to Question 16).</p> <p>i) Please can you confirm the identity of the law firm who were involved on behalf of BEIS with which the UKGI POL representative was 'fully engaged'.</p>

		<p>ii) Please can you confirm if a representative from this law firm gave advice directly, or via BEIS, to UKGI regarding POL's application to recuse Mr Justice Fraser on 21st March 2019?</p> <p>iii) Please can you confirm if a representative from this law firm gave advice directly, or via BEIS, to UKGI regarding POL's appeal against the Judge's refusal to recuse himself delivered by POL on 9th April 2019?</p> <p>Yours faithfully, Eleanor Shaikh"</p>
6	10/08/2020	<p>Dear UK Government Investments Limited,</p> <p>In a Memorandum of Understanding between UKGI and BEIS (12th December 2019), point 5.3 articulates 'UKGI does not provide legal advice or manage any legal claims relating to the Asset on behalf of BEIS'.</p> <p>i) Can you confirm whether any such agreement existed between UKGI and BEIS prior to the date of this MOU which could have precluded UKGI from engaging in activities relating to POL's Group Litigation?</p> <p>Point 6.2 of the same document states: 'UKGI may, where appropriate, advise BEIS Permanent Secretary, BEIS Ministers and the BEIS Secretary of State directly in relation to the Activities [of the Asset] ....Where UKGI provides advice to BEIS which BEIS does not wish to follow, this will be recorded in the relevant submissions or internal notes/briefings as appropriate'.</p> <p>ii) Please can you disclose any relevant submissions or internal notes/briefings which record advice given by UKGI to any representative of BEIS regarding POL's Group Litigation which the Department for BEIS did not wish to follow?</p> <p>The 12th December Memorandum of Understanding between UKGI and BEIS can be found at:</p> <p><a href="https://www.whatdotheyknow.com/request/671278/response/1600563/attach/html/6/R%20BEIS%20UKGI%20MOU.pdf.html">https://www.whatdotheyknow.com/request/671278/response/1600563/attach/html/6/R%20BEIS%20UKGI%20MOU.pdf.html</a></p> <p>Yours faithfully, Eleanor Shaikh</p>
7	13/08/2020	<p>Dear UK Government Investments Limited,</p> <p>Four successive UKGI Annual Reports (2016/17, 2017/18, 2018/19, 2019/20) indicate GIAA audit ratings of only 'Moderate' with regard to the effectiveness of the framework of governance, risk management and control at UKGI.</p> <p>In response, a key UKGI objective of 2018-19 was 'to ensure UKGI fully documents the risks and mitigations in place across its shareholder portfolio' (UKGI Annual Report 2018-19, p38).</p> <p><a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817665/UKGI_Annual_Report_and_Accounts_2018-19_WEB.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817665/UKGI_Annual_Report_and_Accounts_2018-19_WEB.pdf</a></p>

		<p>i) Please can you identify if the effectiveness of UKGI's stewardship of Post Office Limited was identified by audits as being in need of improvement over the period 2016-2020 and what actions were implemented as a result?</p> <p>ii) Please can you specify if GIAA audits highlighted the absence of a Framework Agreement governing the relationship between BEIS, UKGI and Post Office Limited? What actions were implemented as a result?</p> <p>iii) Please can you supply reports which evidence UKGI's full documentation regarding the risks and mitigations pertaining to POL's Horizon IT and litigation?</p> <p>Yours faithfully, Eleanor Shaikh</p>
8	17/08/202	<p>Dear UK Government Investments Limited,</p> <p>On 6th July 2020 in a written response to Lord Arbuthnot, BEIS's Parliamentary Under-Secretary, Lord Callanan made the following comment:</p> <p>'Following the Common Issues Judgment in March 2019, POL advised Ministers that it intended to change its approach to the litigation. This included changes to the POL legal team and strategy...'</p> <p><a href="https://www.theyworkforyou.com/wrans/?id=2020-06-22.HL5975.h&amp;s=lord+arbuthnot#gHL5975.q0">https://www.theyworkforyou.com/wrans/?id=2020-06-22.HL5975.h&amp;s=lord+arbuthnot#gHL5975.q0</a></p> <p>i) Please can you release correspondence and/or minutes of meetings in which POL advised UKGI of the aforesaid change in legal strategy after the Common Issues Judgement of March 2019?</p> <p>ii) Please can you release correspondence and/or minutes of meetings in which UKGI responded to POL's information regarding the change in its legal team and strategy as a result of the Common Issues Judgement?</p> <p>Yours faithfully, Eleanor Shaikh</p>
9	17/08/202	<p>Dear UK Government Investments Limited,</p> <p>In its written Opening for the Common Issues Trial, POL claimed the litigation posed an unprecedented level of threat:</p> <p>'If the Claimants were right in the broad thrust of their case, this would represent an existential threat to Post Office's ability to continue to carry on its business throughout the UK in the way it presently does'</p> <p>(Common Issues Judgement, p6, para 11)</p> <p><a href="https://www.judiciary.uk/wp-content/uploads/2019/03/bates-v-post-office-judgment-no3-15-mar-19.pdf">https://www.judiciary.uk/wp-content/uploads/2019/03/bates-v-post-office-judgment-no3-15-mar-19.pdf</a></p> <p>UKGI's Audit and Risk Committee reviews monthly risk registers relating to asset's under its management.</p> <p>i) Can UKGI reveal when POL was registered as moving into a 'high risk' rating with regards to its Group Litigation?</p>

		<p>ii) Can UKGI reveal at what point this risk was considered significant enough to warrant escalation to UKGI's Chief Executive, Mark Russell, and Chairman?</p> <p>iii) Can UKGI reveal when the risks associated with POL's Group Litigation were brought to the attention of BEIS's Accounting Officer, Alex Chisholm, also non-executive director of UKGI?</p> <p>iv) Please can you release details of UKGI's working-level risk register with respect to POL from 2016 to the present?</p> <p>Yours faithfully,</p> <p>Eleanor Shaikh</p>
10	19/08/2020	<p>Dear UK Government Investments Limited,</p> <p>According to the Memorandum of Understanding between UKGI and BEIS (12th December 2019): 'UKGI may, where appropriate, advise BEIS Permanent Secretary, BEIS Ministers and the BEIS Secretary of State directly in relation to the Activities' (p3, point 6.2)</p> <p>i) Please can you disclose if a UKGI representative has had direct communications either with BEIS's Secretary of State or with BEIS's Permanent Secretary regarding Post Office's High Court Litigation, or associated Horizon IT and sub-postmaster contractual issues?</p> <p>ii) If so please can you disclose the date of such communications, which UKGI representative was involved and what actions were implemented as a result?</p> <p>The 2019 Memorandum of Understanding between UKGI and BEIS can be found at:</p> <p><a href="https://www.whatdotheyknow.com/request/671278/response/1600563/attach/html/6/R%20BEIS%20UKGI%20MOU.pdf.html">https://www.whatdotheyknow.com/request/671278/response/1600563/attach/html/6/R%20BEIS%20UKGI%20MOU.pdf.html</a></p> <p>Yours faithfully,</p> <p>Eleanor Shaikh</p>
11	19/08/2020	<p>Dear UK Government Investments Limited,</p> <p>The Memorandum of Understanding between UKGI and BEIS (12th December 2019) states that UKGI 'may assist with procurement and management of legal and other professional advice in respect of the Activities [of the Asset]' (p2, point 5.2).</p> <p>Please can you reveal if UKGI assisted in the procurement or management of legal or other professional advice in respect of Post Office's Horizon issues, its sub-postmaster contracts and/or its High Court Litigation?</p> <p>(The 2019 Memorandum of Understanding between UKGI and BEIS can be found at):</p>

		<a href="https://www.whatdotheyknow.com/request/671278/response/1600563/attach/html/6/R%20BEIS%20UKGI%20MOU.pdf.html">https://www.whatdotheyknow.com/request/671278/response/1600563/attach/html/6/R%20BEIS%20UKGI%20MOU.pdf.html</a>  Yours faithfully, Eleanor Shaikh
12	20/08/2020	Dear UK Government Investments Limited,  The Justice For Subpostmasters Alliance is to present a case to the Parliamentary Ombudsman requesting his/her investigation into the oversight of the Department for BEIS of the Post Office during its Horizon controversy.  i) Please can you release the Retention Schedule of UKGI with regard to the retention period of information and documentation which may be pertinent to this investigation including: internal and external audit reports with supporting documents and data; risk assurance documentation, investigations and findings of irregularity; correspondence with Post Office Limited, BEIS, the Cabinet Office, HM Treasury and the Comptroller and Auditor General? i) Please can you indicate if this retention schedule applies equally to information passed to UKGI from its antecedent ShEx since its inception at the Cabinet Office in 2003 and its subsequent activities as managing government shareholdings under DTI, BERR and BIS? i) Has the Accounting Officer suspended the usual process of archiving and destruction of the above material and if not, when will such a suspension be implemented so that any relevant evidence will not be destroyed?  Yours faithfully, Eleanor Shaikh
13	21/08/2020	Dear UK Government Investments Limited,  In the words of UKGI's CE:  'Without doubt the diversity of entities and activities within our portfolio presents challenges; most acutely, UKGI will need to consider very carefully the lessons to be learnt from the sub- postmasters' litigation against Post Office Ltd, and UKGI's role in relation to the Post Office'.  (UKGI Annual Report 2019-2020, p10). <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/897173/UK_Government_Investments_Annual_Report_and_Accounts_2019-20_web_optimised_version_.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/897173/UK_Government_Investments_Annual_Report_and_Accounts_2019-20_web_optimised_version_.pdf</a>  i) Has UKGI launched an internal review to identify lessons to be learned from POL's High Court Litigation and UKGI's role in relation to POL?  ii) If so, who is conducting this review, what is the timescale for its completion and will its findings be made public?



14	25/08/2020	<p>According to one BIS Permanent Under Secretary of State, UKGI was created to ‘provide the best balance of being close to the centre of government through its Treasury shareholder, but with sufficient independence to ensure an effective relationship with customer Departments’:</p> <p><a href="http://data.parliament.uk/DepositedPapers/Files/DEP2015-0946/151127_Letter_to_Lord_Mendelsohn_UKGI.pdf">http://data.parliament.uk/DepositedPapers/Files/DEP2015-0946/151127_Letter_to_Lord_Mendelsohn_UKGI.pdf</a></p> <p>i) What are the reporting links between UKGI and its Shareholder HM Treasury?</p> <p>ii) Did UKGI report to HM Treasury on matters pertaining to its Asset, Post Office Limited, with regard to its Horizon issues and Group Litigation at any time since its inception in April 2016?</p> <p>iii) If so, how regularly?</p> <p>iv) Did UKGI/HM Treasury discuss either Post Office Horizon or Post Office Litigation Issues at quarterly shareholder meetings, if so when and what actions if any were implemented as a result?</p> <p>iv) Has UKGI, since its inception, communicated to its Shareholder HM Treasury any concerns over POL’s Horizon issues or Group Litigation with regard to propriety, regularity, prudence or feasibility?</p> <p>v) Was the UKGI Board subject to any directions from HM Treasury with regard to its management of Post Office Limited, if so please can you publish any such direction?</p>
15	27/08/2020	<p>Dear UK Government Investments Limited,</p> <p>i) How many teams within UKGI currently have responsibility for managing Post Office Limited on behalf of BEIS?</p> <p>ii) Please can you confirm how many personnel currently make up the Post Office team/teams within UKGI?</p> <p>ii) Please can you release figures to show how many people made up this team/teams in the years since the inauguration of UKGI in 2016 and how many people made up this team/teams in the years during which the government’s shareholding in Post Office was managed by the Shared Executive?</p> <p>Yours faithfully,</p> <p>Eleanor Shaikh</p>