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Second Sight's Draft Part Two Mediation Briefing Report

Record of teleconference on 11 August 2014

1. Participants

- Ron Warmington (Second Sight)
- Ian Henderson (Second Sight)
- Belinda Crowe (Post Office)
- David Oliver (Post Office)
- Andy Parsons (Bond Dickinson)

2. Apologies

- Chris Aujard (Post Office)
- Chris Holyoak (Second Sight)

3. Actions

- Post Office to set out comments on the Draft Report in writing
- Post Office to respond in writing regarding access to email archives

4. Areas of agreement

- Post Office and Second Sight agreed that an audit trail of comments and edits is vital
- Second Sight agreed to accept substantive preliminary comments from Post Office
- Second Sight agreed to try and address Post Office concerns over thinking and evidence
- Second Sight agreed to not do Job One work
- Alan can be optionally invited to a sit-down discussion of the Draft Report

5. Areas of discussion

- Introductions
- Purpose of the call
- Concerns over content
- Edits to the previous draft
- Pensions and allowances
- Duration of enquiries
- Access to email archives
- Lack of evidence
- Scope
- Job One
- Provision of comments on current draft

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6. Notes

Introductions

Post Office introduced participants (Belinda, Andy and David) and explained that Belinda was speaking in a Post Office capacity mindful that Chris was on leave until 26 August.

Second Sight introduced participants (Ron and Ian) and explained that Chris was away until 13 August.

Purpose of the call

Second Sight expressed the view that the purpose of the call was for Post Office to give a preliminary view and not any comments of substance. "Now is not the time to make points of substance".

Second Sight felt the meeting on 31 July with Post Office (Andy and Angela) had already given Post Office an opportunity to comment. "Feel we have done that". "Don't recall a Tony request for a second meeting"

Second Sight queried whether Post Office would respond and whether substantive comments were consistent with what WG had asked (i.e. quick exposure or full response?)

Second Sight asked whether Alan should participate in a discussion of the Draft Report.

Post Office explained that that the call was to set out Post Office concerns and come to agree a way to resolve these – properly audited should Second Sight agree to.

Post Office expressed concern that there hadn't yet been an opportunity to discuss the Draft Report. The meeting on 31 July being about four outstanding questions. "Bit that hasn't happened". "Did not put full Part 2 on table at that point"

Post Office stated happy to set out comments in writing.

Post Office felt it would be good if Alan wanted to join a sit down but didn't have to.

Concerns over content

Post Office stated wanted a document that helps Applicants and wanted to share considerable concerns. "Want to be clear, our concern is that as drafted this falls short of what applicant would expect". "Wanted to make point that there are a number of issues that have been previously covered". "Would have expected thinking and evidence to be more advanced".

Post Office expressed concern that lots of information was missing – so the Draft Report will not be helpful to Applicant or mediator – and wanted to surface now, before it goes to WG. "Broad issues that shouldn't be exposed in front of WG"

Second Sight responded "OK – will try to address"

Edits to the previous draft

Second Sight stated it was vital to have an audit trail of comments made and what the Draft Report looks like after having considered those.

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Post Office clarified that the 5 August version of the Draft Report was the latest draft and agreed regarding the importance of an audit trail.

Post Office queried whether changes had been made in light of the previous meeting with Andy and Angela.

Second Sight responded "Yes to the extent we thought they were worth including".

Pensions and allowances

Post Office queried whether P&A comments have been included.

Second Sight stated they hadn't reflected all – and would say investigations are continuing. They also queried whether Andy and Angela were going to look at legal files.

Post Office confirmed it was left with Second Sight to review P&A, which they haven't.

Second Sight felt it better to rely on documents and not meeting recollections, and confirmed they had reviewed some material and not included it.

Duration of enquiries

Post Office expressed concern that Second Sight have been investigating since 2012. "A long time to still have enquires continuing"

Second Sight felt this shouldn't be a surprise, as had said it would be a living document

Post Office reminded Second Sight they had assured that the Draft Report would be ready 26 March - as promised to MPs - so a long time in preparation

Post Office want to address as many points as possible.

Access to email archives

Second Sight maintained that requests to see email archives relating to an alleged secret unit in the basement of Bracknell had gone unanswered. "you provide the emails, we trawl"

Post Office agreed to respond in writing

Lack of evidence

Second Sight expressed concern that the character of the conversation is one of litigants – antagonistic. Second Sight claimed this is the antithesis of what CEO and Chair assured them would be the case.

Post Office reassured Second Sight that the conversation is not antagonistic. Post Office expressed concern about Second Sight not getting to the truth of the case and not providing evidence.

Post Office stated not trying to fetter Second Sight independence or take things out, just want to get the paper right. Post Office expressed concern that the lack of evidence doesn't take things further. Post Office concerned applicants may feel issues are more widespread than they are.

Second Sight claimed they report the truth, with an objective to help the applicants.

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Scope

Post Office raised two examples of items that are out of scope. e.g. contract and criminal. "If you look at criminal matters need to ask why and who are you doing this for"

Post Office flagged the risk of straying into legal – layer upon layer of legal argument / dangerous ground to comment on contract – applicants might rely on as legal advice.

Post Office suggested if there are areas Second Sight are not qualified to investigate – that might be an issue for Post Office to look at. Had the scope been criminal or contract, wouldn't have employed accountants

Second Sight concerned late in day to mention out of scope. "Don't recall anyone raising this previously". "No one previously cried foul".

Post Office responded that this is not about crying foul. Raising now as out of scope has first raised as a material point.

Job One

Post Office reminded Second Sight they had not been engaged by MPs. "Job 1 is in the cupboard". Post Office stated it needs visibility of Job 1. "Need to know if you are doing this (hat on) – and charging for this".

Second Sight stated "as we juggle we try and forget other hat in cupboard" and that Job 1 is paid for by Post Office.

Provision of comments on current draft

Post Office committed to providing comments. "If we stray into matters of substance, they will be preliminary comments"

Post Office committed to send Second Sight its preliminary comments within the next couple of days and if they are beyond the factual they are there and on the table as part of the next step in the process. "Everything will come to you by way of preliminary comments – is that OK?"

Second Sight responded that they were "happy with that" and that it was "absolutely fine".