

[TO GO ON POST OFFICE LETTERHEAD]

By email only: AnthonyHooper [GRO]

Sir Anthony Hooper
Chair of the Working Group
Initial Complaint Review and Mediation Scheme

[DATE]

Dear Sir Anthony

**Initial Complaint Review and Mediation Scheme
Draft Second Sight Part Two Report ("the Draft Report")**

I refer to Draft Report circulated recently by Second Sight.

You will have already seen Post Office's comments on the Draft Report which highlight a number of material inaccuracies and deficiencies.

Post Office has on numerous occasions sought greater engagement with Second Sight to discuss its avenues of enquiry and at the Working Group meeting on 24 July, you directed Second Sight to work more closely with Post Office. Unfortunately, save for one meeting at the end of July 2014, Second Sight has consistently refused to meet with us.

Even at the meeting in July, Post Office asked for early sight of the Draft Report so that it could be reviewed prior at the meeting. Second Sight only provided a hardcopy of that document as they arrived for the meeting, leaving no opportunity for the Draft Report to be discussed.

Second Sight has put very few questions to Post Office about Horizon or any associated issues. Although since the outset of the Scheme, Second Sight has been tracking what it calls "Thematic Issues" it has not presented most of those issues to Post Office for comment.

For those few topics where Post Office has been asked for further information, that information has been provided and enquiries are continuing into the questions posed at the meeting on 31 July 2014. It is noticeable however that very little of the information from Post Office, which has taken considerable time and effort to compile, has been used or even referred to in the Draft Report.

Regrettably, this has led to a Draft Report that is of sub-standard quality, is not consistent with Second Sight's terms of engagement as an expert and, most critically, does not deliver the piece of work that was commissioned by the Working Group.

As discussed at the Working Group meeting on XX, the Draft Report was intended to draw together common issues that arose across multiple cases. The intention being that it would be more cost effective for Second Sight to produce a single report on those issues that could then be referred to, as appropriate, in the case specific Case Review Reports produced by Second Sight. Second Sight were not given an open-ended mandate to produce any document they saw fit.

The Draft Report however does not identify any thematic issue that could have general application to multiple Applicants. It either poses hypothetical suggestions as to what issues there may be without any evidence to demonstrate those issues actually exist or it raises a compendium of individual issues that have no commonality.

Most tellingly, Second Sight has yet to find any evidence of any system-wide issue with Horizon and yet this most important "thematic" finding is not stated in the Draft Report.

I note that you have directed that the Draft Report should be finalised and released to Applicants. However, the Terms of Reference of the Working Group require decisions to be made at a quorate meeting of the Working Group following an established voting procedure. As the Draft Report does not meet the brief set by the Working Group, there is no standing Working Group decision on which to direct the release of the Draft Report at this time.

Post Office therefore maintains that the Working Group's Terms of Reference should be followed and that the Draft Report be considered at the next face-to-face Working Group meeting on 16 September 2014 before any decision is taken to release it to Applicants.

It is not my intention to unnecessarily delay the release of the Report or to fetter Second Sight's independence. It is accepted that Second Sight may reach conclusions with which Post Office disagrees. However, the Draft Report, in its current form, will not assist Applicants but will only add confusion around where there may be issues that affect Applicants generally and where there is little more than unproven speculation, and furthermore is, in the view of the Post Office, biased in the extreme in favour of as yet untested allegations by applicants and their advisors.

I am genuinely concerned that Post Office will be forced into spending considerable time at mediation explaining Second Sight's imprecise allegations rather than addressing the issues that actually affect Applicants. This will inevitably result in less cases being resolved and be a source of dissatisfaction amongst Applicants.

Finally, this letter is not written lightly. You will recall that we had a similar issue in relation to the Part One Report. Eventually Post Office gave Second Sight its own factfile to make their own but even then it needed the input of the Working Group to remove the inaccurate comments that Second Sight had added in. Post Office has now sat at a number of Working Group meetings where considerable effort has been expended on working through issues and agreeing approaches only for members of the Working Group to subsequently either adopt a different stance on matters as though those discussions have never happened or take it upon themselves to do something different. Whilst Post Office acknowledges that establishing the Scheme would require an investment of time and resources it cannot allow the success of the Scheme to be jeopardised by a Draft Report that is not fit for the purpose set by the Working Group.

Yours sincerely

Chris Aujard
General Counsel
Post Office Limited