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Initial Complaint and Mediation Scheme

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BRIEFING FOR YOUR 1 – 2- 1 WITH ALICE

Summary

This note sets out the current performance and administration of the scheme and the steps that are being put in place to manage and improve this.

Performance

- The scheme has received 147 applications.
- Of these we have received detailed responses from 27.
- We are investigating 19 and are aiming to complete 19 Post Office investigations by the end of January.
- Three cases are currently with Second Sight with the first two due to be ready for review on 24 January.
- Six cases are concluded – four not eligible and two withdrawn following discussions with Post Office.
- We expect the first case to reach mediation by early March (24 weeks from end to end).

Timescales

Cases are moving more slowly through the system than was expected when the scheme was established. In part this is due to the need to refine processes and learn lessons from the early cases, a point that the Sir Tony Hooper stressed the importance of at the working group on 3 January.

We are still confident that we will have completed the majority of the Post Office investigations in Quarter 2, but it is not clear what proportion of cases will have cleared mediation by this point. There are two current issues:

- 1) Second Sight capacity** is becoming more of an issue and we have taken steps to minimise the burden on them by taking on the administration of the scheme and encouraging them to make their reports on each case as focussed and concise as possible (with a common generic report).
- 2) Over 30 applicants** have taken on the same firm of professional advisors – **Howe and Co**. It appears that Howe and Co are struggling to deliver and we have escalated this issue to Chris Aujard who is writing to them and following up with a call.

We are keeping the progress of the cases under constant review and it will become much clearer once the first 10 cases reach mediation what the timelines will be.

Administration of the Scheme

We have now taken on the administration of the scheme from Second Sight and have instituted more rigorous monitoring and proactive chasing of deadlines. This ownership should help ensure that all cases move as quickly as possible through the scheme. The review of administration has highlighted some areas where the record keeping needs to be improved, and we are taking steps to address this now.

Report Quality

Report quality will be a key determinant in the success of the mediation and we have taken a number of steps to address this:

- Bond Dickinson have produced a model report based on one of the first cases submitted by the Post Office investigators.
- All investigators have attended a training day to understand the scheme and received training from Bond Dickinson on report writing.
- The programme team have put in place a quality assurance process to review all reports before they go to lawyers.

Mediation

The first mediation session is now expected to take place in less than two months. We have agreed the high level process for moving a report from Second Sight via the Working Group into mediation but there is still more to do to refine the detail. The Working Group is keen to keep this under review as we test it with the first cases and the Chair is particularly keen to approach this area cautiously.

We are in the process of recruiting Post Office representatives for the mediation process. Successfully recruiting the right calibre of staff and securing their release for both training and mediation will be crucial for the programme, and will be challenging.

Other Issues

There are two other areas where it might be useful to update Alice. Firstly Hugh is making good progress on the paper on our approach to Prosecutions which will shortly be going to ExCo and then the Board. Secondly we have agreed with Sir Tony Hooper a method for providing reassurance around the handling of the five current live criminal investigations where their admission to the scheme is paused. It should be noted that, as expected and previously flagged, Tony takes the independence of his role very seriously, and has indicated on more than one occasion that he wants any case reports prepared by Post Office to be as thorough as possible; he has also made it clear that such reports should not shy away from identifying any shortcomings with relevant processes and procedures.

In terms of Second Sight's role in this process, we are in the process of agreeing with them a formal engagement letter, a draft of which is now with them for consideration. An early conversation on that letter has indicated that, notwithstanding the general confidentiality provisions contained within the draft, Second Sight would expect to be able to meet with interested MP's (if requested) and discuss with them in general terms the progress of their work – this is a precedent that apparently was established at the outset of their appointment. Suitable wording to appropriately delineate what Second Sight can and cannot properly discuss with MPs is currently being considered, and Second Sight themselves have acknowledged the need for balance and circumspection when communicating with MPs.

Next Steps

We are currently working on a number of areas to take to the first Programme Board (17 January). In particular the Programme Board will review the first draft of an early settlement policy prior to its submission to ExCo. The early settlement policy could potentially have a substantive impact on the speed of moving cases through the Scheme so the earlier it is in place the better.

Belinda Crowe