

Subpostmaster Appeal Panel Process Review

Purpose

The purpose of this paper is to review

- the Subpostmaster Appeals Panel process
- the associated documentation
- a sample of completed appeal cases
- the management information collected to date
- any identified process improvements
- any identified learning points

Background

Following the Organisation Design Review (ODR) in November 2010 a revised approach was required to handle Subpostmaster summary termination appeal cases. Prior to the ODR there was a standalone templated role that dealt with all Subpostmaster appeal cases. This role did not flow through into the new organisation therefore a revised approach was designed and introduced in April 2011.

The revised approach detailed that all Subpostmaster appeal cases would in future be heard by seniors managers (band 3a and above) with the correct skills and attributes from within Network Services and Transformation. This recognised the level of expertise required to undertake Subpostmaster appeals. These managers would not be required to undertake employee appeals unlike their senior manager colleagues elsewhere in the business. Twenty five senior managers were identified to undertake Subpostmaster appeals, some of which were already trained and others were new to the role. Their commitment was to undertake a minimum of 4 appeal cases per year. The target was to complete appeal cases within 6 weeks from the date when the intention to appeal was notified to Post Office Ltd. During 2010/11 there were 37 appeal cases.

A training course was devised and offered to all twenty five managers with twenty two subsequently attending. Each inexperienced Appeal Manager was then linked up with a mentor for their first appeal case. The resultant panel of twenty two Appeal Managers reduced over time, due to role changes etc, to a panel of eighteen.

Findings

Management Information

As at the end of period 11 (26.02.12) there had been 31 appeal requests, all of which were allocated within timescale by the Contract Admin Team (CAT). Of these, twenty two cases had been completed and nine were still in progress. Of the twenty two cases, thirteen were completed within timescale with the remaining nine cases being completed within a range of seven weeks to in excess of 18 weeks where in that instance there were mitigating circumstances.

It was noted that the completion of the appeal was calculated 6 weeks from referral to the Appeal Manager rather than 6 weeks from the date of intention to appeal notified to Post Office Ltd.

Management information is not currently being collected on requests for contact following the issuing of 3 months notice where a Subpostmaster has the contractual right of a meeting with a senior manager.

Recommendations

- 1) Management information to be compiled on allocation of 3 month notice cases
- 2) Additional management information to be collected showing individual performance against 6 week completion target and whether documentation was fully completed as per checklist.
- 3) Align the measures to the appeal process timescales.
- 4) Review completion timescales.

Allocation

Given the number of appeal requests received and the number of trained appeals managers the requirement of undertaking 4 cases per year should not be necessary. However 12 requests for appeal (39%) were received in periods 9-11 which may be linked to the communication events for Network Transformation (NT), so the allocation is not equal and may require appeals managers to take cases in quick succession. No Appeal Manager should be allocated a new case until they have completed the case they have on hand. During the year there have been 10 occasions where Appeal Managers have rejected requests to pick up a case. These rejections have been for a number of reasons including being too busy, annual leave etc. The most cases undertaken by an individual Appeal Manager is four cases to date, whereas two managers have yet to undertake a case. Despite there being restrictions on which cases can be allocated through geography and role, this suggests that some people are more receptive to undertaking cases than others.

There is a fine line between allocation and keeping the expertise 'live' and whilst we don't want to reduce the requirement to undertake 4 appeals per year we can influence this by recruiting additional Appeal Managers given the increase in 3a roles with the onset of NT. This will hopefully ensure that nobody gets 4 appeal cases per year but everybody performs 2 cases per year.

Requests for senior manager involvement following 3 months notice are not currently recorded or reflected in overall allocation numbers.

Recommendations

- 1) Obtain commitment from Network Services and Transformation Lead Team to support the Subpostmaster appeal process and the requirement to complete 4 appeal cases per year.
- 2) The importance of the Appeal Manager role and the consequences of the decision outcomes to be reiterated to all.
- 3) Re-circulate list of current Subpostmaster Appeal Managers and notify HR that these managers should not be allocated employee appeals.
- 4) Line managers to be copied into appeal allocation requests so they are aware of workload.
- 5) Agree that the only acceptable reason for not taking on a case is where the Appeal Manager is about to take extended leave (more than 2 weeks).
- 6) Appeals not to be allocated to an Appeal Manager whilst they are absent on leave (annual / sick).
- 7) Introduce an allocation process whereby appeals are allocated on a rotational basis with appeals being allocated to the manager at the top of the list and once the appeal has been accepted the manager then moves to the bottom of the list. Previous caveats (section 5.3 of the Subpostmaster Appeals Panel Document) to apply.
- 8) Ensure CAT team have a conversation with the Appeal Manager gaining their commitment to hear the case before despatching the case summary.
- 9) Agree those senior managers within Network who will deal with contact requests following the issue of 3 months notice and record these cases in overall allocation management information.
- 10) Three month notice cases to be allocated by the Contract Admin Team.
- 11) Recruit a further 8 appeals managers from the newly appointed 3a Area Managers in Network.

Documentation



Subpostmasters
Appeals Panel Process

The Subpostmaster Appeals Panel Document above was originally prepared and circulated in March 2011 by Andy Bayfield who was the dedicated Appeal Manager prior to ODR. Its purpose was to introduce the revised working arrangements and provide guidance to the newly appointed panel of appeals managers. The document covers the key activities of the overall process and also emphasises some of the thought processes that need to be undertaken when hearing an appeal. Whilst the document was used during the original training, elements have not been widely adopted by Appeal Managers as will be highlighted in the section below covering case reviews. There are no supporting standard letters etc (eg invite letters, notes templates or outline decision rationale documentation etc) contained in the guide. The consideration for taping appeal hearings has not been adopted and note

takers are still widely used. The requirement to have notes agreed is not being consistently deployed. There is minimal information provided on how to deal with a three month notice case where a request is received for a meeting with a Post Office Ltd representative from the ex-Subpostmaster.

Recommendations

- 1) Separate process document to be drafted covering allocation and administration of the appeal process.
- 2) Separate guidance pack for appeals managers to be drafted covering how to handle an appeal with supporting standard letters, templates and notes for decision rationale.
- 3) Equip all Appeal Managers with the capability for voice recording appeal hearings.
- 4) 10 voice recorders to be purchased held centrally by the CAT and allocated to appeals managers 5 working days before a scheduled hearing date.

3 Month Notice Cases

The Subpostmaster Appeals Panel Document makes reference to appeals managers dealing with requests to address Post Office Ltd following the issue of 3 months notice but it does not give any guidance on:-

- How these requests should be handled eg face to face etc
- The scope of the resultant meeting
- Follow up documentation and communication

Recommendations

- 1) Agree those senior managers within Network who will deal with requests to address Post Office Ltd following the issue of 3 months notice. It is proposed these are undertaken by the Agents Contracts Deployment Manager North and South. The north manager would handle requests from the south and vice versa. The Network Services National Support Manager would also be available handle these requests but would not be the first person the case is allocated to.
- 2) Prepare guidance notes and supporting documents to support these senior managers.
- 3) Timescales for completion of these cases to be reviewed and aligned with timescales for appeal cases.

Training and Support

Whilst the training was comprehensive there has been a time lag, in some instances of as much as nine months, before an appeals manager has heard their first case. Buddies have been made available but it has mainly been driven by the Appeal Manager requesting assistance rather than being paired off upfront. The outcome of these relationships has not been consistent – see case reviews and feedback below.

The training consisted of working through some example cases and discussing likely outcomes, but did not supply any reference documentation that could be referred to at a later date.

Recommendations

- 1) Face to face training to be supplied to all new Appeals Managers
- 2) Timeliness of delivering training and first live case to be managed in future.
- 3) Formal buddy arrangements to be put in place. Buddy's to be identified as part of the allocation process.
- 4) New guidance pack to be utilised during training.

Case Reviews and Feedback

A sample of cases has been reviewed in line with The Subpostmaster Appeals Panel Document for both consistency of approach and application. This identified a number of issues

- Use of incorrect terminology eg contract of employment, dismissal.
- Extending beyond the remit of the Appeal Manager's decision power eg future of branch as defined in the above document (section 8.13)
- Extent to which the rationale for the decision is stated within the decision letter (section 8.14)
- Variable quality in documented decision rationales (section 8.11)
- Wrong contractual clauses quoted in decision letter.
- A number of cases have extended outside of the target six weeks completion timescale without good reason.
- Uncertainty surrounding how to deal with cases where appellant repeatedly cancels hearing dates or is generally unavailable.
- Circulation of case papers back to Contract Admin Team.
- Lack of identification of improvement opportunities (sections 8.15 / 8.16).
- Uncertainty surrounding the appellant's right to have legal representation.

Recommendations

- 1) Remedial training / advice to be compiled in an aide memoir and circulated to all appeals managers along with copy of the Subpostmaster contract documentation.
- 2) Standard letter templates and decision rationale documents to be supplied to all Appeal Managers.
- 3) Contract Admin Team can assist in sourcing suitable venues for appeal hearings and allocation of notes takers if required (note takers would not be required if the recommendation to purchase voice recorders is accepted).
- 4) Appeal case checklist to be developed and deployed within the Contract Admin Team to ensure consistent return of key documentation.

Quality Assurance

The intended quarterly review by the Head of Network Services of completed appeal cases has not been regularly undertaken during 2011/12.

Recommendations

- 1) The reviewer role to be reallocated to the Network Services National Support Manager (NSNSM).
- 2) Contract Appeals & Admin Manager to initiate quarterly review cycle and forward a random sample of cases to NSNSM within 1 month of end of quarter.
- 3) Random sample levels to be based on no less than 20% of the total number of completed cases in the previous quarter.

Next Steps

- Agree recommendations
- Develop resultant work plan
- Identify owners and resource
- If recommendation agreed, order/purchase voice recording equipment.

Lin Norbury & John Breeden
Agents Contracts Deployment Managers
March 2012