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Chair of the Working Group to the Initial Complaint Review and Mediation Scheme

Sir Anthony Hooper

Contents

1 Appointment process

- Discussions were held internally at POL (with advice from Bond Dickinson) and with the Working Group (Second Sight and the Justice for Subpostmaster Alliance) as to the qualities sought in a Chair for the Working Group.

- The JFSA indicated a clear preference for a senior lawyer / retired judge as Chair – this type of individual became the focus of the search.

- A short list of possible candidates was formed:

  - Sir Anthony Hooper - recommended by Miss Kay Linnell, professional advisor to the Justice for Subposmaster Alliance.

  - Sir Stephen Sedley – recommended by Rt Hon James Arbuthnot MP.

  - Sir Alan Ward – recommended by Bond Dickinson LLP.

- The candidates (or their clerks) were approached to ascertain their interest in the role.

- A role definition for the Chair was drawn up and sent to the potential candidates (see 5 below).

- For reasons of suitability, availability and cost, Sir Anthony was considered the leading candidate.

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- Sir Anthony met with Paula Vennells, Alasdair Marnoch and Martin Edwards to discuss the Chair position (minutes at 6 below).
- Second Sight and the JFSA subsequently also agreed to the appointment of Sir Anthony.
- A further investigation was conducted into a key issue around Sir Anthony's involvement in the prosecution of two officers connected with the Hillsborough disaster (see 7 below)
- Bond Dickinson finalised discussions with Sir Anthony's clerks regarding his scope of work and fees.
- Letter of appointment sent to Sir Anthony (at 8 below) and external communications sent out (at 9 below) [THIS WILL HAPPEN IMMINENTLY]

2 Introduction to Sir Anthony Hooper

Sir Anthony Hooper retired from the Court of Appeal of England and Wales in September 2012.

He is the inaugural Judicial Fellow of the Judicial Institute of University College, London, where he is also an honorary Professor.

Sir Anthony offers his services in the United Kingdom, the United States and other countries to national and international corporations and organizations (both civil and military). As a former Lord Justice of Appeal he may act as an independent investigator, expert witness, mediator, arbitrator and monitor and as an advisor on compliance programmes.

3 References

Positive feedback on appointing Sir Anthony to the role of Chair has been received from the following:

- Miss Kay Linnell - Miss Linnell is a qualified forensic accountant, arbitrator and mediator. She sits on the board of the Expert Witness Institute, of which Sir Anthony is the Chairman.
- Brian Altman QC - Mr Altman QC is a former First Treasury Counsel and has been engaged by Post Office to advise on POL's approach to criminal prosecutions.
- Sir Alan Ward – Sir Alan is a retired Lord Justice of Appeal and Chairman of the Civil Mediation Council – a leading body on mediation in the UK.

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4 CV for Sir Anthony Hooper

The Right Honourable Sir Anthony Hooper

Sir Anthony Hooper retired from the Court of Appeal of England and Wales in September 2012. He is the inaugural Judicial Fellow of the Judicial Institute of University College, London, where he is also an honorary Professor.

Sir Anthony offers his services in the United Kingdom, the United States and other countries to national and international corporations and organizations (both civil and military). As a former Lord Justice of Appeal he may act as an independent investigator, expert witness, mediator, arbitrator and monitor and as an advisor on compliance programmes. He will lecture and lead discussion groups on issues of fraud, bribery, confiscation, money laundering and related criminal and civil activity arising in the United Kingdom and in other countries. He is currently a consultant to the Stolen Assets Recovery Initiative, a joint programme of the World Bank and the United Nations Office on Drugs and Crime. He is helping in the planning and organisation of training for East African judges on stolen asset recovery. He will lead the first course to be given in January 2014.

Sir Anthony read law at Trinity Hall, Cambridge, of which he is now an Honorary Fellow.

Academic
Trinity Hall, Cambridge (1957-1960, 1961-1962) (Scholar)
Called to the Bar of England and Wales, Inner Temple (1965)
Lecturer, University of Newcastle on Tyne (1962-65)
Associate Professor of Law, University of British Columbia (1965-68)
Admitted to Law Society of British Columbia (1969)
Associate Professor, Université de Laval (1969-70) (teaching in French)
Visiting Professor, Université de Montréal (1972-73) (teaching in French)
Professor of Law, Osgoode Hall Law School, York University, Ontario (1971-73)
Visiting Professor, Osgoode Hall Law School, York University, Ontario (1984)

Practice
Russell and DuMoulin, Vancouver (1968-1969)
England & Wales (1974-1995)
Appointed Queen's Counsel (1987)

During his 20 years practice, Sir Anthony appeared in both civil and criminal court. He prosecuted and defended in a number of high-profile criminal trials, appeared in the European Court of Justice (representing Kaiser Aluminum and Chemical Corporation in Case No. 53/83), as well as in the Cour d'Appel in Paris. He combined practice at the English Bar with membership for a number of years of the Brussels European law firm, Stanbrook & Hooper. He defended in the Blue Arrow rights issue case in 1991-1992 and in 1988 he prosecuted the serial murderer and rapist John Duffy. He appeared in 1987 for EMI in their dispute with Warner Brothers, which unsuccessfully alleged that the composer Vangelis had plagiarised the theme music for the film *Chariots of Fire*. He appeared in 1995 for the Premier League in their successful defence of a civil

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claim brought by the Swiss Bank Corporation for payment of an alleged success fee. He also successfully defended a senior accountant in a criminal case in Singapore. Whilst at the bar, Sir Anthony chaired the Bar Council's Race Relations Committee and was heavily involved in the production and implementation of the first Bar Equality Code.

Judicial

Justice of the High Court of England & Wales (1995-2004) and Presiding Judge of North Eastern Circuit (1996-2000)

Sir Anthony tried a number of high profile jury criminal cases including the first Damilola Taylor trial in 2002. The acquittal of the defendants was subsequently vindicated by DNA evidence. He conducted the trial in 2000 of two senior police officers for the alleged manslaughter of the 96 victims of the Hillsborough Stadium disaster. He sat in the Queen's Bench Division, the Administrative Court and the Employment Appeal Tribunal, as well as in the Court of Appeal Criminal Division. He dealt with challenges to the decisions of lower courts, the parole board, prison service, the Special Educational Needs Tribunal, governing bodies of schools, the Local Commissioner for Administration, the Horse Race Betting Levy Board, the Bishop of Stafford and the Video Appeals Committee. His decision in *The Queen on the application of Amin v. The Secretary of State for the Home Department* [2001] EWHC Admin 719 was an early case dealing with the Article 2 obligation on the state to conduct an enquiry into certain deaths. His decision, having being overturned in the Court of Appeal, was unanimously reinstated by the House of Lords [2004] 1 AC 653. Lord Bingham said: "Hooper J. loyally applied those[minimum] standards. The Court of Appeal, in my respectful opinion, did not". In *Saleem v. Secretary of State for the Home Department* Sir Anthony struck down one of the rules in the Asylum Appeals (Procedure) Rules on the grounds that the primary legislation did not authorise expressly or by necessary implication such a draconian rule (see [2000] EWCA Civ 186, upholding the decision). In *Masters v Secretary of State for the Environment, Transport and the Regions* [2000] 2 All ER 788, Sir Anthony gave an important decision, upheld in the Court of Appeal ([2001] QB 151), protecting public rights of way.

Lord Justice of Appeal and Privy Counsellor (2004-2012)

In the Court of Appeal Sir Anthony sat on both civil and criminal appeals, deciding complex issues of law and fact. He also presided in the Divisional Court. His particular areas of expertise include fraud, confiscation, money laundering, public interest immunity, joint enterprise, asylum and immigration, extradition, libel, employment law and all aspects of administrative law. Sitting in the Court of Appeal Criminal Division, he was particularly involved in appeals raising issues of joint enterprise and confiscation. Amongst the latter are *White (http://www.bailii.org/ew/cases/EWCA/Crim/2010/978.html)* and *Ahmad* [2012] 1 WLR 2335 (*http://www.bailii.org/ew/cases/EWCA/Crim/2012/391.html).* Civil decisions include *The Queen on the application of Lofti Raissi v. SSHD* [2008] QB 836 (state liability for miscarriages of justice); *Charman v. Orion Group Publishing and others* [2008] 1 All ER 750 paragraphs 92-229 (libel); *Brown v Pretot* [2011] EWCA Civ 1421 (land law); *Servaas Incorporated v*

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Rafidain Bank [2011] EWCA Civ 1256, paragraphs 40-61 (state immunity); *R (on the application of AC) v Berkshire West Primary Care Trust & Anor* [2011] EWCA Civ 247 (access to specific health care); *Barbados Trust Company Ltd v Bank of Zambia & Anor* [2007] 1 Lloyd's Rep 495, paragraphs 120-143 (a "vulture fund" case); *Bancoult, R (on the application of) v Secretary of State for Foreign & Commonwealth Affairs* [2006] EWHC 1038 (Admin) (lawfulness of order exiling inhabitants of the Chagos Islands), upheld in the Court of Appeal and overturned in the House of Lords by 3-2, Lord Bingham dissenting. In October 2012 he gave the lead judgment in a murder appeal heard by the Privy Council.

Other

General Editor, *Blackstone's Criminal Practice* (2010-)
Member and then deputy chair of the Criminal Procedure Rule Committee (2005-2012)
Author of Chapter 31, The Golden Thread, in *The Judicial House of Lords 1876-2009* published in 2009 by the Oxford University Press
President, British Academy of Forensic Sciences (2001-2003)
Chairman, Expert Witness Institute (2013-)
Chairman of the Whistleblowing Commission established by the charity Public Concern at Work (2013)

Lectures

Sir Anthony has lectured widely in the United Kingdom and abroad. In Argentina (2011), France (2009) and China (2005) he spoke about the criminal justice systems in common law and civil law jurisdictions. In June 2012 he gave a lecture in the Inner temple, London entitled "Half a Century of Crime: A Valedictory Summing-up". In November 2012 he was a lead speaker at a criminal law reform conference in Hong Kong organized by the Director of Public Prosecutions and gave a guest lecture to the Singapore Academy of Law. In 2013 Sir Anthony attended a study day in Paris organised by L'Institut des hautes études sur la justice to discuss (in French) a draft report on the future role of the French judiciary. In October 2013 Sir Anthony is speaking about bias in arbitrators at a conference in Paris organised by Corporate Counsel International Arbitration Group and the International Chamber of Commerce Institute of World Business law.

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5 Briefing to Independent Chair (including role definition)

Post Office - Initial Complaint Review and Mediation Scheme

Independent Chairman Briefing

Introduction

The Post Office is a commercial business with a public purpose. Our 11,780 branches sit at the heart of communities across the UK. It employs almost 8000 people and works closely with thousands more across our Network. The Post Office is focused on growing as a business and modernising its network, complemented by a growing digital presence.

In collaboration with a number of interested parties, Post Office has established a mediation scheme to assist in resolving complaints by its subpostmasters regarding Post Office's Horizon IT system.

The Scheme will be supervised by a Working Group comprising representatives from those interest parties. The Working Group is now looking to appoint an independent Chairman.

Horizon

Horizon is the electronic point of sale IT system used in all Post Office branches. It includes hardware being the counter-terminals in each branch as well as the back-office servers and data centres. The Horizon software is a bespoke program developed by Fujitsu for Post Office. Fujitsu continue to support, upgrade and develop Horizon.

In essence, Horizon is an electronic accounting system. It tracks every transaction made in a Post Office branch. It also logs the levels of cash and stock held in each branch.

Its core principle is that of double entry bookkeeping. For example, if a product is sold for cash this would in most cases result in a reduction in a branch's stock levels of that particular product line and an increase in the amount of cash recorded as held at the branch. It should however be noted that the range of products sold by Post Office is very diverse. These include financial products, insurances, banking facilities and a number of Government services and benefits. These all sit alongside core postal services. The transaction journey for a particular product is therefore unique to that product.

Horizon also connects to a number of other systems, both internal to Post Office and external. In particular, Horizon connects to a number of external banking systems for the purposes of offering banking facilities to customers.

Each branch is responsible for logging the transactions conducted within that branch onto the Horizon system. It is also the branch's responsibility to ensure that it collects the correct level and type of payment for each product and properly provides the correct product to a customer.

On a regular basis, and at least one a month, branch staff are required to undertake a reconciliation of their Horizon records. This involves undertaking a manual hand count of all the cash and stock in the branch and comparing the actual levels of cash and stock against the recorded levels in the Horizon system.

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On occasions, there may be discrepancies between the actual cash and stock levels and the recorded cash and stock levels. These discrepancies can be either shortages or surpluses.

Subpostmasters

The majority of Post Office branches are run by subpostmasters. Subpostmasters are individuals who are contracted to run Post Office branches. They are individual contractors and not employees.

Under the standard subpostmaster's contract, a subpostmaster is liable for any shortages in cash or stock in their branches. If a shortage is discovered, the subpostmaster is required to either (1) physically place more cash into the branch from their own funds or (2) settle the shortage centrally with Post Office - which means that the shortage is added to the subpostmaster's account with the Post Office and becomes a debt which the subpostmaster owes to Post Office (unless the subpostmaster looks to dispute the debt/shortage). Where there is a surplus, the subpostmaster is entitled to keep the surplus.

In some cases, errors in branches can lead to losses. This can result in a subpostmaster's contract being terminated and/or the subpostmaster being sued through the civil courts to recover the outstanding loss.

Where Post Office discovers evidence of criminal wrongdoing, the subpostmaster may be criminally prosecuted. Typical criminal prosecutions are for either theft or false accounting (where a subpostmaster has declared transactions or stock or cash levels within the branch which are not true). Post Office sometimes refers these prosecutions to the police/criminal prosecution service. However, in the vast majority of cases, Post Office undertakes a private prosecution of the subpostmaster.

Challenges to the Horizon system

Over the last few years, there have been a growing number of accusations from subpostmasters (and other Horizon users) that the Horizon system and its associated processes are unreliable. They allege that errors in the Horizon system have falsely created losses that do not actually exist. Some subpostmasters have gone further to allege that Post Office has wrongfully recovered debts from subpostmasters or wrongly prosecuted subpostmasters based on flawed information from the Horizon system. It should be noted that the transaction records from the Horizon system often form the foundation of any civil recovery or criminal prosecution.

This ultimately led to the formation of a group called the Justice for Subpostmasters Alliance (**JFSA**). A number of MPs, led by the Rt Hon James Arbuthnot MP, also became interested in this matter. Post Office, as a company which is beneficially owned by the UK Government, came under increasing pressure to investigate and resolve JFSA's and other subpostmasters' allegations about the Horizon system. In response, Post Office set up an independent inquiry into the Horizon system.

The inquiry is a private inquiry (it is not established under any law or action of Parliament) and was set up in June 2012. It is led by a company called Second Sight Support Services Limited (who are independent forensic accountants and fraud examiners). The Inquiry's scope was agreed with Second Sight, JFSA and James Arbuthnot MP. Second Sight was tasked with investigating whether there are any systemic issues and/or concerns with the Horizon system, including its training and support processes.

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Second Sight rendered its Interim Report on 8 July 2013. Its preliminary conclusion was that it had so far found no evidence of system wide (systemic) problems with the Horizon software. However it did highlight a number of areas in relation to wider support and training around the Horizon system that required further investigation and improvement.

The Scheme

In light of the Interim Report, and in collaboration with JFSA and Second Sight, Post Office has committed to setting a mediation scheme where individual subpostmasters have an opportunity to raise their concerns directly with Post Office.

The Scheme is being supervised by a Working Group comprising of representatives from Post Office, Second Sight and the JFSA. The Working Group's role is to ensure the Scheme is run in a fair and efficient manner. It will also be involved in making decisions on how particular cases should be managed through the Scheme. To ensure its impartiality, the Working Group is seeking to appoint an Independent Chairperson.

The starting point for the Scheme is for subpostmasters to submit details of their case to Second Sight as part of an initial application process. Second Sight, in collaboration with the Working Group, will recommend whether the case should be investigated.

Second Sight will then work with each subpostmaster and Post Office to gather information about and investigate that case. The subpostmaster will be sent a Case Questionnaire setting out requests for more detailed information. Post Office will also provide additional information from its own records.

As a result of this investigation, Second Sight will produce a Case Review summarising its findings and a recommendation on whether the case is suitable for mediation. A copy of this Case Review will be provided to the subpostmaster. The Working Group will however take the final decision on any cases that may not be suitable for mediation.

The Case Review should bring clarity to many cases. Post Office may contact a Subpostmaster directly to discuss a Case Review and to seek closure of any outstanding issues. If a solution cannot be reached directly between Post Office and the Subpostmaster, both parties may then be invited to attend mediation.

The mediation process will be administered by an independent mediation body (which is likely to be CEDR) and the mediator will be selected by the parties from a panel of mediators. The mediation administrator and the panel of mediators will be nominated by the Working Group.

Scope of the Scheme

The Scheme applies to both current and former Subpostmasters as well as counter clerks employed by Post Office. (A minority of Post Office branches are owned directly by Post Office and the staff in those branches employed by Post Office are known as counter clerks.)

The Scheme is open to any Subpostmaster who believes they have suffered a loss or been treated unfairly as a result of the Horizon system or any associated issues.

If a serving Subpostmaster wants to use the Scheme, he or she must have already raised their case with Post Office and have completed all Post Office's internal complaint processes.

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It is difficult to know how many subpostmasters will take up the scheme. However, JFSA has over 100 registered members and all these members will be invited to take part.

The scheme will open on Tuesday 27 August 2013 and the closing date for applications is 18 November 2013. Under its terms of reference the Working Group will continue until 31 March 2014, when its role will be reviewed.

Role of the Working Group

- To establish and, where appropriate, revise the Scheme's operational and working practices.
- To monitor the efficacy of the Scheme in achieving the Scheme Objectives.
- To ensure that Subpostmasters' cases progress through the Scheme in a timely manner.
- To review Subpostmasters' cases that may not be suitable for the Scheme and to decide whether and/or how those cases may proceed. For clarity, the Working Group shall have no authority to decide the suitability or process for cases subject to live criminal investigations or proceedings.
- To ensure, as far as possible, that the Scheme treats all cases consistently.
- To manage the costs of the Scheme so to ensure that the Scheme is offering value for money for taxpayers.
- To consider and determine any request by a Subpostmaster for special financial support.
- To produce, and keep under review, a set of quantitative assurance standards and targets.
- To maintain a record of the results of the Scheme.
- To make recommendations for improvement to Post Office.

Role of the Independent Chair

Purpose

To provide independent leadership, scrutiny and challenge to the Working Group to ensure the Initial Complaint Review and Mediation Scheme achieves the Scheme Objectives and offers value for money to tax payers.

Responsible to

The Post Office board of Directors

Main duties

- To ensure that the Working Group operates to its Terms of Reference

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- To Chair all meetings of the Working Group unless another person is nominated by the Working Group

- To provide leadership to the Working Group to enhance its effectiveness including:
  - Ensuring that the responsibilities of the Working Group are understood by all members
  - Providing leadership to enable the Working Group to work as a cohesive and productive group
  - Demonstrating integrity and ethical leadership by encouraging a climate of trust and openness

- To manage the Working Group including:
  - Preparing the agenda for the meetings
  - Adopting processes to enable the Working Group to conduct its work effectively and efficiently including scheduling and management of meetings, record keeping and reporting as detailed in the Working Group Terms of Reference

- To ensure, so far as reasonably practicable, equality of access to the Scheme for all by complainants irrespective of age, disability, gender, race, religion or sexual orientation

Capability/Experience Required

- Significant experience of chairing complex professional meetings at a senior level demonstrating an ability to summarise discussions in order to clarify and highlight the most pertinent factors to achieve resolution and clear decisions.

- Ability to chair in an efficient and effective manner in a manner that facilitates collaboration between members and manages competing or differing views.

- Excellent communication skills gained from working with a diverse range of people across a multifaceted stakeholder population.

- Successful track record of achievement at Board level within large public or independent organisation.

- Strategic thinker with outstanding analytical ability and the vision to recognise improvement opportunities and make recommendations to the POL Board

- Experience of Schemes of this nature and ideally of mediation or of resolving any disputes and complaints between professionals

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6 Minutes of meeting with Paula Vennells, Alasdair Marnoch and Martin Edwards

Note of meeting with Sir Anthony Hooper (AH) on 24 September and next steps

Attendees: Paula Vennells (PV), Alasdair Marnoch (AM), Martin Edwards (as note taker)

Key points from the meeting:

1. PV and AM opened the meeting by explaining the background to the mediation scheme and working group, highlighting that:
    a. the PO is fully committed to making a success of the process, both for the individuals concerned and for public confidence in the institution as a whole;
    b. that the process will require difficult judgments to be made (e.g. distinguishing between theft and 'muddle headedness') and careful balances to be drawn between opposing viewpoints; and
    c. the role of chair will therefore require both relevant expertise/experience and broader "social skills".

2. Through the course of the subsequent discussion AH clearly demonstrated his attributes for the role:
    a. his experience as an appellate judge managing cases that had been referred by the Criminal Cases Review Commission demonstrated his ability to sift through the facts and deploy his skills of negotiation with two opposing sides to persuade them to take the most appropriate course of action (rather than launching straight into the appeal process);
    b. linked to this, he had direct experience of dealing with people in highly emotional states who were "dug into their position" (he gave the example of dealing with life prisoners);
    c. he clearly understood the emotional and psychological factors that might lead some sub-postmasters to get into trouble and a spiral of false accounting;
    d. he explained his experience of chairing complex meetings involving multiple stakeholders with conflicting agendas (in particular his experience as deputy chair of a committee which reviewed sentencing guidelines);
    e. he recognised that one of his first priorities upon taking the role would be to establish effective relationships with the other working group members;
    f. he said he had no problem with the work potentially being extended beyond March;
    g. he said he would be "very interested" in advising on our future mediation/ombudsman arrangements;
    h. he was clearly enthused by the role, summing up by saying that "it sounds fascinating" and he "would love to take it forwards"; and
    i. finally we also observed (after the meeting) that his unassuming manner and understated authority would likely to be valuable attributes in keeping all of the individuals involved in the working group brought into the process.

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3. He raised the fact that he didn't directly meet two of our specified criteria for the role:
    a. "*successful track record of achievement at Board level within large public or independent organisation*" – we explained that we were flexible in our interpretation of this requirement and that his experience was certainly equivalent to Board level responsibilities;
    b. "*experience of schemes of this nature and ideally of mediation or of resolving any disputes and complaints between professionals*" – while AH hadn't performed a formal mediation role in the past, we were fully reassured that his time as an appeals judge and his broader career history provided him with ample experience of the techniques associated with mediation. He also noted that he had undergone training in mediation.

4. During the conversation AH also offered a number of observations on the scheme itself and the role of chair:
    a. Overall he said he was confident that our broad approach was "absolutely the right thing to do".
    b. He noted that chairing the working party itself would be a challenge given the potentially conflicting interests/views of the members (but indicated that he felt capable of meeting this challenge).
    c. He suggested (quite firmly) that it might be more appropriate for cases that have been through the courts to be referred to the Criminal Cases Review Commission rather than go through the mediation scheme. (*ACTION: explain to AH our internal process for reviewing criminal cases and why we believe it is necessary to allow some prosecuted cases to go into the mediation process*).
    d. He highlighted that it would be important to have a clear 'constitution' which clarified what functions he would be performing as chair of the working group versus in an independent advisory capacity. (*NB we will need to think carefully about extending his duties beyond those directly related to the role of chair, particularly during the early phases of the mediation process, to avoid undermining his credibility with the working group. A more flexible approach could be taken at a later stage of the process. On the specific discussion about reviewing our draft compensation policy, this might more appropriately be performed by Brian Altman QC. These issues can be tested informally during the initial consultation meeting with AH suggested under the next steps below).*
    e. In the context of a discussion on the outcomes from the mediation process, he observed that "sorry was a good word!" – we should be prepared to apologise to sup-postmasters where appropriate.
    f. He thought there might be an important role for preliminary oral hearings in many cases before launching into the mediation process, in order for both sides to come face to face with the issues and agree an appropriate course of action.
    g. He highlighted the risks that we may have with some old cases where the evidence is now missing which: a) makes it difficult to reach a clear resolution; and b) leaves us vulnerable to prosecuted cases being overturned.

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Next steps:

i. Susan has already contacted Bond Dickinson to ask them to liaise with AH's clerk to negotiate a fixed fee for the work up to the end of March.
ii. Subject to a successful outcome of that discussion, we will then draw up a formal appointment letter to send to AH.
iii. We will then schedule an initial consultation meeting with AH as soon as possible to follow up on the questions and discussion points noted above, clarifying the boundaries of the role and also inviting his views on the wider process to help shape the specific details. As part of this discussion it will be important to reach a clear understanding on the terms of reference for both the chair and the working group, to ensure it doesn't go too wide or too long. (*NB given that Susan is on leave from Thursday this meeting may need to be handled by another member of the PO legal team and the relevant senior partners from Bond Dickinson who have been closely involved in drawing up the mediation scheme*).

25 eptember 2013

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7 Hillsborough Issue

(a) Summary

Background

- In 2000, Sir Anthony sat as the presiding judge in a Crown Court prosecution of two senior police officers involved in the Hillsborough disaster.
- It was a private prosecution brought by the families of the Hillsborough victims (ie. it was not being prosecuted by the Crown Prosecution Service).
- In a preliminary hearing before the main trial commenced, the officers' defence team asserted that the prosecution was oppressive and should not be allowed to continue. In response, Sir Anthony gave a ruling that, although he would allow the prosecution to continue, he would not pass a custodial sentence if the officers were found guilty. He effectively guaranteed that the officers would not go to prison (see extract from Sir Anthony's ruling at (b) below – particularly the final paragraph.)
- The ruling, although formally recorded at the time, was suppressed from the jury at the main trial. The jury later rendered a not guilty verdict for one officer and "no verdict" for the other officer.
- Sir Anthony's comment later re-surfaced as part of the Hillsborough Inquiry conducted in 2012, where the Report quoted Sir Anthony's decision as being "unusual" (see extract from the Hillsborough Report at (c) below).
- There followed some negative press coverage about Sir Anthony's decision (see examples at (d) below).

Risk

- The media may use the above information to depict Sir Anthony as being an unsuitable Chair for the Scheme and/or as someone who has a bias towards protecting institutions over the interests of individuals.

Mitigating factors

- Sir Anthony's ruling has not been appealed.
- As far as anyone is aware, Sir Anthony has not been called before any disciplinary committee.
- POL's criminal lawyers have confirmed that this type of approach is unusual but not unheard of.
- Sir Anthony's decision was made and recorded in open Court.
- Sir Anthony notes in his own ruling that his decision was a "*highly unusual course but that [it was] a highly unusual case*".
- Some years after the case, Sir Anthony was promoted to the Court of Appeal, which suggests that his reputation in legal/ judicial circles was unblemished by this ruling.
- Sir Anthony's approach could be characterised as courageous, innovative and pragmatic – which are qualities that Post Office is seeking in a Chairman. He could have dismissed or stayed the

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prosecution entirely but sought to reach a compromise through giving commitments around sentencing.

- Sir Anthony was recommended by JFSA, which reduces the risk of criticism from JFSA.
- Furthermore, Post Office will seek to agree a joint press release with JFSA to ensure JFSA's public commitment to the appointment.
- [TO BE UPDATED FOLLOWING CALL WITH SIR ANTHONY]

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(b) Extract from Sir Anthony's Ruling

IN THE CROWN COURT AT LEEDS

R v David Duckenfield and Bernard Murray

Case no. T19991569

16 February 2000

BEFORE THE HON MR JUSTICE HOOPER

RULING

Pages 32-37

[...]

The prosecution is so oppressive, unfair and wrong that it should not be allowed to continue.

An attack was made on the objectivity of the prosecution team and particularly Miss Adlington. I confess to some reservations about the manner in which the prosecution has been conducted, for example the decision to start these proceedings in the Liverpool area, Mr Jones' argument at the PDH to the effect that admissions made by the defendants only for the purposes of the committal proceedings were binding at trial and his argument that I should admit into evidence an attendance note of a solicitor who was not to be called because the prosecution did not believe a word he said. A similar argument was raised about Miss Adlington before Mr Cadbury and was rejected by him (volume 8, tab 7 pages 100-101). I see no reason to depart from his finding nor to stop the proceedings for this reason. I make it clear, however, that I expect the prosecution to act properly and fairly. I am sure it will. If it does not I shall not hesitate to act.

It is submitted that the proceedings should be stayed because the prosecution was only launched after the Mr McGovern film which was a distortion of the truth. The prosecution has been "prompted by a distorted and misrepresented view of the true facts". I understand the description "misrepresented" to refer to matters unconnected with the evidence upon which the prosecution rely in this case. It is submitted that this prosecution has "become a private persecution brought against the background of an unprecedented level of media vilification of the defendants and a stirring up of emotional passions". I see no merit in these arguments provided the defendant can have a fair trial, as I have found they can and provided that the prosecution is not so oppressive that it ought not be allowed to continue, a matter to which I return shortly.

It is submitted that, given that the evidence has not changed since 1989-90, the prosecution should be stayed having regard to the earlier decisions not to prosecute, the verdict of the Coroner's jury, the results of the review conducted by Stuart-Smith LJ and the enforcement of the conclusions therein by the Home Secretary and the DPP. It is submitted that there is here "a refusal to accept earlier decisions". Similar arguments were put to the DPP and, it appears, to the Divisional Court in March of last year. Mr Newell outlined this argument in paragraph 2(1) of his affidavit where he dealt with factors tending against prosecution. The position has further changed in favour of the prosecution in that there is now a case to answer. Against this background, I see no justification in quashing the proceedings for this reason, assuming, without deciding, that this could be a free-standing ground to quash.

It is submitted that a court has a duty to be extra vigilant when a private prosecution is brought because private prosecutors are not subject to the same code as public prosecuting authorities: "the duty of the court to protect defendants from oppression and abuse against a private prosecutor calls for a different approach" than that followed where public prosecuting authorities are concerned. Private prosecution "must not be allowed to become an unfettered indulgence". It is submitted that this prosecution is so unfair, unreasonable and wrong that it should not be allowed to proceed. These are similar arguments to those developed in the Divisional Court, since when, as I have said, there has been found a case to

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answer. In my view it would not be right for me to apply the CPS evidentiary test and decide whether there is a realistic prospect of a conviction. Indeed I was not asked to carry out a detailed examination of the evidence. Insofar as public interest is concerned, assuming that a private prosecutor should take that into account, the Divisional Court has already held that the decision not to intervene is not Wednesbury unreasonable. Subject to the issue of oppression, I see no reason why I should interfere with the decision to prosecute which, it seems to me, is also once that a reasonable prosecutor could reach.

It is submitted on the analogy of cases like **R. v. Croydon Justices, ex parte Dean** (1994) 98 Cr.App.R. 76 that there had been, in effect, an undertaking to the defendants that they should not be prosecuted. Reliance is placed on what Mr Jones said during the Divisional Court hearing in 1993 against the background of the CPS decisions not to prosecute. Nothing that Mr Jones said on behalf of the six families who took those proceedings can be regarded as an undertaking of the kind referred to in **Croydon Justices**. This is not a case, on the evidence before me, where a person has relied upon a promise or undertaking (see **Attorney-General of Trinidad and Tobago** [1995] 1AC 396 at 417).

I turn to the question which has given me the most concern: "Is this prosecution so oppressive to these defendants that it ought to be stayed?" There was no dispute that an prosecution could be so oppressive that it should be stayed. In **Latif** [1996] 2 Cr. App. R. 92, at 101 (H.L.) Lord Steyn said the law is settled:

> "Weighing countervailing considerations of policy and justice, it is for the judge in the exercise of his discretion to decide whether there has been an abuse of process, which amounts to an affront to the public conscience and requires the criminal proceedings to be stayed ... or where it would be contrary to the public interest in the integrity of the criminal justice system that a trial should take place. ... [T]he judge must weigh in the balance the public interest in ensuring that those that are charged with grave crimes should be tried and the competing public interest in not conveying the impression that the court will adopt the approach that the end justifies the means".

In **Attorney-General's Reference (No. 1 of 1990)** (1992) 95 Cr.App.R. 296, at 302-303 Lord Lane CJ said:

> "Stays imposed on the ground of delay or for any other reason should only be employed in exceptional circumstances. If they were to become a matter of routine, it would be only a short time before the public, understandably, viewed the process with suspicion and mistrust. ..."

That case and the earlier case of **Heston-Francois** (1984) 78 Cr.App.R. 209 refer to the alternatives open to a trial judge other than stopping a trial.

In **Dept. of Transport v. Chris Smaller Ltd** 1989 AC 1197, at 1210 (a civil case) Lord Griffiths said:

> "I would, however, express a note of caution against allowing the mere fact of the anxiety that accompanies any litigation being regarded as of itself a sufficient prejudice to justify striking out an action ... There are, however, passages in some of the judgments that suggest that the mere sword of Damocles, hanging for an unnecessary period, might be a sufficient reason of itself to strike out. On this aspect I repeat the note of caution I expressed in the Court of Appeal in *Eagil Trust Co. Ltd v. Pigott-Brown* [1985] 3 All ER 119, 124, where I said:
>
> > "Any action is bound by cause anxiety, but it would as a general rule be an exceptional case where that sort of anxiety alone would found a sufficient ground for striking out in the absence of evidence of any particular prejudice. *Biss's* case is an example of such an exceptional case, the action hanging over for 11 years, with professional reputations at stake."

In the ruling of Buckley J. (unreported, 09/96, C.C.C.) following the acquittal of Kevin Maxwell and others at the first trial can be found the following passage (at page 233-234):

> "Finally, an important, though not decisive consideration; fairness to the Defendants. I have mentioned the time that these criminal proceedings would have been hanging over their heads in the event of a further trial, at least five years. That would be so, in Mr Kevin Maxwell's case,

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> notwithstanding that in going through the extremely lengthy trial process he gave evidence before the jury for twenty days and notwithstanding the acquittals. The disruption to personal and business life is inevitably considerable. The stress and pain that criminals inflict on their families is a sad but inevitable consequence of their misdeeds. Courts are mindful of it but obviously cannot allow it to outweigh consideration for victims and the general public interest in punishing crime. But I remind myself here that these Defendants have been acquitted and in the circumstances I have described. As I mentioned earlier Mrs Kevin Maxwell gave evidence before me. Her obvious distress was, I am convinced, entirely genuine. She described the agony of trial and the days waiting for the verdict with the prospect of a significant prison sentence in the balance. She told me of problems with her children. In particular, their son who had been told by schoolmates that his father was going to prison for a long time. Whenever her husband goes out she is now repeatedly asked "Will daddy be coming home again?".
>
> I can understand the expectation that built up in the family's mind that an acquittal would be the end of the matter. Mrs Maxwell's bewilderment and anger at the decision to proceed to another trial were not feigned. I cannot be over influenced by such matters but no one could have been unmoved by her evidence."

On the other side of the balance is the public interest put succinctly by Mr Newell in the 1999 Divisional Court proceedings:

> "... there was in my view on extremely important factor in favour of prosecution, namely the very serious nature of the alleged offences, in particular, the alleged offences of manslaughter. In my opinion, the allegation that two senior police officers were responsible for the deaths of a number of people as a result of criminal negligence was a very grave allegation".

Doing my best to resolve the competing interests of the defendants and the public, I have decided that there is an alternative to a stay. I conclude that the oppression is not such as to prevent the trial from taking place but that I should not reduce to a significant extent the anguish being suffered by these defendants. I do that by making it clear that the two defendants will not immediately lose their liberty should they be convicted. This is, I accept, a highly unusual course, but this is a highly unusual case. When I canvassed this possibility with Mr Jones, he fairly and helpfully drew my attention to evidence that the families were not, apparently, seeking punishment of this kind (page 6 of transcript of evidence of Miss Adlington before the Stipendiary Magistrate).

[...]

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(c) Extract from Hillsborough Inquiry Report

Hillsborough: The Report of the Hillsborough Independent Panel - September 2012

[...]

1.254 In August 1998 the Hillsborough Family Support Group initiated a private prosecution against David Duckenfield and Bernard Murray. It was the culmination of a decade's campaigning to establish criminal liability and to access key documents, witness statements and personal 'body files' on each of the deceased compiled by the police investigators.

1.255 On 16 February 2000 the former officers were committed for trial, charged with manslaughter and misconduct in a public office. Mr Duckenfield was also charged with misconduct 'arising from an admitted lie told by him to the effect that the [exit] gates had been forced open by Liverpool fans'.

1.256 The judge, Mr Justice Hooper, summarised the prosecution case for manslaughter as the failure by the officers to prevent a crush on the terraces and to divert fans from the tunnel. The risk of serious injury, therefore, had been foreseeable. The 'apparent' defence case was that neither officer 'in the situation in which they found themselves, thought about closing off the tunnel or foresaw the risk of serious injury in the pen if they did not do so'.

1.257 The judge noted the 'enduring grief' suffered by the bereaved. It was compounded by 'a deep seated and obviously genuine grievance that those thought responsible' had not been prosecuted or 'even disciplined'. Both defendants, however, 'must be suffering a considerable amount of strain'.

1.258 While committing Mr Duckenfield and Mr Murray for trial he took a 'highly unusual course' to 'reduce to a significant extent the anguish being suffered'. He stated that if the former officers were found to be guilty of manslaughter, neither would face a prison sentence. This extraordinary assurance could not be disclosed until after the trial.

1.259 The trial opened on 6 June 2000 at Leeds Crown Court and ran for seven weeks. The prosecution's case was that fans died because they could not breathe in a crush due to overcrowding 'caused by the criminal negligence of the two defendants'.

1.260 Both had been 'grossly negligent, wilfully neglecting to ensure the safety of supporters'. Their negligence was not the sole cause of the disaster as the ground was 'old, shabby, badly arranged, with confusing and unhelpful sign-posting … there were not enough turnstiles'.

1.261 Further, an entrenched 'police culture ... influenced the way in which matches were policed'. Nevertheless, the 'primary and immediate cause of death' was the consequence of the defendants' failures. Each defendant 'owed the deceased a duty of care' and 'his negligent actions or omissions were a substantial cause of death'. Their 'negligence was of such gravity as to amount to a crime'.

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1.262 Mr Duckenfield declined to give evidence but his evidence to the Taylor Inquiry was presented in detail. The judge called as a witness Mr Duckenfield's predecessor, former 57 Chief Superintendent Mole, as he had drafted the Police Operational Order, introducing him as a crowd safety 'expert'.

1.263 Mr Murray gave evidence. Closing off the tunnel was 'something that did not occur to me at the time and I only wish it had'. While not recognising how packed the central pens had become, he had not been 'indifferent to the scenes … I did not see anything occurring on the terrace which gave me any anxiety'.

1.264 Between 14 and 20 June the prosecution called 24 witnesses. At the conclusion of the evidence the judge identified four questions for the jury to consider. First, 'Are you sure, that by having regard to all the circumstances, it was foreseeable by a reasonable match commander that allowing a large number of spectators to enter the stadium through exit Gate C without closing the tunnel would create an obvious and serious risk of death to the spectators in pens 3 and 4?' If 'yes', they were to move to question 2; if 'no', the verdicts should be 'not guilty'. Second, could a 'reasonable match commander' have taken 'effective steps … to close off the tunnel' thus preventing the deaths? If 'yes', they were to move to question 3; if 'no', the verdicts should be 'not guilty'. Third, was the jury 'sure that the failure to take such steps was neglect?' If 'yes', it was on to question 4; if 'no', the verdicts should be 'not guilty'. Fourth, was the 'failure to take those steps … so bad in all the circumstances as to amount to a very serious criminal offence?' If 'yes', the verdicts should be 'guilty'; if 'no', they should be 'not guilty'.

1.265 Each question had to be contextualised 'in all the circumstances' in which the defendants had acted. Centrally, did the circumstances of chaos and confusion impede or mitigate the senior officers' decisions? On opening Gate C, was an obvious and serious risk of death in the central pens 'foreseeable' by a 'reasonable match commander?' Not someone of exceptional experience and vision, but an 'ordinary' or 'average' match commander. Even if gross negligence could be established, question 4 demanded that it had to be so bad in the circumstances that it constituted a serious criminal offence.

1.266 The prosecution argued that the police 'mindset' of 'hooliganism' at the expense of crowd safety was 'a failure' best captured 'in the word neglect'. It was not a failure caused by the immediacy of a 'split-second decision' but 'a case of slow-motion negligence'.

1.267 Like all others in the stadium, Mr Duckenfield and Mr Murray could see the 'dangerously full pens' and had adequate 'thinking time' to seal the tunnel and redirect the fans. Their failure was negligent and not postponing the kick-off 'intensified the responsibilities of those who had taken the decision to get it right'. It was a serious criminal offence because 'thousands of people' had been affected by the breach of trust in the officers.

1.268 Mr Duckenfield's Counsel considered that the events were 'unprecedented, unforeseeable and unique'. He maintained that a 'unique, unforeseeable, physical phenomenon', unprecedented in the stadium's history, occurred in the tunnel. People were projected forward with such ferocity that others died on the terraces in the consequent surge. It was the result of a small minority of over-eager fans who had caused crushing at the turnstiles, whose actions were perhaps responsible for the projection of unprecedented force in the tunnel.

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1.269 Mr Murray's Counsel argued that what happened was not slow-motion negligence but 'a disaster that struck out of the blue'. The deaths were not foreseeable and no 'reasonably competent' senior officer could have anticipated the sequence of events as they progressed. While the police operation might have 'had many deficiencies', Mr Duckenfield 58 and Mr Murray should not be singled out to 'carry the can'. The terraces had been authorised as safe, the fans 'finding their own level' was taken for granted. It was 'Mole's policy, Mole's custom and practice'. A conviction would make Mr Murray a 'scapegoat'.

1.270 Having heard the closing speeches, the judge emphasised that the case had to be assessed 'by the standards of 1989' when 'caged pens were accepted' and 'had the full approval of all the authorities as a response to hooliganism'. The defendants had to be regarded as 'reasonable professionals' – each of them 'an ordinary competent person', not a 'Paragon or a prophet'.

1.271 When the exit gates were opened, 'death was not in the reckoning of those officers'. They were responding to a 'life and death situation' at the turnstiles and the jury had to 'take into account that this was a crisis'. The jury should 'be slow to find fault with those who act in an emergency'; a situation of 'severe crisis' in which 'decisions had to be made quickly'.

1.272 J Hooper noted the 'huge difference between an error of judgement and negligence', that 'many errors of judgement we make in our lives are not negligent' and 'the mere fact that there has been a disaster does not make these two defendants negligent'.

1.273 For a guilty verdict, the negligence would have to have been 'so bad [as] to amount to a very serious offence in a crisis situation'. There were two key questions: 'Would a criminal conviction send out a wrong message to those who have to react to an emergency and take decisions? Would it be right to punish someone for taking a decision and not considering the consequences in a crisis situation?'

1.274 After 16 hours of discussion the jury was instructed that a majority verdict would be accepted. Over five hours later, Mr Murray was acquitted. The jury was discharged without reaching a verdict on Mr Duckenfield and the judge refused the application for a re-trial.

[...]

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(d) Sample media reports

BBC News – 25 September 2013

http://www.bbc.co.uk/news/uk-england-merseyside-19710415

Hillsborough: Officers 'reassured' by judge

Two police officers accused of manslaughter after the Hillsborough disaster were told they would not face jail before the case was heard.

The comments, made by Mr Justice Anthony Hooper, were published in The Hillsborough Independent Panel report.

The Hillsborough Family Support Group brought the private prosecution against Ch Supt David Duckenfield and Supt Bernard Murray in 2000.

The pair were in charge when 96 Liverpool fans died in April 1989.

At the end of the trial, held at Leeds Crown Court, Mr Murray was found not guilty and a verdict could not be reached on Mr Duckenfield.

At the time, Mr Justice Hooper had rejected an application to halt the prosecution from the officers' defence team.

But he also said he wanted to reassure the two former officers and reduce their anguish, especially as if they were jailed there was a "considerable risk of serious injury if not death at the hands of those who feel very strongly about Hillsborough".

'Unprecedented' move

He stated that if the former officers were found to be guilty of manslaughter, neither would face a prison sentence.

The assurance, however, could not be disclosed until after the trial.

Merseyside solicitor David Kirwan said it was "almost unprecedented" that a judge would assure defendants in a trial.

He said: "A judge would never make any comment before a trial or during the trial about the effect of the prosecution on a defendant.

"He would be very loathe to say anything about, say for example, a witness in a case that would influence a jury in any way.

"A judge has to be very, very impartial, and what you have described is a very, very great departure from that impartiality that we expect."

The BBC has contacted the Judicial Office for Mr Hooper's reaction, but was told judges will not comment on past cases.

The report into the Hillsborough disaster, published on 12 September, revealed a police cover-up which attempted to shift the blame on to the victims.

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Margaret Aspinall, chair of the Hillsborough Family Support Group who lost her son James in the disaster, said it was just another example of how badly the families of the 96 victims were let down.

"Every day there are revelations but there are a lot of those revelations that ordinary people don't realise we already knew," she said.

"Obviously we didn't know the magnitude of it all and it just gets bigger and bigger.

"It shows me what kind of a system we were living in at the time."

The Journal – 30 September 2012

http://www.thejournal.ie/hillsborough-documents-findings-610386-Sep2012/

"In 2000, the aforementioned chief superintendent Duckenfield and his deputy Superintendent Bernard Murray were the subject of a private prosecution by the victims' families through the Hillsborough Family Support Group (HSFG). Accused of manslaughter, the judge at Leeds Crown Court, Anthony Hooper first rejected a defence team application to halt the prosecution.

But he also assured the two accused that if they were to be found guilty of manslaughter they would not go to jail, an assurance that was not disclosed until after the trial but has taken on a new importance in the wake of the panel's report. The judge told the pair prior to the trial that if they were jailed there would be "considerable risk of serious injury if not death at the hands of those who feel very strongly about Hillsborough". It was an unprecedented move that legal experts have said is a departure from the impartiality expected of a judge.

In the end Murray was found not guilty while a verdict could not be reached on Duckenfield. Families have always believed that their case against Duckenfield and Murray was hampered by key evidence being ruled inadmissible while they have also alleged that Hooper's summing-up was biased against a guilty verdict. The panel 's report described the assurance that the judge gave the accused pair as "extraordinary".

Murray has since died while Duckenfield did not give evidence at the trial and has never spoken publicly about his involvement at Hillsborough."

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(e) Note of call with Sir Anthony on 8 October 2013 re Hillsborough issues

[TO BE INSERTED FOLLOWING CALL]

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8 Letter of Appointment

Sir Anthony Hooper
Matrix Chambers
Griffin Building
Gray's Inn
London
WC1R 5LN

[DATE] 2013

Dear Sir Anthony

Chair of the Initial Complaint Review and Mediation Scheme

The Initial Complaint Review and Mediation Scheme ("the Scheme") has been established to help resolve the concerns of current and former Subpostmasters (as well as Crown branch employees) regarding Post Office's Horizon system and other associated issues.

Post Office Limited ("Post Office") is determined to ensure that Horizon and its associated processes are fair, effective and reliable, and that Subpostmasters can have confidence in the system. In some instances, however, Subpostmasters allege that Post Office and Horizon have not met these standards
.
In collaboration with the Justice for Subpostmasters Alliance and a group of MPs led by the Rt Hon James Arbuthnot MP, Post Office established an Inquiry into Horizon. Independent forensic accountants, Second Sight, were appointed to lead that Inquiry and have been working with a number of Subpostmasters for over 12 months.

Post Office now wishes to offer the Scheme to Subpostmasters so that individual Subpostmasters have an opportunity to raise their concerns directly with Post Office. In partnership with Subpostmasters, the JFSA, Second Sight and interested MPs, all sides can then work towards resolving those concerns.

The Scheme has been developed by Post Office, Second Sight and the Justice for Subpostmasters Alliance, who form the Working Group which is overseeing the management and operation of the Scheme.

Post Office, on behalf of the Working Group, is pleased to confirm your appointment as the independent Chair of the Working Group.

This letter sets out the terms of your appointment. Whilst it is being issued by Post Office, this letter, including the scope of your role, has been approved by the Working Group.

Your Role

As the Chair of the Working Group you are to provide independent leadership, scrutiny and challenge to the Working Group to ensure that the Scheme achieves its objectives and offers value for money to tax payers. In particular, you are to:-

- ensure that the Working Group operates in accordance with its Terms of Reference;

- Chair all meetings / telephone conferences of the Working Group unless another person is nominated by the Working Group;

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- provide leadership to the Working Group to enhance its effectiveness, including by:-
    - ensuring that the responsibilities of the Working Group are understood by all members;
    - providing leadership to enable the Working Group to work as a cohesive and productive group; and
    - demonstrating integrity and ethical leadership by encouraging a climate of trust and openness;
- manage the Working Group, including by:
    - preparing the agenda for meetings / telephone conferences; and
    - adopting processes to enable the Working Group to conduct its work effectively and efficiently including the scheduling and management of meetings, record keeping and reporting as detailed in the Working Group Terms of Reference; and
- ensure, so far as reasonably practicable, equality of access to the Scheme for all complainants irrespective of age, disability, gender, race, religion or sexual orientation.

Term

Your appointment as Chair of the Working Group will be for an initial term from the date of this letter until 31 March 2014. Following the end of the initial term the Working Group will consider how the Scheme is progressing and the on-going requirement for a Chair. Equally, at the end of the initial term you may choose to resign the position.

Fees

Post Office agrees to pay you a fixed fee of £20,000 plus VAT in respect of all time spent by you fulfilling the role of Chair of the Working Group during the initial term, ending on 31 March 2014. You will be expected to allocate sufficient time to perform your role as Chair, which is expected to take around 75 hours during the initial term.

As set out above, whilst Post Office is paying your fees, you are to act independently.

Next Steps

In order to determine how best to allocate your time we suggest that the Working Group sets up an initial meeting with you to discuss the Scheme and the work which will be carried out. The Working Group will be in touch shortly to discuss this.

Post Office and the Working Group look forward to working with you.

Yours sincerely

Paula Vennells
Chief Executive
For and on behalf of Post Office Limited

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9 External communications

[TO BE INSERTED ONCE AGREED]