

## MINUTE

### INITIAL COMPLAINT REVIEW AND MEDIATION SCHEME WORKING GROUP 20 MAY 2014

#### ATTENDEES

Sir Anthony Hooper  
Alan Bates (JFSA)  
Kay Linnell (JFSA)  
Ian Henderson (Second Sight)  
Ron Warmington (Second Sight)  
Chris Holyoak (Second Sight)  
Chris Aujard (Post Office)  
Belinda Crowe (Post Office)  
Angela Van Den Bogerd (Post Office)  
David Oliver (Post Office)  
Andy Parsons (Bond Dickinson)

#### 1. Part One of the Mediator's Briefing Pack

The Chair opened discussion of the draft Part one report tabled by Second Sight.

The report was reviewed page by page and a number of amendments were agreed by the Working Group.

**ACTION** Chris Aujard to speak to CFO at the Post Office to establish whether a surplus from reconciling between ATM records and Bank of Ireland records is ever taken into profits by the Post Office.

**ACTION** AVDB to confirm the annexes are accurate.

**ACTION** Second Sight to provide a revised Part one report by close of business on 22 May.

#### 2. Second Sight Reports

It was agreed that the comments on the draft reports would be annexed to the final report for both parties to see.

It was agreed that the covering letter would be agreed with CEDR and the Working Group would send the final copy of the report, this letter would also seek confirmation of the advisor being used. It was agreed that the letter would be circulated to the Working Group for agreement.

It was agreed that Second Sight would turn round comments on the draft in up to seven days.

- **M022** the Working Group agreed that M022 was suitable for mediation.

- **M127**

It was agreed that there is a need to focus on the issues that are relevant to the loss, it was suggested that 1.6 should be amended to make clear which factors contributed to the loss and which did not and focus on who is responsible for the loss.

Post Office commented that the stylistic comments made on M022 apply to this report as well. Further Post office made two overarching comments:

- They agreed on the need for focus.
- Secondly they commented that paragraph 4.4 assumes a relationship between the SPMR and Post Office which if correct would have far reaching implications for the financial model that Post Office is operating and who bears responsibility for the loss.

**ACTION** stylistic comments to Second Sight by close of business 21 May.

- **M054**

It was agreed that M054 would be issued in draft directly to the parties and Second Sight commented that it would be ready by close of business on 28 May.

### 3. Mediation

The Working Group reviewed the two CEDR documents (mediation process and mediation procedure) tabled for review. In the discussion the following points were made:

- **Unquantified Claims** – Working Group would prefer remedies sought to be set out in the mediation statement and agreed that Alan Bates would circulate a circular to applicants asking them to prepare for this.
- **Bankruptcy** – it was suggested that point 4 be replaced with

*“The applicant should provide an agreement with the other party (Post Office) that there is authority for the party to make the claim and settle it subject to the party reporting back to their trustee in bankruptcy”*

**ACTION Post Office to consider the issue of bankruptcy and revert to the Working Group**

- **Bankruptcy** – it was suggested that the process would be amended to state that there would be a separate process for bankrupts.
- **Timing** – it was agreed that the date for mediation should be set within 4

weeks of the mediator being appointed

#### **4. Howe and Co travel expenses**

The secretariat updated the Working Group that Howe and Co have invoiced for expenses incurred without prior authorisation in contravention of the previous Working Group process. It was agreed that the Chair would review the invoice and make a recommendation to the Post Office.

#### **5. New Tracker**

Belinda Crowe updated the Working Group on the new tracker. The Working Group commended the new tracker format.

**Action** forward projection for the Scheme duration to be completed once Second Sight have reviewed their production rates.

#### **6. Keeping Applicants Informed**

The Chair opened the discussion by raising the issue as to whether the Working Group was doing enough to keep applicants informed. AB commented that there was not a great deal to say at this point. Chair asked Alan to let the Working Group know if he felt there was more to do in this area.

## Standing Agenda

### 7. New Case Questionnaire Responses

Case No.	Status	WG Decision
M064		Accepted 6 weeks deadline
M068		Accepted 8 weeks deadline
M074		Accepted 6 weeks deadline
M087		Accepted 8 weeks deadline

### 8. Post Office investigation progress

Case No.	Status	WG Decision
M006	Finalising report as a priority.	
M013	Investigation complete. Finalising report. Extension (not 1 <sup>st</sup> ) to 16 <sup>th</sup> June required.	Agreed.
M045	Investigation complete. Finalising report. Extension (not 1 <sup>st</sup> ) to 16 <sup>th</sup> June required.	Agreed.
M063	Investigation on-going. Extension (1 <sup>st</sup> ) to 16 <sup>th</sup> June required.	Agreed.
M071	Investigation on-going. Extension (1 <sup>st</sup> ) to 16 <sup>th</sup> June required.	Agreed.
M115	Investigation on-going. Extension (1 <sup>st</sup> ) to 16 <sup>th</sup> June required.	Agreed.
M122	Investigation on-going. Extension (1 <sup>st</sup> ) to 16 <sup>th</sup> June required.	Agreed.
M126	Investigation on-going. Extension (1 <sup>st</sup> ) to 16 <sup>th</sup> June required.	Agreed.
M133	Investigation on-going. Extension (1 <sup>st</sup> ) to 16 <sup>th</sup> June required.	Agreed.
M143	Finalising report as a priority.	

### 9. Standing case updates

Case No.	Status	WG Decision
M004	Applicant has confirmed that they wish to proceed with their case. SL01 pack sent 19 <sup>th</sup> May.	Noted
M094	Letter to be sent from SAH with 2 weeks to respond. If no response received, WG to withdraw the case and write to that effect.	No letter to be sent, response from the applicant should now have been received.
M114	Letter to be sent from SAH with 2 weeks to	No letter to be sent response from applicant now received.

	respond. If no response received, WG to withdraw the case and write to that effect.	
M142	Letter to be sent from SAH with 2 weeks to respond. If no response received, WG to withdraw the case and write to that effect.	Letter to issue from SAH.

#### 10. Second Sight review progress

Second Sight updated the Working Group on their progress. They noted that their ability to produce reports was constrained by staff availability, the need to reflect on learning and that they now estimated that it was taking 8 weeks to produce a report not 4 weeks. Second Sight commented that no work had been done on the reports when originally posted except the three reports discussed by the Working Group in March.

In discussion Second Sight commented that they will aim to produce three reports a week but that next week they would produce two draft reports.

**ACTION** Second Sight to confirm which reports would be produced to the Working Group.

Second Sight's role in hardening cases was also discussed. It was agreed that Second Sight should make the hardening process a more focussed process which would ensure there is a sufficient caseload for the Post Office investigators.

Second Sight updated on the Part two report they commented that no further work has been done on Part two and that they needed to complete more reports before they can complete Part two.

**Action** Second Sight to provide a schedule for completion of Part two and their case reports by next Thursday (29 May).

It was agreed that vulnerable applicants should be prioritised within the Second Sight scheduling.

Case No.	Due Date	Second Sight Update	WG Decision
M007	22 <sup>nd</sup> May	Extension of 4 weeks sought	Second Sight to provide schedule for case completion next week
M030	13 <sup>th</sup> May	Overdue – extension of 4 weeks sought	Second Sight to provide schedule for case completion next week
M048	13 <sup>th</sup> May	Overdue – extension of 5 weeks sought	Second Sight to provide schedule for case completion next week
M054	8 <sup>th</sup> May	Overdue – extension to 28 May sought	Second Sight to provide schedule for case completion next week
M076	15 <sup>th</sup> May	Overdue – extension 5 weeks sought	Second Sight to provide schedule for case completion next week

M127	19 <sup>th</sup> May	Received	
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11. Any other queries raised by Applicants / Advisors

N/A

12. Issues with resourcing / timings

N/A

13. AOB

- **Howe and Co extension requests** It was agreed that Alan Bates would contact M096. It was agreed that the Secretariat would contact Howe and Co granting an extension to the end of the month for M096 and requesting Howe and Co to inform the Working Group what steps have been taken to contact the applicant and why, M106 was granted an extension of 1 week.
- **Aver** – Aver's continued failure to respond to approaches from the Working Group was discussed. It was agreed that the Chair would ring Emma Porter to convey the Working Group's disquiet.
- **CFAs** – The issue of CFAs was discussed and the Chair updated the Working group on the letter sent to De Nahlik highlighting the clause in the funding agreement which ruled out the approach Mr De Nahlik was proposing. AB commented that he had advised all applicants who had asked his advice to make clear to their advisors that they had no funds available to them beyond the Post Office contribution. It was agreed that the letter covering the final report to each applicant should again draw applicants' attention to both clause 4.2 and the wording in the prospectus.

Next face to face meeting was agreed for Monday 16 June and subject to room availability it will be held at Matrix Chambers.