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Justice For Subpostmasters Alliance

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Your Ref: 2013/04327

Dear Minister

I am writing to you on this occasion to inform you of the latest milestone that the Initial Case Review & Mediation Scheme has passed. This relates to the Second Sight Briefing Report - Part Two, released earlier this week, and which has now been sent to those Scheme Applicants and their Professional Advisors who have recently received the Second Sight draft reports of their case.

Regrettably, under the agreement with which JFSA attends the Working Group, I am not at liberty to send you the 23 page report, yet I am sure Post Office would be able to supply a copy to your department, (and I do hope that their Board are also being made aware of the content of the report). However I can supply you with a copy of a JFSA email document (enclosed) which has been sent to all recipients of the report to offer guidance on how best to use it, as well as JFSA's response to the Part Two report, although I appreciate it will be of limited use until such time as you have seen the Second Sight report.

I thought I should inform you of the existence of the latest Second Sight report, as I do know that some of the Applicants have already made their MPs aware of the contents of it. I am also sure that many others will follow suit, as and when more Applicants reports are completed and sent out.

Yours sincerely

GRO

Alan Bates
Chairman, Justice For Subpostmasters Alliance

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Initial Case Review & Mediation Scheme

JFSA Statement in response to the release of the Second Sight Briefing Report - Part Two

When an Applicant receives their case report that has been prepared by Second Sight, they should have received a copy of their Professional Advisor's report (if one was used) and a copy of the Post Office (POL) investigation report into their case. They also should receive a copy of a document entitled, Briefing Report - Part Two (report), dealing with, what Second Sight refers to as Thematic Issues (which JFSA often refers to as the Systemic Failures of POL, as it believes they are fundamental flaws with Horizon and associated issues that are compounded by the way POL has acted with regard to them, and is still doing so in many instances).

Each case is different, and just getting to a Mediation meeting does not mean that either party is forced to settle, it merely provides an opportunity in front of an independent neutral third party Mediator for both parties to explore settlement opportunities. The main purpose of the report is to assist the Mediators to put into context the cases that Applicants take to Mediation by ensuring that they, as well as both of the Parties, have an understanding of the POL contract and how well the operating procedures of the Post Office Horizon system work, and their impact on a particular Subpostmaster.

As matters currently stand, Post Office has objected to the findings in the Part Two report being issued, and is proposing to produce a document to send to all the recipients of the report, in which it conveys POL's views on the content of the report. In light of the proposed POL document, JFSA has produced this summary and comment on the Second Sight Briefing Report - Part Two. It is worth noting that the Second Sight report is a dynamic document, i.e. it can be amended by Second Sight at any time if more information leads them to do so, and these JFSA comments, which may also be amended, relate to the version of the report dated 21st August 2014.

It should also be noted that the report is a Second Sight produced document, which although JFSA and POL were invited to make comment on before release, it is Second Sight, and only Second Sight, which control the content of the document, based upon its findings from all the work that it has undertaken since being engaged as independent experts. POL, as you will gather from its comments, has one particular view of the report. JFSA has a different viewpoint on the report, and whilst it broadly agrees with the findings, JFSA finds some issues have yet to be addressed, some could have been expanded upon a great deal further, and there are just a few it disagrees with.

Generally, and as has been mentioned previously, JFSA considers the report has identified a significant number of the common failures that Subpostmasters have suffered from, many as a result of the way POL brought in Horizon, and the way it has managed it since then. However, much of the report does seem to reflect the more recent period of Horizon rather than its earlier days where many of the current cases stem from, although the lack of availability of documentation from this period may go some way to explaining this.

It is very much up to the individual Applicant to identify, within the report, the issues that have affected them, and to make their own comments known at the appropriate time. Yet there is one point within the report that JFSA takes particular issue with, and that relates to the question raised in 18.6, and the conclusion that Second Sight draws in 18.7 about Horizon appearing to be "fit for purpose". It would seem, as only 150 cases came forward during the 12 weeks the Scheme was open, it has to be assumed that all the other Subpostmasters are happy with Horizon, so therefore it appears to be "fit for purpose".

However JFSA is aware of many other Subpostmasters, a number of whom are still serving, that have been in contact with it since the Scheme was closed to new Applicants. JFSA is also aware that, with the financial

investment Subpostmasters have made in their post office, they are often hesitant in raising issues with, or to make their concerns known, to POL. Despite all the assurances given by POL that Subpostmasters with problems can come forward without fear of retribution, there still exists a significant reluctance by Subpostmasters to believe POL, based upon comments of those who have contacted JFSA over the years. So for Second Sight to make a comment that Horizon appears to be “fit for purpose” for the vast majority of Subpostmasters only because they haven’t reported a problem, might, to those who work with it, seem somewhat of a stretch.

Furthermore, there are many points in the report which effectively counter this assumption, for example, the rest of the report.

Related to the 18.6 question is the statement made in 18.12 of the report, where it would seem that the only time when Horizon could not appear to be “fit for purpose” is when unsuitable, inexperienced or inadequately trained persons are let loose on Horizon. What Second Sight fails to make clear is that it is POL to whom an aspirant Subpostmaster applies to; it is POL that interviews and vets a potential Subpostmaster; it is POL that judges the suitability of a candidate; and it is POL that actually appoints and has the responsibility for training and monitoring the work of its chosen Subpostmasters.

By implication 18.12 is also stating that any Subpostmaster who ever suffers from a catastrophic situation due to problems that they have no control over, such as telecommunications or hardware failures, does so, only because they were either unsuitable, inexperienced or inadequately trained.

The Second Sight Briefing Report – Part Two, should be read in conjunction with the other documents that have been produced, namely the Second Sight - Initial Interim Report dated 8th July 2013, and the Part One Report dated 25th July 2014. By reading all three reports a comprehensive picture can be built up of the aims of the Horizon system, the work of Post Office and that of a Subpostmaster. However, to those outside of the industry, it will also offer an insight into the reality in which a Subpostmaster actually has to work, and the limitations and drawbacks they have to deal with, whilst being held liable for many issues that arise with a system they have no control over.

JFSA
27th August 2014