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The Rt Hon James Arbuthnot MP
House of Commons
LONDON
SW1A 0AA

28 November 2014

Dear James,

Complaint and Mediation Scheme

Thank you for the meeting in your office on 17 November. I am writing to set out the Post Office's position on the proposition put forward by Mr Letwin that there should be a "general presumption" that Post Office will agree, save in a few (undefined) exceptional cases, to mediate all cases where this is the recommendation of Second Sight, regardless of their merits and specific circumstances.

Having considered the proposition carefully and having discussed it as promised with my Board, I have concluded that I cannot agree to it.

In my letter of 5 November, I set out in some detail the steps Post Office has taken to address the concerns you raised with me in early 2012. That letter made clear my belief that Post Office has done at least as much, if not considerably more, than might reasonably be expected to address those concerns.

To summarise, Post Office Limited established the Scheme in good faith; Second Sight and JFSA were principal drivers of its design, the establishment of the Working Group and the recommendation for the appointment of its independent Chair; Post Office Limited committed to a comprehensive re-investigation of each and every case in the Scheme; and it pays not only for the administration of the Scheme as a whole but also provides Applicants with funding to enable them to engage professional advisers to support them in all relevant stages of the process.

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To agree to a presumption that all cases should be mediated prior to any proper consideration of their merits would deprive the Working Group, which was set up so rigorously and carefully by ourselves, JFSA and Second Sight, of its most important role. It is difficult to see, in such circumstances, how it could continue.

I would point out that Post Office has not prevented any case from progressing through the Scheme as it was designed. Instead, and as a minimum, all cases will have the benefit of a thorough re-investigation and an independent review by Second Sight. A discussion at the Working Group about the resulting findings cannot be seen as an unreasonable requirement. You will also be aware that, by its very nature, mediation is a voluntary and consensual process and, accordingly, neither Applicants nor Post Office Limited are bound to proceed to mediation even where it is the Working Group's view that mediation is appropriate.

On a broader point, together with your colleagues, you appeared to suggest that the scope of the Scheme should now be broader than issues directly associated with the Applicants' complaints and dissatisfaction with the Horizon system and directly associated issues. However, the Scheme was established with the specific and targeted purpose of addressing each of the individual Applicants' complaints and dissatisfaction with Horizon and directly associated issues and the fact is that no fault with the system has been identified in any of the now 119 cases that have been comprehensively re-investigated by Post Office or as part of Second Sight's general work. That should be welcomed and does not in any way suggest that the Scheme is failing to meet the objectives that we, together, set for it. There is simply no reason, therefore, to seek to change its scope retrospectively.

In summary, it is my view that the Scheme and its processes are, in fact, operating as they were designed to. The Scheme has been enormously helpful: we have found out much more about the underlying complaints of individual Applicants and, through the Scheme mechanism, we are seeking where it is possible and realistic to do so, to resolve each of those individual complaints. That has always been our shared ambition for the Scheme and, on any reasonable and fair-minded view, I do not see any proper reason to revisit and alter the processes we designed together at this juncture or, indeed, at all.

I am very proud of the responsible manner which the business has acted on this matter and I can assure you that Post Office will continue thoroughly to re-investigate every case that has been raised by individual Applicants and we remain committed to trying to resolve, in a manner which is fair to all parties, the issues they have raised in the context of the Scheme.

Finally, while Post Office Limited has stuck rigorously to its obligations of confidentiality throughout this process, it is apparent from leaks to the media that the same cannot be said of all parties to the Scheme. In the circumstances, I can confirm that should you wish to provide a copy of this letter to the media, Post Office Limited will not object.

I am copying this letter to those present at the meeting, your fellow MPs, Andrew Bridgen, Oliver Letwin, Mike Wood, as well as to Alan Bates at JFSA.

Yours sincerely,

A large, bold, black, sans-serif signature 'GRO' is enclosed within a dashed rectangular border.

Paula Vennells
Chief Executive