

RESTRICTED – POLICY & COMMERCIAL

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Options for review / oversight of the process

Option	Advantages	Disadvantages
Senior Civil Servant reviews process	<ul style="list-style-type: none"> • Can be done discreetly, in house and with minimal cost • An individual outside the ShEx team (or outside of BIS) would be demonstrably independent of POL 	<ul style="list-style-type: none"> • Could lack credibility with JFSA (especially if the review finds the process is OK) • Would need to find a suitably qualified civil servant
Independent person (judge or similar) reviews process	<ul style="list-style-type: none"> • Would bring a degree of gravitas to the process • Would be clearly independent of POL and Government 	<ul style="list-style-type: none"> • Public news of their appointment could fuel the campaign against POL • Potential for misunderstanding (deliberate or otherwise) about this person's role – they would be reviewing process not merit • May still lack credibility with JFSA if they are not involved in selecting the judge (or if they find the process is OK) • Would add additional cost to the process • We have had a former judge involved before and this did not solve the problem
Professional firm (lawyers or accountants) review process	<ul style="list-style-type: none"> • Would be demonstrably independent • Established name (e.g. Slaughter & May, Deloitte) 	<ul style="list-style-type: none"> • Would add additional cost to the process • Public news of their appointment could fuel the campaign against POL • Would need to be very specific about remit • Could be labelled as "not independent" if process is found OK
CEDR provide assurance of process	<ul style="list-style-type: none"> • Could be done discreetly and with minimal cost • CEDR are demonstrably independent 	<ul style="list-style-type: none"> • CEDR may not want to increase their role (they maintain strongly their independence) • CEDR's remit only covers mediation so they would be unable to opine on cases outside the mediation process
Status quo	<ul style="list-style-type: none"> • No additional costs to the process • Maintains this as an operational or contractual matter between POL and individuals • Options for individuals remain available 	<ul style="list-style-type: none"> • Doesn't provide reassurance for Ministers or individuals • Government could be accused of inaction or wilful ignorance by JFSA



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Options for additional guidance / advice

Option	Advantages	Disadvantages
Promote existing guidance	<ul style="list-style-type: none"> Minimal additional cost Could demonstrate how fair the process already is Maintains this as an operational/contractual matter between POL and individuals 	<ul style="list-style-type: none"> May not address all reasons why individuals are not aware of or using the guidance Where guidance is provided by POL, it may not be trusted by individuals
Appoint a firm to provide guidance	<ul style="list-style-type: none"> Would be demonstrably independent of POL Could minimise costs by reusing existing guidance where appropriate Could tie in with a review of the process by said firm 	<ul style="list-style-type: none"> Would represent additional cost to be borne by either POL or HMG Could be alleged to not be independent if e.g. a firm of lawyers recommending people take legal action
Government provides guidance to applicants	<ul style="list-style-type: none"> Would be demonstrably independent of POL Some additional costs but less than using a firm 	<ul style="list-style-type: none"> Explicit Government involvement, which could lead to more calls for Government to intervene further Could be portrayed as Government encouraging people to take legal action against POL
Status quo	<ul style="list-style-type: none"> No additional cost Guidance remains available to applicants Maintains this as an operational/contractual matter between POL and individuals 	<ul style="list-style-type: none"> Doesn't address any reasons why individuals are not reading / understanding guidance

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Horizon system and mediation scheme

There has been over two years of independent scrutiny of the Horizon IT system and no evidence of systemic flaws has been found.

Post Office agreed a mediation scheme for subpostmasters who believed that Horizon had caused them losses.

The scheme continues to consider cases. It is independent of Government, and details of individual cases are confidential.

Following complaints from a small number of (mostly former) subpostmasters about the Horizon IT system, the Post Office commissioned an independent firm, Second Sight to examine the system for systemic flaws that could cause accounting discrepancies.

Second Sight's interim report, published in July 2013, and final report, published in April 2015, both make clear that there is no evidence of system-wide problems with Horizon.

On the basis of the interim report, which raised questions about the training and support offered to some subpostmasters, Post Office implemented a series of measures to improve its processes and also created a mediation scheme to consider individual subpostmasters' cases.

A Working Group was created to set up the mediation scheme, consisting of POL, Second Sight and the Justice for Subpostmasters Alliance (JFSA) and with an independent Chair: Sir Anthony Hooper, a former Court of Appeal judge.

Each case in the scheme was subject to a re-investigation by Post Office and then independent review by Second Sight, following which the Working Group would recommend whether a case should proceed to mediation. Mediation is a voluntary process requiring the consent of both parties and is overseen by an independent mediator. It is not a compensation process, although an outcome of mediation may be that some compensation could be awarded.

Individuals who had criminal convictions (usually for theft or false accounting) were eligible for the scheme, but on the basis that mediation cannot overturn a Court judgment. POL consider whether to mediate these applications on a case-by-case basis. Any individual who feels their conviction is unsafe can pursue legal avenues, regardless of whether they enter into mediation.

POL hopes to complete mediation on all remaining cases by the end of 2015.

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Annex slide title

Text (Arial 12pt)

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