

Monthly Monitoring Meeting Readout 03 August 2023

Attendees

- Carl Creswell (CC) – Director, Business Resilience, DBT
- Simon Recaldin (SR) – Director, Remediation Unit, POL

Post Office

- Andrew Higham (AH)
- David Firth (DF)
- Evelyn Hocking (EH)
- Jamie Tebbutt (JT)
- Ken Kyriacou (KK)
- Madeleine Dematteis (MD)
- Matthew Hilton (MH)
- Neil Davey (ND)
- Neil McDaid (NM)
- Pamela Heap (PH)
- Paul Murray (PM)
- Richard Paddington (RP)
- Simon Atkin (SA)
- Steve Barlow (SB)
- Stuart Lill (SL)
- Victor Turner (VT)

UKGI

- Chiara Eldridge (CE)
- Dominic Elvin (DM)
- James Gourlay (JG)
- Lorna Gratton (LG)
- Rob Mackie (RM)
- Sisi Zhang (SZ)

DBT

- Beth White (BW)
- Ciara Lawrence (CL)
- Eleri Wones (EW)
- Harry Fallowfield (HF)
- Foysul Hoque (FH)
- Michael Morondiya (MM)
- Richard Howard (RH)

OC

Roundtable

Neil McDaid (NM) provided a brief update on the outcomes of the roundtable with claimant representatives and Independent Assessor (IA) ToR. The general response to the principles was positive and there were no challenges to the IA process.

The key takeaways from the meeting were:

- I. Setting out factors that were considered in calculating post overturned loss of earnings.
- II. Develop an approach in handling claims which cross-over schemes.
- III. Consider the appetite to allow those Claimants to seek the 26 months loss of earnings by analogy with the HSS.

NM said HSF will issue a revised version of the principles which will remain a live document and submitted to the IA once established.

NM added that there was a consensus that a retired judge would be a good candidate to chair the IA meetings and POL has asked for suggestions from the claimant representatives. Simon Recaldin (SR) proposed that Advisory Board could suggest names given their experience and broader network. Carl Creswell (CC) agreed with the spirit of the idea and suggested approaching the Attorney General's office also for suitable names [1]. CC suggested highlighting to claimant representatives that POL and DBT are considering options too. CC advised that once a name has been put forward to obtain buy-in from Minister Hollinrake.

SR mentioned that they have an outstanding invitation with the Advisory Board to present the refreshed process and provide an update on the principles [2].

Non-responsive cohort

SR said that they had 5 responses out of 23 from the letters they sent out from POL with support from P&P. The Advisory Board are very keen to get a response from the remaining 18 and asked POL to consider taking additional steps e.g. finding suitable people/person to knock on doors.

SR said triage work continues to build on the cohort by identify further horizon related prosecutions and building an engagement strategy for this population. Ken Kyriacou (KK) added that the next opportunity to identify conceded cases are within the 40 ambiguous cohort which are currently being reviewed by their Senior Council. SR said that POL will be meeting with the Select Committee in September and had discussions with various media outlets to support them in reaching out to and encouraging people to come forward. CC added that Minister is also happy to lend his name to letters too.

Judicial Review

Legal Privilege

HSS

Wrongful death CAPs

SR highlighted that Wrongful Death Case Assessment Principles would be put to RC on the 16th August. SR highlighted that he would be grateful for DBT's cooperation in approving swiftly once RC had done the same. SR highlighted that in the meantime, the Independent Panel would use the draft principles on the two cases where this HOL had been put forward.

Late applications

Catherine Connolly (CCo) highlighted that POL were on plan for the remaining original cohort cases. CCo explained that POL had identified some trends in the late application cohort with fewer De Minimis cases, more ineligible cases, more unquantified cases, and more applicants legally represented from the outset. Sisi Zhang (SZ) queried what arrangements claimants had with legal firms at the pre-offer stage, given that legal support is not offered then. CCo explained that POL would not be aware of this.

SR explained that POL were looking into four 'scheme issues' following the Advisory Group and Inquiry reports - and would be bringing a proposal to RC on how POL could respond. SR explained

that some of POL's proposals would include a cost. SR explained that in suggesting these proposals for potential changes, POL's aim was to ensure fair outcomes. SR explained that it was common in remediation schemes for the party issuing compensation to look back as the scheme draws to a close and assure decisions made to that point. Carl Creswell (CC) and Beth White (BW) agreed that identifying potential issues was key, but that it was also important to be considered in how these would be rectified. Both also highlighted that it was important that all issues were resolved in one go rather than piecemeal.

Tax top-ups

SR introduced Paul Murray (PM), who was leading POL's implementation of the tax top-ups. PM explained that POL had good momentum and already had weekly catch-ups scheduled with DBT/UKGI in place. PM explained that there was a team of 4 managing the tax top-ups process, all of whom should be onboarded by early September. PM explained the calculation tool had been built and tested internally and would soon be assured by Deloitte. Once that assurance was completed the process could begin. PM highlighted that POL were still operating at financial risk, so it was crucial to have the funding agreement and updated operations agreement in place. PM highlighted that Pinsent Masons would be assuring both documents on the w/c 7th August. PM explained that POL's provisional plan was to issue top-up payment letters from the end of September, but the funding agreement would need to be in place beforehand. HF highlighted that this funding agreement was with POL for drafting but DBT stood ready to support.

RM explained that POL legal counsel was working with Pinsent Masons on how to amend and update the previous funding agreement. RM highlighted that POL should not look to 're-open' the original funding agreement unless there is a fundamental risk/material point that is evident within it. RM explained that HMT would likely be reluctant to approve any amendments and coordinating agreement across DBT/POL would likely cause delays. CC added that amendments could be considered, but reopening specific elements of the funding letter would be much trickier.

Dispute Resolution

In terms of the DRP, SR highlighted that POL now had a suite of KPI's to monitor progress of cases. SR acknowledged that progress could be swifter, but POL were confident that cases would be resolved, with the knowledge that there is a funding deadline associated with their resolution. SR noted that HMC had a regular 'case forum' to decide on next steps on cases that had become stagnant in the process for an extended period. HF thanked SR and noted that Pam Heap and team had been very collaborative. HF did query whether HSF had signed up to an SLA-type commitment to progress cases and SR confirmed they had not, but POL discussed case progress with them weekly and would always flag where it had concerns.

SZ queried whether Hudgell Solicitors (who represented a significant cohort in the DRP) had a capacity issue. SR admitted they did and had now recognised this. SZ queried whether Hudgell could manage expectations better on his end, and SR agreed to take that point away.

CC thanked Simon and team.

ACTIONS

- Beth White (BW) to contact the Attorney General's office for suitable names to chair the IA Panel.^[1]
- BW and Rob Brightwell to find a suitable time and date for POL to present to the Advisory Board.^[2]