

MINUTE

Working Group for the Initial Complaint Review and Case Mediation Scheme

02 October 2014

Teleconference details:

Dial: GRO

Participant's code: 67797522#

Attendees

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

Apologies

Chris Aujard (Post Office)

Agenda

Standing agenda items

1. New Questionnaire Responses
2. Priority cases
3. Bankruptcy cases
4. Post Office Investigation Progress
5. Cases with Second Sight to review PO investigation reports
6. Cases that Second Sight have reported on
7. Any other queries raised by Applicants / Advisors
8. AOB

1. New Case Questionnaire Responses

Last two CQRs have now been received

| Case No. | Status |
|----------|--|
| M134 | Received 18 September – PO report due by 15 December |
| M146 | Received 18 September – PO report due by 22 December |

2. Priority cases

| Case No. | Status |
|----------|--|
| M006 | Approved for mediation 19 August. |
| M052 | Final report originally received 18 September, revised version received 23 September. Awaiting mediation decision. |
| M073 | Final report received 24 September. Deadline for comments 3 October. |
| M086 | Investigation has been prioritised – PO report due by 17 November. |
| M119 | Investigation has been prioritised – PO report due by 9 October. |
| M143 | Final report received 14 September. Approved for mediation 15 September. |

3. Bankruptcy cases

| Case No. | Status |
|----------|--|
| M001 | SS Final report received 18 September. Awaiting mediation decision. |
| M015 | Final report received 05 September. Approved for mediation 16 September. |
| M019 | SS Final report received 14 September. Approved for mediation 16 September. |
| M029 | SS Final report received 18 September. Awaiting mediation decision. |
| M030 | SS Final report received 14 September. Awaiting mediation decision – judgement reserved. |
| M032 | Passed to SS 28 August, Draft CRR due 17 October. |
| M036 | Passed to SS 11 September. Draft CRR due 14 November. |
| M069 | PO investigation on-going, report due by 10 November. |
| M081 | PO investigation on-going, report due by 8 December. |
| M089 | PO investigation on-going, report due by 10 November. |
| M100 | PO investigation on-going, report due by 20 October. |
| M118 | PO investigation on-going, report due by 13 October. |

| Case No. | Status |
|----------|--|
| M122 | PO investigation on-going, report due by 6 October. |
| M128 | PO investigation on-going, report due by 22 December |
| M150 | PO investigation on-going, report due by 8 December. |

SAH stated that he had decided to cast his deciding vote in favour of M030 proceeding to mediation. He would provide the WG with his reasons shortly.

4. Post Office Investigation Progress

i) New scheduling to note

| Case No. | Date passed to POL | POL planned scheduled delivery date |
|----------|--------------------|-------------------------------------|
| M137 | 11 September | 1 December |
| M144 | 15 September | 8 December |
| M134 | 18 September | 15 December |
| M146 | 18 September | 22 December |

JFSA asked why M146 had a scheduled delivery date of 22/12 and not sooner. AVDB stated that POL was working to the previously stated schedule and were clearing on average 5 cases a week.

ii) Overdue cases

No cases overdue.

5. Cases with Second Sight to review Post Office Investigation Reports

i) New scheduling to note

| Case No. | Date passed to SS | SS planned scheduled delivery date |
|----------|--|------------------------------------|
| M024 | 15 September | 07 November |
| M041 | 15 September | 14 November |
| M043 | 29 September | 05 December |
| M053 | Revised version passed back 29 September | TBC |
| M068 | 19 September | 21 November |
| M087 | 01 October | 12 December |
| M092 | 26 September | 05 December |
| M120 | 15 September | 14 November |
| M121 | 26 September | 21 November |
| M122 | 01 October | 05 December |
| M133 | 19 September | 21 November |

- SS stated that they were currently taking 2 months from receiving the Post Office Investigation Report to complete Draft CRRs.
- SS confirmed that they had attended a meeting with POL earlier in the week re: scheduling. They had agreed to complete five Draft CRRs per week until the end of October in order to clear the backlog before returning to the standard rate of production - three a week - from November.
- SAH said that the recent Draft CRRs contained a greater level of detail that had been helpful in his consideration.
- SAH said that JFSA had indicated that they did not want to be part of any discussion on the decision whether a case should proceed to mediation. In doing so, they had declined to assist him in the exercise of determining how to cast his deciding vote. JFSA stated that this did not apply in cases that had not been recommended for mediation by SS. Thus far, SS had recommended all cases for mediation.
- SAH requested that SS draw out in their Draft CRRs any material that had not been available at the time, if there had been a guilty plea to theft.

ii) Overdue cases

| Case No. | Date passed to SS | SS planned scheduled delivery date | SS revised scheduled delivery date |
|----------|-------------------|------------------------------------|------------------------------------|
| M031 | 12 August | 26 September | Extension granted to 24 October |
| M042 | 16 July | 19 September | Extension granted to 10 October |
| M045 | 09 July | 19 September | Extension granted to 21 November |
| M046 | 12 August | 26 September | Extension granted to 31 October |
| M058 | 29 July | 12 September | Extension granted to 03 October |
| M067 | 08 August | 19 September | Extension granted to 17 October |
| M072 | 27 May | 12 September | Extension granted to 10 October |
| M090 | 01 August | 19 September | Extension granted to 17 October |
| M095 | 08 August | 26 September | Extension granted to 31 October |
| M126 | 06 June | 05 September | Extension granted to 03 October |
| M135 | 31 July | 19 September | Extension granted to 24 October |

SS explained that a longer extension was required for M045 as SS needed to re-interview the applicant

6. Cases that Second Sight have reported on

| Case No. | SS draft report issued | Deadline for comments | SS final report completed / due | WG decision | Sent to CEDR |
|----------|------------------------|-----------------------|---------------------------------|-------------|-------------------|
| M001 | 17 July 2014 | 04 September 2014 | 18 September 2014 | TBC | - |
| M002 | 18 July 2014 | 04 September 2014 | 14 September 2014 | Mediate | 23 September 2014 |
| M003 | 11 September 2014 | 19 September 2014 | 23 September 2014 | TBC | - |
| M005 | 25 September 2014 | 07 October 2014 | 14 October 2014 | - | - |

| | | | | | |
|------|-------------------|--|---|---------------------------------------|-------------------|
| M007 | 25 September 2014 | TBC | TBC | - | - |
| M009 | 28 July 2014 | 06 August 2014 | 20 August 2014 | Mediate | 23 September 2014 |
| M011 | 25 September 2014 | 07 October 2014 | 14 October 2014 | - | - |
| M013 | 26 September 2014 | 07 October 2014 | 14 October 2014 | - | - |
| M014 | 28 July 2014 | 7 August (Applicant has until 27 August) | 05 September 2014 | Mediate | 17 September 2014 |
| M015 | 28 July 2014 | 6 August (Applicant has until 27 August) | 05 September 2014 | Mediate | 23 September 2014 |
| M017 | 15 September 2014 | 25 September 2014 | 02 October 2014 | - | - |
| M018 | 15 September 2014 | TBC | TBC | - | - |
| M019 | 08 August 2014 | 04 September 2014 | 14 September 2014 | Mediate | 23 September 2014 |
| M021 | 15 September | 25 September 2014 | 02 October 2014 | - | - |
| M029 | 27 August 2014 | 10 September 2014 | 18 September 2014 | TBC | - |
| M030 | 31 July 2014 | 04 September 2014 | 14 September 2014 | Mediate – Chair's reasoning to follow | - |
| M035 | 11 August 2014 | 04 September 2014 | 21 September 2014 | TBC | - |
| M039 | 27 August 2014 | 05 September 2014 | 14 September 2014 Handed back to SS for a revised report due TBC | TBC | - |
| M052 | 28 July 2014 | 04 September 2014 | 18 September 2014 Revised version uploaded 23 September | TBC | - |
| M054 | 29 May 2014 | 06 June 2014 | 11 June 2014 | Mediate | 12 September 2014 |
| M057 | 04 July 2014 | 01 August 2014 | 08 August 2014 | No – letter with Chair | N/A |
| M062 | 20 June 2014 | 22 July 2014 | 31 July 2014 Revised version uploaded 23 September | TBC | - |
| M065 | 23 September 2014 | 02 October 2014 | 09 October 2014 | - | - |
| M066 | 11 August 2014 | 04 September 2014 | 15 September 2014 | Mediate | 17 September |

| | | | | | |
|------|-------------------|-------------------|-------------------|------------------------|-------------------|
| | | | | | 2014 |
| M073 | 24 September 2014 | 03 October 2014 | 10 October 2014 | - | - |
| M076 | 06 June 2014 | 17 June 2014 | 20 June 2014 | No – letter with Chair | N/A |
| M079 | 20 August 2014 | 04 September 2014 | 14 September 2014 | Mediate | 17 September 2014 |
| M143 | 29 July 2014 | 04 September 2014 | 14 September 2014 | Mediate | 17 September 2014 |

- POL stated that they did not agree to mediation for M001, M003, M029, M035, M052 and M062. These would all be discussed at the next face to face WG meeting on 17 October, in the absence of JFSA.

ACTIONS SECRETARIAT:

a) M001, M003, M029, M035, M052 and M062 to be added to 17 October agenda.

b) BC to arrange the meeting so that discussion on these cases takes place without JFSA

ACTION POL: To provide the Chair in advance with its detailed position on the cases.

- SAH reiterated that the WG would not be provided with any information about the cases that had gone to mediation until 25 have passed through. SAH said that he found this position unsatisfactory but would proceed as agreed.

7. Any other queries raised by Applicants / Advisors

- Response from Mr Rhodes and Howe & Co (M061) re eligibility
- M149 no response received to the WG letter but (applicant has written to his MP)
- Request for extensions for M073 & M013 from Bill Cleghorn at Aver & M011 from Paul Keyton.
- M061 and M149 eligibility to be discussed at the next face to face WG meeting on 17 October.
ACTION: BC to send a holding letter to MP re M149
ACTION: M061 and M149 to be added to the 17 October agenda.
- Extensions for comments on M011, M013 and M073 were granted.
ACTION: BC to inform Aver and Paul Keyton of the granted extensions.
- SAH mentioned that he received a copy of letter from James Arbuthnot to Paula Vennells on POL taking along three solicitors to the last face to face WG meeting. He said that it was not his role to determine who should attend meetings to represent POL. BC said that Paula Vennells had responded to the letter and copied her response to SAH and AB.

8. AOB

- DO was leaving this week and other team members would be leaving the end of the month. TW was replacing DO and other new team members had also joined. **ACTION: BC to circulate details of team changes to the WG.**
- Extract from JFSA circular - AVDB and JFSA both stated that they hoped the JFSA circular had got through to people and would prevent any further leaks. However, AVDB said that it had not been sent to the WG for comment prior to release as had been agreed at a previous WG meeting. JFSA stated that they had not agreed to prior circulation and an opportunity to comment. BC confirmed from her notes and the minutes that the WG had agreed to prior circulation for comment.

- Private Eye article – AVDB suggested that the information in the Private Eye article must have come from a member of the WG. JFSA stated that the information had not come from them or anyone they have links with.
- M015 Aver letter – Aver have written to SAH as they have received a letter from AVDB about M015 not being recommended for mediation. SAH asked for any comments from JFSA before he responds to the letter. JFSA asked for more time to consider the letter in more depth. SAH requested that they respond before Monday if possible. If not possible, a holding letter should be sent to Aver with a substantive response to follow on SAH's return to the UK.
ACTION: BC to send a holding letter to Aver if necessary
- POL had received an FOI request for SS Part Two report – **ACTION: POL to discuss with SS.**
- Next WG meeting would be the face-to-face on 17 October.