

OFFICIAL SENSITIVE

Post Office Compensation Programme Board Note**Chair: Carl Creswell Date: 25/04/23 – 09.00:10.00****Attendees:**

DBT: Carl Creswell (CC), Rob Brightwell (RB), Eleri Wones (EW), Joel Miah (JM,) Katie Mitchell (KM), Josh Scott (JS), Patrick Kilgarriff (PK), Kirsty Wedderspoon (KW), Ellen Wasden (EW), Beth White (BW), Eleanor Brooks (EB), Monique Ebell (ME)

External: Josh Fleming [JF] (**HMT**), Tom Cooper [TC] (**UKGI**), James Gourlay [JG] (**UKGI**), Robert Mackie [RM] (**UKGI**), Loran Gratton [LG] (**UKGI**), Simon Recaldin [SR] (**POL**)

Note:

<u>Agenda Item</u>	<u>Discussion, Actions and Decisions</u>
0. Introduction	CC began welcomed attendees. Explained that the purpose of the board would be to focus on cross cutting issues, in response to comments from the Gateway Review and Inquiry.
1. Board Terms of Reference	<p>CC provided a summary of the Terms of Reference. The Programme Board agreed its inception would help provide a level of consistency across schemes.</p> <p>LG suggested the ToR language should focus on resolving substantive policy issues, and away from comms issues. RB agreed but highlighted the residual risk on media coverage on actual and perceived success across all schemes. SR encouraged the ToR to reflect consistency of outcome, as well as process.</p> <p>JF suggested that the Programme Board be kept up to date on the progress and substance of the Inquiry and what that might imply for solving outstanding issues or revisiting aspects of the scheme.</p>
2. Review of media coverage	RB asked the group if there is anything further that could be added to this section of the presentation. CC agreed, the third bullet “Case for Fujitsu to contribute to the costs of compensation” should remain in the pack.
3. Cross-cutting issues	<p>RB put forward to the group the questions outlined in the paper.</p> <p><u>Anything missing?</u></p> <p>LG asked if there was value in categorising issues – for example by fairness, delay or consistency. Each required the team to do something different. A view can be taken on which to solve first.</p> <p>PK questioned if something could be included around dispute resolution, how you get to a best and final offer and if this can be contrasted between the schemes.</p> <p>Action: Produce Document outlining the contrast of dispute resolution systems between schemes.</p> <p><u>RAG Ratings Discussion</u></p> <p>LG shared the view that the RAG Ratings do not quite capture the action of whether something should be done to address the issue in question. LG added further that it shows the position of the media’s view on the given issue - not whether we are going to defend our position because we think it's the right one.</p>

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	<p>EB suggested the addition of a new column, with conclusions, recommendations and next steps, it would enable the capturing of Programme Board's views on whether we need to act and if so which mitigation to pursue.</p> <p>Action: Add conclusions, recommendations and next steps columns to the issues tracker.</p> <p>JF expressed finding issue 18 to be broad, and that specific examples already exist elsewhere in the list. JF added that differences in the principles shouldn't be underestimated in getting attention from the media. A suggestion was to focus on identifying the specific differences and providing a strong justification for each difference.</p> <p>Action: Highlight specific Policy differences between schemes, and justify those differences, with additional narrative.</p> <p>KW queried if post mitigation RAG ratings were being captured – the view was that it would be a helpful way to prioritise action. A further question was asked around what the RAG rating itself was achieving, was there a residual level of risk that the group would be comfortable with?</p> <p>Action: Capture the issues list in the format of a risk log, outlining RAG targets, residual risk appetite, etc.</p> <p><u>Issues to be considered for early Advisory Board (AB) Discussion</u></p> <p>RB kicked off with the following topics: Family Members, Tax, challenging and hardship cases, inheritance tax and claimant support issues. RB asked the board if these were suitable and for additions.</p> <p>CC expressed that due to the AB being quite a post-master friendly forum. His suggestion was to focus a little less on tax and focus on hardship and the other items raised by RB.</p> <p>Decision: Less focus on tax issue at the next advisory board.</p> <p>JG stated the need to have a settled view to take to the AB. JG recommended gathering more information for Issue 6, particularly around diversity and Issue 7, while not being a DBT lead issue, AB would be interested in this area.</p> <p>Action: Gather diversity information (Owner: Simon Recaldin).</p> <p>LA supported Paul Marshall's view, not being on silent on things that we are not responsible for. LA recommended that steps are taken to get on the front foot and influence the situation around Issue 2 - emotional submission to Inquiry from claimant about way legal principles are applied.</p> <p>Action: Explore levers of influence relating to issue 2.</p> <p>RB shared that ways of communicating with the AB are being thought through. e.g., via correspondence.</p>
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	<p>CC expressed some concern that evidential discounting may cause some problems in the future.</p>
4. Upcoming events	N/A
5. Compensation for Family Members	<p>KM provided a top-level summary of the topic.</p> <p>RB stated that there isn't any wide-scale justification. Also, that it is a good barometer that they are yet to feel any political pressure.</p> <p>RB Added that If it was just the one case, a fair offer could be made in all circumstances of the case, which would not in theory take into account circumstance of the family member but would provide a significant compensation package – though RB was unsure if such an approach was sustainable.</p> <p>RB Continued, Option B – Identifying specific harms that would apply to a small group of claimants. The hope was for single or low double digits, but no evidence to base this on. Dealing with the salient GLO case was the driver for this.</p> <p>CC was concerned that this could open the floodgates without fully understanding the ramifications. CC recommended that this approach was to be taken to the Permanent Secretary subject to further work.</p> <p>JF highlighted that this could set a significant precedent for other schemes in the future and would require careful legal analysis. From the DBT & HMT perspective, it would be of importance for the Accounting Officer to understand the scaled of legal liability under different options.</p> <p>Action: Legal analysis of options for compensating family members.</p> <p>PK cautioned the group to proceed carefully. Legal principles had been used to approach compensation. PK shared that indirect losses are not “compensatable” according to legal principles, so there exists a question around what principles would be compensated upon. PK further associated additional risks with going back and undoing things. An important aspect of being fair and reasonable was to compensate and move on.</p> <p>CC reminded the group that aims of compensation haven't included family members in the scope. The focus was on post-masters. Recommendation for the Permanent Secretary and Director General to be sighted on the issue. Provide balanced assessment of pros and cons.</p> <p>Action: Communicate with Gareth Davies (PS) and David Bickerton (DG) issue of family member compensation with balanced assessment of pros and cons.</p>