

Working Group for the Initial Complaint Review and Mediation Scheme

Key points and actions from meeting 11am 25 October 2013

Present:

Sir Anthony Hooper (**SAH**) Chair
Alan Bates (**AB**) JFSA
Kay Linnell (**KL**) JFSA
Ian Henderson (**IH**) Second Sight
Ron Warmington (**RW**) Second Sight
Chris Aujard (**CA**) Post Office
Andy Parsons (**AP**) Bond Dickinson
Angela Van Den Bogerd (**AVDB**) Post Office
Andy Holt (**AH**) Post Office
Belinda Crowe (**BC**) Post Office

1. **Minutes of meetings.** The Working Group agreed:
 - a. A note of meetings to be taken to record decisions and actions.
 - b. Minutes, approved by the Chair, to be circulated promptly after each meeting.**Action: BC to send draft minutes to SAH for approval by Monday.**
2. **Review of new applications.** The Working Group agreed:

Applications to be discussed on an exceptions only basis.

Action: RW to add case numbers to papers before circulating to the Group.
3. **New Applications.** The Working Group agreed:
 - a. Applications M054, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65 to be accepted onto the Scheme subject to Post Office legal checks.
Action: AP to complete checks with PO Legal within 7 days.
 - b. M061 (an application from the estate of a deceased subpostmaster). Application accepted, subject to Post Office legal checks, conditional on proof that the applicant is entitled to act on behalf of the deceased.
Action: AP to draft a suitably adjusted SL01 letter.
4. **Matters arising from existing applications.** The Working Group agreed:
 - a. The implications of on-going legal action in relation to applications to be considered on a case by case basis.
Actions:
 - i. **AP to bring details of Post Office policy on managing civil and criminal proceedings alongside the Scheme to the next meeting.**
 - ii. **AH to add a column to the spreadsheet to show civil action in progress.**
 - iii. **AP to update monthly on progress of cases subject to legal action.**
 - b. M050 - The Working Group noted this application has been accepted onto the Scheme but that Post Office is proceeding with civil action.
 - c. M025 (subject to an ongoing criminal investigation as per AP's email of 24 October). The Working group agreed that:
 - i. *The application is accepted onto the scheme but paused pending completion of the investigation.*
 - ii. *The applicant is to be asked not to submit further information at this stage and told that any information he does submit will not be considered.***Actions: AP to draft a letter to the applicant for SAH to approve.**

- d. M037 – the internal Post Office investigation processes have not been completed.

Action: AVDB to provide an update by 14 November.

- e. M047 – The applicant, an existing subpostmaster, has not previously raised the issues in his application with Post Office. The Working Group agreed that:
 - i. Post Office writes to the applicant requesting further information to enable it to investigate the complaint. **Action AVDB.**
 - ii. Second Sight notifies the applicant that the application is not eligible because the complaint has not previously been raised with Post Office. **Action RW.**

- 5. **Disclosure:** AP confirmed that the Post Office prosecution team was applying disclosure rules where a case is or has been subject to criminal proceedings. He was invited to remind the Post Office prosecution team that Second Sight may have information which may be relevant to M025. The Working Group agreed that Second Sight may consider whether to make disclosure to Post Office or subpostmasters (bearing in mind any duty of confidentiality).

- 6. **JFSA support for applicants.** The Working Group agreed that in the event that JFSA provides assistance to an applicant in exceptional circumstance it will declare that when the application is considered for approval onto the Scheme.

- 7. **Process and timings for funding applications and full submissions:** The Working Group agreed the following changes to the previously agreed timings:
 - a. An applicant must submit his application for funding within two weeks of receipt of the notification of acceptance onto the Scheme.
 - b. The applicant must submit the full submission within four weeks of receipt of the funding approval.

The Working Group noted the potential for a two week delay but considered it necessary for applicants and professional advisors have a full four weeks to prepare the case questionnaire.

- 8. **Completed case questionnaires.** The Working Group agreed:
 - a. M02 – Submission incomplete. It does not include relevant documents and has not been completed by a professional advisor although funding has been approved. Applicant to be advised and invited to submit a complete questionnaire within four weeks of the date of receipt of the funding approval. **Action: RW.**
 - b. M014 – Submission accepted. Post Office to investigate and submit a report to Second Sight as soon as possible, and no later than four weeks from today. Thereafter Second Sight to submit a report to the Working Group as soon as possible, and no later than four weeks from the date of receipt of the Post Office investigation.
 - c. The arrangements set out in b. should generally be the arrangements for future cases.
- 9. **Preparation for mediation.** The Working Group agreed:
 - a. The appointment and ToRs of CEDR to be confirmed, to ensure a mediation hearing will take place within 4 weeks of mediation being approved. **Action AP.**
 - b. CEDR to be provided with a Glossary of Terms. **Action AVDB.**

- c. Should a case not be approved for mediation, the Chair will provide written reasons to be provided to the applicant along with a copy of the Second Sight report.

10. Terms of Reference: To be discussed at the next full meeting.

Action AP to circulate draft Terms of Reference in advance of the next meeting.

11. Voting Rights: The Working Group agreed that if it cannot reach a decision unanimously, there will be a vote. JFSA and Post Office shall each have one vote and the Chair shall have the casting vote. Second Sight's role is that of expert advisor to the Working Group.

12. Data protection and Confidentiality.

Action: AP to provide a note confirming data protection and confidentiality arrangements to apply to the information contained in the applications.

13. Next Meetings: The Working Group agreed:

- a. Case Review calls to continue weekly: –next call 1pm Thursday 31 October.
- b. To hold a full meetings in person every fourth week – next meeting 11am 22 November.

Action: AP to email members to confirm arrangements for Thursday's conference call and the next full meeting.