

Alice Perkins meeting with Sir Anthony Hooper

Date: 25th November

Time: 3.30pm

Location: Baker Street (TBC)

Purpose of the meeting

It is understood that the purpose of the meeting is to:

- Welcome Sir Anthony Hooper (likes to be known as Tony) as the (independent) Chair of the Working Group.
- Provide Tony with an opportunity to highlight what he thinks the key challenges are with the scheme in terms of timing, costs and investigative process.
- Afford an opportunity to discuss in more detail the wider political context in particular that 100 MPs have engaged with the Horizon issue since the Second Sight report and the role James Arbuthnot MP has thus far played.

Possible points to cover with Tony

- How does Tony think the Working Group is progressing? Has Post Office successfully collaborated with JFSA and Second Sight to set this up; is the group working well together? From Tony's point of view is that likely to continue when we get into deciding whether cases should go forward for mediation?
- How does Tony see the scale of the task? We had hoped to have completed the scheme by March/April but that now seems optimistic given the number of applications and issues raised.
- From Tony's point of view, what are the benefits of mediation in the context of the applications we have received so far, especially as Tony has had visibility of these now. (NB: Mediation is essentially a consensual process, which depends on the parties "agreeing" an outcome, rather than a process where under a settlement is imposed on the parties by a third party).
- In Tony's view is mediation better than adjudication? (On this point, it would be good to get Tony to explain how mediation works).
- What are the biggest challenges for Post Office, on the basis of what Tony has seen so far?
- The role of Second Sight - we had anticipated their involvement ending before the scheme completed as our investigation team gets up to speed and re-establishes itself as a credible team to deal with Subpostmaster complaints. We are also concerned about whether Second Sight will be able to manage the workload.
- Whilst we want outcomes for subpostmasters to be fair on the basis of the facts of the case, as yet no faults have been identified with the Horizon system and we therefore have confidence in it and do not anticipate that settlements will generally be large. Is Tony able to say whether he thinks that is a reasonable expectation on the basis of what he has seen?

Background Information

The Initial Mediation Scheme opened for applications in August 2013 and closed on the 18th November 2013. 143 applications were made to the scheme before the closing date of which about 130 have been accepted.

A Working Group was established to ensure the Initial Mediation Scheme is run in a fair and efficient manner. This includes making decisions on how individual cases should be managed through the scheme, and appropriate turnaround times for each stage of the process. The Working Group

comprises representatives from Post Office, Second Sight, JFSA and is chaired by Tony Hooper who for this purpose acts in an independent capacity.

Each week the Working Group discusses progress of individual applications. To date this has involved deciding which applications should move to the second stage of the process - the submission of a case questionnaire. The Post Office offer sub postmasters the opportunity to have a professional adviser help them complete the case questionnaire. So far we have received 10 completed case questionnaires. Now that the scheme has closed, Post Office would like the weekly meetings to focus on the progress of case questionnaires and Post Office's responses to them through the scheme.

Each month the Working Group has a formal face to face meeting to discuss cases in-depth and the progress of the mediation scheme.

Appendix 1: Biography for Sir Anthony Hooper

Called to the Bar of England and Wales, Inner Temple (1965; practising 1974-1995)
Appointed Queen's Counsel (1987)
Justice of the High Court of England & Wales (1995-2004)
Presiding Judge of North Eastern Circuit (1996-2000)
Lord Justice of Appeal (2004-2012)

Sir Anthony Hooper is the inaugural Judicial Fellow of the Judicial Institute of University College, London and an honorary professor in the Law Faculty at University College.

During his 20 years practice, Sir Anthony appeared in both civil and criminal courts. He prosecuted and defended in a number of high-profile criminal trials, appeared in the European Court of Justice. He combined practice at the English Bar with membership for a number of years of the Brussels European law firm, Stanbrook & Hooper. His cases included defending in the Blue Arrow rights issue case in 1991-1992 and prosecuting the serial murderer and rapist John Duffy in 1988. In 1995 he appeared for the Premier League in their successful defence of a civil claim brought by the Swiss Bank Corporation for payment of an alleged success fee.

In his judicial roles, Sir Anthony tried a number of high profile jury criminal cases including the first Damilola Taylor trial in 2002. The acquittal of the defendants was subsequently vindicated when DNA evidence revealed others to be responsible. He also presided over the private prosecution in 2000 of two police officers for the alleged manslaughter of the 96 victims of the Hillsborough Stadium disaster. He sat in the Queen's Bench Division, the Administrative Court and the Employment Appeal Tribunal, as well as in the Court of Appeal Criminal Division.

In the Court of Appeal Sir Anthony sat on both civil and criminal appeals, deciding complex issues of law and fact. He also presided in the Divisional Court. His particular areas of expertise have included fraud, confiscation, money laundering, public interest immunity, joint enterprise, asylum and immigration, extradition, libel, employment law and all aspects of administrative law.

Sir Anthony has lectured widely both in the United Kingdom and abroad. In 2011 in Argentina, in 2009 in France and in 1995 in China he spoke about the criminal justice systems both in England and in other countries. He recently gave a valedictory lecture looking at the changes in the criminal justice system over the last 50 years. He is also the General Editor of Blackstone's Criminal Practice and the author of Chapter 31, The Golden Thread, in The Judicial House of Lords 1876-2009, 2009. He

has also served as the Chair of the Bar Council's Race Relations Committee, the President of the British Academy of Forensic Sciences and is the current Chair of the Expert Witness Institute. Between 2005 and 2012, Sir Anthony was a member of the Criminal Procedure Rule Committee, and Deputy Chair from 2008.

In July 2013 Sir Anthony was welcomed as an Associate Member of Matrix Chambers