

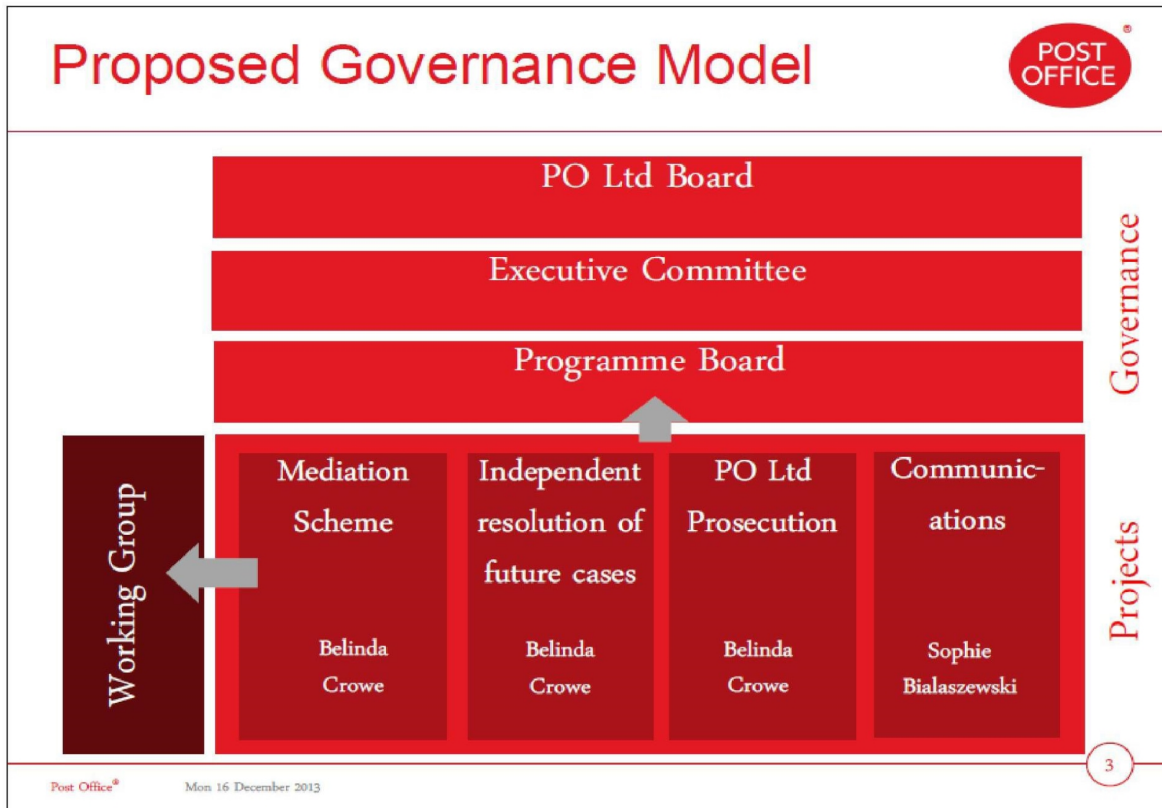
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Initial Complaint and Mediation Scheme Workshop

17th December 2013

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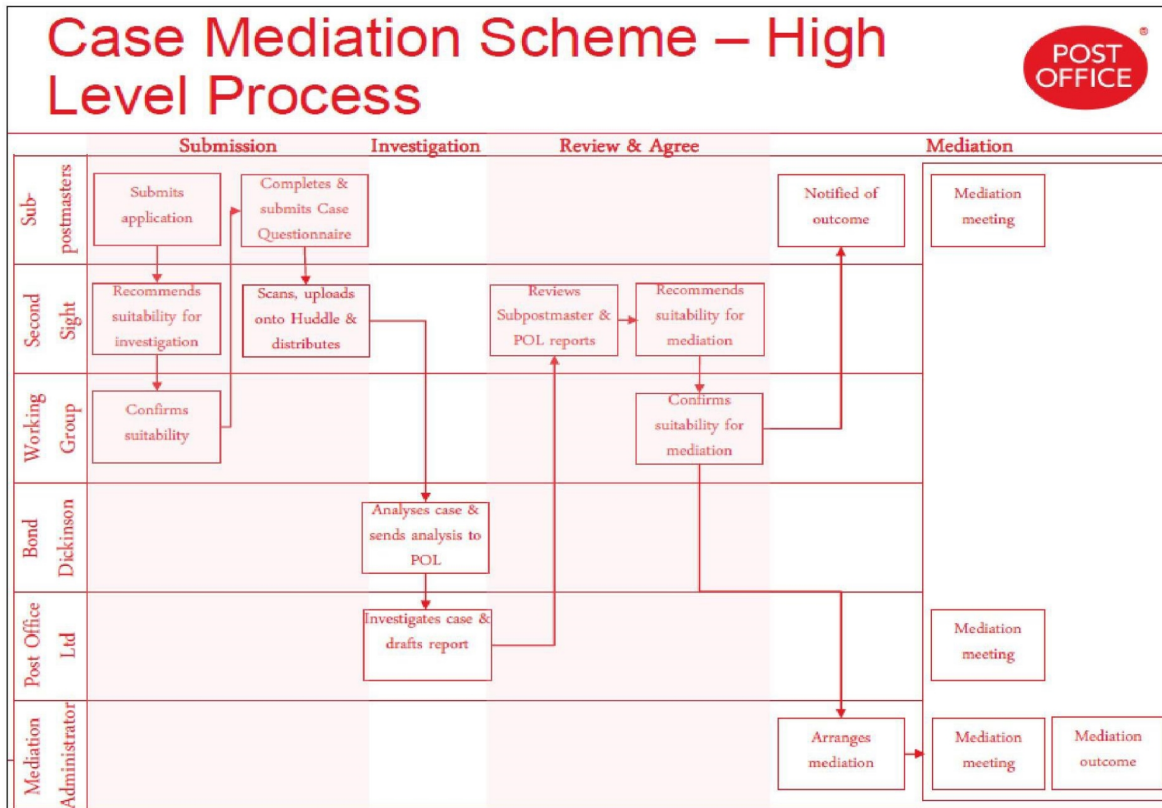
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Scheme Operation: high level process

David Oliver

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Mediation Scheme – Case Investigation Process

Angela Van Den Bogerd

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Investigation Approach – Guiding Principles



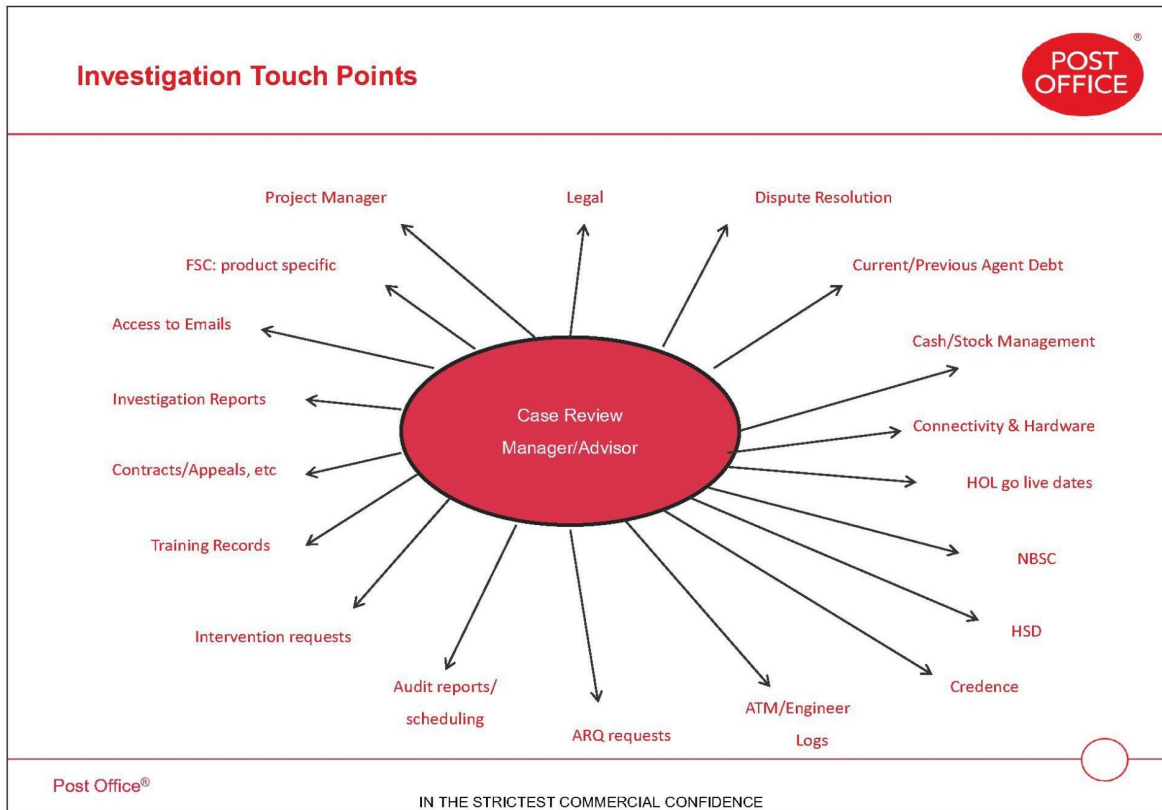
We as a company are not yet quite operating in the 'improved ways of working' however we as part of our investigation approach need to adopt and actively demonstrate the guiding principles that will underpin future state:

- Treat with Dignity & Respect
- Innocent until proven guilty
- Stand in Spmr's shoes
- Investigate without precautionary suspension wherever possible

The Role & Responsibilities of the Case investigator



- **Thoroughly investigate the issues raised in the applicant's case questionnaire**
 - Bond Dickerson will have already reviewed and sign posted the key questions to answer as part of POL's case review
- **Drive each case to resolution**
 - The desired output is to explain what happened in each case
- **Remain impartial & not be subjective or judgmental**
 - Take the applicant's claims at face value and investigate to establish the facts
- **Maintain a high level of integrity**
 - How we behave; what we do; what we say will be scrutinised
- **Ensure interpretation of data is correct**
 - This is where your knowledge and experience is key
- **Identify improvements to support process and operational change**
 - The ethos of future state is 'right first time'



Investigation Approach – Timeline



- **147 cases accepted into the Mediation Scheme**
 - we expect the majority of cases to flow into the investigation stage
- **POL's investigation process would ideally conclude by end March 2014**
 - some more complex cases may extend this date
- **POL has 4 weeks on average to investigate a case; produce the case review report and pass to Second Sight for their investigation**
 - If a case is complex or will take longer than 4 weeks to investigate then this needs to be flagged at the earliest opportunity so that the Working Group can be notified
- **Second Sight has 4 weeks to conclude their investigation into the case and present their findings to the Working Group**
 - During this time there will be some iteration between Second Sight and POL depending on the detail of the case
- **The case is presented to the Working Group and considered for suitability for mediation**
 - The senior manager representing POL in the mediation process may need to discuss the detail of the case in preparing to attend the mediation

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Case Handler Workshop Investigation Reports

Andy Parsons

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| | |
|--|---|
| Contents |  |
| 1. Content of Investigation Reports | |
| 2. Writing Reports | |
| 3. Privilege | |
| 4. Final checks | |
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1.Content

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Why are the reports important?



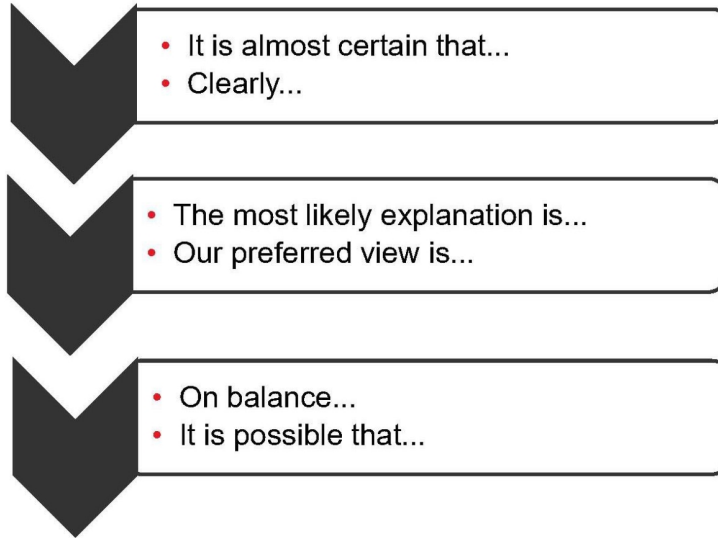
- Will be read by Tony Hooper, Second Sight, the SPMR and the mediator
- Foundation for second sight investigation
- Basis of the mediation
- First opportunity for to put forward the "POL view"

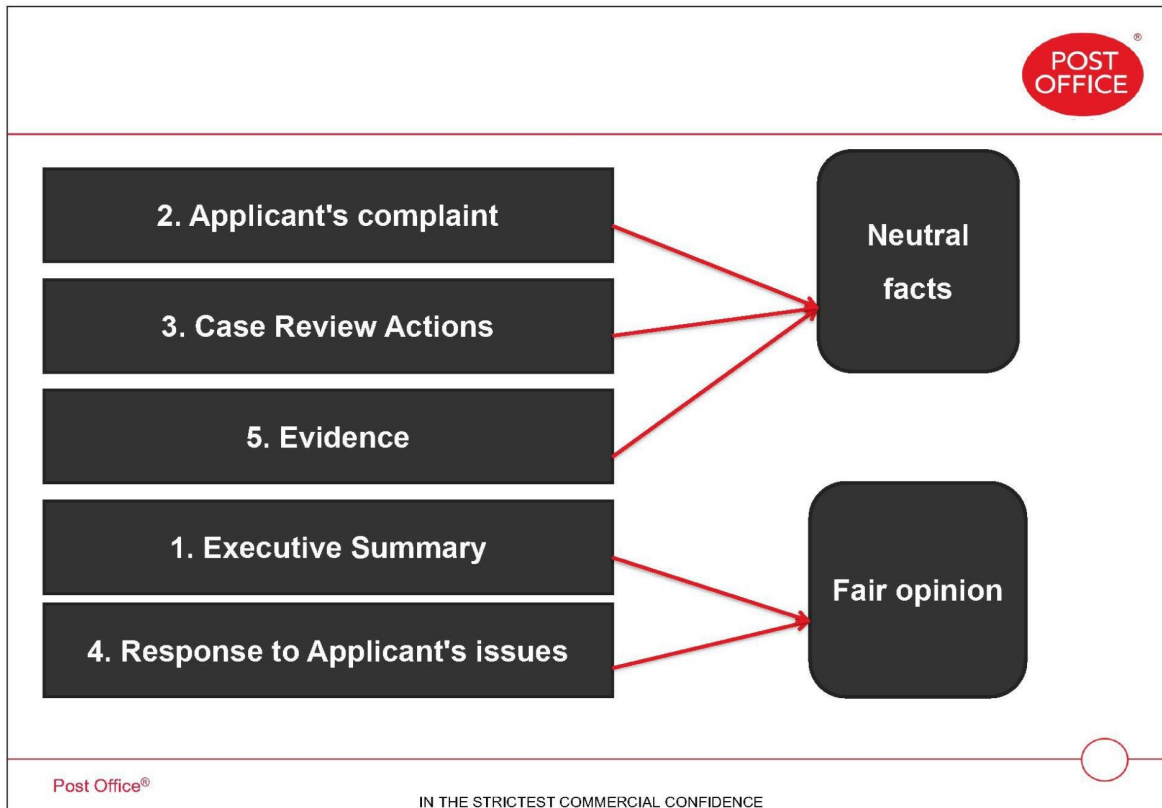
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1. Executive summary – giving views





1. Executive summary



- Contains our conclusions
- Answers the issues
- Give your best but fair opinion
- Analytic AND Factual

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2. Applicant's complaint



- Summarise the Applicant's story
- Be fair as possible
- Based on the Issue Analysis

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3. Case Review Actions



- Present a clear picture of the factual information available
- Prove that Post Office has investigated the matter
- Nil returns and why
- Important that information is presented clearly
- Try to avoid analysis

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4. Response to Applicant's issues



Needs to tie back to the applicant's complaint

Explain:

- Your view
- Your reasons for that view
- The evidence that supports your view.

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5. Evidence



- Statements of fact need to be supported by evidence
- Where possible cross-reference every fact to its source document
- Documents to be provided with Report should be listed (either individually or by class)



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2. Drafting Reports

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Aim: to draft clear documents



1. Communicate using clear/plain English
2. Structure documents so that content is easily found
3. Design easy to use documents

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What is plain English?



It's a communication where its **words, structure and design** are so clear that the intended reader can easily find, understand and use what they need.

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Example of unclear language



"Analysis has shown the need for and intensification of intervention at European Union level for the prevention of the pollution of coastal waters of Europe through the accidental spillage of oil"

How could this be written more clearly?

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Top tips for clear writing



- Think before you write
- Focus on the reader
- Keep it short and simple
- Be concrete not abstract
- Revise and check

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Avoid archaic words



- abovementioned
- hitherto
- hereinafter
- thereby
- whomsoever

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Pairs of words – where one will do



- any and all
- order and direct
- authorise and direct
- means and includes
- cease and desist
- necessary and desirable
- each and every
- full and complete

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Eliminate redundant words



- | | |
|---------------------------------------|---------------------------|
| 1. by reason of | 1. because |
| 2. because of the fact that | 2. since |
| 3. in order to | 3. to |
| 4. take such steps as are appropriate | 4. take appropriate steps |
| 5. the fact that he had not succeeded | 5. his failure |

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Active words



to make an application

to apply

to ensure compliance

to comply

to effect /make delivery

to deliver

to conduct a hearing

to hear

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Avoid elegant variation



- The first **complaint** was settled for £100,000
- The second **dispute** was settled for £200,000
- The price of settling the third **claim** was £300,000
- The final **court proceedings** were settled for £400,000

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Jargon



- Don't use abbreviations unless defined in the Report
- Avoid internal Post Office language
- Avoid biased phrases ("discrepancy" rather than "debt")



Consistent language



- Applicant (not Subpostmaster, Mrs X)
- Subpostmaster (not SPM, SPMR)
- Complaint (not application, case)
- Post Office (not PO, POL or Post Office Limited)
- Scheme (not mediation scheme, mediation process)
- Horizon (not HOL, the Horizon system)

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Pompous or simple words



Utilise = use

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Structure of documents



- **Avoid suspense**
 - Put the most important point first
- **Headings/Paragraph**
 - Signpost the document
 - One idea = one paragraph
 - Use bullets for lists of information
 - Use tables for chronologies

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Design



- Visual clues (underline, bold, italics)
- Font size and style
- Colour
- Bullets / tables / numbered lists

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Writing reports



- Clear writing as important as clear content
- Simple wording is best
- Do not forget structure and design
- Better quality writing = better result

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3. Privilege

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Why is privilege important?



Protects sensitive legal advice

Court Proceedings, DPA and FOIA

Once gone – gone forever

Undermine Post Office negotiating position

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What material is privileged?

- Any communication from or to a lawyer
- Any document discussing legal advice
- Any legal advice (even where part of a wider document)
- Any internal Post Office documents about managing live or likely court proceedings

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Preserving privilege




- Don't send outside of Post Office
- Mark draft reports as privileged
- Remove privilege wording before final report is sent


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Case Handler Workshop Final Checks



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First draft report - checklist



- Document marked as privileged?
- Re-read Applicant's CQR?
- Re-consider what issues have been raised?
- Has each issue been addressed?
- Does the report present Post Office's best view?
- Is the report in plain English?

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Final checks



- Check legal sign off completed
- Remove "privilege" warning
- Check cross references
- Check enclosures / documents
- Final read through
- PDF report
- Upload to huddle

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The Data Protection Act 1998

Sensitive Personal Data

Jessica Barker



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Introduction: the Data Protection Act 1998

The Data Protection Act 1998 establishes a framework of rights and duties which are designed **to safeguard personal data**.

The Data Protection Act 1998 applies to **personal data** that is stored, or intended to be stored, on a computer.




It may seem a complex piece of legislation, but it is underpinned by a set of **eight straightforward, common-sense principles**.

If you make sure you handle personal data in line with the spirit of those principles, then you will go a long way towards ensuring that you comply with the letter of the law.


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The Principles

1. Personal data shall be processed **fairly and lawfully**
2. Personal data shall be obtained only for one or more **specified and lawful purposes**
3. Personal data shall be **adequate, relevant and not excessive**
4. Personal data shall be **accurate** and, where necessary, kept up to date
5. Personal data shall **not be kept for longer than is necessary**
6. Personal data shall be processed in accordance with the **rights of data subjects**
7. Data shall be kept **secure**
8. Personal data shall not be transferred outside **the European Economic Area**



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Definitions 1



Data subject means an individual who is the subject of personal data.

i.e. the applicants

Data controller means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed.

i.e. the Post Office

Personal data means data which relate to a living individual who can be identified

- (a) from those data, or
- (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller



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Definitions 2

Sensitive personal data means personal data consisting of information as to

- a) **racial or ethnic origin** of the data subject
- b) **political opinions**
- c) **religious beliefs** or other beliefs of a similar nature
- d) **Trade Union** membership
- e) physical or mental **health** or condition
- f) **sexual life**
- g) the commission or alleged commission by him of **any offence**
- h) any **proceedings for any offence** committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.

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What sensitive personal data will you be handling?

- Large quantities of personal and sensitive personal data (spreadsheets)
- Medical conditions, including mental health conditions, and medical history
- Details relating to prosecutions & convictions
- Information related to ethnicity, sexuality, political opinions
- Trade union or political party membership



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Implications of failing to handle SPD correctly

Personal

- Potentially damaging and / or distressing to the data subject
- It could have a personal impact on you, too

Organisational

- ICO monetary penalty
- Reputational damage
- Political damage
- Sensitive, high profile project



Particular Issues

- The sensitive nature of the data
- The sensitive, high profile nature of the project
- Handling paper
- BYOD
- Sharing information
- Large quantities of information

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Image: IntelFreePress



Dos and Don'ts 1

- Appropriate **due care and attention** should be taken when accessing, downloading, storing, sending or printing information.
- Do **use Huddle** to view and share information.
- The information **should not be downloaded, sent or printed** unless absolutely necessary.
- Any downloaded information **MUST be deleted** when no longer required, and any devices **MUST not be left unattended**.

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Dos and Don'ts 2

- Any information sent via email **MUST be password protected**, & the password **MUST be sent via another channel** such as the telephone.
- Information **MUST NOT be sent via fax**.
- **Information should not be sent by post without referral** to the Duty Manager.
- Any information printed **MUST be kept secure** when not in use, i.e. in a lock cabinet & **MUST not left in public places**.
- Any information printed **MUST be securely destroyed** after use i.e. via a cross shredder & incinerated.

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| | | |
|--|--|---|
| "If in doubt, check it out!" | |  |
| IN CASE OF A BREACH | First port of call: duty.manager GRO | |
| | If you are without IT access: contact Andy Searle on GRO GRO | |
| The ICO http://www.ico.org.uk | | Post Office Privacy Team dataprotection GRO |
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The Golden Rule



In data as in life....

Do unto others as you would have them do unto you

Treat other people's sensitive personal data as you would like other people to treat yours!

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