

**BRIEFING NOTE
WORKING GROUP CALL
2 OCTOBER 2014**

1. New Questionnaire Responses (Angela)

- Last cases now scheduled by POL

2. Priority cases

- Nothing for POL

3. Bankruptcy cases

- **GRO** could be raised here – see below

4. Post Office Investigation Progress (Angela)

- Nothing to note – this is carried over from last week's new CQRs

5. Cases with Second Sight to review PO investigation reports – Chris

- Need to get on the record at the Working Group, Second Sight's commitment to produce five cases a week from now until 31 October and three a week thereafter.

6. Cases that Second Sight have reported on – Chris (Andy)

- Tony may ask whether Post Office is willing to agree to mediate any of the cases where a final report is ready. We have reviewed them and all need face to face discussion (see table at annex A).
- **IF RAISED** **GRO** – as a courtesy Chris has informed the Chair that Post Office has declined to mediate. Tony has received a letter from Emma Porter and Bill Cleghorn at Aver objecting to Post Office's decision (albeit quoting the wrong applicant's name).

Points to make:

- As the Working Group acknowledged at the last face-to-face meeting, it is for the parties to decide whether they wish to mediate after the Working Group has made a recommendation and completed its role.
- Post Office has carefully considered whether it is appropriate to enter into mediation in this case, and based on the full factual matrix on which the case rests, concluded that it is not.
- Post Office is taking each decision on the circumstances of each individual case and will continue to do so.

[FOR DISCUSSION AT PRE-MEET – Subject to Tony's response, should POL write to Aver to correct the errors in their letter?]

To Note – We are still awaiting Tony's:

- agreement to the letters informing applicants of the Working Group's decision not to mediate cases; [GRO]
- his decision on [GRO] and
- clearance of the minutes of the last Working Group.

7. Any other queries raised by Applicants / Advisors - Andy

- [GRO] – RHODES – Applicant has written objecting to the Working Group decision to exclude him from the Scheme. He has raised the following issues:
 - despite not being the subpostmaster, the applicant's wife (now deceased) was solely responsible for the running of the Post Office;
 - she had a strong track record prior to the installation of Horizon;
 - her subsequent arrest, investigation and court proceedings led to a deterioration in her health and contributed to her death;
 - The proceedings against his wife collapsed.
- Howe and Co have also written on Mr Rhodes's behalf making the following points:
 - That the Working Group is wrong and that the original Scheme documentation sets out clearly that the Scheme is open to counter clerks.

The Scheme documentation clearly states within the eligibility section *that "The Scheme applies to both current and former Subpostmasters as well as counter clerks employed by Post Office."*

Post Office should maintain the position that Mr Rhodes is not eligible but we will still investigate his case through business as usual processes.

- [GRO] OWEN - now received letter from applicant's MP questioning the Working Group's decision to exclude the applicant from the Scheme. This is another case where the applicant was not the subpostmaster but rather employed by them. The MP is also questioning:
 - that Howe and Co were funded to support the case if it was ineligible; and
 - what liability fell to the subpostmaster.

Post Office should maintain the position that the applicant is not eligible but we will still investigate his case through business as usual processes. Suggest secretariat drafts a letter to the MP along those lines.

- [GRO] extension requests – no strong view from Post Office

8. AOB - CHRIS

- JFSA circular – Alan Bates has circulated the text at Annex B to his members. He did not provide the Working Group with opportunity to comment and the text does not do what was agreed.

Points to make:

- At the last face-to-face meeting it was agreed that JFSA would agree the wording of their proposed circular with members of the Working Group in advance. They failed to do so.

- Private Eye article – Further concerns about confidentiality as it appears that Private Eye has obtained details of the internal Workings of the Working Group. This is very concerning
- FOI - We have received an FOI request asking for the release of the SS Part Two report and associated costs. Post Office is considering its response.

[FOR DISCUSSION AT PRE-MEET

Currently believe there are strong grounds to withhold the information on the grounds of commercial prejudice and possible legal professional prejudice.

On a related note, we could invite the Working Group to agree that (given the publicity) all applicants should be sent the SS Part Two Report and Post Office response now rather than with each CRR. 19 applicants have received it already. This may influence the approach to the FOI request although applicants are under a duty to maintain confidentiality.]

ANNEX A

Case Number	Criminal?	PO position re mediation
GRO	No - civil judgement given and not shown to be incorrect	Unsuitable
	Yes (false accounting)	Unsuitable
	Yes (false accounting)	Unsuitable
	Yes (false accounting)	Unsuitable
	Yes (theft and false accounting)	Unsuitable
	Yes (caution for false accounting)	Unsuitable

ANNEX B

JFSA circular

The Second Sight Briefing Report – Part Two.

As some of you may have noticed, BBC NE seem to have had sight of the latest version of the Second Sight Briefing Report - Part Two. The Report, part of the pack for the Mediator, is intended to be read in conjunction with the other documents that have been produced, namely the Second Sight - Initial Interim Report dated 8th July 2013, and the Part One Report dated 25th July 2014. By reading all three reports the Mediator is then able to build a comprehensive picture of the aims of the Horizon system, the work of Post Office and that of a Subpostmaster, as a background to any Mediation.

It was meant to be a confidential document, and while no one can yet apportion blame to any individual for the 'leak', it is highly unlikely to be a Professional Advisor, as it would be a breach of their professional code of conduct. So that only leaves those in the group with cases that are far enough forward to have received a part two report, and it isn't that many.

The 'leaking' of the report was unfortunate at this time, but what is done is done. It was also a bit wasted on a regional programme, and although a few of the national media did pick it up, one of the results of the story running was the need to spend the next few days trying to appease a lot of our national media contacts, who could have done so much more. The timing of the 'leak' was also unfortunate in other ways, as the story just got buried under the Scottish issue, and in point of fact, a number of you did suggest that Post Office had 'leaked' the story, just so that it did get buried (I did raise this with Post Office and they denied it). Furthermore from the feedback I have received from others, it also caused a lot of problems for a few of the group who were chased by the media for comment, when they were not in a position to give any because of their place in the Scheme.

I can appreciate the frustration with the length of time all of this is taking, and I also appreciate how much pressure and how reasonable or convincing the media can be, but the 'leaking' of the report really hasn't helped much, and the timing has been a real lost opportunity for the future.

If you find the media are chasing or hounding you, please let me know, as there may well be other media events planned which you are not aware of, and you need to take care not to do anything which might jeopardize your case.