

From: Swil, Jonathan
Sent: 01 April 2014 19:42
To: Band, Christa
Subject: FW: Post Office

Christa

To fill you in on what happened after you left.

1 Chris talked about how the CEO and others are focussed on dealing with concerns about whether the Scheme itself has been "fair" (as opposed to Pot Office's treatment of SPMRs vis-a-vis the underlying facts of their claims). We (or more so Rodric and I) talked about how it is really a meaningless/nebulous legal concept and that there's no obligation to be fair in some general sense to SPMRs in the scheme so that if we haven't treated some applicants "fairly" (e.g. being heavy handed with our investigation of their complaint), there is some obligation to compensate those applicants. He wants us to think about what fairness means in the context of the scheme. Plainly there are different ways of being fair and measuring it, not all of which are relevant in a legal context but I will have a think of some ideas as it feeds into what they want from us on point 2. This may be where JR comes in but it doesn't mean that compensation is the end point. They didn't say anything about our recommendation that we seek advice on JR but we may want to say what we say about fairness with an eye to JR concepts, even if we don't express it in legal terms. It seems to me fairness could mean

- treating all applicants consistently
- assessing all complaints by references to the same, objective criteria i.e. appearance of impartiality
- giving applicants where possible access to the same information we have (Chris talked about in, say, the financial industry the "asymmetry" of information between regulated entities and customers and thought it a relevant concept here)
- giving all a chance to be heard (i.e. by inviting applications to the scheme) and reasons for rejection from scheme/ mediation or etc.
- with a view to your point about other SPMRs' expectations, not taking unexpected steps which would benefit any SPMRs if only they had known to apply i.e. fairness might go beyond the scheme and apply to any SPMR.
- agreeing to institute the scheme itself. We didn't have to do even that. Any expectations of precisely how they would be treated in the scheme are therefore beyond "fairness".

Anything else?

I think the point of this is to try to put an end internally to the idea of compensating people who have complained about how they have been treated in the scheme. i.e. if we can say we've done the things above or (which ever of them are relevant) then we should stand by that and not think we need to be sweet and kind and hold applicants' hands and not be mean to them (sorry, but that is what it seems to me they were saying the CEO thinks).

2 Carolyn below (the consultant they have brought on in the last day or so) has been tasked with preparing a PowerPoint which will be going to the CEO and Exco setting out next steps and recommendations. Her slides are based on our paper from yesterday. She will be sending it through later tonight or tomorrow morning. Belinda (who seemed completely sick to death of all of this by the way and described herself as "frazzled") has asked that in addition to including some wording on what "fairness" means, to recomment on the slides during the course of tomorrow. Let me know if you want to be involved in that. They are on another tight timetable so they are expecting our input tomorrow. Given it's a PowerPoint which Carolyn has largely already prepared, I don't think it will require a great deal of time.

Jonathan

From: Swil, Jonathan
Sent: 01 April 2014 19:14
To: 'carolyn.low@postoffice.co.uk'; GRO
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Carolyn

My details are below and Christa is copied.

Kind regards

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