

## GLO Compensation Scheme

### Terms of Reference of the GLO Scheme Independent Reviewer

The Government announced the ex-gratia Group Litigation Order (**GLO**) Compensation Scheme (the **Scheme**) on 22<sup>nd</sup> March 2022 with the objective of ensuring postmasters who were part of the GLO and not eligible to seek compensation from the Post Office have access to fair compensation for their Horizon-related losses. The Scheme will be run and delivered by the Department for Business and Trade (**DBT**). The terms of the scheme are described in its [Guidance and Principles](#)<sup>1</sup>.

On 4<sup>th</sup> September 2023, DBT appointed Sir Ross Cranston to the position of Independent Reviewer for the GLO Scheme.

In addition to considering Review Applications (defined below), the Reviewer may also determine non-review related issues referred to him by DBT via Dentons which arise throughout the course of the Scheme. This may include, but is not limited to, eligibility for the Scheme.

#### A. Overriding Objectives

1. The Independent Reviewer (the **Reviewer**) will apply his independent judgement to individual cases, guided by considerations of fairness and in line with the Guidance and Principles.
2. Where a claim is referred to the Reviewer, he will assess whether the Independent Panel's final assessment
  - a. was substantially inconsistent with the Guidance and Principles; or
  - b. reflects a manifest error, procedural irregularity or a substantive error of principle.

(the **Review Criteria**, as defined further in the Guidance and Principles).

3. The Reviewer will only issue a written determination in respect of Review Applications (defined in paragraph 5 below) which:
  - a. were made within 15 working days of receipt of the Independent Panel's final assessment; and
  - b. show a prima facie case that meets the Review Criteria.
4. The Reviewer will carry out this process in a timely manner, while also accounting for the need to ensure sufficient care and consideration is given to each claim in order to provide a fair assessment.

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<sup>1</sup> Published at <https://www.gov.uk/government/publications/compensation-scheme-for-group-litigation-order-case-postmasters>

### C. Review Application Procedure

5. If either party (the claimant or DBT) believes the Independent Panel's final assessment meets the Review Criteria, they can make an application (**Review Application**) for review of the decision within 15 days following the issue of the Independent Panel's final assessment. A Review Application should be completed in the form provided to the parties by the Dentons claims facilitator assigned to the case (the **Claims Facilitator**) when circulating a copy of the Independent Panel's final assessment and should be no more than one page in length. Review Applications are to be made via the Claims Facilitator who will then provide a copy to the other party.
6. Upon receipt of the Review Application, a senior lawyer at Dentons (the **Dentons Senior Lawyer**) will provide their view to the Reviewer as to whether there is a prima facie case that it meets the Review Criteria. The Reviewer will decide whether such a case exists and will communicate his decision to the Dentons Panel & Reviewer Liaison assigned to the case (the **P&R Liaison**) within 10 working days of receiving the Dentons Senior Lawyer's view. If he concludes that it does not, the Claims Facilitator will notify the parties accordingly and the Independent Panel's final assessment will stand. If the Reviewer concludes that a case exists, the Claims Facilitator will write to the parties to notify them accordingly and to invite each party to prepare written submissions, which should not exceed two pages in length (the **Review Submissions**).

### D. Assessment of Claims

7. In reviewing the Review Application, the Reviewer will follow the Assessment of Claims process as set out at paragraphs 8 to 12 below.
8. When assessing whether the Review Application meets the Review Criteria, the Reviewer will consider the following documentation which he will receive from the Dentons P&R Liaison and which he should review before making his final determination:
  - a. a claim-specific instruction letter;
  - b. a review summary document which sets out a summary of the Review Application;
  - c. the Review Application;
  - d. a copy of Dentons' letter confirming the Independent Panel's initial view following the first Independent Panel stage;
  - e. a copy of the Independent Panel's final assessment;
  - f. all documents which the Independent Panel received in relation to each claim; and
  - g. the parties' Review Submissions produced pursuant to paragraph 7 above, setting out the respondent's position in relation to the alleged substantial inconsistency with the Guidance and Principles and/or manifest error and/or procedural irregularity and/or substantive error of principle.

9. The Reviewer will also consider the Review Application alongside any comments on it which he may invite from the Independent Panel.
10. If in the exceptional circumstance, upon receipt of instructions in relation to an eligible claim, the Reviewer considers that he is unable to form a view without further evidence (including expert evidence), the Reviewer should notify the P&R Liaison as soon as possible. The Claims Facilitator will then seek this further evidence from the claimant or DBT (as appropriate).
11. The Reviewer will provide a written determination which will set out whether the Independent Panel's final assessment should be upheld, the reasoning for that decision and the total compensation award to be paid to the claimant (in the event that the Independent Panel's final assessment is not upheld) (**Written Determination**). The Reviewer should provide the Written Determination within two weeks of receipt of the claim-specific instruction letter.
12. The Claims Facilitator will then issue the Written Determination to the parties.

#### **E. Reviewer Assistance**

13. A standing Secretariat to the Reviewer (the **P&R Liaison Lead**) will be provided by Dentons.
14. The Reviewer may seek such further support from others as may be agreed with Dentons.

#### **F. Communications with DBT and Third Parties**

15. The Reviewer may maintain direct contact with the Horizon Compensation Advisory Board, DBT and the Justice for Subpostmasters Alliance.

#### **G. Fees**

16. DBT is liable for the Reviewer's fees and disbursements.

#### **H. Review and Approval**

17. This version of the Terms of Reference was approved by DBT on 11 November 2023.