
From: Hollinrake, Minister (BEIS)
Sent: 24 November 2022 10:24
To: Brightwell, Rob (Business Sectors - Services Directorate); Lovesey, James (Business Sectors - Services Directorate); Brooks-White (Jobshare); Mitchell, Katie (BEIS)
Cc: Snow, Emily (BEIS); Lawrence, Ciara (Business Sectors - Services Directorate); Fallowfield, Harry (Business Sectors - Services Directorate); Michael, Elena (Business Sectors - Services Directorate); Buttle, Liam (Business Sectors - Services Directorate); Creswell, Carl (Business Sectors - Services Directorate); Hollinrake, Minister (BEIS)
Subject: Readout - Minister Hollinrake Post Office Compensation Parliamentary stakeholder group 23.11.2022
Attachments: HOLLINRAKE LETTER TEMPLATE - to share.odt

Hi all,

Thank you for preparing the briefing and supporting in the meeting. Please find below my readout – do let me know if you have any edits.

Actions

Reach out to appropriate Parliamentarians to invite them to sit on the Governance Board (I know that a conversation happened at the end of the meeting between the Minister, Rob, Lord Arbuthnot and Kevan Jones about the Governance Board – please could you share what was agreed?) – would recommend via Ministerial letter (I attach the template)

Consider Kevan Jones' suggestion to write to the Law Society

Details: 15:15-16:00, Large Ministerial Conference Room, House of Commons

Attendees:

Minister Hollinrake (KH)
Lord Arbuthnot (JA)
Andrew Bridgen (AB)
Kevan Jones (KJ)
Kate Osborne (KO)
Marion Fellows (MF)
Lucy Allan (LA)
Siobhan Baillie (SB)
Rob Brightwell, Deputy Director, BEIS Post Office Team (RB)
Beth White, Deputy Director, BEIS Post Office Team (BW)
James Lovesey, Senior Policy Advisor, BEIS Post Office Team (JL)
Cora Sweet, Private Secretary

MEETING STARTS

- KH: welcome. Prior to being a Minister I was involved in the campaign for justice. We want to give you a pre-announcement briefing for the GLO scheme today, it's an ADR type scheme. This hasn't formally got collective signoff from OGDs, appreciate it if you keep this confidential. Keen to hear your views.
- RB presented the slides and covered the following points:
 - We consulted in September on options for the scheme and who should lead on the delivery. This presentation focuses on the novel option – an ADR scheme delivered by BEIS. We've developed this option in weekly meetings with Alan Bates and the JFSA.
 - Principles are the same standard legal principles that are used for HSS – covering shortfalls and consequential losses. Differently to HSS, we want to cover simpler heads of loss by setting benchmarks, in the interests of fairness and pace.

- There will be a tariff on legal costs, hope to publish that with the forthcoming announcement or very soon thereafter.
 - Timescale – hope to make an announcement next month, we’ve already invited claimants’ lawyers to let us know which cases we feel need expert evidence. We need to procure our advisers – lawyers and facilitators, ADR experts. We’re looking to receive claims in the early spring. Hope we can get through simpler claims quickly. Looking to complete well before our hard deadline of August 2024.
 - We’ve taken the decision to have no involvement of POL other than disclosure of evidence. Independent facilitators (a good suggestion by the JFSA) will push us along. What we’re talking about is mediation but we’re not using that word. If we can reach agreement through mediation, then we will. If agreement can’t be reached, then the case is referred to the independent panel. In the first instance, that panel will give a steer. Only if the mediators can’t get a solution after this, will the panel take a final decision. If a manifest error or irregularity occurs, either the claimants or ourselves can refer to the reviewer (likely a former High Court judge). This is a restrictive process and can go on for ages, so limited scope for this.
 - Evidence requirements – we’ve got the evidence that was assembled for the High Court case, and if claimants are so distressed by the process they can just sign something to say their claim can be considered on this basis. This isn’t our preference, but we’re giving them that option. We’ll be sympathetic in provision of evidence – this case is 20 years old, most evidence was taken by POL.
- JA: that would apply in cases where postmaster has died?
 - RB: yes, estates can claim.
 - AB: how about interest – will you take into account the value of the money lost back then in comparison to what it’s worth today?
 - RB: yes, something like this is in place for the HSS.
 - AB: one of my constituents sold a property to pay a shortfall, this property would have trebled in price by now.
 - KJ: I’ve got a case like that as well.
 - BW: we’d be able to look at that.
 - RB: everything that we’re doing will be kept transparent to the claimants, to reach agreement more quickly and allow them to trust the system. We’ll have the Governance board which will have independent membership.

End of presentation – discussion

- KJ: that’s exactly the scheme I wanted. I want to raise the issue of bankruptcy. I also want to ask if there’s any corporate knowledge on the mineworkers compensation scheme? With that, right up to the deadline, you had people coming forward. Need to think about how to reach those people here.
- AB: some people may have emigrated.
- KJ: there are legacy cases too where people have died. Also want to warn in terms of legal costs. I think what you’re suggesting is sensible – no legal tariff. But we don’t want the claimants’ handlers all over this. The basis of the scheme is right, but there should be Parliamentary representation on the Board.
- RB: we’re talking about Parliamentary representation with the Minister right now. On bankruptcy – I sat down last night with 10 or so former postmasters who are bankrupt to discuss interim compensation. I think we’re going to end up paying – those who want it – a 51% share of their interim, as that’s all Moores will let us get away with.
- KJ: GRO
- KH: there are ways through this.
- RB: on KJ’s point on latecomers – we know who we want to target here. We’ll do our level best to make sure everyone applies, we’ve got Alan Bates and his network, and Freeths. We’ll announce a date by which everyone should apply which lawyers can work towards.
- KJ: are you comfortable that you know the numbers?
- RB: yes – 484 is our real target.
- KJ: what about those outside the GLO. Need to explain the other routes too.
- RB: you also suggested you’d help chase final people – great idea.
- KJ: can you write to the law society about this. The miners compensation scheme – need to put the message out to their members.
- LA: issue of trust – people hire external solicitors because they think they’re on their side. They don’t think BEIS / Gov is on their side, there’s an uphill battle here. How are you going to deal with that issue?

- RB: it is an uphill struggle, some people are scarred. We're not going to break through for all, but the use of the claims facilitators, the transparency of the scheme, independent Governance, folk like you supporting it publicly, this will encourage people.
- KH: met with Alan Bates the other day and talked to him about this. He emphasised the work of parliamentarians like you. We feel this would add to the trust.
- SB: for my constituent Nicola Arch, Sir Wyn said that her interim payment should be uplifted due to the trauma of prosecution.
- RB: most of the people who were prosecuted not convicted have already received more than £100k which is more than those with convictions got as interim payments. Not speaking about individuals but recognise that some got a lot less. There will be something to be done- amounts are TBC, and we want to align with HSS.
- SB: people trust Sir Wyn – are you having a briefing with him about this? if he was able to understand what you're proposing it could go a long way.
- RB: the rules of the Inquiry means we can't do anything behind the scenes with him. So we'll send him the text of the statement ahead of the announcement.
- JA: I think this is very good stuff, thank you to all of you for working on it and producing something that's very good. I agree what everyone has said about trust. Transparency is important. The Governance of Board – will they need to conduct everything under a cloak of confidentiality? The mediation scheme was intensely frustrating previously. If Parliamentarians are on the Governance Board, they'd need to take soundings outside. Take HSF out of this process too please. I agree Sir Wyn is doing a good job of winning the confidence of subpostmasters.
- RB: on the Governance Board – not envisaging it'll be a closed thing, there may be some things that we need to talk about privately because they are prejudicial to the overall case, but some sort of report would come out every time which would be public.
- KH: would expect Parliamentarians to be open and robust
- KO: thank you for this. I welcome the scheme and that POL has been taken out. Want to comment on the trust issue – accountability. A lot of this from the subpostmasters comes down to the feeling of not having justice unless they see whether it be POL or Fujitsu being held to account. I raised last time and in the House whether Government is giving contracts to Fujitsu, this doesn't help with having people trust the process. I'd welcome the opportunity to be involved in the Governance Board.
- JA: Fujitsu is involved in the catastrophic court system of the common platform.
- RB: I understand the feeling here. There's a lot of evidence coming through the Inquiry. Don't think we should judge without all the information being disclosed.
- KH: I agree, though am sympathetic to KO's point. Let's do whatever we can to hold these people to account by any means. There's a corporate culture in the UK where senior executives aren't held to account for things.
- AB: on property -where a property was sold to pay for a shortfall, it may force people into paying rent / lose rental income – need to consider that too as a consequential loss.

MEETING ENDS



**Department for
Business, Energy
& Industrial Strategy**

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GRO

minister.hollinrake

GRO