

MINUTE
INITIAL COMPLAINT REVIEW AND MEDIATION SCHEME
WORKING GROUP 16 JUNE 2014

ATTENDEES

Sir Anthony Hooper
Alan Bates (JFSA)
Kay Linnell (JFSA)
Ron Warmington (Second Sight)
Chris Holyoak (Second Sight)
Chris Aujard (Post Office)
Belinda Crowe (Post Office)
Angela Van Den Bogerd (Post Office)
David Oliver (Post Office)
Andy Parsons (Bond Dickinson)

APOLOGIES

Ian Henderson (Second Sight)

1. Minutes of 6 May 2014 and 20 May 2014

- 1.1 The Chair opened the discussion of the outstanding minutes of the face to face meetings in May and invited the Working Group to comment. In the absence of any comment the 6 May minutes were agreed.

ACTION Secretariat to post final version to huddle

- 1.2 Discussion moved to the minutes of 20 May:
- The outstanding action for CA to discuss surpluses with the Post Office CFO was raised. CA updated the Working Group that he had spoken to the CFO and also to a further member of the finance staff. He was awaiting written confirmation detailing the exact position
 - There was further discussion of a number of issues around the processing of discrepancies between Bank of Ireland and Post Office and it was agreed that to ensure the answer exactly addressed Second Sight's questions, RW would set out his question to CA in writing.

- 1.3 Following that discussion the minute of 20 May was agreed.

ACTION: RW to write to CA with the exact question SS needs answering.

ACTION: Secretariat to post final version of minute of 20 May to huddle.

2. Cover letters for parties to issue with Second Sight's final report

- 2.1 The letters were reviewed and agreed subject to AB having an opportunity to provide any comments on the draft before they are used beyond the immediate cases.

ACTION: AB to provide DO with comments

ACTION: Secretariat to post letters in Huddle casefolder when they are issued

3. M054 – Working group decision on whether to recommend mediation

- 3.1 Case M054 was discussed to inform a decision as to whether the Working Group should recommend the cases for mediation. Second Sight had, in their final report, recommended mediation. The following points were considered during the course of the discussion:
- Regardless of a decision to recommend mediation by the Working Group, either party had the right to decline to mediate.
 - The extent to which the case raises issues that had not been previously explained to the satisfaction of the applicant in the context of the benefit of mediation for the applicant in terms of being able to 'move on' after mediation from the events being mediated.
 - Whether making a recommendation for mediation was the only outcome of the Working Group's consideration or whether a structured discussion might be recommended instead.
 - The fact that an admission of guilt by the applicant might make a case unsuitable for mediation.
 - The need to have regard to value for money which is written into the Working Group's terms of reference
 - The fact that a case may be better pursued through alternative means
 - Whether the fact that a case is an 'MP's' case should mean it must be mediated
- 3.2 It being apparent that the matter of whether the Working Group should recommend M054 for mediation might proceed to a vote, the Working Group agreed the test the Chair should consider if called upon to use his casting vote as:
- "On the assumption that both parties approach mediation in a genuine attempt to reconcile their differences. Is it reasonably likely that the parties will reach an agreed resolution of their issues."

- 3.3 The Working Group then moved to a vote on whether case M054 should be recommended for mediation. Post office voted against a recommendation to mediate, JFSA voted for.
- 3.4 The vote being tied, the Chair undertook to decide the matter and provide the working group with his reasoned, written decision by next Monday 23 June 2014.
- 3.5 During the course of this discussion the working group also considered and agreed that:
- The Working Group would make a recommendation on the length of mediation (1/2 day or full day) but that recommendation could be varied if CEDR took a different view.
 - This case should not be delayed pending the completion of second sight's Part 2 report.

Action: SAH to provide his written decision, with reasons, on whether the Working Group by 23 June 2014.

4. M127 – Working group decision on whether to recommend mediation

- 4.1 The Chair opened a brief discussion of case M127 asking for initial views on whether the case was suitable for mediation. There was a discussion about the extent to which it might be preferable for Post Office to hold a preliminary discussion with the applicant prior to a decision on whether to recommend mediation but on balance the Working Group decided that the case should be recommended to mediation:

Action: Secretariat to send Second Sight's final report and associated documents, and the agreed covering letters, to the parties and CEDR

5. Bankruptcy

- 5.1 KL opened a short discussion of Bankruptcy explaining that she had reached agreement for the full rights to the claim to be assigned in case M030 and for an IP firm to take forward the claims of the other 14 cases subject to further discussions. This achievement was welcomed by the Working Group
- 5.2 The Working Group agreed that:
- Bankruptcy cases were not to be treated as a priority, but were to proceed through the Scheme as normal.
 - If Second Sight produced a final report on any of these cases before the rights had been assigned the case would be brought back to the Working Group for discussion.

6. Aver deadlines

6.1 The Working Group discussed the further information provided by Aver in support of their extension requests and Twas concerned at the length of the extensions requested. It was agreed that:

- The Chair would write to Aver granting the extensions but setting out that no further extensions would be granted and should the CQRs not be submitted by the deadline the case would be referred to Post Office for investigation on the basis of the information available and any CQR subsequently submitted would be ignored. The Working group also agreed that the letter should be copied to the applicants.

ACTION: The Chair to write to Aver, copied to applicants as per the Working group's decision.

7. AOB

M073 - AP updated the Working Group on the position with M073. The Working Group noted the position and the Chair commented that he would ask the applicant's criminal lawyers whether they wished him to write a letter which could be presented to the District Judge at the hearing.

ACTION Chair to write to the applicant's criminal lawyer

NOTE FROM SECRETARIAT: Before the letter from the Chair was sent the applicant's lawyer contacted the Chair and requested a letter which was subsequently sent.