

Monthly Monitoring Meeting 6 April Readout

OHC

PFA Triage

Simon Recaldin (SR) said the exercise will be completed by the end of April. The process has identified 28 cases so far that are 'clearly Horizon-related'. Letters will be issued to these individuals, hopefully by the time of the Inquiry hearing.

Ken Kyriacou (KK) said the number of cases deemed 'clearly Horizon-related' is low relative to the population of potential future appellants (PFAs). POL will need to explain that carefully. He also said the letters will make it clear that the assessment is based on data POL holds.

Carl Creswell (CCr) suggested it could come across that POL deems other postmasters (who do not receive a letter) to be guilty. KK said the Q and A will address this risk. Ciara Lawrence (CL) highlighted the risk that other postmasters might be reluctant to appeal their convictions if they think success is unlikely.

CCr noted that Paul Marshall has questioned the CCRC's basis for judgment, and suggested this could have a knock-on effect on the outcome of the process. SR said he does think the argument is a strong one. He said Marshall also suggested the Court of Appeal got it wrong, and that Lord Arbutnot has picked this up. He suggested this argument might have traction.

POL Capacity

Neil McDaid (NMD) said POL is continuing to build the case assessment team. They need to build capacity that can easily be disbanded to deal with the potential flood of claims.

CCr said DBT was full of praise for the case assessors.

Rob Mackie (RM) asked whether any consideration is being given to the diversity of staff. NMD said this was being addressed and highlighted the need to be sensitive to the claimant profile.

James Gourlay (JG) noted the challenges associated with bringing staff in from BAU. SR provided reassurance that recent events would not happen again. He said work was being done on the recruitment policy and on an enhanced conflicts policy. Lorna Gratton (LG) asked whether the changes to the process would have prevented recent events. SR said they would. LD said POL need to be sure there is not only not a conflict, but there is not seen to be a conflict.

SR said Hudgell does not seem to have capacity issues. JG suggested Hudgell is concerned about cashflow. SR said Hudgell is unhappy about doing the legwork without being paid but highlighted that Sir Wyn Williams had little sympathy for that argument.

Legal Costs

CCr highlighted the uncertainty around the costs Marshall will submit. NMD said Marshall has not yet submitted costs, but POL will ensure consistency with other representatives.

Independent Assessors (IAs)

NMD said POL has a shortlist of IAs. He said POL is aiming to reach consensus with claimants' representatives. CCr said HMG would like to know the recommended IAs but would not claim approval rights.

Monitoring and Evaluation

KK said POL does not have data on the diversity of PFAs, and highlighted outreach has been done on an individual basis. LG asked whether it was possible to analyse whether postmasters who have come forward to have their convictions overturned are representative of the overall cohort. SR confirmed it was possible, but that POL had not done it. NMD suggested this was done outside of the remediation model.

HSS

Simon Recaldin (SR) provided a progress update.

Sisi Zhang (SZ) highlighted that dissolved companies' cases and insolvency cases were the most complex of the remaining cases. SR flagged that he would be grateful if DBT could continue to push HMT on the Crown Estate/Dissolved Companies issue.

Catherine Connolly (CC) talked through POL's plans regarding processing late applications going forward. CC flagged that a new progress plan was going to HRC which considered options for accelerating this plan. This would be shared with DBT/UKGI soon after. CC also flagged that there was late applications MI which highlighted where each case was at in the process (this was later sent to DBT/UKGI following the MMM). SR highlighted that POL were keen to ensure that no 'corners were cut' when it came to the late applications, and that they would be subject to the same level of care and process as original cohort applications.

SR and CC agreed that POL would work with DBT/UKGI to develop a list of scheme issues which could be, or are already, subject to external scrutiny. POL/DBT/UKGI would work together to consider handling of such issues.

HF talked through where the DBT Policy Team were in submitting advice to Minister Hollinrake on the issue of HSS tax treatment, explaining that this would likely consist of different 'top-up' options. HF thanked POL for their help in assessing options to this point. HF flagged the need to consider implications for the Suspension Pay Scheme.

Lorna Gratton (LG) sought to confirm that the same approach was being followed across all compensation schemes in regard to Civil Prosecution claims. CC highlighted the Panel's current view that there were 26 claims which they want to reconsider whether higher awards of D&I should be payable. Laura Dunseath (LD) confirmed this would have potential readacross to the GLO. LG asked whether POL had sufficient cover to make ex-gratia payments in these cases. SR confirmed that if funding was in place, POL was able to do so. Carl Creswell (CCr) asked the DBT Policy Team to confirm that this was in line with the HSS Business Case.

SR flagged that POL's inquiry submission would state that the HSS would close no earlier than March 2024 and that there were ongoing discussions with DBT on what the final closure date would be. CC confirmed the view of SteerCo was that a funding extension did not appear necessary at this stage given the expected small number of claims that would be received after March 2024. SR explained that HRC's perspective was that POL would continue to have an associated liability until the limitation date, so himself and colleagues may have to revert on this issue in the near future. Carl highlighted that the DBT Policy Team were liaising with HMT in regard to whether a letter could be provided to POL reassuring them of the current funding in place.

SR provided an update on the financial provision. With £115m in compensation offered out, and £146m expected to be paid out to all claimants into the HSS. POL would continue to work to refine these estimates. SR explained that the average offer amount crept up to £40,000 in March. CC

confirmed with DBT/UKGI colleagues that they felt sighted and were comfortable with these estimates. SZ asked for POL to send updated estimates to DBT/UKGI when next updated.