

Working Group for the Initial Complaint Review and Case Mediation Scheme

Minute of Working Group Call 26 June 2014

Teleconference details:

Dial:

Partic

GRO

Attendees

Sir Anthony Hooper (Chair)
Alan Bates (JFSA)
Kay Linnell (JFSA)
Ian Henderson (Second Sight)
Ron Warmington (Second Sight)
Chris Holyoak (Second Sight)
Chris Aujard (Post Office)
David Oliver (Post Office)
Belinda Crowe (Post Office)
Andy Parsons (Bond Dickinson)

Apologies

Angela Van Den Bogerd (Post Office)

Agenda

1. Status of accepted applications awaiting a funding application
2. Status of accepted applications awaiting a Case Questionnaire Response
3. New Case Questionnaire Responses
4. Priority cases
5. Post Office investigation progress
6. Cases with Second Sight to review PO investigation reports
7. Cases that Second Sight have reported on
8. Any other queries raised by Applicants / Advisors
9. Issues with resourcing / timings
10. Signing off individual sections of the Part Two briefing Pack
11. AOB

Thursday 26th June, 13:00 – 14:00

1. Status of accepted applications awaiting a funding application

Case No.	Status	Working Group Decision
M094	SL01 pack sent to applicant on 5 June. Response deadline of 19 June for funding agreement not met. Therefore CQR due on 3 July.	Noted by Working Group.
M142	SL01 pack sent to applicant on 13 June. Response deadline of 27 June for funding agreement or 11 July for CQR.	Noted by Working Group.

2. Status of accepted applications awaiting a Case Questionnaire Response

Advisor	Number of cases with Advisor	Number of CQRs overdue	Status	Working Group Decision
Aver	18	0	Letter from Chair sent 20 June to set absolute final deadlines – letter acknowledged by Bill Cleghorn.	SS to confirm to BC by cop 26 June if M128 has been received from Aver. If not received, Post Office are to proceed on the available material in line with the letter from Chair dated 20 June. BC to call Aver to remind them of this deadline. * See note below.
Howe & Co	10	8	Extensions requested - see agenda item 8.	Extensions granted, see item 8.

**** I spoke to Aver. They had missed this from their schedule of deadline requests because they had only confirmed they were instructed the day before they submitted their schedule and did not add it in. They have asked for an extension until 31 July.***

3. New Questionnaire Responses

Case No.	Working Group Decision/Actions
M012	WG accepted the case into the Scheme with 10 week deadline – 4 Sept
M026	WG accepted the case into the Scheme with 6 week deadline – 7 Aug

Case No.	Working Group Decision/Actions
M033	WG accepted the case into the Scheme with 8 week deadline – 21 Aug
M060	CQR accepted by WG on 12 June – SS to check and confirm
M061	WG accepted the case into the Scheme with 8 week deadline – 21 Aug
M073	WG accepted the case into the Scheme with 4 week deadline – 24 July. Post Office agreed to treat as a priority case.
M075	WG accepted the case into the Scheme with 6 week deadline – 7 Aug
M086	WG accepted the case into the Scheme with 8 week deadline – 21 Aug
M089	WG accepted the case into the Scheme with 8 week deadline – 21 Aug
M097	CQR accepted by WG on 12 June – SS to check and confirm

Actions: BC to add in dates of PO deadlines. BC note – done, see table above
AVDB to report progress to WG on M073.

4. Priority cases

Case No.	Status	Working Group Decision/Actions
M006	Second Sight report was due 20 June.	Extension to 27 June requested and granted.
M073	CQR submitted to SS 10 June, not yet released to WG.	CQR released to WG before the meeting. Accepted by WG 26 June. AB received query from applicant's wife on 25 June re upcoming court hearing – AP not aware of any confusion. AB to check and query with AP if necessary.* see note below
M143	Second Sight report due 27 June.	Extension to 11 July requested and granted.

* Aver has also received a call from applicant's wife. Aver suggest letter from SAH to judge as per offer. No contact received from applicant's solicitor. Email to SS forwarded to AP and SAH.

- Bankruptcy cases

Case No.	Case whereabouts in Scheme	Status
M001	Post Office report passed to SS 30 May. SS report due 27 June.	Case with Insolvency practitioner
M015	Post Office report passed to SS 9 May. SS report due 4 July.	Case with Insolvency practitioner
M019	Post Office report passed to SS 8 May. SS report due 4 July.	Waiting to hear from applicant
M029	Post Office report passed to SS 12 May. SS report due 11 July.	Case with Insolvency practitioner
M030	Post Office report passed to SS 15 April. SS report due 4 July.	Rights assigned – can proceed without delay
M032	Post Office investigation on-going, report due 10 July.	Case with Insolvency practitioner
M036	Post Office investigation on-going, report due 10 July.	Waiting to hear from applicant
M069	CQR submitted to SS 27 May, not yet released to WG.	Case with Insolvency practitioner
M081	CQR is yet to be submitted. Applicant represented by Aver.	Case with Insolvency practitioner
M089	CQR submitted to SS 22 May, not yet released to WG.	Case with Insolvency practitioner
M100	Post Office investigation on-going, report due 19 June (extn to 23 July required).	Case with Insolvency practitioner
M118	Post Office investigation on-going, report due 10 July.	Waiting to hear from applicant
M122	Post Office investigation on-going, report due 16 June (extn to 23 July required).	Case with Insolvency practitioner
M128	CQR is yet to be submitted. Applicant represented by Aver.	Waiting to hear from applicant
M150	CQR is yet to be submitted. Applicant represented by Aver.	Case with Insolvency practitioner

- Working Group agreed to add bankruptcy cases (and include the list) as a separate agenda item (Agenda item 5) in future so as not to conflate them with priority cases.

Action: Secretariat to amend agenda for next call.

- SS confirmed that the CQR for M069 would be released to the WG next week.
- KL provided an update on the cases.

Action: BC to confirm updates with KL after meeting and update table for the minutes.

BC note: Complete – see table above.

5. Post Office Investigation Progress

Reports due:

Case No.	Status	Working Group Decision/Actions
M013	Investigation complete. Finalising report. Extension (not 1 st) to 23 July required.	Extension granted to 12 July due to age of case. Post Office to flag to WG on 10 July if further time is needed.
M043	Investigation complete. Finalising report. Extension (not 1 st) to 23 July required.	Extension granted to 23 July.
M045	Investigation complete. Finalising report. Extension (not 1 st) to 23 July required.	Extension granted to 12 July due to age of case. Post Office to flag to WG on 10 July if further time is needed.
M056	Investigation on-going. Extension (1 st) to 23 July required.	Extension granted to 23 July.
M059	Investigation on-going. Extension (not 1 st) to 23 July required.	Extension granted to 23 July.
M063	Investigation complete. Finalising report. Extension (not 1 st) to 23 July required.	Extension granted to 23 July.
M066	Investigation complete. Finalising report. Extension (not 1 st) to 23 July required.	Extension granted to 12 July due to age of case. Post Office to flag to WG on 10 July if further time is needed.
M071	Investigation complete. Finalising report. Extension (not 1 st) to 23 July required.	Extension granted to 23 July.
M091	Investigation complete. Finalising report. Extension (not 1 st) to 23 July required.	Extension granted to 23 July.
M092	Investigation on-going. Extension (not 1 st) to 23 July required.	Extension granted to 23 July.
M100	Investigation on-going. Extension (not 1 st) to 23 July required.	Extension granted to 23 July.
M101	Investigation on-going. Extension (1 st) to 23 July required.	Extension granted to 23 July.
M108	Investigation on-going. Extension (not 1 st) to 23 July required.	Extension granted to 23 July.

Case No.	Status	Working Group Decision/Actions
M115	Investigation complete. Finalising report. Extension (not 1 st) to 23 July required.	Extension granted to 23 July.
M122	Investigation on-going. Extension (not 1 st) to 23 July required.	Extension granted to 23 July.
M133	Investigation on-going. Extension (not 1 st) to 23 July required.	Extension granted to 23 July.
M135	Investigation complete. Finalising report. Extension (not 1 st) to 23 July required.	Extension granted to 23 July.

- Post Office confirmed that cases will be pushed through as quickly as possible and that extension requests were speculative as, due to unexpected absences in the investigation team, they cannot be confirmed.
- KL voiced concern over lack of information given to applicants to advise them where their case is in the Scheme. It was noted that the WG had written to all applicants advising them to contact AB if they required an update on the progress of their case.

Action: BC to add to agenda for next face-to-face meeting on 10 July a slot to discuss:

- 1. Notifying applicants individually about case progress**
- 2. Whether cases should be passed to SS if PO investigation not completed by deadline**

6. Cases with Second Sight to review PO investigation reports

Case No.	Due date	Extension request	Working Group Decision/Actions
M001	27 June 2014	11 July 2014	Extension to 11 July granted.
M002	27 June 2014	11 July 2014	Extension to 11 July granted.
M006	20 June 2014	27 June 2014	Extension to 27 June granted.
M007	18 July 2014	01 August 2014	Extension to 1 August granted.
M009	11 July 2014	25 July 2014	Extension to 25 July granted.
M011	25 July 2014	08 August 2014	Extension to 8 August granted.
M014	11 July 2014	25 July 2014	Extension to 25 July granted.
M015	04 July 2014	08 August 2014	Extension to 8 August granted.
M017	25 July 2014	08 August 2014	Extension to 8 August granted.
M018	01 August 2014	15 August 2014	Extension to 15 August granted.

Case No.	Due date	Extension request	Working Group Decision/Actions
M019	04 July 2014	18 July 2014	Extension to 18 July granted.
M021	18 July 2014	01 August 2014	Extension to 1 August granted.
M029	11 July 2014	25 July 2014	Extension to 25 July granted.
M030	04 July 2014	18 July 2014	Extension to 18 July granted.
M035	01 August 2014	15 August 2014	Extension to 15 August granted.
M039	08 July 2014	25 July 2014	Extension to 25 July granted.
M052	18 July 2014	01 August 2014	Extension to 1 August granted.
M053	01 August 2014	15 August 2014	Extension to 15 August granted.
M057	20 June 2014	27 June 2014	Extension to 27 June granted.
M062	20 June 2014	Delivered	Report delivered.
M072	25 July 2014	08 August 2014	Extension to 8 August granted.
M079	08 July 2014	15 August 2014	Extension to 15 August granted.
M126	04 July 2014	18 July 2014	Extension to 18 July granted.
M143	27 June 2014	11 July 2014	Extension to 11 July granted.

- SS explained that the original deadlines they set were too ambitious and they have slipped due to focus on the Part Two report.
- SS confirmed that the Part Two report should be ready for review by the WG by 3rd week in July (w/c 14 July) and that 10 July was an unrealistic deadline.
- SS confirmed that where a case included elements of the Themes covered by the Part Two report, they intend to disclose this when releasing the draft CRR.
- Post Office and SS agreed that the Part Two report must be factually correct and dialogue should take place between the two parties to ensure this is the case however SS stated that it is for them as editors of the report to determine the issues covered in the report.

7. Cases that Second Sight have reported on

Case No.	SS Draft Report completed	Deadline for comments	SS Final Report completed/due	WG Decision	Sent to CEDR
M022	16 May	11 June	v.1) 13 June v.2) 19 June	Mediate	19 June
M127	27 May	4 June	v.1) 13 June v.2) 19 June	Mediate	19 June
M054	29 May	6 June	11 June	Not mediate	N/A

M048	6 June	17 June	20 June	Mediate	
M076	6 June	17 June	20 June	Discuss 10 July	
M028	13 June	24 June	1 July		
M062	20 June	TBC			

For discussion:

- **M054:** Chair issued his decision to WG decision re mediation 25/06

Chair asked all parties to consider the steps to be taken to inform applicant of the decision not to mediate the case. KL raised a concern about sharing the Chair's decision with the applicant. The Chair noted this concern and asked the WG to consider how best to proceed. AB voiced concern about the additional time delay this would cause the applicant, but agreed that the WG should take time to consider how to proceed in this case.

Action: BC to add to agenda for next face-to-face meeting on 10 July.

- **M062:** Draft report yet to be issued to applicant – applicant wishes to appoint a professional advisor (De Nahlik). Belinda Crowe's email of 24 June refers.

WG agreed to adopt BC's suggested approach and issue report to the applicant along with a funding agreement to be returned within 7 days and with a deadline for comments on SS's draft CRR of 14 days from date of confirmation of funding. BC confirmed that confirmation of funding could be issued immediately on receipt of funding application.

Action: BC to issue draft report and funding agreement as per recommended approach.

- **M048:** WG agreed case suitable for mediation. PO noted it is in discussion with the applicant and hoped to have resolved the case within the next couple of days.

Action: BC to issue documents to parties and CEDR.

- **M076:** WG agreed case to be discussed by WG at next face-to-face meeting on 10 July.

AB queried the role of the WG in the recommendation to mediate when SS has recommended mediation. It was noted that this was the previously agreed process, and the one followed for M054.

Action: BC to add agenda item to discuss this at the next face-to-face meeting of the WG on 10 July.

8. Any other queries raised by Applicants / Advisors

- Letter to Ron Warmington from Philip de Nahlik re fees dated 9 June in response to letter from chair – WG noted
- Emails from Howe & Co from Steve Darlington dated 13 & 17 June - WG agreed that email of 13 June covered ground previously addressed in letters (no response). Response to 17 June email from Howe & Co to be discussed at next face-to-face meeting of WG on 10 July.

Action: BC to add Howe and Co email of 17 June to agenda for next face-to-face meeting on 10 July.

- Howe & Co extension requests received 24 June (as tabled below)

Case No.	Original due date	Current due date	Extension requested
M084	24 January	18 June	11 July
M129	21 February	18 June	11 July
M055	21 February	13 June	11 July
M096	5 February	13 June	15 July
M080	7 January	17 June	15 July
M088	21 February	17 June	15 July
M085	21 February	17 June	15 July
M140	1 May	13 June	22 July

- WG granted all extension requests from Howe & Co.

Action BC: Agenda item to be added to next face-to-face meeting on 10 July to consider whether or not to send Howe & Co a letter along the lines of that sent to Aver

9. Issues with resourcing / timings

N/A

10. Signing off individual sections of the Part Two briefing Pack

See above - agenda item 6, fourth bullet

11. AOB

- M107 – BC confirmed, on behalf of AVDB, that this case has now been resolved and the applicant's withdrawal from the Scheme is confirmed in writing.
- 3 July call - WG noted Chair will be abroad for the WG call scheduled for 3 July.
- **Action: BC to liaise with WG about whether to proceed with call and, in any event, upload a case tracker.**