

Justice For Subpostmasters Alliance

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Dear Minister

I was present at the Adjournment Debate in Westminster Hall on 17th December, and heard the comments made by the MPs who are concerned about what has happened to the Initial Case Review & Mediation Scheme. Following that debate I thought I should write to you once more to offer to meet with you to discuss the issues involved with this matter from the perspective of those it has affected, rather than from those who seem to be so desperately trying to keep the truth from you.

Without going into detail about many of the points discussed the other day, from the JFSA point of view, there was the odd 'red herring'. The one that I will mention here relates to the percentage of cases being approved by the Scheme's Working Group to go forward to Mediation. It actually does not matter what the percentage is, as it has never been the role of the Working Group to approve cases going to Mediation, other than those 'particular cases' identified as not being recommended for Mediation by Second Sight, the independent investigators that Post Office appointed. It is the role of Second Sight only, to identify which cases are suitable for going forward to Mediation, otherwise what is the role of Second Sight? This point and those that follow, were addressed in a letter from JFSA to the Chairman of the Working Group at the beginning of November, and I have enclosed a copy of that letter for your information.

The whole issue of all cases going through the Working Group for approval for Mediation, is little more than another example of Post Office trying to hijack the Scheme to filter and process cases to its own advantage. Did Post Office ever make you aware that once it became evident to JFSA that Post Office was attempting to do this, JFSA refused to take part in any discussions on these cases at any Working Group meeting? The wording of the Scheme's documentation that was sent out to all the individuals who applied, made it clear, in the spirit of how the Scheme began, that the majority of cases would go to Mediation.

Previously I have put in writing to you that the Post Office should never have been allowed to take control of this Scheme, it should have been an outside body. After all, what Post Office did with regard to an individual's case is as much part of the investigation as is that pertaining to the actions of the Subpostmaster. However in each case Post

Office is in control of investigating itself, and as such, is in a position to regulate what information it does or does not provide to Second Sight.

Furthermore, Post Office has recently abused its position of running the supposedly non-partisan secretariat for the Scheme, when it decided, without discussing with the Working Group or its Chairman, to remove and bar JFSA's access to the online central document depository. Post Office took this decision when it discovered that JFSA was in early discussions with a law firm about a group action should the Scheme fail to deliver what it had promised.

Not only that, but Post Office then demanded the names of all the JFSA members who wished to take part in such a group action. Yet the number of JFSA members in the Scheme would be the smaller part of any action, as it is all the new members of JFSA, who have come along since the Scheme closed, that would make up the bulk of those involved. This mainly being due to there being no other way that these new members can have their cases independently reviewed, despite Post Office stating in a press release on 7th July 2013 that:- "A review chaired by an independent figure to determine how an independent safety net might be introduced to adjudicate in disputed cases in the future. Again the JFSA and other stakeholders will be invited to take part in this process." But it never happened and was constantly dismissed by Post Office every time JFSA raised it.

In the debate last week it was clear and understandable why so many MPs had withdrawn their support for the Scheme. Yet despite this, JFSA still remains engaged in the Initial Case Review & Mediation Scheme, albeit with a somewhat distant hope that it can be brought back to the open and transparent search for the truth that was discussed at the outset.

Whilst Post Office is still being allowed to try and control the output of the Scheme through being the funding source, by running the secretariat, having Second Sight contracted directly to it, and is allowed to decide what information it will or will not make available or is prepared to answer, the Scheme seems doomed to failure. For the Scheme to be resuscitated successfully, Post Office has to be removed from its controlling position and be subject to the same conditions of investigation as that of the Subpostmasters.

Yours sincerely

Alan Bates
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