

Notes from meeting with Sir Anthony Hooper (AH) on 24 September and next steps

Attendees: Paula Vennells(PV), Alasdair Marnoch(AM), Martin Edwards (as note taker)

Key points from the meeting:

1. PV and AM opened the meeting by explaining the background to the mediation scheme and working group, highlighting that:
 - a. the PO is fully committed to making a success of the process, both for the individuals concerned and for public confidence in the institution as a whole;
 - b. that the process will require difficult judgments to be made (e.g. distinguishing between theft and 'muddle headedness');
 - c. the role of chair will require both relevant expertise/experience and broader 'social skills'.
2. Through the course of the subsequent discussion AH clearly demonstrated his attributes for the role:
 - a. his experience as an appellate judge managing cases that had been referred by the Criminal Cases Review Commission demonstrated his ability to sift through the facts and deploy his skills of negotiation with two opposing sides to persuade them to take the most appropriate course of action (rather than launching straight into the appeal process);
 - b. linked to this, he had direct experience of dealing with people in highly emotional states who were "dug into their position" (he gave the example of dealing with life prisoners);
 - c. he clearly understood the emotional and psychological factors that might lead some sub-postmasters to get into trouble and a spiral of false accounting;
 - d. he explained his experience of chairing complex meetings involving multiple stakeholders with conflicting agendas (in particular his experience as deputy chair of the committee which reviewed sentencing guidelines);
 - e. he recognised that one of his first priorities upon taking the role would be to establish effective relationships with the other working group members;
 - f. he said he had no problem with the work potentially being extended beyond March;
 - g. he said he would be "very interested" in advising on our future mediation/ombudsman arrangements;
 - h. he was clearly enthused by the role, summing up by saying that "it sounds fascinating" and he "would love to take it forwards"; and
 - i. finally we also observed (after the meeting) that his fairly unassuming manner would be effective in keeping certain stakeholders on board with the process.
3. He noted that he didn't meet two of our specified criteria (board level experience and mediation experience) – but we explained that his broader skills and experience fully covered our requirements.
4. During the conversation AH also offered a number of observations on the scheme itself and the role of chair:
 - a. Overall he said he was confident that our broad approach was "absolutely the right thing to do".
 - b. He noted that chairing the working party itself would be a challenge given the potentially conflicting interests/views of the members (but indicated that he felt capable of meeting this challenge).
 - c. He suggested (quite firmly) that it might be more appropriate for cases that have been through the courts to be referred to the Criminal Cases Review Commission rather than go through the mediation scheme. (*ACTION: explain to AH our internal process for*

reviewing criminal cases and why we believe it is necessary to allow some prosecuted cases to go into the mediation process).

- d. He highlighted that it would be important to have a clear 'constitution' which clarified what functions he would be performing as chair of the working group versus in an independent advisory capacity. *(NB I discussed this point with Susan subsequently, who suggested that in the interests of preserving his credibility it might be appropriate to focus his duties on the working group role and only ask for his individual advice at later stages once the mediation process is nearing closure. Brain Altman might therefore be better placed to advise on our compensation policy).*
- e. He thought there might be an important role for preliminary oral hearings in many cases before launching into the mediation process, in order for both sides to come face to face with the issues.
- f. He highlighted the risks that we may have some old cases where the evidence is now missing which: a) makes it difficult to reach a clear resolution; and b) leaves us vulnerable to prosecuted cases being overturned.
- g. He said that "sorry was a good word!" – we should be prepared to use where appropriate as an outcome of the mediation process.

Next steps:

- Susan has already contacted Bond Dickinson to ask them to liaise with AH's clerk first thing on Wednesday morning to negotiate a fixed fee for the work up to the end of March.
- Subject to that, the next step would be to confirm his appointment as soon as possible and set up an initial consultation meeting [ideally with SC this week] to stress test the mediation scheme arrangements and our proposed terms of reference for the working group and chair role in more detail and also to follow up on the other questions noted above.