



POST OFFICE LIMITED GROUP EXECUTIVE REPORT

Title:	Past Roles Review	Meeting Date:	17 January 2024
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Input Sought: Noting

GE is asked to note the update in respect of the 'past roles' work being undertaken in RU and similar work being rolled out across the business, since being approved by GE on 7 July 2023 and clarified on 8 November 2023 and 20 December 2023.

Executive Summary

If colleagues who worked in certain past roles (e.g., roles in the audit, suspension, investigation or prosecution of postmasters) are employed by POL today, and in particular, if they are performing certain roles e.g., roles in compensating postmasters, investigating shortfalls, or recovering postmaster debt, it presents risks for POL and for colleagues. Risks include: such employees may be conflicted or could be singled out and criticised on social media. It further risks undermining the integrity of, or the public or postmaster confidence in, the work being done by POL today. POL wishes to mitigate these risks whilst having regard to the part POL has played in the history and the duties it owes to its employees. POL will undertake work to consider which roles present material risk, what are the range of steps that could be taken to mitigate the risks, and what is the proportionate step to take in each case.

This paper updates on the work done on this matter since 20 December 2023, which includes:

- (i) Appointment of additional resource;
- (ii) Updated data analysis;
- (iii) Establishing of applicable Principles;
- (iv) Agreed constitution of, and Terms of Reference for a Panel;
- (v) Union engagement; and
- (vi) Key messages for comms.

It also outlines next steps.

For the avoidance of doubt, this work is **not** concerned with dealing with any colleague in respect of whom wrongdoing has been alleged. This work is about the roles employees may have performed in the past and not about how they may have performed those roles. If there are specific allegations of wrongdoing made against a colleague, they should be (and in many cases are being) picked up by the People team elsewhere.



Report

(i) Additional Resource

At GE on 20 December, it was agreed that this work would be allocated budget and additional resource. As at the date of this paper the following additional resource has been allocated:

- (i) Appointment of a Programme Manager: Manager De Matteis
- (ii) Use of the MI Coordinator within the HR Data Team
- (iii) Budget: Has been granted for a Programme Manager for 8 weeks

(ii) Updated data analysis

Original data analysis concentrated on identifying those currently employed by the business who had a role in the past within audit, suspension or prosecution of Postmasters. Within the Remediation Unit, 32 roles were flagged. In the wider business 92 were flagged, totalling 124.

That data has since been reviewed with regards to the Remediation Unit, including by Andrew Scales MI Coordinator, Madeleine De Matteis, Programme Manager and Patrick Quinn People Director. Initial analysis reveals that inside the RU, 30 colleagues are flagged and will now require Case Review through the Past Roles Panel. A Data Review Methodology will be written in the coming week to describe how colleagues were identified and their case reviewed. This will be agreed by Past Roles Panel.

Detail data sets are now being compiled for the rest of the business, and these will be shared with each GE member so that they are aware of the impact to their area.

(iii) Establish Principles

At GE on 20 December, it was agreed that establishing "principles" would assist in narrowing the issues, laying groundwork for redeployment discussions, and, potentially, reducing the number of employees within scope. The principles are at Appendix 1. These will be reviewed and agreed at the first panel discussion on 15 January and any changes/variations will be discussed at GE on 17 January.

Significantly, the principles reflect the GE's previous direction that redeployment should be a focus and that, absent an allegation of wrongdoing, no employee should be dismissed purely because they performed a certain role in the past. The one development on that principle is, however, that if an employee is working in a particularly sensitive role and they unreasonably refuse to engage with the concept of redeployment into a suitable alternative role, then POL will consider commencing a process to formally vary their employment.

One principle that we are not able to agree is that any grade can be discounted. It was hoped that if we could discount, say, all PO grades that would narrow the number of "in scope" roles. However, analysis shows it would not be safe to do that, as even PO grade employees could have performed roles that could give rise to risk of the sort we wish to mitigate against.



(iv) Agree terms of reference and constitution of panel

The updated panel members can be found in Appendix 2. Business Director, Neil O'Sullivan, replaces Diane Wills who appeared in the previous proposal. Postmaster Experience Director, Mark Eldridge, will be able to bring a postmaster perspective to proceedings.

The updated terms of reference can be found in Appendix 3. These will be reviewed at the first panel discussion on 15 January and any changes/variations will be discussed at GE on 17 January.

(v) Union Engagement

Since many of the employees who will be in scope for this work are union grades (PO grades through to 3B managers) POL has engaged with both unions to canvass views. Neither union would support the dismissal of colleagues based solely on roles they had performed in the past. Both unions understand the sensitivities around the issues, however. Both could support collaborative redeployment discussions in appropriate cases but would want to reserve their rights to support their members in opposing POL's views that redeployment is necessary in any given case. Ultimately the unions will want to support their members and protect employment.

It may be possible to agree joint comms with our trade unions, perhaps even agreeing a joint statement. However, Unite at least, have requested that they run any draft comms via their internal teams, including legal team.

(vi) Draft Comms

The key messages that we anticipate wanting to include in comms is at Appendix 4. These will be reviewed and agreed at the first panel discussion on 15 January and any changes/variations will be discussed at GE on 17 January.

Internal comms, issued quickly, is advisable to manage ER risk and to prevent misinformation from spreading. In particular, that POL is looking to work – including in conjunction with unions - to redeploy colleagues and that no one will be dismissed purely on account of past roles, are important messages to land quickly. If those messages can be supported by a joint statement with the unions that would likely help the ER situation further.

External comms is more likely to be reactive and dependent upon the context in which we are responding to any request for a position on this.

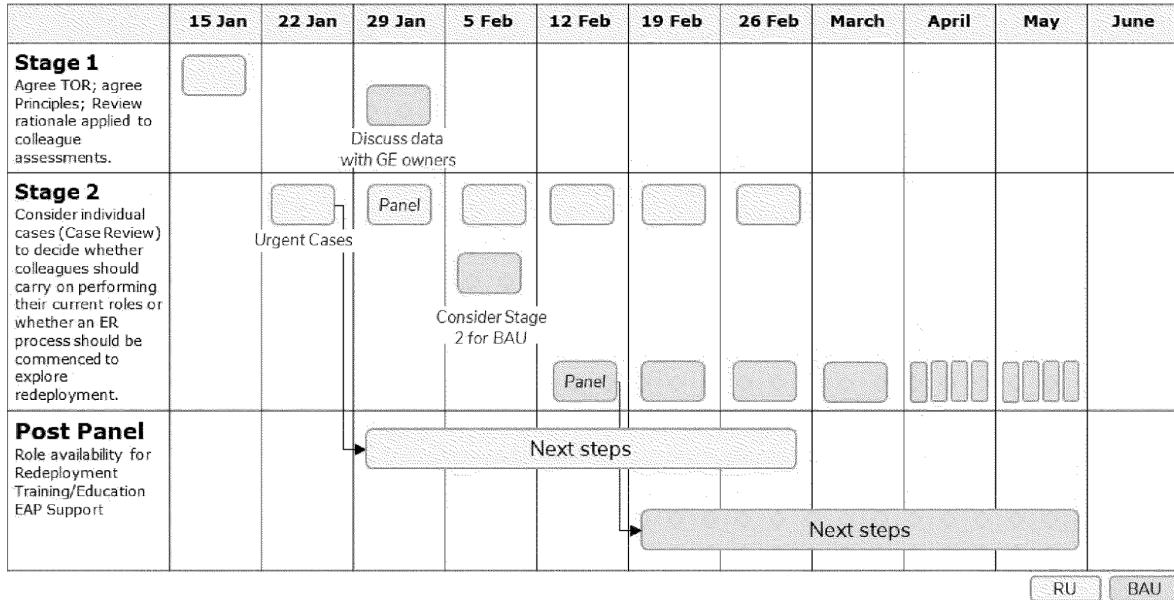
Next Steps

We should attempt to publish internal, employee-facing comms as soon as possible and consider external comms, including jointly with the unions.

The first panel will meet on Monday 15 January. The purpose of that discussion will be to review the ToR, review the Principles, key comms messages, give opinions on the direction of travel, and establish a date for the first substantive panel discussion. Feedback of the views of the panel will be given as a voiceover at GE on 17 January.



Key dates:



Post Panel:

- People Team will support redeployment discussions, in conjunction with IR and POL’s Unions wherever relevant.
- People Team will bring back to the panel any cases where an instruction was given to consider redeployment in principle but the relevant employee has resisted redeployment.
- OD work to continue. There should be joined up thinking with this work (although this work absolutely isn’t driving OD).

Financial Impact

1. Costs related to redeployment of colleagues and back filling any positions left vacant.
2. Costs in relation to any processes that are commenced but where there are no suitable alternative employment and no OD opportunities.
3. Financial impact of defending employment litigation and potentially losing that litigation.

Risk Assessment, Mitigations & Legal Implications

4. POL Legal HR/IR have worked with Norton Rose Fulbright who have produced a full Legal Risk note, which has been attached to the two previous papers on this topic but, for the sake of brevity, isn’t attached again.

5. [REDACTED]



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- a. [Redacted]
 - b. [Redacted]
 - c. [Redacted]
 - d. [Redacted]

Next Steps & Timelines

- 6. As set out above.



Appendix 1 – Principles

As part of the decision making the Panel will take into consideration the following principles.

- (i) Any colleague accused of specific wrongdoing will be investigated separately to the past roles process, in accordance with POL's conduct code and having regard to our duties owed to them, regardless of whether they are out of scope for this work.
- (ii) No colleague would be dismissed based on the roles they have held in the past, but the business will make all necessary and reasonable efforts, in collaboration with employees and union representatives where relevant, to move the colleague to a suitable alternative role elsewhere within the business.
- (iii) If no alternative role is identified, the business will consider options such as looking to proactively create a role.
- (iv) Where no alternative role is possible in the short term, the business will keep the employee's case under review (to include regular check-ins with the employees, and by keeping a watching brief on opportunities for redeployment) and the individual's line manager will be briefed on the potential for any specific issues that could arise in that case, so that any risk can be mitigated.
- (v) Where an employee either:
 - a. In a role that could give rise to material issues, and they reject suitable alternative employment or
 - b. Fails to engage openly and in an appropriate manner in a redeployment process despite concerns from the business as to the impact to the individual or business.consideration may be given to commencing a formal process to [either] enforce a change in role [or commence an appropriate employment process e.g. misconduct or SOSR].
- (vi) Colleagues who work in DMB's and Cash in transit / warehousing roles can be excluded from this piece of work based on not being directly involved in the business support for Post Masters.
- (vii) Post Office is comfortable, in principle, in offering opportunities that arise (should any become available) via OD programmes to exit colleagues who happen to have problematic past roles from the business, unless those colleagues are subject to conduct investigation.



Appendix 2 – Panel

Panel Member	Role and accountability
Chairman Simon Recaldin	This role is to chair the panel and make a decision based on the evidence presented to them with regards to the past roles of each individual case and how they relate to the role that the colleague currently performs for the Post Office.
Business Director-Deputy Chair Neill O'Sullivan	This role is to make a decision based on the evidence presented to them with regards to the past roles of each individual case and how they relate to the role that the colleague currently performs for the Post Office. This role involves acting as Deputy Chair in the absence of the Chairman.
People Lead Patrick Quinn	This role is to decide based on the evidence presented to them with regards to the past roles of each individual case and how they relate to the role that the colleague currently performs for the Post Office.
Postmaster NED Mark Eldridge	To provide a postmaster's view to panel to support the decisions made with regards to the past roles of each individual case and how they relate to the role that the colleague currently performs for the Post Office.
Support for Panel	
People Director Julia Marwood	This role supports the panel to clarify past roles as required, support the decision of the committee and to support the relevant line manager / business lead to execute next steps.
HR Legal Laurence O'Neill	To give to the panel advice on employment risk with relation to each case.
Line Manager Various	To present to the panel each individual case outlining the colleague's past roles, the outcome of the one-to-one meetings with the colleagues and give a view of colleague's current role and accountabilities undertaken within Post Office and whether there is evidence that the colleague's past roles could be problematic.
Programme Manager Madeleine De Matteis	To prepare the Case Assessment for each individual case and take actions from each panel
Secretariat Shabegh Singh Srui	To take minutes from the panel



Appendix 3 – ToR



TERMS OF REFERENCE PAST ROLES PROJECT

Context

POL employs in its Remediation Unite team (RU Team) employees who have previously worked for POL in the auditing, investigation, suspension, or termination of Postmasters connected to historic horizon shortfall cases. This risks undermining the integrity of, or the public or postmaster confidence in, the work being done by RU. It also put employees “at risk”. RU took a “conflicts paper” to GE on 7 July 2023 and a further paper on 8 November 2023 “past roles paper” recommending work to identify RU employees with potentially problematic historical roles with a view to redeploying them and extending this thinking into the wider business.

Aim

The aim of this project is to:

1. Review the past roles conducted by colleagues currently employed within the RU and Inquiry teams, to identify any that could be (for want of a better word) potentially problematic. Examples of such roles might include roles in the auditing, investigation, suspension or termination of Postmasters connected to historic horizon shortfall cases. They might be “potentially problematic” because they pose a risk to integrity of independence of work being done now, public or postmaster confidence in that work, they create conflict, or they place our employees at risk.
2. Identify where else in the business (other than RU) such roles might also pose a similar risk.
3. Identify the employees who have those potentially problematic backgrounds and who are working in roles in which that creates an identified risk.
4. Mitigate the risks, including by internal and external comms, provided employee with appropriate support (including EAP support), training and education, and exploring redeployment.

Scope:

To achieve the Aim the people team will produce MI and a report that details the past employment history of colleagues currently employed in RU team and elsewhere in the business.

- ***Paying particular attention to:***

Problematic past roles

- Roles that were involved in the auditing, investigation, suspension or termination of Postmaster’s and POL employees.
- Problematic roles as identified between January 1999 and December 2017 (the period of prosecution undertaken by Post Office Ltd).
- Reemployment of colleagues post 2017 who have potential problematic backgrounds between January 1999 and December 2017.
- The information obtained during one-to-one meetings with their line managers to clarify the roles and accountabilities of the colleagues’ previous roles.

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The roles in the wider business in which particular risk could result.

- Performing an initial assessment of the roles currently undertaken within POL at large in respect of which having worked in such a role could be thought to give rise to the identified risks.

The risks that could emerge

- For example: (i) Criticism of employees (say on social media); (ii) Undermining the integrity of the work being performed (for example, giving rise to conflict or the perception of conflict); (iii) Undermining postmaster of the public confidence in the work being performed by POL, or the specific team.

Next Step Options

The below list of next steps is likely to form the most likely recommendations made by the People Team to the past roles review panel. Neither the People Team or the review panel is limited to the contents of this option list and may choose to direct next steps outside of, or in addition to, the options below.

- **Convene a “Past Roles Panel” to:**
 - **First: Review the rationale applied to the assessments, in particular:**
 - Whether the past problematic roles are correct and complete.
 - Whether the role in the wider business in which particular risk could result are correct and complete
 - Whether the risks identified are correct and complete
 - Whether the Principles are agreed
 - [Approve any associated internal and external comms]
 - **Second: having established and approved the rationale, to consider individual cases to decide whether colleagues should carry on performing their current roles or whether an ER process should be commenced to explore redeployment.**
 - All colleagues must be assessed on a case-by-case basis to ensure the consistent and fair treatment of impacted individuals.
 - Panel should direct that further clarity on the colleague’s past employment history and detail of roles undertaken where there is some element of ambiguity about the risk.
 - If the panel agrees the colleague’s past role gives rise to an identified risk, the panel should decide on the correct approach, which could include:
 - EAP support.
 - Training and education (for teams or individuals).
 - Redeployment into an alternative role.
 - The panel should consider resolving individual cases through support, training and cultural shift, and leaving colleagues in existing roles before recommending that redeployment should be explored.
 - In considering whether redeployment should be explored the panel shall have regard to colleague expectations, adaptability clauses in employment contracts, and the availability of suitable alternative employment.
 - The panel should also have regard to the operational impact of unsettling or displacing colleagues in relevant parts of the business unit (single points of failure) and agree actions to mitigate.



For the panel to sit and make effective decisions the minimum panel members that need to be present is Chair or Deputy Chair, People Lead, Postmaster NED.

The supporting roles will need to be in attendance to present evidence and deliver the actions agreed by the panel.



Appendix 4 – Comms

Key themes for comms.¹

1. The Mr Bates vs The Post Office ITV Drama has generated a lot of focus, including on the fact that POL continues to employ individuals who were involved to some extent in historic suspension, investigation and prosecution of postmasters. Colleagues who have performed such roles in the past have themselves raised concerns, particularly about how that could be perceived by postmasters or colleagues, or portrayed in the media.
2. As some colleagues are already aware, there is work ongoing to identify roles of particular concern – for example, where colleagues have worked in such roles in the past and are today working in roles which are postmaster-facing or are [to some extent/materially] involved in matters affecting postmasters - and to explore whether individual roles create a risk and, if so, the appropriate way to manage that risk.
3. In carrying out this work we are acutely aware of the duties we owe to our colleagues, and the views of our trade unions. We also recognise that, in the vast majority of cases, employees who have performed such roles in the past will have carried out their duties according to instructions given to them by the business at the time, and in the belief that Horizon was robust.
4. Therefore, careful consideration will be given to these cases and [all efforts should be made to safeguard employment/employment will be protected]. It is anticipated that, in some cases, it will be agreed that redeployment from current roles should be considered in discussion with the employees and their trade unions, where appropriate [and where suitable alternative employment is available].
5. In the meantime, POL reminds colleagues that it has a conflicts policy and that no employee should be working on matters now where any past role performed by them would generate a conflict or compromise their views or the work they are doing to support postmasters in any way. If colleagues are at all concerned that they are working in a role that puts them at risk in any way, they should raise their concerns with their line manager and appropriate support will be provided.

¹ These are themes for internal communications. External comms will be adapted accordingly in current context/any responses or Q&A, for example.