

## GLO Compensation Scheme

### Terms of Reference of the GLO Scheme Independent Panel (the ToR)

The Government announced the ex-gratia Group Litigation Order (**GLO**) Compensation Scheme (the **Scheme**) on 22<sup>nd</sup> March 2022 with the objective of ensuring postmasters who were part of the GLO and not eligible to seek compensation from the Post Office have access to fair compensation for their Horizon-related losses. The Scheme will be run and delivered by the Department for Business and Trade (**DBT**). The terms of the scheme are described in its [Guidance and Principles](#) (the **Guidance**)<sup>1</sup>.

#### A. Overriding Objective

1. The Independent Panel (the **Panel**) will apply its independent judgement to individual cases, applying the Principles subject to the overriding objective of achieving full and fair compensation.
2. Where claims are referred to the Panel, it will aim to assess eligible claims in a timely manner having regard to the need to ensure sufficient care and consideration is given to each claim to provide a fair assessment.

#### B. Composition and Governance

##### Membership

3. Dentons will have responsibility for the appointment of Panel members and will identify and instruct the Panel.
4. The pool of Panel members shall comprise:
  - i. legal specialists (for example, a senior barrister such as a KC);
  - ii. forensic accounting specialists;
  - iii. retail specialists; and
  - iv. medical specialists.
5. Given the volume of claims, it may be necessary to convene multiple Panels, all of which will meet the ToR as set out here.
6. Should multiple Panels be required, it is expected that all Panel members will have similar levels of qualifications and experience in their respective fields.

##### Quorum & Decision-making

7. A Panel meeting will only be quorate when a minimum of three Panel members are present (in person or remotely) comprising at least a combination of a legal specialist, a forensic accounting specialist and either a retail specialist or a medical specialist, depending on the specifics of the case.
8. The Panel will use its best endeavours to reach a unanimous agreement in relation to the compensation to be awarded to each claimant by discussing their views and sharing their rationale for their individual opinions.

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9. In the exceptional circumstance where a majority decision cannot be reached as to the simple quantified outcome (including an outcome of no compensation) in relation to any head of loss within a claim, the amount of the outcome shall be the simple average of the decision of each Panel member as to the relevant amount of compensation.

## Meetings

10. Panel meetings are to be convened by the Panel and Reviewer Liaison from Dentons (the **P&R Liaison**) who shall also have responsibility for the administrative arrangements, including sending meeting invitations and providing meeting room facilities as required.
11. For each claim the Panel considers, it will be provided with the supporting materials (excluding written submissions prepared by each party) necessary to consider the claim a minimum of 11 working days prior to the first Panel meeting at which it is to be considered. The written submissions of the parties will be provided upon receipt and at least seven working days before the first Panel meeting.
12. Notice of each Panel meeting will be given to the relevant Panel members at least 11 working days before the Panel meeting.
13. Panel meetings shall be held remotely (by telephone or other electronic means), so long as all participants can contribute to the meeting simultaneously, save in exceptional circumstances which require that the Panel hold the meeting in person. If any attending Panel member wishes the Panel meeting to be held in person, they must send a written request to Dentons four working days prior to the meeting. Dentons will consider any request from an attending Panel member to hold the meeting in person and will make a decision as to the appropriateness of that request (which will include a consideration of whether the Panel members are able to make arrangements to comply with that request). A standing Secretariat to the Panel (the **P&R Liaison**) will be provided by Dentons.
14. The Panel will aim to convene on a weekly basis following the commencement of the Scheme, with ad hoc or additional standing meetings to take place as required and subject to the agreement of the Panel members. This frequency is subject to review in the light of the number of cases expected to require Panel review.
15. In reviewing the claim, the Panel will follow the Assessment of Claims process as set out at paragraphs **19 to 22 below**.
16. In relation to the first Panel meeting, the P&R Liaison will prepare a letter for each respective claim which records:
  - a. the Panel's non-binding assessment and outcome; and
  - b. brief reasons that clearly explain the assessment, as decided by the Panel at the meeting.
17. The P&R Liaison will then send the letter to the Panel's legal specialist for approval within five working days of the meeting. After receiving approval from the Panel's legal specialist, the allocated Claims Facilitator from Dentons (the **Claims Facilitator**) will then issue the letter to the parties.

18. In relation to the second Panel meeting (if required), within five working days of the second Panel meeting, the Panel will send a written, binding decision to the P&R Liaison who will then send this to the Claims Facilitator to be issued to the parties.

### **C. Assessment of Claims**

19. The Panel will assess claims that:

- a. are eligible for the Scheme; and
- b. are presented to the Panel by the P&R Liaison.

20. In advance of the Panel's first meeting, the Claims Facilitator will set out the parties' positions on each issue, as refined in the light of the discussions facilitated by Dentons, and present them to the Panel (in a user-friendly format that has been agreed with DBT), accompanied with the relevant underlying principles and scheme documents. The Panel will also receive a copy of the relevant claimant's claim application form and other supporting materials (as referred to at paragraph 11 above).

21. The Panel in assessing claims will be guided by considerations of fairness and will apply the principles set out in the Guidance, subject to the overriding objective of achieving full and fair compensation and taking a holistic view of the claim.

22. When assessing the compensation payable in respect of the heads of loss for a particular claim, Panel members constituted for that claim should focus on those heads of loss where there are areas of disagreement between the parties. Where a claimant is legally represented, the Panel is not required to make any decision in respect of the compensation payable for heads of loss which are agreed between the parties, but has the discretion to do so if it deems necessary.

23. If the Panel considers that further evidence (which may include expert evidence amongst any other types of available evidence) is necessary to enable it to reach a decision, the Panel can request further evidence to be sought by the claimant or DBT in accordance with the procedure set out in paragraphs 24, 25 and 26 below (as applicable). Any additional expert evidence sought will be done so in accordance with the agreed [Tariff of Reasonable Legal Costs](#)<sup>2</sup>..

24. If in the exceptional circumstance, upon receipt of instructions in relation to an eligible claim, any Panel member considers that they are unable to form a view on a head of loss that they have the expertise for without further evidence, the Panel member should notify the P&R Liaison as soon as possible. The P&R Liaison will then communicate this to the other Panel members allocated to the claim in order to determine whether there are any other heads of loss which any other Panel member considers they are unable to form a view on without further evidence and whether the Panel can form a view on any heads of loss of the particular claim.

25. If, in the further exceptional circumstance, it becomes apparent that the Panel are unable to form a view on the entirety of the eligible claim without further evidence, the P&R Liaison will write to the Panel members constituted for that claim and will

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seek agreement on the adjournment of the first Panel meeting pending receipt of further evidence. If agreement is not reached on the adjournment prior to the first Panel meeting, this should be discussed by the Panel as the first agenda item during the first Panel meeting and if required, a vote should take place on the adjournment of the meeting. Each Panel member shall have one vote and the first Panel meeting will be adjourned if at least two Panel members vote to adjourn the Panel meeting. If the first Panel meeting is adjourned, the Claims Facilitator will inform the parties and will request that this further evidence is provided by a specified date. The first Panel meeting will be adjourned until the sought evidence has been provided or the deadline to provide this information has passed.

26. If the Panel requires further evidence in relation to a discrete head/s of loss but the Panel has sufficient information to form an initial view regarding the other heads of loss, the Panel should provide its initial view on the heads of loss it is able to provide a view on and may choose to provide no view in relation to the head/s of loss it requires further information in respect of. The Claims Facilitator will then seek this further evidence when providing a copy of the Panel's initial view.
27. For cases going to a second and final Panel meeting, Dentons will use best endeavours to ensure that it is considered by the same members of the Panel as at the initial meeting.

#### **D. Fees**

28. DBT is liable for the Panel's fees and disbursements.

#### **E. Review and Approval**

29. If either DBT or any of the Panel members deem it necessary to develop new principles or amend existing principles, they should send such a request to the P&R Liaison Lead, identifying the existing principle(s) which they deem necessary to amend or the new principle(s) they deem necessary to develop, and the reason for this. The P&R Liaison Lead will then consult all Panel members on the proposed amended or new principle(s). Following this consultation, DBT reserves the right to determine whether and how the principle(s) will be amended or developed.
30. This version of the Terms of Reference was approved by DBT on 11 November 2023.