

Sophie, Andrew

As discussed, please see attached a brief note for Baroness Neville-Rolfe on a recent development on the Post Office Horizon issue. No action is required at this stage, and we consider that this represents the latest in a number of threats to bring class action against Post Office which have come to nothing. However I would be grateful if the Minister could see this over the weekend.

Post Office Horizon: update

The Justice for Subpostmasters Alliance (JFSA), who are the campaign group on the Horizon issue, have announced on their website that they are preparing for Group Litigation against the Post Office. They have appointed a legal firm, Freeths Solicitors, and are appealing for individuals to come forward to join the action. So far no letters have been sent to Post Office regarding the proposed group action.

This is not the first time that the JFSA have mooted a group action against the Post Office: the most recent was in December 2014, where solicitors Edwin Coe issued a press release saying that a group action was being prepared, but no further action was taken. JFSA have also threatened legal action with solicitors Howe & Co and Shoosmiths, but again this has come to nothing, particularly given the evidential challenges involved with the case (Second Sight have not uncovered any systemic faults with Horizon despite three years of investigation).

This is not an unexpected development – the previously vocal campaign has been quiet lately, since the Panorama programme in August 2015, so it comes as little surprise to Post Office that this is being proposed again. Officials share this view – indeed, our lines to date have emphasised that legal options remain available to individuals, particularly where mediation was not appropriate or has not been successful, and that Government should not intervene while those options remain unexhausted.

We do not expect to receive any press enquiries on this, but if we do, we recommend maintaining our current response that this is a matter for Post Office and directing queries there.

It remains the case that actions are underway to seek resolution on this matter: the Criminal Cases Review Commission (CCRC) are reviewing c.20 applications; Post Office continue to make progress with mediations, with a resolution rate of c.50% to date; and Tim Parker is conducting his review of this matter having taken up his role in October.

As a further update on Tim's review:

- Tim has appointed a QC who is assisting him with the review. The QC is Jonathan Swift of 11 King's Bench Walk, who was previously First Treasury Counsel for the Government (2006-2014) and has a wide range of experience across public law.
- Tim now has meetings in the diary to meet Lord Arbuthnot and representatives from Second Sight (as separate meetings). He is also likely to meet Mr Alan Bates who is the head of the JFSA campaign group.
- Tim is keen to look into this thoroughly but promptly, and we recommend you arrange to meet him early in the New Year (as your diaries allow) to discuss his findings.

Finally, Oliver Letwin has written you a short note, copied to Andrew Bridgen, asking for an update on your meeting with Second Sight and on Tim's review. We will provide a draft reply shortly.

Thanks

Laura