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## Quarterly Review: Horizon Shortfall Scheme and Overturned Convictions

7 March 2024

### Attendees

Department for Business and Trade	Post Office Ltd	UK Government Investments
Carl Creswell (CC) Beth White (BW) Charlotte Heyes Amanda Mcmenamin Emily Snow Ciara Lawrence Harry Fallowfield (HF) Paul Harding	Simon Recaldin (SR) Neil McDaid (NM) Catherine Connolly (CCo) David Firth (DF) Evelyn Hocking George Day Jamie Tebbutt	Lara Olasebikan Madeleine De Matteis Matthew Nelson Hilton Nicola Munden (NMu) Richard Paddington Paul Murray Steve Barlow Pamela Heap (PH)

### Overturned Convictions

#### **Item 1 – Bill Update**

CC introduced Charlotte Heyes and Amanda Mcmenamin, who are working on the implementation of the Bill. CC provided an update on the timing of the Bill, where final drafting is being finalised. Most policy positions are now settled and set out in the Written Ministerial Statement by Minister Hollinrake. There is continuing discussion around how quickly the Bill will go through Parliament.

CC updated that Capture is not on the face of the Bill and conversations are ongoing regarding whether Capture issues are dealt with via Detriment. CC updated on the meeting with Kevan Jones MP and confirmed conversations with MoJ/CCRC are ongoing in order to determine whether Capture appeals can be grouped.

CC noted the Business and Trade Committee report pointed towards amendments for legislative timelines and that Ministers will need to formally respond to the report within 2 months. SR commented that the recommendations in the report are reasonable and mostly enacted (bar the publication of bandings). SR said it is likely Nick Read will write to factually update the Committee and CC said it would be useful to be joined up on factual updates.

CC noted that the Advisory Board's minutes had said legislative deadlines would not be useful.

CC and SR both reflected on disconnect between funding available vs number of claimants who have come forward to claim, and agreed the need for POL and DBT to process claims as quickly as possible.

#### **Item 2 – next quarter's priorities**

##### *Appeals*

DF provided an update on criminal appeals. There has been a significant uplift in potential future appellants enquiries about appeals following the ITV drama. A number of enquiries relate to the pre-Horizon period (as far back as 1970s). POL is responding to enquiries to advise that postmasters can appeal if they wish and where appropriate adding wording that the legislation is upcoming but it is up to Parliament whether the legislation will apply to their conviction.

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There has also been a marked increased in number of disclosure requests and appeals in progress.

DF updated that where POL would be required to oppose an appeal (following previous court judgments), POL is seeking to adjourn the cases with claimant representative agreement, given the legislation.

SR asked when the convictions would be quashed by legislation. CC confirmed it would be on commencement, with administrative processes to follow. CC raised the issue of POL disclosures for this cohort. SR commented it would be useful to know whether disclosure is needed for £600k.

### Legal Privilege

# Legal Privilege

*Redress delivery*

NM provided an update on delivery of redress, noting c.£20m of the £39m paid out is in fixed sum awards. 4 requests for the £450k top-ups have been submitted. POL continues to progress submitted claims as quickly as possible.

### Item 3 – AOB

CC updated from his meeting with Neil Hudgell, which discussed the low number of claims coming forward. Sir Gary Hickinbottom has reported that it may be due to claimants' ability to engage with the claim submission process. SR commented that the Advisory Board's minute on the delivery of OC (courts cohort) may be having an impact and the position needs to be clarified. CC said we would need to respond to the Select Committee report and consider how it will impact the ability to deliver redress swiftly. CC thanked the POL team for the continued work.

Horizon Shortfall Scheme

### Item 1 - Late Applications

CC outlined that Post Office had received 1,208 late applications as of 5 March with new claims coming in daily. 525 eligibility checks have been completed with around 12% of claims being ineligible, which is similar to the overall scheme eligibility rate.

POL are working to update the provision to reflect the uptick in claims and the expected forecast going forward. This will be shared with DBT when completed. It remains difficult to estimate how many further late applications will come in so there will be a high degree of uncertainty around the forecasts.

### Item 2 - Dispute Resolution

In terms of accelerating DRP cases, PH informed the meeting that they have sent a paper to the Remediation Committee (RC) with a handful of new initiatives. This includes options to streamline the process where possible and simplify the post-offer principles to improve flexibility and help to settle claims more quickly. There would also be a commitment to reduce the target from 120 days to 58 days for DRP cases. This would necessarily involve the introduction of timelines for claimants and their representatives to respond at different stages. These proposals are expected to be shared with DBT for approval in the coming weeks.

### Item 3 - AOB (HSS Fixed Sum of £75,000)

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A discussion was held regarding the prospective £75k lump sum announcement and the associated top up offer. POL requested more details on who will be eligible and what the precise criteria are for claiming. CCo explained that POL are expecting lots of queries. HF indicated that DBT would work closely with POL on the implementation to ensure that outstanding questions can be worked through and that the process could be rolled out smoothly following the announcement.

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