

## Monthly Monitoring Meeting – Overturned Convictions and Horizon Shortfall Scheme 1 August 2024

### Attendees:

Department for Business and Trade	Post Office Ltd	
Ciara Lawrence (CL)	Andrew Mortimer (AM)	Madeleine De Matteis (MM)
Ellen Wasden (EW)	Catherine Connolly (CCo)	Matthew Nelson Hilton (MNH)
Mick Carling (MC)	Caroline Whitehall (CW)	Mark Durrans (MD)
Katie Carr (KC)	David Firth (DF)	Neil McDaid (NMc)
Richard Howard (RH)	Evelyn Hocking (EH)	Neil Davey (ND)
Ross Fielding (RF)	George Day (GD)	Nigel Machin (NM)
Eleri Wones (EW)	Jamie Tebbutt (JT)	Nicola Munden (NMu)
Liam Butler (LB)	Ken Kyriacou (KK)	Pam Heap (PR)
Harry Fallowfield (HF)		Paul Murray (PM)
Beth White (BW)		Richard Paddington (RP)
Ellen Wasden (EW)		Sarah Lambert (SL)
		Simon Recaldin (SR)
		Susan Sannachan (SS)

### **Overturned Convictions**

#### **Item 1: HCRS Launch**

- The HCRS was launched Tuesday 30 July 2024 and received 183 registrations on the first day. Of these, 176 were from Hudgell and 7 were self-identified, with 6 of the latter lacking legal representation. An additional five registrations have been received since the initial count. Special efforts are being made to ensure that claimants' questions are answered promptly.
- MoJ have been effectively supporting DBT well and is now coordinating with the Northern Ireland Department of Justice and the Scottish Government, who have provided information on identified individuals.
- POL inquired about the protocol if there is evidence of an offense but no evidence of an actual conviction. MC responded that they would refer back to the written court records for the most accurate information. If no evidence is available, MC will investigate this part of the process further. POL highlighted that they have previously encountered these issues and stressed the importance of resolving them to prevent future complications.
- NMc congratulated the team on the launch and confirmed that the 30K + VAT fee is fixed. MC explained that for those accepting the £600K fixed amount, DBT will not cover disbursements. For claims exceeding £2.5m, solicitors can request a fully assessed costs evaluation. POL is available to assist.
- To align with HCRS, the OC interim payment has increased from £163K to £200K. Letters will be sent out to inform recipients of the adjustment.

#### **Item 2: OC Case Progression**

- Since the last meeting, 7 more claims have been settled, reaching the 50% milestone. Additionally, 2 new claims have been received, including a joint OC-GLO claim. Sightings meetings have been held and found useful.

- HROC has approved the **Legal Privilege** **Legal Privilege**. HSF are drafting a letter but will review with DBT before it is issued. Careful communication is necessary for high-profile reassessed claims.
- POL is currently **Legal Privilege**  
**Legal Privilege**
- Case management meetings with Sir Gary are proceeding for CC-033 and CC-046. POL will report back on these meetings.

### Item 3: Post Office Spending Forecast

- RH discussed the new forecasting process implemented a few months ago, emphasising the importance of POL providing accurate and timely data. POL acknowledged the challenges in forecasting but recognises the need for accuracy.
- RH highlighted the importance of maintaining good relationships with HMT and their request for monthly forecasts. Accurate forecasts are essential to ensure DBT secures the necessary funds, avoiding under or overbidding that could lead to departmental fines or loss of credibility. RH suggested that POL and DBT review forecasts together a week before tender submissions.

### Item 4: AOB

#### Articles of Association

- POL thanked DBT for the previous approval received.

#### Pensions of Head of Loss

- POL stressed the need for a consistent approach across GLO, HCRS and OC, based on analysis conducted by the POL team. CL will discuss this further with POL in a subsequent meeting.

#### Supporting the Inquiry

- POL expressed their willingness to assist with the inquiry, noting that there is significant activity in this area.
- The inquiry will commence 23 September. The running order is currently unknown. POL will update DBT once more information is known.

### Horizon Shortfall Scheme

#### Item 1: Spending Forecast

Attendees discussed subsidy control implications for interventions made on the HSS.

ND and RH agreed to discuss what else Post Office needed from DBT in terms of funding commitment. ND and CW suggested that a Post Office/DBT workgroup group was formed to ensure a decision could be reached quickly.

## **Item 2: Late applications case progression**

SR highlighted that Post Office were taking the fixed back letter to HMC on 06 August. In regard to the fixed forward work, KK highlighted that there were 300 claimants who have an offer which they had not yet accepted – and this cohort would need to be informed that their offer will be increased in value to £75,000. KK explained that the next step after that would be to write out to other postmasters inviting them into the scheme and it was important to finalise what would be included in that letter – and whether any comment would be made around a scheme closure date.

In terms of a general update on late applications, KK highlighted that applications were still being received, but at a much-reduced rate. Post Office's focus of late has been on conducting eligibility checks, with HSF/POL conducting 50/60 checks a week (a significant increase in volume). The next focus will be on RFI's, as 660 cases were either in a position where they require one or have not returned one that has been issued (260 are yet to revert with a response). KK flagged that there was a bottleneck in terms of panel availability in August, but this should be resolved in September. Post Office would also be conducting a larger exercise on how it could speed up full assessment automation, especially given that there was likely to be another influx of cases once Post Office had completed the final write-out.

SR highlighted that HSF were increasing their resource to deal with inflow but Post Office were assessing how much HSF resource was needed to ensure there was no wastage. A plan was being developed to ensure this.

## **Item 3: DRP update**

SL highlighted that Post Office had created a spreadsheet with all of the cases represented by Hudgell Solicitor, categorising where they are at in the process. This will be shared with Neil Hudgell prior to a meeting where Post Office/Hudgell will discuss progress on his cases and agree a route forward for those where progress had halted. Post Office would then be able to work with HSF to understand how many panels reflows were required, and it would also be able to understand how many cases were likely to go to mediation (and whether anything could be done to resolve the case prior to that – saving money in the process).

## **Item 4: AOB**

### **HSS end date progress**

SR queried what needed to be done to finalise the question around a HSS closure date. HF confirmed that this was with DBT unless Post Office's position had changed – DBT were working towards a closure date of March 2025, although this would need to be reconsidered if this could not be announced soon. Ideally news on the closure date would be combined with the final mailout to potential claimants. DBT were working to get Minister Thomas signed up to a March 2025 date this month and once confirmed, DBT would revert to Post Office on this. SR thanked HF for the update, noting that if letters were to go out e.g. in November, it may be seen as aggressive to close the scheme three/four months later.

**Appeal process progress**

HF explained that Minister Thomas had confirmed content with the idea of an appeals process and that advice was now will the Secretary of State for consideration. The next step following SoS consideration would be to submit a funding request to HMT. This would be submitted in August although it was expected that the decision would take some time given wider budgetary concerns. Ideally DBT was looking to announce it prior to the next phase of Inquiry hearings. HF explained that there were design questions that would need to be worked out between DBT and Post Office, but the initial announcement would only refer to the fact that DBT is looking to introduce this process, with wider questions to be ironed out in the coming months.

KK noted that this could potentially tie in with the announcement of the closure date with SR noting that this would be very neat.

CW queried what the eligibility criteria for an appeals process would be. HF highlighted that the process would be loosely based on that used for the GLO scheme, but no specific advice on eligibility had been provided to the minister as of yet. HF noted however that the DBT Policy team envisaged that it would be targeted at claimants who felt unable to set out their claim fully the first time around. With that in mind, there was a question as to whether claimants who had been through the DRP would be eligible. Beyond this, eligibility criteria was TBD.

CW thanked HF and highlighted that Post Office were keen to support where possible.

**£50k minimum payment for declined offers £75k offers**

SR also highlighted that there was also a question around the £50,000 minimum payment for those who choose to go down the full assessment route but receive a Panel-reviewed offer of <£50,000, and how this was communicated.

HF highlighted that DBT/POL would need further discussions on the £50,000 but it was Minister Thomas' preference that this was in place. KK highlighted that it was important to clarify at what point in the process it is evident as an option. HF and KK agreed to pick up separately along with work on the application form as part of the wider comms piece.

**Paul Marshall cases, including a non-Horizon case**

SR explained that he was engaged with this and was working colleagues to revert to Paul Marshall on Monday 5<sup>th</sup> August.

**Strategic Partner Claims**

SR highlighted that he was aware that DBT/Post Office were engaged on this but queried next steps. CW highlighted that Nigel Machin was to revert imminently to DBT on the questions it had asked.