

CONFIDENTIAL AND WITHOUT PREJUDICE

[CLAIMANT]

and

POST OFFICE LIMITED ("POL")

WITHOUT PREJUDICE SUMMARY OF NON-PECUNIARY LOSSES CLAIMED

This document is intended as a tool to assist you/ your client in providing the details that are likely to be helpful for POL to assess non-pecuniary damages as quickly, accurately and fairly as possible.

The information referred to in this document is not necessarily required in all cases and is not intended to be exhaustive.

If there are any other details or information that you or your client considers relevant to their claim, we encourage you to provide this information and our client will consider all information received as appropriate.

1. BACKGROUND

1.1 POL is likely to hold details regarding your prosecution and conviction. However, it would be helpful if, in your own words, you could briefly provide relevant background, for example:

1.1.1 Please provide details of your employment at the Post Office. When did it start, how long were you employed, and when did issues begin to arise that led to your prosecution?

1.1.2 Please provide details of the audit, investigation and interview.

1.1.3 What date were you formally suspended or terminated from Post Office?

1.1.4 What were the charges initially brought against you?

1.1.5 Please provide details of the prosecution process for example, the various court appearances, disclosure sought, plea bargains offered etc.

1.1.6 Please provide details of your conviction (i.e. which offences were you convicted for and did you plead guilty/ not guilty) and details of your sentence.

1.1.7 When was the conviction quashed?

1.1.8 Please provide any other details you consider relevant.

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2. INJURY TO FEELINGS, MENTAL DISTRESS AND DAMAGE TO REPUTATION

2.1 This head of loss is aimed at compensating claimants for the non-pecuniary injury to feelings, mental distress and damage to reputation caused by their wrongful convictions. The following list of questions are likely to be relevant to the assessment of this head of loss:

2.1.1 What was your reputation like prior to your prosecution? For example:

(A) Were you well known in the community?

(B) What was your relationship like with your friends and family prior to your prosecution?

2.1.2 How widely was the prosecution publicised? For example:

(A) Was the prosecution covered in national or local media?

(B) Do you recall what was said about you in any such coverage?

(C) Were you ever recognised or contacted by third parties in relation to the media coverage?

2.1.3 Were you ostracised by your local community or did you experience any negative comments in public? If so, please provide details or examples.

2.1.4 How long did it take for your conviction to be overturned?

2.1.5 How did the prosecution impact on your relationships with your friends and family?

2.1.6 How did the prosecution impact on your finances? For example, were you made bankrupt or subject to any other insolvency proceedings?

2.1.7 Please provide details of any other distress or damage to reputation, or any other information, that may be relevant to this head of loss.

2.2 Typical Sum Offered to Eligible Claimants: £45,000-60,000

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3. **LOSS OF LIBERTY**

3.1 This head of loss may be available to claimants who received and served a custodial sentence (i.e. in prison), or had their liberty restricted in any other way such as a non-custodial community service or probation order.

3.2 Different information will be relevant to the assessment of the quantum of this head of loss depending on whether there was a custodial sentence or non-custodial sentence.

3.3 If you were given a **custodial sentence** (i.e. an order of imprisonment):

3.3.1 What was the length of your sentence and how much of it was served?

3.3.2 Which prison, or prisons, did you spend time in? If time was spent in multiple prisons, how long was spent in each prison?

3.3.3 If known, what category of prison did you spend time in i.e. was it a Category "A", "B", "C", or "D" prison?

3.3.4 If the category is unknown, was it a "closed prison" or "open prison"?

3.3.5 Were there any other restrictions on your liberty as a result of the prosecution, for example electronic tagging after your release or after initial arrest?

3.3.6 Please provide details of anything else you consider may be relevant to the assessment of this head of loss.

3.4 **Typical Sum Offered to Eligible Claimants: £50,000-£80,000**

3.5 If you were given a **non-custodial sentence** (i.e. an order which did not involve imprisonment):

3.5.1 What was the sentence?

3.5.2 How much of the sentence was served? For example, how many community service hours or probation meetings were completed before the sentence was discharged?

3.5.3 Please provide details of anything else you consider may be relevant to the assessment of this head of loss.

3.6 **Typical Sum Offered to Eligible Claimants: £5,000-£10,000**

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4. **PSYCHIATRIC INJURY (IF CLAIMED)**

- 4.1 This head of loss is claimed by those who suffered from a recognised psychiatric injury caused by the prosecution.
- 4.2 In order for POL to consider a claim for this head of loss, it requires evidence in the form of a medical report prepared by a suitably qualified expert. This report will have to be compliant with Part 35 of the Civil Procedure Rules.
- 4.3 POL may make an offer in respect of this head of loss if the medical report concludes that:
 - 4.3.1 You have suffered a recognisable psychiatric injury which meets the relevant clinical threshold.
 - 4.3.2 In the opinion of the expert, this injury was caused by the prosecution.
- 4.4 In order to comply with Part 35, the medical report will need to:
 - 4.4.1 Be addressed to the Court;
 - 4.4.2 Include details of material instructions provided to the medical expert;
 - 4.4.3 Include a signed statement of truth (in the form provided by Part 35); and
 - 4.4.4 Include a statement that the expert understands and has complied with their duty to the court.
- 4.5 This list is not intended to be exhaustive. The rules themselves are publicly available online at <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part35#IDAHO0HC>.
- 4.6 If there is any other information or relevant evidence (such as GP records) that you wish to provide, please do so.
- 4.7 When assessing any offer for this head of loss, POL will apply criteria set out in the Judicial College Guidelines ("JCG") (16th Edition), a copy of which is enclosed for your information.
- 4.8 **Typical Sum Offered to Eligible Claimants: NA (refer to JCG)**

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5. **LOSS OF CONGENIAL EMPLOYMENT**

5.1 This head of loss is intended to compensate claimants for the loss of personal satisfaction, enjoyment or status derived from their previous employment as a result of the prosecution. The following questions are likely to be relevant to the assessment of this head of loss:

5.1.1 For how long were you employed at the Post Office?

5.1.2 In your own words, please describe the level of satisfaction, enjoyment and status you derived from your position in the Post Office prior to your prosecution.

5.1.3 If it were not for the prosecution, when did you intend to retire or resign your role at the Post Office?

5.1.4 If applicable, were you able to continue running the retail part of your business following your prosecution?

5.1.5 Have you been employed elsewhere following your conviction? How do these roles compare to your prior role at Post Office?

5.1.6 Please provide any other details you consider may be relevant.

5.2 **Typical Sum Offered to Eligible Claimants: £8,000- £15,000**

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6. **AGGRAVATED DAMAGES**

6.1 Aggravated damages are awarded to supplement ordinary damages when a case has aggravating features resulting in a claimant not receiving sufficient compensation for the injury suffered. POL has in principle decided to make an offer in respect of aggravated damages for most claimants where it was the prosecuting authority.

6.2 There are a number of aggravating factors that are common to most or all claimants such as:

6.2.1 The prosecution or investigation team assumed that any apparent shortfall was due to dishonesty, without it first being established whether there was any real shortfall;

6.2.2 Arrest and prosecution were preceded by a demand for repayment of all unexplained shortfalls;

6.2.3 Claimants were excluded from running your own business purely on the basis of unexplained shortfalls;

6.2.4 Claimants were prosecuted by your own employers;

6.2.5 Claimants experienced aggressive defence of the reliability of Horizon by Post Office over a number of years (e.g. in the GLO proceedings).

6.2.6 The prosecution insisted that it would not accept a guilty plea to the offence of false accounting (being considered to be less serious than the offence of theft) unless you undertook not to attribute the shortfalls to failing of the Horizon IT system.

6.3 The following additional questions may be relevant:

6.3.1 Do all the common factors noted above apply to your case? If not, which of these are not applicable?

6.3.2 Are there any other examples of aggravating or high-handed conduct by the prosecution in your case? For example:

(A) Were you subjected to aggressive interviews or searches by investigators?

(B) Did POL try to pursue civil remedies against you in addition to prosecution for claiming shortfalls?

(C) Were the proceedings against you delayed or protracted for any reason?

(D) Were you prosecuted more than once?

6.3.3 Is there any other information you think may be relevant to the assessment of this head of loss? If so, please provide details.

6.4 **Typical Sum Offered to Eligible Claimants: £30,000-£50,000**

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7. EXEMPLARY DAMAGES

- 7.1.1 Exemplary damages are not compensatory in nature and are instead a special form of damages designed to punish the commission of the underlying tort. Additionally, this head of loss relates to POL's conduct as a whole rather than in individual cases.
- 7.1.2 The principles regarding quantifying this head of loss are complex and not easily applied to the unique and complex circumstances of this matter. However, POL's position is that an appropriate figure for each claimant would be £75,000 (as independently assessed by Lord Dyson in the Early Neutral Evaluation).
- 7.1.3 Therefore, unless you disagree with Lord Dyson's assessment, no further information is required for this head of loss, other than confirmation that you are issuing a claim for exemplary damages.

7.2 Typical Sum Offered to Eligible Claimants: £75,000

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SUMMARY OF SUMS CLAIMED

Non-Pecuniary Loss	Sum Claimed
Mental Distress and Loss of Reputation	
Loss of Liberty	
Psychiatric Injury (if claimed)	
Loss of Congenial Employment	
Aggravated Damages	
Exemplary Damages	
Total	