



13 November 2024

Dear Carl

**Subject: HSS Appeals Process**

Firstly, thank you for enabling the NFSP to feed into Horizon Shortfall Scheme appeals process. We are grateful that Government are looking at such a process as it has become clear that many were unaware of the full aspect of what could be claimed for.

In your letter to the NFSP on the 22nd of October 2024, you highlight three areas that Government are looking at in relation to the appeals process. These are:

- Provide full and fair redress
- Deliver outcomes quickly and efficiently
- Be transparent and straightforward to engage with.

The NFSP will aim to provide feedback in relation to each of these areas below.

**Provide full and fair redress**

The Post Office Horizon IT Inquiry First Interim Report: Compensation 17 July 2023 page 60 states, *"Howe & Co who act for 10 individuals pursuing claims for compensation within the HSS...they have repeatedly asserted that HSS has been operated so as to cause undue delay with consequent significant and unwarranted anxiety for their clients."* There are similar suggestions from both Hudgell's and HJA who also act for claimants in respect of the scheme. It is therefore important that the HSS has the ability to enable full and fair redress.

We are also aware in some cases those who have been declared bankrupt or entered company voluntary agreements (CVA) that their debtors, even if these debts have subsequently been cleared, are provided with payments in any subsequent claim before the claimant receives any redress from what they have experienced.



With that in mind the NFSP suggests the following:

- The lower limit for de minimis is raised to reduce the number of cases that come through to appeal
- That the selection criteria for the Panel be revised to enable initial offers to be more in line with the actual claim to reduce the number of claims returning via the appeals process
- Reasonable costs in submitting a claim are provided from the outset. This could be for
  - Forensic accountant
  - Legal advice so that heads of loss are included from the beginning
  - Medical report being assessed and provided
- The ability for any claims to include the clearing of any bankruptcy or CVA before any redress is added to the claim

### **Deliver outcomes quickly and efficiently**

*The Post Office Horizon IT Inquiry First Interim Report: Compensation 17 July 2023* states on page 44, “it is of concern to me that apparently, a significant number of complex cases remain to be resolved between 30 months and three years after they were first submitted to the Post Office.” This would show that greater consideration to delivering outcomes quickly and efficiently within the HSS needs to be a provided.

Indeed, in dealing with our colleagues who are involved in the schemes, for some, speed of outcomes, has been an issue.

Therefore, the NFSP would recommend improvements to the following:

- Greater resources be put in place in terms of the Panel so that they can handle more than the recorded 5-10 cases per week
- Claimants being provided access to more forensic accountants
- Less complexity around medical reports
- Introduce a Service Level Agreement (SLA) ensuring that any appeals case is dealt within a specified time period.

### **Be transparent and straightforward to engage with**

This is an area the NFSP hears repeatedly from claimants to the HSS. We are also concerned that despite the judgements of Fraser LJ and the work of the Inquiry over the last three and half years, the question of the HSS being transparent and straightforward to engage with is being asked. As an example, in one case, we heard of a claimant being written to in relation to their claim, with a request for 107 additional questions.

Claimants also highlight that despite the time it can take to provide evidence or complete the application of their claim, the initial offer does not appear to bear any resemblance to



what they have actually claimed. This results in additional stress and frustration to the claimant.

To help with improvements within this area, the NFSP suggests the following:

- Devise a digital case management system that a claimant can access. This will detail all information that has or is required to be submitted by the claimant and a timeframe of when their cases will be dealt with
- Appoint a case file manager to liaise with the claimants and their representatives so that any aspect of the submission of their claim can be discussed.
- Clear explanation of why a decision has been made at all stages of the claim. This will enable the claimant or their representatives to understand why a decision has been made.
- Easier and quicker access to mediation so that issues can be resolved more fairly and promptly

For the HSS, the minimum payment of £75,000 has been announced. However, if someone appeals this minimum offer, then they could end up with less, which could be argued is persuading applicants not to appeal. The NFSP suggests further options below:

- For any claim above £75,000, irrespective of the decision by the Panel, the £75,000 should be provided and the ability to appeal the difference can be examined through any appeals process.
- The NFSP does not believe that husbands, wives or business partners etc who have a financial interest in the business should be treated as third parties and therefore excluded from any consideration of an offer.

It is disappointing to hear the witness statement of Kemi Badenoch on Monday the 11th of November, when she blamed the slow process of providing redress for victims in part on what she called the “government machine”. The NFSP is concerned that it is now more than five years since Fraser LJ’s Common Issues ruling, yet those who have experienced financial detriment are still awaiting redress. In this, the NFSP provides the above by way of helping speed up redress by encouraging that greater resources are provided to the HSS to prevent too many cases requiring appeal.

Yours,

Yours sincerely,

Calum Greenhow, CEO NFSP