



Private and Confidential

CW-F-09 v1.0

Simon Recaldin
Director Historical Matters
Post Office
20 Finsbury Street
London
EC2Y 9AQ

Your ref:
Our ref: 00660/2021

22 June 2022

Dear Mr Recaldin,

RE: Post Office Limited (POL) disclosure to the Criminal Cases Review Commission (CCRC)

Thank you for your letter, dated 8 June 2022, and for the update you have provided regarding the serious disclosure failings which occurred in Mrs Bontoft's case.

As you recognise in your letter, it is highly regrettable that POL did not identify and disclose the relevant case material to the CCRC earlier. By service of a statutory notice under section 17 of the Criminal Appeal Act 1995 the CCRC had required all case material to be provided and was assured by POL that none existed for the case in question. Clearly that was incorrect. The CCRC later referred Mrs Bontoft's case to the Court of Appeal, on the understanding that no relevant Post Office material existed. As you also recognise, the CCRC would have wanted to review the material which was subsequently discovered, and that material may well have impacted on the CCRC's decision in the case.

The CCRC considers this to be a matter of deep concern. It is all the more concerning in view of the history of problems with POL compliance with CCRC statutory notices, which prompted my letter to POL Chief Executive, Nick Read, on 23 February 2021 (copy enclosed). As I emphasised in that letter, the CCRC can only continue to discharge its important statutory function if we can ensure that public bodies comply promptly and fully with the statutory notices which we serve upon them. In response to my letter, Mr Read reiterated POL's commitment to ensuring that it complies with all CCRC section 17 notices (letter dated 1 March 2021, copy enclosed).

Therefore, while I thank you for the assurances which appear at the end of your letter, in view of the background you will understand why the CCRC remains concerned about the risk of further problems in the future regarding compliance with section 17 notices. It simply is not acceptable for the CCRC to receive one response in reply to a statutory notice during a case review, only for an entirely different response to emerge once the date of an appeal hearing approaches.

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Such failures are harmful for the interests of justice in the cases in question; and are also reputationally damaging for the CCRC. In that connection, I should point out that we are considering adding a caveat to any future referral 'Statement of Reasons' documents, to the effect that the decision is based upon the evidential position as presented by POL at the point of the CCRC referral, but there remains a possibility of further relevant information being identified after the CCRC's decision.

Finally, I would like to welcome the remedial steps which POL has put in place to ensure that the error which occurred in this instance does not happen again. I would also urge POL and its representatives to communicate with the CCRC at the earliest possible stage, providing full details, if any other S17 compliance issues do emerge in the future.

Yours sincerely,



Karen Kneller
Chief Executive
Criminal Cases Review Commission