

CLI Review of R v Alison Hall¹

Case Summary

Introduction

1. Alison Loraine Hall was the sub-postmistress ('SPM') at Hightown Post Office in Hightown, Liversedge, West Yorkshire from 16 February 2005 until her suspension on 3 September 2010. She was dismissed on 15 October 2010. She had no previous convictions.²
2. On 30 June 2011, at the Crown Court in Leeds, Miss Hall pleaded guilty to fraud by false representation (count 2). A count of theft (count 1) was ordered to lie on the file. She was sentenced on the same day to a community order with an unpaid work requirement of 120 hours. A confiscation order was made by way of compensation to Royal Mail in the sum of £14,842.37 and Miss Hall was required to pay £1,000 in prosecution costs.
3. Miss Hall's case was referred to the Court of Appeal (Criminal Division) ('CACD') by the Criminal Cases Review Commission ('CCRC'). Post Office Limited ('POL') conceded Miss Hall's appeal on the basis that it amounted to both a Category 1 abuse of process (that Miss Hall could not have received a fair trial), and a Category 2 abuse of process (that her prosecution was an affront to justice).³ In *Hamilton v Post Office Limited* [2021] EWCA Crim 577, the Court of Appeal allowed Miss Hall's appeal on the basis that her prosecution was both unfair (a Category 1 abuse) and an affront to justice (a Category 2 abuse).⁴
4. Miss Hall has given evidence to the Post Office Horizon IT ('POHIT') Inquiry Human Impact Hearings. Her statement was summarised to the Inquiry on 10 March 2002.

Prosecution Case

5. Hightown Post Office was a post office in Hightown, Liversedge, West Yorkshire, that was contained within a newsagent and off-licence retail premises, also operated by Miss Hall. In 2010, POL had begun to introduce the Horizon Next Generation system in its branches, replacing an older version. Prior to migration to the new platform, POL needed to conduct cash verification at branches by counting the cash on hand. Hightown Post Office was due for migration. Tracey Bedford, a Migration Support Officer, was scheduled to attend Hightown Post Office on 2 September 2010 on behalf of POL.⁵ In advance of doing so, she contacted Miss Hall by telephone, advising her that the cash at the branch would need to be

¹ This document was drafted using an earlier case summary, the judgment of the Court of Appeal in *Hamilton v Post Office Limited* [2021] EWCA Crim 577 and the Respondents' Notice in *Hamilton*. Where necessary, the 1,527 documents tagged as relevant to Miss Hall's case were consulted.

² Doc ID POL-0090883 [Inquiry URN: POL00091239] – Antecedents, dated 29 September 2010.

³ *Hamilton* at [112] and [117].

⁴ *Hamilton* at [168].

⁵ It should be noted that it is not entirely clear from the available material whether Ms Bedford in fact visited on 1 or 2 September 2010.

counted. Miss Hall said there was a problem with the cash, as she had been having trouble with her lottery. When Ms Bedford attended the branch, she found a shortfall of £13,624.41.

6. Ms Bedford made a record of her conversation with Miss Hall on the reverse of the cash check sheet on which she listed the cash she had counted at the branch. Miss Hall signed the record, which stated: *'1st Sep 10. Postmistress – Miss Alison Hall. Explained she was having a problem with her lottery when the cash was counted a discreption (sic) of £13,624.41 was found. She advised me she had been in touch with Chesterfield and NBSC but hadn't got a ref no. Spoke to Ray Hart who advised a full audit will be done. This problem been ongoing for some time'*.⁶
7. POL auditors Jeff Roper and Richard Cross attended on 3 September 2010 and completed an audit. This revealed a total shortfall in the branch of £14,842.37, made up of both cash and stock discrepancies. That figure comprised a cash shortfall of £13,577.34, a stock shortfall of £446.03, and an additional sum due to the resolution of a pending transaction correction ('TC') in the sum of £819.00 advised by Product & Branch Accounting at POL on the day of the audit.⁷
8. Miss Hall told the auditors that the loss had occurred due to lottery accounting problems and produced a report from Lottery Accounting in Chesterfield detailing errors (mainly activations on the lottery terminal not all being remitted in on the Horizon system) going back over a period of eighteen months. Miss Hall said that she had been accepting TCs, adjusting the scratch cards on hand back down to the correct figure, but not putting any money in to compensate. The trading statements all showed a clear balance and, according to the auditors, Miss Hall stated that these had been *"adjusted to show clear before rolling over."*⁸ Cash declarations together with snapshots produced indicated Overnight Cash Holdings ('ONCH') had been falsely declared for some considerable time.⁹

Interview

9. Investigator Christopher Knight wrote to Miss Hall on 17 September 2010, inviting her to an interview. The following day, she telephoned him, and the interview process was explained further. She indicated she wanted a solicitor present and was advised to contact one. On 24 September 2010, Miss Hall's solicitor, Paul Normandale of Inesons Solicitors contacted Mr Knight and an interview was arranged for 28 September 2010.¹⁰
10. On 28 September 2010, Mr Knight and another POL investigator, Paul Whitaker, attended Inesons Solicitors' offices and conducted an interview with Miss Hall, who was represented by Mr Normandale, ¹¹between 11.37 and 12.22 hours, and between 12.25 and 12.37 hours. Verbatim transcripts are available. The following emerged:

⁶ Doc ID POL-0013676 (page 3) – Written note, dated 1 September 2010.

⁷ Doc ID POL-0090991 – Audit Report, dated 3 September 2010.

⁸ Ibid.

⁹ Ibid.

¹⁰ Doc ID POL-0009424 – Investigation Report by Christopher Knight, dated 18 October 2010.

¹¹ Doc ID POL-0009193 [Inquiry URN: POL00016001] – Legal Rights Form

- a) Miss Hall confirmed the branch had one counter position. She had two other members of staff working in the post office, Marjorie Higgins, and Kimberley Langley. They each had individual user IDs.
- b) Miss Hall was asked about the shortfall. She said: *'Well, I think it's all to do with scratch cards. I've been having problems with them for a while now and I should have asked for help earlier on and I didn't. I can't see it being anything else. I know sometimes we get discrepancies for missing giros and cheques and stuff but I don't think it's going to add up to that amount'*.¹²
- c) Miss Hall said that it started at the beginning of the year, and she had been trying to rectify the matter by telephoning the helpline and the lottery line but things had got on top of her. She said she had requested an audit and had nothing to hide and would like the matter sorted out.
- d) She said *'it all started because...we were going online'*, referring to the new version of Horizon.¹³
- e) When asked about when she knew she had a problem, Miss Hall said: *'It's just the figures, the money, being down every time I had a transaction correction with the lottery. It always put the figures complete, obviously, when you get your transaction corrections, it changes your figures into your stock and stuff, so every time I actually counted what I'd 'remmed in', the figures never showed, never were right, and every time I had to put the figures down to what they said I had on hand, that's when I was losing all the time and got it all here'*.¹⁴
- f) She said this seemed to happen after every balance. She handed the interviewer an A4 sheet showing various balance periods from 29 May 2009 which she said showed that she had been activating scratch cards and remitting them into the system.
- g) Miss Hall stated that she had recently been informed by the POL helpline that she had been incorrectly 'remming in' scratch cards, which is what she believed had led to the accounting errors. She said she had not had any proper training on the lottery, but when a trainer did come in, she was told she was doing it correctly.¹⁵
- h) She said the lottery terminal had been installed in August 2007 and she had not had a loss for the first two years. She said she had once put £640.00 of her own money in to balance the accounts. She said that when balancing, sometimes she was *'over with the money [a surplus] ... you keep it to one side, and then if you're short on the next one you put in. So, I have been, there's been times when the money's been up a bit. Not by thousands, just by, you know, a couple of hundred pounds. So, if I'm wrong on the next balance I put that in, it'd be, like, that's what you've got to do'*.¹⁶
- i) Miss Hall said she had never taken a penny out of the Post Office and that she would not.

¹² Doc ID POL-0014444 [Inquiry URN: POL00021252] – Transcript of Interview of Alison Hall (11.37-12.22 hours) on 28 September 2010 at 7.37 minutes.

¹³ Ibid at 9.39 minutes.

¹⁴ Ibid at 10.03 minutes.

¹⁵ Ibid at 16.41 minutes.

¹⁶ Ibid at 18.15 minutes to 18.54 minutes.

- j) She said she also recently learned that she ought to have been balancing on Thursday mornings, rather than Wednesdays at 17.30 hours, in order to capture the Wednesday evening transactions in the correct period.
- k) Miss Hall was asked about the position with respect to cash declarations and whether it had been correct over the past 8 to 9 months, and she said, *'No it hasn't, and it's been my fault but I never, everything was just getting on top of me and I've tried to, if I've looked through these bloody bags of stuff once I must have looked through them 50 times trying to find the money, and it all pins down to me, to be honest, to these transaction corrections what keeps coming through'*.¹⁷
- l) Miss Hall was shown a branch trading statement dated 24 March 2010 which stated that the cash on hand figure was £26,615.38. She was asked whether that was the amount of cash on hand and she said, *'No, it wasn't'*, and added that it would be less than that amount.
- m) Miss Hall said the loss crept up over time and got to the point where she thought she needed to resolve it. She accepted that she did not raise the loss with anyone, thinking that she would not be believed.
- n) Miss Hall stated that, although she was concerned about what was happening in the branch, she did not raise the matter with anyone and continued to falsify the accounts. She agreed that by covering the matter up she had remained in employment.
- o) She was told that the POL auditors in Chesterfield had been contacted and the figures over the previous two years for adjustments and credits did not come anywhere near to a total of circa £14,000. Miss Hall said, *'I know'* but asked that POL go through the figures she now provided. She said, *'I have, I've adjusted stock on quite a number of occasions'*.¹⁸

11. The interview taped was changed, leading to a break of a few minutes. On continuing, the following emerged:

- a) Miss Hall said she wanted her activation slips from the last 18 months to be checked, saying: *'I know, just to feel, say that, they're the things correct on the Horizon system, but it's not always the case, I don't think'*.¹⁹
- b) Miss Hall said she trusted her employees completely and would be shocked if they had ever taken money. She denied ever having performed a transaction on Horizon knowing it to be fraudulent, saying, *'No, I wouldn't know where to start on it, to be honest'*.²⁰
- c) Miss Hall reiterated: *'I have not taken a penny out of that post office criminally, I wouldn't dare...I think it's to do with a discrepancy with the lottery and I'm hoping that we can come to the bottom of this...I will pay any money back what's owed to POL. I am not a thief, I will pay anything back but I just want all this to be looked at in detail and, because Horizon system's not 100%, if I have got all*

¹⁷ Ibid at 34.35 minutes.

¹⁸ Ibid at 40.54 minutes to 42.27 minutes.

¹⁹ Doc ID POL-0014436 [Inquiry URN: POL00021244] – Transcription of Record of Taped Interview ('ROTI') of Alison Hall (12.25-12.37 hours) on 28 September 2010 at 2.38 minutes.

²⁰ Ibid at 4.04 minutes.

- the details here. I'd like that to be taken into account, please*'.²¹
- d) Miss Hall was shown a cash declaration timed at 17.39 hours on 28 July 2010, showing cash on hand of £10,401.88 and was also shown one from the same date at 19.08 hours with a cash figure of £23,151.00, with the difference in the £10 notes. She said in response to this, *'That's falsifying account isn't it, which I've said that I've admitted to that'*.²²
- e) Miss Hall concluded her interview by saying: *'I'm just sorry for all this mess what I've put myself in and Post Office in. I should have asked for help earlier and I think sometimes that we need extra training on these situations because we've never been told how to process a transaction correction, which I haven't. I've run that office for 6 years with no problems up until this has started and I have not taken a penny from it and I'm willing to pay any money back what's owed to POL and I'm sorry for all this hassle I've caused'*.²³

Further Investigation

12. A statement was provided by Kimberley Langley, who had been a counter clerk at the branch for approximately four years during Miss Hall's tenure. She said that she ran the branch when Miss Hall was away during two weeks in August 2010. She said that, before Miss Hall went away, she told her to add a figure to the daily cash declaration, which she did. Ms Langley said she was told she would have to telephone the POL cash management team to request extra money because the cash figures that the branch submitted on the cash declarations were inflated. Ms Langley said the branch would often run short of money needed to serve its customers.²⁴
13. POL investigator Christopher Knight stated that he checked with POL's National Business Support Centre ('NBSC') for any calls made to them between 1 January 2010 and 3 September 2010 from Hightown Post Office, but there were none.²⁵ The email from NBSC confirming that there were no calls is within the available papers,²⁶ and was included in the list of exhibits.²⁷ He also checked with the Horizon Service Desk ('HSD') and they informed him that they had received 10 calls from the post office between 7 January 2010 and 23 September 2010 but none referred to National Lottery items. He also confirmed that nothing was found to substantiate Miss Hall's assertion in interview that the shortfall was due to lottery transactions.²⁸ He later said that he had made enquiries of Product and Branch Accounting in Chesterfield and they could not see any reason the branch loss would have been caused by the lottery.²⁹

²¹ Ibid at 4.09 minutes to 4.28 minutes.

²² Ibid at 8.46 minutes.

²³ Ibid at 9.45 minutes.

²⁴ Doc ID POL-0014260 – Witness Statement of Kimberley Langley, dated 20 May 2011.

²⁵ Doc ID POL-0011946 – Witness Statement of Christopher Knight, dated 23 May 2011.

²⁶ Doc ID POL-0090636 [Inquiry URN: POL00090992] – Email from NBSC

²⁷ Doc ID POL-0090890 [Inquiry URN: POL00091246] – List of Exhibits

²⁸ Ibid.

²⁹ Doc ID POL-0090888 [Inquiry URN: POL00091244] – Memo to Juliet McFarlane from Christopher Knight, dated 25 January 2011.

14. It is unclear why Mr Knight was informed by NBSC that there were no calls during this period. The NBSC records do in fact show that Miss Hall was in contact in 2010. The record reveals 25 calls by Miss Hall in the period. On 26 August 2010, Miss Hall reported balancing problems with the lottery. The entry for that date reads: *'PM IS HAVING BIG BALANCE PROBLEMS WITH LOTTERY HAS HAD TO PUT #10,000 IN LAST FEW MONTHS WISHES FURTHER TRAINING [sic] OR AUDIT CONTACT WITH MANAGER WHICHEVER IS GOING TO BE MOST BENEFICIAL'*.³⁰ The resolution for the call is recorded as: *'CB 2708 1100 1149EMAILED NSA @ 13.37'*.³¹
15. Although the Security Team were unaware of these calls, it appears that the Contract Team were aware, as the "Case Notes for Conduct Suspension Cases" stated: *"... there is a request on the EFC in reference to a call made to the NBSC on 31 August 2010 requesting contact in relation to having balance problems with Lottery and that she has put in £10k over the last few months. She wishes further training or audit."*³²
16. By the time of its Post Office Investigation Report ('POIR') as part of the Initial Complaint Review and Mediation Service ('ICRAMS') scheme, POL accepted that this call had been made to the NBSC.³³ On 14 September 2012, POL had made a request for the NBSC logs in relation to various branches, including Miss Hall's.³⁴

Charging Decision

17. POL's investigator, Christopher Knight, said in his report that a *'charge of False Accounting between January and September 2010 would seem appropriate at this time. But an additional charge of Theft should be considered as covering up a loss of this amount must have been done for a reason and that reason was because she was aware of it and had some involvement in the loss'*.³⁵
18. Juliet McFarlane provided a charging advice on 3 February 2011. She said that prosecution was appropriate in view of nature of the offence and that the evidence was sufficient to afford a realistic prospect of conviction on a charge of theft.³⁶
19. Dave Pardoe, the Senior Security Manager, authorised Miss Hall's prosecution.³⁷

Schedule of Charges

³⁰ Doc ID POL-0014471 – NBSC Log, line 250.

³¹ Ibid.

³² Doc ID POL-0090748 [Inquiry URN: POL00091104], Case Notes for Conduct Suspension Cases

³³ Doc ID POL-0090861 – Post Office Investigation Report, undated. It records the date of the call as 27 August 2010.

³⁴ Doc ID POL-0090721 [Inquiry URN: POL00091077] – Request for NBSC Logs

³⁵ Doc ID POL-0009424 – Investigation Report by Christopher Knight, dated 18 October 2010.

³⁶ Doc ID POL-0010623 – Charging Memo to Post Office Security, cc Christopher Knight, from Juliet McFarlane, dated 3 February 2011; Doc ID POL-0010624 – Schedule of Charges.

³⁷ Doc ID POL-0010690 – Email to Post Office Security from Dave Pardoe, dated 9 February 2011.

³⁸ Doc ID POL-0010624 – Schedule of Charges.

20. Miss Hall was charged initially with one count of theft, alleging the theft of £14,842.37 between 1 January 2010 and 3 September 2010 (contrary to the Theft Act 1968, section 1).³⁸

Indictment

21. Adrian Chaplin (9-12 Bell Yard) was counsel instructed for POL. When settling the indictment, he included a count of theft and an additional count of fraud. He described the fraud count as an “*alternative count*”, alleging fraud by false representation in respect of false accounting. He said to Rob Wilson and Marilyn Benjamin at POL, *‘I hope you might agree that a plea to this would be acceptable’*.³⁹
22. The indictment accordingly alleged theft in the same terms as the Schedule of Charges and fraud by false representation (contrary to the Fraud Act 2006, section 1) between 23 February 2010 and 3 September 2010 in respect of falsely representing the cash on hand figure in branch trading statements.⁴⁰

Defence Case

23. No defence statement was served by Miss Hall in view of her guilty plea at her plea and case management hearing. From her interview, it is clear that she denied taking any money from Post Office and alleged that there was an issue with scratch cards and Horizon, but accepted inflating her cash on hand figures.

Court Hearings

24. Miss Hall first appeared before Batley and Dewsbury Magistrates’ Court on 6 April 2011.⁴¹ At that stage she was charged just with theft.⁴² Miss Hall entered a not guilty plea and the bench declined jurisdiction, adjourning the matter for committal proceedings.
25. The committal proceedings took place at Batley and Dudley Magistrates’ Court on 2 June 2011, with the case being committed to the Crown Court at Leeds.⁴³
26. The Plea and Case Management Hearing (‘PCMH’) took place at the Crown Court sitting in Leeds on 30 June 2011 before His Honour Judge Burn. The prosecution was represented by Adrian Chaplin (9-12 Bell Yard) and Miss Hall was represented by Neil Clarke (2 Park Square).⁴⁴

³⁹ Doc ID POL-0014525 [Inquiry URN: POL00021333] – Email to Rob Wilson and Marilyn Benjamin from Adrian Chaplin, dated 28 June 2011.

⁴⁰ Doc ID POL-0012274 – Indictment.

⁴¹ Doc ID POL-0011628 – Memo to Maureen Moors, cc Christopher Knight from Debbie Helszajn, dated 14 April 2011.

⁴² Doc ID POL-0014171 – Information, dated 2 March 2011.

⁴³ Doc ID POL-0090656 [Inquiry URN: POL00091012] – Letter to Leeds Crown Court from Phil Taylor, dated 28 June 2011.

⁴⁴ Doc ID POL-0012376 – Memo to Post Office Security, cc Christopher Knight, Paul Southin and the Press Office, from Phil Taylor, dated 1 July 2011.

27. A case file event log shows that during negotiations at court, prosecution counsel Adrian Chaplin telephoned POL investigator Christopher Knight seeking his view on the acceptability of a guilty plea to false accounting. Mr Knight recorded that was acceptable so long as *'nothing mention [sic] against Horizon'*.⁴⁵ He added: *'I reminded him of the POCA in place.'*⁴⁶ Then I contacted Paul Southin for advice. Conference call with AC & PS agreement reached'.⁴⁷
28. A hearing note of the PCMH from POL's solicitors, O'Garras Solicitors, dated 30 June 2011, recorded that:
- 'Following discussions Mr Chaplin had with Defence Counsel Neil Clarke, it was indicated that the Defendant Alison Hall would plead Not Guilty to Count 1 but Guilty to Count 2 Fraud. That plea would be entered on the basis that she was fully aware of her contractual obligations to pay any shortfall. She had not stolen money but in order to delay the inevitably [sic] she had falsely reported the figures concerning cash on hand and the loss in this matter was £14,842.37. This was discussed with the investigator Chris Knight who confirmed a plea to Count 2 on that basis would be acceptable. One point that was made clear was the Prosecution would not accept any criticism or blame concerning the Horizon System. In fairness, that did not appear to form any part of the Defendant's case.'*⁴⁸
29. It appears that the prospect of an acceptable plea to fraud had been anticipated in advance of the PCMH on 30 June 2011. In an email dated 23 June 2011 to financial investigator Paul Southin, the investigator Christopher Knight said: *'...As Miss Hall admitted false accounting in the interview and the evidence is sufficient to back it up I understand that if this is offered by the defence the theft charge will be dropped in favour of one for False Accounting'*.⁴⁹ Further, in prosecution counsel's attendance note, Adrian Chaplin said: *'Rob and I discussed the case earlier this week'*.⁵⁰
30. Following the negotiations between counsel, Miss Hall pleaded guilty to false accounting (count 2) on the basis she had not taken any money but had the benefit of retaining her job

⁴⁵ Doc ID POL-00123033 – Case File Event Log (entry dated 30 June 2011).

⁴⁶ It is unclear precisely what Mr Knight meant by *"I reminded him of the POCA in place."* He may have meant that he reminded prosecution counsel that confiscation was being pursued, to avoid an issue which had arisen in the previous case when the opportunity to pursue confiscation had been missed. In an earlier entry on the Case File Event Log (Doc ID POL-0012303), he indicated that he had spoken to the defence lawyer and *"informed her of the Kim incident and reminded her that POCA was in place for this case."* In an email dated 23 June 2011, Mr Knight asked Paul Southin whether there were any steps that needed to be taken in advance of Miss Hall's PTPH and expressed concern about an earlier, unrelated case, saying, *"I don't want to get caught like last time when the barrister accepted the guilty plea there and then and the case was only adjourned for sentencing losing the opportunity for POCA."*

⁴⁷ Ibid.

⁴⁸ Doc ID POL-0091018 [Inquiry URN: POL00091374] – Letter to Rob Wilson from Tracey Langan, dated 30 June 2011.

⁴⁹ Doc ID POL-0090655 [Inquiry URN: POL00091011] – Email from Christopher Knight to Paul Southin, dated 23 June 2011.

⁵⁰ Doc ID POL-0090664 [Inquiry URN: POL00091020] – Note from Adrian Chaplin, undated, though it appears from its terms to have been drafted on the day of the PCMH, 30 June 2011.

⁵¹ Ibid.

and putting off the need to repay the shortfall.⁵¹ The charge of theft (count 1) was ordered to lie on the file.

31. A stand down pre-sentence report was ordered, and later the same day, Miss Hall was sentenced to a community order (the length of which is unclear from the available material) with 120 hours of unpaid work. A confiscation order (to be paid as compensation to POL) was made in the sum of £14,842.37, with 12 months given to pay, in default of which 6 months' imprisonment would be imposed. Miss Hall was also ordered to pay £1,000 in prosecution costs, with 12 months again given for payment to be made.⁵²

Additional Matters: NBSC Records and HSD Data

NSBC Records

32. The NBSC logs record 253 contacts by the branch during Miss Hall's tenure. A number of those concern balancing, discrepancies with the lottery or other matters of interest.
- a) A call on 10 March 2005 by Miss Hall recorded that she wanted to speak to line manager Paul Rawcliff about balancing and whether he could get Miss Hall help as it had taken her 6 hours to balance during her third week in post.⁵³ The resolution records that Mr Rawcliff was at the branch when spoken to. It is unknown if further training was provided.
 - b) A call on 4 July 2006 by Miss Hall concerned fishing licences. A number of licences needed to be returned from the branch. Though they had been remitted out they were still showing as on stock and causing a discrepancy. The resolution is recorded as '*KB*' meaning 'Knowledge Base' which is information on the system which advisors can gain access to go give relevant information to the caller.⁵⁴
 - c) A call on 25 April 2007 made by Miss Hall concerned a question (the nature of which is unclear) about balancing. The resolution is again recorded as '*KB*'.⁵⁵
 - d) Miss Hall made a call to the helpline on 11 July 2007, asking for lottery training on Horizon. Once again, the recorded resolution is '*KB*'.⁵⁶ The same day she made another call repeating that she needed Horizon lottery training. The resolution is recorded as '*Emailed OIT @ 1659*'.⁵⁷
 - e) On 25 July 2007, Miss Hall called about the upcoming rollout of lottery at her branch. She said she did not have the icons on Horizon for the lottery. The

⁵¹ Ibid.

⁵² Ibid.

⁵³ Doc ID POL-0014471 – NBSC Log, line 12.

⁵⁴ Ibid, line 126.

⁵⁵ Ibid, line 147.

⁵⁶ Ibid, line 157.

⁵⁷ Ibid, line 158.

resolution recorded was *'ICONS ARE NOW THERE'*.⁵⁸

- f) The following day, 26 July 2007, Miss Hall called about scratch cards, saying that she had received them and wanted to know how to remit them into her system. The *'KB'* resolution is recorded.⁵⁹
- g) The day after, 27 July 2007, Miss Hall enquired again about the lottery, saying that she wanted to know how to transfer and daily balance the lottery terminal and the stock unit. The resolution is recorded as *'KB'*.⁶⁰
- h) On 3 September 2007, Miss Hall made an enquiry about the lottery recorded as *'HOW TO VALIDATE'*. There is no further detail on the nature of the enquiry. Again, the *'KB'* resolution is recorded.⁶¹
- i) On 6 October 2008, Miss Hall called about personal banking. The enquiry is recorded as: *'22 SEPT DID CASH DEPOSIT #185 INTO LLOYDS TSB – ALSO DID CHQ DEP WHICH HAS CLEARED BUT THE CASH DEPOSIT HASN'T CUSTOMER BEING VERY NASTY ABOUT THIS ACCUSING THE PM OF STEALING HER MONEY'*. *'KB'* is the recorded response.⁶²
- j) On 30 December 2008, Miss Hall called reporting a closure at the branch owing to a power failure. The resolution recorded is that the branch had reopened and to consult the log.⁶³
- k) On 26 August 2010, Miss Hall called reporting balancing problems with the lottery. The entry says: *PM IS HAVING BIG BALANCE PROBLEMS WITH LOTTERY HAS HAD TO PUT #10,000 IN LAST FEW MONTHS WISHES FURTHER TRAINING [sic] OR AUDIT CONTACT WITH MANAGER WHICHEVER IS GOING TO BE MOST BENEFICIAL'*. The resolution for the call is recorded as: *'CB 2708 1100 1149EMAILED NSA @ 13.37'*.⁶⁴

33. An Area Intervention Manager Visit Log, dated 6 February 2006, records the attendance of Area Intervention Manager Zoe Riley at the branch concerning *'Horizon problems'*. The branch had received TV stamps in its remittance which had not been ordered. It recorded that the SPM had got mixed up and *'somehow tripled the amount she was supposed to have'*. Ms Riley had attended as the SPM had *'got very confused, and was unsure what to do next, as she had been give [sic] the wrong info from the helpline previously'*.⁶⁵ Ms Riley resolved the issue. No further detail is given about how the problem arose or what was wrong with the information previously given by the helpline.

⁵⁸ Ibid, line 160.

⁵⁹ Ibid, line 161.

⁶⁰ Ibid, line 162.

⁶¹ Ibid, line 171.

⁶² Ibid, line 195.

⁶³ Ibid, line 205.

⁶⁴ Ibid, line 250.

⁶⁵ Doc ID POL-0090766 [Inquiry URN: POL00091122] – Area Intervention Manager Visit Log.

HSD Logs

34. The Horizon Service Desk ('HSD') call logs are also available,⁶⁶ a partial schedule of which is within the material, but it is unclear who created it.⁶⁷ The schedule summarises the issues raised. Most of the calls relate to hardware issues, such as with the printer, scanners, or the pin-pads at the branch.
35. The following summarised calls are those where balancing or discrepancies were raised, or where the incident appears out of the ordinary in the context:
- a) A call on 18 September 2008 concerned a base unit fault. The resolution on 24 September 2008 refers to the unit having been replaced.⁶⁸
 - b) A call on 27 December 2008 at 12:16 says "*reported software error*", which is marked as "*HSD resolved*". There is no detail about the type of software error or the consequence.⁶⁹
 - c) A similar call is made on 9 February 2009 at 09:15, stating "*software error*" and "*base unit faulty*". It notes that "*online services unavailable*" but there is no further detail.⁷⁰

Additional Matters: Disclosure

36. In her Schedule of Information for the civil litigation, Miss Hall stated that POL '*refused to disclose the Horizon data to me to allow me to check for myself*', referring to the data that showed her branch had the loss asserted by POL.⁷¹ She added: '*After my termination I made requests to [POL] for information that it had about me. It disclosed multiple logs that have different data on them to the logs that I have for the same transactions, which makes me think that my data an [sic] Horizon data are not consistent*'.⁷²
37. It is not known from the available material when or how Miss Hall requested disclosure of the Horizon data. Similarly, it is not clear what logs she refers to in her Schedule of Information.⁷³

Additional Matters: Termination of Contract and Investigation of Loss

38. Miss Hall was written to on 24 September 2010 and told that Post Office was considering the termination of her contract. She was invited to attend an interview (a Reasons to Urge

⁶⁶ Doc ID POL-0090951 [Inquiry URN: POL00091307] – HSD Log, 16 May 2005-31 August 2007; Doc ID POL-0014470 [Inquiry URN: POL00021278] – HSD Log, 19 September 2007-23 September 2010.

⁶⁷ Doc ID POL-0090995 [Inquiry URN: POL00091351] – Hightown 512 323 HSD Summary M084 Doc 005.

⁶⁸ Doc ID POL-0014470 [Inquiry URN: POL00021278] – HSD Log, 19 September 2007-23 September 2010, line 345.

⁶⁹ Ibid, line 408.

⁷⁰ Ibid, line 447.

⁷¹ Doc ID POL-0090994 [Inquiry URN: POL00091350] – Schedule of Information, paragraph 4.2, dated 5 December 2017.

⁷² Ibid.

⁷³ Although see Doc ID POL-0014251, a collection of documents that appear to have been held by Miss Hall that may contain the 'logs' referred to.

‘RTU’ interview) in October 2010 to put forward reasons for her not to be dismissed.⁷⁴

39. That interview took place on 8 October 2010 with Sue Muddeman of POL. The following emerged:⁷⁵
- a) Miss Hall said she had been having problems with the scratch cards and had been getting a lot of transaction corrections; she had gone back over a period of 18 months and looked at scratch card ‘remming in’ and activation slips to try to get things correct. She said every time she got a transaction correction for the scratch cards, she had to change her figures on the stock. The system would say she had more scratch cards than in fact she had. She said every time she counted them when she was doing a branch trading statement she had to lose money. She said she should not have let it go on for so long. She had now also been told she had been doing it wrong by getting packs out of the drawer which were then ‘remmed in’ on the system and then taking the pack and activating it. She should have been activating them first before they were ‘remmed in’. She offered scratch card sales and receipts for a period of time and invited someone from POL to look at them to see what she had done.
 - b) Miss Hall suggested she had been aware of the scale of the shortfall but did not know what to do and was scared to ask for help. She was asked when she had first become aware that she had a loss and she said she thought it was the end of 2009 or the beginning of 2010, and it had started with transaction corrections she received. She physically counted the stock of scratch cards in the dispensers and the ‘remmed in’ stock in the drawers each week on a Wednesday morning, to try to keep an eye on them. She also counted them when she did her monthly balance. They always seemed to be wrong. She now also realised lottery transactions from Wednesday should not have been inputted on the Thursday. When a transaction correction came in (and a lot of the ones she received were in relation to scratch cards), she would accept the correction. This would ‘higher’ (i.e. increase) the stock levels and she would then have to adjust the stock which would create a cash loss, which she then had to make good. She said she was confident no members of staff were responsible for the problems. She thought the majority of the circa £14,000.00 shortfall was due to these issues with transaction corrections and scratch cards.
 - c) Miss Hall was asked what she did with respect to the loss to which she responded, *‘Well I was falsifying my money which I admit to as well’*. She stated that she knew she should not have done this and she did not know why she had not asked for help earlier when it first started. She had asked for an audit to be carried out even before the changeover to the Horizon online service.
 - d) Miss Hall stated, *“I want somebody to have a look at the receipts and the remming ins that I’ve done to try and tally it all up because I actually think that some of the money is there.”*
 - e) Miss Hall was asked whether transaction corrections accounted for the entire shortfall or if there were *“issues somewhere else”* and replied, *“I think-, well, I*

⁷⁴ Doc ID POL-0090954 – Letter to Miss Hall from Sue Muddeman, dated 24 September 2010.

⁷⁵ Doc ID POL-0090750 [Inquiry URN: POL00091106] – Interview notes, dated 8 October 2010.

think the majority is-, I want them to be looked at, if possible. So, I've been told that I could keep them to-, because, obviously, it's my evidence against this case, but if I have to photocopy every single one, then I would, because I want somebody at Chesterfiled what probably knows a bit more than what I do. This is a proof that I put them into the system and I've remmed them in the systems and I'm putting them in the system after." She repeated that she wanted the transaction corrections "double checked", stating, "... to me, this is more the proof in here. But I just want to say that I have not touched a penny of Post Office's money."

- f) Miss Hall was asked about making her cash declaration and she said, 'Well obviously I count the money up and I've obviously been falsifying accounts'. She said she had known on a daily basis that the accounts were not balancing, stating: "It just seems every time-, sometimes when I switch the computer on and I just think-, because I know it's going to be lottery again and I just think, 'why are they keep sending me these?'" She reiterated that she thought the issue was with the lottery.
- g) Ms Muddeman asked, "So you think the issue is due to remming them in and then activating." Miss Hall replied, "Yes" to which Ms Muddeman responded, "I will have to check that because I don't know the answer to that, but I wouldn't have thought it would have made any difference, but" At this stage Miss Hall queried the stock figures from the audit and Ms Muddeman replied, "Okay, well, I'll get that confirmed." Miss Hall stated, "I only balanced the week before, and I didn't have £400 in stock issues. I don't know if it was something to do with the scans or something what they've seen and they've took them, or I've missed something on the stamp side, I don't know." Ms Muddeman stated, "Okay, well, what I'll do if (sic) I'll verify that. I can get back to you with that."
- h) She admitted that she should not have done what she did but said she was scared. She said, 'Because I knew I'd been in for this trouble and I haven't touched a penny, I haven't'. She stated that she felt unable to tell POL she was having issues and that she had tried to sort it out herself.
- i) Miss Hall was asked whether there was a time when there was a big rise, how it had come about and how much it was different each month. She said, 'It was different amounts in, I mean, I can remember once on, it said that I had £1,332.00 in £1.00 scratch cards and I didn't, I had, like, bloody 400 or something, so that made a big difference. If I'd put it down to that, then that would have made a right difference, and I just, and I did put it down, and that's when it starts adding up. I just didn't know what to do, I just, I was trying to find, by going through all the book work, you know, every, every bloody night I was doing it, sorry for swearing'. She added, 'If somebody checks all these for me and if they can come to a figure I'll pay every single penny back, I will. I'm not a thief, I do not pinch money from anybody. I've never ever took any money. I've never been in trouble with anything from the law or anything and I will pay it back and I can run the office, I can do it, I just needed help'. Ms Muddeman replied, "So, have you had an experience in the past where, you know, we've, you know, you said you were scared to tell us, or scared to say anything." Miss Hall replied, "No, I was scared. I don't know why." She repeated that she was trying to sort it herself and said she was ashamed of herself.

- j) She was asked if there was anything she wanted to add and she said, *'That I haven't took a penny, I really haven't. I haven't touched any money at all, I wouldn't dare. I'm ashamed of what I've done. Not ashamed, ashamed that I've let it go on so long without asking for help. If I'd have known all this about doing, you know, the 'remming in' properly and stuff, and activating, then all this might not have happened. It might not have got to this blooming stage'.*
- k) Ms Muddeman stated, *"I mean, I'll go back and ask the question of whether it makes any difference at all which I don't think it does but I will certainly ask the question."* Miss Hall replied, *"What's that sorry?"* Ms Muddeman explained, *"The remming in and the activating. Because that's what you're saying, isn't it?"* Miss Hall then stated, *"Well I just-, is there anybody who could come and look through all this? Is there anybody who can help with this? Can I get further assistance with it? Could somebody come through and go through it with me? And-, I've got everything there to prove that I've done it."* Ms Muddeman replied, *"We wouldn't do that. You've got your stuff there to go through. I mean, we'd look at the, sort of, figures that we've got. And what's on here... and what Horizon's got."*
- l) Miss Hall asked, *"But can we sit down then and go through every activation to see how many scratch cards we've activated since day one to see if it-, I just, I don't know what to do anymore."* Ms Muddeman replied, *"So, you're convinced that this is scratch cards."* Miss Hall replied, *"I don't know. I just, because I, every time I've done a balance, I've put them down to what the system says I have.... It always down. It were always down. It were always minus."*
- m) Miss Hall reiterated that her balance was never right. She accepted that she should have sought help and stated that she just wanted her job back.
- n) Ms Muddeman and Miss Hall talked through a hypothetical process of inputting scratch cards and Miss Hall's inflation of the accounts. Miss Hall explained that she kept a note of what the shortage was but stated that this would not be exact.
- o) Ms Muddeman concluded by stating, *"I'll go and ask the question on the remming and activating, okay? And your £400 stock. And I'll get back to you on that. Okay? Any further questions I have I'll come back to you with. Otherwise, what happens now is that I will look at what you've put forward. I will look at documentation from the scratch cards, etc. And make a decision on what evidence I've got."*
40. On 13 October 2010 Ms Muddeman emailed Adrian Paling and Neil Thorneycroft stating, *"Miss Hall asked if she had not remmed the scratchcards in but activated them would this cause a problem. And she cuts off scratchcards on the Weds morning when balancing so not including all the sales for the Weds and wants to know if the problems are being caused by this."* Mr Thorneycroft replied the following day stating: *"All scratchcards activated on the Camelor terminal must have a Client rem-in on the Horizon terminal for the matching number of scratchcards. The Client rem-in must be made on the same day as the activation. Anything other than that will create an error... I've just finished discussing Hightown with Chris Knight. The only thing I could highlight was the number of scratch card errors which were caused by client rem-in being made a day or so late."*

They cause a high number of errors but didn't create anything of worry financially. Almost all rem-ins have been made to match up with activations. Sales entries were made on a constant [redacted] nothing could be found as far as possible missing sales. She has made 115 stock from January 01st 2008 onwards. An excessively high number for no obvious reason. They total up to a positive stock adjustment of £1,760.00. There is nothing which can be found to explain the figures the Postmaster claims relate to the Lottery."⁷⁶

41. Miss Hall was told in a letter dated 15 October 2010 that her contract had been terminated.⁷⁷ She was told she had a right of appeal, a right that she exercised.⁷⁸ Ms Muddeman's 'Case Notes for Conduct Suspension Cases' record the following note: *'NB Miss Hall has requested an appeal and also that someone in Chesterfield looks through all her paperwork. I advised her that we would not do this. She said that she had been to Citizens Advice and they advised that is anyone is requesting monies they are obliged to look through the paperwork'*.⁷⁹ There is no material in the available papers suggesting that POL did look at Miss Hall's paperwork.
42. Miss Hall's appeal was later rejected by Andy Bayfield, being notified in a letter dated 22 December 2010.⁸⁰ He reasoned that the scratch card transactions and remittance in figures correlated, and that the transaction corrections relating to financial errors at the branch had been accepted and settled. They totalled £2,440 and were far below the loss figure determined at audit.⁸¹ His reasoning does not suggest that he considered Miss Hall's paperwork.

Additional Matters: Horizon Knowledge

43. A Horizon Spot Review was prepared by Second Sight in relation to the problems at Hightown Post Office. It stated:⁸²

'This SPMR reports a situation where the Camelot and Horizon records for 'Remitted In' Camelot scratch cards ('Instants') were seemingly incorrectly shown in Horizon. The SPMR claims that the material differences between the two systems resulted in substantial losses and that POL failed to fully investigate and/or to communicate its findings in respect of those anomalies.

⁷⁶UKGI012409-001 [Inquiry URN: UKGI00001595], Emails between Sue Muddeman & Neil Thorneycroft

⁷⁷ Doc ID POL-0090747 [Inquiry URN: POL00091103] – Letter to Alison Hall from Sue Muddeman, dated 15 October 2010.

⁷⁸ Doc ID POL-0090957 [Inquiry URN: POL00091313] – Letter to Sue Muddeman from Alison Hall, dated 25 October 2010.

⁷⁹ Doc ID POL-0090748 [Inquiry URN: POL00091104] – Case Notes for Conduct Suspension Cases.

⁸⁰ Doc ID POL-0090755 [Inquiry URN: POL00091111] – Letter to Alison Hall from Andy Bayfield, dated 22 December 2010.

⁸¹ Ibid.

⁸² Doc ID POL-0014475 – Horizon – Spot Review. The document is dated 17 February 2010, but that appears to refer to the date referenced in the Review. Second Sight was not appointed until June 2012, so could not have produced the Review before then.

As an example, on 17th February 2010, the Horizon print-out of 'Remmed-in' cards (see session ID 2-4746183-1) shows £1,280.00 worth of cards (representing eight packs) whereas a POL-produced Excel spreadsheet shows that, on that date, £2,080.00 worth of cards (thirteen packs) were Remmed in. The difference here is £800.00, though it is not clear what financial impact this had, nor on whom it impacted.

It is very clear that this SPMR experienced numerous problems with Scratch Cards and a review of TCs issued to the branch shows that, between 3rd November 2009 and 29th September 2010 (the period during which unexplained shortfalls were occurring at the branch) thirty six (77%) of the forty seven TCs issued to the branch related to Scratch Cards. Also, thirteen (36%) of those thirty six TCs were for amounts exactly divisible by £160.00 (in other words all those TCs related to quantities of packs of Scratch Cards). The aggregate value of the four Debit TCs came to £2,560.00 while the aggregate value of the nine Credit TCs (which serve to REDUCE the branch's stock) came to £7,840.00. Together therefore, these thirteen TCs produced a Net impact of £5,280.00 and could therefore, have accounted for 36% of the total (£14,842) shortfall that POL claimed, in the ensuing criminal prosecution, had been stolen by the SPMR.

POL seems to have been aware, well before February 2010, of errors, made by many SPMRs, in dealing with Scratchcards. In that respect, an Article in the 17-23 January 2008 Issue of 'Branch Focus' had warned SPMRs that "In the last three months there have been over 1,100 Transaction Correction notices issued to branches to a value of £744,000". In spite of that Corporate awareness, POL does not seem to have detected the pattern in this branch. The pattern was that branch staff appeared to be repeating an error in a systematic fashion. Not having detected the problem, POL did not provide the guidance or re-training needed by the staff at this branch. It emerged that all packs of scratchcards should have been activated on the Camelot terminal before being remmed into Horizon. The SPMR asserts that she was instructed by POL not to do that. It also emerges that, in a process change that took place a week after this particular SPMR was suspended, SPMRs were no longer required to rem packs of scratchcards into Horizon, the whole process now being managed by the Lottery terminal once a pack is activated. It follows that it is now impossible to have packs of Scratchcards floating around in Horizon awaiting activation. It is also clear that a balance should be struck before start of trading on a Thursday morning, rather than at 17:30 hrs on a Wednesday evening as had been the (unnoticed by POL) standard practice of this SPMR'.

44. Post Office issued a response to the Spot Review, which concluded that no evidence could be found that there was a problem with the Horizon system in respect of 'remmed in' scratch cards and that, if a SPM correctly 'remmed in' scratch cards to the Horizon system, the final figures recorded in the Horizon system at the end of each day would match the final figure in the Camelot system at the end of the day for the activation of scratch cards.⁸³ It added that the automatic process for remitting in scratch cards came into effect in January and February 2012.

⁸³ Doc ID POL-0091003 [Inquiry URN: POL00091359] – Horizon Spot Review – Response, undated.

45. The Response also noted that that the £2,000 limit for activated scratch cards was repeatedly exceeded at the branch, and that the example of 17 February 2010 given in the Review could be explained by examining the full Horizon records and not just the receipt presented by Miss Hall for one remittance in of scratch cards when in fact there had been two remittances in on that day. Further, the Response said a visit to the Branch took place on 11 February 2010 for help and guidance to be provided to Miss Hall.⁸⁴ The Response also explained the correct procedure for remitting in scratch cards and how transaction corrections would be issued to correct the Horizon figures if scratch cards had not been correctly remitted in.
46. The article that the Review had referred to, in saying that Post Office was aware of errors before February 2010, was in Issue 44 of Operational Focus, issued for the week 17-23 January 2008, which said: *'In the last three months there have been over 1,100 Transaction Correction notices issued to branches to a value of £744,000. This is due to branches not remitting in activated scratchcards onto Horizon by the close of business each day. If you rem in the value of all the scratchcards you activated in one go at the end of each day, you must make sure that you record the amounts activated during the day to ensure that you enter the correct figures on Horizon'*.⁸⁵
47. Although the Response said that there were no issues with Horizon in respect of scratch cards, it did record that the process change in January and February 2012 to an automated one was *'introduced in order to reduce general loss/waste associated with scratch cards across all POL branches'*.⁸⁶ It was not, it said, a response to issues at Miss Hall's branch alone.

Outcome of Appeal Proceedings

48. Miss Hall's case was one of those referred to the CACD by the CCRC and heard in *Hamilton v Post Office Limited* [2021] EWCA Crim 577. It was one of the four cases that POL agreed as amounting to both a Category 1 and a Category 2 abuse of process. POL conceded that *'[i]t was improper to make the acceptability of her plea conditional on not making any explicit criticism of Horizon'* and that *'[i]n circumstances where theft could not directly be proved and the shortfall may not have been a real loss, it was wrong to try and prevent her from making any criticism of Horizon as part of her mitigation to the charge she admitted'*.⁸⁷
49. The CACD agreed those concessions were rightly made and said this in respect of Miss Hall's case:

165. POL accepts that this was an unexplained shortfall case and that evidence from Horizon was essential to Mrs Hall's case. The prosecution was based on a shortfall of £14,842.37 following a branch audit. In her interview under caution, Mrs Hall said that

⁸⁴ Ibid.

⁸⁵ Doc ID POL-0091003 [Inquiry URN: POL00091359] (page 12) – Operational Focus, Issue 44, 17-23 January 2008, Article 3.

⁸⁶ Doc ID POL-0091003 [Inquiry URN: POL00091359] – Horizon Spot Review – Response, undated.

⁸⁷ *Hamilton v Post Office Limited* [2021] EWCA Crim 577 at [117].

she wanted matters investigated “because the Horizon system is not 100%”. She said “she [had] also been out before, has taken money out then put it back in”.

166. It appears as if some ARQ data was obtained but it is not clear whether it was ever disclosed. It appears there was no evidence to corroborate the Horizon evidence. There was no investigation into Horizon integrity. There was no proof of an actual loss as opposed to a Horizon-generated shortage.

167. These factors are sufficient for the court to quash Mrs Hall’s conviction on both Grounds 1 and 2. We were however presented with further information which bolsters our conclusion that Mrs Hall’s prosecution should not have been brought and which forms the basis of POL’s concession under Ground 2. On 30 June 2011, POL’s external solicitor wrote to Rob Wilson recording what had taken place in court that day, including the basis on which Mrs Hall had pleaded guilty to fraud as an alternative to theft. Despite the fact that Mrs Hall had not sought to make any express criticism of Horizon in her defence, the attendance note records the fact it was made clear that:

“the Prosecution would not accept any criticism or blame concerning the Horizon System.”

POL accepts that it was improper to make the acceptability of Mrs Hall’s basis of plea to fraud conditional on not making any criticism of the Horizon system.

168. In our judgment, such conduct on the part of a prosecutor is bound to bring the justice system into disrepute. Notwithstanding her guilty plea, Mrs Hall’s conviction is unsafe. Her prosecution was unfair and an affront to justice. We allow the appeal on Ground 1 and on Ground 2. We quash her conviction’.

Human Impact Evidence at the Inquiry

50. Miss Hall gave human impact evidence to the POHIT Inquiry via a witness statement dated 14 January 2022. Her witness statement was summarised at the Inquiry on 10 March 2022. She did not give oral evidence. Miss Hall’s evidence to the Inquiry can be summarised as follows:
- a) Miss Hall explained her personal background and previous employment experience.
 - b) Miss Hall said she became SPM at Hightown Post Office on 16 February 2005 and had no previous Post Office experience. She had applied with her partner to purchase the business and the adjoining premises. She was successful following an interview and sold her home and took out a business loan to purchase the business and adjoining premises for £265,000. The adjoining premises was to be Miss Hall’s new home.
 - c) Miss Hall said she received five days of training in Leeds, which focused on sales. She additionally received one week of on-site training and was given a one-time instruction on how to do complete the weekly cash account.

- d) Miss Hall said she was unable to remember the name of her area manager because she hardly ever saw him. He attended at the branch every six weeks for approximately three months, but was only at the branch for around 15 minutes each visit.
- e) Miss Hall said the branch was limited in size, selling only basic services. The business grew, so a £15,000 bank loan was taken to expand the premises and services.
- f) She said enquiries were made about selling the National Lottery. That was approved and led to substantial growth in the business. The lottery was sold from 2007. Sales of scratch cards were good, and she was contacted by the National Lottery to take more cards for sale.
- g) Miss Hall said the business was doing so well that, in April 2010, she applied with her partner to take over the disused Roberttown Post Office, which was nearby to where they lived. That was approved.
- h) Miss Hall said that when she was visited in advance of her migration to the next generation of Horizon, she was relieved that she had someone who could potentially help her rectify the system. Instead, she was offered no assistance and told to immediately close the branch.
- i) Miss Hall said that she had an interview at Post Office's headquarters in Leeds, attending with proof of sales and stock of scratch cards for the relevant period. However, they were dismissed. She said she was interviewed by Sue Muddeman, and the investigators were Christopher Knight and Paul Whitaker; they were not interested in her material and refused to look at it. Her employment was terminated and her appeal against that decision was unsuccessful.
- j) Miss Hall said she only become aware she was not the only SPM in her position when her partner came across the Justice for Sub-postmasters Alliance on Google.
- k) Miss Hall said she received minimal legal advice during her interview under caution. Her solicitor was told he was not allowed to intervene during the interview.
- l) Miss Hall said she was advised at the Crown Court to accept a plea bargain, being told that if she pleaded guilty to a lesser charge, she would avoid prison. She felt pressured to accept the advice and was convicted.
- m) Miss Hall said she had to take a £10,000 loan to pay the confiscation order and paid £5,000 on her credit card.
- n) She said that her approval to open the Roberttown branch was withdrawn.
- o) Miss Hall said she was angry and frustrated that no one would listen to her; she was horrified by the accusations.
- p) Miss Hall said that she received no pay when suspended, and never received another penny from Post Office.
- q) Addressing the need to pay the confiscation order, Miss Hall said Post Office was vindictive because she received a letter after 11 months stating that she had no intention to repay the amount outstanding. She said that was untrue and based on an observation by Post Office that the premises were not for sale. Miss Hall said she had arranged for the loan and always intended to comply with the court order.
- r) Generally, as to the personal impact on her, Miss Hall said she invented stories as she did not want to tell people the truth about her situation. She was ashamed of the

accusations and had been proud to be considered a pillar of the community. She knew that if the accusations were made public, her previous community work would be for naught, and she would never be trusted again. She has suffered with her mental health in consequence of what she has been through; she was advised to have cognitive behavioural therapy. Her mother died in September 2020, dying before Miss Hall's conviction was quashed.

CLI Questions

Investigation

<p>Q.121. Who was responsible for conducting the investigation?</p>	<p>Christopher Knight was the investigator/officer in the case.</p>	<p>POL-0009424</p>
<p>Q. 124. What (if any) advice or guidance did they receive regarding (a) their duty to conduct a thorough investigation; (b) their duty to pursue all reasonable lines of enquiry; and (c) their duty of disclosure? Were these adequate?</p>	<p>In a pre-charge memo, dated 23 November 2010, Mr Knight was asked by POL’s lawyer in the case, Juliet McFarlane, to provide a copy of the audit report; copies of the transaction corrections; copies of trading statements; copies of cash declarations; and statements confirming there were no calls to the helpline. Mr Knight was also asked to confirm whether there was any record of an audit being requested by Miss Hall.</p> <p>In another pre-charge memo, dated 31 December 2010, Ms McFarlane noted she was returning the file again before advising. She said Mr Knight’s report had said there were no calls to the helpline, but that a recently forwarded report had contradicted that. He was asked to clarify the position. (As a matter of fact, it is known that Miss Hall did call the helpline asking for an audit on 26 August 2010). In the same memo, Mr Knight was also asked to confirm whether the report referred to – it is not clear which report is being referenced – would have related to or affected the discrepancy at the branch; whether there was any record of an audit being requested (Ms McFarlane noted she was requesting this information again, seemingly on the basis that it had not be answered before as she had requested); and to provide a copy of the relevant transaction corrections (again, Ms McFarlane noted she was having to ask again for those).</p> <p>In the charging memo, dated 3 February 2011, Ms McFarlane asked for the following:</p> <ol style="list-style-type: none"> 1. A statement explaining Miss Hall’s duties and responsibilities, including the relevant contractual provisions. 2. A statement explaining the relevant Horizon procedures in relation to the account; 3. Statements dealing with the Horizon system from Tracey Bedford, addressing her finding on 2 September 2010 as to the loss. It was also to deal with the reason for her visit and the action she took on finding the discrepancy. 4. Statements from the auditors, producing their reports and financial documentation. The loss was to be 	<p>POL-0009647</p> <p>POL-0010200POL-0014471 (line 250)</p>

	<p>explained.</p> <p>5. A statement explaining how scratch cards were accounted for. It was also to deal with the transaction corrections and whether they could have accounted for the loss.</p> <p>6. Statement from the person at the helpline confirming the calls made and whether they related to the loss at the office.</p> <p>7. Statements from staff at the branch, dealing with their duties, whether they were responsible for the loss, or aware of the loss and, if so, when they became aware.</p> <p>8. Cash declarations.</p> <p>9. Statement from Mr Thorneycroft dealing with matters in the investigations report.</p> <p>10. Statements from the reviewing officers.</p> <p>As to disclosure, the investigation manager Mr Knight was directed in the same memo: <i>'You will be aware of the provisions of the Criminal Procedure and Investigations Act 1996 concerning disclosure. Please confirm whether there is any material which might reasonably be considered capable of undermining the Prosecution case or assisting the Defence case and which has not already been disclosed'</i>.</p> <p>He was reminded in a memo dated 28 June 2011, by Legal Executive Phil Taylor: <i>'I remind you of the continuing requirement of disclosure of any material which might reasonably be considered capable of undermining the Prosecution case or assisting the Defence case'</i>.</p> <p>Given's POL's concessions and the findings of the Court of Appeal in <i>Hamilton v Post Office Limited</i> [2021] EWCA Crim 577, it is plain that any advice provided in this case was inadequate. In particular, see paragraphs [77], [121], [123], [126], [129] and [137] of the Court's judgment.</p>	<p>POL-0090662 [Inquiry URN: POL00091018]</p> <p><i>Hamilton v Post Office Limited</i> [2021] EWCA Crim 577</p>
<p>Q.125. What factors influenced the scope of enquiries undertaken?</p>	<p>As above, the enquiries undertaken will have been influenced by the requests made by POL's lawyer, Juliet McFarlane.</p> <p>In addition, Miss Hall's admissions in interview to inflating the cash on hand figure will likely have affected the enquiries undertaken. Ordinarily, when admissions are made in interview, it will often be unnecessary and/or disproportionate to conduct further inquiries. However, in this case, particularly against the background of Miss Hall asking for the figures she provided to be considered, and saying that Horizon was</p>	<p>POL-0014436; [Inquiry URN: POL00021244]</p>

	'not 100%', the admissions to inflating figures should not have prevented other enquiries being conducted as to the cause of the shortage.	
Q.126. What (if any) role did financial or reputational considerations play?	There is no reference in the papers available to financial or reputational considerations being taken into consideration in relation to the scope of the investigations undertaken.	
Q.127. Who was responsible for supervising or reviewing the conduct of this investigation?	It is not known specifically who within POL was responsible for supervising or reviewing the investigation. Arguably, the legal team supervised and/or reviewed the investigation, at least in part. Certainly, Juliet McFarlane directed what further enquiries needed to be undertaken before determining whether any charge could follow the investigation.	POL-0010623
Q.129. To what extent (if at all) was independent oversight exercised in relation to the conduct of these criminal investigations? By whom was it exercised and was it adequate?	Arguably, the prosecuting agent solicitor exercised a degree of oversight in that it was open to them to request further investigations. In this case, those solicitors were Messrs O'Garras, of Leeds. Similarly, it was open to counsel to advise on further investigation. In this case, counsel was Adrian Chaplin. Mr Chaplin indicated that he would ' <i>advise further after the PCMH</i> ' however Miss Hall ultimately pleaded guilty at the PCMH which obviated the need for advice on further enquiries.	POL-0011337 POL-0090656 [Inquiry URN: POL00091012]

Charging

Q.130. Who made the charging decision?	Juliet McFarlane	POL-0010623
Q.133. What policies, guidance or principles did they apply when making charging decisions? Were they suitable and applied appropriately?	Ms McFarlane noted in her charging memo of 3 February 2011 that ' <i>the evidence is sufficient to afford a realistic prospect of conviction of [Miss Hall] on the charge set out in the attached Schedule</i> ' in reference to the evidential stage of the CPS full code test. No explicit reference was made to the public interest limb of the test, though she did say ' <i>in view of the nature of the alleged offence prosecution would be appropriate</i> '. In light of POL's concessions and the Court of Appeal's findings in <i>Hamilton v Post Office Limited</i> [2021] EWCA Crim 577 – namely, that there was no basis for the prosecution – it follows that any policies, guidance or principles applied were not suitable or applied appropriately. See, in particular paragraphs [123] and [135] of the Court of Appeal's judgment.	POL-0010623 <i>Hamilton v Post Office Limited</i> [2021] EWCA Crim 577
Q.134. What (if any) legal advice did they receive concerning the appropriateness of bringing charges in individual cases?	See Q.133 above. A full advice on the evidence appears not to have been provided in this case. Instructed counsel, Adrian Chaplin, said that he would ' <i>advise further after the PCMH</i> '. Miss Hall pleaded guilty at the PCMH, so it	POL-0014525 [Inquiry URN: POL00021333]

	<p>follows that the advice on the evidence was not required.</p> <p>However, in noting that he would advise further after the PCMH, Mr Chaplin provided a proposed indictment, which included an additional count of fraud, representing the false declarations of the amount of cash on hand. In adding that second count he said, <i>'I hope you might agree that a plea to this would be acceptable'</i>.</p>	
Q.135. What (if any) action did they take upon receipt of such advice?	The indictment preferred against Miss Hall contained both the theft and fraud charges.	
Q.136. Was an offence of theft charged? If so, was there sufficient evidence to support it? Did the charge place improper pressure on the D? Was that intended?	<p>Yes. Theft was charged. In the event, the charge was ordered to be left of the file following an acceptable plea of guilty to fraud.</p> <p>In light of POL's concessions and the Court of Appeal's findings in <i>Hamilton v Post Office Limited</i> [2021] EWCA Crim 577, it is plain that there was insufficient evidence to support the theft charge. See, in particular, paragraph [117(ii)], where POL accepted that theft could not be directly proved and that the shortfall may not have been a real loss, and paragraph [166], where the Court of Appeal agreed there was no proof of an actual loss as opposed to a Horizon-generated shortage.</p> <p>Nothing in the material available suggests that POL intended the theft charge to place improper pressure on Miss Hall.</p> <p>When prosecution counsel Adrian Chaplin settled the indictment, he included a count of theft and an additional count of fraud. He described the fraud count as an <i>'alternative count'</i>, alleging fraud by false representation in respect false accounting. He said to Rob Wilson and Marilyn Benjamin at POL, <i>'I hope you might agree that a plea to this would be acceptable.'</i></p> <p>However, in her Case Review Questionnaire for mediation, Miss Hall explained that she was told POL would drop the theft charge in exchange for a guilty plea to false accounting (in fact, it was a charge of fraud, not false accounting), which would in all probability attract a non-custodial sentence, while a finding of guilt in respect of theft would likely attract a custodial sentence. She said that she felt she <i>'had very little alternative other than to agree to accept the offer to plead guilty'</i> to fraud.</p>	<p>POL-0012376</p> <p>POL-0090950 POL-0014525 [Inquiry URN: POL00021333]</p>
Q.137. Who was responsible for supervising or reviewing	It appears that Dave Pardoe was responsible for supervising the charging decision. In an email dated 7	POL-0010690

the charging decision?	February 2011, he was asked for authority to proceed with a prosecution. He replied on 9 February 2011, agreeing to prosecution. External Counsel Adrian Chaplin also reviewed the charging decision and advised on a fraud charge.	POL-0014525 [Inquiry URN: POL00021333]
Q.139. To what extent (if at all) was independent oversight exercised in relation to charging decisions? By whom was it exercised and was it adequate?	As above, independent counsel Adrian Chaplin advised on the addition of a fraud charge, thereby exercising some independent oversight. Arguably, it was also open to POL's instructed solicitor, Messrs O'Garras, of Leeds, to advise on charging decisions. In light of POL's concessions and the findings of the Court of appeal in <i>Hamilton v Post Office Limited</i> [2021] EWCA Crim 577 that there was no basis for charges being brought, because ' <i>If the Horizon data was not reliable, there was no basis for the prosecution</i> ' (<i>Hamilton</i> at [123]), it follows that there was inadequate oversight of charging decisions.	POL-0014525 [Inquiry URN: POL00021333] POL- 0011337;POL- 0011337

Prosecution

Q140. Who was responsible for conducting the prosecution?	POL's internal lawyer was Juliet McFarlane. The external prosecuting solicitors were Messrs O'Garras, of Leeds. Instructed counsel was Adrian Chaplin (9-12 Bell Yard).	POL-0010623 POL-0011337 POL-0090656 [Inquiry URN: POL00091012]
Q.143. What legal advice did they receive concerning the appropriateness of pursuing private prosecutions in individual cases?	See Q.133 and Q.134 above. Juliet McFarlane provided a charging advice. The decision was subsequently reviewed by external counsel Adrian Chaplin, who advised that a charge of fraud could be added to the indictment, and suggested that a plea to that offence alone would be an acceptable outcome.	POL-0010623 POL-0014525 [Inquiry URN: POL00021333]
Q.144. What action did they take upon receipt of such advice?	Miss Hall was prosecuted for both theft of 14,842.37 and fraud by false representation in respect of false declarations of the amount of cash on hand.	
Q.146. Who was responsible for supervising or reviewing the conduct of the prosecution?	It is not known who, if anyone, within POL supervised or reviewed the conduct of the prosecution. But, as above at Q.137, Dave Pardoe appears to have been responsible for giving authority to prosecute. External, independent solicitors and counsel were instructed, both of whom could have reviewed the conduct of the case. The solicitors were Messrs O'Garras, of Leeds. Counsel was Adrian Chaplin who, as independent counsel instructed to prosecute the case, had a continuing duty to advise as to the appropriateness of proceeding with the case.	POL- 0010690POL- 0009424 POL-0011337 POL-0090656 [Inquiry URN: POL00091012]

Q.148. How (if at all) was supervision of private prosecutions exercised?	Independent solicitors and counsel were instructed.	
Q.149. To what extent (if at all) was independent oversight exercised in relation to the conduct of prosecutions?	As above, independent solicitors and counsel were instructed. The solicitors were Messrs O'Garras, of Leeds. Counsel was Adrian Chaplin.	POL-0011337 POL-0090656 [Inquiry URN: POL00091012]

Disclosure

Q150. Who was responsible for making disclosure decisions?	<p>Ordinarily, the reviewing lawyer is responsible for making disclosure decisions. In this case, Juliet McFarlane appears to have been the reviewing lawyer. As noted above, she made the charging decision.</p> <p>In a letter to Miss Hall's solicitors, dated 27 May 2011, the then Head of Criminal Law, Rob Wilson, confirmed he was required to provide any disclosable material and that no material was at that stage disclosable.</p> <p>The disclosure officer was the investigator, Christopher Knight.</p>	<p>POL-0010623</p> <p>POL-0014518 [Inquiry URN: POL00021326]</p> <p>POL-0090995 [Inquiry URN: POL00091351]</p>
Q.153. What legal advice did they receive concerning duties of disclosure?	<p>It is not clear if any advice was given to Ms McFarlane or Mr Wilson as to their disclosure duties. As noted at Q.134 above, counsel Adrian Chaplin was seemingly not called upon to advise further on matters such as disclosure in light of Miss Hall's acceptable guilty plea at her PTPH.</p> <p>The disclosure officer, Christopher Knight, was told in the charging memo of 3 February 2011: <i>'You will be aware of the provisions of the Criminal Procedure and Investigations Act 1996 concerning disclosure. Please confirm whether there is any material which might reasonably be considered capable of undermining the Prosecution case or assisting the Defence case and which has not already been disclosed'</i>.</p> <p>He was reminded in a memo of 28 June 2011: <i>'I remind you of the continuing requirement of disclosure of any material which might reasonably be considered capable of undermining the Prosecution case or assisting the Defence case'</i>.</p>	<p>POL-0010623</p> <p>POL-0014540 [Inquiry URN: POL00021348]</p>
Q.154. What action did they take upon receipt of such advice?	<p>There is a document titled 'Disclosure Officers Report' which bears Mr Knight's name, though it is unsigned and undated. It records 'None' as the list of disclosable items.</p> <p>There is a 'Schedule of Non-Sensitive Unused</p>	<p>POL-0090995 [Inquiry URN: POL00091351]</p> <p>POL-0090890</p>

	<p>Material’, dated 23 May 2011 completed by Mr Knight. It lists 10 items. No assessment has been endorsed on the schedule as to whether any of the items are disclosable.</p> <p>A ‘Schedule of Sensitive Unused Material’ also bears Mr Knight’s name, though it is undated. It lists no material at all.</p> <p>A letter dated 27 May 2011 was sent from Rob Wilson to Miss Hall’s solicitors, Messrs Rahamn Revelli. It states: <i>‘I am required to disclose to you any prosecution material which has not previously been disclosed and which might reasonably be considered capable of undermining the Prosecution case against the accused or of assisting the case for the accused. At this stage there is no prosecution material which meets the above test. Attached to this letter is a copy of a Schedule of Non-Sensitive Unused Material. If you supply a written Defence Statement to me the material will be further reviewed in light of that statement’.</i></p>	<p>[Inquiry URN: POL00091246]</p> <p>POL-0090891 [Inquiry URN: POL00091247]</p> <p>POL-0014518 [Inquiry URN: POL00021326]</p>
<p>Q.155. What factors influenced the scope of disclosure?</p>	<p>Not known from the available material. No defence statement was served in light of Miss Hall’s guilty plea at her PTPH. No disclosure requests were therefore made in such a document.</p> <p>Miss Hall admissions in interview are likely to have influenced disclosure. However, Miss Hall’s admissions were limited to inflating the cash on hand figure. She denied theft. In any event, she apportioned blame to Horizon. Her admissions should not therefore have prevented the disclosure of any disclosable material concerning Horizon.</p>	
<p>Q.156. What (if any) role did financial or reputational considerations play?</p>	<p>Although not specifically a matter of disclosure, POL’s position was that it did not want Horizon mentioned by Miss Hall in her mitigation, making that a condition of a plea to fraud alone being acceptable. It follows that it is arguable that POL did not want to disclose any material in respect of Horizon integrity.</p> <p>There is support for that view in Miss Hall’s Schedule of Information for the civil litigation. There she said that POL <i>‘refused to disclose the Horizon data to me to allow me to check for myself’</i>. It is not known from the available material when or how Miss Hall requested Horizon data.</p>	<p>POL-0090664 [Inquiry URN: POL00091020] POL-0091018 [Inquiry URN: POL00091374]</p> <p>POL-0090994 [Inquiry URN: POL00091350]</p>
<p>Q.157. Were the decisions which they took in relation to disclosure appropriate?</p>	<p>No. In light of POL’s concessions and the Court of Appeal’s findings in <i>Hamilton v Post Office Limited</i> [2021] EWCA Crim 577, it is plain that the approach to disclosure was inadequate. POL accepted in Miss Hall’s case <i>‘that there were material failures of</i></p>	

	<p><i>investigation and disclosure, which meant that [Miss Hall] could not have, and did not have, a fair trial. Whilst it is a matter for the court, POL accepts that in [Miss Hall’s case] it would be open to the court to find the convictions unsafe on the grounds of an abuse of process of the first category’ (Hamilton at [77]).</i></p> <p>The Court of Appeal agreed, saying that the concessions made by POL in relation to Category 1 abuse of process were ‘<i>rightly and properly made...</i>’ regarding their investigation and disclosure obligations and the problems with or concerns about Horizon. In essence, the Court opined that the POL’s approach was influenced by what was in the interests of POL rather than by what the law required (<i>Hamilton</i> at [121], [123], [126], [129]).</p>	
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Negotiation and Acceptance of Pleas

<p>Q158. Who was responsible for decision-making re: negotiation and acceptance of pleas?</p>	<p>Ordinarily, the reviewing lawyer in a case is responsible for making decision as to the acceptability of pleas. Here, that was Juliet McFarlane.</p> <p>However, it seems from the available material that Ms McFarlane was not involved in the decision to accept Miss Hall’s plea of guilty to fraud. Instead, it appears that prosecution counsel Adrian Chaplin contacted the investigator, Christopher Knight, to ask if POL would accept a plea to false accounting alone. Mr Knight’s ‘Case Event File Log’ records in an entry dated 30 June 2011: ‘<i>Phone call from Adrian Chaplin, Barrister, while at Leeds Crown Court. Asked if we’d accept False Accounting. I said we would...</i>’. The entry also records that, ‘<i>Then I contacted Paul Southin for advice. Conference call with AC & PS agreement reached</i>’.</p> <p>It seems then, that Christopher Knight was responsible for making the decision to accept Miss Hall’s plea to fraud. Paul Southin may also have had some responsibility for the decision.</p> <p>Rob Wilson may also have been involved in the decision to accept Miss Hall’s plea of guilty to fraud. Prosecution counsel’s attendance note records that ‘<i>Rob and I discussed the case earlier this week</i>’.</p>	<p>POL-0010623</p> <p>POL-0090664 [Inquiry URN: POL00091020]</p> <p>POL-0090664 [Inquiry URN: POL00091020]</p>
<p>Q.159. What policies, guidance or principles did they apply when making their decisions? Were they suitable and applied appropriately?</p>	<p>Not known from the available material, although see Q.161 below in respect of the plea to fraud being acceptable only if Horizon was not criticised.</p>	
<p>Q.160. In what circumstances and upon what conditions</p>	<p>See Q.161 below.</p>	

<p>were charges not pursued? Were these appropriate?</p>		
<p>Q.161. In what circumstances and upon what conditions were pleas accepted? Were these appropriate?</p>	<p>Christopher Knight’s ‘Case File Event Log’ records in its entry for 30 June 2011: <i>‘Phone call from Adrian Chaplin, Barrister, while at Leeds Crown Court. Asked if we’d accept False Accounting. I said we would but nothing mention [sic] against Horizon. I reminded him of the POCA in place. Then I contacted Paul Southin for advice. Conference call with AC & PS agreement reached’.</i></p> <p>POL’s external solicitors, O’Garras, provided a written attendance note, dated 30 June 2011 of the hearing at which Miss Hall entered her guilty plea. It records: <i>‘Following discussions Mr Chaplin had with Defence Counsel Neil Clarke, it was indicated that the Defendant Alison Hall would plead Not Guilty to Count 1 but Guilty to Count 2 Fraud. That plea would be entered on the basis that she was fully aware of her contractual obligations to pay any shortfall. She had not stolen money but in order to delay the inevitably [sic] she had falsely reported the figures concerning cash on hand and the loss in this matter was £14,842.37. This was discussed with the investigator Chris Knight who confirmed a plea to Count 2 on that basis would be acceptable. One point that was made clear was the Prosecution would not accept any criticism or blame concerning the Horizon System. In fairness, that did not appear to form any part of the Defendant’s case’.</i></p> <p>It appears that the prospect of an acceptable plea to fraud had been anticipated in advance of the PTPH on 20 June 2011. In an email dated 23 June 2011 to financial investigator Paul Southin, the investigator Christopher Knight said: <i>‘...As Miss Hall admitted false accounting in the interview and the evidence is sufficient to back it up I understand that if this is offered by the defence the theft charge will be dropped in favour of one for False Accounting’.</i> Further, in prosecution counsel’s attendance note, Adrian Chaplin said: <i>‘Rob and I discussed the case earlier this week’.</i></p> <p>It was inappropriate to make the acceptance of the plea of guilty to fraud conditional on there being no criticism of Horizon. In <i>Hamilton v Post Office Limited</i> [2021] EWCA Crim 577, POL conceded: <i>‘It was improper to make the acceptability of her plea conditional on not making any explicit criticism of Horizon; In circumstances where theft could not directly be proved,</i></p>	<p>POL-0090664 [Inquiry URN: POL00091020]</p> <p>POL-0090910</p> <p>POL-0090655 [Inquiry URN: POL00091011] POL-0090664 [Inquiry URN: POL00091020]</p>

	<p><i>and the shortfall may not have been a real loss, it was wrong to try to prevent her from making any criticism of Horizon as part of her mitigation to the charge she admitted'. (Hamilton at [117]).</i></p> <p>The Court of Appeal agreed that <i>'such conduct on the part of a prosecutor is bound to bring the justice system into disrepute'</i>. (Hamilton at [168]).</p>	
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