



Note

To: Post Office Limited ('POL')

Date: 6 May 2021

Subject: Methodology for identifying Potential Future Appellants

Background

1. This note is to record the methodology used to identify Potential Future Appellants ('PFAs') to whom POL owes a duty of post-conviction disclosure.¹ The details of PFAs have been compiled as part of POL's wider post-conviction disclosure exercise ('PCDE'). For audit purposes, the basic details of the PFAs identified as at the date of this note are recorded at [Annex 1](#). It is possible that other PFAs exist that have not been identified through the methodology set out in this note. At a general level, this is due to a combination of the limitations of POL's available records and the historical nature of the cases.
2. At the outset, it is important to note that POL/P&P have adopted an inclusive approach to the PCDE. This means that POL/P&P have only excluded cases that are confirmed as being outside of the PCDE criteria. Where it is unclear whether a case is outside of the PCDE criteria, those cases are included in the number of PFAs, until information is received that confirms that those cases are outside of the PCDE criteria.

PCDE criteria

3. The PCDE criteria is formally set out in the Disclosure Management Document at paragraphs 1-5. The essential criteria are:
 - a. An individual was convicted of a criminal offence.
 - b. POL (or RMG pre separation) was the prosecutor.
 - c. The prosecution was based wholly or partly on data derived from Horizon.
 - d. The prosecution was undertaken between 1999/2000 and 2013. This is the period from the introduction of Horizon to POL ceasing to act as a prosecutor (subject to a small number of limited exceptions).

¹ Note, it is possible that others may seek to appeal. The PFA number is limited to individuals to whom POL owes a duty of post-conviction disclosure by virtue of the Common Issues Judgment and the Horizon Issues Judgment, because their cases relied wholly or partly on Horizon data.



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4. If cases are confirmed as not meeting any of the above criteria, at that point, they are not to be regarded as PFAs.

Methodology

5. The list of PFAs originates from over 100 spreadsheets that were provided to P&P by POL Security or identified during the review of POL Security's SharePoint site. These spreadsheets are referred to as 'Casework Spreadsheets'. The Casework Spreadsheets were used by POL from as early as 1980 to record various details about past/present investigations. The Casework Spreadsheets are held securely on Relativity under a 'saved search'. They can be extracted and sent back to POL if requested.
6. In the early stages of the PCDE, a reconciliation exercise of the Casework Spreadsheets was undertaken. The purpose of the reconciliation exercise was to identify all cases that were potentially within the PCDE in a single consolidated spreadsheet. This consolidated spreadsheet is referred to as the 'Master Search Terms List' ('MTL'). The reconciliation exercise extracted all cases that:
- Appeared to have resulted in a conviction.
 - Recorded a decision to prosecute, including cases where there was no further information (i.e. these cases may or may not have resulted in a conviction).
7. The cases on the MTL were then categorised. The categories are summarised in the table below:

| Category | Cases included |
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| 1 | Current appellants or cases being considered for referral by the Criminal Cases Review Commission. |
| 2 | Audit Shortfall Cases (described as Audit Cash Loss; Audit Shortage/False Accounting) dated between 2011 - 2014. |
| 3 | Audit Shortfall Cases dated between 2008 - 2010. |
| 4 | Audit Shortfall Cases dated between 2004 - 2007. |
| 5 | Audit Shortfall Cases dated between 1999 - 2003. |
| 6 | All Other Cases (e.g. Misuse of Postage Labels; Stock Inflated; Suppression of Banking Documents; Crown Office Cash Loss; DWP Fraud/DWP Overclaims; Banking Fraud etc.) dated between 2011 - 2014. |
| 7 | All Other Cases dated between 2008 - 2010. |
| 8 | All Other Cases dated between 2004 - 2007. |
| 9 | All Other Cases dated between 1999 - 2003. |



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| 10 | 'Out of Scope' cases including cases that do not involve the use of Horizon data or cases prosecuted by the CPS or DWP/DSS. |
| 11 | 'Out of Scope' cases prosecuted in Scotland and Northern Ireland, by the Procurator Fiscal or PPSNI. |

8. Cases in Categories 2-9 are all PFAs (as Category 1 referred to individuals who were already Appellants or had applied to the CCRC). The MTL is held securely on P&P's OneDrive, which is currently shared with POL's Historical Matters Case Review Team. There are not multiple versions of the MTL.² It is a single comprehensive record based on POL's records.
9. During the PCDE, cases were removed from the PFA categories if it was confirmed from the review of case papers that those cases were outside of the PCDE criteria, i.e. in circumstances where (i) there was no conviction; (ii) POL was not the prosecutor; (iii) the prosecution did not rely on Horizon data wholly or in part; or (iv) the prosecution was not undertaken between 1999/2000 and 2013. The removals took place iteratively, as case papers were reviewed.
10. All cases removed from the PFA categories continue to be recorded on the MTL. Where/how the removed cases are recorded depends on the reason for their removal. I.e.:
 - a. Where it is confirmed that POL was not the prosecutor or that the prosecution did not involve Horizon data (but Horizon was installed at that branch at the relevant time) these are recorded in the 'Out of Scope' Category (10) in the first worksheet of the MTL.
 - b. Where it is confirmed that there was no conviction or that the prosecution was not undertaken between 1999/2000 and 2013, these are recorded in the second worksheet of the MTL.
11. Where cases are removed from the PFA categories and recorded on the second worksheet on the MTL, the reason for their removal and the date of removal is recorded for audit purposes.
12. In addition to the review of the case papers (i.e. from POL/RMG's internal records), other verification exercises have been undertaken in parallel via external sources. These steps were taken to attempt to verify whether the cases in the PFA categories (compiled based on the inclusive approach) meet the PCDE criteria. A summary of these exercises is set out below.

Requesting information from courts

² Albeit, we have earlier versions that can be retrieved via the audit trail inherent in the OneDrive system.



13. In June 2020, P&P wrote letters to all of the courts recorded within the PFA categories (i.e. the courts where the apparent conviction was obtained). P&P requested:
 - a. Confirmation that a conviction was secured in relation to the PFA.
 - b. Details of the offences.
 - c. The date of the conviction.
 - d. Where available, any further information about the case.
14. Where the information received from the court revealed that a case was outside of the PFA criteria, that case was removed from the PFA categories in accordance with paragraph 10 above.
15. In December 2020, P&P wrote to the courts for a second time, in relation to PFA cases in which the identity of the prosecutor was not confirmed. P&P requested the record sheet and/or confirmation of the identity of the prosecutor on the court record. Where the information received from the court revealed that POL was not the prosecutor, that case was removed from the PFA categories in accordance with paragraph 10 above.

Horizon instalment dates

16. In March 2021, Fujitsu Services Limited ('FSL') provided the Horizon instalment dates for the branches in which approximately 270 PFAs were employed. These dates were cross-checked against the 'date of case creation' in the MTL. The 'date of creation' is the recorded date that POL's Security team started its investigation into an individual. Where the Horizon instalment date post-dated the case creation date, that case was removed from the PFA categories. The basis for removing the case from the PFA categories is that if Horizon was not installed at the time the investigation was recorded as having started (i.e. the investigation which culminated in prosecution/conviction), it is reasonable to conclude that it was not a Horizon related conviction.

Identifying PFAs - ongoing work

17. At the time of finalising this note, the number of PFAs stands at 649. It is important to note that this number is not fixed and is subject to change pending further information to be received from third parties. These third parties may include the PFAs themselves, the Criminal Cases Review Commission, the courts and FSL.
18. Several courts have been unable to locate or retrieve the requested records in relation to some PFA cases convicted between 2000-2005. This is primarily



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because the courts require an exact hearing date to locate the case in their archive system, which is not always available due to the lack of material held for these historical cases. Secondly, due to the Covid-19 pandemic, several courts have been unable to access documentation held in offsite archives.

19. P&P continue to follow up with outstanding courts by email/phone for a response to our requests. At the time of finalising this note, P&P is continuing to follow up with 23 courts. Where new information is obtained on conviction dates, further requests are sent to the courts.
20. In recent weeks, details for 42 further branches have been sent to FSL to obtain Horizon instalment dates relevant to PFA cases. Upon receipt of these dates, they will be cross-checked against the 'date of case creation'. As per paragraph 16 above, any case not involving the use of Horizon data will be removed from the PFA number.

Peters & Peters Solicitors LLP



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Annex 1 - Basic details of PFAs identified as at the date of this note

| Number | Forename | Surname | DOB |
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| PFA001 | | | |
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| PFA047 | Grant | Allen | |
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| PFA094 | Janine | | | Powell | | |
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| PFA100 | Pauline | | Stonehouse | | | |
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| PFA173 | Duranda | Clarke | | |
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| PFA568 | | Husmukh | | Shingadia | |
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| PFA571 | | Norman | | Barber | |
| PFA572 | | Robert | | Ambrose | |
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| PFA574 | | Amanda | | Barber | |
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| PFA578 | | Abiodun | | Omotoso | |
| PFA579 | | Jerry | | Hosi | |
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| PFA584 | | Gurdeep | | Singh Dhale | |
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