

POST OFFICE HORIZON SCANDAL: GLO COMPENSATION SCHEME**TARIFF OF REASONABLE LEGAL COSTS****Introduction**

1. The Government has agreed to meet the reasonable legal costs of members of the GLO claiming for additional compensation under the scheme announced on 7 December 2022. This note sets out the tariff by which those costs will be calculated. It has been agreed through a mediated discussion between DBT and legal advisors known to represent eligible claimants – ie Freeths, Howe & Co and Hudgell Solicitors.
2. The Government strongly welcomes the commitment of these legal advisors not to seek fees from their clients in addition to its support for reasonable costs. **It strongly advises claimants not to engage any lawyer who asks for payment, either during the claims process or when compensation is paid**, as this may mean that eventual compensation would be reduced by legal costs which the claimant would not be able to recover.
3. All figures in this note exclude VAT.

Structure of allowances

4. The tariff will differentiate between straightforward, moderate and complex cases, defined as at Annex A. Early in the claim process, claimants' legal advisors will submit to the Department for Business and Trade (DBT) an overview of the evidence, on the basis of which DBT will make an initial determination of the category into which the claim falls. DBT will process these overviews within 15 working days. DBT may recategorise cases later in the process as further evidence emerges.
5. For each case a "basic" costs allowance will be payable reflecting the legal advisor's own likely costs plus any need to seek advice from Counsel. Additional allowances will be paid for cases in certain categories, as in the table below.

Category of case:	Tariff per case (£)		
	Straightforward	Moderate	Complex
Basic allowance	5,796	9,198	18,060
<i>Additions where relevant for:</i>			
Personal injury cases	114	168	504
Cases involving bankruptcy/IVA	-	-	3,360
Agreed commissioning etc of expert evidence (costs per one expert discipline)	-	4,284	4,284
Cases taken to exceptional review	1,260	2,352	5,124

6. Where more than one expert discipline was required, an additional allowance in the same sum of £4,284 would be payable in respect of the agreed commissioning of each and any additional expert discipline.
7. Claimants' legal advisors were invited on 22 November 2022 to submit applications for support for the costs of expert evidence following the process at Annex B. Where such applications are approved, claimants' lawyers will be authorised to commit costs of up to £7,000 for advice from a forensic accountant, and £3,000 for advice from a medical expert. The expert fees in more complex cases may be considerably more than these amounts.

Therefore, if in the light of initial advice from that expert, the claimant’s legal advisor concludes that further costs will be necessary to provide relevant evidence, DBT will consider applications for specific amounts of further costs. DBT will also consider applications for support for the costs of any other types of expert evidence. DBT will decide such applications within 15 working days.

8. Provision will be made for speedy resolution by a neutral third party, such as Leading Counsel (funded by DBT), of any disagreement as to: (i) the categorisation of a case; or (ii) the need for expert evidence in a case; or (iii) the level of fees to be incurred on expert evidence in a case.

Timing of payment

9. Basic allowances will be paid to claimants’ legal advisors in four instalments, each triggered by the advisor’s actions:

Category of case: Trigger event:	Instalment payments per case (£)		
	Straightforward	Moderate	Complex
1. Receipt by DBT of scheme registration form	900	900	900
2. Processing by DBT of overview of claims	1,700	2,000	4,000
3. Receipt by DBT of substantially complete claim form	1,768	3,862	7,952
4. Receipt by DBT of the claimant’s agreement to an award.	1,428	2,436	5,208

10. Payment of additional allowances will be triggered as follows:

Allowance	Trigger
Cases involving personal injury or bankruptcy	Processing by DBT of overview of claims
Agreed commissioning etc of expert evidence (costs falling directly to the legal advisor)	DBT agreement that the advice should be commissioned, or independent review decision to that effect
Disbursements for expert evidence	Receipt by DBT of copy of invoice from expert to legal advisor
Cases taken to exceptional review	Submission of a case for exceptional review

11. At the end of each month, each legal advisor will be invited to submit a schedule setting out the allowances triggered during that month. DBT will aim to make payments against these schedules within 28 days.

DBT

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Annex A: categories of case

Complex cases

Cases where any of the following apply:

- Claimant was suspended and terminated or forced to resign;
- Claimant was terminated or forced to resign without notice;
- Claimant was investigated by POL/police for over 3 months;
- Claimant was interviewed by POL and/or police;
- Branch closed, doors locked and all records removed;
- Claimant's home or other private premises searched;
- Claimant was prosecuted but not convicted;
- Claimant became bankrupt or subject to an IVA;
- Claimant was subject to civil proceedings initiated by POL;
- Claimant lost connected retail business;
- Claimant lost home;
- Claimant suffered personal losses over £25k (e.g. harassment/stigma/personal injury)
- Claimant suffered consequential losses over £50k.

Moderate cases

Cases which are not complex, but where any of the following apply:

Claimant was suspended but re-instated

Claimant was subject to investigations by POL lasting 1 to 3 months;

- Branch was subject to audit;
- Claimant suffered personal losses £10k to £25k (e.g. harassment/stigma/personal injury);
- Claimant suffered consequential losses £15k to £50k;
- Cases involving linked Claimants;
- Cases involving more than 1 branch.

Straightforward

Cases where none of the criteria for complex or moderate cases apply.

Annex B: Process for support of costs for expert evidence

In cases where a claimant's legal representatives (or, if unrepresented, a claimant themselves) wish to propose the use of expert evidence, they should send an email to glocompensation@cro.gro setting out the following:

- Case name and reference number (for the sake of consistency, reference numbers used by Freeths LLP in High Court litigation *Alan Bates and Others v Post Office Limited* should be adopted)
- Based on practice in civil proceedings (CPR Part 35):
 - A brief explanation of reasons as to why expert evidence is reasonably required;
 - A costs estimate for the proposed expert evidence and whether it is proportionate and justified by reference to the value of a relevant head of loss;
 - The field in which expert evidence is required;
 - Issues which expert evidence will address;
 - Where practicable, the name of the proposed expert and details of their qualifications.

DBT will consider such proposals and respond to them within 15 working days.