

Post Office scandal

Post Office told UK government it would oppose appeals by half of convicted sub-postmasters

Letter came in wake of public outcry following an ITV dramatisation of scandal



Between 1999 and 2015, 700 sub-postmasters were convicted in cases brought by the UK Post Office that involved data from the flawed Horizon IT system © Loop Images/Alamy

Suzi Ring and Rafe Uddin in London JANUARY 24 2024

Unlock the Editor's Digest for free

Roula Khalaf, Editor of the FT, selects her favourite stories in this weekly newsletter.

Sign up

The UK Post Office privately told ministers this month that it would have opposed appeals by nearly half of the 700 sub-postmasters convicted using data from Fujitsu's faulty Horizon IT system.

The message came days before Prime Minister Rishi Sunak announced [unprecedented legislation](#) to acquit the sub-postmasters en masse, calling the affair "one of the greatest miscarriages of justice in our nation's history".

In a letter sent to the Department for Business and Trade and Ministry of Justice, seen by the Financial Times, the Post Office said it believed that in 333 cases non-Horizon evidence supported the convictions.

The Post Office letter came as the government was considering how to respond to a public outcry following an ITV dramatisation of the long-running [scandal](#).

“On the information currently available . . . POL could not properly concede an appeal unless further information becomes available,” the letter said in reference to the 333 cases.

The letter drew criticism from a member of the government-appointed Horizon Compensation Advisory Board, Richard Moorhead.

“The people writing that letter have not properly absorbed the scale of the injustice exposed by the lawyers and investigators during the inquiry,” said Moorhead, referring to the statutory inquiry into the scandal.

“Almost any evidence coming from the Post Office would have to start with the assumption that it’s now seriously flawed,” he added.

Between 1999 and 2015, 700 sub-postmasters were convicted in cases brought by the Post Office that involved data from the flawed Horizon IT system.

Both the Post Office and Japan’s [Fujitsu](#), the developer of Horizon, were aware of the system’s faults from its initial rollout in 1999 but maintained it was robust for two decades.

The High Court ruled in 2019 that several “bugs, errors and defects” had meant there was a “material risk” that Horizon was to blame for the faulty data used in the Post Office prosecutions.

Two years later the Court of Appeal said, as it overturned 39 convictions, that each case that relied on Horizon data was an “affront to justice” and individuals should not have been prosecuted. It rejected three other appeals.

The public inquiry into the affair has heard of the toll that the Post Office inflicted on innocent sub-postmasters, including bullying during investigations and using aggressive legal tactics to pressure them into pleading guilty to avoid prison.

So far 96 convictions in total have been overturned. Sunak’s decision to depart from the normal appeals process has caused [unease among the judiciary](#) and senior lawyers over concerns about the precedent it sets for political interference in the courts.

The Lady Chief Justice Sue Carr [told MPs last week](#) that the courts could have handled large numbers of appeals against Post Office convictions, pushing back on the idea that emergency legislation was necessary.

The Horizon Compensation Advisory Board urged the government in December to move forward with a blanket exoneration.

The board said a “small minority” were “doubtless genuinely guilty” but that it would be “worth acquitting a few guilty people . . . in order to deliver justice”.

The Post Office in its letter insisted “the 700 figure is not a definitive number of wrongful convictions”, adding that it could not form a view in 118 cases ahead of an appeal because the evidence available was too limited.

Following a review of convictions by independent barristers, the Post Office contacted 26 individuals to tell them it would concede their case on appeal, according to the letter.

Ministers had considered stripping the Post Office of its role in appeals to speed up the process before Sunak announced the government would quash convictions.

Compensation of £600,000 has been offered to each sub-postmaster whose Horizon conviction is overturned. The government has set aside £1bn to compensate sub-postmasters.

In Scotland, 73 sub-postmasters were convicted in cases brought by the government using Horizon data, rather than by the Post Office, because of differences in the legal system.

Lord Advocate Dorothy Bain KC defended the role of the courts and told the Scottish parliament this month that “not every case involving Horizon evidence will be a miscarriage of justice”.

The Post Office said: “The safety of convictions is determined by the courts and the relevant route of appeal. The Criminal Cases Review Commission have multiple times contacted people who may be affected, alongside providing other help and support.”

A government spokesperson said: “We have been upfront that overturning all convictions will lead to some guilty individuals being acquitted . . . These are truly exceptional circumstances which warrant an exceptional response.”

The CCRC in 2022 and 2023 wrote to 358 convicted sub-postmasters alerting them to the fact their convictions might be unsafe, it said in September.

The CCRC is the body responsible for investigating miscarriages of justice in England, Wales and Northern Ireland.

About 50 responded, 30 of which asked for more information, and the remainder requested to be left alone.

The Horizon Compensation Advisory Board told the government in December that some individuals' "deep distrust of authority" over the scandal had contributed to their unwillingness to appeal.

The CCRC has received about 170 Post Office cases for review, of which 62 convictions have been quashed, one abandoned, five upheld and 30 turned down for a referral for appeal, according to a CCRC spokesperson. Others are still under review.

[Copyright](#) The Financial Times Limited 2024. All rights reserved.
