



Department for  
Business & Trade

## Horizon Compensation Advisory Board

### Report of eighteenth meeting held on 31 October 2024

Members present: Prof. Christopher Hodges (Chair); Lord Arbuthnot; Prof. Richard Moorhead, Lord Beamish (formerly Kevan Jones MP). Also present: Carl Creswell, Rob Brightwell, Beth White, Eleri Wones, Charlotte Heyes (all Department for Business and Trade – “DBT”).

#### Meeting with claimant legal representatives:

1. The Board was joined for this item by legal representatives with clients in each of the four schemes; Neil Huggell (Huggell Solicitors), Tim Moloney KC (Doughty Street Chambers), Kieran O’Rourke (Howe and Co) and James Hartley (Freeths).
2. The Board asked whether the various schemes were fair; whether their scope was correct; and what could be done to increase the pace.
3. Some of the legal representatives’ comments applied to **multiple schemes**:
  - Some claimants were opting to take the fixed offer even where they had been advised that they might be entitled to more. The Board were told that if the fixed offer had not been introduced, some would not have applied for redress at all. One representative said that all his clients who had taken the fixed offer were satisfied.
  - Subject to this, all schemes were generally providing fair levels of redress. The main issues were about pace.
  - Vulnerable claimants could understandably find engagement with the redress process difficult. This issue was most marked for those who had been convicted, whether they were in the OC or HCRS schemes.
  - Some postmasters were choosing to wait until the inquiry had concluded before submitting their claims, often for reasons associated with their vulnerability. Board members agreed that this was unlikely to be to their advantage. They were mindful of how difficult this was for postmasters but encouraged all to submit claims as promptly as possible.

- Whilst bilateral discussions with Post Office about OC claims or disputed HSS cases could lead to agreement, governance decisions sometimes unravelled those agreements.
4. [Secretariat note: figures for the progress of each scheme as at 31 October have now been published at <https://www.gov.uk/government/publications/post-office-horizon-compensation-data-for-2024/post-office-horizon-financial-redress-data-as-of-31-october-2024>].
5. Claimants' representatives' comments on individual schemes were as follows:

#### **Overtured Convictions (OC) scheme**

- Whilst the history of the scheme had not been straightforward, it was now working better. The remaining cases tended to be the more complex ones.
- They believed that they had satisfied Sir Gary Hickenbottom that they were moving cases forward where possible. His collegiate case management approach was valuable to all parties. Other schemes could learn from his approach.
- Offers were taking about 3 months from submission of a claim. They believed that this could be accelerated to 2 months if delays in governance processes could be reduced.
- Where robust claims were submitted, offers tended to be decent.
- Claims for loss of chance were proving challenging to resolve. Sir Gary was planning to give broad-brush guidance, which might also be helpful for other schemes. DBT said that they had frequent meetings with Sir Gary to discuss learnings and how they apply these across schemes. The Board encouraged formalising and publishing such guidance routinely where appropriate.
- Pension loss claims had been difficult to resolve, but representatives were pleased with the work that the Post Office remediation team had initiated on designing a pension loss model, which would be a great help.

#### **GLO scheme**

- DBT was issuing more requests for information (RFIs) than representatives would like. DBT officials said that they recognised the need to minimise the number of such requests and were trying to do this. The Board encouraged a pragmatic, justice first approach.
- It was undesirable that RFIs should be issued near the end of the 40 working day period for issue of an offer. DBT explained that this usually

arose where its governance process identified areas where an offer might be increased substantially if further information was provided. They tried hard not to issue a low offer if a short delay could lead to a more generous one.

- The case management role undertaken by Dentons could be enhanced. DBT welcomed this suggestion and agreed to discuss it further with claimants' lawyers.

### **Horizon Convictions Redress Scheme (HCRS)**

- The scheme was still at an early stage, but some claimants had already settled for the fixed sum. Understandably, claims for individual assessment had yet to come through.
- They were working collaboratively with DBT and appreciated the regular meetings with the casework team. There had been a few teething issues to resolve in the first few weeks, but the process was improving.
- About 60-70% of one firm's clients were likely to take the fixed offer.
- MoJ had found that conviction records were not as clear as they would have wished. This had delayed the issue of letters recording the exoneration of individuals, but these were now progressing well.
- Payments were being made quickly once redress was agreed. One representative noted that the payment process for HCRS had been 'exemplary'.

### **Horizon Shortfall Scheme (HSS)**

- Many claimants were unrepresented, and so claimants' representatives did not have the full picture.
- They were concerned at the number of offers outstanding and the uncertain time frame for their resolution. DBT noted that a very large number of the outstanding claims were likely to be resolved rapidly by acceptance of the fixed offer.
- Where claimants took on legal representation this often led to a substantial increase in the amount claimed.
- They were concerned that the lack of access to medical experts at an early stage meant that personal injury claims were being understated and people were not getting early access to the care which they needed. This was slowing their recovery.

- There could be a long lag – often 5-7 months – between a challenge to an offer and Post Office’s response.
- It was not clear which cases should go back to the panel.
- The panel was not meeting frequently enough to get through cases.

### **Capture**

6. Board members noted their letter to the Lord Chancellor about the case for overturning Capture convictions. They were concerned that it would be impossible for the Criminal Cases Review Commission (CCRC) to find sufficient evidence to recommend the overturn of convictions.
7. Since the Kroll report was published the Department had arranged for the transfer to it of the data which Kroll had gathered. Post Office Ltd had been asked to gather information on prosecutions when Capture was in place. DBT was working closely with the Ministry of Justice, Scottish and Northern Ireland justice authorities to ensure any relevant information was passed to the CCRC and Scottish CCRC to assist in their reviews.
8. DBT welcomed the Board’s view on eligibility and the burden of proof for a Capture scheme.

### **HSS**

9. DBT described their emerging proposals for the independent appeals process which had been announced in August following calls by the Board. The Board were generally content with the emerging proposals but wanted to see wide eligibility criteria for the scheme. DBT agreed to reflect on the Board’s advice as proposals were developed further.
10. At the previous meeting the Board had discussed the case for moving responsibility for the HSS Scheme from Post Office to DBT. The Board discussed a first analysis of the likely implications. The Board remained keen to see a rapidly progressed transfer of responsibility.

### **Any other business**

11. Officials provided some information from DWP about the evidence on which their prosecutions of postmasters had been based. It was agreed that Board members should seek postmasters’ lawyers’ views.
12. The Board agreed to have a further discussion of redress for family members at their next meeting.
13. The Board asked DBT to seek an update from the Post Office about staff who might have been involved in the scandal performing roles related to redress.