

POST OFFICE OVERTURNED CONVICTIONS
INDEPENDENT COMPENSATION ASSESSMENT PANEL
(PECUNIARY LOSSES)

OCTOBER 2024 REPORT

Introduction

Following discussion with the Horizon Compensation Advisory Board, this report has been commissioned by the Department of Business and Trade, with the intention that it is now produced and published quarterly¹.

Figures

The position in respect of claims as at 30 September 2024 (Column 2), with the figures as at the end of the previous quarter (30 June 2024) for comparison (Column 1), is as follows.

	Column 1	Column 2
Number of Overturned Convictions	(110)	111
Number of Claims Notified	(109)	111 ²
Number of Ongoing Particularised Pecuniary Claims Received (i.e. Net of Full and Final Settlements)	(7)	8
Number of Assessed Offers Made in Ongoing Claims (i.e. Net of Full and Final Settlements)	(2)	3
Number of Offers Accepted (£600,000)	(44)	54
Number of Offers Accepted (other than £600,000)	(4)	6
Number of Ongoing Claims in which Interim Payments Made	(58)	51 ³
Number of Claims Referred to Panel	(0)	0
Number of Claimants Assessed by Panel	(0)	0
Number of Assessments/Offer after Assessment Accepted	(0)	0
Number of Full and Final Settlements	(48)	60
Number of Claims Closed	(39)	51 ⁴
Total Amount of Interim Payments in Ongoing Claims	(£17.8m)	£18.67m ⁵
Total Amount of Final Payments	(£31.2m)	£39.86m ⁶

Observations

1. There have been no completed references to the Panel for the assessment of a claim. However, in the exercise of the case management powers he has adopted, there have been case management hearings in individual cases – assisted by the

case summaries prepared by the claimants' representatives referred to in the last report – in which directions have been given to speed the resolution of claims or specific issues within a claim. The Chair continues to regard this case management function as vitally important.

2. In addition, the Panel Chair continues to have regular meetings with the parties, which are designed to identify the most efficient and effective way of the Chair overseeing and driving individual claims forward – and issues that may delay further progress. The next meeting is due to take place on 14 November 2024.
3. As the figures above show, although not of course as quickly as we would like, cases within the OC Scheme cohort continue to be settled, most (but not all) for the £600,000 initial offer. Because claimants whose convictions were overturned by statute – as opposed to the court, as in this cohort – will be the subject of a different redress scheme, the number of claimants now in the OC Scheme cohort (111) are probably a closed group. That number is unlikely to rise. As cases settle, it is expected that a diminishing number of higher value, more challenging cases will be left. It is likely that claims for future loss – in most cases, the highest value head of loss and the most challenging – will feature with increasing prominence in these cases.
4. In the last report, the Chair referred to work that had been done in seeking to identify individual cases in which there appears to be an issue which is unlikely to be compromised without intervention of the Panel; so that these can be brought to the Panel soon. At the September meeting with the parties, the Chair directed the parties' representatives to attempt to identify individual cases with issues in respect of future loss which are unlikely to be compromised by the parties without assistance, with a view to determining these issues/claims at an assessment hearing early next year. Although future loss is notoriously fact-specific and confidentiality will apply to the facts of the individual cases, the Chair considers that such a hearing could result in, not only the assessment and then resolution of future loss claims in the relevant individual claims, but also some form of written guidance drawn from the cases which may assist with the resolution of other future loss claims in the OC Scheme. Such guidance may also be helpful to claims in other Horizon redress schemes; and, following the November meeting, the Chair intends to engage with relevant personnel in those schemes with a view to ensuring that the best value is obtained from the proposed hearing next year (e.g. by allowing parties in other schemes to lodge written submissions). In addition to individual case management, this work on future losses is likely to be the most important work of the Panel in the immediate future.
5. The Chair has the following particular concerns about factors which may slow future progress.
 - (i) Whilst an increasing percentage of the claimants – over half – have now accepted the £600,000 initial offer or lodged a particularised pecuniary loss claim for assessment, it is clear that some claimants are finding difficult the decision as to whether to accept that offer or proceed with a particularised claim. Although an informed decision may require legal and accountancy evidence, there do not appear to be reports of any substantial delays. However, the Chair is anxious to ensure that each claimant is in a position to make an informed decision on the initial offer as soon as possible.

- (ii) Whilst of course some individual claims are currently awaiting an expert report or Counsel's opinion to enable it to progress, the recent meeting with the parties did not suggest any significant current resource capacity issues in respect of either lawyers or experts. Capacity generally may become an issue following the recent statutory intervention to overturn (several hundred) other convictions, assuming that the same legal representatives/experts are involved for the claimants. Meanwhile, the general picture of the challenges faced by claimants and their representatives set out in the previous report continues. The Chair remains of the view that careful and regular case management of the individual cases will be the best way to progress these claims.
- (iii) Some delays have occurred in the finalisation of the pension model which Post Office intend to use in assessing pension claims, which has delayed the final assessment of at least one claim. However, the Chair has given directions to ensure that the legal representatives of the claimant in that claim give Post Office prompt feedback on the model, which will hopefully avoid delays in future pension claims.
- (iv) The concerns expressed by some claimant representatives that their costs claims are not being dealt with by the Post Office with due expedition, referred to in the last report, have been addressed. The Chair gave directions in relation to several cost claims which appear to have resulted in those claims being progressed and settled.
- (v) Interim payments have now been made to all claimants whose claims have not been fully and finally settled. In one or two cases, concern has been expressed that an inadequate interim payment has been made by the Post Office in respect of a large claim. The Chair has made it clear that he considers that the Panel has jurisdiction to consider applications for further interim payments on conventional principles; and awaits applications from claimants who are dissatisfied with the payments made to date.
- (vi) More generally, concern continues about "governance procedures" within the Post Office and/or DBT leading to delay and disruption of the procedures and timetable set out on the scheme.

Sir Gary Hickinbottom
Chair
16 October 2024

¹ This is the second report of the Chair of the OC Scheme Panel. The first report, published in July 2024, included a brief overview of the scope and processes involved in the Scheme, as well as data and observations. This report and future reports will focus on the data and observations on progress.

² This is the total number of claimants who have been in contact with the PO regarding the Overturned Convictions Redress Scheme (not all of whom have yet applied for an initial interim payment).

³ This is the total number of claimants to whom interim payments have been made, including initial £163,000 initial interim payments, proactive settlement payments, non-pecuniary settlements, and other interim or part settlement payments. This figure does not include claimants who had received interim payments but subsequently fully and finally settled their claims. Interim payments have now been made to all claimants whose claims have not been fully and finally settled (the figure being 110 as at 30 September 2024).

⁴ Of the 60 full and final settlements, 9 claims still have outstanding legal costs to be agreed or assessed before they can be closed. One of these claimants has submitted a costs schedule that is under assessment, 2 have submitted costs schedules which Post Office has responded to, and 6 have yet to do so.

⁵ The figure as at 30 June 2024 has been rounded to the nearest £0.1m, i.e. it is to one decimal place. The figure to 30 September 2024 is to two decimal places. It includes all interim payments and includes proactive, part and non-pecuniary settlements payments; but does not include interim payments made to Claimants who have subsequently fully and finally settled their claims.

⁶ The figure as at 30 June 2024 has been rounded to the nearest £0.1m, i.e. it is to one decimal place. The figure to 30 September 2024 is to two decimal places. It includes all £600,000 settlements as well as those who have accepted offers following submission and assessment of a particularised claim.

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