WITN11710104

DRAFT – NOT GOVERNMENT POLICY

Delivery of Horizon Convictions Redress Scheme

DRAFT – NOT GOVERNMENT POLICY

1. Summary

This paper sets out the high-level process design for the "Horizon Convictions Redress Scheme" based on objectives of the scheme and lessons learnt from other schemes. At this stage, we are setting out our high-level internal decision points on the form of the scheme to enable DBT to kick off stand-up activities, such as procurement specifications, stakeholder engagement and establishing front-end processes. We welcome the Advisory Board's views on these decision-points, noting the final decisions will be taken by the Minister who will consider their advice.

Lower-level policy decisions, such as interventions to streamline compensation delivery, will continue to be considered and can be implemented within the high-level design, as well as consideration of stakeholder views, including the Horizon Compensation Advisory Board and the Business and Trade Select Committee report.

2. Background

Definitions: for ease, the current compensation scheme delivered by the Post Office to provide redress to those with convictions which are overturned in the appeals court is referred to as "OC1" in this paper. The future compensation scheme to be delivered by the Department for Business and Trade to provide redress to those whose convictions have been overturned via the upcoming 'mass exoneration' legislation is referred to as "OC2" in this paper. Note also that publicly we are using the term 'redress' instead of 'compensation', but in this paper we mostly refer to compensation as it has been the term most used to date.

Minister Hollinrake has announced that DBT will be delivering redress to those whose convictions are overturned by the legislation.

There is a need to establish a compensation scheme which is open for applications by Royal Assent of the Bill, expected before summer recess. There is a trade-off between this need for rapid stand-up and the structure of the scheme design phase, for example how much consultation and new design can take place.

There is an underlying assumption that the scheme within DBT should be aligned to an extent with the GLO Scheme. That scheme learnt lessons from the HSS in its design and was developed in the light of engagement with representatives of the 555 – the Justice for Sub-postmasters Alliance (JFSA) and Freeths. This led to changes from the HSS such as making initial offers bilaterally, moving independent panel involvement later in the process as part of a structured disputes process culminating in an independent reviewer, and defining a legal fees tariffs upfront.

There is also an underlying assumption that consistency will need to be maintained to an extent with "OC1" (court overturns current process) in the following respects:

- Principles for assessing losses will need to be the same, including assuming the OC2 cohort will recover damages for malicious prosecution in the same way as both OC1 claimants and those in the HSS/GLO group who were prosecuted but not convicted.
- High-level processing features will be the same, such as the £163k interim payment, the £600k fixed sum offer or the assessed claim process, and the use of an Independent Assessor and/or Reviewer.

WITN11710104

3. Objectives

The original OC1 objectives were:

Provide POL with necessary resources to settle compensation claims in a timely and cost-effective manner, which would achieve the following benefits:

a) Fairly compensate postmasters for the losses they have faced as a result of being wrongfully convicted or prosecuted;
b) Bring Horizon-related prosecution/conviction claims to a close;
c) Reduce overall risk of litigation;
d) Protect POL and HMG reputations;
e) Protect the provision of public post offices and delivery of essential services.

The overarching objective of resolving compensation claims in a timely and cost-effective manner still applies, as do benefits a)-d). Additional, more granular objectives apply to OC2 given the carry-over from OC1 and the interaction with other schemes:

a) Deliver consistency of outcome for claimants in OC1 and OC2;
b) Maintain fairness and consistency of treatment for claimants in Horizon schemes.

Full, fair and swift redress remains as the driving objective behind the scheme. We may also consider the objectives to reduce burden, effort and stress on the postmaster; ensuring the scheme is trusted by postmasters; and the delivery of the scheme is cost-effective.

4. Lessons learnt from other schemes

Workshops have been held between scheme leads (HSS, GLO and OC1) to learn lessons from current delivery to identify i) what should be carried forward to OC2; ii) what can be improved.

Scheme	Findings	Lesson for OC2
HSS	Lack of legal advice to help inform claims at the outset may have disadvantaged claimants in setting out their losses comprehensively.	Support provision of legal advice from the beginning.
	There have been criticisms that not sharing consequential loss guidance at the beginning of the scheme was an issue for claimants identifying their losses.	Provide relevant guidance at the outset of scheme.
	Independent Panel at first stage in the offer process is beneficial in bringing independence and retail/accountancy expertise. However, convening Panels can impact onto efficiency of scheme.	Support independent assessment function but balance with need for efficient processing and panel capacity.
OC1	Lack of legal costs tariff makes settlement of costs challenging.	Support implementation of a legal costs tariff.
	Transparent principles/engagement with lawyers has unblocked issues.	Support transparency/engagement with lawyers.
	Splitting non-pecuniary claims from pecuniary may impact on pace of reaching full and final settlements.	Encourage full claims settlement process via claim form and principles.

WITN11710104

DRAFT – NOT GOVERNMENT POLICY

GLO	Legal costs tariffs beneficial.	Support implementation of a legal costs tariff.
	Structure of claims/disputes process seems to be pitched at the right level (i.e. 1st DBT offer – Panel dispute – manifest error review).	Consider carrying across structures to OC2.
	Greater transparency on status of claim is needed.	Implement an update mechanism via claims portal (claims facilitator role) and regular reports from Reviewer to Advisory Board and Ministers. Ensure clarity in claimant communications for the basis of any offer.
Cross-cutting	Poor understanding of design and purpose of different schemes and how they compare can be unhelpful.	Need for clearer comms on differences between schemes and rationale. Benefit in consultation with stakeholders in scheme design. Benefit in introducing x-cutting oversight (e.g. via Panel Chair or Independent Reviewer) to provide reassurance fairness is being monitored across the piece.

Taking together the assumptions, objectives, and lessons learnt, the following scheme design map has been developed. At this stage, this is a high-level scheme design to enable us to start work on the DBT dependencies (such as procurement specifications and other upfront work required) and begin engagement with stakeholders. The Department is considering key decision-points (marked as decision points & expanded below) to move forward. Lower-level policy decisions (such as any interventions to streamline processes) will continue to be explored and can be implemented within the high-level design.

Input required:

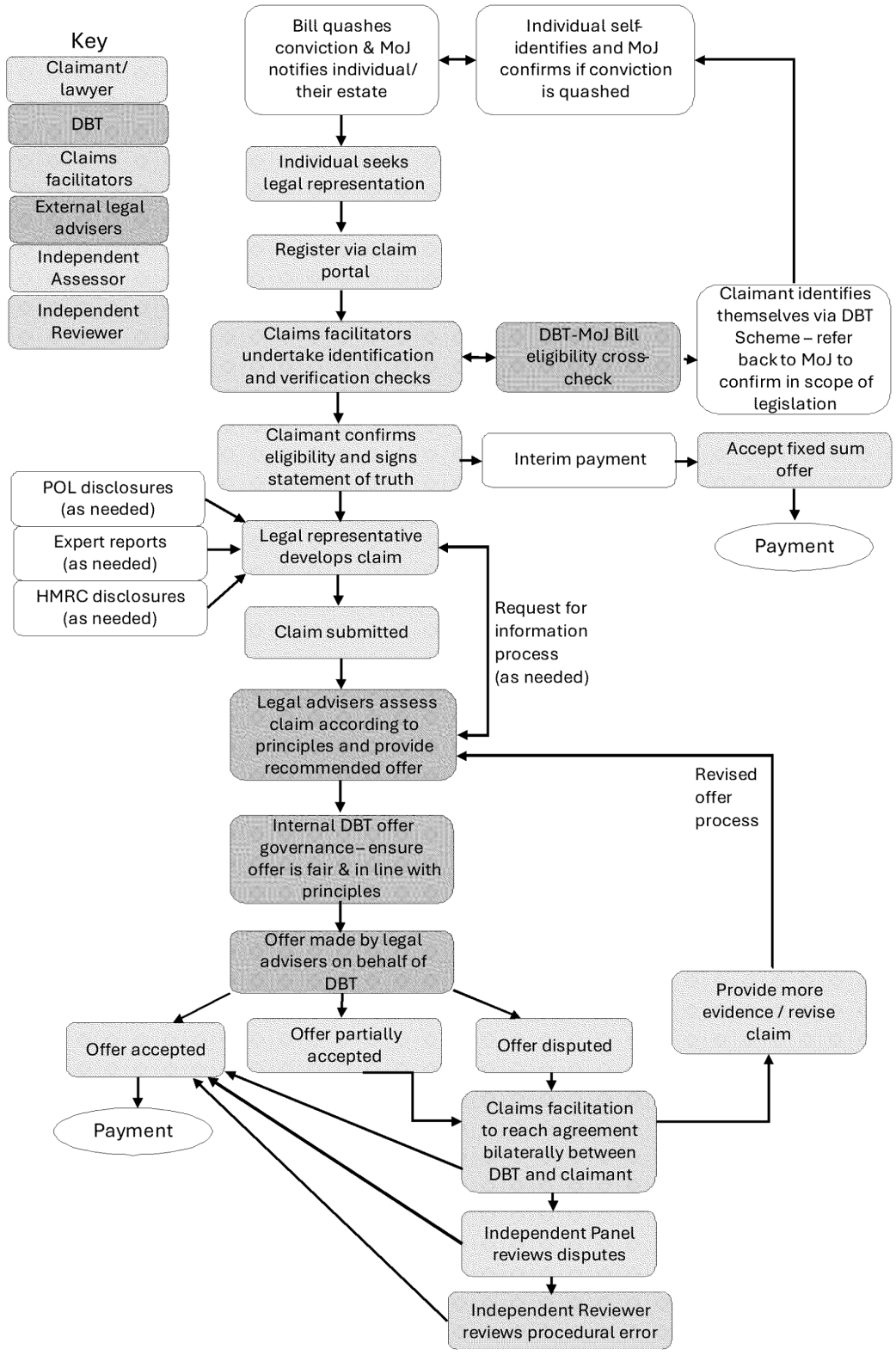
Noting the decision points (DP1-5) set out below, do you have views on the high-level scheme design for OC2?

We would also welcome views on any other policy decisions which can be taken to speed up delivery of redress, based on experience from OC1 or other schemes.

WITN11710104

DRAFT – NOT GOVERNMENT POLICY

Proposed Scheme Design and User Journey



WITN11710104

Notes on process map:

There are a number of DBT dependencies which must be started imminently and completed **before** the scheme launches:

- POL and CPS disclosure and data sharing processes:
    - There is currently an open question as to whether disclosures will be required in every case, especially £600k acceptances. We propose engaging with claimant representatives to understand their views on this and **welcome your views too**.
- Legal tariffs to be finalised
- Transfer of POL's principles
- Publication of principles/guidance
- Claim portal and form
- Fraud safeguards and eligibility, ID&V processes
- Procurement of legal advisers and claims facilitators

The above flowchart sets out a scheme design which is generally aligned with the existing schemes, and most closely with the GLO. Interim payments and £600k routes are retained from the existing OC1 scheme.

Decision points for the Department are set out in detail further down in this paper.

- **DP1: implementation of a legal tariff**
- **DP2: transfer of OC1 principles to OC2**
- **DP3: submission and settlement of full claims, rather than separating pecuniary and non-pecuniary**
- **DP4: Independent Assessor Panel to cover full claims (not just pecuniary disputes as in OC1)**
- **DP5: final dispute resolution mechanism and the introduction of an Independent Reviewer**

WITN11710104

Design decision points

DP1: legal costs tariff

The starting assumption is that claimants should seek legal advice on their claim. This was a key criticism of the HSS and has risked questioning the fairness of settlements which were reached without the benefit of legal advice, potentially requiring a re-opening of settlements. GLO experience is that involvement of lawyers leads to claims which are much easier to assess. Claimants are likely to require a lower level of legal advice if they want to accept the £600k fixed sum.

The OC1 process does not currently have a legal costs tariff, instead claimants' legal costs are resolved at the end of the process on the basis of reasonableness and proportionality. There is an independent costs adjudication mechanism at the back of the process to resolve any disputes on costs. Interim payments on account are made throughout the process (£12k+VAT at the point of non-pecuniary and pecuniary claim submission respectively). Costs caps have been communicated for the acceptance of the £600k (£20k profit costs + VAT + expert disbursements). On this basis, it is difficult to control costs once they have been incurred. Legal advisers have held off their client's settlement until their costs are agreed.

The GLO Scheme uses a legal costs tariff which was agreed with the main legal representatives via a costs draftsman and mediation. It functions essentially on a 'swings and roundabouts' basis whereby the complex and simple claims even each other out.

It would be possible for DBT to unilaterally establish a costs tariff (vs seeking mediation like GLO did). The benefit of this is that it can be established & publicised quickly, enabling lawyers to engage as soon as convictions are overturned. The drawback is that it would not have claimant representative buy-in, and so there is a risk that i) lawyers will not accept the tariff and ii) pass their costs onto their clients. Introducing an independent process with legal adviser buy-in provides a safeguard against future disputes on costs.

The OC1 process has a back-end costs adjudication process with disputes to be resolved by either Sir Gary Hickinbottom or Peter Hurst (costs barrister). Given their position on OC1 is already established, it would be possible to use either of these experts to conduct a costs mediation, if they agree, or otherwise to use the KC who mediated the GLO tariffs.

With regard to setting up OC2, the key considerations are:

- It may be more difficult to achieve agreement with OC2 legal advisers who are already engaged in the POL OC1 process and having their costs covered via reasonableness assessment.
- The costs draftsman/mediation process is an upfront set up cost for DBT.
- This work would need to commence as a priority as a tariff needs to be established before work is undertaken and costs incurred, to avoid lawyers charging their clients directly.

We think there is benefit in introducing a legal costs tariff:

- Brings greater certainty on costs for both DBT and legal advisers.
- Mitigates current issue of legal advisers stalling settlements until costs are settled, or claims that lack of payments on costs is hindering claim formulation.
- Acts as an upfront control on the risk of lawyers passing costs onto claimants, if buy-in is achieved.
- Can reduce administrative burden on scheme delivery compared to current resource required to resolve cost disputes.

WITN11710104

- The GLO tariff took c2-3 weeks to agree up front via mediation vs the current OC1 process means there can be the same amount of time **per claim** to resolve costs at the end.
- We think it is likely we could use the GLO tariffs adjusting as necessary and/or asking the costs draftsman to investigate actual costs. This would have the benefit of already having a good level of stakeholder buy in.

The risks associated are:

- We do not know which law firms will eventually represent the OC2 cohort, so launching a costs mediation may not be successful if we only achieve buy-in for a limited number of firms. That being said, the firms representing claimants across the various Horizon schemes is fairly limited to date. This could be mitigated by establishing and publicising the costs tariff as early as possible, whereby legal advisers can choose not to participate in the OC2 process if they do not agree to the tariff. Use of experts who are already familiar with OC style cases will also be a mitigation – a tariff is case specific rather than adviser specific.
- There is a risk that representatives in both OC1 and OC2 may refuse to engage with the OC2 tariff if it is viewed that they get a 'better' offer in OC1. It may be sensible to consider whether the tariff should be carried over to OC1, though this may slow set-up as it would require agreement across two schemes.

The alternative options are:

- Introduce a staged fee process, whereby there are set fees for each stage in the process - e.g. i) fee for initial application process, ii) fee for application submission with high-level schedule of loss, iii) fee for full claim submission, iv) fee for dispute process - and holding the costs mediation once law firms have identified themselves as representatives for the cohort (between stages ii/iii) – this may mitigate some of the risk of achieving buy-in with too small a cohort of representatives. However, this may raise other issues, such as lawyers not engaging ahead of knowing the fee tariffs, slowing down claim submission while costs mediation takes place, and risks lawyers running up costs ahead of a tariff being settled.
- Continue with the OC1 process, where costs are assessed on a reasonableness basis. The issues with this approach are set out in the opening paragraph.

Do you agree in principle that a legal costs tariff should be introduced on OC2, and that the process should be established and communicated as soon as possible?

Do you agree that the GLO legal costs tariffs could be used with minor adjustments?

Do you agree that there should be an independent mediator (e.g. Sir Gary or Peter Hurst) rather than DBT unilaterally establishing a fee?

WITN11710104

DP2: OC Scheme principles

The OC1 Scheme pecuniary principles have been developed in consultation with claimant lawyers and the non-pecuniary principles established via Lord Dyson's Early Neutral Evaluation. Although not extensively tested on the pecuniary side (compared to the non-pecuniary side) given few full and final claims settled on the 'assessed claim' basis, there seems to have been a level of buy-in to the principles during the consultation process. A lesson learnt from the OC1 scheme which initially progressed as a negotiation was that operating 'blindly' (without shared principles) was a hinderance to settlement and led to protracted negotiations without clarity of positioning. Hence, an established set of principles with a level of transparency is essential to scheme delivery.

There is a decision to be made as to whether OC1 principles are carried over as-is for OC2 or whether OC2 requires new principles.

The benefits of carrying over OC1 principles are:

- These are the existing principles for compensating people with overturned convictions. There is a public/Parliamentary expectation that those whose convictions are overturned by legislation will receive compensation on the same basis as those who have their convictions overturned by the courts.
- This supports our overarching objective of fairness and consistency between claimants, if we agree that OC1 and OC2 are equal cohorts.
- There are still conversations ongoing about scheme eligibility and whether OC1 claimants may choose to transfer into OC2. If such cross-over is allowed, then treatment should be consistent.

The considerations are:

- The OC1 principles compensate for malicious prosecution. Liability is not disputed (but also not admitted) by Post Office for this tort so long as the court has overturned the conviction as Horizon was essential to the prosecution. DBT will need to accept, at least conceptually, that the mass exoneration legislation replicates this and opens up a claim for compensation on the basis of malicious prosecution.

The alternative is to consider whether the OC2 cohort has a different claim to the OC1 cohort which provides rationale to use different principles. This would be the position if it is not accepted that the legislation replicates the court overturn which establishes the claim for malicious prosecution. This approach is undesirable because:

- Individuals whose convictions are overturned by the legislation will not have a choice between pursuing an appeal in the court or the legislation (there is no "opt-out"). It would be unfair to treat them differently on this basis.
- There continues to be discussion on whether the OC1 cohort could opt-in to OC2 or whether the cohort should be carried over. If different principles were used, this would be challenging to manage.

Do you agree that OC1 principles should be used for OC2 and liability should not be tested (i.e. it is assumed that the prosecution was malicious and compensation is calculated in line with the relevant principles)?

Do you agree that a high-level version of the principles and guidance should be published for transparency (like GLO)?

WITN11710104

DP3: full claim submission

OC1 currently processes non-pecuniary (personal) damages and pecuniary (financial) damages separately. The issue is that this does not promote full and final settlement – instead, a large number of partial settlements have been reached, but not as many full settlements (apart from £600k acceptances). It would be beneficial to process claims 'in the round' so that full settlements can be reached. There is also a benefit in assessing the claim in the round as some non-pecuniary losses (e.g. the personal injury head of loss) can impact on pecuniary losses (such as the ability to return to work on loss of earnings).

On the other hand, there is a benefit to processing separately, in that non-pecuniary claims are far simpler to pull together and have assessed, so money can be paid quickly, vs waiting for the full claim to be ready and submitted.

Both the HSS and GLO receive claims in full (not split by pecuniary/non-pecuniary). We think it would be sensible to replicate this process in OC2 given the benefits above and the fact that it is the usual practice when settling claims. We think the claims portal and any application forms, claims submissions should be tailored to encourage full claim submission.

The considerations are that:

- This would mean claims are processed slightly differently to OC1. There is a risk that we receive criticism that payments are therefore slower on OC2 given non-pecuniary wouldn't be covered off quickly. However, this should be considered in conjunction with other policy interventions to speed up payments, such as the £600k offer, the £450k top-up redress, partial payments and any other policy interventions.
- Lawyers involved in both OC1 and OC2 may continue to submit partial claims anyway. There would need to be a policy decision as to whether such partial claims would be accepted and processed anyway or whether a full claim would be requested.

Do you agree that our design for communications and claim receipt (such as application forms, claims portal, etc) should be on the basis of a fully articulated claim?

WITN11710104

DP4: role of the Independent Panel

The assumption is that we require an independent dispute mechanism in OC2. As part of the lessons learnt exercise, we considered at which stage in the claims assessment process the Panel should engage for OC2. Within OC1 and GLO, the Panel is the mechanism for independently resolving disputed offers which cannot be resolved via bilateral negotiations or in the case of GLO with support from claims facilitators. Within HSS, the Panel is responsible for recommending the first offer (so is a stage earlier in the process). While the independent process within HSS is beneficial, there are issues with relying on Panel availability to be able make first offers which can slow down claims processing. Instead, we think the benefits of independence can be achieved at the dispute stage and recommend keeping the Panel at the same stage as OC1 and GLO.

Following on from DP3, we will need to implement a structure which is able to deal with claims in the round. In OC1, dispute resolution is separated for pecuniary and non-pecuniary claims – non-pecuniary disputes are referred to Lord Dyson and pecuniary disputes are referred to the Independent Panel chaired by Sir Gary Hickinbottom. This position is likely untenable for OC2 – per DP3, the preferred option is not to separate claims, and given the increased cohort size, referring non-pecuniary disputes to Lord Dyson will be both slow and costly.

The key considerations with setting up a Panel for the OC2 scheme are:

- The Panel will need capacity to process a large number of potential claimants swiftly.
- The Panel will need the expertise to be able to review both non-pecuniary and pecuniary cases.

Our recommended approach is that the Independent Panel is after the first offer stage and disputes which aligns with the OC1/GLO process and that there should be good faith engagement to resolve disagreements by both parties before this stage, a process which is supported by claims facilitators on the GLO (and proposed for OC2). This is so that claims do not bottle-neck at the dispute stage if they could have been resolved bilaterally. We should expand the existing OC1 Panel (Chair, a retail expert and an accountancy expert) to add a medical expert to deal with personal injury elements of the non-pecuniary claim and the Chair should be consulted on dealing with the rest of the non-pecuniary claim. We will need to determine, alongside decision point 5 below (DP5), who should Chair the Independent Panel and who should be the Independent Reviewer.

Under OC1, it is the Chair's choice as to which experts are required to resolve the dispute at hand. This means the Panel stage may comprise 1 or all Panel members. We think this flexibility is beneficial in terms of allowing for streamlined decision-making and appropriate use of expertise. We propose maintaining this flexibility, and that the claims facilitators can support in identifying the experts required.

The benefits of this approach are:

- The Panel maintains layers of independence already established in the OC1 scheme.
- The composition of the Panel takes lessons from both OC1 and GLO and is structured to put in place the appropriate expertise to deal with OC2 claims.
- Flexibility is maintained to streamline decision-making processes and support swifter resolution of claims.
- By retaining the structure of the Independent Panel, there is a benefit of having an oversight function between OC1 and OC2 to help maintain consistency of treatment between the cohorts.

WITN11710104

The risks associated with this approach are:

- The OC2 cohort will likely be larger than OC1 or GLO. It is unclear whether this structure will be able to accommodate high numbers of claimants being dealt with in a timely manner. Ultimately, the panel could be scaled up later down the line, akin to HSS (where there are a number of panels), given referrals to disputes arise after the offer is made and so a few months after scheme launch, at least. We will also endeavour to reach bilateral settlements early to reduce the need for referrals to Panel.

The alternative approach is to establish a new Panel with the proposed structure. However, we do not see this as bringing any additional benefits to the above preferred option. It brings the dis-benefit of introducing inconsistency between OC1 and OC2 and risk in introducing delays.

Further considerations that need to be examined will include the cost associated with expanding the remit of an existing Panel, and potentially also providing for additional resourcing to deal with a greater number/variety of claims.

Do you agree that:

- **The Panel remains as part of a dispute resolution process, not part of a first offer recommendation process?**
- **The OC1 Panel should be expanded to deal with non-pecuniary claims as well, first consulting with the Chair and introducing a medical expert?**
- **The Panel should continue to be able to convene flexibility depending on the case, where quorum is decided by the Chair?**
- **We should explore aligning the GLO and OC2 panel approaches and merging them to increase resilience.**

WITN11710104

DP5: structure of the disputes process

In OC1, the court overturn gives rise to a civil claim for malicious prosecution against the Post Office. The OC1 scheme whilst starting as a case by case negotiated process is now more of a formalised alternative dispute resolution process, leaving dissatisfied claimants with the option of bringing their claims in court for resolution. In the GLO, on account of its members settling their legal claims in the original court action the compensation scheme is ex gratia. There is therefore no recourse to the courts. Beyond the independent panel in place for resolving disputes, the GLO Scheme has implemented a "manifest error" review stage as the final dispute resolution step, whereby Sir Ross Cranston reviews whether the principles have been applied properly to specific heads of loss – not to resolve general disputes.

The legislation would replicate the quashing of a conviction in the appeal court so would conceptually create an ability to pursue a civil claim in the courts. However, given litigation can be a long and stressful process, the Department would prefer to consensually settle claims before this stage, while providing claimants with an independent mechanism to dispute their claim without the need for court.

The options are:

1) Have no further formal dispute mechanisms within the scheme, relying on the Panel only
2) Implement an Independent Reviewer in the OC2 Scheme, consulting with the OC1 Chair and the GLO Scheme Independent Reviewer on their views.

Option 1

We may decide that the Panel's role is sufficient to resolve disputes within OC2.

The benefits of option 1 are:

- It maintains complete consistency with OC1.
- It may be accepted that the Panel's role brings enough independence to the process and it can act as an independent final arbiter of compensation. Introducing another step may be viewed as unnecessary.

The risks are:

- It may not sufficiently mitigate the risk of litigation, which is slow and comes with reputational and costs risk.
- The position may be difficult to defend, as comparisons will be made between OC2 and GLO. It may be perceived as a burden on claimants to have litigation in courts as the end point compared to the final dispute mechanism available in the GLO.

Option 2

In the GLO, where the claimant is not satisfied with the final offer from the Panel, the offer can be referred to the Independent Reviewer (Sir Ross Cranston) to review for "manifest error". Maintaining the general principle of fairness, the Reviewer will determine whether the Panel's final assessment:

a) Was substantially inconsistent with the Guidance and Principles
b) Reflects a manifest error, procedural irregularity or a substantive error of principle.[1]

[1] https://assets.publishing.service.gov.uk/media/6565f4e78f1f410012d5d1e1/terms-of-reference-glo-scheme-independent-reviewer.pdf

WITN11710104

We could decide that having a final Reviewer point at the end of the OC2 process would be preferred in order to bring the following benefit:

- This aligns OC2 with the GLO Scheme which is useful for consistency purposes. Depending on the choice of Independent Reviewer, we could also pursue a cross-scheme oversight function.

The following risks are associated with the approach:

- It is inconsistent with OC1 and there may be criticism regarding the different treatment. A mitigation to this may be to allow OC1 claims to refer manifest error reviews to the Independent Reviewer as well. This should be considered within the context of the outstanding policy decisions as to whether OC1 claimants will be able to 'opt-in' to OC2.
- The position is not yet tested with any potential candidates and there may be capacity issues. We will need to engage with potential candidates for the role first.

Given the benefits associated with the second option, the preferred approach would be to introduce an Independent Reviewer at the end of the process. There remains an open decision as to who the Independent Reviewer should be. We propose firstly testing the idea with the existing experts in place across the schemes, Sir Ross Cranston and Sir Gary Hickinbottom, to seek their views.

Do you agree in principle that there should be an Independent Reviewer at the end of the process?

Do you have any views on the potential candidate for the Independent Reviewer, subject to their capacity?

WITN11710104

DRAFT – NOT GOVERNMENT POLICY

Scheme eligibility

Minister Hollinrake's statement to the House on 10 Jan underlined the need to take a proportionate approach to checks and balances in place around Overturned Convictions compensation. DBT officials have been working to clarify what criteria claimants will need to satisfy before they are able to access compensation.

Step 1 – legislative scope

The current scope of the Horizon Bill sets clear criteria for conviction overturns. DBTs expectation is that all cases overturned by legislation will have the right to apply to the compensation scheme as a starting point. MOJ will provide a defined cohort of individuals in scope to DBT as an initial cross-reference point.

Step 2 – administrative checks

Identification

DBT will need to check that the person applying to the OC2 scheme is the person whose conviction has been overturned by the legislation, implementing identification and verification checks to counter against potential fraudsters, given the high publicity of the scandal. A check against the list of names covered by the legislation is likely to be insufficient to prevent fraud, and we will need to implement additional verification on our side.

Fraud measures

Applicants will also be asked to sign a statement as part of their application to confirm that the information they have provided is true and accurate, to the best of their knowledge. This will include language asking claimants to confirm that their original conviction resulted from egregious POL practices.

Any false declarations made by individuals who may not be in scope (e.g individuals whose convictions have fallen within scope of the Bill, but who may be genuinely guilty) would be committing fraud by making this requisite declaration. A fraudulent declaration could retrospectively be relied upon in court should there be cause to do so. Whilst not a watertight deterrent, it is considered that this approach appropriately balances the need for fraud mitigation with the original public commitment made by Ministers and the overarching objective of swift redress.

Draft text:

Before you return your application, you must agree and confirm the following:

1. In relation to my overturned conviction

- *I confirm that my conviction which has been overturned by the Post Office (Horizon System) Offences Act 2024 was secured due to the egregious investigatory and/or prosecutorial practices pursued by Post Office Limited and adopted when prosecuting me and I am eligible to make a claim for redress as a consequence.*

2. In relation to my application

- *I confirm that the details and information I have given in this application form are true and accurate to the best of my knowledge and belief and if these change, I will notify my caseworker immediately.*

WITN11710104

- *I confirm that any documents I have provided in support of my application are genuine and any copy is a true copy of the original.*
- *I confirm that I will notify the Horizon Redress Scheme of changes in my circumstances that may affect my application.*
- *[I understand that if I provide a document which is not genuine, I may be subject to court proceedings.*
- *I understand that if I give false or misleading information in support of my application or make a fraudulent application I may:*
    - *be subject to court proceedings*
    - *have to re-pay any money I was not entitled to]*

[3. In relation to the sharing of my personal data

- *I confirm I have read and understood the Privacy Notice for the Horizon Redress Scheme which explains how the information I provide will be lawfully used and stored."*]

Do you agree this approach is proportionate in the circumstances?