IN THE MATTER OF THE POST OFFICE HORIZON IT INQUIRY

SUBMISSIONS ON COMPENSATION

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1. These submissions are made on behalf of the Core Participants represented by Hudgell Solicitors. They are limited only to the questions raised by the Chair in his announcement of 21 March 2022. They briefly address the law on malicious prosecution and then, in turn, the eligibility of three categories of person identified by the Inquiry for compensation under the existing schemes set up by the Post Office and its sponsoring Government Department.

A. Malicious Prosecution

2. Paragraph 7 of the GLO Settlement ('the Settlement') explains that the parties agreed to settle "the Claimants' Claims and the Defendant's Counterclaims and all like claims" on the terms contained therein. On the face of it, Clause 4.2.2 of the Settlement provides that *all* claims for malicious prosecution are expressly excluded from the agreement. But, in reality the Settlement expressly adopts a very narrow definition of malicious prosecution. It limits it to Convicted Claimants in Clause 1.1 as follows:

> *"**"Malicious Prosecution"** means claims by the Convicted Claimants against the Defendant for malicious prosecution."*

3. For reasons known to the parties, "Convicted Claimants" were expressly excluded from the settlement.

4. The effect of the Settlement terms is therefore that, until the Settlement is invalidated or otherwise set aside, the only parties to the GLO who are able to pursue a malicious prosecution action are "Convicted Claimants". Any Claimant in the GLO who was prosecuted but not convicted is prevented from taking any civil claim for malicious prosecution unless the Settlement is invalidated or otherwise

set aside. The Settlement expressly provides that time will not run for the purposes of the Limitation Act 1980 until any relevant conviction is overturned (Clause 7.2). No claim in malicious prosecution can be pursued until any Convicted Claimant has had their conviction successfully overturned (Clause 7.1.2). (Any Claimant not part of the 555 is subject to no such restriction on the pursuit of any civil claim for compensation).

5. A successful claim in malicious prosecution lies where a person has suffered actionable damage and each of the following elements are satisfied (see for example, *Rees v Commissioner of Police for the Metropolis* EWCA Civ 1587, [43]):
    a. The Claimant was prosecuted by the Defendant.
    b. The prosecution was determined in their favour.
    c. The prosecution was without "*reasonable and probable*" cause.
    d. The prosecution which was started or allowed to continue was malicious.

6. In each of the three categories, as proposed by the Inquiry, there is likely to be no question there has been a prosecution.

7. A person does not need to have a conviction quashed in order for their prosecution to be determined in their favour. It is one of a number of possible alternatives, including, but not limited to, circumstances, as follows:
    a. An acquittal clearly sees a prosecution resolved in a Defendant's favour; whether following trial or direction by a judge (see, for example, *Dunlop v Her Majesty's Customs & Excise*, Times, March 17, 1998).
    b. This includes where a person appears for trial and the prosecution offers no evidence (see, for example, *Martin v Watson* [1996] A.C. 74).
    c. A person may also succeed on appeal; having their conviction quashed (see *Herniman v Smith* [1939] AC 305 HL, [1938] 1 All ER 1; *Berry v British Transport Commission* [1961] 1 QB 306 CA, [1961] 3 All ER 65).
    d. The termination of the prosecution can be on a "technicality" (see *Jones v Gwynn* (1712) 10 Mod 148 at 214, at 217-218 (defendant acquitted on an insufficient indictment; no bar to malicious prosecution claim; "*It ought to be considered, that a small slip vitiates an indictment; and if that shall protect a man from an action, a way is opened for the malicious to ruin the*

innocent; for how easily may a slip be made on purpose?" at 218); *Watkins v Lee* (1839) 5 M & W 270).

e. Charges may be laid and then subsequently dropped (see *CXZ v ZXC* [2020] EWHC 1684 (QB), [38] – [40], citing *Sallows v Griffiths* [2001] FSR 15 at [22] and [30]).

f. Proceedings may be brought to an end with consent and on terms agreed by the Prosecutor (see *Craig v Hasell* (1843) 4 WB 481, at 492; 114 ER 980 at 984).

g. Charges may be dropped contingent on a person agreeing to be bound over; a claim may be pursued in malicious prosecution, albeit the person may have to explain why they agreed to the bind over (see *Hourihane v Commissioner of Police for the Metropolis,* Times, December 27, 1994).

8. The historic premise for a "prosecution" is the setting of the law in motion against an individual in criminal proceedings (or, latterly in civil proceedings). See *CXZ v ZXC* [2020] EWHC 1684 (QB) at [37] "*the requirement to show that the claimant was prosecuted involves showing that the law was set in motion by an appeal to some person clothed with judicial authority*". Accordingly, the laying of information before the magistrates is sufficient basis for a claim (see *Casey v Automobiles Rental Canada Ltd* (1965) 54 DLR (2d) 600). Similarly, seeking a warrant for the arrest and production of a person may be sufficient (see Clerk & Lindsell, 23rd Edition, 15-17).[1] However, the presentation of an enforcement notice or voluntary attendance for interview would be insufficient (See *CXZ v ZXC* [2020] EWHC 1684 (QB); and *CFC 26 Ltd v Brown Shipley & Co Ltd* [2016] EWHC 3048 (Ch)).

9. While the merits of any claim must stand on its facts, plainly the principles identified above demonstrate that the potential for actions in malicious prosecution, is <u>not</u> confined <u>only</u> to those CPs whose convictions were quashed by the Court of Appeal. Although, for the 555, the GLO Settlement creates a substantial barrier to

[1] "If a party goes before a magistrate who thereupon issues a warrant for arrest and production before a magistrate's court, then his liability, if any, is clearly for malicious prosecution: "The party making the charge is not liable to an action for false imprisonment, because he does not set a ministerial officer in motion but a judicial officer. The opinion and judgment of a judicial officer are interposed between the charge and the imprisonment." (Citing per Willes J in *Austin v Dowling (1869-1870) L.R. 5 C.P. 534* at 540; cf. *Lock v Ashton (1848) 12 Q.B. 871*; *Sewell v National Telephone Co [1907] 1 K.B. 557*; cf. *Pike v Waldrum [1952] 1 Lloyd's Rep. 431* at 454).

any claim, as outlined above. We deal with each of the examples raised by the Inquiry as follows.

10. As all of the CPs represented in the Inquiry by Hudgells are persons who have been convicted and who have subsequently had their convictions overturned, we do not propose to address further the implications and effects of the GLO Settlement.

(i) Category 1: Subpostmasters and subpostmistresses, managers and assistants who were charged with criminal offences and prosecuted by the Post Office but who were acquitted at trial

11. On the principles set out above, in principle, any person who was the subject of a prosecution to which the use of Horizon data was essential and who was acquitted at trial, would be able to pursue an action for malicious prosecution.

12. The fact that the CP was acquitted may mean that she or he did not suffer the same consequences that flow for a CP who was convicted, but if the other elements of the claim were satisfied (i.e. no “reasonable and probable" cause and evidence of malice) that distinction could only affect the quantum of damages; not liability for injury and loss.

13. However, a preliminary question arises in respect of whether or not a claim could be pursued outside of the statutory limitation period (6 years from the favourable outcome, which in this category would be from the acquittal). Those prosecuted by the Post Office may seek to rely on acquittals which will long pre-date the judgments in the GLO litigation. Many are likely to be arguably ‘out of time’.

14. It would, of course, be open to the Post Office to indicate that no point would be taken on statutory limitation in defence of any claim pursued. Indeed, the Inquiry might ultimately invite them to do so.

15. However, and in any event, the statutory limitation period may be set aside in the face of any fraud, concealment or mistake (Section 32, Limitation Act 1980). In the face of any such fraud, concealment or mistake occasioned by the Defendant, time does not run until such is uncovered or could with reasonable diligence have been discovered by the Claimant (see Section 32(1)). Specifically, a deliberate

commission of a breach of duty in circumstances in which it is unlikely to be discovered for some time amounts to deliberate concealment of the facts involved in that breach of duty for the purposes of the extension of time (see, for example, *Cave v Robinson Jarvis & Rolf* [2003] 1 AC 384). Further, where there are relevant acts of concealment after the elements of the claim are known (or ought to be known) to a Claimant (i.e. after accrual of the cause of action) time will not start to run until after the discovery of the concealment (see *Sheldon v RHM Outhwaite (Underwriting Agencies) Ltd* [1996] A.C. 102). In light of the findings of Fraser J on the failures of the Post Office to discharge its duties as a prosecutor, and in circumstances where, for example, the Post Office spent many years asserting that Horizon was robust; and where the Inquiry has heard repeated evidence that SPMs were told repeatedly there were no problems with Horizon, or that they were the only one claiming to be affected by Horizon errors; this would appear to be a significant exception. Further, the Court retains an express discretion to set aside the limitation bar in claims for personal injury (including psychiatric injury) on an equitable basis (see Section 33(1)). The Inquiry has heard substantial and moving evidence on the significant impacts on the physical and mental health of SPMs affected by Horizon.

16. However, these arguments for a claim by any proposed Claimant (including in each of the three categories identified by the Inquiry) are not simple and would require careful legal advice and argument on the facts (with implications for legal costs and associated risk to be bourne by any proposed Claimant). The significant impact of the GLO Settlement for any member of the 555 is addressed briefly above.

17. A separate question then arises in respect of whether, on any viable claim, the Post Office would be willing to make an interim payment. The publicly stated policy on interim payments suggests that they will only be made to persons who have *"had their Horizon related conviction overturned"* (see below from [26]). A rigid application of that policy would preclude persons in this category from receipt of an interim payment under the existing scheme.

18. Further practical (and potentially costly) complications may arise in assessing whether a claim may be viable in any individual case. Not least, would-be claimants would not automatically have access to the records and other disclosure. In our

experience, from the handful of cases in progress, there have been considerable delays in securing disclosure held by the Post Office. Without this information, it is difficult firstly to provide reliable initial advice; and ultimately to assess whether Horizon failures were intrinsic to their case such that a good claim may arise. These delays arise even in cases which remain possible despite the terms of the GLO Settlement (above). The Inquiry has heard evidence from some of our clients on the effect which delay and difficulty in securing compensation has had (and continues to have) upon them.

(ii) Category 2: Subpostmasters and subpostmistresses, managers and assistants who were charged with criminal offences and prosecuted by the Post Office but whose cases were discontinued or withdrawn before trial

19. Again, on the principles as above, if the person has been charged and the prosecution commenced, provided the prosecution was terminated in the person's favour, a malicious prosecution claim would be available to the CP.

20. There is no barrier in principle to a claim, merely because the prosecution was discontinued before it got to trial. Equally, the fact that the charges were laid but the prosecution discontinued, rather than the CP being acquitted following trial, could only affect the quantum of damages; not liability for injury and loss.

21. As with the first category of case, any issue on limitation would need to be resolved and separate argument may be required in respect of any interim payment. The same practical considerations would arise. Again, the implications of the GLO Settlement for the 555 are addressed, above.

(iii) Category 3: Subpostmasters and subpostmistresses, managers and assistants whose appeals were conceded by the Post Office on the grounds that it would not be in the public interest to retry their cases and whose convictions have been overturned by the Crown Court.

22. Finally, this category of CP is also able to avail themselves in principle of a malicious prosecution claim.[2] Limitation is not in issue, albeit there may be argument on the facts; including as to the making of any interim payment (which we address, below from [26]). (The same practical issues and delays highlighted above, apply).

23. None of those SPMs whose convictions have been quashed have accepted any proposition by the Post Office that there was any basis for their prosecution other than that derived from Horizon failures. Any proposition to the contrary, should the Post Office wish to pursue it, remains untested.

B. The Making of Interim Payments

24. On 22 July 2021, the Government announced that it would fund interim compensation of up to £100,000 for each person who "*has had their Horizon-related conviction overturned".*

https://www.gov.uk/government/news/government-to-fund-initial-compensation-package-for-vindicated-postmasters

25. The announcement made no distinction between those whose convictions were overturned in the Court of Appeal and those cleared at Southwark Crown Court.

26. A number of the Hudgell CPs had their convictions quashed in the Southwark Crown Court following references to the Court under s.11 of the Criminal Appeal Act 1995 by the Criminal Cases Review Commission ('the CCRC'). Cases referred under s.11 of the Act are those which were the subject of a guilty plea or finding of guilt in the magistrates' court. When a case is referred to the Crown Court by the CCRC the hearing of the appeal is by way of a complete rehearing of the case; essentially, a retrial must take place. At the conclusion of the retrial, the Judge and magistrates who hear an appeal must decide whether the appellant is guilty or not guilty, applying the criminal burden and standard of proof. (That is to be contrasted with the procedure following a reference by the CCRC to the Court of Appeal

[2] See, for example, the consideration of similar facts in *Becket v New South Wales* [2013] HCA 17; (2013) 297 A.L.R. 206; as cited in Clerk & Lindsell, 23rd Edition at 15-34.

(Criminal Division) where the Court is tasked, pursuant to Section 1 of the Criminal Appeal Act 1968, with assessing whether the conviction of the appellant is unsafe. If the Court determines that the conviction is unsafe, the conviction is quashed and the Court has a discretion as to whether or not to order a retrial). In all cases referred to the Crown Court, the Post Office offered no evidence. That meant that the convictions of each of the appellants were quashed before there could be any retrial.

27. Whilst the Post Office accepted that Horizon was essential to the conviction of most of the appellants whose cases were dealt with at Southwark Crown Court, in respect of three of the Hudgell appellants (Ayeteju Adedayo, Parmod Kalia and Vipinchandra Patel), the Post Office expressly did not concede the same and asserted that it offered no evidence in their cases only because it would not be in the interests of justice for there to be a retrial. The analysis of the Post Office was not accepted by the appellants, but it could not be contested in the Crown Court and it has led to a very different approach to compensation of the three being taken when compared to compensation of the other appellants whose convictions have been quashed. Essentially, whilst *all* other appellants who have had their convictions quashed have received interim compensation of £100,000, Ms Adedayo, Mr Kalia and Mr. Patel have received nothing[3].

28. The decision to offer no evidence in respect of the three Hudgell CPs at Southwark Crown Court has meant that the bases on which the CCRC referred their cases have never been publicly aired and resolved by a court.

29. We illustrate the unfairness occasioned by that approach by reference to the circumstances of each of the three relevant cases.

(i) Mr. Parmod Kalia

[3] We believe there is one other appellant whose conviction was quashed in the Southwark Crown Court following a decision by POL that it was not in interests of justice for there to be a retrial. He is not a CP represented by Hudgell Solicitors and we are unaware of the position in respect of any compensation he may or may not have received.

30. Mr. Kalia pleaded guilty to theft in Bromley magistrates' court as long ago as 2002. He was sentenced to an immediate term of imprisonment of six months. The case against him was based on a 'confession' he made at the time he was interviewed under caution. An audit in July 2001 revealed an apparent shortfall of some £27,000. There was no actual shortfall discovered in Mr. Kalia's case. In interview, he was accompanied by a National Federation of Sub-Postmasters ('NFSP') representative. In his application to the CCRC, he explained that prior to interview the NFSP representative advised him to pay the shortfall revealed by the audit to the Post Office in order to keep the matter out of the courts and to make up a confession in interview with the same aim. The words that Mr Kalia recalls the NFSP representative using were to the effect "How quickly can you put that right to keep this out of the courts?" Mr Kalia recalls that he went on to advise that he should make up a story and plead guilty to get the minimum sentence. With regard to the role played by the NFSP in the matters with which the Inquiry is concerned, the conclusions of Fraser J in the Common Issues judgment at [596] are significant:

> ***"The NFSP is not an organisation independent of the Post Office, in the sense that the word "independent" is usually understood in the English language.*** *It is not only dependent upon the Post Office for its funding, but that funding is subject to stringent and detailed conditions that enable the Post Office to restrict the activities of the NFSP. The Post Office effectively controls the NFSP. The agreement also enables the Post Office to seek repayment of funds already paid to the NFSP. The NFSP is a company limited by guarantee and there was no evidence that it had any other source of funding. It is not likely to be able to repay any funds "clawed back" by the Post Office and therefore its very existence depends upon it not giving the Post Office grounds to challenge its activities.* ***There is also evidence before the court that the NFSP has, in the past, put its own interests and the funding of its future above the interests of its members, in the e mail to which I have referred."*** (Emphasis added)

31. Mr. Kalia borrowed the money and paid it to the Post Office and he constructed an account for interview. That account is corroborated by the fact that a summary of the interview in August 2001 shows the NFSP representative emphasised how Mr. Kalia had admitted his guilt and returned the shortfall. It also shows that the NFSP

representative asked if Mr. Kalia would be allowed to keep control of his Post Office and not be the subject of proceedings.

32. The CCRC referred the case on the basis that (at [27] to [29]):

> *"27. It is the view of the CCRC that the summary is evidence of [the NFSP representative's] belief that if Mr. Kalia admitted guilt and repaid the money he could avoid dismissal and prosecution. It is also the view of the CCRC that it is reasonable to conclude that [the NFSP representative's] advice to Mr. Kalia prior to his initial confession would have been along the same lines. This is consistent with the version of events provided to the CCRC by Mr. Kalia.*
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> *28. The relationship between the NFSP and the Post Office was addressed in the Common Issues Judgment at paragraphs 574-598. These paragraphs confirm the close links between the NFSP and the Post Office and support Mr. Kalia's claim that he thought when [the NFSP representative] told him that if he admitted theft, he would not be prosecuted, this was information provided by the Post Office.*
>
> *29. In any event, even if it is not accepted that Mr. Kalia thought the information he received from [the NFSP representative] came from the Post Office, s.76(2)(b) does not require "anything said or done" to have been said or done by those conducting the investigation. Therefore, if it is accepted Mr. Kalia was given this information by [the NFSP representative], it is the view of the CCRC that this in itself means that there is a real possibility the Crown Court will find the subsequent confession was likely to be unreliable and should be excluded for that reason."*

33. If a Court were to accept (as the CCRC thought likely) that Mr. Kalia's confession fell to be excluded pursuant to section 76(2)(b) PACE then, in circumstances where there was no independent evidence of a shortfall, his case was one where Horizon was essential to the prosecution. There was no other evidence. Given what is now known about Horizon and the findings of Fraser J, the Court would arguably inevitably have quashed his conviction.

34. The fact that the Post Office offered no evidence meant that the principal basis on which the reference was made was unable to be tested by the tribunal of law and fact. Having removed that opportunity from Mr. Kalia, it is now unjust for the Post Office to make a distinction between him and other successful appellants. In effect, the Post Office having offered no evidence, now seeks to treat him differently from others without establishing through available due process a proper basis for doing so.

(ii) Mrs. Oyeteju Adedayo

35. Mrs. Adedayo pleaded guilty to three counts of false accounting at Medway magistrates court in 2006. The false accounting involved sums totalling £50,000. She was sentenced to 50 months imprisonment suspended for two years with a 12 months' probation order and a 200 hour unpaid work requirement. She was also required to pay prosecution costs and was subject to a confiscation order for over £50,000.[4]

36. Like Mr. Kalia, Mrs. Adedayo's conviction was dependent on a confession by her. There was no other evidence, independent of Horizon, of a shortfall at her Post Office in Gillingham (an apparent shortfall having been identified following an audit of her branch in 2005). She maintained in submissions to the CCRC that she was advised by the Post Office auditor of her business to make up a confession and repay the apparent shortfall in order to avoid prosecution.

37. The CCRC referred her case on the basis that (at [26] to [29]):

> *26……The CCRC therefore considers that it could not now be established beyond reasonable doubt that Mrs. Adedayo was <u>not</u> induced to confess by something that was said by [the auditor] which was likely to render her confession unreliable, namely that if she confessed and repaid the money, she would not be prosecuted.*

[4] The record of Mrs Adedeyo's sentencing on 15 May 2006 records £52,864.08 to be paid under confiscation order backed by custodial sanction of 18 months on default; and prosecution costs of £1070. This has not been repaid as at the date of these submissions.

27. Mrs. Adedayo has provided a reasonable explanation for not having challenged the confession at the time, namely that it was her word against that of the Post Office and there was no real prospect of her account being found to be credible. That situation has now changed in particular because of what is now know about the reliability of Horizon during the period in question (that is, for Mrs. Adedayo, up until the audit of her branch in September 2005)

28. It is the view of the CCRC that the fact that Mrs. Adedayo's answers in interview were incoherent and vague adds to the credibility of what she is now saying i.e. that her confession was false and was induced by what [the auditor] said to her.

29……the CCRC has found that there is a real possibility the Crown Court will find the confession should be excluded under s.76(2)(b) of PACE.

38. In this connection, it is undoubtedly of relevance that the Court of Appeal in *Hamilton* found that the Post Office in its capacity as a private prosecutor "*sought to reverse the burden of proof*"[5].

39. Just as with Mr. Kalia, the fact that the Post Office offered no evidence meant that the principal basis on which the reference was made was unable to be tested by the tribunal of law and fact. Similarly, having removed that opportunity from Mr. Kalia, the Post Office now seeks to treat Mrs. Adedayo differently having disavowed the available opportunity of due process in order to justify such a course of action. In that vein, she has not even had returned to her the sum confiscated from her, nor the prosecution costs she was required to pay.

(iii) Mr. Vipinchandra Patel

40. On 6 June 2011 Mr Patel pleaded guilty to fraud at Oxford magistrates' Court. He was sentenced to 18 weeks' imprisonment suspended for 12 months with an additional two months' curfew. He was ordered to pay £200 costs.

[5] *Hamilton & Others* at [137]

41. Mr Patel had been the sub-postmaster at Horspath Post Office from 31 January 2002 until 8 December 2010. An apparent shortfall of £34,673.87 was noted following an audit on 8 February 2011. He was interviewed on 10 February 2011 and described the financial difficulties he had encountered at the branch, which ultimately became a "cash flow crisis". He admitted that, soon after the branch's computer system had been upgraded in July 2010, he had begun using Post Office money to cover his bills and to keep his business afloat.

42. The CCRC decided to refer his case on the following basis:

> *"18. The CCRC has considered Mr Patel's case in the light of the above points and has considered whether there is a real possibility (i) that the Crown Court would set aside his plea of guilty and if so (ii) that, if his case were to be re-tried before the Crown Court on appeal, a defence application for the proceedings to be stayed as an abuse of process would be successful. In making its assessment, the CCRC has considered whether the reliability of Horizon data was (and still remains) essential to the prosecution and conviction of Mr Patel.*
>
> *19. As set out at paragraphs 7-10 above, Mr Patel pleaded guilty to fraud after an apparent branch shortfall of £34,673.87 was discovered by an audit at his branch. When questioned about the shortfall, he referred to the financial difficulties which he had experienced at the branch, ultimately amounting to a "cash flow crisis". He stated that he had used Post Office money and inflated the cash figures in order to cover bills and to keep the business afloat. Mr Patel has also referred to cash shortfalls at the branch, which became more pronounced from 2008 onwards.*
>
> *20. The CCRC observes that unexplained losses and financial difficulties at the branch were an important part of the context to Mr Patel's admission that he used Post Office money and inflated the figures in the branch accounts. In those circumstances, the CCRC is satisfied that the reliability of Horizon data was essential to the prosecution and conviction of Mr Patel, and that this would remain the situation if he were to be retried now. The CCRC therefore considers that, if the case were to be heard as a Crown Court appeal, there*

would be a cogent argument, based upon the abuse of process analysis set out in the referral SoR and summarised at paragraph 15 above, that Mr Patel's guilty plea should be set aside and that any further proceedings against him should be stayed.

21. For the above reasons, the CCRC considers that there is a real possibility that the Crown Court will set aside Mr Patel's guilty plea and will stay any further proceedings against him as an abuse of process. The CCRC accordingly concludes that there is a real possibility that Mr Patel's appeal against conviction will be successful."

43. When the case came before Southwark Crown Court, the Post Office chose not to test that analysis. It offered no evidence and a formal verdict of not guilty was recorded in respect of Mr. Patel. It now seeks to assert, without having enabled its assertion to be tested in the appropriate venue, that Horizon was not essential to the conviction of Mr. Patel. The Post Office justifies a denial of an interim payment to Mr. Patel on that basis.

C. The Historical Shortfall Scheme

44. As the Inquiry is aware, the CPs represented by Hudgell Solicitors are all persons whose convictions have been quashed, either by the Court of Appeal or in the Southwark Crown Court. The scheme excludes both persons who were part of the GLO ("the 555") and anyone who has entered into a settlement agreement after the Horizon Issues judgment (see [6], Eligibility Criteria). No application can relate to any criminal conviction (see [5], Eligibility Criteria). These are substantial restrictions.

45. Accordingly, none of the Hudgell CPs are able to avail themselves of the Historical Shortfall Scheme ('HSS'). In the circumstances, we do not address further the accessibility of this scheme.

D. Conclusions

46. We hope these limited submissions assist the Inquiry in so far as they address the three categories of case identified and the accessibility of the existing schemes for compensation. We anticipate that further evidence will be pursued by the Inquiry on both the GLO Settlement and wider issues of redress and compensation. As highlighted in the evidence heard in Phase 1, the barriers to compensation and the ongoing impact of continuing delays by the Post Office on all CPs, remain a matter of considerable concern and distress for those we represent. We highlight, for example, the evidence of Josephine Hamilton on the first day of the hearings. Mrs Hamilton described herself as "*lucky*" to have a criminal conviction; because she has a "*chance*" of being compensated whereas others are refused [Transcript, 14 Feb, page 133, Lines 9 – page 134, Line 8]. We stress that Mrs Hamilton and the other CPs within the "Convicted Claimants" category have not yet secured full compensation. It has now been over a year since the first convictions were quashed. As outlined above; continuing difficulties arise for even some of those Convicted Claimants in securing access to interim payments. In circumstances which unarguably amounted to a massive miscarriage of justice, this continuing delay compounds the pain and trauma experienced by many of those CPs we represent. Like Mrs Hamilton, many of the CPs we represent consider the injustice of Horizon – and its management by the Post Office (and others) - will not be truly resolved until full redress is secured for all those affected including but not limited to the 555.

47. We would anticipate assisting the Inquiry with full submissions, as appropriate, in due course.

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4 APRIL 2022