

## IN THE POST OFFICE HORIZON IT INQUIRY

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### **SUBMISSIONS ON COMPENSATION ISSUES ON BEHALF OF CORE PARTICIPANTS REPRESENTED BY HOWE + CO**

**(For hearing on 8 December 2022)**

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#### **Introduction**

1. On 22 September 2022 the Chair issued a statement following the Chair's Progress Update, which was delivered on 15 August 2022 after the hearings that were convened on 6 and 13 July 2022. In the Progress Update, the Chair indicated that he would closely monitor the progress in the three compensation schemes (the Historical Shortfall Scheme (HSS); the Overturned Historic Convictions Scheme; and the Group Litigation Scheme) to ascertain the extent to which the views expressed in the Progress Update were acted upon.
2. In the 22 September statement the Chair expressed disappointment with the apparent lack of substantial progress to date. The Chair stated:

*"If at the hearing it becomes apparent to me that sufficient progress has not been made I will then, as stated in the conclusion of my Progress Update, deliver an Interim Report containing specific recommendations under s24(3) of the Inquiries Act 2005."*

**Request for an Interim Report and regular update hearings to monitor progress/ implementation.**

3. Our clients' position is that insufficient progress has been made and that the Chair should deliver an Interim Report. However, our clients are anxious that we convey their strong wish that the Inquiry continues to monitor the progress of the compensation schemes through conducting regular hearings focussed on progress on compensation. Our clients have been struck by the contrast at the speed of BEIS' progress in the build up to a hearing, as opposed to the Department's inertia at all other times. We are reminded of the saying of Dr Johnson: "*Depend upon it, sir, when a man knows he is to be hanged in a fortnight, it concentrates his mind wonderfully.*"
  
4. The progress of the three compensation schemes and the correspondence between Howe + Co, BEIS, POL and the Inquiry have become factually complex, not least due to the inaction of BEIS in providing a GLO compensation scheme and delays in resolving issues surrounding bankruptcy/insolvency and interim payments.
  
5. We have submitted a bundle of correspondence and documents, which details *inter alia* our involvement in pressing for fair compensation for our clients since February 2021. For ease of reference, we set out the relevant facts, correspondence and events in the chronology below:

**Chronology**

10 December 2019	Settlement Deed in Group Litigation.
1 May 2020	Historical Shortfall Scheme published
14 August 2020	Deadline for applications under HSS
1 October 2020	HSS guidance introduced
27 November 2020	Extended closing date for HSS
3 February 2021	Howe + Co write to Prime Minister detailing financial suffering of SPMs
23 April 2021	Hamilton & Others judgment

22 July 2021	Ministerial statement in relation to SPMs with quashed convictions – funds to be made available for interim compensation.
22 October 2021	Howe + Co letter to Nick Read requesting compensation and interim compensation for GLO SPMs
28 October 2021	Herbert Smith Freehills respond to say that they will revert as soon as able to do so
4 November 2021	HSF write to Howe + Co and refers to ‘full and final settlement’, but states that discussions with Government are ongoing.
11 November 2021	Howe + Co write to HSF requesting meeting with POL and BEIS to discuss repayment of GLO litigants’ costs
19 November 2021	POL decline to meet with Howe + Co
25 November 2021	Howe + Co write to HSF demanding a meeting with POL and BEIS to discuss compensation and interim compensation.
2 December 2021	HSF confirm that POL is reliant on Government funding
14 December 2021	Ministerial statement in relation to SPMs with quashed convictions relating to final compensation payments.
20 December 2021	BEIS write to Howe + Co requesting information to help them advise the Minister.
February/ March/ May 2022	Human Impact hearings
22 March 2022	Ministerial statement in relation to establishment of a GLO group compensation scheme
28 March 2022	Howe + Co write to BEIS and raise concerns that funding for legal representation is included in GLO scheme and that issues relating to bankruptcy are addressed.
8 April 2022	BEIS confirm that funding and bankruptcy issues are <i>‘firmly on our agenda’</i>

9 May 2022	Chair published provisional view on issues relating to compensation
31 May 2022	Post Office state in written that they are 'actively considering how to address' 186 late applications for compensation.
8 June 2022	Howe + Co submitted written representations in advance of July hearings
27 June 2022	Howe + Co write to BEIS requesting an urgent update on provisions being made for clients who are bankrupt or who are facing bankruptcy
29 June 2022	Howe + Co write to BEIS seeking clarity on working group
30 June 2022	Ministerial announcement that Govt intends to provide interim payments to GLO members and has set aside £19.5m.
6 July 2022	Announcement made that Lord Dyson was to conduct a 'neutral evaluation' of non-pecuniary damages in quashed conviction cases.
6 July 2022	Hearing on issues relating to compensation (1 <sup>st</sup> day)
12 July 2022	BEIS inform Inquiry by letter that contract secured with Freeths GLO interim payments to be made 'within weeks'
13 July 2022	Hearing on issues relating to compensation (2 <sup>nd</sup> day). Inquiry notified, via Mr Stein KC, that target for interim payments would be 3 weeks from 13 July.
15 July 2022	Howe + Co write to Inquiry in relation to funding arrangements and establishment of compensation trusts.
3 August 2022	BEIS inform Inquiry by letter that an outline for a GLO final compensation scheme to be sent to GLO members in September 2022.
15 August 2022	Chair's Progress Update on Issues relating to Compensation.

31 August 2022	<p>Howe + Co write to BEIS following meeting BEIS raising <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>(i) Views to be sought in respect of 2 compensation schemes</li> <li>(ii) BEIS will pay reasonable legal costs of chosen legal reps (plus reasonable disbursements)</li> <li>(iii) All compensation payments to be completed by 7 August 2024</li> <li>(iv) Interim payments for acquitted claimants within Overturned Convictions Scheme</li> </ul>
12 September 2022	<p>Howe + Co write to Chair on instructions in relation to (i) insufficient compensation funding for 'complex cases', (ii) failure of BEIS to extend interim compensation to acquitted SPMs and (ii) position of Sue Palmer.</p>
13 September 2022	<p>Howe + Co write to BEIS in relation to 60 GLO SPMs who are bankrupt or in IVAs and delays.</p>
14 September 2022	<p>Howe + Co write to Chair setting out correspondence with BEIS on compensation matters.</p>
22 September 2022	<p>Statement by the Chair following Progress Update on Issues Relating to Compensation</p>
28 September 2022	<p>Howe + Co Response to Consultation – Clients preferred Option 2 – scheme based on GLO litigation as opposed to scheme following HSS. Howe + Co requested urgent interim payments and confirmation that scheme would provide funding for legal and professional advice.</p>
18 October 2022	<p>Howe + Co write to Nick Read on POL offer on restorative justice and apology meetings</p>

1 November 2022	Nick Read response on restorative justice issues
17 November 2022	BEIS Compensation and Costs Update. – (i) Late applicants to be allowed into HSS Scheme; (ii) Acquitted SPMS to be brought into line with overturned convictions cases; (iii) BEIS working closely with insolvency service.
26 November 2022	Howe + Co write to BEIS: (i) None of GLO SPMs with ‘complex cases’ have received any interim compensation; (ii) Acquitted clients have received no interim compensation; (iii) BEIS has not provided funding to law firm representing complex case clients; (iv) Unacceptable that BEIS has been unable to resolve complex cases (bankruptcy/IVA) issues (v) Two solutions proposed – Provide funding for legal assistance so SPMs can advance claims. Arrange round table meeting to thrash out the full detail of a scheme.
27 November 2022	Howe + Co write to POL in relation to meeting to thrash out scheme details and POL failings in respect of restorative justice
30 November 2022	Witness statement of Suzanne Palmer
30 November 2022	Witness statement of Baljit Sethi
8 December 2022	Further hearing in Inquiry on Issues relating to Compensation
31 December 2022	Date by which BEIS and POL stated (in July hearings) that offers will have been made in 95% of HSS cases.
7 August 2024	Date after which BEIS funding for GLO compensation will expire.

## Headline issues

6. It is useful to set out some headline issues at the outset:

- Despite the Ministerial Statement of 22 July 2021, there is still no settled process for compensation for subpostmasters whose wrongful convictions were overturned.
- Despite Howe + Co's correspondence going back as far as 22nd October 2021, and various statements by BEIS, there is still no settled process for applications by GLO SPMs to even apply for final compensation, and no date (other than "Spring"<sup>1</sup>) as to when any scheme will be open to applications.
- Despite BEIS's announcement of 30 June 2022 offering urgent interim compensation, some 60 of the most desperate GLO SPMs have received nothing.
- BEIS refused to give force to the Chair's recommendation on SPMs who had been prosecuted and acquitted (albeit there are now suggestions on 17 November 2022 that this position may now change).
- The HSS scheme continues to be exceptionally slow, provides unfair and low offers to unrepresented SPMs, fails to make offers at all to SPMs with long-outstanding applications, and refuses to entertain applications from persons who are plainly entitled to apply.
- In all compensation schemes and processes there continues to be a profound inequality of arms, and there is concern that the 'development' of schemes is being used as a shield and a means of delay.
- The Post Office has purported to welcome a requested restorative justice process, however, POL's CEO Mr Read subsequently refused to meaningfully engage in that process
- Applicants to the HSS Scheme have felt disempowered by the way that the scheme limits their involvement and access to legal representation and, where necessary, expert evidence. Those faults should not be carried

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<sup>1</sup> Estimated date as communicated in meetings with BEIS

through into the as-yet unformulated Stage 2 Overturned Convictions and GLO compensation schemes/processes.

### The position of our clients

7. We have taken instructions from our clients as to their current position. Whilst a substantial number of GLO SPMs have received interim payments since the July hearings, the majority of our clients remain in considerable financial difficulty. It is important to emphasise that the interim payments to GLO SPMs are well below those received by those SPMs with overturned convictions. The interim payments are based on a distribution model applied following the settlement of the group litigation. As such, the amounts which our clients have received vary considerably. In some cases, the amounts received by our clients has been very low.
8. The effect that BEIS and POL's delay is having on our clients is starkly demonstrated by the case of Heather Williams, from Birkenhead, who gave evidence in Leeds on 9th March 2022. She spoke to Mr Enright on 1 December 2022. She told Mr Enright that shortly after the announcement of the GLO scheme she was informed by Freeths, on a Friday, that she would receive a very significant sum by way of an interim payment. However, on the following Monday she was told that she would receive nothing because she is in an IVA. Ms Williams's debt in respect of the IVA is less than £2,000.
9. Ms Williams has very little money. Her accounts with her electricity and her gas providers are £2,000 in arrears. She is very worried that her power supply will be cut off. Consequently, she does not heat her home and only eats every other day, often only a Pot Noodle. Three weeks ago, Ms Williams had a bad fall at home, because she was tired and weak from not having eaten. During this time she says that she was *'in so much pain, cold, hungry and all alone.'* She was unable to get up from the floor for over 2 days. She finally managed to crawl to where her phone was, but it was out of charge. Luckily her charger was in reach and she was able to call for an ambulance. She remains in hospital. She says that she is desperate to



receive an interim payment, which would 'sort out all of my problems'. She has still received no compensation.

10. We have prepared a schedule of comments from 31 SPM core participants, who have asked that their comments as to how the delays in compensation have affected them are put before the Inquiry. We refer the Inquiry to that schedule.

11. The Inquiry may recall that at the hearing on 6 July 2022 Mr Stein set out the position of some of our clients as follows. We have taken further instructions from those same clients in anticipation of this hearing :

- Marion Drydale said **(in July)**: *I have sold my jewellery, used my inheritance, cashed in my pension. Every day is filled with uncertainty, a dread of more bills I cannot pay. In December she says: I feel guilty that I am one of the lucky ones. I received an interim payment unlike many of my colleagues. I had been on the verge of losing my home and the interim payment saved me from that. I still have other debts to pay. The interim payment has just given me a breathing space, nothing more. I have no idea where I would have gone had I lost my home. I am in my early sixties. I would still be running my business today had this not happened. The money that I received has not made up for the 12 years of struggle. People are still saying things about me now in my community. The whole matter continues to haunt me. We all need full and fair compensation now to end this nightmare.*
- Peter Worsfold said **(in July)** that he has still not been able to repay his 94 year old mother for bailing him out when PO demanded money for shortfalls in 2002. He said that he visits the supermarket at 4pm when they put short dated items out at reduced prices. **In December** he says that he has received interim compensation and it helped pay some debts. He is concerned that receiving compensation in dribs and drabs means that he and other SPMs cannot invest and receive income to look forward to old age. He effectively lost 20 years of business income. He tells us that the compensation he received did not touch the sides of what he has lost. He has struggled desperately to avoid bankruptcy as a single father with 3 children. This included working 6am to 10pm seven days a week for

many years. Today, he remains dependent on his state pension and depends on his son for financial help. He is still living hand to mouth and is afraid to spend the remainder of the compensation that he has received. He says that the Government's continued reticence to pay full compensation just prolongs the agony and it seems like a never-ending saga. He concludes by saying: *While we have debts these debts have to be serviced and the longer these protracted negotiations on compensation take the further in debt we sink.*

- Faisal Aziz told us **in July** that he was on the verge of declaring bankruptcy. He worried that he would not be able to feed his 5 children. In **December** he instructs that he has received an interim payment, but that this will only keep his family out of trouble for a couple of months. He says that his children have started to repair their shoes with glue to try to save the family money. As can be seen from the correspondence, the parlous situation of the Aziz family was raised with BEIS months ago.<sup>2</sup>
- Susan Hazzleton said **in July**: *I am 69 years old in December and still work 4 days a week as I cannot afford to retire. We have also just had to put our house on the market.* In **December** Ms Hazzleton says that has not received an interim payment. She is still working 4 days a week and her house is on the market.
- Shazia Saddiq said in July: *"The ounce of dignity I thought was remaining is being eroded daily" .... I am so tired. At the age of 38 I feel like a pensioner. The effect of POL's actions have destroyed me."* In **December** she says: *I feel I am continuously sinking into a dark financial abyss on a daily basis. I see no light at the end of the tunnel. I do not know if BEIS will ever make good on what they took from me and my children. I did have an interim payment, but it has really not helped that much. I still have an appalling financial situation. I lost my job as a result of my history with the post office becoming known to my employer. I am temping at the moment and I have to tell every employer that I was accused of taking money from*

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<sup>2</sup> Howe + Co letter to BEIS 27 June 2022

*the Post Office. This was 8 years ago but continues to haunt every part of my life. I just want BEIS to make good and do what they have promised.*

12. There have been interim payments to many since the July hearings, but they have varied in size and are not comparable with the overturned conviction interim payments. However, the provision of interim payments does not mask the fact that the substantive compensation process has not been developed, settled and opened for application, which was what was promised in July.
13. It remains the case that none of the GLO SPMs whose cases are deemed complex have received any interim compensation. There are approximately 60 such persons, some 15% of the GLO SPMs. They are the most financially desperate SPMs. This is unacceptable and requires immediate action. Suzanne Palmer's case is one particular example that typifies the inability of BEIS to act reasonably and expeditiously in a case which ought to be treated as urgent.
14. Furthermore, many SPMs continue to face substantial prejudice in achieving fair and reasonable compensation through BEIS' and POL's refusal to provide funding for legal representation. We refer below to the case of Julie Beisner, which illustrates the continuing injustices brought about by the same inequalities of arms that characterised POL's conduct of the group litigation, and which was deprecated in the judgments of Mr Justice Fraser.
15. In addition, there are many former SPMs who continue to experience perverse delays and who consider that the failure of POL to act reasonably amounts to an extension of the ill treatment that was meted out to them during the worst of the Horizon scandal. Baljit Sethi provides a good example of this kind of excessive and oppressive delay.
16. We also wish to draw the attention of the Inquiry to the fact that there are some SPMs who do not fall within any of the schemes and have been utterly failed by the compensation process. We will refer the Inquiry below

to the case of Sinead Rainey, who gave evidence in Belfast at the Human Impact hearings.

17. There are 4 cases, in particular, to which we draw the Inquiry's attention:

Baljit Sethi

18. Mr Baljit Sethi appeared before the Inquiry on 14 February 2022. The Inquiry will recall that Mr Sethi was the first witness to give in-person evidence as part of the Human Impact Hearings. Mr Sethi was the subpostmaster of Harold Park Post Office from 1983 until around 2003 and in 2001 Mr Sethi took on the Kings Road Post Office in Essex. Mr Sethi experienced shortfalls which he ascribed to problems in the Horizon system. Mr Sethi exhibited a contemporaneous newspaper article to his witness statement in which he specifically laid fault to the Horizon system. As a result of those faults, Mr Sethi lost his business and subsequently became bankrupt.

19. During his evidence, Mr Sethi told the Inquiry that he had made an application under the HSS in February 2020, but that he had not received any response until 10 February 2022, just before he was scheduled to give evidence. He received a questionnaire which set out some 68 questions (in fact, over 100 questions including sub-questions).

20. During his evidence Mr Sethi accounted his experience of the HSS and he told the Inquiry.

*Q. "When did you make the application?"*

*A. Two years back, sir, in February 2020.*

*Q. February 2020?"*

*A. Yes, sir.*

*Q. When did you receive a reply of substance from the Post Office?"*

*A. Unfortunately, sir, I have not received a single substantial reply. Every three months, I write to my MP. She writes to the Post Office and they come with a stereotype statement Mr and Mrs Sethi, we got 2,500 applications, so you're not the only one, please have patience and we will come back to you". This is the only*

*reply I've received in the last two years. But just last Thursday, after sitting on that for two years, now they have come back to me saying we want you to answer these 100 questions. I mean, I've suffered for 20 years. I need help from my children. I'm nearing 70. I will not live long. I ask my children to help me. They got their own lives, they got their own children. Now, they want me to fill 100 questions to answer. Do you think this is fair, sir?*

....

*Q. Is that the first time they have asked you for that information?*

*A. Yes, sir, but before that whatever information, when we put in for Historical Shortfall, they have asked me so many questions which we have answered and they keep repeating the same questions. The last time I wrote to them and I said, "You know, these questions, which you have asked me now again after six months, I already sent you this six months back", and then they came back to me saying, "Oh, sorry, there are lots of people dealing with this, so that person was dealing has mislaid it, the case has come to me new, so I need now reply from you". This like passing the buck from you to him, him to her, which will be never ending. Even if I answer these 100 questions tomorrow, some bright geezer might get up tomorrow and say, "Oh, Mr Sethi, you know what, now people have changed, could you please answer those 100 questions again"*

*Q. Looking at the questions generally, I'm not going to go through them, are you in a position now 20 years on to answer lots of them?*

*A. Not really, sir, because the questions they are asking me: when you bought the Post Office, they know it, those are some of the typical questions; how much you invested; when you bought it; how much was the surplus; how much was the shortage. I mean, all this information is held by the Post Office. They are just wasting time, just to prolong the things and if this goes on, I think I'll be dead and gone and we'll never get anything from the Post Office.*

*Q. You say in your statement that you are deeply worried that you or your wife will die before you achieve any form of justice or meaningful compensation; is that the case?*

*A. Yes, sir"*

21. Despite the evidence given by Mr Sethi, which was widely reported in the television, radio and print media, Mr Sethi, to date, still, has not received a substantive response to his application let alone an offer of any

compensation under the HSS some 34 months on from when Mr Sethi submitted his initial application.

22.Despite having completed and returned the form and having sent five chasing letters, Mr Sethi still has no compensation, no substantive response, and no indication as to when he might ever get one. The only acknowledgment that he has received since he gave evidence before the Inquiry was a letter from POL confirming that it was *'mindful of the time taken in our case'* and that *'each case is unique, we cannot confirm timeframes'*.

23.Mr Sethi feels that he is in a never-ending cycle and that the Post Office is being deliberately obstructive. He is frightened that he will eventually receive a derisory offer and may have to engage in a long-protracted dispute after 20 years of fighting for a just outcome. We refer the Inquiry to Mr Sethi's witness statement of 30 November 2022, in which Mr Sethi conveys some of the anxiety and outrage that these continuing delays are causing.

Suzanne Palmer

24.Ms Palmer provides a clear example of POL refusing to act in a so-called *'complex case'*. We refer the Inquiry to her witness statement dated 30 November 2022.

25.Ms Palmer was prosecuted by POL for alleged shortfalls and acquitted by a jury on all charges. Following the Chair's Compensation Update report, Ms Palmer anticipated that she would receive an award of interim compensation in line with awards that have been sent to those who were convicted.

26.However, and as the Chair is aware from Howe + Co's letters of 12 and 14 September 2022, BEIS confirmed at that time that they would not comply with the Chair's recommendation on SPMs who were prosecuted and

acquitted. Ms Palmer has received no compensation for that prosecution as recommended by the Chair. This matter also affected our client, Maureen McKelvey.

27. Further, Ms Palmer was also informed by BEIS that her case is deemed complex because she was made bankrupt in 2015, albeit that she was discharged in 2016. It is now understood that BEIS takes the view that Ms Palmer's trustee in bankruptcy may assert that it has a right to some or all the compensation that Ms Palmer may receive.

28. At a meeting on 22 November 2022 that BEIS called with bankrupt SPMs (to which legal representatives were not invited), BEIS gave Ms Palmer and other of our SPM clients four options as to how to proceed. BEIS informed the SPMs present that she could receive 100% of the interim compensation and run the risk of being sued by the Trustee.

29. Alternatively, Ms Palmer was advised that she could bring a claim against the Trustee. Otherwise, she was told that she could agree to accept only 51% of the interim award, with the remainder to go to the Trustee. Finally, she was presented with an option to agree to forego interim compensation altogether and wait for the announcement of the Stage 2 compensation scheme, for which there is no commencement date.

30. It would appear that the imminence of the hearing on 8 December 2022 has led to BEIS agreeing to pay 51% of any interim award to Ms Palmer in the event that the Trustee does/ or did not respond to BEIS by 25 November 2022. Ms Palmer states in her witness statement that she feels that she was not presented with any real choices, but also that the delay in resolving the matter has been unreasonable.

31. Regrettably, since the drafting of her statement Ms Palmer has been contacted by the Trustee in bankruptcy who has informed her that no agreement has been reached between BEIS and her Trustee and that the Trustee is currently seeking legal advice. A copy of that email of 1

December 2022 has been provided to the solicitor to the Inquiry and is contained in our accompanying bundle of evidence.

32. Ms Palmer lives in a state of financial peril. She has no running hot water and she and her husband boil kettles for washing and cleaning purposes. She does not understand what is going on in relation to interim compensation for her and other “complex” cases. For her there is no prospect of any compensation for the foreseeable future.

33. We understand that the Inquiry will seek clarification from BEIS and Freeths on the pressing issue of interim compensation for those SPMs who were made bankrupt.

#### Julie Beisner

34. Whilst unrepresented, Ms Beisner made an application to the HSS scheme seeking £502.46 including VAT, for a shortfall that Ms Beisner was able to evidence. The HSS offered to pay her that sum, clearly without reviewing any other potential losses or heads of claim.

35. Howe + Co has reviewed Ms Beisner’s circumstances and evidence and assessed the value of her claim at £176,862.46. In our submission, there were heads of claim that should have been obvious to the HSS, which the unrepresented Ms Beisner understandably did not contemplate.

36. Quite clearly the offer Mrs Beisner received did not reflect the harm, loss and mental anguish she suffered. The Inquiry may recall that on 16 March 2022, Ms Beisner told the Inquiry in her oral evidence that she still suffers from nightmares as a consequence of her experiences with the Horizon system.

37. Due to the lack of provision for legal advice in the first instance when applying to the HSS, Mrs Beisner did not know she could and indeed should



be entitled to compensation for the distress she suffered, and other obvious heads of loss. This is a matter that the HSS and Post Office say they are well able to identify and address in offers under the scheme; but they do not.

38. Mr Beisner's application to the HSS provides a stark example of the scheme failing to identify and make an award in relation to an obvious head of loss that an unrepresented SPM makes. Although there were a series of obvious heads of loss under which Ms Beisner should have been made offers, one in particular stands out and is stark.

39. As detailed in her Rule 9 statement and evidence before the Inquiry on 16 March 2022, Ms Beisner was the Subpostmaster (Subpostmistress) of the North Kilworth branch from May 1996 until February 2021. She suffered severe problems arising from the Horizon system and Post Office Limited's failure to address those issues, which she detailed in her written and oral evidence.

40. The initial HSS offer failed to account for distress and inconvenience. However, Post Office Limited was fully aware of the exceptional distress and inconvenience that had been caused to Ms Beisner by the conduct of POL, in particular because Ms Beisner lived under the threat of criminal or civil action against her by POL for at least a year. This is because, as she set out in her evidence, she continued to be at risk of criminal or civil action from 17 February 2021 (date of final audit) until 26 May 2022.

41. Ms Beisner suffered exceptional distress and inconvenience as a result of specific actions of the Post Office, which are fully evidenced, of which the Post Office were aware and which the Post Office acknowledged and addressed in part. Below are the relevant parts of our client's evidence, given on 16<sup>th</sup> March 2022 (transcript pages 18-21):

*....And, you know, this £1,970, I'm still concerned and worried about it. I know the Post Office are watching this and I would like to have written confirmation from them to be*

**sent to my legal representatives saying they will not be pursuing me for this alleged shortfall of £1,970. I would like that in writing.**

Q. Just to be clear, this audit occurred on 17 February of last year; is that right?

A. That's correct, yes.

Q. During that audit, a figure of £1,972 was said to be a loss found in your account?

A. Yes, £1,977, and I forget how many pence.

**Q. Am I right to understand that has not yet been resolved as between you and the Post Office?**

**A. That's correct. They said I had to sign off the accounts, otherwise I would not be able to retire.** They said that I needed to get in touch with Chesterfield and Chesterfield would look into this and tell me what they thought. I did have a phone call from someone from Chesterfield and they said, "Would you like to speak to someone? We've decided that we're not going to pursue that. Would you like to speak to someone about it? I said, "Yes, I'll speak to someone" and they said, "Oh, they're not available at the moment". And that is all that I've had. I've got nothing in writing. If whoever it was who gave that verbal assurance leaves that office, then what happens? I think it's disgusting. I really do. You know, they say they have changed and yet this is not 2007, (connection breaking up) this is 2021.

SIR WYN WILLIAMS: If I've got the sequence right, Ms Beisner, apart from the time when you went into the shop in order to arrange for surplus cash to be returned, the premises had actually been closed for about a year –

A. Yes. SIR WYN WILLIAMS: -- and, within that year, you had done two balances which had both been correct?

A. That's correct, yes, and premises are alarmed, Sir Wyn. No-one could walk in there.

SIR WYN WILLIAMS: Fine. Thank you.

MS HODGE: Please can you describe, Ms Beisner, how it made you feel to experience this audit in February 2021?

**A. Well, to be honest, I still have nightmares about it because, you know, I'm worried they are still going to come after me for money. What good is a verbal assurance from someone who doesn't come to the phone to speak to you? My experience of using Horizon, it's just been absolutely harrowing and, you know, I wish I'd never become a subpostmaster. I just wish I'd never decided to start to work for such a corrupt and uncaring organisation who puts profits before people.**

42. Following our client's testimony to the Inquiry, Howe + Co made representations to Post Office Limited dated 3 May 2022, calling on the

Post Office to confirm, in writing, that it would not take criminal or civil action against her for the alleged shortfall.

43. On 27 May 2022, Howe + Co received confirmation from Post Office Limited that it would not take action (criminal or civil) to recover this disputed shortfall. In a letter addressed to our client, the Post Office stated:

*I write further to correspondence received from your legal representatives, Howe+Co on 3rd May 2022 and also further to the evidence you gave to the Post Office Horizon IT Inquiry on 16th March 2022. During your evidence, you raised the alleged discrepancy shortfall of £1,970.49 which had been identified during the North Kilworth branch closure audit on 17th February 2021.*

*I have been made aware that you requested during your evidence that, following the oral assurance I was able to provide during my telephone message of 29th March 2022, you would also appreciate confirmation in writing that Post Office would not be seeking recovery of the alleged shortfall.*

*I apologise for the delay in sending this letter and hope that you will please accept it as formal written confirmation that Post Office will not be taking any action to recover the alleged shortfall.*

*I am sorry to hear from your evidence about the upset you have been caused and hope that this letter will assist by providing you with some reassurance.*

44. It was therefore clear, and fully evidenced, that our client experienced exceptional distress and inconvenience as a direct result of her wholly reasonable concern that Post Office Limited would take criminal or civil action against her in respect of the disputed shortfall arising from the final

audit; and that this threat hung over her for well over a year, and was only resolved as a result of her giving evidence to a Public Inquiry.

45. This head of loss should have been known to the HSS, as it was obvious from its records in relation to our client. As such, an offer under this heading should have been made in the first instance. It was not.

46. The conduct of the HSS demonstrates that Post Office Limited cannot be trusted to deal fairly with the claims of unrepresented subpostmasters. Further, the statements published by Post Office Ltd regarding the number of offers made to subpostmasters must be viewed through the lens that many offers, if not most or all (in relation to subpostmasters who were unrepresented) are far below what is reasonable and appropriate, and fail to take into account ordinary and foreseeable heads of claim.

#### Sinead Rainey

47. Ms Rainey is a Core Participant in the Post Office Horizon IT Inquiry, who gave evidence to the Inquiry in Belfast on 18 May 2022.

48. In her witness statement, Ms Rainey states that in 2016 she was approached to buy a Spar shop from Martin Henry, who was the designated subpostmaster. Our client had previously worked in this shop for Mr Henry, who was retiring. Our client purchased her shop for £16,000.00 and renovated the shop with a loan of £20,000.00. She spent £10,000.00 on stock. When our client took ownership of the shop and the post office business, Mr Henry retired, but continued to hold the title of subpostmaster.

49. On 1 May 2019 an audit was conducted by Post Office. The auditors who attended the branch asked for Mr Henry. Ms Rainey contacted the post

master, who came to the branch and spoke with the auditor, but she was not present during these discussions. Our client was subsequently informed that there was a shortfall of £63,000.00. She was told by Post Office auditors that she was liable to repay the sum of £63,000.00.

50. Ms Rainey says that she went into complete shock. She rushed home to collect any and all money she could find. Her parents, uncles and sister all gave everything they had or could withdraw from the bank that day, in order to help her. The Inquiry may recall that our client took all the monies that she had managed to collect, including the contents of her children's savings boxes and content of her purse, back to the post office branch in a bucket. She passed those monies over to the auditors, which added up to more than £42,000.00. The auditors counted out those monies in front of her, accepted those monies against the shortfall of £63,000.00.

51. Mr Rainey was not part of the Group Litigation. Neither did she face prosecution, although she was threatened with it and subject to police investigation. She has suffered significant financial loss as a consequence of a historic shortfall and additionally has suffered from considerable mental health difficulties as a consequence of the behaviour of the Post Office towards her.

52. Ms Rainey, quite naturally made an application to the Historic Shortfall Scheme, but was notified by letter dated 15 October 2020 that POL do not consider that her claim falls within the scope of the Scheme as it appears that she did not have a direct contract with the Post Office at the time of the shortfall losses.

53. There should be no doubt that notwithstanding that Ms Rainey may not have had a contract, she was the *de facto* SPM and in demanding £63,000 POL accepted the same and considered that she was liable for the shortfall. We have written to HSS to urge that they exercise a discretion to admit Ms Rainey to the scheme. She is just as much a victim of the Horizon scandal as any other SPM who did sign a contract.

## Overtured Conviction Cases

54. On 21 July 2021 the Government announced a compensation scheme for subpostmasters who had been wrongly convicted.

55. As set out in Howe + Co's letter to POL of 27 November 2022, there has been some progress on compensation for overturned conviction cases. There have been interim payments in many cases, but not all.

56. We would remind the Chair of the evidence of Marion Holmes (the widow of Peter Holmes, whose conviction was quashed posthumously) on 9 March 2022 (transcript pages 76 - 77) where she detailed how the Post Office had looked for any reasons not to provide compensation to SPMs and had only agreed to provide her with interim compensation once they heard that she was scheduled to give evidence before the Inquiry. She said:

*... They're doing basically what the Post Office are very good at: spending money, other people's money, to try and dig themselves out of a hole.*

*I think I heard one lady say that she had been turned down because it wasn't the Horizon System. I was turned down because I hadn't got the right probate. The JFSA are turned down, they're frightened that the backers will want more money. They're just finding loopholes*

*It's now March and .....they only said that I could have compensation because he said I was coming here today and I would be talking about it and, suddenly, oh, I'm getting compensation. But that was two weeks, nearly three weeks ago, and I still -- you know, they're just fighting it and they shouldn't be, you know.*

57. It is right to say also that there has been an early neutral evaluation process undertaken by Lord Dyson in relation to non-pecuniary damages.

58. Nevertheless, 16 months on from the July 2021 announcement there is still no scheme or process to which wrongly convicted subpostmasters can apply.

59.The “development” of a scheme has caused exceptional delay, and this delay and the lack of any scheme actually acts as a form of ‘shield’ for POL and BEIS. The delay, obfuscation and lack of progress in failing to design and implement a scheme has perversely provided POL with a means of evading its duties to act fairly in relation to the allegations of malicious prosecution, in respect of which there can be no realistic defence. It is wholly unreasonable that POL continues to ‘drag its heels’ and continually fails to provide compensation to the victims.

60.In the absence of an agreed process, affected SPMs could simply take the risk and commence action; but that would involve a risk of incurring substantial costs and the uncertainties that are inherent in litigation.

61.As detailed in Howe + Co’s letter to POL of 27 November 2022, these matters are inherently capable of resolution. All that is needed is the will or direction, from the Chair in an interim report, that this be done.

**Failure to identify and assist victims of unlawful prosecutions, who have yet to come forward.**

62.Thus far, somewhere over 100 SPMs and others have had their convictions overturned. In fact, on 8 November 2022, Howe + Co’s client Mr Robert Thompson was the first SPM to have his conviction referred by the Scottish Criminal Cases Review Board. However, it is generally agreed that many hundreds of other SPMs and Managers are also entitled to have their convictions overturned.

63.Of course, until those persons are found, and convictions reviewed and overturned, they can access no compensation schemes at all.

64. There is real concern that hundreds of SPMs, who were wrongfully convicted, are languishing under the weight of those convictions, continuing to experience the harms caused by those wrongful convictions,

and therefore barred from vindication, justice and compensation to which they are entitled.

65. It is possible to speculate at the reasons why SPMs have not come forward. They may be dead, like Peter Holmes and others. They may simply not know that they can challenge their convictions. They may be so bowed down by their experiences that they cannot countenance the difficult and time-consuming process of challenging their conviction.

66. We say that it is for POL and BEIS to establish a team to seek out those whose convictions could be challenged, and to take every step to assist them in that process.

67. It may be that SPMs simply would not trust POL or BEIS, in which case other means could be sought, such as POL and BEIS funding a team at the Criminal Cases Review Commission to seek out and assist SPMs.

68. Whatever the methodology, something must be done and done urgently to undo the national injustice that was visited upon hundreds of people of good standing across the United Kingdom.

### **Recommendations sought**

69. Our clients continue to suffer grave difficulties in accessing compensation through the three schemes.

70. We submit that obfuscation and delay continue and, as such, the appropriate course for the Inquiry to take is to deliver an Interim Report containing specific recommendations under s24(3) of the Inquiries Act 2005.



71. We ask for the following recommendations:

**Resolution of Complex cases / bankruptcy issues**

72. **Firstly**, that the SPMs whose cases have been deemed 'complex due to bankruptcy and insolvency issues must be prioritised, and that a way forward must be found now to enable interim payments to be made to these SPMs before Christmas. It should not be lost on the Inquiry, having heard the Human Impact evidence between February and May 2022, that in the vast majority of cases bankruptcies arose from Horizon scandal and the appalling actions of POL, thus the supposed obstacle to making payments (bankruptcy and IVA) are the fault and responsibility of POL and BEIS.

73. The experience of Suzanne Palmer is illustrative of the need for an interim report and recommendation. BEIS refused to give force to the Chair's recommendation on SPMs who were prosecuted and acquitted. A traumatised and financially straitened SPM was advised by BEIS that she may have to take legal action against her Trustee or that she may, in turn may be sued by her Trustee. It should be obvious that these are matters that BEIS/ POL should resolve. It is not reasonable of those institutions to seek to place burdens on the victims of this scandal.

74. Those SPMs who have been made bankrupt or insolvent are, in many cases, those who are in the most desperate financial situations. We note that BEIS has stated in its 17 November 2022 'Post Office Horizon: Compensation and Costs Update' that: *'We have been working with the Insolvency Service to establish the best way of ensuring that each postmaster who has a bankruptcy of IVA receives as much of their interim payment as possible. We will continue to strive to ensure that interim payments are made as soon as possible to all eligible postmasters.'*

75. However, those assurances should not deter the Inquiry from acting on the problem. The delays have been unacceptable to our clients, who are

highly anxious that this troubling matter forms part of the subject matter of the Chair's Interim Report.

76. On 1 December 2022 our client Sue Palmer (a GLO SPM whose case has been deemed to be complex) clients received two emails. The first email was from Freeths Solicitors (the firm BEIS contracted with to deliver the interim compensation scheme). Our client has asked us to share this communication with the Inquiry. The email is confusing to our client. It appears that the Trustee has not agreed to Freeths releasing the whole of her payment and is seeking the advice of counsel, which they will receive in or around mid-December 2022. Freeths say that they cannot resolve this matter without going to court with the Trustee. Freeths suggest that they will release 51% of the portion of the interim payment that relates to her losses in the week commencing 5<sup>th</sup> December unless Ms Palmer does not wish to receive any interim payment. On the same day she received another email from her Trustee to say, in effect, that nothing has been agreed.

**BEIS to design and implement a GLO Compensation Scheme as a matter of immediate priority**

77. **Secondly**, that BEIS designs and implements a fully formed GLO compensation scheme forthwith to give effect to the decision taken by the Government on 22 March 2022, when the Chancellor announced:

*A new funding scheme that will ensure postmasters who played a crucial role in uncovering the Post Office Horizon IT scandal receive their fair share of compensation*

78. It is notable that over 8 months have passed since the Government's announcement, and despite various meetings, correspondence and submissions there is still no scheme, nor any prospect of a scheme being finalised and opened to applications until at least well into 2023.

79. From the outset, BEIS has made it clear that there is a hard stop date to the *ex-gratia* scheme. Accordingly, all compensation payments must be made by 8 August 2024.

80. In a meeting with BEIS on 14 November 2022 Howe + Co once again advised BEIS that the delay in designing and implementing a scheme is creating a real risk that complex high value claims may not be finalised in this relatively short time frame.

81. The reasons for these concerns are *inter alia* as follows:

- (i) BEIS has failed to agree to make provision for SPMs' reasonable legal costs to undertake work to prepare applications in advance of the scheme opening;
- (ii) BEIS has failed to agree that SPMs legal representatives can instruct appropriate experts now to assist in the development of claims;
- (iii) BEIS has failed to agree that provision will be made for SPMs to have the benefit of counsel's advice on the development of their claims and for advice on quantum, and
- (iv) BEIS advises that the scheme will not be open to applications until the "spring" of 2023.

82. Howe + Co, in their letter of 26 November 2022, have set out two obvious options to resolve this impasse. They are:

- (i) That BEIS authorises, and agrees to make provision for, those representing the overwhelming majority of GLO SPMs to begin work to develop their clients' cases in the normal way, including an agreement that they may instruct experts and counsel where deemed necessary (by the SPMs' legal representatives). This could be done immediately, and in this way, claims could be developed now, so that they are as ready as possible to be submitted as soon as the scheme is opened for applications.

- (ii) Alternatively, that BEIS agrees to meet the legal representatives of GLO SPMs to thrash out the full detail of a scheme in, for example, a two-day face to face meeting, with the assistance of a mediator and perhaps with an observer attendee from the Inquiry's team. The venue could be the International Dispute Resolution Centre, where most of relevant parties have been in attendance since February of this year. All that is needed to facilitate this is for BEIS to agree to make provision for the preparatory and attendance costs associated for SPMs' legal representatives, and for BEIS to appoint a person or persons capable of authorising agreement.

83. The lack of any GLO scheme or process causes very real concerns for our clients. BEIS has, to date, failed to take the steps that we have suggested to resolve matters. Accordingly, we ask that the Inquiry uses the powers at its disposal to resolve this issue, which has been vitally important to our clients since we first raised the matter in correspondence in October 2021.

**BEIS to give effect to Chair's recommendations on interim compensation for those SPMs who were prosecuted and acquitted**

84. **Thirdly**, that BEIS gives effect to the recommendation of the Chair in the August update in relation to full interim payments for SPMs who were acquitted, such as our clients Suzanne Palmer and Maureen McKelvey and the small number of other affected SPMs (said to be 15 by BEIS). These recommendations are set out at paragraphs 159 to 161 of the August Update, where the Chair stated:

*159. I am aware of a number of persons who were prosecuted on the basis of alleged shortfalls which they alleged were falsely generated by Horizon, who were acquitted of the charges brought against them and who went on to become Claimants in the Group Litigation. **Some of those persons gave evidence in the Human Impact hearings and***

**their evidence described how they have suffered substantially notwithstanding their acquittals. This category of acquitted persons is deliberately excluded from the Overturned Historic Convictions Scheme.**

160. The only basis for that exclusion was that this category of persons had not reserved their rights to bring claims for malicious prosecution in the Settlement Deed which brought to an end the Group Litigation. They had accepted a payment of compensation in full and final settlement of all their claims.

161. The position has now altered. Claimants in the Group Litigation are now going to receive further compensation payments and, indeed, they are going to receive interim payments. **The difficulty is that the interim payments which acquitted Claimants in the Group Litigation will receive will be calculated in such a way that it is very likely that the interim payments which will be paid to acquitted Claimants in the Group Litigation will be very substantially less than the £100,000 paid over to persons whose convictions have been quashed.** While I accept that the trauma of conviction and sentence was a very significant factor in the decision to make interim payments at the level of £100,000 to sub-postmasters whose convictions had been quashed **those who were acquitted are also likely to have been awarded very significant sums if they had successfully pursued their claims for malicious prosecution. In my view, acquitted Claimants in the Group Litigation should either be brought into the Overturned Historic Convictions Scheme (and then paid an appropriate interim payment) or, if there are thought to be legal difficulties with that course of action, paid interim payments in the Group Litigation Scheme which are properly reflective of the fact that they suffered the trauma of prosecution.** If the latter option is thought preferable, I do not consider that there would be a need to disrupt the agreed formula for making interim payments described in paragraph 113 above. Rather, funds should be made available over and above the £19.5m so that

*appropriate interim payments can be made to acquitted Claimants in the Group Litigation. Given the overall sum which will be necessary to compensate all the victims of Horizon fully and fairly the making of a small number of enhanced interim payments at this stage would, in my opinion, cause no appreciable detriment to the public purse but would be of considerable benefit to the persons receiving the payments. (emphasis added)*

85. We note that on 17 November 2022 BEIS stated in a ‘Post Office Horizon: Compensation and Costs Update’ that “ *We have accepted the force of Sir Wyn Williams’ observations about interim compensation for acquitted GLO members and will make additional interim payments where necessary to bring them more closely in line with the arrangements under the Historical Shortfall Scheme.*”

86. However, there is a subtle difference between *accepting the force of* the observations and agreeing to implement them *where necessary* as opposed to agreeing to do so *in a timely manner*. The fact is that BEIS did fail to implement the Chair’s recommendation and Ms Palmer and Ms McKelvey have been denied the interim compensation that they otherwise would have received had BEIS followed this important recommendation. We submit that, for completeness and in the best interests of our clients and many others, this matter should form part of the Interim Report of the Chair.

**BEIS to provide funding for representation of SPMs to enable preparation of applications with requisite close care and attention, so as to mitigate ongoing delay.**

87. **Fourthly**, we ask that the Chair recommends that funding is made available to SPMs’ lawyers to assist SPMs, so that they can instruct experts and counsel as they see fit, and so that that can prepare applications in relation to the three schemes.

88. This would enable claims to be processed relatively quickly as experienced lawyers in all claims, and particularly in high value complex cases, would be able to apply close care and attention to the detailed issues of understanding all the relevant strands of a client's loss, to the important matter of disclosure (a matter with which POL has demonstrated to the Inquiry it has problems), to the instruction of experts (e.g. psychiatric, forensic accountants, property valuers, loss of business assessors), to the assessment of full and fair payments and to the instruction of counsel (where appropriate).

89. By way of an example the *ex-gratia* compensation scheme was announced on 30 June 2022. Since then, Howe + Co have been pressing BEIS to agree to the proposals above so that they could commence working up their clients' claims in anticipation of a scheme being open for applications. This would enable the best use of time to be made and claims expeditiously progressed. As a result of a failure by BEIS to agree, over 5 months have been lost and there is still no clear agreement that BEIS will facilitate those representing SPMs to develop claims.

90. The recommendation that we seek would enable genuine progress to be made in processing and resolving claims and would go a long way towards mitigating the effects of the delays that have blighted the issue of compensation thus far.

**Overtured Convictions Scheme (phase 2) and the GLO Compensation Scheme are not to be modelled on HSS Scheme.**

91. **Fifthly**, we ask that the Chair recommends that the Overtured Convictions Scheme (phase 2) and the GLO Compensation Scheme contain the facility for full legal representation at all stages and an option for clients who wish to dispute an offer or otherwise request a review to do so by way of oral hearing as opposed to paper consideration.

92. We have assisted for a number of clients in advancing and pursuing HSS claims. It has been our experience that applicants under the HSS Scheme

feel powerless and disadvantaged throughout the process. They feel that they have little or no input into any of the assessments and are unable to interrogate any of the findings or issues through full legal representation or the ability to obtain their own evidence or reports.

93. It is inevitable that a victim of injustice or abuse will have significant issues trusting in any scheme which is organised by or at the behest of the abuser or perpetrator of the injustice. The multi-layered, over-bureaucratic approach taken in the HSS does nothing to dispel those trust issues.

94. We ask that the Phase 2 Overturned Convictions Schemes and the GLO Compensation Scheme, when designed, should empower rather than disempower the victims of this scandal. The provision of full access to lawyers, funding for experts and the ability to be heard at an oral hearing will win back a degree of trust in the compensation arrangements, which has been wanting in the HSS Scheme. Accordingly, we seek recommendations to this effect.

95. We wish to add that the delay by BEIS in bringing forward the Overturned Conviction Scheme is starting to detract from the very benefits that any such scheme may have to those SPMs whose convictions have been overturned.

96. Many of our clients have pointed out, quite reasonably, that they would have been in a better position had they simply brought claims in the civil courts after the judgment of the Court of Appeal in April 2021 rather than waiting for BEIS to design a scheme. It is clear that BEIS delays are adversely affecting the delivery of the compensation that has been promised in Ministerial statements. Our clients say that enough is enough. We ask that the Inquiry takes a robust approach in responding to these unacceptable delays.



## Restorative Justice

Following our submissions on compensation, we turn to the related issue of restorative justice.

Whilst subpostmasters such as Heather Williams, struggle to find money to heat their homes and to eat, their primary focus will be on compensation to provide shelter, food and warmth. Once, hopefully, those matters have been addressed they will naturally wish also to recover their dignity, self-respect and good name, that was also taken from them by Post Office Limited.

97. The Inquiry will recall that Mr Stein KC made submissions on the need for a restorative justice process in his opening statement to the Inquiry on 13<sup>th</sup> October 2022. In response Post Office, via Ms Gallafent KC, purported to adopt and welcome our submissions. She said:

*“Having carefully considered the submissions made on behalf of postmasters represented by Howe + Co, Post Office invites any postmaster who would like to meet a senior member of Post Office and receive a personal apology, to contact Post Office via Mr Read in order for that to be arranged.”*

98. Howe + Co raised this offer with Mr Read (CEO of Post Office Limited) in a letter of 18 October. However, Mr Read responded on 1 November and, in effect, rejected any meaningful restorative justice process.
99. It should be obvious that, contrary to the position taken by Mr Read, the perpetrator cannot be permitted to seize control of and dictate a restorative justice process; and how and when and in what terms an apology should be offered to a victim.

100. We call upon the Post Office and their owners, the Department of Business, to establish and implement a full restorative justice process.
101. We submit that such a process should not be limited to meetings so that harms visited on subpostmasters can be acknowledged and apologies tendered - but that the process should additionally include the establishment of a restorative justice fund established, separate from compensation payments, that will provide for matters including:
- a) ongoing psychiatric and counselling support for subpostmasters and their families;
  - b) bursaries to assist with the retraining of subpostmasters and for the education of their children whose education was disrupted by this scandal;
  - c) a tangible memorial scheme to mark this largest miscarriage of justice in British legal history; that sympathetically records the experiences of subpostmasters and how profoundly they and their communities were failed by this scandal;
  - d) restitution and restoration of reputation: In many cases subpostmasters' reputations were traduced in their local communities and regionally. Subpostmasters' reputations must also be restored within their own local communities through engagement with those communities and the local press; and
  - e) an entrepreneurial fund.
102. Subpostmasters, the victims of this scandal, were important small businesspeople and entrepreneurs in communities throughout the United Kingdom. They not only provided vital services to those communities but also employment for others. They also generated profits for their own benefit and the benefit of their families and, via taxation, for the public purse.
103. Many, with the right support, would once again embark upon business, creating employment for themselves, their families and for others in their communities, providing services in communities across the country and

contributing to the public purse via taxation from the profits generated from their hard work.

104. We submit that restorative justice must also be tangible and ongoing. This scandal cries out for a restorative justice process, and we urge Post Office Limited and BEIS to volunteer to engage in its creation, or, in the alternative for the Inquiry to recommend such a process and fund.

105. This is not a unique or unusual submission to make in a public inquiry context. Similar restorative justice schemes have been canvassed in the Grenfell Tower Inquiry and the Independent Inquiry into Child Sexual Abuse has recently published recommendations which make provision for restorative justice.

### **Conclusion**

106. We will make further submissions and respond to those advanced on behalf of other Core Participants at the hearing on 8 December 2022.

107. We repeat our earlier submission to the effect that insufficient progress has been made on the vitally important compensation issues which surround the Post Office Horizon scandal. We strongly submit that the Chair should deliver an Interim Report.

108. However, we must reiterate that our clients are anxious to ensure that the Inquiry continues to monitor the progress of the compensation schemes through conducting regular hearings focus on progress on compensation.

**SAM STEIN KC**

**CHRISTOPHER JACOBS**

**HOWE + CO**

2 December 2022