

17 January 2023

Chair's Determination on the National Federation of Sub-postmasters' Application to amend the List of Issues

By letter dated 17 November 2022, the National Federation of Sub-postmasters (“**NFSP**”) made a written request that the Inquiry's Completed List of Issues be amended to include reference to “Post Office employees”. The reasons given in the application for requesting this amendment were, in summary, as follows:

1. Subpostmasters comprise little more than half of those who were prosecuted by Post Office Limited (“**POL**”) and / or Royal Mail Group (“**RMG**”) following the acceptance and roll out of Horizon. The remainder of those who were prosecuted worked as assistants and Post Office employees.
2. The NFSP perceives that the Inquiry's List of Issues (as currently drafted) could lead to an incomplete public understanding of the risk posed to all those who worked in a post office during the relevant period.

It is for these reasons that the NFSP has requested that any references within the Inquiry's Completed List of Issues to “SPMs, managers and assistants” be amended to read “SPMs, managers, assistants **and Post Office employees**”.

On 30 November 2022 the Inquiry invited Core Participants to respond to the NFSP's application. The Inquiry received one response from POL in a letter dated 9 December 2022. In summary, POL contend that amending the Completed List of Issues in the manner sought by the NFSP would have the following consequences:

1. It would undermine the existing distinction drawn in the Completed List of Issues between three categories of individuals: (i) SPMs (which are defined for the purpose of the List of Issues to designate sub-postmasters and sub-postmistresses); (ii) “SPMs, managers and assistants” and (iii) ‘Crown Office employees’ (i.e. Post Office employees);
2. It would result in a significant expansion in the scope of the Inquiry and would likely necessitate the revisiting of Rule 9 Requests for disclosure: and
3. It would likely lead to greater rather than less confusion, in particular, by blurring the distinction between Post Office employees on the one hand and postmasters on the other.

I have carefully considered the representations which have been made to me by both the NFSP and POL and I consider that it is both unnecessary and undesirable to amend the Completed List of Issues in the manner requested by the NFSP for the reasons set out below.

First, I am not persuaded that the Completed List of Issues as currently drafted is likely to give rise to an incomplete public understanding of the risks posed by the failings of Horizon to all those who worked in post office branches during the relevant period. During Phase 1 of the Inquiry, I received oral and written evidence from more than 160 individuals concerning the human impact which the failings of Horizon had upon them and their families. Those who gave evidence to me orally and in writing comprised current and former subpostmasters and subpostmistresses, branch managers and assistants, including those who worked as counter clerks and / or assistants in Crown post offices during the relevant period. The Inquiry has, therefore, received and published evidence from former employees of the Post Office who were affected by the failings of the Horizon IT system.

Moreover, I intend during Phases 4 and 5 of the Inquiry to examine the use to which POL, RMG and their predecessors put information from Horizon when taking action against persons alleged to be responsible for

shortfalls. This line of enquiry will not be confined to subpostmasters and subpostmistresses but will also include former counter clerks and / or assistants who worked in Crown post offices during the relevant period. It is also relevant to note that one of the issues to be examined during Phase 5 of the Inquiry concerns the support and representation which was available during the relevant period to those who were held responsible for alleged shortfalls shown by Horizon. This line of enquiry will necessarily entail some examination of the role of the NFSP as well as other representative organisations such as the Communication Workers Union (“**CWU**”).

Secondly, the Inquiry’s Completed List of Issues intentionally draws a distinction between subpostmasters and subpostmistresses (on the one hand) and Crown Office employees (on the other) by reason of the different contractual arrangements which governed their relationship with POL and its predecessors. However, the Inquiry has not sought, in using the term “managers and assistants”, to exclude from the ambit of its investigations those who were employed as managers or assistants in Crown Office branches. Indeed, as indicated above, the Inquiry has and will continue to examine the experiences of such individuals, where appropriate, and has done so in the context of its recent enquiry into issues of compensation.

Thirdly, I am concerned that adopting the term “Post Office employees” is liable to lead to confusion. The Post Office was (and remains) a very large organisation in which a great many people were employed in different areas of its business. The category of “Post Office employees” is therefore significantly wider than those who worked in Crown Office branches and who were adversely affected by the failings of the Horizon IT System. Introducing this term into the List of Issues would, in my view, risk giving rise to a significant expansion in the scope of the Inquiry which would be inconsistent with my terms of reference.

I have, therefore, decided to refuse the NFSP’s application to amend the Inquiry’s Completed List of Issues.

A handwritten signature in black ink, appearing to read 'Wyn Williams', with a horizontal line drawn underneath it.

Sir Wyn Williams
Chair
Post Office Horizon IT Inquiry