

# Justice For Subpostmasters Alliance

Jo Swinson MP  
Minister for Postal Affairs  
Department for Business, Innovation & Skills  
1 Victoria Street  
LONDON  
SW1H 0ET

17<sup>th</sup> April 2013

Dear Minister



Alan Bates

**GRO**

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I am writing to you on behalf of the Justice For Subpostmasters Alliance (JFSA). In the past I have written to your predecessors Ed Davey and Norman Lamb over the issues that have been taking place between JFSA and Post Office and their Horizon system.

I am sure your department has enough documentation on the issues we (JFSA) are concerned with in order to provide you with background material. Previously a reference number 213102 has appeared on correspondence. At the meeting I had with Norman Lamb at the end of June last year we briefly discussed the then current proposal a group of MPs had made for an external forensic accountancy firm, 2<sup>nd</sup> Sight, to investigate a number of the claims that their constituents i.e. subpostmasters, had brought to their MPs' attention. The Post Office were to be involved and they would fund the exercise, but when I met with Mr Lamb I expressed JFSAs' very real concern over the independency of such an investigation, yet confirmed we were prepared to engage with the exercise if we could obtain assurances that it was to be a genuine investigation. I also had given an undertaking to Mr Lamb that I would keep him informed of the progress and refer any concerns we had about the veracity of the work of the investigation.

It took until late December 2012 for JFSA to finally agree the terms with all the parties involved, at which time we offered considerable assistance by providing information and cases to the external investigations firm 2<sup>nd</sup> Sight. JFSA also acted as a central contact and clearing house for cases that were raised by serving subpostmasters throughout January and February of 2013. During this period we worked very closely with the investigators, who were not only taking the cases we were sending to them but also were accepting the constituents' cases from the MPs involved.

On March 25th 2013, a 1 hour meeting was held at Portcullis House. The meeting had been arranged for 2<sup>nd</sup> Sight to report to the MPs who attended on the methodology of their investigation, and the areas they were proposing to include in the report that is due to be completed by mid-July 2013. I was at that meeting and I was accompanied by the JFSA forensic accountancy expert who has a watching brief on the investigation work being carried out by 2<sup>nd</sup> Sight.

I have now reached the main reason as to why I am writing to you at this time.

What 2<sup>nd</sup> Sight presented at the Portcullis House meeting was a very real source of concern for both the JFSA expert and myself. We were shocked at the direction this investigation was being held to follow despite all the evidence that had appeared since it began. Whilst we appreciate that this investigation would never have come about without the support of the MPs, who rightly want the cases of their constituents investigated, so much more has come to light and there seems to be considerable reluctance to broaden the terms of reference to incorporate this information.

While every individual's case is extremely important to that individual, it is also doubly so in the weight that it adds to the systemic failures within Post Office and their Horizon system. These are issues which we at JFSA have been raising for years, and having worked closely with 2<sup>nd</sup> Sight over the last few months, we can see that they too have independently arrived at the same conclusions through their analysis of the cases. What has become evident is that these major systematic failures within Post Office and their Horizon system have undoubtedly led to many miscarriages of justice. These systemic failures are now proven facts, and are at the root of most of the subpostmaster cases. Yet we cannot understand why 2<sup>nd</sup> Sight were so reluctant to bring the systemic failures to the fore at the Portcullis House meeting, or why the focus of the investigation has not now been centred upon them.

From the outset, we had voiced serious concerns that this investigation would not be allowed to present a true picture of what has occurred in the past or what is still continuing today. We have always known that any investigation has to be truly independent and able to work without hindrance or constraint, yet although we thought we had assurances of this in the beginning, we have little faith that this is the current position. Put simply, the way it is heading there will be no merit to any report produced, as JFSA will not only fail to support it, but will challenge its' findings, using evidence that the investigation has already uncovered.

I don't think it would be helpful to include a list of the systemic failures here at this time, suffice it say that there are probably an initial 10-12 items that have been at the root of many of the problems that most of the subpostmasters have been affected by. Both our forensic accountancy expert and I would gladly meet with you to briefly go through these issues if you would find it useful for us to do so.

For years JFSA has been campaigning for a totally independent inquiry to be set up by Government to investigate the failures within Post Office and their Horizon system, the key word being independent. This current investigation being funded by Post Office with the investigators reporting directly to Post Office on a weekly and at times daily basis, and where the direction of the investigators work is being channelled, will struggle to live up to any independency claim once the report is published.

There is no doubt at all that the systemic failures identified so far have been brought to Post Offices' attention through their regular meetings with 2<sup>nd</sup> Sight, and this alone raises the question as to why Post Office is continuing with their prosecutions of subpostmasters, when it is now so much more obvious that they are standing on very shaky legal ground. As I have mentioned before, these systemic failures are proven facts which are at the root of many of the subpostmaster cases, although from the 2<sup>nd</sup> Sight briefing document presented at the Portcullis House meeting, they are only going to be treated as an adjunct

to the issue of the individual cases, to the point where only a few of them may be featured in their forthcoming report.

It is evident to us, that these systemic failures should become the yardstick that the individual cases are measured against, as they are significantly easier for others to comprehend without the requirement of an in-depth knowledge of the finer points of Horizon. The refocusing of the investigation on the systemic failures would not only offer a quicker and far more efficient method of addressing the whole issue but would minimise the information required from Post Office, which has been the main cause of the slow, and at times no, progress, 2<sup>nd</sup> Sight has made with the individual cases.

I believe it is important that you and your department are made aware of the current position with regard to the investigation, and if you would find it useful I am willing to meet with you to go through the issues in more depth.

Please let me know if you require any further information.

~~Yours sincerely~~

**GRO**

Alan Bates  
Chairman, Justice For Subpostmasters Alliance