



Criminal • Cases • Review • Commission

PROTECT

Ms Paula Vennells
Chief Executive
Post Office Ltd
148 Old Street
London
EC1V 9HQ

POST OFFICE LTD

15 JUL 2013

CHIEF EXECUTIVE'S OFFICE

Your ref:
Our ref:

12 July 2013

Dear Ms Vennells

Horizon computer system

The Criminal Cases Review Commission is an independent public body that was set up in March 1997 by the Criminal Appeal Act 1995. Our purpose is to review possible miscarriages of justice in the criminal courts of England, Wales and Northern Ireland and refer appropriate cases to the appeal courts.

For obvious reasons, we have read the recent media coverage concerning the Post Office Horizon computer system with interest. Clearly, it would be very useful for us to have more information directly from the Post Office, especially accurate information as to number of criminal convictions that might be impacted by the issue and what action is proposed, or being taken, in that respect.

We see that the Attorney General was called upon on Tuesday to set up an enquiry and we are in contact with his office about that.

In essence, the Commission's role in this is likely to relate to anyone who is convicted of a criminal offence (in England, Wales or Northern Ireland), where evidence from the Horizon computer system is relevant, where (i) they have already tried to appeal against that conviction or (ii) they were convicted at Magistrates' Court following a guilty plea.

I look forward to receiving your reply.

Yours sincerely

GRO

Sally Berlin (Mrs)
Director of Casework Operations

GRO

5 St Philip's Place, Birmingham B3 2PW, DX 715466 Birmingham 41

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The independent public body which investigates possible miscarriages of justice in England, Wales and Northern Ireland



148 Old Street
LONDON
EC1V 9HQ

For the attention of Mrs S Berlin
Criminal Case Review Commission
5 St Philip's Place
Birmingham
B3 2PW

Date 24th July 2013

Dear Mrs Berlin

Horizon Computer System

I refer to your letter of 12 July 2013 which was addressed to Paula Vennells, Chief Executive of Post Office Limited. I am responding on her behalf.

This letter briefly explains the background to the matters raised in your letter and the steps currently being taken by Post Office Limited (POL). I anticipate being able to provide you with a more detailed response by the end of this week.

At the centre of POL's business is an IT system known as Horizon. This system is used by over 11,000 subpostmasters to conduct transactions with members of the public on behalf of POL. As you will be aware, POL has commissioned an independent firm of forensic accounts (called Second Sight) to investigate and report on the integrity of the Horizon system. The aim of this report is to highlight any issues in Horizon and its surrounding support infrastructure.

This month Second Sight released an interim report that highlighted a number of issues that required further investigation but also reached the interim conclusion that there were no systemic problems with Horizon.

We are now looking at Second Sight's findings in detail and are also investigating whether those findings have an impact on any historic or on-going prosecutions. I hope to be able to send you a more comprehensive response on these matters by the end of this week.

Yours sincerely

GRO

Susan Crichton
General Counsel

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Bond Dickinson

[TO BE TYPED ON POST OFFICE LIMITED HEADED PAPER]

For the attention of Mrs S Berlin
Criminal Case Review Commission
5 St Philip's Place
Birmingham
B3 2PW

26th July 2013

Dear Mrs Berlin

Horizon Computer System

I refer to my letter of 24 July 2013 in which I indicated that I hoped to be in a position to provide you with a more detailed response by today. Whilst I am not yet in a position to notify you of all the details you requested in your letter dated 12 July I do set out below our proposed course of action in this matter.

POL accepts that a number of criminal convictions may be impacted by the matters highlighted in the Second Sight Interim report and it has taken early and determined steps to identify those cases where such an impact may fall.

To that end POL has decided to instruct Brian Altman QC, former First Treasury Counsel with substantial prosecuting experience whose remit it is intended should be, in broad terms, to review and advise POL on its strategy and process for reviewing past/current prosecutions given the findings of the Second Sight interim report. Moreover, we intend asking counsel to report to the Post Office Board in due course with his findings.

POL has also instructed an external firm of criminal specialist solicitors to identify every criminal case prosecuted by POL and the Royal Mail Group (prior to their separation on 1 April 2012), and in any event in the last three years, so as to determine the safety of the convictions. Once such a case is identified, counsel will also be asked to review the case fully so as to determine the proper approach to be taken.

We hope that the content of this letter and the kind of processes and review we intend initiating allays your concerns and those of the Attorney General. We take the view that it is incumbent upon POL as a major public institution to take every reasonable step to ensure that those whose convictions may be regarded as unsafe are given justice.

Yours sincerely

Susan Crichton
General Counsel



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Susan Crichton
General Counsel
Post Office
148 Old Street
London
EC1V 9HQ

Your ref:
Our ref:

30 July 2013

Dear Ms Crichton

Horizon Computer System

Many thanks for your letter of 26 July. We are, of course, very pleased to hear of the review that the Post Office is now undertaking. If anything arises where you think we may be able to assist, please do not hesitate to let me know.

Are you liaising with the CPS in respect of any prosecutions taken by the CPS, which might possibly be affected by the issues with the Horizon system? It would be very useful for us to know who your liaison point is in the CPS in that respect.

At present, we have very limited information (only what is in the media) about what the problem is. On the basis of that we have not identified any cases (past or present) in our system that might be affected by any issue with the Horizon system. That could change though once we know more about the issue. In the circumstances, it would appear to make sense for us to wait until Mr Altman QC has reached some initial conclusions before we ask you for further details.

Yours sincerely,

GRO

Sally Berlin
Director of Casework Operations

Bond Dickinson

[TO GO ON POST OFFICE HEADED PAPER]

[date]

Mrs Berlin
[ADDRESS]

Dear Mrs Berlin

SUBJECT

I write in relation to the above matter and further to our exchange of correspondence back in July, culminating in your letter to me dated 30 July 2013.

I am now in a position to confirm that Brian Altman QC has completed his review of POL's strategy and process for reviewing past/current prosecutions given the findings of the Second Sight interim report to which I referred in my letter to you dated 26 July 2013 and am now in a position to give you an update.

As you would expect, Mr Altman's review has been thorough, leading to a detailed report, and I am pleased to confirm that overall, his view is that the review (being carried out on behalf of POL by an external firm of criminal specialist solicitors) is fundamentally sound, and he has not detected any systemic or fundamental flaws in the review process, or in the evidence arising from it. He has however highlighted that because the review is a continuing process, and POL has a continuing duty of disclosure, both POL and the external firm of solicitors with vast experience of managing and prosecuting these cases, must be prepared to keep under review, and reconsider, past case reviews and disclosure decisions.

To give you some detail, the process involves reviewing all cases (both Crown Court and Magistrates' Court) going back to 1 January 2010 (this being the earliest date on which Horizon Online was migrated into all post office branches and is a start date which Mr Altman QC considers to be logical, proportionate and practicable in light of the known circumstances). Essentially the scheme involves POL's solicitors identifying every case within the above mentioned review period in which the primary or main evidence against the defendant was or is based on Horizon data, and includes also those cases involving suggested problems with Horizon training or support. This is done by a rigorous sift review process. Once a potentially affected case is identified, senior in-house prosecutors at the external firm of solicitors carry out a full case review to determine the essential question "Had POL been possessed of the material contained within the Second Sight interim report during the currency of any particular prosecution should/would POL have been required to disclose some or all of that material to the defence?" In cases in which convictions have been obtained, this also means considering material for disclosure, which might cast doubt on the safety of the conviction.

To date POL's external solicitors have carried out a sift of [X] case files, second sifted [Y] cases, fully reviewed [Z] cases (in which disclosure was advised in [AA] cases), and has discontinued [BB] cases. The process is not yet complete and I understand that there are [CC] cases yet to fully review.

Since the publication of the Second Sight interim report on 8 July 2013, and despite POL's on-going review, POL has not received any application for permission to appeal to the Court of Appeal.

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I appreciate that the above is a short precis of a very extensive procedure and should you have any further questions/require any further clarification, please do not hesitate to contact me.

Yours Sincerely

Susan Crichton
For and on behalf of
the Post Office Limited

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