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Dear Colleagues

POST OFFICE: HORIZON SCANDAL – INDEPENDENT REVIEW AND EDM 593

Further to LTB297/20 Dated 5th June.

Branches and members will hopefully have had the opportunity to watch Monday night's Panorama show "*Scandal at the Post Office*" in which the journalist Nick Wallis investigated what the BBC described as "*what could be Britain's biggest ever miscarriage of justice scandal*" with "*evidence of a cover-up at the Post Office*". The hard-hitting programme highlighted the cases of several former Postmasters who have suffered terribly after being falsely accused and convicted of theft and/or false accounting. In addition, the BBC Radio 4 Programme – "*the Great Post Office Trial*" featured the harrowing stories of several more ex Postmasters who were wrongly dismissed and in some cases convicted for accounting shortfalls.

Following the Panorama show, we published a web story which can be accessed via the link below:

<https://www.cwu.org/news/bbcs-panorama-brings-horizon-scandal-into-the-public-eye/>

Government Announcement - "Independent Review" into Horizon Scandal

The CWU has been calling for a Judge-led independent public inquiry into this national scandal and we thought we had secured this following the commitment given by the Prime Minister Boris Johnson on 26th February in response to a question from Kate Osborne, Labour MP for Jarrow.

Yesterday, Paul Scully MP, Small Business and Postal Affairs Minister announced there would be an "Independent Review" into the Horizon scandal, although it should be noted this will not be led by a Judge. The Chair (who has not yet been appointed) will though be independent of the Post Office and government.

The statement from Paul Scully was as follows:

"I am today announcing the scope of the Independent Review into the Post Office Horizon IT System and Trials which the Prime Minister committed to on 26th February 2020. This followed Post Office Ltd reaching a settlement, in December 2019, of £57.75m to conclude a long-running case brought against it by a group of postmasters over issues related to Post Office's Horizon IT system..."

Government wants to be fully assured that through the review there is a public summary of the failings that occurred at Post Office Ltd, drawing on the judgments from the Horizon case and by listening to those that have been most affected; that lessons have genuinely been learned; and that concrete changes have taken place at Post Office Ltd to ensure that this situation will never be repeated. For these reasons Government has decided to establish an Independent Review.

The Independent Review shall:

Understand and acknowledge what went wrong in relation to Horizon, leading to the Group Litigation Order, by drawing on evidence from the Horizon judgments and affected postmasters' experiences and identify what key lessons must be learned for the future;

Assess whether the Post Office Ltd has learned the lessons from the criticisms made by Mr Justice Fraser in the "Common Issues" and "Horizon Issues" trials and those identified by affected postmasters and has delivered or made good progress on the organisational and cultural changes necessary to ensure a similar case does not happen in the future;

Assess whether the commitments made by Post Office Ltd within the mediation settlement – including the historical shortfall scheme – have been properly delivered;

Assess whether the processes and information provided by Post Office Ltd to postmasters are sufficient to i) enable both parties to meet their contractual obligations; and ii) to enable postmasters to run their businesses. This includes assessing whether Post Office Ltd's related processes such as recording and resolving postmaster queries, dispute handling, suspension and termination are fit for purpose. In addition, determine whether the quality of the service offer for postmasters and their relationship with Post Office Ltd has materially improved since the conclusions by Mr Justice Fraser; and

Examine the governance and whistleblowing controls now in place at Post Office Ltd and whether they are sufficient to ensure that the failings that led to the Horizon case issues do not happen again.

The Review will be led by an independent chair who will be announced in due course alongside final timings and terms of reference for the Review.

The Review shall set out Post Office Ltd's actions in response to the findings of Mr Justice Fraser. While avoiding a re-examination of the findings made by Mr Justice Fraser through the lengthy court proceedings, it must use these and the experiences of affected postmasters as the basis for its work. The Review should not encroach on the work of the Criminal Case Review Commission and the Court of Appeal. The Review should make any recommendations it sees fit, including actions that may, in its view, be appropriate as a result of its findings. The final report will be laid in the Libraries of both Houses upon completion of the review.

In a news story to accompany the above, Paul Scully stated "We are keen to see the review launch as soon as possible, and the publication of draft terms of reference today is an important step toward this."

Clearly this is a step in the right direction; however in our view it does not go far enough. Our real concern is there will be an inadequate outcome and follow-up to the review's recommendations which will not be binding on government. Indeed it is not clear who will be responsible for the actions of the review's findings and we obviously wouldn't want the final report to be merely "laid in the Libraries of both Houses" gathering dust.

Urgent Question Session - Horizon – House of Commons, 10th June 2020

Yesterday an urgent Question session took place in the House of Commons just after PMQs, brought about by Chi Onwurah, Labour MP for Newcastle Central and Shadow Minister for Digital, Science and Technology. The question was as follows:

"To ask the Secretary of State.... what steps the Government is taking to support sub-postmasters wrongly convicted in the Post Office Horizon scandal"

Chi Onwurah described the Horizon scandal as "the largest miscarriage of justice in our history" and insisted "We need an inquiry not simply to learn lessons but to get to the truth. Only a Judge-led inquiry can do that with the Post Office compelled to cooperate. Will the minister now agree to the Judge-led inquiry we need? It is the very least the victims deserve. We need answers not more delay. We will not rest until we get this and justice for all those wronged in this scandal".

The question session lasted for just over an hour and the Minister Paul Scully was given a particularly difficult time in regards to his decision not to appoint a Judge to lead an inquiry into the Horizon scandal but instead to launch an independent review. There was a barrage of questions urging the Minister to reconsider and deliver a proper Judge-led inquiry, with almost 20 MPs across all parties calling for this.

A link to the recording of the session is as follows:

<https://www.bbc.co.uk/iplayer/episode/m000kbft/house-of-commons-postmaster-convictions-urgent-question>

During the session there were also calls for all Postmasters to be compensated properly given that all but £11m of the £58m settlement for those 557 Postmaster involved in the Group Litigation Order will go towards legal costs.

Also, there were calls for former Senior Post Office executives to be questioned with Jerome Mayhew, Conservative MP for Broadland stating *"One of the great frustrations to date has been the refusal of the former senior management of the Post Office to answer detailed questions on this issue and to be held to account. Will ... individual culpability of senior management figures within the Post Office be part of this review?"*.

Karl Turner, Labour MP for Kingston Upon Hull East, who featured in the Panorama show and has campaigned tirelessly on behalf of Postmasters affected by the Horizon scandal stated *"Many hundreds of Postmasters were forced to pay back many thousands of pounds to the Post Office. Monies which were never in fact never owed or indeed missing. That in itself Mr Speaker should trigger a criminal investigation. How much of that money went to pay the previous Chief Executive's £5m salary? And ... why... can you not accept that only a Judge will get to the bottom of this miscarriage of justice?"*

The stock response from the Minister to many of the questions was that a Judge-led inquiry would be extremely lengthy in terms of the length of time to conclude and it would also very expensive. Paul Scully insisted that the Independent Chair appointed to lead the review would ensure a timely conclusion and would *"get to the bottom"* of this matter. Whilst we understand the Minister's reasoning in part, our strong view is that the only way we can ensure those responsible for these gross miscarriages of justice are brought to account is to conduct an Independent Judge-led inquiry and we will continue to push for this.

EDM 593: Judge-led public inquiry into the Horizon scandal

The following EDM was tabled on 10th June, sponsored by Kevan Jones, Labour MP for North Durham:

"That this House recognises the life-changing injustices experienced by subpostmasters throughout the Horizon scandal; notes with the deepest sadness that subpostmasters have served custodial sentences and suffered bankruptcy for offences they did not commit; recognises the role of the Government in prolonging this crisis through not fulfilling their role of shareholder representation on the board of Post Office Limited; expresses concern at the scope and formation of the inquiry currently outlined by the Department for Business, Energy and Industrial Strategy; and strongly urges the Government to institute a judge-led public inquiry into this matter at the earliest opportunity."

We expect this EDM to gain significant support as the Horizon scandal is becoming more high profile due to the Panorama and Radio 4 programmes, the recent press articles and yesterday's urgent question session in the House of Commons. However, we would urge Branches to write to their MPs at the earliest opportunity to encourage

them to sign EDM 593. A model letter template for this purpose is attached for Branches to use.

Darren Jones MP, Chair of the BEIS Select Committee – Response to “Review”

Darren Jones, Chair of the Business, Energy and Industrial Strategy Committee published a statement in response to the government’s announcement which contained the following salient points:

“The Minister’s announcement of the Independent Review into the Post Office Horizon scandal is welcome. However, without a judge-led inquiry it is not clear this review will have the necessary powers to demand evidence and require witnesses to give evidence.

“To get to the bottom of this scandal, the Government should look at ensuring this review is put on a statutory basis with subpoena powers to summon witnesses and compel them to give evidence under oath.

“The independent Review should look at the respective roles of Post Office Ltd Directors, past and present, and Fujitsu, but also Ministers and officials and their role in holding Post Office Ltd to account. It’s important that those responsible are held accountable and that the Post Office and the Government learn the lessons from this scandal and prevent this mistreatment of dedicated sub-postmasters and postal staff from ever arising again.”

Post Office - Statement in Response to “Review”

The Post Office issued a statement (see link below) following yesterday’s announcement from the Minister which confirmed *“The Post Office welcomes the review announced by the Government and we will of course fully and positively engage”*. A Post Office spokesperson also stated *“We are also leaving no stone unturned for those postmasters with past criminal convictions that may be affected”*.

<http://corporate.postoffice.co.uk/secure-corporate/media-centre/post-office-media-centre/#/news/post-office-statement-on-government-announcement-of-independent-review-404344>

House of Lords – Statement from Lord Callanan

Today there will also be a statement in the House of Lords entitled *“Support for sub-postmasters wrongly convicted in the Post Office Horizon scandal”* by Lord Callanan.

Press and Media Stories

The Horizon scandal has gained significant press and media interest in the last couple of weeks particularly given the new exposure due to the Panorama and Radio 4 programmes. The Daily Mail has been following the story for some time and has

today published an article reporting on the urgent questions session in the HoC yesterday using the headline "*Put Post Chiefs in Dock for this gross injustice*" and using a picture of former CEO Paula Vennells.

<https://www.dailymail.co.uk/news/article-8408057/Put-Post-chiefs-dock-gross-injustice-MPs-call-prosecutions-scandal.html>

In addition, Computer Weekly has today published an article entitled "*Anger as government launches 'pathetic' and 'pointless' review of Horizon scandal*". The article contains a quote from Lord Arbuthnot who has raised this matter on behalf of Postmasters for many years and featured in the Panorama programme. Lord Arbuthnot said the government review "*is a pathetic response to a national outrage*". Furthermore - "*The Prime Minister promised to get to the bottom of the Horizon scandal. This anaemic review will fail to do that, because it fails to ask the important questions. The purpose of an independent inquiry should be to establish the truth, rather than to protect the government from any suggestion of blame.*"

<https://www.computerweekly.com/news/252484483/Anger-as-government-launches-pathetic-and-pointless-review-of-Horizon-scandal?>

Conclusion

Whilst we welcome the progress made thus far with the announcement of the Review into this national scandal, we will though continue to put pressure on the government by all means possible to instigate an independent Judge-led public inquiry.

Branches are encouraged to bring this LTB to the attention of all members and to lobby politicians to support EDM 593.

Further developments will be reported.

Yours sincerely

Andy Furey
Assistant Secretary