



NFSP response to the Post Office Horizon IT Inquiry Preliminary Hearing

In broad terms, the NFSP believes that all four themes identified by the Inquiry Chair in the consultation on the provisional list of issues should be examined by the Inquiry. These are all highly pertinent.

Taking each in turn:

A. Second Sight Investigations Limited (“Second Sight”)

It appears to be the case that Post Office Ltd (PO) hindered Second Sight’s activities. These activities could have helped uncover problems with the Horizon system much sooner and potentially helped resolve individual cases via the Post Office Complaint Review and Mediation Scheme.

On that basis, the NFSP believes that the Inquiry should definitely explore the issues highlighted in A. (i), (ii) and (iii).

A. (ii) asks if it is sufficient for the Inquiry to investigate the reasons for the decision to terminate the Post Office Complaint Review and Mediation Scheme. The NFSP believes the Inquiry should explore the decision-making process in relation to all of the issues highlighted in A. (i), (ii) and (iii) – not just in terms of the rationale, but the personnel who made the decisions.

Put simply, were these decisions made at PO Board level or by senior executives? What level of knowledge did PO’s Board have? What level of knowledge did Government have?

The NFSP believes that these questions are important in relation to the historic issues at stake, and to the relationship between PO and serving subpostmasters in the present day. PO has publicised its intention to ‘reset the relationship’ it has with subpostmasters – the NFSP believes it is compromising to this relationship if those responsible for decisions that led to the suppression of information around the Horizon system remain key decision-makers on the present and future of the post office network.

B. Reliance upon legal advice

The NFSP believes it is essential for the Inquiry to explore the issues raised in B. (i) and (ii). As the NFSP has flagged previously, victims of the Horizon scandal were failed in numerous ways by numerous organisations and institutions – including the criminal justice system. The Inquiry should explore these issues to determine the

extent to which PO and RMG acted on inadequate legal advice and/or elected to ignore legal advice or input from whistleblowers.

The NFSP also suggests that the Inquiry explore, as far as possible, the nature of independent legal advice sought by individual judges involved in Horizon-related cases.

C. Conduct of the Group Litigation

The NFSP believes that an exploration of PO's behaviour in relation to the GLO Bates vs Post Office is fundamental to the Inquiry.

In response to C. (i) – there will be better qualified stakeholders responding to this question than the NFSP. However, our perspective is that if the Inquiry's terms of reference do not permit an investigation of the conduct of the GLO, then they should be updated to ensure that they do permit such an investigation.

The Inquiry should explore the extent to which PO's GLO strategy was to turn the proceedings into a war of attrition that it was better equipped to survive than the claimants.

As per earlier comments regarding the decision-making process around Second Sight – the Inquiry should explore who was responsible for PO's GLO strategy and what involvement the PO Board and Government had. Again, this is relevant in the context of the Horizon scandal and in the context of PO's intention to 'reset the relationship' with subpostmasters - the NFSP believes it is compromising to this relationship if those responsible for PO's GLO strategy remain key decision-makers on the present and future of the post office network.

D. Divergences across the United Kingdom

The NFSP believes this issue should definitely be explored by the Inquiry.

The NFSP is particularly aware of considerations relating to the legal process in Scotland. We believe the Inquiry should explore the nature of any evidence provided to the Procurator Fiscal in Horizon-related cases.