

*Further to the announcement which I made on 9th May 2022, I now invite written submissions from Core Participants to the Inquiry to address the issues set out below by **31st May 2022**.*

The NFSP welcomes the opportunity to feed into this section of the Inquiry and is grateful to Sir Wyn for asking these questions to ensure that the three distinct groups of victims are being treated fairly and that any financial redress is not unduly delayed.

The involvement of the NFSP to each is very much on the periphery as we were not part of nor involved in the Group Litigation cases of 2018 and 2019. As such, we were not asked to provide input to the settlement agreement that was reached between the parties nor had any involvement in the mediation process that occurred afterwards that determined the basis for the Historical Shortfall Scheme, compensation for those SPMs whose convictions were quashed nor the mechanism that is still to be determined on how any further compensation will be calculated or provided for the Group Litigation claimants.

However, it has to be noted, that the NFSP welcomes the announcement of the Postal Affairs Minister in March, 2022 that further compensation will be forthcoming to the GLO claimants who fought so hard for so long.

Clearly, there were cultural problems within all levels of Post Office resulting in Postmasters, assistants and employees of Post Office losing their reputations and much, much more. On that basis, suitable compensation must be provided as quickly as possible to allow these individuals to rebuild their lives, free from the stigma that they have endured for so long.

As the NFSP has not been involved in the court cases nor the subsequent mediation process, our responses to the questions in each section will be limited.

A. Historical Shortfall Scheme (“the HSS”)

1. The heads of loss which are recoverable under the HSS and the reason(s) for any exclusions;

The NFSP was concerned that the terms of reference did not provide clarity on what losses colleagues could apply for via the HSS. As the NFSP were not involved in the mediation process where the HSS came from, we do not know if PO have conformed to the agreement in this respect.

2. Whether there has been delay and, if so, the cause(s) of delay in processing applications under the HSS;

The NFSP promoted the availability of the Historical Shortfall Scheme up to its closure in August 2020 and its subsequent extension till the November, and provided guidance to current and former colleagues on how to go about applying to the HSS. However, due to GDPR, our knowledge of progress is limited

to how many cases there are or how far along that process the Post Office is. We have no oversight of which individual cases have been processed, are being processed or are still to be processed. Nor do we have any oversight of the value and complexity of individual cases. The NFSP have not had any meetings with the HSS panel comprising of a QC, Forensic Accountant or Retail expert.

However, current and former colleagues do contact us to enquire if their case will be considered shortly and we are able to ask the Post Office and respond accordingly to the claimant. It has to be noted here that the response we receive from PO is limited to whether the case is being considered or not. If the case is still to be considered, PO will not tell us when it is likely to be processed.

There was an area of concern that the NFSP had and caused us to write to the Board of Post Office (please see attached document). This involved the non-renewal of the contract of the previous Head of Historical Matters. Our concern was that for a significant period of time there was not an individual responsible for driving the processes to ensure swift and proper payments of claims within Post Office. It would be a justifiable question to ask whether this resulted in a delay of cases being processed? Our further concerns centred around why was the contract not renewed – was it a performance related, personality or some other reason? This delay in the appointment also prevented the implementation of a policy to enable colleagues who were unaware of the HSS from applying for compensation.

3. The provision which has been made for applicants to obtain independent legal advice in respect of their claims under the HSS and whether it is adequate;

The NFSP is aware that a modest sum of £1200 is available for claimants to seek legal advice. To the average person, this seems a significant sum however, the NFSP is concerned this modest amount in legal terms may prevent people having adequate time spent on their case.

4. The provision which has been made for interim payments pending completion of dispute resolution procedures under the HSS.

The NFSP is not aware of any interim payment being made under the HSS.

B. Final Compensation for SPMs with Quashed Convictions

As the NFSP is not involved with the previous and ongoing court cases, we are not involved with what the mechanism is nor how compensation will be calculated. On that basis, our responses below are limited.

However, there are those who were charged and prosecuted by Post Office, who did not receive a conviction but still lost their businesses, reputations and investments in their respective businesses. These people have so far been excluded from any compensation payments. It may be helpful to this group, if the Inquiry was to consider them within this section.

1. The principles which are being applied to the calculation of final compensation payments;

In July 2021, the Government announced interim compensation for this group of claimants up to £100,000 each. This payment should have been made within 28 days of the claimant applying.

The NFSP is not aware of the principles being applied so cannot comment any further beyond that we would expect any such payments to include all heads of loss incurred and that this could be concluded quickly for the benefit of the claimant.

2. The mechanism(s) by which final compensation payments are being calculated;

As has been widely reported an agreement was reached with POL and the claimants which resulted in £57.75m in compensation being made available. What we understand is that significant amounts of that total, was eaten up by costs resulting in the claimants receiving far less than what they were expecting. This was agreed between the claimants, POL and Government as a full and final settlement. However, since then there have been calls for either a further payment to be made or for POL or Government to pay the legal costs that claimants incurred to ensure that they can receive a fairer compensation package for the experiences they incurred.

In March 2022, the Postal Affairs Minister announced that additional funding will be available to those affected although no further details have been released. It is the view of the NFSP that it is imperative that the Government is as open and transparent as possible on what the mechanism will be to ensure these individuals receive proper and fair recompense for what they have suffered.

Evidenced via the attached documentation, the NFSP has been quietly working to lobby Post Office and Government to provide additional funding to this group.

It is of considerable regret to the NFSP as Postmaster's ourselves throughout this period that former colleagues whether Postmaster, assistant or employee of Post Office Ltd have been treated in the manner they have. With this in mind we have tried to reach out to the Justice for Subpostmasters Alliance on several occasions, without response.

3. The provision (if any) which is being made for applicants to obtain independent legal advice in relation to their claims;

The NFSP is aware that "reasonable legal costs" will be covered. However, this term is ambiguous to the average person who may feel unsure what this really means.

Further, we cannot ignore that the legal process failed these people with many highlighting during the Human Impact stage that by following legal advice, they pled guilty which resulted in either a conviction or a custodial sentence.

Therefore, it is imperative that proper legal advice is provided without fear that they themselves will in the end have to cover unknown legal costs.

4. The procedure(s) which are being adopted to resolve disputes about the value of final compensation payments.

The NFSP is not involved in this process and can offer no comment

C. Fair Compensation for the Group Litigation Claimants

As there is currently no public indication of what the mechanism will be to calculate fair compensation for the Group Litigation claimants, it is difficult to answer this section definitively. However, the NFSP would urge Government and POL, to ensure there are no unnecessary delays in providing fair compensation to this group of claimants.

1. The principles which will be applied to the calculation of further compensation payments;

As the mechanism has not been announced, we cannot comment at this stage.

2. The mechanism(s) by which further compensation payments will be calculated;

As the mechanism has not been announced, we cannot comment at this stage.

3. The provision (if any) which will be made for applicants to obtain independent legal advice in relation to their claims;

As the mechanism has not been announced, we cannot comment at this stage.

4. The procedure(s) which will be adopted to resolve disputes about the value of further compensation payments.

As the mechanism has not been announced, we cannot comment at this stage.