

Witness Name: Amanda Pearce, Criminal Cases Review Commission
Statement No.: WITN11800100
Dated: 19 DECEMBER 2024

POST OFFICE HORIZON IT INQUIRY

FIRST WITNESS STATEMENT OF AMANDA PEARCE

I, Amanda Pearce, will say as follows:

INTRODUCTION

1. I am employed by the Criminal Cases Review Commission (the "CCRC") and since March 2021 I have held the position of Casework Operations Director. Prior to that, I held the position of Group Leader for one of the CCRC's five casework groups. From March 2015, that role included oversight of the CCRC's work on Post Office cases, working alongside a Commissioner who had been appointed as a Nominated Decision Maker ('NDM'). In any case, an NDM's role is to provide a level of scrutiny and challenge to operational decisions as well as giving a strategic steer in terms of high profile, complex, expensive and/or resource-intensive work.

2. This witness statement is made to assist the Post Office Horizon IT Inquiry (the “Inquiry”) with the matters set out in the Rule 9 Request dated 11 September 2024 (the “Request”). It also follows correspondence with the Inquiry in response to my draft statement dated 15 October 2024.
3. The statement is made on behalf of the CCRC following consultation with colleagues and reviewing documentation held by the CCRC. On that basis, where appropriate, I have used the collective ‘we’ to reflect work undertaken by the CCRC as an organisation rather than limiting this statement to my work as an individual.

BACKGROUND

4. We have been asked to outline the steps taken by the CCRC in relation to its investigation or other actions it undertook regarding Post Office Limited and matters relating to the Horizon system. We have been asked to include information about the steps taken before the letter sent by the CCRC to Paula Vennells dated 12 July 2013 and up to, and including, the *Hamilton* judgment of 23 April 2021.¹
5. We have also been asked to outline the extent to which the CCRC has changed any processes, procedures and / or policies as a result of matters raised by the convictions of sub-postmasters, managers and assistants, as well as the subsequent quashing of those convictions.

OVERVIEW

6. In over 27 years of operation, the Post Office Horizon scandal is the most widespread miscarriage of justice the CCRC has ever investigated. At the outset, it is important to recognise that the CCRC’s work in these cases spans the convictions of over 190 individuals (some of whom were convicted on multiple

¹ *R v Hamilton & Others* [2021] EWCA Crim 577.

counts). In this statement, as in the CCRC's Statements of Reasons ('SORs'), we have referred to those individuals as SPMs. The work has also taken place over a decade and remains ongoing. The first application was received by the CCRC on 13 March 2015 and at the time of writing, several other convictions in Post Office cases are under review because they are not (or appear not to be) covered by the recent legislation. Those reviews include convictions obtained when the Capture system was in operation.

7. To date, the CCRC has referred 77 convictions to the appeal courts in POL cases. By the time the Post Office (Horizon System) Offences Act 2024 received Royal Assent, 69 of those references had been allowed. Five were dismissed, one had been abandoned and two were waiting to be heard by the Courts
8. In responding to the Request, we will deal with the following matters under subheadings in the following order:
 - I. Actions taken by the CCRC prior to 12 July 2013.
 - II. Actions taken by the CCRC prior to *Hamilton*.
 - III. Actions taken by the CCRC post *Hamilton*.
 - IV. Changes made by the CCRC to its processes and procedures.
 - V. Other Comments.
 - VI. Further information.
9. Also, we have noted that the Inquiry has asked for information in an "outline" format. We are mindful that the Inquiry will already have a considerable amount of the documentation relating to the CCRC's work on these cases in general as well as the reference to the Court of Appeal Criminal Division in *Hamilton* in particular. Therefore, for the purposes of this statement and giving an overview, we will assume a certain level of knowledge and avoid reciting general background or detailing events that will be well-known to the Inquiry. That being so, the CCRC will be pleased to assist with any targeted questions that arise from this statement.

ACTIONS BY THE CCRC

I Actions taken by the CCRC prior to 12 July 2013

10. In respect of steps taken before the letter sent by the CCRC to Paula Vennells dated 12 July 2013, the CCRC confirms that no substantive documentation could be located on its systems. No current employees were involved in exchanges with either POL or the Attorney General's Office. Based on a small number of emails which have been located, it appears that the CCRC's inquiries stemmed from developments reported in the media that raised concerns about the criminal convictions and concerns expressed in a conversation between the wife of Lord Arbuthnot and one of the Commissioners who was in post at the time. Those emails confirm that the CCRC's then Director of Casework Operations, Mrs Berlin (who left the organisation in 2021), wrote to POL, the CPS and the Attorney General's Office in July 2013 seeking further information. It is possible that the correspondence, being of a general and non-case-specific nature (*i.e.*, not directly linked to any live application or work underway), may have been held on a personal drive that was erased when Mrs Berlin left the CCRC.

II Actions taken by the CCRC between 13 March 2015 and the reference in *Hamilton*.

11. As mentioned above, the first application relating to Horizon was received by the CCRC on 13 March 2015. Thereafter, we received a steady stream of applications from other SPMs and by March 2020 had 61 cases under review.
12. In line with our statutory powers, we requested material from public bodies: principally HMCTS and POL under s.17 Criminal Appeal Act 1995. Where

appropriate, we also asked SPMs to waive legal privilege and requested defence files. The vast majority, if not all, did so although in many cases, given the age of the conviction, the solicitors had routinely destroyed files.

13. In line with the statutory requests to POL under s.17, in or around July 2015, the CCRC was provided with access to an electronic data room. The data room was managed by POL. The CCRC's access to material held within the data room was not restricted. We anticipate that POL will have already made disclosure of the contents of the data room to the Inquiry.
14. Although the CCRC requested and obtained some general information from POL (including the Second Sight reports for example), the CCRC's reviews centred on individual applications and specific cases. Most applications were brief and understandably tended to consist of generalised assertions in relation to the unreliability of Horizon and/or misconduct by POL. On that basis, the bulk of third-party material held by the CCRC consists of records generated by POL with reference to its investigations and prosecutions – or material from HMCTS in relation to court proceedings (including records of pleas, trials and appeals).
15. In line with usual practice, the CCRC would not routinely retain case material unless it relates to an individual's application or was relevant to the CCRC's decision whether to refer a case to an appellate court under section 13 of the Criminal Appeal Act 1995.
16. At this point, the CCRC would observe that the POL cases constitute a unique type of CCRC application. Since it began operating in 1997, the CCRC had not encountered anything of this type. Although it had expertise and existing relationships for investigating cases involving allegations of police and/or prosecutorial misconduct, it had not dealt with applications that were based on submissions concerning widespread software malfunctions or allegations of corporate misconduct. Nor had it dealt with POL to any great extent as a corporate entity. Another important and distinguishing feature were the civil actions that although proceeding in parallel, had clear relevance to the criminal

convictions. Similarly, the CCRC has not encountered anything comparable in the nine years since it began work on these cases.

17. The cases were a mixture of Crown Court and magistrates' court convictions, spanning a period of almost 15 years, involving prosecutions by POL, CPS and DWP. In addition, most applicants had pleaded guilty at trial and most, if not all, were cases where there had been no previous appeal. Given the age of some of the cases, there was often limited material available. Most, if not all, of the original 61 applicants were not legally represented during the CCRC's review.
18. Notwithstanding those challenges, the CCRC was intent on ensuring that its investigations were conducted in a thorough and efficient manner.
19. In addition to obtaining material from POL, HMCTS and defence solicitors, the CCRC also conducted the enquiries summarised in its first Statement of Reasons for referring cases to the Court of Appeal (the *Hamilton* SOR).
20. In the course of its review leading up to the *Hamilton* SOR, the CCRC took the following steps:
 - a. Met with the JFSA to discuss points which appeared to be common to the various cases involving former SPMs;
 - b. Made enquiries of and considered material from POL;
 - c. Met with POL to obtain general information regarding POL prosecutions of former SPMs and branch employees;
 - d. Considered the points raised in the BBC Panorama programme, "Trouble at the Post Office", broadcast on 17 August 2015, and other media coverage;
 - e. Interviewed former Fujitsu employee, Richard Roll – who had been interviewed in the above BBC Panorama programme – in order to record his recollections of working in a team which provided IT support for the Post Office Horizon system;
 - f. Attended POL premises at Finsbury Dials to view a demonstration of a Horizon computer terminal;

- g. Met with Ron Warmington, Managing Director of 'Second Sight', concerning its investigation of concerns relating to Horizon;
- h. Interviewed two current SPMs about their experience working with Horizon;
- i. Monitored media reporting of issues relating to Horizon;
- j. Considered material from UKGI (formerly the Department for Business, Innovation and Skills);
- k. Considered material from the Business, Energy and Industrial Strategy Committee (formerly the Business, Innovation and Skills Select Committee);
- l. Remained in contact with Freeths Solicitors (who represented SPMs in the civil action against POL);
- m. Considered material concerning the civil action against POL including the expert reports used in the case;
- n. Instructed Grant Thornton UK LLP ('GT') to:
 - i. Consider whether a particular alleged Horizon problem could be identified from transaction logs.
 - ii. Examine the logs of a particular case for those errors which GT said could be identified from transaction logs.
- o. Visited Fujitsu to discuss the Known Error Log ("KEL");
- p. Considered the findings of Mr Justice Fraser in:
 - i. *Alan Bates & Others v Post Office Ltd* [2019] EWHC 606 (QB) ("the Common Issues Judgment").
 - ii. *Alan Bates & Others v Post Office Ltd* [2019] EWHC 3408 (QB) ("the Horizon Issues Judgment").
- q. Sought to interview the contributor who was referred to as 'Jim' in BBC Radio 4's 'File on 4' programme, "Second Class Citizens: The Post Office IT Scandal", first broadcast on 11th February 2020. The BBC agreed to pass a message from the CCRC to the individual – who had contributed to the programme on a strictly anonymous basis – requesting a meeting. The CCRC did not receive a reply from the individual. The CCRC had no power to compel the individual to cooperate with the CCRC's enquiries.

21. As indicated at 20 (l) above, in 2015 a key decision was made by the CCRC to liaise with those representing claimants in the civil proceedings in order to understand the detail of what was being alleged regarding the systemic issues with Horizon, the extent to which the allegations were accepted or disputed, the associated evidence and reasoning – and the course that planned investigations would take. The CCRC did not consider it either necessary or appropriate to use public funds to duplicate work that was already underway or was about to be undertaken imminently and that was also centred on assessing Horizon's reliability. The CCRC decided that it was important to await outcomes from the civil proceedings in order to see if there were any points of general importance that might be found to have application to all or some of the criminal convictions.
22. Following the 'Common Issues Judgment' and the 'Horizon Issues Judgment' in *Alan Bates & Others v Post Office Ltd*, the CCRC was able to take account of a number of important findings of fact by Fraser J. Many of these were helpful to those applicants whose cases were under review. The CCRC was mindful that judicial findings would be capable of undermining – if not wholly negating – some of the arguments that POL might rely on in resisting criminal appeals. For example, it would not be tenable for POL to suggest that a bug or glitch was a single and temporary feature of the system or to contend that as a general proposition the conduct of its investigations and prosecutions could be routinely regarded as being of a satisfactory quality with all proper disclosure being made.
23. On that basis, although the judgments by Fraser J were given in civil proceedings, they enabled the CCRC to develop an abuse of process argument that could be applied to many cases, even where case materials were sparse.
24. A full description of the CCRC's review and its reasoning leading to the reference in *Hamilton and others* is set out in the relevant SOR and the supporting bundles that were supplied to POL, the appellants and the Court of Appeal. Each SOR and bundle was similar in that the reference was made on identical Grounds, with text that followed the same legal argument and relied on similar core material.
25. Other material held by the CCRC was deemed to be of no evidential weight in the context of the appeal and was not disclosed to either of the parties to the

appeal or the Court. The CCRC has liaised with the Inquiry's Legal Team since the Inquiry was at an early stage and has offered to provide any material which might be of assistance to the Inquiry. The CCRC of course remains willing to assist in that connection.

III Actions taken by the CCRC post *Hamilton*

26. Following *Hamilton*, the CCRC's process of review became more streamlined in that, in addition to the civil findings, the Court of Appeal's judgment gave guidance on how the Court would approach references and assess the safety of criminal convictions. It was significant (albeit unsurprising) that the Court, as the CCRC had done, placed weight on the findings of Fraser J. On that basis, the SOR template for POL cases was refined to take account of the Court's judgment in *Hamilton* with the addition of new standard paragraphs. By following the reasoning set out in *Hamilton* and in line with the statutory test set out in s13 of the *Criminal Appeal Act 1995*, the CCRC was able to predict with greater certainty how the Court would view the merits of a particular POL case. That being so, the abuse of process argument remained at the centre of all POL references by the CCRC to either the Court of Appeal Criminal Division or, for summary convictions, the Crown Court.
27. It was also notable that notwithstanding the concerns of the CCRC, the Court did not quash all of the CCRC's references in Post Office cases. In particular, it upheld the convictions of Wendy Cousins, Stanley Fell, and Neelam Hussain (as part of the *Hamilton* judgment), and separately upheld the convictions of Roger Allen and Joanne O'Donnell in subsequent appeals. These were cases where the Court of Appeal concluded that, in the particular evidential context of each case, data from the Horizon system had not been 'essential' to the prosecution or conviction of the individual in question.
28. This demonstrated that the Court would, notwithstanding the issues with Horizon, take a holistic approach to assessing the safety of the conviction and, by

extension, confirmed that the CCRC should continue to do the same. Similarly, where applications were deemed to be without merit, the CCRC was able to cite the principle that evidence from Horizon needed to be shown to be essential to the conviction and to explain to the applicant why this was not so in their case.

29. The CCRC noted that there was a significant point in *White and Cameron v POL* [2022] EWCA Crim 435 when the Court of Appeal confirmed that in every case the burden was on the appellant to persuade the Court that the conviction was unsafe, even where the convicted SPM was deceased (see paragraphs 11-15 of the judgment). This judgment also illustrated how the Court would approach Post Office cases where there was little or no case material still in existence. Again, this judgment informed the CCRC's approach to cases under review.

IV Changes made by the CCRC to its processes and procedures

30. The CCRC's remit and test for referring cases is set out in statute. However, while retaining the conventional review process for non-POL cases, for operational efficiency, the CCRC has adapted these in the following ways in order to process POL cases. For the avoidance of doubt and with the exception of video committees, the CCRC has not made the same changes for non-POL cases (although it remains open-minded with respect to other cases with a common thematic link).

Specialist Team

31. At the outset, it established a specialist team of three Case Review Managers (CRMs) to work on POL cases. This ensured that knowledge was shared between those reviewing cases and that there was consistent practice. Due to the volume of other work, the CRMs did not work exclusively on POL cases and retained responsibility for other non-POL cases. Since *Hamilton*, as familiarity with the issues has increased, other CRMs who are outside of the original specialist team have been able to take POL cases with appropriate support and guidance.

Standing Committee and References

32. A standing committee of three Commissioners was formed to consider cases in batches. Again, this ensured that knowledge was shared between decision-makers and that there was consistent practice. Given the similar factual and legal matrices, it was also possible for the committee to consider multiple cases over the course of a single sitting. The standing committee, chaired by the Lead Commissioner, met approximately quarterly from March 2020 until the enactment of the Post Office (Horizon System) Offences Act 2024. Similarly, the CCRC notes that the same constitution has usually sat to decide cases at the Court of Appeal (sometimes in consolidated appeals) and that at the CCRC's suggestion, under the Criminal Procedure Rules, the Senior Presiding Judge (then Thirlwall LJ) also directed that all summary convictions should be referred to the Crown Court at Southwark for hearing together (notwithstanding the usual practice of the CCRC to refer cases to the Crown Court centre with jurisdiction to hear appeals from the Magistrates' Court where the individual was convicted).

Video Committee Meetings

33. As a result of Covid-19 and to avoid delay, the committee process was also adapted to include decision-making meetings over video-link (rather than in person). This forum for committee meetings worked well and has since been extended to other types of cases. Indeed, committee decisions via video-link are now the norm.

Cross-Border Work

34. The CCRC also undertook cross-border work on POL cases with the Scottish CCRC ('SCCRC') and agencies in Northern Ireland ('NI') in order to share both its insights into POL prosecutions and the results of its work. Where appropriate, it provided copies of (or extracts from) its SORs in POL cases with the SCCRC and NI agencies.

Submissions to the Justice Select Committee

35. On 3 June 2020, following the first references, the CCRC wrote to the Justice Select Committee to raise concerns about the issue of private prosecutions, with particular reference to the apparent conflict of interests that arose from POL's status as victim, investigator and prosecutor. The Committee published its recommendations on 2 October 2020, and a Government response was published on 4 March 2021. The CCRC provided written and oral evidence to the Justice Select Committee. Oral evidence was given on 25 May 2021.

Outreach

36. Following the first references of POL cases to the Court of Appeal, we undertook several outreach exercises to encourage convicted persons to make applications to the CCRC. We made public appeals using traditional media, social media and stakeholder events, and we engaged in dialogue with Parliamentary committees such as the Justice Committee and BEIS Committee (as it was at the time), and with the Horizon Compensation Advisory Board ('HCAB'). We also endeavoured to trace and make direct contact with all those former SPMs whose cases might have been affected by the Horizon scandal, but who had not yet begun the process of challenging their convictions. We wrote to 358 such individuals to provide them with information on how to challenge their convictions. We also developed bespoke literature for this purpose including a printed information booklet together with a list of 16 legal firms known to have acted in appeals and their respective website addresses. Unfortunately, many did not reply, while others declined to have their convictions reviewed and asked us not to contact them again.

Posthumous Summary References

37. The CCRC adopted an innovative legal argument in concluding that it could properly make posthumous references in cases where there was a summary conviction. Notwithstanding the absence of a provision equivalent to s44A of the Criminal Appeal Act 1968 within the 1995 Act and the usual position that an individual's right to appeal a summary conviction lapses on death, the CCRC

found that there was a real possibility that the courts would construe the statutory phrase 'at any time' in s9(1)(a) of the 1995 Act as permitting posthumous references. The references to the Crown Court of the cases of Peter Huxham and Roderick Dundee relied upon this argument. As a result of the legislation passed this year, the convictions are quashed in both cases and the Court may not make a determination on the issue of posthumous references. The CCRC understands that as part of the forthcoming proposals for reforming criminal appeals, the Law Commission may recommend that the CCRC's power to make such references is clarified by legislation.

Post Office (Horizon System) Offences Act 2024

38. In early 2024, the CCRC worked with the Ministry of Justice in considering a range of solutions to the Post Office cases and to enable the correction of all remaining miscarriages of justice. This dialogue emphasised the need for the legislation to apply to all relevant offences which have featured in the cases that the CCRC had reviewed. The CCRC was able to suggest a number of offences that had not been included in the initial drafts of the bill.
39. Since the legislation was enacted in May this year, we have liaised with the Ministry of Justice to determine which of our current applicants have had their convictions quashed by the Act. We continue to review applications in Post Office cases which do not appear to be covered by the Act. Those cases include:
- i. Convictions which pre-date the Horizon system (including 'Capture cases')
 - ii. Convictions which have previously been upheld by the Court of Appeal
 - iii. Cases which were prosecuted by the Department for Work and Pensions.

V. Other Comments

POL's Compliance with Section 17

40. The CCRC recognises that POL has undertaken a disclosure exercise of unprecedented proportions but would observe that compliance with CCRC

section 17 notices – and discussions under s25 regarding consent to disclosure - have been problematic at times. Although the CCRC has routinely requested 'all material' at the outset of its reviews, material has frequently been provided to the CCRC, by POL, on a piecemeal basis. On occasions, the CCRC has proceeded on the basis that POL has provided all relevant material and then received late disclosure. In many instances, this has either delayed a decision or created additional work for the CCRC in that it has necessitated revisiting other decisions. On some occasions, after a decision had been taken by the CCRC and requests for consent to disclose had been made to POL in line with s.25, POL then sought to make submissions on the merits. These could, if thought by POL to be necessary, have been made much earlier in the review process. In some cases, this resulted in further delays.

VI. Further Information

41. In response to my draft statement dated 15 October, the Inquiry has asked for further information regarding the section 17 notices issued by the CCRC (insofar as they related to, or were thought to relate to, the Horizon system) and further details of POL's compliance with the same. For the purposes of this statement and for reasons that are explained below, at this stage of the proceedings, the Inquiry has agreed to this being provided in a narrative form.
42. We have now issued s17 notices to POL in at least 193 cases. In most, if not all cases, there would have been multiple requests to POL at different times to identify particular document types. It follows that the CCRC has issued several hundred s17 notices.
43. Unfortunately, given the constraints of our current and previous IT systems, it is not possible to generate a report that identifies each and every one of these notices and the responses received. We have used at least three different casework and document management systems in the period between our reviews commencing in 2015 and the time of writing. Not all data migrates and can be easily mined to produce robust information of the type required.

Consequently, manual research and checking would be required on a considerable scale to produce a report that covered all cases. Such work would impact significantly on live casework (including both POL and non-POL cases).

44. Another complication relating to POL's compliance is that POL operates a data room that the CCRC accesses. In the vast majority of cases (if not all cases) where a s17 notice was issued, documentation will have been deposited by POL in the data room (possibly in a piecemeal format) and accessed by the CCRC on different dates. The date of POL depositing the information could be deemed compliance – but it is unlikely to be known or recorded by CCRC. This is different from situations where, for example, a CPS file is requested by the CCRC and sent either in paper or digital format to the CCRC office.
45. Rather than seeking to collate request and response data on every case, we have also considered providing information on a relatively small selection of cases to illustrate points. However, we felt that either limiting the spread to a particular period or time – or randomising the sample would not be representative of the issues encountered.
46. On that basis, we have agreed with the Inquiry that narrative would give us the option of focussing on cases where there have been issues. I will also refer to general correspondence with POL about issues relating to s17.

Compliance Issues

47. Significant issues regarding POL's non-compliance with the s17 notices had become apparent by October 2020. At that point, the CCRC was informed by POL's representatives, Peters & Peters LLP, that notwithstanding assurances about proper disclosure and compliance with the s17 notices, approximately 1,592 further documents had been located and that these related to cases, many of which had already been under review for a considerable period of time. It was a matter of profound concern that POL had failed to identify these documents at an earlier date. This prompted correspondence between the CCRC, POL and Peters & Peters LLP. The correspondence included the CCRC's Chief

Executive's letter of 23 February 2021 to POL's Group Chief Executive [WITN11800101] and the respective replies of 26 February 2021 [POL00030996] and 1 March 2021 [WITN11800102].

48. On 12 March 2021, following discussions with colleagues, I wrote to POL via Peters & Peters LLP emphasising that POL (and not the CCRC) had responsibility for determining and implementing an effective search strategy that identified all relevant information [WITN11800103].
49. We received a comprehensive response dated 3 August 2021 that provided considerable reassurance [WITN11800104] and prompted us to acknowledge POL's endeavours in a letter dated 14 September 2021 [WITN11800105].
50. However, significant problems continued (as exemplified in the next section). This led to further exchanges including POL's explanation and apology in its letter of 8 June 2022 [WITN11800106] and the CCRC's letter to Simon Recaldin, POL's 'Director Historical Matters' on 22 June 2022 [WITN11800107].

R v Dorothy Bontoft (Deceased)

51. A particularly serious instance of POL's non-compliance with s17 and a failure to make proper disclosure to the CCRC arose in the case of Dorothy Bontoft. Mrs Bontoft had been a SPM in Benton, Tyne and Wear.
52. On 17 September 2004, in the Crown Court at Newcastle-Upon-Tyne, Mrs Bontoft had pleaded guilty to four counts of false accounting and one of theft. The guilty plea to the theft was said to relate to a sum of approximately £34,000. Mrs Bontoft had been sentenced to imprisonment for 15 months (suspended for two years) and ordered to pay £1500 towards the prosecution's costs. Mrs Bontoft died during 2018.
53. On 1 July 2021, the CCRC received an application from Mr Barry Bontoft on behalf of his deceased wife. As Mrs Bontoft had been deceased for more than

one year, under s44A of the Criminal Appeal Act 1968 (as amended), Mr Bontoft could not lodge an appeal directly with the Court of Appeal. The application was therefore accepted for review by the CCRC because of exceptional circumstances. The CCRC conducted its review under case reference number 00531/2021.

54. On 8 July 2021, to progress the review, the CCRC issued s17 notices, via email, to POL and HMCTS. The s17 notice to POL [WITN11800108] was sent to the usual point of contact and specified:

The Commission requires you to locate all documents and other materials in your possession relating to this case, to preserve and secure them, and to make them available to the CCRC via the online 'data room' within 20 working days (by 05/08/2021). This includes, but is not limited to:

- audit files
- investigation files
- prosecution files
- internal reviews
- external reviews

55. On 14 September 2021, as no material had been provided by POL, the CCRC sent an email inquiring as to progress and received a response from Peters & Peters LLP apologising for the oversight and stating that there were two relevant documents for uploading to the data room [WITN11800109]. The two documents were described as being the record of conviction and a call log.
56. The CCRC was not able to obtain any significant material from Mrs Bontoft's legal representatives or HMCTS. In November 2021, the standing committee of three Commissioners considered Mrs Bontoft's case and on 20 December 2021, the CCRC referred the matter to the Court of Appeal Criminal Division. In line with

usual practice, POL and Mr Bontoft's legal representatives were also informed and received copies of the relevant decision with supporting documentation.

57. In its decision, the CCRC noted the relative paucity of documentation saying at paragraphs 37-39 of its Statement of Reasons:

On the limited information available to it, the CCRC has been unable to determine how the prosecution or defence cases were advanced at trial, or the extent to which Horizon evidence was relied upon as part of the prosecution case, or what explanation (if any) Mrs Bontoft gave for her actions.

However, given the decision of the Court of Appeal in the case of Carina Price... the CCRC has concluded that there is a real possibility that the Court will overturn Mrs Bontoft's conviction. This is on the basis that the lack of documentary evidence means that POL is not in a position to exclude the possibility that Mrs Bontoft inflated the weekly cash account in order to make up for Horizon generated shortfalls, and therefore it cannot be said that the reliability of Horizon was not essential to her prosecution and conviction.

It follows therefore that the CCRC finds there to be a real possibility that the Court of Appeal will decide it was an abuse of process to prosecute Mrs Bontoft and will conclude that the associated conviction is thereby unsafe.

58. The CCRC understands that counsel for POL subsequently issued a Respondent's Notice dated 27 January 2022, setting out the basis on which the appeal would be opposed. The appeal was to be opposed on the basis that the paucity of information meant that Mrs Bontoft could not discharge the evidential burden in terms of demonstrating that Horizon was 'essential' to the conviction.

59. On 9 February 2022, the CCRC wrote to POL via email and formally lifted the s17 notice in this case [WITN11800110].
60. By early March, Mrs Bontoft's appeal had been listed (with other cases) for hearing on 22-23 March 2022.
61. On 17 March 2022, Peters and Peters identified additional material including complete records of Mrs Bontoft's interview under caution and an investigation report. The Court of Appeal and the appellant's representatives were informed the same day.
62. The following day, 18 March 2022, Peters and Peters informed the CCRC of the newly discovered material by email [WITN11800111] saying:

You will see that Mrs Bontoft made full admissions to personally taking the majority of the shortfall and used the money inter alia to pay bills and live beyond her means. As you may be aware, POL was opposing the appeal brought in Mrs Bontoft's name by her family on the basis that the lack of information about her prosecution meant that she had not discharged the evidential burden on all appellants to demonstrate that theirs was a Horizon case.

63. The impact was explained by Peters & Peters in the following terms:

This new material means that POL will also be opposing the appeal on the substantive basis that Mrs Bontoft's shortfall was explained rather than unexplained and, therefore, her case is analogous to that of Stanley Fell.

64. The solicitor for Peters and Peters added:

On behalf of POL I would like to sincerely apologise that this material was only identified yesterday and therefore POL were

unable to provide it to the CCRC previously. We are looking into precisely why that happened and will update you fully in due course.

65. Given the obvious relevance of the material, its significance to the merits of the reference and the serious impact of the non-compliance with the section 17 notice, the CCRC considered requesting intervener status in the appeal in line with authorities including *R v Zinga* [2014] EWCA Crim 52. It also reported its concerns to the Registrar of Criminal Appeals.
66. On 21 March 2022, the CCRC received notification that Mrs Bontoft's appeal had been abandoned.
67. The Inquiry will readily appreciate the serious implications of this case for the criminal justice system including the considerable wastage of CCRC and Court of Appeal resources, the unnecessary and wasted work by representatives, the damage to POL's credibility – and the distress to Mrs Bontoft's family.

Next steps

68. The CCRC is able to provide further detail and documentation relating to any of the areas that are outlined in the above and that the Inquiry wishes to know more about. In the meantime, we trust this statement fulfils the request by providing a useful outline and we stand ready to assist further.

Statement of Truth

I believe the content of this statement to be true.

Signed:

GRO

Dated: 19 December 2024.

Index to First Witness Statement of Amanda Pearce

No.	URN	Document Description	Control Number
1	WITN11800101	CCRC's Chief Executive, Karen Kneller, letter to POL's Group Chief Executive, Nick Read	WITN11800101
2	POL00030996	Letter from Peters & Peters Solicitors LLP to the CCRC (FAO Miles Trent and Anona Bispong) re Post Office Ltd - Concerns raised by CCRC about POL's Response to s17 Notices	POL-0027478
3	WITN11800102	Letter from Nick Read (POL) to Karen Kneller (CCRC)	WITN11800102
4	WITN11800103	Letter from Amanda Pearce (CCRC) to Peters &	WITN11800103
5	WITN11800104	Letter from Peters and Peters to Karen Kneller (CCRC)	WITN11800104
6	WITN11800105	Letter from Amanda Pearce (CCRC) to Peters &	WITN11800105
7	WITN11800106	Letter from Simon Recaldin (POL) to Karen Kneller (CCRC)	WITN11800106
8	WITN11800107	Letter from Karen Kneller (CCRC) to Simon Recaldin (POL)	WITN11800107
9	WITN11800108	Letter from Lauren Baker, CCRC, to Rodric Williams with accompanying section 17 Notice regarding Dorothy Bontoft	WITN11800108
10	WITN11800109	Emails between Peters & Peters and CCRC (copying POL)	WITN11800109
11	WITN11800110	Letter from Lauren Baker (CCRC) to Rodric Williams (POL) regarding Dorothy Bontoft	WITN11800110
12	WITN11800111	Email correspondence between Peters & Peters and CCRC (copying POL)	WITN11800111