

Business and Trade Committee

Oral evidence: Post Office and Horizon – Compensation follow-up, HC 477

Tuesday 16 January 2024

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Business and Trade Committee members present: Liam Byrne (Chair); Douglas Chapman; Jonathan Gullis; Antony Higginbotham; Ian Lavery; Anthony Mangnall; Julie Marson; Charlotte Nichols; Mark Pawsey.

Justice Committee member present: Sir Robert Neill.

Questions 42 - 83

Witnesses

[II](#): Alan Bates, Justice for Subpostmasters Alliance; Jo Hamilton, former sub-postmaster.

Examination of witnesses

Witnesses: Alan Bates and Jo Hamilton.

Chair: Welcome to the second session of the Business and Trade Committee this morning, looking at the way in which we accelerate redress for the largest miscarriage of justice in British legal history. I am delighted to welcome Alan Bates and Jo Hamilton to give us evidence this morning. Do you want to just say a word of introduction, as if it is needed, for the record? Mr Bates?

Alan Bates: My name is Alan Bates. I am the founder and, I suppose, the main mover with the Justice for Subpostmasters Alliance.

Jo Hamilton: I am Jo Hamilton, ex-sub-postmistress from South Warnborough.

Q42 **Chair:** Thank you very much indeed for joining us today. If I may start with you, Mr Bates, are you now slightly furious that, after a high-profile drama, and after everything that you have been through, there are still so few people who have seen full redress for the scandal done to them? How are you feeling?

Alan Bates: It is frustrating, to put it mildly.

Chair: What is your view, Jo?

Jo Hamilton: I am in a different scheme. I have been in the overturned convictions scheme, and I know that is painfully slow. They have to drill into the minute details of everything they think you might be claiming. It's almost like you are a criminal all over again. You have to justify everything, and then they get forensic reports for this and forensic reports for that. You put it back into the machine and then, months later, it comes back with a query. You send it back and, months later again, it comes back. I don't have access to all the data, but there must be a way to see people in different bands and sort out a simplified version that will not be so costly for the Government either.

Q43 **Chair:** After all the hell that you have been through, it sounds like you are still going through hell to finally get justice done.

Jo Hamilton: Yes. It's almost like you are being retried, because for everything you say you would like, they say, "Justify that, and justify that." It just goes on and on and on.

Q44 **Chair:** You must be in touch with others who are having similar experiences.

Jo Hamilton: Yes. Everything has to be backed up with paperwork. It's just nonsense.

Q45 **Chair:** What is the impact on you of having to go through all that over and over and over again?



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Jo Hamilton: I am pretty much out the other side. I am fighting for the group that has had virtually nothing. I am not privy to what they actually have had, but I have heard that they have had tiny interims. They are in this factory of bureaucracy that just swallows up paperwork.

- Q46 **Chair:** Mr Bates, have you had evidence and experience shared with you of what people are going through to try to finally get what they are owed in terms of redress?

Alan Bates: I am only involved with the group litigation order group—the ones who brought my court case against Post Office initially and who got left behind afterwards. Eventually, they caught up. People have spent a lot of time again with their lawyers. Their lawyers have got their cases already sorted. In many instances, their cases have been submitted to the Department, but they are sat there; they are not moving through. We were given assurances that, after 40 working days, cases would receive a first offer. Generally, most people have not had a first offer.

I can speak at first hand about my personal case. That was submitted towards the beginning of October. Today will be the 66th working day, allowing for Christmas and New Year, that I am still waiting for my first offer. I am being told that I will not receive a first offer until the end of this month, which will be 77 working days, or almost double the expected time.

- Q47 **Chair:** After everything you have been through, and after all this time, the delays are still dragging on.

Alan Bates: Yes. I hear a lot of stories about Government lawyers, or the firms that the Government are using for lawyers, not being happy about working extra hours, working at weekends or working evenings. There obviously is not enough of a resource being put in at that end to actually deal with these cases, and that's what's really frustrating. I know the lawyers that I am using, who are dealing with a lot of cases, have a huge team working on this. They are piling the cases through, but they are just not moving. They hit a dead end once they go into the Department.

- Q48 **Chair:** So are you saying that the people who are processing the claims are not busting a gut to actually get the job done?

Alan Bates: Oh gosh, yes. After my claim had gone in—mine is just in the queue like everyone else's and is not being dealt with specially—I think it took 53 days before they asked three very simple questions. The whole thing is madness. There is no transparency behind it, which is even more frustrating. We do not know what is happening to these cases once they disappear in there.

Chair: I know we like red tape in this country, but this is insane.

Alan Bates: It is bogged down. They are absolutely bogged down in red tape.

- Q49 **Julie Marson:** Welcome to you both. The ITV drama has undoubtedly provoked a huge response from the public all across the country—



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empathy and outrage for the incredible, dreadful situation you have been in for such a long time. Something that strikes me, and a lot of people, is that postmaster after postmaster was telling the same story. They were in the same position, telling their truth—telling the truth—and were not believed. In fact, they were told, “You are the only one.” People have watched that drama and are thinking to themselves with incredulity, “How on earth could this happen?” What is your assessment? What would you tell people who watched it? From your experience, how on earth could it have happened? Alan, I will start with you.

Alan Bates: How would it happen? I really think it was because of Post Office. When you take on a sub-post office, you actually invest a large amount of money in that business. As happened in my case, when Post Office fell out with me, they walked off with that amount of money. A lot of people feel that there is a financial gun held to their head if they start kicking off or raising too many problems with Post Office. Cases like mine and Lee’s become reasonably high profile and Post Office like to push them through—or they used to like to push them through, I don’t know if they still do—as examples and as warnings to others: “Keep your head down and do as you’re told.”

Q50 **Julie Marson:** What about you, Jo?

Jo Hamilton: I was the opposite. They convinced me that it was all my fault. I was not tech-savvy at all 20 years ago. It was before the days of social media, so I felt like I really was alone. I thought I must have pressed something, and reversed something that then doubled the next day. I just thought I’d made a hash of it. But when I ultimately went to court and made the national papers, and people rang me up after seeing the piece in the paper and I realised it wasn’t me, and it wasn’t just me—it just makes you so angry. They had literally gaslit me for about three years and turned me—not into a basket case, but pretty much. That lit a fire. Thank goodness we had the publicity, because we joined up. It is wrong that it has taken this long and this much money to get to where we are today. I know a lot of the group and they are literally falling apart waiting for the end of this so that they can put it behind them.

Q51 **Julie Marson:** So the turning point is not feeling alone? We use terms like “the Post Office” and “Fujitsu”, but actually, when you were going through this—you still are going through this—you were dealing with individual people. Can you explain how that felt? You were up against—you were talking to individual people, but you could not get through to the big institutions that you were actually dealing with. It is very hard to imagine how that must have been.

Jo Hamilton: A lot of people went to their MPs, because that was Alan’s brainchild—to go to your MP. Fortunately, I had James, but not all MPs listened; you kind of think, “The Post Office is trusted, and they have pleaded guilty in court,” so who believes you? I was lucky that James was curious and had had some dealings with the Chinook failing. He got curious because he had four people in his constituency. But I think it’s the



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feeling that nobody is listening. When you say you've got a problem, you just need people to listen.

- Q52 **Julie Marson:** Alan, do you think that your experiences and this process that is still going, with you being here today and the inquiry, will help to stop miscarriages of justice and repetitions of this kind of scandal?

Alan Bates: If you are talking broadly about other instances or whatever, I hope it sends a warning shot across the bows of those big corporations that what they do and decide and the way they work really affects people right down on the frontline of their organisations. That has been one of the failings with a lot of other things, like the banking scandals or the blood scandal—people in jobs of high responsibility are not being held to account at the end of the day. I am hoping, in this particular instance, that people are held to account. That will demonstrate to others, “Keep your eye on the ball with what you are doing.”

- Q53 **Julie Marson:** Jo, do you think that this experience will help in the future?

Jo Hamilton: Yes, definitely. It is almost the other way around from what happened to Lee. Hopefully, if people get held to account, it might warn them not to do this to ordinary people again.

- Q54 **Chair:** May I just check, Alan: when it comes to Fujitsu, what is their culpability in this and what is the compensation that you think they owe, frankly, to the British taxpayer and indeed to you?

Alan Bates: That is very much a question for Sir Wyn and the inquiry to answer. My gut feel on this, having looked at lots of paperwork over the years, is: how much did Post Office really know in the early days, and how much did Government really know in the early days about what was happening at Fujitsu? I think everyone is going to be surprised about how much was known—but that is for Sir Wyn to establish with the inquiry.

- Q55 **Chair:** Are you comfortable with taxpayers' money being spent on Fujitsu right now?

Alan Bates: I don't know what the other options are. Do we have other big enough IT suppliers in this country? I believe it is quite entrenched in an awful lot of defence systems and a whole host of other systems.

Chair: Jo, any perspective on that?

Jo Hamilton: I pretty much concur. I guess Sir Wyn is where it's at. He will find out who was culpable on the journey, because it goes back so long. He needs to get to the bottom of who knew what when and, if anything criminal has taken place, they should face prosecution. If it is proved that they are culpable, they should pay their share of the compensation.

Alan Bates: If I may just add something to that, Chair, it is going back 20-odd years since this happened. I imagine a number of staff have changed places and that there have been big changes in the company, so



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holding those currently there to account for what people did 20 years ago might seem a little stiff. Can they actually show that the organisation has changed and that it is willing to own up and look after—that is, compensate or repay—Government for what has happened in the past?

Q56 **Sir Robert Neill:** Jo, you took your case to the Court of Appeal in the end. Did you do that via the Criminal Cases Review Commission?

Jo Hamilton: Yes, eventually. It took a long time.

Sir Robert Neill: It took a long time?

Jo Hamilton: Yes. They waited for Justice Fraser.

Q57 **Sir Robert Neill:** What was your experience of the Criminal Cases Review Commission process?

Jo Hamilton: If I am honest, I applied and I didn't hear anything for years—literally years. Every now and again, I would get a three-month letter saying, "We're still looking at it," then "We're still looking at it," and it became apparent that they were waiting for the High Court litigation before they would make up their minds over anything.

Q58 **Sir Robert Neill:** That became apparent. Did they tell you that or did you work that out for yourself?

Jo Hamilton: We worked that out. We did hear on the grapevine that they would not do anything as it was so close to the litigation and to the judgment coming out. They would not do anything until that came out.

Q59 **Sir Robert Neill:** When it got to the Court of Appeal, in your case the Post Office conceded that it had behaved improperly. The judgment of the Court of Appeal set out in detail what was wrong with the process and why your conviction was unsafe.

Jo Hamilton: Mainly because they did it when they knew I hadn't done it.

Q60 **Sir Robert Neill:** You went through that process. What is your reaction to a piece of legislation that exonerates everybody, including the people who have not gone through the process that you did? How does that leave you feeling? Does it diminish your acquittal by the Court of Appeal or not?

Jo Hamilton: I do not think that it diminishes mine. A bit of you thinks, "Hmm," but then something has to happen, because there are 900 cases.

Q61 **Sir Robert Neill:** It is not perfect—that is the sense I get.

Jo Hamilton: Not perfect, but I think it is the only way.

Q62 **Ian Lavery:** Good morning, Mr Bates and Ms Hamilton. I wonder what sort of impact the threat of a prison sentence had on you. Obviously, it must have been horrific—it really must have been horrific. You were on the helpline trying to seek advice from the Post Office with your computer in front of you, and they were explaining how to remedy the issue—and then your deficit doubled, I believe, in front of your eyes. Can you explain



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to the Committee how you felt at that precise moment in time?

Jo Hamilton: At the time, I felt helpless. When they told me that I was the only one having problems, I just presumed it was me because I did not know any better. I always thought that they said, "Reverse this and reverse that", and I thought it will all sort itself out, but it didn't. They kept my wages, and then I remortgaged and put money in. Because I had such a long lease on the shop, I knew if they sacked me—because they said they would sack me—that the whole thing would collapse. I felt that I had no choice but to run with it and keep putting money in.

Q63 **Ian Lavery:** An absolutely desperate situation. In the reports—I might be exaggerating; I am not sure—they say that you remortgaged—

Jo Hamilton: Yes, twice.

Q64 **Ian Lavery:** You borrowed money off your parents and so on. What a horrendous situation to find yourself in. Eventually you repaid the money back to the Post Office. Have you any idea where that money went?

Jo Hamilton: No. I have heard that it goes into the suspense account and then eventually gets hoovered into profit and loss, but it is gone.

Q65 **Ian Lavery:** How would you feel, Ms Hamilton, if you thought that your money was put into the Post Office accounts and that the profits from those accounts went in dividends to owners while you were suffering the way you were? Potentially some top executives in the Post Office received some of your money in bonuses.

Jo Hamilton: It is ironic, isn't it?

Q66 **Ian Lavery:** How would that make you feel, honestly?

Jo Hamilton: It is sickening, really, to be honest—the fact that we were shouting so loud at one point, and everything was known, and yet our money was being played with. They looked profitable at one point, and it was our money.

Q67 **Ian Lavery:** Thank you very much for that.

Mr Bates, last week the Government announced a promised up-front payment offer of £75,000. I wonder what your initial reaction is to that and the reaction from the people who you have been in contact with. Will many of them be taking up the £75,000? Do you believe that it will be a large proportion? What proportion do you believe will accept it, or will they march towards full compensation?

Alan Bates: I think there probably will be some that it will suit, but at the moment I do not think there is any detail that has been published about it. That is my understanding. The other question about it is with the few cases that have gone through in the GLO scheme, which I always refer to as the "low-hanging fruit"—the low-value ones. Will they be able to claim a top-up to the £75,000? There are a lot of questions to be answered about the scheme at present. Until they publish the details, it is a bit hard to comment.



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- Q68 **Ian Lavery:** Basically, the huge question is: can a figure ever be calculated that will fully redress the situation that individual poor sub-postmasters found themselves in? It has been really interesting already this morning, Alan, to hear that, potentially, spouses of victims, children, family members, in no way will be compensated as a result of that. How do we calculate the correct type of compensation for each individual involved?

Alan Bates: You'll never get it exactly right; this is something that I have been after for a while. Where there have been health or mental issues in the family along the way, they need to be assessed as part of this scheme. It needs to be transparent and consistent across the whole board. At present it is not included in a sub-postmaster's claim.

When I have raised this in the past, the Government have said, "Oh well, we do consider it when we're working it out", but it is not structured, it is not transparent, and it needs to be introduced. As far as the GLO scheme goes, I think it probably affects maybe a fifth or a sixth of all the claimants. It may be more, but it is around that sort of figure.

But you are right. Financial redress will never put things back for people. This is something that I get annoyed about: when people call it compensation. This is money that they are due. This is money to put them back into a position that they would have been in had Post Office not done what it did to them. So it is not really compensation, which is why I keep calling it financial redress.

- Q69 **Ian Lavery:** What you are saying, basically—sorry, just to conclude—is that a lot of the money in the first place was yours, anyway, and you are just getting it back. Is that fair to say?

Alan Bates: That is certainly a part of it, but it is also the loss, as has been discussed before, of the earnings that they got. It is the loss of their investment. It is all this that they would have had in the future.

- Q70 **Charlotte Nichols:** One of the recurring themes throughout this has been all of the people that thought that it was only happening to them, and the gaslighting that you referred to, Jo. The Justice for Subpostmasters Alliance has done extraordinary work in convening those affected, supporting them and seeking justice.

I am interested in your view of the role of the National Federation of SubPostmasters in this. Alarm bells should have been going on there. There was an expectation from their members that they would get support, but that did not materialise. Do you think an independent trade union could have made a difference? I will start with you, Alan.

Alan Bates: Oh, yes. The federation was in bed with Post Office from day one. As far as I know, they probably still are because they are paid for lock, stock and barrel by Post Office, and it should be entirely independent. It really has to be. It is utter madness. They have refused to support any sub-postmaster in any legal action against Post Office. In fact, I believe that it was incorporated into their charter that they were not allowed to act against Post Office, otherwise they would lose their funding.



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Charlotte Nichols: Jo?

Jo Hamilton: The only advice I got from them, when I rang them up to arrange an audit, was when they said, "We will arrange the audit. You just go find yourself a good criminal lawyer." That was the only help I got from them. There was no question of, "Where has the money gone? Could it be this, could it be that?" They just said, "You go find yourself a lawyer." They knew—it was inevitable. Why didn't they stick up for me? So, yes, they are in bed with the Post Office, unfortunately, and Justice Fraser's judgment bears that out.

Q71 **Charlotte Nichols:** Do you believe that they share some of the culpability for what has happened?

Jo Hamilton: Yes. I mean, they had our membership fees.

Q72 **Charlotte Nichols:** You had to work out that this was a widespread issue.

Jo Hamilton: They must have known. But it will come out at the inquiry.

Q73 **Anthony Mangnall:** Mr Lavery has already covered the questions that I wanted to ask, and rightly so. But can I question you both very briefly? On 17 December 2014, Lord Arbuthnot held an Adjournment debate in Westminster Hall. Then on 29 June 2015, Andrew Bridgen held a Westminster Hall debate. Both of them identified that the Horizon scheme could be remotely accessed; both of them identified the fact that there were bugs in the system.

Then, according to my timeline, in 2014, there was both the Second Sight report and the response from the Post Office that maintained that remote access to Horizon branch accounts was "impossible". Then, in 2017, the Post Office admitted in court that previous assertions that remote access to the Horizon branch counts was impossible were not true.

How do you respond to that, when you were for three, four, five, six or seven years right in calling out the fact that remote access was possible? I would like to hear how you respond to that, when both the people you were talking to in Parliament and you were raising it within your groups. I wonder whether you could add some comments on that. Jo, shall we start with you?

Jo Hamilton: Here we are, nine years after that, and it is still not sorted out. I mean, how long have you got? It is shocking that it has taken this long and cost this much money just for something that we have been banging on about for years.

Anthony Mangnall: Mr Bates?

Alan Bates: We have always known that we were right; it was just that the Post Office decided to try and control the whole narrative over the years because of their power and money and all the rest of it. They had the ear of politicians and they used to brief them, and it was very, very hard to battle against them. But we always knew we were right. And, as we know now, a major cover-up has been going on—the cover-up is far



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worse than the actual initial crime and the prosecutions of individuals in all of this.

- Q74 **Antony Higginbotham:** I just want to follow up on Anthony's point. Do you think that the Post Office was naive and that they just believed Fujitsu, or do you think that they were deliberately concealing something, or was there something else? We will start with you, Alan.

Alan Bates: I think Post Office did not have the technical expertise at the outset when they brought this system in, and they very much relied upon their supplier to also be their IT experts and advisers along the way. And I think that that was a major decision—a major problem—of theirs. Realistically, even if they did not have the in-house expertise, they should have brought in a third party to assist them along the way and not rely on Fujitsu.

- Q75 **Antony Higginbotham:** Was that your experience whenever you would call the helpdesk? Was it your experience that the helpdesk did not have the capability and the knowledge to assist?

Jo Hamilton: I did not even know that there was a Horizon helpdesk; that is how helpful the national desk was. They did not even tell me. They just said, "Oh, well, you do this and this and this," which made the whole thing worse, but no one ever told me about the Horizon helpdesk. I took the post office over pre-Horizon—not pre-Horizon but pre-electronic—and I never had a problem until it went electronic. I had only ever dealt with the national helpdesk. But, yeah, they did not tell me about the Horizon helpdesk.

- Q76 **Anthony Mangnall:** Can I just follow on from Antony's question? Are you aware to date, with the Horizon system still being used, of any continuing faults? Has anyone approached either of you at any point about whether or not the system that is still being used is resulting in faults?

Jo Hamilton: I have heard some things that—you know, I have no proof of it, but I have heard that it is still not brilliant.

- Q77 **Anthony Mangnall:** Thank you, Jo. Alan?

Alan Bates: I have spoken to sub-postmasters in the past who will give me examples of failings within the system still. So yes, it is still ongoing.

Jonathan Gullis: Mr Bates, Ms Hamilton, may I first of all apologise? I might be one of the only people in the country who has yet to actually watch the ITV drama. That is not through any deliberate choice, but, having two young children, I am stuck between "Paw Patrol" and the many other shows, and, in the evenings, I normally fall asleep while trying to get them to bed.

Chair: Thank you for that insight.

- Q78 **Jonathan Gullis:** Well, I know! Anyway, my father is a good judge of character—someone who is a very godly man—and only once in my life



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has he ever sent me a raging text message. It shocked me to my core, and it was following this ITV drama, after seeing the injustice that you and many others have had to suffer. That is why I wonder: despite what Minister Hollinrake has said on the Floor of the House and in subsequent interviews about emergency legislation and the processing scheme, and despite the drama bringing to the public's attention what you both had to go through with all the other victims, do you actually truly believe that justice will ever be achieved? I will start with you, Ms Hamilton.

Jo Hamilton: Well, it will never let my mum and dad see me have my conviction quashed, so, to me, that is what it all looks like. But, apart from that, we need to see deeds not words. You can say things, but I think it is for everybody now to draw a line under this. At the very minimum, it is the GLO group who are still left looking for money. It needs to be fast-tracked; there has to be a way of applying a bit of common sense to this and cutting out all the red tape.

Alan Bates: Jo is right. It's the case for all of them, but many of the GLO group have been at this for 20 years or so. They have got to put this out. I was talking to one of the group at the weekend; she is 91 years old. How many more years has she got to wait for financial redress? Has she got to wait until she gets a telegram from the King? It is ridiculous how long the system is holding this up. It is absolute madness and very unfair and cruel.

Q79 **Chair:** Thank you. Let me conclude with a couple of questions that we need to check. Do you think there are many victims still out there who have not yet come forward, Mr Bates?

Alan Bates: There are people contacting me now who have had losses over the years and have disappeared. I am sending them on to lawyers these days. So yes, they are starting to come through again.

Jo Hamilton: I had a text in the taxi on the way over from "Good Morning Britain" this morning, from someone who had been to prison—

Chair: Oh my gosh.

Jo Hamilton: I am going to pass her on to Neil. I said, "Give me a chance. I'll get out of this and get back to you." I think there are people out there.

Q80 **Chair:** We have heard that some people who have taken financial redress did not get legal advice when they put their claims in, and may therefore have been short-changed. Is that your view, too, Jo?

Jo Hamilton: Yes. For sure, it will be.

Chair: Mr Bates, is that your perception?

Alan Bates: Yes.

Q81 **Chair:** Finally, what are the key tests for the legislation? What do you think this legislation, which the Government have now promised, must



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achieve?

Alan Bates: I am sorry, which part of the legislation?

Chair: There is new legislation that I think is going to propose the mass overturning of convictions, to speed up the path to redress. What is the key test? When that Bill hits Parliament—we hope in weeks—how will you judge whether it is good enough?

Alan Bates: I suppose if it draws many more people out of the woodwork and they actually come forward.

Jo Hamilton: Do you know what would be ironic? If those people who have just come forward get their money before the group that fought for this.

Alan Bates: Yes.

Q82 **Chair:** Thank you very much indeed for your evidence today, after everything that you have been through. We are truly grateful for the evidence that you have given. You have told us that the process of redress is like being tried all over again.

Jo Hamilton: You feel like you are the guilty one. I have not claimed anything that I am not entitled to. I am not lying about anything. You have to back it all up with everything. They have got my tax returns, they can see. What is so difficult?

Q83 **Chair:** You have then gone on to tell us that, frankly, you do not think the bureaucracy is working hard enough to speed up justice and redress. You have said that something has got to happen. You have welcomed the idea of legislation, but you have also warned us that there are no details that have been published. There are no details about the £75,000 idea and, crucially, there is no transparency about it either.

Jo Hamilton: No. No.

Chair: Those are big questions that we need to put to the Minister when we see him a little later, but for now, thank you so much for your evidence.