

Business and Trade Committee

Oral evidence: Post Office Horizon scandal: Justice for sub-postmasters, HC 1589

Tuesday 6 January 2026

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Members present: Liam Byrne (Chair); Dan Aldridge; Antonia Bance; John Cooper; Sarah Edwards; Alison Griffiths; Justin Madders; Charlie Maynard.

Questions 12-47

Witnesses

- Dr Neil Hudgell, Director, Hudgell Solicitors;
- David Enright, Partner, Howe+Co Solicitors; and
- Kieran O'Rourke, Partner, Howe+Co Solicitors.

Examination of witnesses

Witnesses: Dr Neil Hudgell, David Enright and Kieran O'Rourke.

Q12 Chair: Welcome to this second panel of the Business and Trade Committee's hearings into justice for the sub-postmasters. Thank you very much indeed to Neil Hudgell, David Enright and Kieran O'Rourke for joining us again. Thank you for the extraordinary work that you have been doing on behalf of so many victims. Neil, if I may, I will start with the experience that we have just heard about. Could you give us a sense of whether this is a problem that you have come across elsewhere? What has been the experience of your clients going through the Horizon convictions scheme?

Dr Neil Hudgell: To give balance, Chair, in the HCRS, once the cases reach a point of qualification to be quashed and they enter the compensation process, it is relatively fit for purpose and fairly running. That is a positive. The difficulty—the case that you have just heard is not unrepresentative of quite a few—is reaching that point.

There are a couple of issues here, and you can see what those issues are just by looking at the statistics that sit on the Government website. There are roughly 1,000 potential convictions that can be quashed. There are 600 at the moment that I would describe as quashed, of which 570 have had letters and are going through the compensation process. There are 30 that are untraceable, so of people who have had convictions quashed, there are 30 that have not yet been found.

You then have—this is essentially the nub of the issue that involves these good people here and others—175 cases still in the system, so almost 20%, where there has been a request for further information. It is those where people are being stymied in moving forward and having their convictions quashed. From our experience, we have had about 40 that at one stage or another have had a request for further information. There seems to be a disconnect between the MOJ and the Post Office in relation to provision of information, and the onus has been put on us and our clients to provide it. I have some examples of that. There have been instances where it has taken 14 months—

Chair: Fourteen months?

Dr Neil Hudgell: Fourteen months from a letter requesting information to then have the conviction overturned. It starts with things like people's names being spelled wrongly on the letters. People are told that they do not have a conviction when they do, and we are obliged to provide evidence of that.

Q13 Chair: You are being asked to provide the evidence?

Dr Neil Hudgell: Yes, we are being asked to provide evidence of that. There are five qualifying criteria, so for clients employed within the Post Office and doing Post Office-related business, those fairly simple qualifying criteria are being batted backwards and forwards between the MOJ and



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the Post Office. In many instances, they are coming to us to be resolved. It is indicative of a wider issue around incomplete disclosure that still continues to pollute across the whole—

- Q14 **Chair:** There is a problem with speed, but you are saying that the Post Office is not supplying the information needed for the MOJ to make judgments?

Dr Neil Hudgell: I think there is an element of that going on. We are only looking at it from one side, and we are seeing a demand on us to fill the gaps that we think ought to be capable of being filled between the two organisations.

- Q15 **Chair:** Let us just get a full spread of the issues. David Enright, what has been your experience working for your clients on this scheme?

David Enright: You have heard from David and Glenys. The sound was bad, and I think that is important, because there were questions from Mr Maynard that did not quite come across. They founded their post office in 2000. Horizon was introduced in 2001. They immediately started experiencing massive shortfalls. They were arrested in December 2001 together. A husband and wife working in the same post office that they ran were arrested, prosecuted and convicted for the same offence. Both went to prison for six months. That was 24 years ago.

Mr Eaton wakes up one day with a letter on the doorstep saying that his conviction has been quashed. He and Mrs Eaton sit down together at the breakfast table, astonished at this news. They contact us—in fact, they contact my partner Albert Harwood—and in that conversation Mr Eaton brings up the fact that his wife was in an identical position to himself. We say, “That is unusual,” so we contact the MOJ and DBT about this. You heard about the delay, and the response that came back was, “She is not eligible”.

We engaged in a titanic battle over six to eight months of correspondence—all, by the way, pro bono—to try to get the MOJ and the DBT to understand that they have a husband and wife in identical situations, and they have quashed the husband’s conviction but not the wife’s. We had to take the step of issuing judicial review proceedings. Unfortunately, and quite naturally, we had to instruct counsel on that, who had to be paid. So the Eatons had to dig into the compensation that Mr Eaton had received, in order to pay to fight.

- Q16 **Chair:** So if Mr Eaton had not received that settlement, presumably Mrs Eaton would not have had the firepower or the funds to take the case forward. Is that the case?

David Enright: Absolutely, and this case crystallises two key issues. Parliament, in this unprecedented Act, stated its will—that it wanted all wrongful convictions quashed. The Department for Business and Trade and the Ministry of Justice do not know what the number is. They do not know the shape of the problem. That is a fundamental issue. You cannot solve a problem that you do not know the shape of. They need to come to you



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and say, "This is the number of potential beneficiaries of the Act, and this is why we think that that is a robust number," because, as Mrs Eaton demonstrates, they do not have the right number and they are missing people.

- Q17 **Chair:** This is what worries me. The Ministry of Justice say that there are 1,002 individuals who, in their words, appear to qualify for the Act. But there are then listed 205 individuals who, in their words, do not appear to meet some of the conditions, and another 25 who do not appear to meet other conditions. So you have 230 individuals whom the MOJ have judged do not meet the criteria that they have set out under the Act, and then the letter from the Minister that we received before Christmas says, in paragraph 5, that they have decided not to write to those individuals because they may not be exonerated. This sounds like a recipe for many more of the cases we have just heard about.

David Enright: How many Mrs Eatons are there? What happens is that someone at the MOJ or DBT sits down and considers the conviction of Mr Byrne. You have no idea that is happening—none. On a good day, someone may say, "Well, it's on the borderline. Give it to him." On another day, they got out of the wrong side of the bed and they say, "No, that's not enough for me." You never know that you were in the mix. You never had someone writing to you, Mr Byrne, to say, "We have considered your case and we think you meet criteria 1 and 2, but not criteria 3 and 4," to give you the opportunity to say "Fair enough" or—

- Q18 **Chair:** You have a consideration in secret, a decision that is made in error and an appeal that is frankly in the lap of the gods.

David Enright: And no oversight—none.

- Q19 **Chair:** How many more cases like Mrs Eaton's do you think are out there? Do you think there are other cases like Mrs Eaton's out there?

David Enright: Mr O'Rourke, Dr Hudgell and I sat in meetings with the Ministry of Justice and DBT from the inception of this Act—indeed, before the Act—and we highlighted these precise issues again and again and again in those meetings. We provided solutions to these problems, to identify where the victims were. Dr Hudgell has talked about the missing victims—significant numbers of people. We provided the MOJ and DBT with potential solutions to that problem, but the key thing is that we said to them, "You do not know the figure, and you are conducting a closed-door eligibility process, of which the victim has absolutely no sight at all."

- Q20 **Chair:** Is it your view, then, Mr Enright, that there are other missing victims out there?

David Enright: To be certain would be wrong, but I am certain that there are many Mr and Mrs Eatons out there, because she cannot be a freak example. Every post office in the country is effectively run by a mum and dad, mother and daughter, or whatever it is, so when one goes down, the other has gone down. The fundamental problem, on which DBT must satisfy this Committee, is: what is the number of people who are in the mix for consideration? Secondly, what is the process you are using to



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assess eligibility? What standard of proof are you using? What evidence are you weighing? What is the source of that evidence? And are you or are you not communicating that you are conducting that assessment to the potential beneficiary, so that they can add into that and say, "Well, I actually have evidence"? As Dr Hudgell has said, people are told that they did not have a conviction, and Dr Hudgell comes forward and says, "Well, there is the conviction."

Q21 Chair: Mr O'Rourke, do you want to just round out the picture for us and tell us what your experience and perspective have been?

Kieran O'Rourke: Well, I would be repeating what my colleagues have said. The issue is that we do not know how many Mrs Eatons are out there. That is an extreme worry, because Parliament intended that the victims of this scandal would have their convictions overturned. It seems that it may well be individual decision makers or groups of them within the Ministry of Justice and DBT—who knows whether the Post Office have some involvement in this?—who are making these decisions, and the individuals whose cases may be in play have no access to information, or to legal advice, which would allow them to become involved in the scheme. Just saying, "Oh, we'll write to them and let them know," will not be sufficient. I am not trying to make a case for lawyers, but we have just made a case for lawyers in—

Q22 Chair: In this case, we have a letter telling us they are not writing. They are refusing to write, in fact.

Kieran O'Rourke: Yes. Those who are refused or rejected will need to have some initial ability to get advice about that. I think it would be very difficult for an individual who may well now be very elderly—and, obviously, if they have been to prison, they may have some psychiatric or mental health issues—to just be able to write back and say, "No, you are wrong." I don't think that will tip the balance in their favour. I think there has been inequality of arms.

Q23 Sarah Edwards: I want to come back on some of the figures we have heard. We have 1,000 convictions that were being considered, and 611 eligible. That is about a 60:40 ratio. It is an absurdly high figure of potential wrongdoing or fraud.

Have there been any thoughts on what a reasonable figure is? Are we not going here on the presumption that they are innocent, because most of the convictions do not hold water, based on this atrocious software? What are your thoughts on the fact that we are still having a debate on quite ludicrously high figures of so-called fraud in our postal system by, as we have heard, ordinary people running a local business?

Dr Neil Hudgell: It is a very good question. From my perspective, and we cannot make any assumptions, these are highly traumatised and damaged people. I had an equivalent of Mrs Eaton who came to me before Christmas.

Again, restating the numbers, there are 150 people out there who have letters and are awaiting information. They have not knocked on my door,



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and I don't think many have knocked on your door, so there are 150 people who have letters from the MOJ saying, "You may qualify, you may not. Please provide further information" who are unable to deal with those letters.

There are another 25 who have not been written to because there are no addresses for them. There is a real significant cohort of people at the moment for whom justice is denied.

Q24 Sarah Edwards: Does that not still imply, though, that the assumption is that they were convicted on the basis of software that they still potentially believe to work? Is that not sort of the default you can read into that, on the basis of that correspondence? It is pretty odd, isn't it, to be saying, "Well, you need to give us more information"?

Dr Neil Hudgell: I guess, ultimately, it is public money and we have got to go through the right hoops to make sure that you satisfy the qualifying criteria.

As I said earlier, I think the qualifying criteria are relatively light and the Post Office and/or Ministry of Justice, between themselves, should have enough access to tell if somebody had Horizon in a particular time period and worked in a post office and has particular offences. It really ought to be as simple as that. To have to wait 15 months for us to prove something—we have clients who are highly traumatised from events of 20 years ago, and who have not a scrap of paper—is unfair in the extreme.

David Enright: I have identified the key problems—the two big problems. Underneath those, there are other things.

For example, and we heard evidence about this when you last looked at this, there is a significant number of people to whom the Ministry of Justice and the DBT have written to say their conviction has been quashed and they are eligible for compensation, and they have replied to say, "Never contact me again. Never speak to me again."

Can you imagine what would prevent a person from accepting £600,000 in compensation? We have urged the Ministry of Justice and DBT to find more creative ways of engaging with these people, who they have already quashed the convictions of, and who are effectively refusing compensation. We can imagine the reasons why, and the barriers of those people—what they feel.

We have said, sorry, it is not good enough to say that you respect their decision and respect their privacy. They need to find more creative ways to get organisations, such as the Restorative Justice Council or some other agency, to contact these people to say, "Look, just to be clear—your conviction has been quashed; it was never your fault, and you are entitled to compensation. No one will ask you awkward questions" and to bring these people home as well. That is another statistic.

When we met with the Ministry of Justice early on, we were looking into the eligibility, and we eked out of them the statistics about the numbers of

people they were finding as ineligible. We could only get them from Scotland and Northern Ireland. Both said it was about 20% of the people they were assessing at that time who were being deemed ineligible. They never knew they were ineligible. We did not get the figure for England and Wales, but I am sure we would be able to work it out.

This is the thing: within that 20%, which is hundreds, there will be other Mrs Eatons—it is undoubted—and one person sweltering for decades under a wrongful conviction, as Mrs Eaton did for 24 years, is one person too many.

- Q25 **Dan Aldridge:** David, you talked about warning authorities about this issue from the inception. I wonder why, in your opinion, those warnings were not listened to by authorities?

David Enright: It is hard to understand, because, to be honest, the meetings that we had were collegiate. We sat, like this, with representatives of the Ministry of Justice, the Post Office and the DBT, and we had a back and forth—but a collegiate one—where we said, “This is the problem” and “These are the solutions.” We could not get our heads around why they were not seizing the solutions we were giving them, or recognising the problem that we were identifying for them, which was right there before them. We struggled to understand. Have you anything to add to that, Dr Hudgell?

Dr Neil Hudgell: No, not particularly. Obviously, they think that they know better than us about this.

- Q26 **Dan Aldridge:** When were those meetings happening? I used to work for the Chartered Institute for IT, and we were banging on the doors of Government before the “Mr Bates vs The Post Office” TV programme, and then all of a sudden, a drama came out and captured the public’s attention and things started to move. It was massively frustrating for those of us who were working on it.

David Enright: It goes back to April 2023, because at that time, the Post Office was conducting an internal review of its own of people it had convicted, to ask, “Are there some in there that we should suggest go to the CCRC?” We wrote to them then, saying that you cannot have a closed-door process, where the perpetrator is deciding behind closed doors. That was long before the Act. In the run-up to the Act, in its immediate aftermath and regularly thereafter, we met with the DBT and the MOJ, making these points again and again and again—in writing as well as in person.

- Q27 **Chair:** Has this problem now been fixed?

David Enright: No.

- Q28 **Chair:** So even after the case that we have heard about today, the problem in the processes persists?

David Enright: I spoke to Professor Moorhead—who, as you know, is a highly respected member of the advisory board—about six weeks ago. I



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again raised the Eatons' case with him, and what it exemplified. He said, "We told MOJ and DBT that they must write to people who they are deeming ineligible. Has that not happened?" There has been some suggestion that that may have begun recently, but what about all the people over the past—?

- Q29 **Chair:** I have a letter from the Ministry of Justice, dated 16 December, that says, and I quote, "We believe that it would be insensitive to write to these individuals as we believe they would know their convictions are not in scope of the Act."

David Enright: It is madness.

Dr Neil Hudgell: The problem with that, of course, is—as we have already established—that those letters can often be in error. We have had letters that said, "You are not in scope." With basic inquiries and investigations, they are in scope.

- Q30 **Chair:** Help us to understand why the MOJ is not able to assemble the information it needs in order to make judgments under these criteria. Are they asking the wrong questions? Is there a gap in the data? In Mrs Eaton's case, everything obviously did turn out to be on the record, but somehow it was not assembled, like a jigsaw puzzle, to come to the right decision. How did that happen?

David Enright: The position in Mrs Eaton's case never changed. There was no new evidence at any stage, even though they said at the time, when we issued the judicial review, that they were conceding the case on the basis of new evidence. There was no new evidence. Mr Harwood wrote to them and said, "Where is the new evidence?" There was none.

I think it could be a cultural thing. The Ministry of Justice is our criminal justice system, which is based on very high standards of proof, with reliance on the courts and the appeals process. It is extremely difficult to overturn a conviction through that. There is a mindset that there has to be very significant evidence to overturn a conviction. That would be something in the back of your mind, but that is not what Parliament intended. Parliament was very clear that this is such a difficult issue—a Gordian knot, a web woven by Post Office with the help of Fujitsu—that they must cut through it. So they did cut through it, and they asked DBT and MOJ to fulfil the will of Parliament, and it is not being done.

- Q31 **Chair:** Mr O'Rourke, do you want to add to that?

Kieran O'Rourke: I think there is a danger here. In our experience of the meetings, it is very clear that at senior director levels in DBT and the MOJ, and at ministerial level, everybody wants to get this right. I do not think it is a case of nefarious characters trying to block people from having their convictions overturned—the problem is the system.

Chair: It is just incompetence.

Kieran O'Rourke: It's the system, and it is always the system. It is a question of resource. It is difficult. We find it difficult as lawyers; you are



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going back through things that are decades old. I am not trying to make excuses for them, but the reality is that there is a genuine willingness to get this right.

We have a collegiate approach, but sometimes they do not listen to everything we say and they make their own decisions. Individual caseworkers who might be working on a matter are making decisions that, in the end, are about whether someone was or was not guilty. That needs some oversight and needs some import for the person who is at risk of having their conviction not quashed—some ability for them to make an argument, with some resources with which to make it. That would make the system fairer, because at the moment that aspect is not working.

To say that that aspect is the nature of the whole system would be wrong, because there are clients of ours who have had their convictions quashed and who are happy with their compensation packages.

Q32 Chair: But that is why we have an appeals system in law generally, because to err is human, but to correct is divine.

David Enright: There is no appeals system here.

Q33 Chair: Let me summarise this. You have basically said to us that you think that there are missing victims out there who have not been exonerated. There is no appeals system in place at the moment, and there needs to be one. People who have been reviewed and deemed not eligible under the Act should be written to and supplied with advice so that they can make representations that are well informed, to ensure that justice is done. Is that a fair summary?

Dr Neil Hudgell: Yes.

David Enright: Yes.

Kieran O'Rourke: Yes.

Chair: Mr Madders, let's move on to the Horizon Shortfall Scheme.

Q34 Justin Madders: In terms of the Horizon Shortfall Scheme, your evidence previously has been about delays in providing information and the value of offers being made. Do you feel that in the round things have got better since you last gave evidence to the Committee?

Dr Neil Hudgell: There is a lot in that question. What I would say is that I think that the HSS is broken and there is not much you can do about that. Let us just rewind to the beginning. It was set up in the very early days with an expectation of small numbers of claims, so claims were submitted without the benefit of legal advice, but they were submitted in their volume and the scheme could never cope with it. The scheme was never changed, so it is still churning out ridiculously low offers.

Where we are at the moment is waiting for offers to be churned out in the HSS so that we can then transfer them to the new HSSA. In better news, albeit that it is very much early days, what is happening is the HSSA is



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broadly quite positive. Offers are vastly improved—I will give you a couple of examples of that—and they are coming out way quicker.

In DBT, to repeat what Kieran said, there has been a lot of collegiate dialogue to establish a new scheme that is more fit for purpose and that runs quicker. The real nub of the issue with the HSS is that there are still a considerable number of cases to be assessed in it—

- Q35 **Justin Madders:** Can I just come back to you on that point about the appeal offers being much more satisfactory? A judicial analogy would be that once an appeal court has made a decision, the lower court—the HSS—would respond to that and adjust its offers accordingly. Is there any sign of that so far?

Dr Neil Hudgell: No, they proceed on a very rigid basis and the offers that are still being produced are wholly inadequate.

- Q36 **Justin Madders:** So they make no reference at all to appeals?

Dr Neil Hudgell: No, because they are saying that they have a process that needs to remain consistent from beginning to end. That is why we now only see that as a vehicle to get from A to B. Even the offers that are still waiting to be made through the HSS, on average, if it is a fully pleaded case, are taking 450 days—that is from the Government's own website. If there are clients that want to go down the £75 k fixed route, it is still taking 136 days just to get offers out. So if you have got a fully pleaded case that is going to be inadequate, you are going to wait the best part of a year and a half at the minute to get an offer that we then have to transfer into the HSSA.

- Q37 **Justin Madders:** So you are telling your clients before you even start that this is going to take over a year and that they are going to have to appeal almost certainly?

Dr Neil Hudgell: Yes, it is management of expectations. Day 1 is, "I am sorry to tell you this, but you are going to have to wait while you get an offer. When you get an offer, you are going to hit the roof, and then you are going to hit the floor with your anxiety and depression. We are going to have to get you back up, and we will sort you out eventually, but it is going to take another two or three years from now."

- Q38 **Chair:** I just want to make sure we have an answer to Mr Madders's question about the scale of the offers. The evidence you have supplied to the Committee shows that the median is a fivefold increase in the value of the awards made, once they have come out of the appeals system, as opposed to the HSS. That is a huge increase in the appeal numbers and the values that are awarded through appeal. That tells us, surely, that something is fundamentally broken about the offers being tabled under the HSS.

Dr Neil Hudgell: Yes, there are a few things wrong. First, there is no legal advice, so people do not know what to claim for. Secondly, the HSS does not account for a proper loss of earnings claim or for partnership losses—it just does not allow it.



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I will give you a tangible example. I know that statistics can tell you anything, but a poor chap that started in the HSS had an offer of £20,000. He was one phone call away from taking that offer. He rang us—he could have rung David or any other firm on the panel, and he would have no doubt done the same thing. That offer now sits at £854,000, and it is still not enough. Other examples are similar, with offers going from £400,000 to £1.4 million or from £118,000 to £1.15 million.

Chair: Dear Lord.

Dr Neil Hudgell: The people that run the HSS have one hand tied behind their backs; they are all very competent people that know what they are doing, but if you are not presented with the right evidence to make proper offers in the first place, you are going to struggle. But lessons have been learned. The key for me is, how do we get that rump of cases that are still to be determined in the HSS across to the new appeals process and into that machine, where they have their own obligations to process them and produce offers within 40 working days, as opposed to 460 days?

Q39 **Justin Madders:** You are pretty clear about the value of the offers being made. Are they consistent across the board, or do you find that they can vary quite widely, depending on who is dealing with them at the other end?

Dr Neil Hudgell: There is greater consistency. I won't say that there is total consistency, because that depends on different people on different days, and when you are dealing with some sort of unliquidated heads of loss, opinions can vary within a range, but it is less of an issue.

Q40 **Justin Madders:** Do the other witnesses have anything to add to that?

Kieran O'Rourke: Our view at Howe+Co is similar, if not identical, to Neil's. Obviously, the HSS appeals scheme is quite new, so cases that were in the HSS have started to move through the appeals process. We have similar cases. For example, one of our clients in the HSS was given a good offer of £467,000, but within the HSS appeals scheme with DBT we were able to increase that to £1.8 million. Another of our clients was offered £66,000, and eventually we were able to get that raised to £382,000 in the appeals scheme. It is not just Neil's firm that is doing good things. It is clearly the fact that the scheme is run by DBT, the appeals scheme is run by DBT, and its lawyers are familiar with the issues. I have to say that they are more generous; they are more willing to give the benefit of the doubt than the HSS panel, who have no information—they do not have the expert medical reports. We have asked at several meetings—we still have those collegiate meetings with DBT—whether we can please just skip to the appeals process, and why we need to go through the HSS panel process if a client just wants to get a forensic accountant's report and a medical report, and to present a proper case to a body that will determine it fairly, which is the DBT side.

Q41 **Justin Madders:** Can I just check, Dr Hudgell, that your view is also that more complex cases should just go straight to the appeal with DBT?



Dr Neil Hudgell: Very definitely.

Q42 **Charlie Maynard:** Just to follow up, what answer do you get back when you ask that question?

Kieran O'Rourke: In terms of the answer we get back, it has not happened. So we have not got the positive answer that we want, but I think it is difficult, because HSS is in existence. It is almost like we cannot do it because it is already in existence and these cases are in there. I just think that everybody who is currently in there waiting for a panel decision should be allowed to say, "Right, I'm finished now. I want to jump across." Those are the people who are going to reject the offer that the panel gives anyway, so why are we wasting their time? As I have said, we are also wasting public moneys on the panel sitting.

Dr Neil Hudgell: A cynical view on that could be that they are trying to manage the flow of cases that come across, to keep the numbers down.

Kieran O'Rourke: I genuinely want to say that I think DBT wants to be generous. On this idea that it is somehow a plan, I do not entirely agree with Neil. I think it is just that the panel that has been set up for HSS is set in its ways. I know there has been an attempt to get Sir Gary Hickinbottom involved at that stage. But it just does not work. Let's get into the appeals stage, where we can get proper advice to clients and proper expert reports.

Q43 **Justin Madders:** Just to try to get some balance, are there any redeeming features to the HSS? Are there clients who go away content with what has been offered there? Or is it simply just a hurdle that you have to go through?

Kieran O'Rourke: I would say that the clients who walk away from it are the ones who take the £75,000, but the ones who go to panel do not seem to be happy. If someone is going to take the £75,000, that is all well and good. When the Minister invoked that scheme, it was an excellent idea, and it got rid of the vast majority of the smaller cases. What we are left with are the complicated cases, or those who will just not accept the small figures that the panel offers, so why waste their time and public money?

Q44 **Chair:** I am just looking at the numbers reported by DBT on the HSS original deadline schemes. Settled cases in January were 2,090, and settled cases in November were 2,130. So it settled a grand total of 40 cases over the course of last year, which is six days a case. On that basis, it is going to take six and a half years to clear the remaining 287 cases—that is August 2032. Is that your view of how slowly this process is working at the moment?

Dr Neil Hudgell: I am not sure about that date, but certainly, if it continues at the current rate, it is multiple years—two, three or four years.

Chair: Okay. Mr Enright, anything to add to that timescale?

David Enright: I will defer to Mr O'Rourke.



Chair: Mr O'Rourke, would you share that perspective?

Kieran O'Rourke: I have heard that the panel is sitting on more days, so we may see that speed up. But, again, I cannot see it. It is going to take a long time, if not years, to resolve the panel decisions. My view is, let's just get on with it in the appeals scheme.

Q45 **Chair:** So the process is running so slowly at the moment that your judgment is that it will still take a matter of years to clear the outstanding cases.

Dr Neil Hudgell: Correct.

Q46 **Dan Aldridge:** The Government agreed with Sir Wyn's recommendation to implement a redress scheme for close family members of sub-postmasters. This is a general question to all of you. In your view, how will that impact family members? Do you have any concerns around the proposed scheme? Kieran, your hand shot up there.

Kieran O'Rourke: It shot up because I have some statistics. We have had 242 family members make inquiries. The Government announcement was that there would be a family scheme that would compensate only personal injury, and that that would be where an individual had contemporaneous medical evidence, such as GP records or whatever it might be. The reality is that that has moved on, I think, because there have been ongoing discussions with the Department for Business and Trade; they have engaged us. The reality of someone, whose husband was convicted, taking her child to the GP while she was trying to save the family home from being repossessed, as the main breadwinner had left the house because he was in HMP Wandsworth, is that it is unrealistic that there would be some records in there.

Our analysis of the 242 inquiries that we have had from family members is that 99% of them have indicated that they have some sort of psychiatric or psychological injury. Some 83% say that they have a physical injury, such as nausea, flare-ups of immune reactions and so on. Only 30% went to a GP at the time, so a huge amount would be excluded if that were to remain the case; I suggest that that is not going to be the case, and I think the Government have moved from that. Some 82% suffered a stigma or a reputational loss. For 92%, it damaged their familial relationships. Some 65% of family members saw an impact on education, housing and work.

In terms of the other important question that the Government need to get right, I think it will be difficult. You could make the scheme very large and very wide, so there could be a fear of overcompensating people. But the real danger is that you make it so narrow that you undercompensate the real victims. That is a fine balance that Government have to find the answer to.

In terms of who is a family member, that is an important question. Of that cohort of 242, 56% are children, 29% are spouses/partners, 7% are siblings, 5% are parents, 2% are ex-partners and 1% are nieces or



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nephews. My concern here is that in south Asian communities you have a large family group of extended family, where the family members were involved in the family business of the post office. If we go down the road of excluding, say, the 7% who are siblings, we are in real danger.

My other concern is in relation to financial losses—pecuniary losses. We found in our examination of our client cohort that of those who would want to make an application under the new scheme, 49% had lent money to the postmaster to fund the shortfalls, and 40% had borrowed money in order to lend money to the postmaster to fund shortfalls. I do not think these schemes, or the proposals that we have been in discussions with the Government on, will easily compensate that cohort, and I think that is wrong. For example, there is something wrong in the idea that a parent who remortgaged their house to save their child from going to prison should just take that loss, not the public purse—there is something wrong in that in terms of a sense of justice.

Q47 **Chair:** Do you have anything to add on the definition of the family groups, Dr Hudgell?

Dr Neil Hudgell: I have very similar experiences. I am privileged to look after Lost Chances, the children's group—Rebekah and Katie are here today. I am encouraged by DBT's approach in the new Capture scheme, which is light-touch and producing offers very, very early, and I think some lessons have been learned. It is important that the cohort of claimants is properly captured, so that the genuine victims are compensated. I think we need to be very careful that we do not continue retraumatising people who are obviously hugely traumatised.

Your next witness from Fujitsu is a gentleman who met Lost Chances in August 2024 to hear their stories. It was one of the most traumatising meetings I have ever been to. There were nine grown-up children who had to grow up too early. One was in a job aged 13 to provide a family income. Another one was working in a newsagents, delivering papers with their parents on the front pages as criminals. This whole experience is deeply traumatising. When they meet someone in August 2024 who gives them assurances that something is going to happen, and then nothing happens—those are the things that we need to avoid and to take cognisance of.

Chair: The clock is slightly against us. Thank you very much indeed for that comprehensive evidence, which has given us a great basis for the recommendations that we will make in our follow-up report.