

HCAB
Issues of Major Concern – June 2026

Summary of Major Asks

The HCAB asks that UK Government should take steps to achieve the following outcomes:

1. *Delivering accountability*: Ensure investigation budgets are fairly allocated, on a stable and solid footing for the next X years, with the rapid and proper investigation of criminal offences as an absolute priority.
2. *Quashing unfair conviction*: Resolve a number of remaining unfairnesses around unquashed convictions by passing an Act.
3. *Plugging regulatory gaps*: providing wider powers to regulatory authorities (lawyers and accountants, as well as directors, senior managers) that would enable proper investigation and accountability.
4. *Adopt an integrated system* that would reduce the risk of future scandals and enable swifter identification, investigation, redress, change and accountability.

1. General Background.

1.1. **A Cohort of Traumatized Victims** is becoming increasingly apparent, as both convictions and compensation issues are dealt with for many, leaving behind those who are so traumatized or aged that they find themselves unable to engage with anyone, or any system, that might help deliver public or personal justice.

1.2. **Timing.** It appears that the Public Inquiry may not publish much before the end of 2026. There will then be clamour for accountability, lessons learned to be applied (not just learned), and full delivery of justice. Although the various compensation schemes will largely have completed their work, a number of difficult cases will remain. The challenges continued unjustified convictions and of achieving accountability seem likely to remain as major challenges unless steps are taken now.

2. Convictions that need to be properly (independently) investigated, and almost certainly overturned.

2.1. **Capture victims.** Review of Capture convictions is progressing slowly. The Court of Appeal recently said that the leading 2 appeals would not be heard before 2027. Remaining cases also take up a lot of effort and time: CCRC need to investigate cases properly and interview fresh witnesses and search for such documentary or computer evidence as still exists. Almost all who have *not* been convicted are going through the compensation scheme – but those convicted are not eligible, they are the most deserving, and it is taking far too long, with uncertain outcomes, to review their convictions.

2.2. One argument being raised by the PO is that Capture cases are so old that appellants are essentially now out of time, and that it is impossible for the Court of Appeal to have sufficient evidence of what happened (evidential records having now been destroyed) such as to satisfy the normal procedural rule that the evidential threshold should be satisfied. We think that that is a thoroughly inadequate argument for leaving victims' convictions alone when they deserve proper justice. But the Court may rely on this point, to avoid opening the floodgates to non-PO cases, and this would be thoroughly unfair to victims. As more time passes, the disappearance of evidence (from people who die or whose memories fade, or where victims', Post Office, or prosecution records are destroyed) only serves to disadvantage surviving victims of wrongdoing that was hidden for so long.

2.3. **Court of Appeal and CCRC.** Some outstanding victims have been refused permission to appeal and others have had their appeals against convictions declined – we believe wrongly. These are appeals that were made relatively early on, before much greater evidence had been

brought to light in the Inquiry. It also appears that grounds put forward to the Court of Appeal are often based on previous precedent (e.g. based on the *Hamilton* case, where the test was “Horizon evidence was essential to the prosecution”), so that the full background, and potential reasons for convictions being unsafe, might not be revealed. An example would be that the consistent behaviour of Post Office and other initial investigators was so egregious that this constitutes a stand-alone ground for overturning a conviction. Hence, the Court of Appeal continues to apply criteria for overturning convictions that appear too restrictive to us and to victims and informed commentators. Those whose appeals were raised early on became victims of the initial restrictive approach. There appears to us to be a significant risk that future appeals will be considered on the facts of individual cases, rather than in the light of the totality of the evidence that has been revealed by the Inquiry.

- 2.4. We have discovered that the Scottish Government made a deliberate policy decision to differ from the Post Office (Horizon System) Offences Act 2024 that applies in England and Wales, in that convictions in cases previously considered by the Court of Appeal were excluded from being quashed in E&W but were quashed in Scotland. This was because the Scottish Government considered that that the policy of excluding previously court considered appeals was ‘unduly restrictive’ and inconsistent as between different groups of victims. It seems to us that this has led to a continuing injustice in England and Wales that should now be rectified.
- 2.5. We have engaged the PO’s Chair in correspondence on the PO’s reasons for their opposition to Capture appeals. The PO position remains that as original prosecutor it has a procedural obligation to assent or oppose an appeal, even where it is brought by the CCRC. We consider that the PO has a clear conflict of interest here, and the right, just and fair approach would be for it to take no stance on appeals. Their arguments for defending cases will meet strong press criticisms when aired, we believe renewing anguish and hurt to victims and damaging the reputation of the justice system and any attempt by PO’s to reclaim trust.
- 2.6. **DWP** (not PO) prosecuted some cases. DWP has resisted reviewing anything other than their historical prosecution files. We have pointed out that victims and their families who have contacted us demonstrate that it is essential to look at the surrounding evidence to gain a true picture. DWP make claims about relying on extraneous evidence and that ‘Horizon was irrelevant’, even though many cases now lack the records necessary to demonstrate if this was true. Pleas and admissions on a technical basis to dishonesty offences that were rarely if ever tested before a jury may be more similar to Horizon offences than DWP are willing to admit. We are far from clear that DWP has adequately investigated the relevant facts of these cases.
- 2.7. DWP has advertised for an Independent Reviewer, but it appears that the terms of reference are far too restricted [described as “assess the steps taken by” DWP, that “work also found no evidence that Horizon data played an essential role in any of its prosecutions” and to “assess whether the department’s approach has been thorough and robust”, rather than examine the evidence that the prosecutions were undertaken appropriately and are safe]. People are currently being interviewed for this post.
- 2.8. We have discovered that any convictions brought on behalf of DWP would have been quashed under the Scottish Act, since prosecutions are brought in Scotland solely by the Crown Office and Procurator Fiscal Service. This is another reason for addressing the injustice in England and Wales.
- 2.9. **Generally.** There would be both speed and efficiency in administrators applying a test that ‘the Horizon/Capture system was being used at the time’ as against a more extensive court procedure test that ‘Horizon/Capture evidence was essential to the prosecution’, which would have to be based on a far more extensive investigation to amass such evidence as is now available.

- 2.10. **Our Ask:** Can all outstanding convictions be overturned by legislation, or an expedited system be applied (CCRC or other independent review by senior judiciary) to properly investigate and overturn appropriate cases?

3. Delivering Accountability. Coordinated and properly funded investigations around (prosecution and professional) accountability

- 3.1. **The Police** have told us that they have been allocated very limited budget for undertaking the unusual scale of an inquiry like this. resource to investigate a major inquiry like this at anything like the pace needed. They had sought a budget of £20m; £12m for 2027; grant been allocated £2.7m. In the absence of more funds they continue to make do with contributions from each police force which are, nevertheless, we understand, inadequate. That budget is just not suitable for progressing the investigation at pace of a major special inquiry like this, not least given its importance and the level of public interest, with both victims and also those being investigated being of advancing age. The police cannot cut corners on due process and professionalism, especially on issues like disclosure (which is time consuming), which means their progress will simply be extended. At the moment, they are at least 12 months behind where they would wish to be on disclosure. Such lags will delay the commencement of prosecutions and budgetary constraints are likely delay prosecutions significantly and may very well inhibit the investigations scope and reach. If things stay as they are, prosecutions will not reach courts for another 4 or 5 years. There is some intelligence about private prosecutions being brought, which would raise complications and increase costs overall.
- 3.2. **The budget ask is modest when compared to the costs of the Inquiry and compensation schemes and yet this form of accountability is probably the most central need for victims and for broader society. When the Inquiry finally reports, the public and victims will rightly demand why accountability is being further delayed. A further cycle of recrimination will ensue, pointing to the Government's failure to resolve budgetary parcel passing over sums minor when considered against the costs of the Inquiry, compensation, and associated legal work.**
- 3.3. **The BSB** have told us that they do not have adequate investigative powers to compel access to evidence (unlike the statutory better – but not watertight - powers of the SRA). This may lead to serious failure to hold barristers to account. We have written to the LSB about this. It may require legislation to fix this issue. In relation to accountants the FRC operates under limitations which limit their power to hold critical actors to account.
- 3.4. A Government on top of the implications of the PO Scandal needs to show itself as addressing these problems, which tend to lack political traction but are vitally important.
- 3.5. **Scotland and Northern Ireland.** We have written to SCCRC to clarify what progress has been made on investigating and reviewing convictions, especially Capture.
- 3.6. **Coordination and consistency of accountability.** Various streams of work are being instigated on accountability: Police, SRA, BSB, FRC. There may be useful sharing of evidence but also risks of duplication and sequencing (and hence delays). There may be inconsistent processes and outcomes. We recognise the need for independence of these authorities. But it seems relevant to raise the issue of whether something can be done to manage the various streams in an effective and efficient manner?

4. Compensation Issues

- 4.1. It is important to note that many improvements have been made in the compensation schemes as a whole, and in making progress in processing cases with appropriate pace and fairness.

- 4.2. However, the approach to **Prosecuted Not Convicted** (PNC) cases. DBT are applying the eligibility criteria of the *Hamilton* case, which seems to us to have been overtaken by the evidence that subsequently came to light in the Inquiry, and formed the basis of the criteria in the Post Office (Horizon System) Offences Act 2024, namely that the Horizon system *was being used* at the relevant branch (not that the ‘Horizon evidence was essential to the prosecution). That is wholly inappropriate as a matter of principle, and an unjustified restriction on delivery of fair compensation to these victims. We set out our reasoning in our letter to Minister McDougall.
- 4.3. When is **Fujitsu** going to make a serious financial contribution? Fujitsu have recognised their moral responsibility. Making, and not delaying, a weighty financial contribution to the cost of the disaster would not only assist the public funds but also assist victims’ healing.
- 4.4. **Improper intermediaries.** There is evidence of improper approaches to victims by people offering to represent them; these may be scams and some may fall outside the *ex post* jurisdiction of the professional regulators. What can be done? Similar stories relate to victims in motor finance commissions and other cases. We have raised this with regulators.

5. **The Future: Scandal Prevention and Response**

- 5.1. It is important to address various aspects in a joined-up fashion. We have firm views on what should be done to create a better holistic system. It needs reform of Public Inquiries, PHSO and other elements, so as to form essential components of a fully functioning holistic system. On compensation schemes, it is imperative to create in advance an investigative platform that can immediately be activated for victims of any public disaster, and operate on a sensitive but reliable one-stop investigative basis (avoiding defaulting into adversarial mechanism involving multiple legal representatives).
- 5.2. Reviews are ongoing around Public Inquiries, and public Ombudsmen. We have made a recent submission to the EIC project on public Ombudsmen, and spoken with the PHSO. But this needs a coordinated approach from the top of Government to get things right for the future. Addressing defects in *responding* to scandals should contribute powerfully to creating a system that *prevents* their occurrence in the first place.
- 5.3. We would be happy to assist in contributing to an holistic review and reformed system.