



Department for
Business, Energy
& Industrial Strategy

Paul Scully MP
Parliamentary Under-Secretary of
State

**Department for Business,
Energy & Industrial Strategy**
1 Victoria Street
London
SW1H 0ET

David Enright
Partner
Howe & Co Solicitors

T +44 (0) 20 7215 5000
E enquiries@beis.gov.uk
W www.gov.uk

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Dear Mr Enright,

Thank you for your letter dated 3 February to the Prime Minister, about the re-establishment of the Post Office Horizon IT Inquiry on a statutory footing. Your letter has been passed to the Department for Business, Energy and Industrial Strategy (BEIS) and I am replying as this matter falls within my Ministerial portfolio.

The Government understands the serious impact that the faults with the Horizon IT system has had on affected postmasters' lives and livelihoods. The purpose of the Inquiry is to understand and acknowledge what went wrong in relation to Horizon. Alongside this, the Inquiry's findings will be used to ensure that there is a public summary of the failings that occurred at Post Office Ltd. The Inquiry's Chair, Sir Wyn Williams, is independent of both the Post Office and the Government which means he can draw conclusions based on the evidence submitted. In addition, he can produce recommendations and actions that may, in his view, be appropriate as a result of his findings.

You suggest that this Department is not the appropriate sponsor for this Inquiry. It is common practice for the sponsoring Department to be the lead Department on the issues being addressed by the Inquiry. This can be seen across Government, for example in the Home Office's sponsorship of an Independent Review on Windrush. The Inquiry Chair and the Secretariat supporting him on the Post Office Horizon IT Inquiry are independent. As the sponsoring Department, BEIS will be well positioned to implement the delivery of any recommendations from Sir Wyn.

I am confident that although this Inquiry is non-statutory, Sir Wyn will have access to the evidence that he needs. As the Post Office, Fujitsu and BEIS have all agreed to cooperate fully with the Inquiry, it did not seem necessary to establish the Inquiry with the powers to compel evidence and witnesses. The scope of the Inquiry is listed in its Terms of Reference, which were agreed collectively across Government.

The evidence given by Fujitsu employees had been referred to the Director of Public Prosecutions before the Terms of Reference for the Inquiry were agreed. The scope of the Inquiry does not cover matters of criminal law as these matters are for the courts. While the Government understands that the issue of potential perjury may be of interest, this is a matter for the police and Director of Public Prosecutions. Therefore,

it was considered inappropriate for the Inquiry to consider this. You will understand that I cannot comment further on these issues at this time.

The Government welcomes the decision by the Crown Court on 11 December 2020 to overturn six convictions relating to Horizon. This marked another important milestone for postmasters affected by the Horizon dispute. The Criminal Cases Review Commission (CCRC) has to date referenced 51 cases to the appropriate appeal court, 38 of which will be heard in March 2021. The CCRC continues to receive applications and currently has 20 cases under consideration. It will be for the court to decide whether these cases are overturned and again it will not be appropriate for the Government to comment.

As I have expressed to Mr Bates previously, I am sorry that the Justice for Sub Postmasters Alliance (JFSA) has taken the position it has in relation to the Inquiry. I continue to support Sir Wyn's Inquiry as it is currently constituted. I sincerely believe that his report will help us to move forward, and I do encourage the JFSA, and other stakeholders to take part in the Inquiry.

Once the Inquiry has concluded, the final report will be published by the Secretary of State and the Government will respond in due course. The Inquiry's recommendations are not legally binding; however, its work will be vital in determining whether concrete changes have taken place at the Post Office, and the right lessons are learned for the future. The Government is determined to see this and will consider the Inquiry's recommendations when it reports, to ensure that this situation is never repeated.

Post Office Ltd has accepted that it mishandled certain things in the past, in its dealings with a number of postmasters and has apologised. However, this apology must only be the start of a process that leads to real change in the Post Office. The Post Office is continuing its efforts to right the wrongs of the past. This includes delivering on its commitments from the settlement and resetting its relationship with postmasters. I want to assure you that the Government is monitoring this work very closely.

Thank you once for taking the time to write on this matter. I hope that my response is helpful to you, Mr Bates and the members of the JFSA.



PAUL SCULLY MP

Minister for Small Business, Consumers & Labour Markets
Minister for London