

Court clears 39 post office operators convicted due to ‘corrupt data’

Theft, fraud and false accounting convictions quashed after one of England’s biggest ever miscarriages of justice



Some of the 39 subpostmasters celebrate outside the Royal Courts of Justice, London, with family and friends after their convictions for theft, fraud and false accounting were overturned by the court of appeal. Photograph: Alicia Canter/The Guardian

Haroon Siddique and Ben Quinn

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Dozens of former Post Office workers had their convictions for theft, fraud and false accounting quashed by the court of appeal on Friday after one of the biggest miscarriages of justice in British legal history.

The decision to clear 39 subpostmasters led to immediate calls for a full public inquiry and for them, and the hundreds caught up in the scandal, to be properly compensated.

Some of the convicted workers were sent to prison, others lost their livelihoods and their homes. Many went bankrupt – and some died before their names were cleared.

So far, those who have been offered compensation are to receive less than £22,000 each after legal fees.

As those cleared left the Royal Courts of Justice, some weeping, they were cheered by supporters and other former Post Office workers.

Vijay Parekh, 62, spent six months in prison after he was advised by his barrister to plead guilty when accused of theft of about £78,000.

“It was intended to be the business that we would work through towards a comfortable retirement,” he said, flanked by relatives. “The whole family suffered. I was inside, but outside my father was in his 70s and it had an impact on everyone. It was impossible to sleep, you found yourself crying every day. Because of that CRB [criminal history] check you really can’t

work anywhere at all. Now it will have been cleared and I could look for a job but I have reached retirement age.”

Campaigners believe that as many as 900 operators, often known as subpostmasters, may have been prosecuted and convicted between 2000 and 2014 after the Horizon IT system installed by the [Post Office](#) and supplied by Fujitsu falsely suggested there were cash shortfalls.

In [his damning written judgment](#), Lord Justice Holroyde, sitting with Mr Justice Picken and Mrs Justice Farbey, said the Post Office, which brought the prosecutions itself, “knew that there were serious issues about the reliability of Horizon”.

He wrote: “The failures of investigation and disclosure were in our judgment so egregious as to make the prosecution of any of the ‘Horizon cases’ an affront to the conscience of the court.

“By representing Horizon as reliable, and refusing to countenance any suggestion to the contrary, POL [Post Office Limited] effectively sought to reverse the burden of proof: it treated what was no more than a shortfall shown by an unreliable accounting system as an incontrovertible loss, and proceeded as if it were for the accused to prove that no such loss had occurred.

“Denied any disclosure of material capable of undermining the prosecution case, defendants were inevitably unable to discharge that improper burden. As each prosecution proceeded to its successful conclusion the asserted reliability of Horizon was, on the face of it, reinforced. Defendants were prosecuted, convicted and sentenced on the basis that the Horizon data must be correct, and cash must therefore be missing, when in fact there could be no confidence as to that foundation.”



Tom Hedges, 67, whose conviction was one of those overturned, opens a bottle of prosecco with his family and friends outside the Royal Courts of Justice, London. Photograph: Alicia Canter/The Guardian

The court of appeal considered 42 cases, which were referred last year by the Criminal Cases Review Commission after a landmark civil case brought by the [Justice for Subpostmasters Alliance](#) against the Post Office.

The Post Office settled the civil claim brought by 555 claimants for £57.75m – amounting to £12m after legal costs – without admitting liability, in December 2019. This month, the Post Office chief executive, Nick Read, who took up his post in September 2019, called on the government to fund “meaningful compensation” to those wrongfully convicted, saying the Post Office “simply does not have the financial resources” to do so.

No one has ever been held accountable for the scandal and while [a government inquiry was launched last year](#), campaigners say it does not go far enough.

David Enright, from Howe + Co solicitors, who acts for the alliance, said the inquiry “has been set up by the very organisation that owns the Post Office (the Department for Business, Energy and Industrial Strategy), and there’s a clear financial conflict of interest so that’s inappropriate. Secondly, it’s non-statutory so therefore it cannot hear evidence under oath, it can’t compel witnesses, it can’t compel evidence, so it’s toothless.

“And then, most importantly, its published terms of references specifically exclude it and prevent it from looking at the Post Office’s role in criminal prosecutions. It’s quite rightly been reported as the largest miscarriage of justice in British legal history. In what circumstances would we not have a statutory inquiry into that?”

He warned that if the government did not agree within seven days to re-establish it as a statutory inquiry and consult on the terms of reference, his client would be launching a judicial review.



Seema Misra, a former post office operator, with her husband, Davinder, outside the Royal Courts of Justice, London. She has been cleared of theft from the Post Office after being convicted and jailed in 2010. Photograph: Alicia Canter/The Guardian

Labour also called for “a proper inquiry with teeth” while the Communication Workers Union called for criminal investigations into senior Post Office figures who “oversaw the criminalisation of hundreds of postmasters”.

In an earlier ruling at the high court, Mr Justice Fraser found the Fujitsu-developed Horizon system contained “bugs, errors and defects” and that there was a “material risk” that shortfalls in branch accounts were caused by the system.

The 42 argued their convictions were unsafe because in light of the evidence, including Fraser’s findings, the trial process must have been unfair and it was an affront to the public conscience for them to face prosecution.

The Post Office conceded the first ground in relation to the 39 who were cleared but only conceded the second in relation to four of them. The court cleared all 39 on both grounds but rejected three other appeals, which the Post Office had fully opposed, the judges concluding that the Horizon data was not central to those cases.

Speaking on a visit to a farm in Stoney Middleton, Derbyshire, Boris Johnson said: “I know the distress many subpostmasters and their families have felt for a very long time now through the Horizon scandal and I’m pleased that we’ve got the right judgment.

“Our thoughts are very much with the victims and we’ll have to make sure that people get properly looked after because it’s clear that an appalling injustice has been done.”

The Post Office chairman, Tim Parker, expressed his sorrow for the impact on all affected and said it had “supported the overturning of the vast majority of convictions. We are contacting other postmasters and Post Office workers with criminal convictions from past private Post Office prosecutions that may be affected, to assist them to appeal should they wish.”

<https://www.theguardian.com/uk-news/2021/apr/23/court-clears-39-post-office-staff-convicted-due-to-corrupt-data>

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