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Audrey Nicoll MSP
Convener
Criminal Justice Committee
Scottish Parliament

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Dear Convener,

I would like to provide the Committee with an update regarding the implementation of the duties upon Scottish Government under the Post Office (Horizon System) Offences (Scotland) Act 2024 ('the Act'). This follows previous updates from September and October 2024, and is ahead of the statutory report that the Scottish Government will provide to Parliament later this year.

Working with justice agencies, a total of 100 cases have been identified where it was considered that individuals *may* have convictions or alternatives to prosecution relevant under the terms of the Act. As outlined in previous correspondence, the Scottish Government considers each of these cases using detailed information provided by justice agencies in taking reasonable steps to assess whether a conviction or alternative to prosecution meets the conditions set out in the Act.

The current position is that 98 out of these 100 cases have been fully assessed. Of these 98 cases, 64 convictions have been identified as relevant for the purposes of the Act, and therefore quashed. Furthermore, one alternative to prosecution has been identified as within the scope of the Act, and 33 convictions have been identified as not being relevant for the purposes of the Act. There are two remaining cases under assessment.

The 100 cases rely on information received from justice agencies including the Crown Office and Procurator Fiscal Service and Police Scotland, as well as any self-referrals, e.g., individuals who have approached the Scottish Government to indicate

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that they consider to have a relevant conviction. The ability for any individual to self-refer remains open and will do so indefinitely.

Applying each of the five conditions set out in the Act to case specific information is a complex process that has taken some time to carry out. The information that has been used by the Scottish Government has been provided by a number of organisations, including the Crown Office and Procurator Fiscal Service, Police Scotland, and the Post Office Limited. Prior to the Scottish Government being able to receive this information, data sharing agreements were developed to ensure that the appropriate legal requirements were met, which reflects the highly sensitive nature of the information being shared for the purposes of the Scottish Government's duties under the Act.

For each of the assessed cases, evidential material – sometimes running into hundreds of pages of detailed documents – has been provided. A number of Scottish Government officials have been working to consider this information and apply the conditions of the Act to ascertain whether the details available reveal a relevant conviction or alternative to prosecution.

Individuals who have had their convictions identified as quashed are sent an initial letter of notification, and then a second letter is sent once their criminal records have been updated by the Scottish Courts and Tribunals Service (SCTS) and removed from the Criminal History System by Police Scotland. Individuals' records have been updated in all cases where a relevant conviction or alternative to prosecution has been identified. Once a victim is notified, they are provided with the necessary information to engage with the redress scheme operated by the UK Government.

In a small number of cases, it has not been possible to trace where an individual lives, or indeed, if they are still alive. The Scottish Government has utilised the services of Sheriff Officers to search for individuals, and this has ensured as much as possible that individuals have been traced. To date, a total of 4 individuals have not been able to be traced out of the 65 individuals with relevant convictions or an alternative to prosecution. The Scottish Government will continue to take all reasonable efforts in locating the respective individuals, including through collaboration with other UK Government departments who may hold information which is helpful in terms of tracing individuals.

In addition to informing the convicting courts of the quashed convictions, the Scottish Government also liaises with the UK Government Department of Business and Trade (DBT) in relation to the convictions quashed. This ensures that individuals who have had convictions quashed are able to apply for the Horizon Convictions Redress Scheme (HCRS) and access compensation without any undue delay. To date, according to the information held by the Scottish Government, 48 of the 64 individuals with convictions quashed by the Act have applied to HCRS (75%).

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The Scottish Government is working on fulfilling the reporting requirements as set out in section 6 of the Act, and it is anticipated that the next update will be provided through the statutory report on the operation of the Act to be laid in Parliament.

I hope this is helpful.

Yours sincerely



ANGELA CONSTANCE

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