

Cabinet Secretary for Justice and Home Affairs
Angela Constance MSP



F/T: 0300 244 4000
E: scottish.ministers@gov.scot

Audrey Nicoll MSP
Convener
Criminal Justice Committee
Scottish Parliament

Justice.committee@parliament.scot

Cc ecyp.committee@parliament.scot;
Ehrcj.committee@parliament.scot

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Dear Convener

In September, I wrote to the Criminal Justice Committee to provide an overview of the process in place to implement the Post Office (Horizon System) Offences (Scotland) Act 2024 ('the Act'). I undertook to give a further update on progress and provide the latest figures in relation to the numbers of convictions which have been identified as quashed under the Act.

As my previous letter indicated, the Scottish Government has approached identification of relevant cases by focusing initially on those cases where it is considered most likely a relevant conviction has been quashed. As such, my officials are continuing to work through a list of 141 cases, which is comprised of case data provided to the Scottish Government from the Scottish Criminal Cases Review Commission (SCCRC) and Crown Office and Procurator Fiscal Service (COPFS). Any person who has provided their name to the Scottish Government through the self-referral process is included within this total.

It may be helpful to explain that 44 of the 141 cases have been confirmed as out with the remit of the Act, because they did not result in a conviction or alternative to prosecution. This reduces the total number of cases currently being considered by Scottish Government to 97, however this number may change. The process of identification is ongoing with criminal justice partners and further sifting of historic convictions is expected. Individuals could themselves come forward for assessment also.

To date we have identified 31 convictions as quashed by the Act. This is an additional 29 convictions compared to the number advised in September. Most of these are priority cases, which means they are self-referrals or those that had an application before the SCCRC for review. Individuals receive a letter explaining that their conviction has been identified as

quashed and that their records will be updated by the Scottish Court and Tribunal Service (SCTS) and removed from the Criminal History System.

As members will be aware, these cases are historic, and we cannot rely upon some personal data such as addresses. As such we have adapted our processes through using tracing services, including personal visits and operating outside of Scotland where necessary.

We endeavour to give individuals notice of their quashed conviction as quickly as possible. However, this process can be complex and involve several checks against multiple data sources to obtain the information required so that case handlers have all the relevant evidence to allow a proper assessment to be made. Should members become aware of any individuals who are waiting for a decision in their case, I would encourage them to make themselves known to the Scottish Government through the Scottish Government Post Office Convictions Mailbox at PostOfficeConvictions@gov.scot.

Members may also wish to be aware of an update which SCTS have provided on the work they are completing to achieve compliance with section 3(3) of the Act. Current and historic IT systems require to be considered, due to the anticipated age of the earliest convictions. SCTS have also considered if hard copy records may still be in their possession or transferred to National Records of Scotland (NRS) for archiving, in compliance with the relevant SCTS schedules of preservation and destruction.

Appropriate solutions have been identified to ensure that the records held by the SCTS/transferred to NRS are marked as quashed without, importantly, changing or removing associated historical data or impacting on justice partners' records. The identified IT solution also allows automatic communication with criminal justice partners to confirm that the SCTS records have been updated/marked as quashed.

SCTS are engaged with IT system developers to deliver the necessary changes and it is anticipated that, on successful testing, the SCTS will be in a position to begin updating of electronic records by mid-November. Marking of hard copy records is currently being undertaken for relevant identified cases.

In addition to informing convicting courts of the quashed conviction, the Scottish Government has put in place a process with the UK Government Department of Business and Trade whereby quashed conviction notification letters will be shared with them when requested. This supports individuals who qualify for the Redress Scheme to access compensation without any delay.

I trust this is helpful and would be happy to provide any further information.

Yours sincerely

ANGELA CONSTANCE