

## FOI RESPONSE ISSUED - 3 April 2024

### REQUEST

1. How many legal aid applications from potential victims of the post office scandal to
2. you receive before September 2020?
3. How many of these did you approve?
4. How many of these did you refuse?
5. How many of applications were views provided from opponents like the SCCRC
6. How many legal aid applications from potential victims of the post office scandal to you receive after September 2020?
7. How many of these did you approve?
8. How many of these did you refuse?
9. How many of these applications received views provided from opponents like the SCCRC.

### OUR RESPONSE TO THE INFORMATION REQUEST UNDER THE 2002 ACT

#### SLAB response

Cases in relation to the Post Office Horizon system could be either civil or criminal. As you have not specified which of these you are interested in, we have considered both.

Opponents are entitled to submit representations in relation to civil legal aid, but there is no such process for the prosecution or any other party in relation to criminal legal aid.

#### Civil Legal Aid Cases

Civil legal aid is potentially available for proceedings in the civil courts, for example to pursue or defend a payment action. It is difficult for us to identify relevant applications on

our systems without client names or reference numbers. However, we have carried out a search of our systems to identify cases involving the Post Office as an opponent, and we have been able to identify one application which was submitted to us before September 2020.

The application was submitted in 2012, and so while we have a record of the application on our system we no longer hold the documentation, which has been destroyed in line with our file destruction policy. However, I can tell you that based on the limited information we hold it does appear to be relevant to your request in that it concerns proceedings raised against the applicant by the Post Office. While we can tell from the basic information we retain that the opponent did contact us in relation to the application, we are unable to say whether they provided their views on the case as the documentation has been destroyed. In any event, the application for legal aid was granted.

### Criminal Legal Aid Cases

In relation to criminal cases relating to the Post Office Horizon system in Scotland, we were advised by the Scottish Criminal Cases Review Commission in November 2022 that they were referring six cases back to the Appeal Court in Scotland. All of these six cases had legal aid subsequently granted for these appeals. None of them were refused. Of these six cases, two of them had legal aid granted for the original proceedings in September 2009 and January 2021. We have no record of legal aid being applied for the other four cases.

The SCCRC only advised us that six cases were being referred back to the Appeal Court for our information. They did not provide us with any views on these cases.

Beyond these cases, for us to check whether we had received applications in respect of prosecutions associated with the Post Office, we would need certain key information like client names, or the reference numbers attached to the cases by the Crown Office and Procurator Fiscal Service who prosecuted any such cases in Scotland. If you are able to provide any of these details, we would be able to search our systems.

Without this information, our only way of identifying specific cases would be to manually check the full case records and scanned documentation submitted with all potentially relevant criminal cases, such as those featuring charges of fraud, embezzlement or theft.

We would also have to check our 'other' category as it is possible that other potentially relevant charges could have been categorised in this way.

We keep fully detailed records for seven years - for earlier periods the high level data we retain would not contain the information necessary to establish a connection to the Post Office. I regret that due to the cost of searching through the volume of potentially relevant records over a seven year period we are not able to provide you with full information on what you have requested.

In considering the scope of the request and the cost of manually searching records, we have assumed that all relevant cases would have proceeded under solemn procedure. Including summary procedure cases would significantly expand the volume of cases and add considerably to the already excessive cost.

### **Cost of Providing the Information Requested**

We have estimated that the cost of trying to provide you with the information you have requested would be well in excess of the prescribed limit of £600. Section 12(1) of the Act provides that in such circumstances we may decide not to supply the information requested and I regret that, in this instance and because of the very high costs involved, we have decided not to do so.

The projected cost has been calculated as follows:

We hold 7 years' worth of legal aid records on our systems. We would need to search through individual records to identify possible Post Office cases. Although we could narrow down the search to a few specific case types, we estimate that this would still leave around 14,000 records to check. We estimate that each record would take about 2 minutes to check as this would involve searching through the full records and their associated scanned attachments to identify these cases.

Staff time involved in checking the 7 years' worth of applications records we still hold to identify likely cases

14,000 records to check (30 per hour) = 467 hours

Staff hourly rate capped at £15 x 467 = £7,005

I hope that the information we have been able to provide is of interest and am sorry that I cannot be more helpful in this matter.