Comparing Compensation Schemes:

A comparative analysis of the Windrush Compensation Scheme, Post Office compensation schemes and the Infected Blood Compensation Scheme

By JUSTICE & Shaila Pal, Director of Clinical Legal Education, Kings College London

Table of Contents

Executive Summary

The Windrush Compensation Scheme ("**WCS**") was set up in 2019 to compensate those who had suffered losses as a result of the Home Office-Windrush scandal. However, as of 2026, only around one-third of applicants to the scheme have received compensation and the average award is £39,053. There is growing evidence that legal representation significantly improves claim outcomes, in particular a report published by JUSTICE, Dechert LLP and Dr Jo Wilding in 2025 found that claimants without legal advice received offers of £11,400 on average, compared with £83,200 for the same claims with legal representation on review.[1] Yet, there is no funding for legal advice for WCS claimants, who have to rely on a patchwork of pro bono provision or pay part of their compensation in fees. This stands in contrast with other modern compensation schemes that seek to compensate individuals for state harms. Against this backdrop, this report compares the Post Office and Infected Blood Compensation Schemes with the Windrush Compensation Scheme. This report builds on King's College London's 2024 comparative research, drawing on interviews with lawyers representing claimants in the Post Office and Infected Blood compensation schemes, alongside a review of scheme rules and materials.

Although all the schemes were established in response to different forms of state wrongdoing, they share several common challenges. All schemes have changed over time and operate with varying degrees of complexity. Claimants across all schemes encounter evidential difficulties arising from the historic nature of the harms, missing or destroyed records, delays in obtaining information from public bodies, and the effects of age, ill health, or trauma. While aspects of eligibility and entitlement assessments can be complex in each scheme, the WCS can present significant challenges as some claimants' eligibility and entitlement assessment require a detailed analysis of historic immigration and citizenship laws and the collation of often fragmented evidence. By contrast, some claimants within the Infected Blood Compensation Scheme and Post Office schemes benefit from pre-identified cohorts and relatively straightforward routes to establishing eligibility. In the last few years, Post Office scheme claimants have also had the option to take a fixed sum award ranging from £75,000 to £600,000 depending on the scheme with the benefit of funded legal advice on most routes. The fixed sum award route can reduce the stress and trauma of having to collate evidence to demonstrate loss and has seen a high uptake with 97% of claimants on the Horizon Conviction Redress Scheme taking the fixed sum.

Under all schemes, claimants seeking compensation beyond fixed-sum awards must establish their entitlement and losses on the balance of probabilities. The report found inconsistencies in the application of evidential standards and decision-making across all schemes. However, the support available to claimants differs significantly. The WCS is the only scheme that does not provide funded legal advice, despite operating a lengthy and complex claims process and requiring claimants to establish causation, loss, and mitigation under some heads of loss. Funded legal representation in the Infected Blood Compensation Scheme and Post Office schemes has helped address evidential gaps, challenge erroneous assumptions, and improve the quality of decision-making. Whilst the Infected Blood Compensation Scheme and Post Office schemes provide access to, or funding for, expert evidence, the WCS does not do so in practice, despite scheme rules permitting the Home Office to commission such evidence.

Decision-making and appeals processes also reveal both shared challenges and important differences. Initial decision making across all schemes are shaped by non-lawyers to varying degrees. Claimant representatives on the Infected Blood Compensation Scheme and Post Office schemes reported inconsistent application of the balance of probabilities test and erroneous approach to evidence. However, the IBCS and Post Office schemes mitigate these risks with a variety of approaches, including through greater institutional independence, access to legal and

[1] JUSTICE, Dechert LLP and Dr Jo Wilding, People Need Legal Help: The value of legal representation in the Windrush Compensation Scheme (2025)

other expertise, recourse to independent panels or tribunals, and appeal mechanisms capable of making binding compensation determinations. These schemes have also benefited from ongoing scrutiny through statutory public inquiries which have resulted in significant impactful changes in a quicker time frame. By contrast, the Windrush Compensation Scheme relies on decision-making and review processes that remain largely internal to the Home Office, with no independent binding appellate body. Changes to the Windrush Compensation Scheme, whilst welcome, have occurred slowly, appear piecemeal and have not had a significant impact on the victim experience or improved awards outcomes overall. While none of the schemes are without shortcomings, the absence of funded legal advice, independent appeals, and routine access to expert evidence in the WCS creates a significant disparity in claimant support and safeguards when compared with other compensation schemes established to remedy serious state wrongdoing.

Glossary

ADR	Alternative Dispute Resolution
DBT	Department for Business and Trade
ECF	Exceptional Case Funding
ECHR	European Convention on Human Rights
GLOS	Group Litigation Order Compensation Scheme
GP	General Practitioner
HBV	Hepatitis B Virus
HCRS	Horizon Convictions Redress Scheme
HCV	Hepatitis C Virus
HIV	Human Immunodeficiency Virus
HMRC	His Majesty's Revenue and Customs (the UK tax authority)
HMT	His Majesty's Treasury
HSS	Horizon Shortfall Scheme
HSSA	Horizon Shortfall Scheme Appeals
IBCA	Infected Blood Compensation Authority
IBCS	Infected Blood Compensation Scheme
ISL	Independent Senior Lawyer
IVA	Individual Voluntary Arrangement
LAA	Legal Aid Agency
LASPO	Legal Aid, Sentencing and Punishment of Offenders Act 2012
MoJ	Ministry of Justice

MP	Member of Parliament
NHS	National Health Service
OCS	Overturned Convictions Scheme
PHSO	Parliamentary and Health Service Ombudsman
SSCS	Social Security and Child Support
VOA	Valuation Office Agency
WCASF	Windrush Compensation Advocacy Support Fund
WCS	The Windrush Compensation Scheme

1. Methodology & Summary of findings

Methodology

1. The aim of the research was to compare the WCS with contemporary compensation schemes that provide funded legal advice to understand if there were significant differences that justify a different approach to the provision of funded legal advice. The comparison focused on the Infected Blood Compensation Scheme (**IBCS**) and Post Office schemes as, like the WCS, they are contemporary redress schemes which involve state harm or state culpability for historical wrongs. However, unlike the WCS, the IBCS and Post Office schemes provide funded legal advice to applicants seeking compensation. The Home Office has justified this differential treatment on the basis that the WCS is comparatively straightforward and, unlike the other schemes, was designed to be accessible without the need for a lawyer.[2] To interrogate this claim, this report aimed to understand the relative complexity of claims, evidential requirements, decision-making processes, and legal issues of each of the schemes.

2. We reviewed the scheme rules and related materials and conducted a series of interviews[3] with lawyers who represent claimants to the Post Office compensation schemes and the IBCS to understand how they operate.

3. Semi-structured interviews were conducted in January and February 2026. Prior to the on-line interviews, information sheets with the core questions focusing on the operation of the scheme and the role of lawyers were circulated to participants. For the Post Office schemes, we interviewed lawyers from Freeths LLP, Digby Brown LLP, Livingston Brown, Clarke Kiernan Solicitors. Hudgells Solicitors, Howe+Co Solicitors and Bhatia Best Solicitors, who work across a number of Post Office schemes.

4. There are numerous Post Office compensation schemes and they have changed over time. The main schemes are:

    (a) Horizon Shortfall Scheme ("**HSS**") which is administered by the Post Office and the Horizon Shortfall Scheme Appeals ("**HSSA**") administered by the Department for Business and Trade ("**DBT**").

    (b) Group Litigation Order Compensation Scheme ("**GLOS**") administered by the DBT.

    (c) Horizon Convictions Redress Scheme ("**HCRS**") administered by the DBT. This replaced the Overturned Convictions Scheme ("**OCS**") which was administered by the Post Office.

5. For the IBCS we interviewed and consulted with lawyers from Collins Solicitors, Milners Solicitors, and Leigh Day, all members of the approved IBCS law firm panel (which consists of 5 law firms in total).

6. In terms of the limitations of the research, we were not able to interview all claimant lawyers across the Post Office and IBCS schemes. However, we believe we interviewed a significant proportion. We consulted three out of the five IBCS law firm panel who handle the majority of claims in England and Wales and have been working with victims for many years. For the Post Office scheme, there is no defined panel of law firms, any law firm can agree to work within the legal costs framework for each of the schemes. We interviewed lawyers from

2 Lord Hanson of Flint, answer to *Windrush Compensation Scheme* (Written Question HL15566, 24 March 2026).

3 Interviews were conducted by JUSTICE , King's College London, Dechert's and Dr Jo Wilding, University of Sussex.

seven firms in England and Scotland, who reported they deal with a high number of cases, and included prominent lawyers who have been assisting sub-postmasters for many years.

Summary of findings

Eligibility & Entitlement

7. Both the IBCS, and some of the Post Office schemes, have some pre-identified cohorts where eligibility is effectively established by prior membership of another scheme or process. On the whole, initial eligibility under the Post Office schemes is relatively straight forward, for example, a person had a contract with the Post Office or was part of the Post Office group litigation proceedings. Whilst eligibility for IBCS claimants outside the cohort on support schemes is more complex, comparatively WCS is at least as complex, if not more.

8. Whilst status recognition under the Windrush Scheme is relevant, it is not determinative of eligibility and entitlement for compensation. All WCS claimants must identify eligibility which often involves an assessment of complex immigration law provisions, facts and evidence. The correct identification is essential to determine entitlement to compensation and the relevant period of loss. This can be a particular issue where the Primary Applicant falls within the returning resident, lapsed leave and citizenship categories. This is a complex task even for immigration lawyers, judges and the Home Office. It requires an understanding of immigration laws and commonwealth citizenship laws at a particular point in time, in addition to the ability to identify and locate historic evidence to support the eligibility categorisation.

Assessing loss and evidence

9. The WCS process is complex and burdensome, involving lengthy claim forms and multiple layers of guidance, leaving many applicants finding the process confusing and overwhelming. By contrast, the Post Office schemes can be simpler as claimants can accept a fixed-sum award without proving individual losses. Claimants can accept £75,000 on the HSS and GLOS and £600,000 on HCRS. Outside of the fixed sum route on Post Office schemes, across all schemes applicants must show they have suffered loss connected to the relevant harm, but the evidential and assessment approach varies. On the Post Office schemes, If claimants opt not to take the fixed sum, there loss is assessed under ordinary legal principles in damages claims, which primarily seeks to put the applicant back in the position but for the breach of contract and unlawful tortious action. Whereas the WCS aims to offer appropriate compensation for the whole impact suffered. Similarity the IBCS aims to deliver fair and comprehensive compensation to victims of the infected blood scandal.

10. The IBCS and the WCS both use defined heads of loss assessed largely on a tariff basis, though the WCS includes a wider range of losses such as, access to services, immigration fees, detention, homelessness. The tariffs used in the IBCS have been informed, but not limited, by current practice in UK courts and claimant lawyers commented that the calculation of loss appeared different to ordinary damages claims. Similarly WCS claimants faced challenges because some losses recoverable in a standard damages claim are excluded or capped, and they must still demonstrate causation and mitigation in a way similar to traditional damages claims. Although the WCS recognises nonpecuniary harm, its tariff structure means many claimants may be undercompensated compared with postmasters.

11. All schemes require claimants to prove losses on the balance of probabilities, but all face substantial evidential barriers due to the historic nature of the harms, missing or destroyed

records, delays by government departments, and the age and/or trauma and other vulnerabilities of claimants. Legal advisers play a crucial role across the IBCS and Post Office schemes in addressing gaps in documentation, explaining evidential limitations, and sourcing alternative evidence. Both the IBCS and WCS formally commit to supporting applicants in gathering evidence. However, JUSTICE's previous research showed that WCS caseworkers frequently fail to make the required enquiries, draw incorrect conclusions, and do not follow guidance, resulting in unfairly low awards.[4] By contrast, IBCS claims managers are more proactive, and the availability of funded legal advice allowed lawyers to correct evidential shortcomings. Post Office scheme claimant lawyers benefit from dedicated His Majesty's Revenue and Custom ("**HMRC**") support and faster responses, easing evidence gathering burdens.

12. The WCS is the only scheme that fails to provide or fund the commissioning of expert evidence: although the Rules technically allow the Home Office to obtain medical or other reports at its own expense, none were commissioned in any reviewed cases in the JUSTICE report, even where decision letters stated such evidence was necessary. By contrast, the IBCS utilises clinicians to review clinical evidence, and all Post Office schemes fund agreed expert report. Even the Post Office administered Horizon Shortfall Scheme, which does not provide funding for legal advice at the application stage, now reimburses the costs of expert evidence.

Decision making and independence

13. Initial decision making across all schemes involve non-lawyers, but their independence and the involvement of legal and other expertise vary. The IBCS claims are decided by the Infected Blood Compensation Authority (**IBCA**), an arms length body reporting to the Cabinet Office. All the Post Office schemes, except the HSS, initial decisions are made by the DBT i.e. they are not made by the organisations / department that caused the harm in the first place. This provides a level of scrutiny and independence absent in the WCS. The recognition that a similar lack of independence in the HSS was an issue, resulted in the creation of the DBT run HSS Appeals scheme.

14. Across all schemes, claimant lawyers observed inconsistent application of the balance of probabilities test, but this was mitigated where claimants had legal representation.

15. Implementation of recommendations from statutory public inquiries for the IBCS and Post Office schemes have further improved the schemes more quickly and effectively. Examples include for the IBCS eligibility criteria was widened, evidential requirements were relaxed and uplifts embedded in a number of award categories. For the Post Office schemes these include, access to legal advice to decide whether to appeal a HSS decision to the HSSA, widening the period in which a claimant can revert to a fixed sum award, appointment of an independent Senior Lawyer to the HSS to ensure that offers are 'full and fair', amongst others. The Post Office schemes also benefit from an independent advisory board of parliamentarians and academics which oversees compensation related to the Post Office Horizon scandal (the Horizon Compensation Advisory Board). The HSSA was introduced following its recommendation to set up an independent appeals process.[5]

16. By contrast the WCS lacks such oversight. Some beneficial changes have occurred to the WCS over the years, including removing the overall cap on homelessness awards and the inclusion of occupational and personal pension losses from January 2026. However, these changes have occurred slowly and have not significantly impacted claimants experience of the scheme, the quality of decision making and award outcomes generally.

[4] JUSTICE et al, People Need Legal Help.

[5] Department for Business and Trade, *Horizon Compensation Advisory Board: Report of Fifth Meeting* (14 June 2023).

This highlights the need for legal assistance to inject some scrutiny into the WCS and ensure that decision making is robust and the right decision is made the first time.

Review and Appeal

17. The Post Office schemes and the IBCS provide comparatively robust and independent decision-making structures, beginning with opportunities to resolve disputes through negotiation - often facilitated by independent legal representation - and culminating in appeals to Independent Panels or Tribunals with legal and subject matter expertise. Crucially, these Panels/ the Tribunal re-make decisions on compensation to be awarded and these decisions are binding.

18. By contrast, the WCS lacks an independent appellate mechanism: reviews are confined to internal reconsideration by the Home Office, followed by a nonbinding recommendation from the Independent Adjudicator - and finally, a MP referral dependent, nonbinding review by the Parliamentary Health Service Ombudsman (**"PHSO"**). The absence of an expert, binding appeals body in WCS places a disproportionate burden on claimants to identify legal and factual errors themselves. This underscores the systemic deficit created by the lack of funded legal advice, which in other schemes supports procedural fairness and mitigates decision making failings.

2. Introduction

1. On 22 June 1948, HMT Empire Windrush docked at Tilbury Docks in Essex. Of 1,027 passengers, 800 were from the Caribbean, and the majority from Jamaica.[6] They came as British Subjects and 'Citizens of the United Kingdom and Colonies', with an automatic right to work and reside in the UK.[7] Throughout the 1950s, 60s and early 70s many more people arrived in Britain from across the Caribbean and the Commonwealth.[8] They came to be known as the ´Windrush generation´.

2. From the 1960s onwards, major immigration and citizenship laws were introduced with the aim of restricting immigration, particularly by non-white subjects from former colonies.[9] Over time, and particularly from 2012 onwards, the Home Office also introduced wide-ranging administrative and legislative measures often referred to as the 'hostile environment'. This framework was aimed at making the lives of those residing in the UK without leave to remain as challenging as possible, so that they would voluntarily leave. These changes had a devasting impact on many of the Windrush generation, who were unable to demonstrate their right to live and work in the UK. Some were detained and removed from the UK, while others were prevented from returning from visits abroad. Many lost their jobs and homes and were denied access to education and healthcare. This set of affairs became known as the ´Windrush scandal', and is now frequently referred to as the Home Office-Windrush Scandal.

3. In late 2017, the Home Office-Windrush Scandal began receiving attention from the British press.[10] In April 2018, then-Home Secretary the Rt Hon Amber Rudd pledged redress for those affected by the scandal, stating: 'where people have suffered loss, they will be compensated'.[11] In May 2018, the Windrush Scheme was set up, to allow people affected by the scandal to apply for documentation to demonstrate their lawful status. In April 2019, the WCS was launched, to provide monetary redress towards losses caused by the scandal.

4. As of April 2026, the WCS had made 11,196 decisions, but only one-third of applicants had received an offer of compensation.[12] For those that do receive compensation the average award is £39,053. One of the reasons that too little compensation has been paid out to too few people too slowly is the lack of funded legal advice.[13]

---

6 Royal Museums Greenwich, 'The Story of the Windrush'.

7 British Nationality Act 1948.

8 Home Office, The Historical Roots of the Windrush Scandal (26 September 2024).

9 Ibid.

10 Although Windrush survivors and activists, NGOs and immigration lawyers had been trying to draw attention to the scandal for years.

11 HC Deb 23 April 2018, vol 639, col 619 (Amber Rudd).

12 Home Office, Windrush Compensation Scheme Data April 2026 (25 June 2026).

13 The National Audit Office, Investigation into the Windrush Compensation Scheme (2021); JUSTICE, Reforming the Windrush Compensation Scheme (2021); House of Commons Home Affairs Committee, The Windrush Compensation Scheme (2021); L. Lewis, H. Smith, A. Steiner (The Windrush Justice Clinic), The Windrush Compensation Scheme: Unmet Need for Legal Advice (2022); Action for Race Equality, The Home Office Scandal: A Manifesto for Windrush Justice (2024); S. Hunt and C. Evans (The Windrush Justice Clinic), The Windrush Compensation Scheme, Time for Justice (2024); E. Nowell and S. Pal, The Windrush Compensation Scheme A Comparative Analysis (2024); JUSTICE, Dechert LLP, Dr Jo Wilding, People Need Legal Help (2025).

5. According to the Home Office, the WCS was 'designed so that people should not need to seek help from the legal profession'.[14] Instead of legal advice, WCS claimants can receive assistance from We Are Group (formerly We Are Digital). This takes the form of a three hour appointment for help with form completion. They do not provide advice on the merits and substance of an application; assist with drafting; provide support to claimants who may struggle with expressing themselves in written English; assist claimants to obtain evidence; or signpost Claimants to legal support.

6. In April 2025 the Home Office launched the £1.5million Windrush Community Advocacy Fund to fund community organisations to provide support with the application process and gathering evidence. This is support is vitally important, however, the funding terms prohibit advocates from:

   (a) Giving advice on immigration status or help with status applications.

   (b) Advising on the substance of a claim, including an indication of how much compensation someone may be entitled to.

   (c) Advising if an award should be accepted or rejected, including whether the decision complied with the rules and guidance, was legally correct, or whether the sum of compensation was legally appropriate.

   (d) Giving legal advice.

7. In 2025, JUSTICE, Dechert LLP and Dr Jo Wilding (University of Sussex), published research on the value of legal advice to WCS claimants, following extensive review of case files and interviews with claimants and legal representatives. The research demonstrated the difference that access to legal advice makes to the amount of compensation awarded to claimants by the WCS and to claimants' experience of going through the scheme. Claimants in the study received an average of £11,400 when they applied for compensation by themselves but this increased to an average of £83,200 once they had legal advice. One claimant went from being refused any compensation to being awarded £295,000 with legal assistance; another had her award go from £20,000 to £170,000 once she had charitable legal support.[15]

8. The government's position remains that scheme is simple enough not to require legal advice. Home Office minister Lord Hanson of Flint said in March 2026 that "it does not require the arguing of complex points of law or determinations of liability".[16]

9. The IBCS and Post Office schemes are contemporary redress schemes which similarly to the WCS, involve state harm or state culpability for historical wrongs. Unlike the WCS, the IBCS and Post Office schemes provide funded legal advice to applicants seeking compensation. This report compares the IBCS and the various Post Office compensation schemes with the WCS to understand if there were significant differences between the schemes that justify a different approach to the provision of funded legal advice.

10. This report builds on the 2024 report by Elly Nowell and Shaila Pal at Kings College London.[17] This research comparatively evaluated the structure and performance of the

---

[14] Home Office, *Written evidence submitted by the Home Office (WCS0018)*, submitted to the House of Commons Home Affairs Committee, *Windrush Compensation Scheme* inquiry (December 2020).

[15] JUSTICE, Dechert LLP, Dr Jo Wilding, People Need Legal Help (2025)

[16] HL Deb, Written Question HL15566, 16 March 2026, 'Windrush Compensation Scheme', tabled by Baroness Benjamin, answered by Lord Hanson of Flint on 24 March 2026.

[17] Shaila Pal and Elly Nowell, 'The Windrush Compensation Scheme: A Comparative Analysis' (King's College London 2024).

WCS to the Lambeth Children's Home Redress Scheme, the HSS and the then proposals for the IBCS. Whilst the report found weaknesses in all compensation schemes, there were significant structural failings present in the WCS including:

(a) the WCS was the only scheme where the perpetrator of the original harm, the Home Office, is solely responsible for the initial decision making and subsequent first level review decision.

(b) Aspects of the WCS eligibility requirements, which required a correct determination of immigration status, appeared more complex than some of the other compensation schemes explored.

(c) The quality of Home Office decision making, manifesting in an elevated standard of proof applied beyond the stipulated balance of probabilities threshold. Comparatively the approach to the standard of proof and evidence more generally in the other schemes was found to be fairer than the WCS.

(d) The WCS has limited independent redress available compared to the other schemes.

(e) All compensation schemes other than the WCS made provision for legal advice and representation for victims.

3. The Post Office Compensation Schemes

Eligibility

1. **HSS** was open to individuals who have, or previously had, a contract directly with the Post Office and suffered shortfalls as a result of previous versions of Horizon. It excluded those with a Horizon related conviction and/or those who were part of the Group Litigation Order. It closed for applications at the end of January 2026.

2. Eligibility was relatively straightforward – requiring a contract with the Post Office. Between October and December 2024, a total of 18,528 letters were sent out by the Post Office to current and former postmasters alerting them to the possibility of claiming the fixed sum offer in HSS.[18]

3. **GLOS** opened for applications in March 2023 and is open to any person who was in the Group Litigation proceedings who was not convicted of a Horizon related offence. It is a relatively small well defined group of people and questions of eligibility aren't an issue. It will close to new applications on 31 July 2026.[19]

4. Following the passing of legislation overturning sub-postmasters' convictions,[20] the **HCRS** was opened for individuals who had their convictions overturned by the legislation. The scheme was opened up to individuals who had their convictions overturned by courts in March 2025, and claims under the OCS were transferred into the HCRS.

5. The Ministry of Justice ("**MoJ**") (or other relevant justice authority in the UK) is proactively contacting individuals via letter to notify them that their conviction has been quashed by the legislation and that they are eligible for the scheme. Lawyers noted issues with tracing everyone whose convictions were quashed. Without a letter, there have been issues with establishing that people's convictions are quashed under the legislation, however, once it is established a conviction is quashed, there is no question as to eligibility.

6. Lawyers did note issues with establishing eligibility where the specific circumstances of individuals meant they did not strictly meet the eligibility criteria for any of the existing schemes, but they had suffered loss at the hands of the Post Office. For example, someone who was prosecuted but not convicted.

Assessing a claim, gathering evidence and making an application

Basis of assessment

7. The object of each scheme is to put the sub-postmaster into the position in which they would have been had they not been the victim of unlawful tortious behaviour and/or the various breaches of contract had not occurred.

8. The HSS, GLOS and HCRS all offer claimants the option to take a fixed sum award:

    (a) For HSS this was introduced after the scheme had been set up and became available in July 2024 and is £75,000. It was available to those who had not settled

[18] Sir Wyn Williams, Volume 1 of the Post Office Horizon IT Inquiry's Final Report HC 119 (8 July 2025), para 4.66.

[19] Blair McDougall MP and Department for Business and Trade, 'Post Office GLO Scheme to Close Following Successful Delivery' (April 21, 2026).

[20] Post Office (Horizon System) Offences Act 2024.

their claims, as well as those who had settled their claims for less than £75,000 prior to its introduction.

(b) For GLOS it is also £75,000.

(c) For HCRS it is £600,000.

9. If claimants decide not to take the fixed sum then all of the schemes assess consequential losses based on established legal principles in damages claims, which are as follows:

(a) Causation - whether the shortfall / conviction caused the loss.

(b) Remoteness - were the losses reasonably foreseeable at the time.

(c) Mitigation - to what extent could the loss reasonably have been mitigated.

(d) Quantum - an assessment of the amount required to put the sub-postmaster back in the position they would have been if it weren't for the Horizon harms.

Funding for legal advice

10. GLOS and HCRS provide funding for lawyers to assess and prepare the claim (see tariffs below).

11. However, there is no funding for the preparation of HSS claims. In fact, "the scheme was developed, quite deliberately, with the ambition that claimants could make their claims without the assistance of lawyers. The Post Office wanted the scheme to be "*user friendly*"".[21]

12. There is also currently no funding under the HSS for lawyers to advise on whether claimants should take the fixed sum.[22] Sir Wyn Williams in Volume 1 of his Post Office Horizon IT Inquiry report, recommended that such funding should be made available. The Government has interpreted this as making available funding to seek permission to appeal the fixed sum offer to the new HSSA.[23]

13. There is a fixed £30,000 costs award for HCRS lawyers whose clients take the £600,000 fixed sum award. For GLOS, even if a client accepts the fixed sum award, fees are paid on the basis of the complexity of the claim (straight forward, moderate or complex) (see further Legal Costs section below).

The role of lawyers

14. The lawyers told us that clients have little or no understanding of what they are entitled to claim. Many are unaware, for instance, that reputational damage is a recoverable head of loss. In their view, the most significant part of the lawyers' role was understanding the full extent of the client's circumstances and determining their full scope of potential compensation.

15. We were told that the nature of the cohort of Post Office claimants means that gathering evidence can present substantial challenges. The events in question happened many

---

[21] Sir Wyn Williams, *Volume 1 of the Post Office Horizon IT Inquiry's Final Report*, para 4.17

[22] Post Office, Horizon Shortfall Scheme (HSS) £75,000 Fixed Sum Award Offer Frequently Asked Questions, Q7 "You may choose to take independent legal and expert advice to make a decision about whether to have your claim fully assessed or whether to take the Fixed Sum Award, but Post Office is unable to pay for such advice at the point of your initial decision"

[23] Department for Business and Trade, *Government response to the Post Office Horizon IT Inquiry Report (Volume 1)* (Policy Paper, published 9 October 2025, updated 12 February 2026), recommendation 4.

years, sometimes decades, ago. Clients frequently have poor or fragmented memories, compounded in many cases by old age, trauma, dementia, or mental health conditions. Some have psychologically blocked out what happened to them and find it acutely stressful to engage with the claims process at all. Pinning down precise dates and sequences of events is rarely straightforward.

16. In addition, a lack of documentation is an issue. Clients no longer hold copies of basic documents such as their original Post Office contract. Paper records held by public bodies have in some instances gone missing or been destroyed.

17. Obtaining proper disclosure from the Post Office has been a recurring problem that lawyers have had to navigate with respect to HSS, the former Overturned Convictions Scheme (that was run by the Post Office) and the GLOS, where the Post Office has to disclose the evidence to sub-postmasters that sub-postmasters have to provide when submitting a claim.

18. Lawyers make requests for evidence to other government departments, for example, checking Land Registry records, and submitting disclosure requests to the Post Office. We were told that HMRC has a dedicated team handling Post Office-related requests, with a 14-day turnaround. Lawyer explained they needed to think creatively about how they can evidence a loss or harm without documentary records and then work with clients to compile this evidence. This included finding other routes to obtain some kind of documentary evidence, talking to witnesses and taking statements.

Expert reports

19. Lawyers also routinely instruct experts to evidence harms and/or assess particular categories of loss. We were told that many clients who have suffered physical and mental harm did not get medical help at the time because they could not access it, or did not want to bring what they were going through to anyone's attention. Lawyers will often therefore instruct medical experts to provide reports evidencing the physical and psychological harm suffered by clients. They often also instruct accountants to assess financial losses.

20. The GLOS, HCRS and HSSA schemes all provide funding for expert reports in addition to legal fees (see below for further details).

21. In respect of HSS, even though there remains no funding for legal advice for preparing an application, from March 2023, reasonable sums became recoverable in respect of the fees charged by expert witnesses.[24]

22. The DBT has published 'Expert report guidance: Horizon Convictions Redress Scheme and Horizon Shortfall Scheme Appeals' which sets out requirements for all expert reports from August 2025. Legal representatives are required to provide the guidance and checklist in their instructions to experts. Experts are encouraged to include a statement within the body of their report confirming that they have considered this guidance and the accompanying checklist and that the relevant matters contained therein have been addressed.[25]

---

[24] Sir Wyn Williams, *Volume 1 of the Post Office Horizon IT Inquiry's Final Report*, para 4.59.

[25] DBT, Expert report guidance: Horizon Convictions Redress Scheme and Horizon Shortfall Scheme Appeals (15 September 2025)

Decision making

HSS

23. The HSS is administered by the Post Office. The decision making occurs as follows:

(a) A Post Office employee determines whether the claimant suffered a shortfall.

(b) If a shortfall is established an assessment of the claim is undertaken by an 'assessor' – previously, a member of staff of the city law firm Herbert Smith Freehills, who were subsequently replaced by Pinsent Masons.[26] The assessor reaches a conclusion about the likely value of each head of claim which has been presented by the claimant (and, according to the Post Office, any other heads of loss which could have been included in the claim, but which had not been made).[27] If an assessor thinks it appropriate, further information and/or evidence may be sought from a claimant.[28]

(c) Once the assessment is complete it is provided to an independent advisory panel. Each independent advisory panel is constituted by a senior lawyer, as chair, and two other persons who have accountancy and retail expertise. The panel then makes a non-binding recommendation to the Post Office for the amount that should be offered. Although non-binding, the Post Office Horizon IT Inquiry (the "**Inquiry**") recommended that the Post Office should be obliged to make an offer that was no less than the recommendation of the independent advisory panel. The Government accepted this recommendation and confirmed that no first offer has ever been made which is less than the sum recommended by the panel.[29]

(d) Once approved by the Post Office the offer is communicated to the claimant by Herbert Smith Freehills/ Pinsent Masons.

24. Lawyers who worked on HSS felt that the offers were well below what they should be. This is reiterated in the Inquiry Report Volume 1 in which Sir Wyn Williams found that the "*Post Office and its advisors adopted an unnecessarily adversarial attitude towards making initial offers which have had the effect of depressing the level at which settlements have been achieved*."[30] He also found that substantial evidence suggested the Post Office were making low first offers, which once rejected substantially increased.[31]

25. Lawyers attributed the low offers to the fact that, even with an experienced panel making assessments, without legal advice to help claimants prepare their claim and put forward the right evidence, the panel struggle to make proper offers. Sir Wyn's view was that "*it is very likely that a significant number of claimants had undervalued their claims*"[32] and that the lack of legal advice had meant that claimants had either failed to particularise all the

---

[26] Herbert Smith Freehills were criticised in *Volume 1 of the Post Office Horizon IT Inquiry's Final Report* for being too 'legalistic' in its discussions with claimants and 'prone to argue, unnecessarily, about comparatively small sums of money' (see e.g. para 4.102).

[27] Sir Wyn Williams, *Volume 1 of the Post Office Horizon IT Inquiry's Final Report*, para 4.24

[28] Ibid.

[29] Department for Business and Trade, *Government Response to the Post Office Horizon IT Inquiry Report (Volume 1)* (Policy Paper, 12 February 2026).

[30] Ibid, para 6.33.

[31] ibid, para 6.35.

[32] Ibid, para 6.38.

potential heads of loss and/or had formulated their claim less persuasively than if a lawyer had been involved.[33]

26. In her witness statement to the Inquiry the non-executive director representing the shareholder (i.e. the DBT) on the Post Office Board described how analysis presented to the Board demonstrated that the offers made to claimants on average were higher if claimants had been represented by lawyers at the time they made their claims.[34]

27. In addition, there are significant delays in decision making with full assessment claims taking 450 days to get and offer and fixed fee 136 days.[35]

28. In October 2025, the Government appointed former Court of Appeal judge Sir Gary Hickinbottom as the Independent Senior Lawyer for the HSS, following the recommendation to appoint someone in this role in Volume 1 of the Inquiry Report.[36] His role is to oversee the scheme and make sure it runs fairly and efficiently. He can review issues that affect the scheme as a whole.

GLOS

29. Claims are assessed by the DBT with advice from external legal counsel – a city law firm, Addleshaw Goddard.

30. The scheme distinguishes between claims regarded as exceptional and those which are not. For those which are not regarded as exceptional the amount of the offer appears to be decided by one single official in DBT – Mr Creswell, the Director of Post Office Policy (or on occasion his deputy).[37] For claims designated as exceptional the offer is made only after Mr Creswell's suggestion has been approved by members of the DBT's finance and legal teams. In the event that a claim is considered to be not just exceptional, but also novel, contentious or repercussive, any offer would be approved also by an official from HM Treasury.[38]

31. The lawyers told us that they largely dealt with Addleshaw Goddard and the offer is communicated by them. Lawyers working on the GLOS felt that there was a 'mixed bag' in terms of decision making, with some claims being treated more fairly than others.

HCRS

32. For the HCRS, the DBT assesses the application form and issue the claimant with a detailed assessment offer. The offer will include an explanation on how the amount offered has been calculated. Claimants will have 3 months from the date of this offer to decide whether they wish to return to accept the fixed sum offer of £600,000.

"Full and fair" and burden of proof

33. The burden of proof is the balance of probabilities for all of the Post Office schemes. The lawyers told us that this had been applied inconsistently and that there had been lots of

---

[33] Ibid, para 6.42.

[34] Ibid, para 4.102.

[35] Dr Neil Hudgell, oral evidence to the House of Commons Business and Trade Committee, *Post Office Horizon Scandal: Justice for Sub-postmasters* (HC 1589, 6 January 2026) Q36.

[36] DBT, Horizon Shortfall Scheme: contacting the independent Senior Lawyer (16 December 2025).

[37] Sir Wyn Williams, *Volume 1 of the Post Office Horizon IT Inquiry's Final Report*, para 4.208.

[38] Ibid, para 4.209.

'scuffles' over what it meant in practice. However, lawyers felt that in general over time offers have gone up as claimants have been given the benefit of the doubt more often.

34. The Post Office and the Government have said they are committed to providing 'full and fair' financial redress to claimants. Sir Wyn Williams found in Volume 1 of his Inquiry report that it was unclear what was meant by that. He recognised that there would be circumstances in which claimants are unable to provide documentary evidence in support of their claim and that fairness in this context should mean that they are given the 'benefit of the doubt' and explanations as to why documents are missing should be accepted unless there is clear evidence which contradicts the explanation.[39] He recommended that the DBT should make an announcement explaining what full and fair financial redress means. The DBT published a statement in October 2025, which includes the following:

"Fairness requires an acknowledgement of the lack of evidence held by postmasters. The passage of time means that some evidence has not been retained; and during the scandal, the Post Office in some cases wrongly withheld or destroyed it. Wherever it is fair in the particular circumstances of each case, postmasters should receive the benefit of the doubt."[40]

However, most of the lawyers we spoke to thought it was too soon to know whether this had had an impact on the way in which the balance of probabilities was applied and the level of offers.

Reviews and appeals

HSS

35. The Post Office provides a fixed fee to help claimants with the costs of obtaining legal advice to decide whether to accept a full assessment offer.[41]

36. If an offer is rejected then there is a "*Dispute Resolution Procedure*", which involves two meetings between the claimant and the Post Office. If those meetings fail, a mediation may take place, and if the mediation fails, the claimant may seek an award in the County Court (in the small claims track) or, if the likely award exceeds £10,000, the claimant and the Post Office can engage in arbitration proceedings.[42]

37. The procedure is silent as to the processes relating to the incurring and recovery of legal costs should a claimant and the Post Office engage in meetings, and/or mediation, and/or arbitration.

38. This process was criticised in Volume 1 of the Inquiry report by Sir Wyn Williams for having "*no completely independent person or organisation tasked with facilitating or, if necessary, imposing a settlement upon the claimants and/or the Post Office and the Department which can, objectively be regarded as being full and fair*," as "*a serious omission in respect of the governance, administration and delivery of HSS*" and "*a serious obstacle to the aim of ensuring that all offers made by the Post Office to claimants are full*

[39] Ibid, para 6.20.

[40] DBT, Post Office Horizon It inquiry: statement on full and fair financial redress (9 October 2025).

[41] Post Office, *Horizon Shortfall Scheme, Questions and answers about the scheme* (February 2026).

[42] Sir Wyn Williams, *Volume 1 of the Post Office Horizon IT Inquiry's Final Report*, para 4.70.

and fair." He noted that in the other schemes (HCRS / OC and GLOS) former distinguished judges have been brought in to perform such functions.[43]

39. The Independent Advisory Board (see below) had also previously concluded that if the Scheme was to be seen to be fair, individuals who "*were unhappy about the settlements which they had received needed to have recourse to an assessment which was wholly independent of the Post Office.*"[44]

Creation of HSSA

40. Following the Independent Advisory Board's recommendation that and independent appeals process be created for HSS, in September 2024 the Minister announced the creation of an appeals mechanism for HSS and the HSSA came into effect from May 2025. It is administered by the DBT and a claimant is eligible to appeal to the HSSA if they:

    (a) have settled or rejected a HSS claim without going into the Dispute Resolution Procedure,

    (b) settled a claim in the Dispute Resolution Procedure "before mediation stage without legal advice funded by the Post Office, other than for reasonable allowances to consider the offer".

    (c) are within the Dispute Resolution Procedure prior to the mediation stage.[45]

41. Funding for legal representation is available to prepare and submit an appeal and claimants are "strongly urged to engage lawyers as soon as possible".[46]

42. Under the HSSA, case workers in DBT consider cases, advised by the law firm Addleshaw Goddard. They carry out a fresh assessment of the claim on the same principles as the HSS. They may request further information. Where new information cannot be obtained without a fee, claimants can request DBT covers the costs. DBT will make an offer. If it is lower than the HSS offer, a claimant can go back to their HSS offer.

Disputes procedures – HSSA, GLOS and HCRS

43. The dispute resolution processes under these three schemes all follow a similar process.

<u>Stage 1: Discussions / negotiations</u>

44. If the claimant wants to dispute the offer, in the case of all three schemes there will be an attempt to resolve the disagreement between the DBT and claimant.

45. In HSSA this is done directly between the claimant's lawyer and the DBT.

46. In GLOS and HCRS the law firm Dentons acts as independent claims facilitators and facilitate negotiations between the DBT and the claimant. This is known as ADR Stage 1 in HCRS.

<u>Stage 2: Independent Panel</u>

---

[43] Ibid, para 6.72.

[44] Horizon Compensation Advisory Board, Report of fifth meeting held on 14 June 2023.

[45] In addition, if a claimant is a shareholder or director of a company or a partner in a partnership which has ceased to exist. In the published documentation such a claimant is described as a linked individual and, if appropriate, such an individual may be offered an ex-gratia payment.

[46] Department for Business and Trade, *Horizon Shortfall Scheme Appeals Process Guidance and Principles* (Guidance, published 8 April 2025, updated 16 July 2026)

Referral

47. If agreement can't be reached via facilitated discussions, then under all three schemes, claims can be referred to an Independent Panel. In each case this is comprised of a leading lawyer as chair, with two other members with relevant expertise e.g. medical, retail and/or accounting.

    (a) **HSSA** – if no agreement is reached after two months of negotiations at stage 1, Dentons, who act as the Secretariat to the Panel, has discretion as to whether to refer the case to the Panel.

    (b) **GLOS** – if Dentons are satisfied that a negotiated settlement is unlikely to be achieved they can refer the claim to an independent panel.

48. **HCRS** – where Dentons have assessed that the parties have been unable to reach a mutually acceptable settlement by bilateral negotiations or by facilitated discussion, the case may be referred to the Independent Panel. The Panel's Terms of Reference also contemplates the Panel giving its view on a principle where the dispute relates to the fairness of a principle in the assessment framework, and separately allows panel members to request amendment to or development of the principles in the assessment framework.[47]

49. In all cases referral will be unlikely where:

    (a) there is not a substantial difference between the last offers exchanged by the parties;

    (b) further evidence is required; and/or

    (c) there is no issue on which it would be helpful to get the views of the Independent Panel.

Process

50. In all schemes the panel applies the relevant scheme's Guidance and Principles and makes its own assessment of the compensation award.

51. In **GLOS** the panel makes a non-binding initial assessment and then only if the parties do not reach agreement within 3 weeks the case is referred back to the panel for a final binding assessment.

52. In **HSSA** and **HCRS** the panel's assessment is binding. Subject to the fact that the claimant can revert back to a higher offer from the Post Office (HSSA) or the DBT (HCRS).

<u>Stage 3 – Review</u>

53. **HSSA** and **GLOS** both provide for an additional stage whereby either the claimant or DBT can refer their case to the reviewer if they have arguable grounds that:

    (a) there has been a manifest error, procedural irregularity or substantive error of principle in the Independent Panel's assessment; or

    (b) the Independent Panel's assessment is substantially inconsistent with the HSSA / GLOS Guidance and Principles.

54. The Reviewer will decide whether a prima facie case exists. If so, they will invite written submissions from both parties before considering the application and potentially making

[47] Department for Business and Trade, *Horizon Convictions Redress Scheme (HCRS): Independent Panel Terms of Reference* (Guidance, updated 9 October 2025)

a revised award. The Reviewer for HSSA is Lord Carnwath (former Supreme Court justice) and for GLOS it is Sir Ross Cranston (retired High Court judge).

Dispute numbers (as of March 2026)[48]

55. **GLOS**: 482 claims had been submitted, 182 of those for fixed sum awards (38%) and 294 for individual assessment. As at 31 March 2026, there had been under 50 referrals at the first Independent Panel stage and under five referrals at the second Independent Panel stage. There had also been less than five referrals to the Independent Reviewer.

56. **HCRS**: 504 full and final claims for financial redress had been received, with offers accepted in 491 of those claims. Of those, 476 (97%) had settled via the fixed sum offer of £600,000. No claims had been referred to ADR Stage 1 and across both claim-specific and scheme-wide matters, there had been fewer than five referrals for ADR Stage 2.

57. **HSSA**: The scheme came into effect in May 2025. As at 31 March 2026 DBT had received 570 separate entity registrations, of which 505 passed eligibility checks. 61 offers had been made, of which 10 had been accepted. Fewer than 10 appeals had progressed to the Independent Panel stage. However, it was noted that the number of referrals to the Independent Panel was increasing steadily.

Legal costs

HSS

Legal fees

58. As stated above, there is no funding for legal advice to prepare an application for HSS, nor for deciding whether to accept the fixed fee offer.

59. However, once offers had been made to claimants, they would be entitled to £400 (including VAT) in order to assist them to engage a lawyer to advise on their offers where the offers amounted to the entirety of the sum claimed, and £1,200 (inclusive of VAT) towards the cost of legal advice where the sum offered was less than the sum claimed.[49]

Expert fees

60. Both the Post Office and the DBT have accepted that there is a need to re-imburse claimants for the cost of instructing expert witnesses who had been instructed for proper reason and from March 2023, reasonable sums became recoverable in respect of the fees charged by expert witnesses.[50]

HSSA[51]

Legal fees

61. Basic costs allowance is as follows:

(a) Band 1 – agreed settlement below £2.5 million – £25,000

---

48 Department for Business and Trade and Post Office, *March 2026: Report on GLO, HCRS and HSSA Progress* (Transparency Data, 10 July 2026).

49 Sir Wyn Williams, Post Office Horizon IT Inquiry, Report Volume 1 (8 July 2025), para 4.58

50 Ibid, paras 4.58 and 4.59.

51 DBT, Horizon Shortfall Scheme Appeals (HSSA): tariff of reasonable legal costs (19 February 2026).

(b) Band 2 - agreed settlement at or above £2.5 million - £40,000

62. Costs are paid in instalments based on a series of 'trigger events':

(a) confirmation of eligibility by DBT on submission of a registration form;

(b) confirmation by DBT of a substantially complete application form; and

(c) receipt by DBT of the postmaster's agreement to an award.

63. Where cases involve bankruptcy or Individual Voluntary Arrangement[52] an additional £4,000 will be payable.

Expert fees

64. Up to £5,200 per one expert report is available in lawyers' fees for the commissioning of expert evidence.

65. Where more than one expert report is required, an additional allowance in the same sum of £5,200 would be payable in respect of the agreed commissioning of each and any additional expert report.

66. Postmasters' legal advisers will be authorised to commit costs of up to:

(a) £14,000 for advice from a forensic accountant; and

(b) £4,500 for advice from a medical expert.

67. If. in the light of initial advice from an expert, the postmaster's legal adviser concludes that further costs will be necessary to provide relevant evidence, DBT will consider applications for specific amounts of further costs. DBT will also consider applications for support for the costs of any other types of expert evidence.

68. The "trigger event" for commissioning of expert evidence is "*DBT agreement that advice should be commissioned, or independent review decision to that effect*". DBT must therefore agree to all commissioning of funded expert reports.

69. Provision will be made for speedy resolution by a neutral third party, such as Leading Counsel (funded by DBT), of any disagreement as to either (i) the need for expert evidence in a case; or (ii) the level of fees to be incurred on expert evidence in a case.

Reviews

70. It does not appear that additional funding is available for the independent panel stage, this is likely because it is envisaged that Dentons, who act as Secretariat to the Independent Panel and make the decision as to whether to refer a case, will do the work involved in that referral including presenting the case. Although claimants have the option to make an oral statement limited to one hour before the Panel makes its decision.

71. However, there is an extra £6,600 of costs available for cases taken to the Reviewer.

GLOS[53]

Legal fees

[52] An agreement with your creditors to pay all or part of your debts.

[53] Department for Business and Trade, *Post Office Horizon Scandal: GLO Compensation Scheme: Tariff of Reasonable Legal Costs* (updated December 2024)

72. The scheme opened to applications in March 2023 and provided for funded legal advice from the outset however, in December 2024 the DBT agreed to make adjustments to the tariff in recognition of changes to the scheme subsequent to its launch.

73. The tariff differentiates between 'straightforward', 'moderate' and 'complex cases'. These are defined within the tariff and relate to factors such as the size of the losses, whether the claimant was suspended/ terminated/ forced to resign and whether the claimant was subject to police and/or Post Office investigations. Early in the claim process, claimants' legal advisors submit to the DBT an overview of the evidence, on the basis of which DBT will make an initial determination of the category into which the claim falls. DBT may recategorise cases later in the process as further evidence emerges.

74. The basic allowance for each type of case is as follows:

    (a) Straightforward: £5,796

    (b) Moderate: £9,198

    (c) Complex: £18,060

75. For personal injury cases and additional £114, £168 or £504 is available depending on the complexity categorisation of the case.

76. Cases involving bankruptcy/ IVA will be classified as complex cases and an additional £3,360 of costs are available.

77. Provision will be made for speedy resolution by a neutral third party, such as Leading Counsel (funded by DBT), of any disagreement as to the categorisation of a case.

<u>Expert fees</u>

78. In straightforward cases there are no costs available for commissioning of expert evidence. This implies that any case that does require expert evidence will be at least a moderate case.

79. Up to £4,284 per expert discipline is available in legal fees for the 'agreed commissioning' of expert evidence in moderate and complex cases.

80. Where more than one expert discipline is required, an additional allowance in the same sum of £4,284 is payable in respect of the agreed commissioning of each and any additional expert discipline.

81. Claimants' legal advisors were invited on 22 November 2022 to submit applications for support for the costs of expert evidence. Where such applications are approved, claimants' lawyers will be authorised to commit costs of:

    (a) up to £7,000 for advice from a forensic accountant, and

    (b) £3,000 for advice from a medical expert.

82. The scheme recognises that expert fees in more complex cases may be considerably more than these amounts. If in the light of initial advice from that expert, the claimant's legal advisor concludes that further costs will be necessary, DBT will consider applications for specific amounts of further costs.

83. Provision will be made for speedy resolution by a neutral third party, such as Leading Counsel (funded by DBT), of any disagreement as to: (i) the need for expert evidence in a case; or (ii) the level of fees to be incurred on expert evidence in a case.

84. It is interesting to note that the GLO Advisory Board noted in is July 2024 report, that claimant legal representatives initially reported delays of several months in obtaining

expert reports, due to there being insufficient forensic accountants who will agree to produce expert reports for the standard level of fee permitted by DBT. The Advisory Board noted that this pinch point seemed to be decreasing but did not note the reasons why.[54]

Reviews

85. It does not appear that additional funding is available for the independent panel stage (first or second stage). Again, this likely due to Dentons' involvement in the process – it is Dentons who sets out the parties' position on each issue and presents them to the panel.[55] It is envisaged that further evidence will be sought from the parties only in exceptional circumstances.[56]

86. However, there is an extra funding for costs available for cases taken to the Reviewer:

(a) Straightforward: £1,260

(b) Moderate: £2,352

(c) Complex: £5,124

HCRS[57]

Legal fees

	Band 1: £600,000 fixed sum	**Band 2: settlement £600,000 - £1m**	**Band 3: settlement £1m - £1.75m**	**Band 4: settlement £1.75m - £2.5m**	**Band 5: settlement greater than £2.5m**
Legal costs	£30,000	£60,000	£75,000	£100,000	£100,000 + ability to submit a case for costs over £100,000
Costs relating to bankruptcy / IVA	Up to £4,000	Up to £4,000	Up to £4,000	Up to £4,000	Up to £4,000
Costs of consulting counsel	n/a	n/a	Awaiting decision on whether claimable	Awaiting decision on whether claimable	As reasonably incurred

Expert fees

87. For those accepting fixed sum offer who are foreign residents there is up to £4,000 available for specialist tax advice. For Bands 2-5 the following amounts are available for expert reports:

54 Department for Business and Trade and Post Office, *July 2024: Report on GLO Compensation Scheme Progress* (Transparency Data, originally published 13 August 2024, republished 31 December 2025).

55 Department for Business and Trade, *Terms of Reference of the GLO Scheme Independent Panel* (as part of *Compensation Scheme for Group Litigation Order Case Postmasters*).

56 Ibid, para 45.

57 Department for Business and Trade, *Horizon Convictions Redress Scheme (HCRS): Legal Cost Framework* (Guidance, updated 23 April 2026).

(a) Accountancy – up to £14,000.

(b) Other i.e. medical – up to £4,284.

88. If the costs of expert reports are not higher than these amounts then lawyers can commission a first medical report and forensic accountancy report without needing prior approval from DBT. Approval from DBT must be sought for additional expert evidence.

Supplementary Points

Horizon Compensation Advisory Board

89. An independent advisory board was established to advise Ministers on how best to manage delivery of the GLO Scheme. Its remit was subsequently expanded to include advice about the DBT's oversight of the delivery of other strands of Horizon related compensation. The Board does not have a role in individual cases, but advises on the overall progress of compensation arrangements.

90. Its membership comprises:

(a) Professor Christopher Hodges, an academic expert in the field of alternative dispute resolution;

(b) Lord Arbuthnot & Lord Beamish, two Parliamentarians recognised for their past involvement in pursuing the resolution of the Horizon scandal; and

(c) Professor Richard Moorhead, an academic expert in the field of legal ethics.

91. The Board can request information from DBT; it receives regular progress reports and from DBT, reviews outstanding policy and process issues with agreed timelines for resolution, is consulted on compensation guidance, monitors progress across all compensation strands, and escalates concerns to the Accounting Officer or Minister where necessary.[58]

92. In June 2023, the Independent Advisory Board noted that due to the history of mistrust following the Horizon scandal, many sub-postmasters would lack confidence in the fairness of any compensation delivered by the Post Office. They recognised that if the HSS was to seen as fair, there was a need to have a recourse to an assessment which was wholly independent of the Post Office. As a result they "*recommended that the Minister should consider how such an appeal process could be introduced . It should focus on assessing whether settlements were fair based on the evidence provided, whilst allowing consideration of elements of a claim which had been missed or not included on the original form.*"[59] As part of their discussion on this issue they noted the high levels of cases without representation in the HSS and suggested there was "*merit in the concerns that unrepresented claimants have been disadvantaged under the HSS scheme*".[60]

93. In February 2024, the Independent Advisory Board reiterated their recommendation that an independent appeals process should be set up for HSS, this time recommending it

[58] Department for Business and Trade, *Horizon Compensation Advisory Board*.

[59] Horizon Compensation Advisory Board, *Report of Fifth Meeting* (14 June 2023), para 10.

[60] Ibid, paras 7 and 11.

should be run by DBT.[61] Following these recommendations, in September 2024, the Government announced the creation of the HSSA.[62]

Impact of the Post Office IT Horizon Inquiry

94. Many of the improvements to the schemes have been influenced by Sir Wyn Inquiry, which focused on financial redress first. Evidence heard during hearings and a number of interim reports and statements in 2022 and 2023 helped persuade the Post Office and government to improve the administration of the schemes. In July 2025, Sir Wyn published Vol 1 of his inquiry report which focused on the human impact of the scandal and financial redress. Further improvements to the schemes have been made as a result of this report.

[61] Horizon Compensation Advisory Board, *Report of Eleventh Meeting* (22 February 2024), para 19.

[62] Department for Business and Trade, 'New Independent Appeals System for Postmasters Impacted by Horizon Scandal' (Press Release, 9 September 2024)

4. Infected Blood Compensation Scheme

Eligibility

1. Infected persons and affected persons are eligible to claim compensation. When the scheme first opened in October 2024, eligible persons were contacted by the IBCA to make a claim. As of July 2026, 5,404 have been invited to start a claim with 4,923 having started the claim process. 3,465 people (70% of claims made) have received an offer with a total value of £2,760,305,901.29.[63] Since October 2025 it is possible for Infected and Affected persons to register an intention to claim; 19,814 have registered.[64] The government is unclear on the size of the eligible cohort with estimates ranging between 24,000 and 140,000.[65]

2. Infected people include those directly and indirectly infected with HIV, Hepatitis C or Hepatitis B from blood products administered by the NHS within a specified time frame (this varies depending on the nature of the infection).[66] There are no *"hard cut-off dates for determining whether a person is eligible for compensation based on when their infection was acquired"*,[67] though the evidence requirements are likely to be "higher" outside the stipulated time periods. Affected persons are partners, parents, children, siblings and unpaid carers of Infected people. Infected persons already on a current support scheme are automatically eligible for the IBCS.[68]

3. Claimant lawyers indicated that the complexity of initial eligibility varied. Where the infected person was already on a support scheme it was straightforward. Outside of this cohort, evidence of infection and causative treatment is required. The evidence threshold is notably higher for those infected after screening was introduced (e.g., post-September 1991 for Hepatitis C). Proving on the balance of probabilities that the contaminated blood product caused HIV, Hepatitis C or Hepatitis B can be evidentially challenging due to the passage of time. Claimant lawyers described cases where the infected persons had a blood transfusion in the 1970s and then contracted Hepatitis B or C, but there were no medical records of the blood transfusion as they had been destroyed. In such cases, the claimant lawyers gather other evidence and also described the IBCA seeking guidance from its medical panel on whether, on the balance of probabilities, the procedure the claimant underwent would necessitate a blood transfusion. In May 2025, the then Paymaster General, Nick Thomas-Symonds, stated where medical evidence has been destroyed IBCA are expected to take a sympathetic approach.[69]

4. Claimant lawyers described some challenges in relation to the eligibility of affected persons with at times stringent evidential requirements. Affected persons are required to prove periods of cohabitation (and care in some instances) with the infected person, which

---

[63] Infected Blood Compensation Authority, *Registration and Compensation Progress Update: 16 July 2026* (16 July 2026)

[64] Ibid.

[65] House of Commons Library, *Infected Blood Inquiry: Compensation*, (Research Briefing, CBP 10099, 12 June 2026), p47.

[66] Infected Blood Compensation Scheme Regulations 2025, Regulation 7.

[67] House of Commons Library, *Infected Blood Inquiry: Compensation*, (Research Briefing, CBP 10099, 12 June 2026), p.53

[68] Infected Blood Compensation Scheme Regulations 2025, Regulation 4.

[69] HC Deb 14 May 2025, vol 767, col 386, *Infected Blood Inquiry: Government Response* (Nick Thomas-Symonds).

vary depending on the nature of the relationship. For example, parents are required to provide evidence of care and cohabitation with their child (the infected person), normally for at least 12 months. The types of evidence gathered by claimant lawyers includes powers of attorney, birth records, and evidence relating to the childhood of the infected persons (family photos, electoral roll, council tax records, medical records etc). Challenges can arise also arise around eligibility for individuals who contracted the infection from a partner. Claimant lawyers described that they need to evidence cohabitation and that if they did not live together at the point they contracted HIV/HCV/HBV, they will only be deemed eligible from the point of cohabitation. This can significantly impact the level of compensation offered.

5. Claimant lawyers commented that there is no consistent framework or clear IBCS policy of what evidence will be accepted. This can be problematic when advising clients about the merits of a claim. However, claimant lawyers commented this can be balanced with the fact that there is some engagement by the IBCS on submissions on appropriate forms of evidence.

Assessing a claim, gathering evidence and making an application

6. The IBCS scheme assesses loss based on the severity of infection and negative impacts suffered by victims in different aspects of their lives. The five core categories of award are:

   (a) **Injury Award:** for physical/mental injury, emotional distress, and injury to feelings.

   (b) **Social Impact Award:** for stigma and social isolation.

   (c) **Autonomy Award:** for distress caused by interference with family/private life (e.g., loss of the opportunity to have children).

   (d) **Financial Loss Award:** for past and future loss of earnings.

   (e) **Care Award:** for past and future care needs and associated costs.

7. Assessment is conducted via two main routes. The core route operates using tariffs with standardised payments based on the type, severity and duration of infection and its negative impact. The supplementary route enables bespoke assessments in exceptional circumstances, such as where an individual was a particularly high earner or had unusually high care costs. A claimant lawyer explained an assessment of the supplementary route would take place after the core route assessment. The funding arrangement for legal advice in respect of the supplementary route has not yet been agreed.

8. The standard of proof is the balance of probabilities, and the scheme seeks to be non-adversarial and avoid re-traumatisation[70], although claimant lawyers reported that clients have reported feeling traumatised by the scheme. The claimant is allocated a dedicated claims manager who is tasked with helping collect documents to assess loss. If the claimant is already registered with an existing support scheme, the IBCA website states that the claims manager will use this information to assess loss and request further information if needed.[71] The IBCA can request hospital and GP records and instruct experts.

9. Claimant lawyers explained that they are funded to assist with claims, with variations depending on the cohort of claimants. For the **first cohort** (claimants who are registered on a support scheme) as they are automatically eligible, lawyers are entitled to a fee, with two stages of work. In the first stage a declaration document is provided which confirms the

[70] The Infected Blood Compensation Scheme Regulations 2025, reg 71.

[71] Infected Blood Compensation Authority, 'How the Scheme Will Work: Documents You Might Need'.

level of infection. In this stage claimant lawyers advise on the core route. The second stage is advice on the compensation offer. In the subsequent three cohorts of claimants lawyers are only paid if the claimant is ultimately found eligible for the scheme.

10. Claimant lawyers described the claims manager as being mostly proactive in making requests for disclosures to assess loss. However they explained the requests were not always relevant to the issues; they commented that the claims managers don't know always where to go and the questions they tend to ask are pro forma. For example, the IBCA will request some medical records but not all the medical records which are needed in most cases. Some Claimant lawyers reported that with later cohorts claims managers tend to ask questions and not request full records.

11. Claimant lawyers therefore assist with a range of tasks, including:

    (a) Submitting Subject Access Requests for full medical records, to the Ministry of Defence, Primary Care Support England, and NHS Blood and Transplant.

    (b) Gathering and reviewing historic evidence. They will guide claims managers to draft specific questions to hospitals or GP surgeries to gather the information needed to fairly assess loss, draft follow-up question to clinicians, provide guidance on alternative sources of evidence or recommend referring to the Policy team at IBCA where a contentious issue arises.

    (c) Where the IBCA instructs experts, some claims managers will consult claimant lawyers on the questions to the expert.

    (d) Demonstrating why evidence is not available or has been destroyed.

12. The IBCA has a panel of medical experts/clinicians who review evidence and can assess severity levels of an illness. However, challenges arise when claims manager do not gather the relevant evidence to assess severity levels, therefore the medical experts do not have all of the information needed to make a fair assessment. In these circumstances, claimant lawyers can instruct other medical experts where they disagree with a clinical assessment, however, external expert costs are not reimbursed by the scheme and must be paid by clients.

13. The IBCA has the power to compel evidence under the legislation which established the body - the Victims and Prisoners Act 2024.

Decision making

14. The IBCA issues decisions under the scheme. It is a non-departmental public body - an arm's-length body sponsored by the Cabinet Office - established by the Victims and Prisoners Act 2024.

15. Claimant lawyers commented that case timelines range from two weeks to ten months for a final decision. The claims manager prepares an offer which is then subject to a quality assurance process. Claimant lawyers believed the decision is peer reviewed by another claims manager and a financial advisor and then signed off by a more senior member of the IBCA. They believed the case managers were civil servants and were not legally qualified.

16. Claimant lawyers stated that decisions around eligibility and initial offers showed a lack of understanding of the correct application of the balance of probabilities threshold. They explained it was rarely applied in the claimant's favour, and for eligibility purposes used to justify refusal. Claimant lawyers described a negotiation process at the offer or declaration stage and had had some success in increasing offers. In instances where offers are not

increased, claimant lawyers told us that claims managers rely on the ‘Policy’, which Claimant lawyers described as a non-existent document and unknown entity. Claimant lawyers described the IBCA operating on a “test and learn” approach to decision making, which has both positive and negatives. For examples, arguably it resulted in early over-inclusion around eligibility. However, this was followed by tightened criteria, leading to confusion and making later claims harder than necessary.

17. The lawyers described the scheme as operating on primarily a tariff-based model, and did not consider the calculation of loss to be similar to a civil negligence claim. For example, there is no interest and future losses are not calculated from the date of calculation, rather from the 31 March 2025. Past financial losses are calculated using a convoluted averaging equation rather than calculating actual losses. This adds a layer of complexity for claimants and minimises the compensation offered.

Reviews and appeals

18. Following an award decision, a claimant can request an internal review usually within three months of the decision. This is carried out by another claims manager. Thereafter there is a right of appeal to the to the First-tier Tribunal (Social Security and Child Support) on a range of grounds, including eligibility, the amount of compensation awarded, and the person to whom compensation is awarded.[72] Thereafter there is a right of appeal to the Upper Tribunal on a point of law.

19. Claimant lawyers reported that they have only requested a few internal reviews and they have been largely unsuccessful. For example, one claimant lawyer reported out of 250 cases conducted by their firm, only three reached an internal review. They described how informal negotiations at the declaration stage can lead to improved offers. However, some also described that internal reviews were not always sought as they felt they were unlikely to lead to an increased award as they were carried out by another person in the same team as the original claims manager.

20. There is only one instance of a case being appealed to the First-tier Tribunal, the appeal is currently pending.

Lawyer fees and involvement

21. IBCA offer free independent legal support which is delivered by a panel of five law firms Claimant lawyers confirmed that they are paid one fixed-fee for advice on the core route, offer, whether to ask for a review, supporting an interview review, and any work on an internal review. The fixed fees consisted of:

    (a) £833.33+VAT for affected people generally, rising to £4,500+VAT for those who were dependent on a deceased Infected person.

    (b) Approximately £4,500 +VAT for infected persons, for advice up until an offer has been made, and work on an internal review.

22. Funding is not available for advising on an appeal to the First-tier Tribunal.

[72] HM Courts & Tribunals Service, *Appeal an Infected Blood Compensation Decision* (Guidance, published 11 December 2024, updated 29 May 2025) and Letter from David Foley, Chief Executive Officer Infected Blood Compensation Authority, 17 January 2025, Infected Blood Inquiry, Exhibit WITN 7763019_0002

23. If a person claiming compensation wishes to use legal support from a firm not on the existing panel, IBCA is prepared to discuss paying that firm on an equivalent basis.

24. Claimant lawyers noted that clients often approached them only after being dissatisfied with an offer, yet lawyers received the same funding as if claimants had approached them at an early stage. They emphasised that early legal involvement benefits clients significantly, but lawyers undertake substantially more work for the same fixed fee.

Impact of the Infected Blood Inquiry

25. The Infected Blood Inquiry and Sir Robert Francis KC compensation study played a key role in the setup of the IBCS informing aspects of its design, and refinement.[73] Critically, the inquiry provided a mechanism for impacted communities to raise concerns about the final design and implementation of the scheme. The inquiry, chaired by Sir Brian Langstaff, consulted with those impacted and undertook a review of other redress schemes to inform the proposed design.[74] The final design of the scheme was informed by the advice of the Infected Blood Inquiry Response Expert Group.[75] However, impacted communities heavily criticised the final development of the scheme and the lack of consultation with victims.[76] Sir Brian Langstaff also criticised the Government's decision to specifically prohibit the *"expert group which informed the design of the scheme to talk to infected people and their families"*,[77] which was a central recommendation in the Inquiry Report. Following further hearings on the speed and adequacy of the compensation, the Inquiry published an "Additional Report on Compensation" in July 2025, which led to 26 further recommendations to improve the scheme.[78] The Government responded and accepted a number of the recommendations, including broadening eligibility for those infected with HIV prior to 1982, improving the transparency of the scheme, relaxing some evidential requirements, and agreed to consult further with impacted communities on the remaining recommendations.[79]

26. On the basis of recommendations made in the Additional Report, the Government ran a consultation on changes to the IBCS between October 2025 and 22 January 2026. The consultation raised numerous issues about the scheme, including concerns around the scheme design, tariff structure, awards, the speed of the scheme, and the order in which victims were invited to make a claim. Many were frustrated at the way their cases were handled where medical records were missing or had been destroyed, though some praised the claims process and the approach of the IBCA claims manager's.[80]

[73] Cabinet Office and Infected Blood Compensation Authority, *Full Government Response to the Infected Blood Inquiry's May 2024 Report* (Policy Paper, CP 1318, presented to Parliament 14 May 2025, updated 20 August 2025).

[74] Key reports include, Infected Blood Inquiry, *Second Interim Report* (5 April 2023) and Sir Robert Francis KC, *Compensation and Redress for the Victims of Infected Blood: Recommendations for a Framework* (June 2022).

[75] Cabinet Office, *Infected Blood Inquiry Response Expert Group Terms of Reference* (Transparency Data, updated 30 July 2025).

[76] Sir Brian Langstaff, *Infected Blood Inquiry: Additional Report on Compensation*, (HC 1167, 9 July 2025), p19-20.

[77] Dan Sabbagh, 'Infected Blood Victims "Not Listened To" by Ministers, Says UK Inquiry Chair' *The Guardian* (9 July 2025).

[78] Sir Brian Langstaff, *Infected Blood Inquiry: Additional Report on Compensation*.

[79] Cabinet Office, *Infected Blood Inquiry Additional Report: Government Response* (Policy Paper, published 21 July 2025, updated 23 October 2025).

[80] Cabinet Office and Infected Blood Compensation Authority, *Government Response to Consultation on Changes to the Infected Blood Compensation Scheme* (CP 1565, presented to Parliament April 2026, updated 1 July 2026).

27. Following the consultation the Government agreed to make a series of changes which resulted in the Infected Blood Compensation Scheme (Amendment) Regulations 2026 which should become law in Autumn 2026.[81] The key changes include:

(a) A new infection severity band that increases injury, care, and financial compensation for individuals subjected to interferon treatments.

(b) 50% autonomy award premium for individuals infected as children.

(c) 50% uplift to the core Injury award for some affected people, including bereaved parents, bereaved partners and bereaved siblings.

(d) Expanding eligibility for Unethical Research awards to include all infected people who received treatment for a bleeding disorder in the UK before 1985.

(e) Removing the 25% past-care cost deduction for lifetime support applicants

(f) Introducing an exceptional loss award via the supplementary route which enables a compensation uplift of £60,000 for people who had entered, or had an offer to enter, a higher-earning career but were unable to progress in this career due to their infection.

(g) Expanding the groups eligible for the Special Category Mechanism.[82]

81 Infected Blood Compensation Authority, *IBCA Community Update, 9 July 2026* (Correspondence, 9 July 2026).

82 Cabinet Office and Infected Blood Compensation Authority, *Government Response to Consultation on Changes to the Infected Blood Compensation Scheme*.

5. Comparative Analysis

Eligibility

1. Both IBCS and some of the Post Office schemes have some pre-identified cohorts where eligibility is effectively established by prior membership of another scheme or process, for:

    (a) IBCS, this is those already on support schemes;

    (b) HCRS, it is those who have had their conviction quashed; and

    (c) GLOS, it is those who were involved in the Group Litigation, but not convicted of a Horizon offence.

2. On the whole, initial eligibility under the Post Office schemes is relatively straight forward. Whilst eligibility for IBCS claimants outside the cohort on support schemes is more complex, comparatively WCS is at least as complex, if not more, as there are no pre-identified cohorts. All WCS claimants must self-identify eligibility which often involves an assessment of complex immigration law provisions, fact and evidence, in order to demonstrate that they fall within one of seven categories of lawful immigration status. The correct identification is essential to determine entitlement to compensation and the relevant period of loss. This can be a particular issue where the primary applicant falls within the returning resident, lapsed leave and citizenship categories. This is a complex task even for immigration lawyers, judges and the Home Office. It requires an understanding of immigration laws and commonwealth citizenship laws at a particular point in time, in addition to the ability to identify and locate historic evidence to support the eligibility categorisation.[83]

3. Similarly to the IBCS and the Post Office schemes, the WCS has also evolved over time due to advocacy efforts and legal action, which in part reflects the broad purpose of the scheme to compensate those who have suffered loss.[84] Whilst welcome, such changes increase an already complex system for WCS claimants and support the need for funded legal advice. It is also notable that change has occurred more swiftly and extensively with the IBCS and Post Office schemes due to ongoing oversight of the respective inquiries and independent oversight bodies.

Assessing a claim, gathering evidence and making an application

Way in which compensation is assessed

4. Outside of the fixed sum route on Post Office schemes, across all schemes applicants must show they have suffered loss connected to the relevant harm, but the evidential and assessment approach varies. On the Post Office schemes, if claimants opt not to take the fixed sum, loss is assessed under ordinary legal principles in damages claims, which primarily seeks to put the applicant back in the position but for the breach of contract and unlawful tortious action. Whereas the WCS aims to address potential losses under a range of categories and to take into account the impact of the losses in each case, as far as

[83] JUSTICE, Dechert LLP, Dr Jo Wilding, People Need Legal Help, p21-22.

[84] Home Office, *Windrush Compensation Scheme: Full Rules* (Guidance, July 2026, updated 10 July 2026), para 1.1.

possible.[85] Similarity the IBCS aims to deliver fair and comprehensive compensation to victims of the infected blood scandal.[86]

5. IBCS is similar to WCS in that compensation is provided under defined heads of loss mainly quantified on a tariff basis. WCS has a higher number of heads of loss, including, loss of access to services (housing, benefits, healthcare, banking, education), costs for detention/deportation, immigration fees, legal costs, and homelessness, and impact on life. Impact on life (non-financial damages) itself incorporates a number of the categories of loss under the IBCS, including physical and mental injury, impact on family and private life, and stigma. Under the IBCS, these are compensated under the following heads of loss: injury impact; social injury; and autonomy award. Discretionary payments can be made under the WCS where 'evidence, mitigation and causation requirements have been met'. Unlike the IBCS, there is no supplementary route.

6. The basis of assessment for the Post Office schemes is, in some ways, much simpler in that all the Post Office schemes now offer claimants a fixed sum offer. This means that once eligibility is established, claimants are not required to establish or quantify particular losses at all.

7. Where Post Office scheme claimants do not take the fixed sum award, losses are assessed using ordinary legal principles in contract and damages claims. Under WCS compensation is calculated by a combination of tariff amounts and actual losses, as stated in the Annex C of the Claimant Guidance.[87] This means that the compensation that may be recovered under the WCS is more limited as it excludes certain types of loss that would be recoverable in a damages / contract claim, or puts in place ceilings that would not exist in such a claim. Despite this there are similarities:

   (a) Once a claimant establishes they are eligible for the WCS they have to show that they are entitled to compensation, this means that compensation will only be awarded "for impacts or losses suffered in connection with being unable to demonstrate…lawful status."[88] This is very similar to "causation" that must be demonstrated under an ordinary damages claim / the Post Office schemes.

   (b) The WCS rules provide for the Home Office to reduce or decline an award where claimants have either failed to mitigate their loss or taken conscious steps that have exacerbated loss.[89] The same principles apply under the Post Office office schemes.

   (c) The 'impact on life' category seeks to compensate claimants for the types of non-pecuniary loss that Post Office claimants are also seeking compensation for such as, anxiety, stress, reputational damage, traumatic experiences, deterioration in health. The main difference is that for Windrush Compensation Scheme the amount of compensation that can be claimed for these losses is calculated on a banded tariff basis and therefore may not fully compensate WCS claimants for their losses in the same way that sub-postmasters are entitled to be.

---

[85] National Audit Office, *Investigation into the Windrush Compensation Scheme* (HC 65, Session 2021–22, 21 May 2021), p.13; Windrush Compensation Scheme Rules, Rule 1.2.

[86] Cabinet Office and Infected Blood Compensation Authority, *Explainer: Infected Blood Compensation Scheme* (Policy Paper, updated 8 July 2026).

[87] UK Visas and Immigration, *Primary Claimant: Windrush Compensation Claim Guidance* (Guidance, updated 10 March 2026, Annex C.

[88] Ibid, para 13.3.

[89] Windrush Compensation Scheme Rules, para 4.4.

(d) There is the ability to award discretionary payments under WCS and the scheme rules specifically refer to the "mitigation and causation requirements" in this context.[90]

8. Furthermore, whilst WCS claimants do not have to apply formal legal principles to work out what losses they may be entitled to, the process is still incredibly confusing and impenetrable. The claim form runs to 34 pages for the Primary Claimant and 20 pages for close family member.[91] In addition to the forms claimants are referred to the Claims Guidance (approx. 30 pages).[92] The Claims guidance does not refer to the Windrush Scheme Rules or the casework guidance, which runs to 120 pages in total and contains the information needed to understand how to evidence their loss and their entitlement.[93] The application form and process has been described by WCS applicants as 'confusing' and 'overwhelming.'[94]

Providing evidence

9. All of the schemes require the claimants to prove their losses on the balance of probabilities. This means claimants need documentary and/or witness evidence to prove that it is more likely than not that they suffered the particular loss as a result of the harm.

10. Claimants of the compensation schemes face similar issues in doing this: the length of time that has passed since the harm means there is a lack of documentation; different Government departments that should in theory hold relevant information but have either destroyed it or are slow to provide it; an ageing cohort of claimants who are traumatised and therefore find it difficult to recall dates and details of events that happened decades ago; and claimants who suffered mental and physical health issues as a result of the harm but many of whom never sought professional help (WCS and Post Office schemes).

11. One of the key roles performed by claimants' legal advisors is helping claimants to overcome these evidential issues. This is true of all of the schemes.

12. In both the IBCS and WCS the decision maker purports to support applicants to gather evidence. In the WCS application form, applicants are informed that *"if you don't have any evidence for a particular category, please don't worry as we will try to help you to get this."*[95] However, JUSTICE research demonstrated this did not happen adequately. Even where the caseworker guidance explicitly places the onus on WCS caseworkers to make enquiries with relevant local authorities, universities or third parties for evidence relating to certain heads of loss, the People Need Legal Help report found several instances where WCS caseworkers made no effort to obtain this evidence on behalf of claimants.[96]

13. Comparatively, the IBCS claims managers were described as being somewhat pro-active in making enquiries.

---

[90] Windrush Compensation Scheme Rules, Annex I, para 11(e).

[91] UK Visas and Immigration, *Windrush Compensation Scheme: Primary Claim Form* (10 March 2026); UK Visas and Immigration, *Windrush Compensation Scheme: Close Family Member Claim Form* (10 March 2026) (recently reduced from 44 and 24 pages respectively).

[92] UK Visas and Immigration, *Primary Claimant: Windrush Compensation Claim Guidance* (Guidance, updated 10 March 2026).

[93] Home Office, *Windrush Compensation Scheme: Guidance for Decision Makers* (July 2026)

[94] JUSTICE, Dechert LLP, Dr Jo Wilding, People Need Legal Help, p.16.

[95] *Windrush Compensation Scheme: Primary Claim Form*

[96] JUSTICE, Dechert LLP, Dr Jo Wilding, People Need Legal Help

14. Lawyers for both WCS claimants and Post Office schemes make requests to other Government departments for evidence. However, this job is made easier for Post Office scheme lawyers for example by a dedicated team to deal with Post Office related requests in HMRC with a 14 day turnaround. Under all of the schemes lawyers play a vital role explaining why documentary evidence may not be available, providing reasons why the claimant's account should be accepted on the balance of probabilities and/or finding other sources of evidence.

15. Similarly to the IBCS, where enquiries and disclosures are received, WCS caseworkers often drawn incorrect conclusions from the disclosure and/or do not ask the right questions. The People Need Legal Help report concluded there were serious flaws in the approach to evidence gathering, and found that this resulted in unfair awards to WCS applicants.[97] Whilst in the IBCS, the availability of funded advice enabled claimant lawyers to work alongside claims managers in some cases, to rectify inadequacies in evidence gathering; claimants for the WCS instead are faced with unfair low awards.

Expert evidence

16. The WCS is the only scheme that does not provide funding for the provision / commissioning of evidence. Technically under the scheme rules, the WCS may commission a medical report or other report, with the claimant's consent and at the Home office's expense, where they deem the evidence necessary.[98] However, no medical reports were commissioned in any of the cases reviewed in the JUSTICE report, this was even the case where the decision letter said medical evidence was necessary.[99] We are not aware of any expert report having been commissioned.

17. This contrasts starkly to the IBCS, where clinicians review medical evidence and provide clinical opinions.

18. It also sits in stark contrast to all of the Post Office schemes which all cover the costs of agreed expert evidence – both the costs involved in a lawyer instructing an expert and the costs of the expert report itself. This is even the case for the HSS where there remains no funding for legal advice in preparing an application, but from March 2023, reasonable sums became recoverable in respect of the fees charged by expert witnesses.[100]

Decision making

19. None of the decision makers in the various schemes are lawyers, however the Post Office schemes' have external lawyers advising on the scheme as well as being involved in the decision making process. This is particularly in relation to the HSS – the only other scheme that does not have funded representation for preparing an application. In HSS an assessment of the claim is undertaken by one of the Post Office's external lawyers and then provided to an independent advisory panel constituted with a senior lawyer as chair. The panel then makes a recommendation to the Post Office for the amount that should be offered and the Post Office cannot offer a lower amount.

20. What was striking was that even with this legal involvement in decision making lawyers working on HSS, and Sir Wyn Willaims in his inquiry report, found that the initial offers were well below what they should have been. Both the lawyers and Sir Wyn put this down,

---

[97] Ibid, p.24 and 27.

[98] Windrush Compensation Scheme Rules, para 6.9.

[99] JUSTICE, Dechert LLP, Dr Jo Wilding, People Need Legal Help, p.33.

[100] Sir Wyn Williams, Post Office Horizon IT Inquiry, Report Volume 1 (8 July 2025), para 4.59.

at least in part, to the fact that claimants had no legal advice in preparing their claim so were unable to properly articulate their losses.

21. In respect of the other Post Office schemes, again, whilst the decision makers are not lawyers but civil servants in the DBT, they have access to external counsel. Furthermore, the fact that the scheme is administered, and the decision makers sit within, the DBT rather than the Post Office gives the scheme a level of independence that does not exist with the WCS. It was this lack of independence in the HSS that led to the establishment of a new DBT administered appeals scheme – the HSSA. Furthermore, there is an Advisory Board that oversees the overall progress of compensation arrangements that are delivered by the DBT, which injects a further layer of independence in the administration of the scheme that does not exist in the WCS. It was the recommendation of the Advisory Board that led to the establishment of the HSSA.[101]

22. Although IBCS decision makers are not lawyer, decisions are taken by the IBCA - an arms-length body, sponsored by the Cabinet Office, rather than the Government department responsible for the harm. Some constructive interaction between legal representatives and decision-makers has supported more equitable compensation awards.

23. In respect of all of the schemes, lawyers felt that the balance of probabilities burden of proof had been applied inconsistently by decision makers. For the IBCS and the Post Office schemes with legal representation this is mitigated by having access to lawyers who are able to point out when decision makers have not correctly applied the burden of proof.

24. Both the IBCS and the Post Office Schemes have benefited and improved as a result of Public Inquiry's into the respect scandals. The Horizon IT Inquiry chaired by Sir Wyn Williams resulted in the systematic and public airing of issues across the schemes, the public questioning of those involved in the administration of the schemes and the documenting of the issues and recommendations for how to deal with them by an independent party. This has led to various improvements in the schemes. Lawyers generally thought that the decision making on the schemes had improved overtime, much of this is likely due to the exposure of the issues through the inquiry and the implementation of its recommendations. Sir Wyn stated in Vol 1 of the inquiry report:

Those acting for postmaster Core Participants and/or their next of kin have suggested from time to time that these hearings and publications have played a part in persuading the Post Office, the Minister and the Department to refine and improve the administration of the schemes, then in being which were and still are the vehicles for delivering financial redress to those entitled to claim it.[102]

25. The Government accepted 18, out of the 19 recommendations made in Vol 1 of the inquiry report, many of which have already been implemented. For example, the appointment of Sir Gary Hickenbottom as the HSS Senior Lawyer charged with ensuring that offers to claimants are 'full and fair' and made within a reasonable time, and changes to enable claimants who accepted the fixed sum award in HSS to be able to appeal.[103]

26. The Infected Blood Inquiry was instrumental in shaping the development, implementation and subsequent refinement of the IBCS. Through its engagement with infected and affected communities, review of comparable redress schemes, it influenced key aspects of the scheme's design and established an ongoing mechanism for scrutiny and

[101] Department for Business and Trade, *How to Apply to the Horizon Shortfall Scheme Appeals (HSSA) Process* (Guidance, published 8 April 2025, updated 23 December 2025).

[102] Sir Wyn Williams, *Volume 1 of the Post Office Horizon IT Inquiry's Final Report*, para 1.17.

[103] Department for Business and Trade, *Government response to the Post Office Horizon IT Inquiry Report (Volume 1)* (Policy Paper, published 9 October 2025, updated 12 February 2026).

improvement. The inquiry highlighted concerns regarding consultation, eligibility, evidential requirements, transparency and the adequacy of awards, leading to further hearings and the publication of an Additional Report on Compensation in 2025. Subsequent Government consultation with affected communities and acceptance of a number of the inquiry's recommendations resulted in significant amendments to the scheme in 2026. Overall, the inquiry played a central role in ensuring that the compensation framework evolved in response to the experiences, concerns and needs of those affected by the infected blood scandal.

27. The claimants to the WCS have not had the benefit of a public inquiry, whilst the scheme has evolved over time, change has been slow and has had limited impact on awards outcomes and victims' experience of the scheme. The Windrush Commissioner, Reverend Foster, reported to the Public Account Committee Inquiry in June 2026 that *'many survivors continue to report that the Windrush Compensation Scheme is confusing, overwhelming, and re-traumatising, with limited proactive communication from the Home Office both in terms of case updates and a clear explanation of eligibility and entitlement to compensation'*[104]

Reviews and appeals

28. In all of the Post Office schemes and the IBCS there is an initial attempt to resolve any disagreement between the claimant and the decision makers through discussions or negotiations. In all except HSS, the availability of legal representation makes this a possibility, and lawyers told us that they are able to resolve claims at this stage. Further, the availability of significant fixed sum offers, in particular in HCRS (£600,000), means that there are a smaller proportion of claimants who go on to review / dispute their award – for HCRS of the 491 claims with offers accepted, 476 (97%) had settled via the fixed sum offer.[105]

29. Other than WCS, the only scheme that has no independent review / appeal process is HSS, and it was precisely this lack of independence that led to the creation of the HSSA. The HSSA is an entirely separate appeals scheme run by the DBT, rather than the Post Office. In all of the Post Office schemes and IBCS review/ appeal processes, the Independent Panel or Tribunal makes its own decision about the amount of compensation that should be awarded which is binding.

30. In contrast the WCS review process has no independent person/panel/ tribunal that is able to make a binding decision on the amount of compensation to be awarded. Instead, there is a Tier 1 internal review by the Home Office, followed by a Tier 2 review by the Independent Adjudicator who, whilst independent from the Home Office, cannot substitute their determination for that of the Home Office – they can only provide a recommendation to the Home Office which can be accepted or rejected. The final avenue of review for the WCS is the PHSO. This requires an MP to refer to the matter to the PHSO before they will consider it. Again, it has no power to make a fresh decision on the amount of compensation to be awarded, and can only make recommendations for the Home Office to consider.

31. Furthermore, the Post Office schemes Independent Panels consist of a leading lawyer as the chair plus other relevant experts. Similarly, the First-Tier Tribunal (Social Security and Child Support) that deals with IBCS appeals has legal and other relevant expertise.

---

[104] Greg Oxley, *Windrush Day 2026* (Research Briefing CBP-10910, House of Commons Library, 19 June 2026).

[105] Department for Business and Trade, Post Office, *March 2026: Report on GLO, HCRS and HSSA Progress* (Transparency Data, published 10 July 2026).

However, there is no requirement for the Independent Adjudicator to have any legal or other relevant expertise. Most of the Adjudicator's work involves reviewing complaints about HMRC and the Valuation Office Agency.

32. The creation of an independent and expert appeals body with the power to make binding compensation awards for WCS would improve its fairness and accountability. The lack of an independent appeals body also means that there is a greater onus on the claimant to identify errors in decision making and put forward the arguments for a revised award, thereby increasing the need for funded legal advice, given the limitations on claimants being able to do this sufficiently themselves.

Funded legal advice and expert evidence

33. Government funded legal advice has not been made available to WCS claimants, either though an independent funding scheme or the provision of exceptional case funding ("**ECF**") pursuant to s. 10 of Legal Aid, Sentencing and Punishment of Offenders Act 2012 ("**LASPO**"). Therefore the WCS is the only scheme without funded legal advice.

34. IBCS offers free independent legal support which is delivered by a panel of five law firms, they are paid on a fixed-fee basis for advice on the core route, offer, whether to ask for a review, supporting an interview review, and any work on an internal review. The fixed fees consists of £833.33+VAT for affected people generally, rising to £4,500+VAT for those who were dependent on a deceased Infected person. For infected persons, fees are approximately £4,500 for advice up until an offer has been made and work on an internal review. Funding is not available for advising on a Tribunal appeal, however lawyers reported that very few cases proceeded to a Tribunal appeal due to the awards made. The IBCA has recourse to clinicians who review evidence and for example, can assess severity level in terms of an illness. However, challenges arise when claims manager do not gather the relevant evidence to assess severity levels, therefore the medical experts do not have all of the information needed to make a fair assessment. In these circumstances, claimant lawyers can instruct other medical experts where they disagree with a clinical assessment, however, external expert costs are not reimbursed by the scheme and must be paid by clients.

35. All of the Post Office schemes, apart from HSS, provide legal costs for the preparation of the application on a fixed fee basis. The fees payable relate in some way to the complexity of the claim – for GLOS there is an assessment of the complexity of the claim – straightforward, moderate or complex – and different levels of fees available for each category. For the other schemes – HCRS and HSSA – the amount of compensation awarded is used as a proxy for complexity so that the greater the settlement the greater the fees available. They have 'add on' fixed fees for where there are things such as bankruptcy or personal injury which add additional complexity

36. Whilst under the HSS there is no funding for legal advice to prepare an application, it does provide for funding for advice on whether to accept the offer.

37. All of the Post Office schemes including the HSS providing funding to cover the costs of expert evidence reports. For the GLOS and HSSA and for the more than one expert report on HCRS, the commissioning of expert evidence must be agreed in advance with DBT. For GLOS and HSSA, in addition to the expert's fees there is a separate fee available to lawyers to cover the costs of commissioning the reports.

38. By contrast, although the WCS Rules explain that where expert or other evidence is required WCS may commission a report form a suitability qualified practitioner at the Home

Office's expense,[106] as stated above, we are not aware of the WCS commissioning any expert reports.

39. In terms of reviews – there is no additional funding available in the Post Office schemes for the independent panel stage, however, this is likely due to the involvement of an external law firm – Dentons – who are different from the legal advisors to the DBT. They set out the parties positions on each issue and present the cases to the panel. They know what the positions are because this has followed a period of facilitated negotiation between the parties. There is not therefore lots more for the lawyers to do at this stage. This contrasts quite significantly with the WCS where lawyers spend approximately 15 additional hours preparing a Tier 1 review and an further 15 hours preparing a Tier 2 review.

40. To date the Legal Aid Agency has refused to grant ECF to WCS claimants as they consider decisions relating to the WCS do not engage the right to a fair trial guaranteed under Article 6 of the European Convention on Human Rights. ECF should be made available where the absence of legal aid would breach, or risk breaching, an applicant's human rights or assimilated enforceable rights. The legal test requires that i) **civil rights and obligations** are being determined, ii) there must be a genuine and serious **dispute,** and iii) legal aid must be deemed **necessary** to enable the unrepresented person to present their case effectively and without obvious unfairness. The final part of the test requires an assessment of the complexity of the procedural, legal and evidential issues and the vulnerability of the applicant.[107]

41. The lawfulness of the Legal Aid Agency's position was considered in *R (Oji) v Director of Legal Aid Casework*.[108] The Court of Appeal found the decision to refuse ECF was lawful primarily on the basis that Article 6 ECHR required a dispute in relation to a civil right or obligation. In Ms Oji's case, as she had sought ECF to prepare a WCS application there was no dispute with the Home Office. However, the court also gave it's non-binding view that disputes under the WCS can involve the determination of a civil right, and therefore engage basic requirements of fairness and access to justice under Article 6.[109] No judicial findings were made in relation to whether ECF was necessary due to the nature of the WCS or Ms Oji's vulnerability. [110]

42. In any event, the ECF route is not a just or suitable option for WCS claimants as it is complex and is largely inaccessible. Legal assistance is typically required for an ECF application to have a realistic prospect of success.[111] An applicant must meet the criteria set out in s.10 LASPO and satisfy a means test. Even where ECF is granted, it is very difficult to find a legal aid lawyer to take on the case due to the national deficit in the demand for legal aid services.[112]

[106] Windrush Compensation Scheme Rules, para 6.9.

[107] LASPO, s.10.

[108] [2026] EWCA Civ 11, CA

[109] Ibid, para 95.

[110] Ibid, para 97.

[111] Bail for Immigration Detainees, Hurdle After Hurdle: The Struggle for Advice and Representation through Exceptional Case Funding, November 2023.

[112] Dr Jo Wilding, *No Access to Justice 2: Mapping the UK's Continuing Immigration and Asylum Legal Advice Crisis* (Justice Together, June 2025).

For more information, please contact:
Stephanie Needleman, JUSTICE, sneedleman@justice.org.uk
Shaila Pal, Kings College London, shaila.pal@kcl.ac.uk
JUSTICE and King's College London | July 2026