

WITNESS: TIMOTHY BURGESS

STATEMENT NUMBER: WITN0187_01

EXHIBITS: 0

DATED: Jan 14, 2022

POST OFFICE HORIZON IT INQUIRY

FIRST WRITTEN STATEMENT OF MR TIMOTHY BURGESS

THIS STATEMENT IS PROVIDED IN RESPONSE TO THE RULE 9 REQUEST OF THE PUBLIC INQUIRY DATED 29/10/2021 TO ADDRESS THE HUMAN IMPACT OF THE FAILINGS OF THE HORIZON IT SYSTEM

I, MR TIMOTHY BURGESS, Date of Birth **GRO** of **GRO**

GRO will say as follows:-

PERSONAL BACKGROUND

1. I started my working life in Butchery before being accepted into the RAF when I was 19.
2. I stayed in the RAF for approximately 6 years and during this time I met my now wife, **GRO** in 1991. We met at the pub her Father owned, but didn't start dating until 1992.
3. I left the RAF and **GRO** and I went travelling before returning to England after the birth of our eldest child, **GRO** in December 1994.

4. We initially moved to Manchester, but **GRO** wasn't happy, so we moved back to Catterick in 1995.
5. After returning to England, my Father-in- Law supported me through an access course in Engineering and a subsequent degree that I completed in 1999.
6. Luckily, I found employment the day after passing my course.
7. Prior to moving to work for the Post Office, I was a Site Manager for a construction company, working primarily in the water industry throughout the UK.
8. I loved my job and had a lot of responsibility, but this meant that I also worked away a lot.
9. We had a second child, **GRO** in April 1996.
10. **GRO** was diagnosed with autism and therefore needed additional care.
11. **GRO** was also diagnosed with breast cancer in 2004.
12. Because of this, we made the decision that I would leave my job and find work closer to home so I could support **GRO** and the children.

POST OFFICE HISTORY

13. When I returned to the village, I worked as a post man for approximately 18 months.
14. **GRO** then heard that the Post Office was for sale so we decided this would be a good option for us.
15. We bought the Post Office to give us a more balanced work and family life.
16. **GRO** had worked in a Post Office some years before, but it was all new to me.

17. The Post Office was number 29 on the High Street and was essentially a converted living room at the bottom of our house.
18. We also ran a café that was number 27 on the High Street. Our house wrapped around both businesses.
19. I became a Sub-Postmaster of the Catterick Village Branch of the Post Office on 5th June 2006.
20. Before officially starting my role as Sub-Postmaster I had eleven days training at Durham Crown Office, which didn't seem adequate. The training focused mainly on sales of products rather than the Post Office and Horizon daily procedures.
21. After starting my role as Sub-Postmaster and, having had the training on the Horizon system, we started seeing issues. I knew that we were missing money, but I did not know how or why.
22. We would contact the helpline daily for approximately the first 6 months but once I became more confident, I would just make good the shortfall rather than calling the Helpline as they couldn't help.
23. I feel like I was lured into a false sense of security - the Helpline made it sound like it was normal to have balancing issues and made me think that it was common to pay small amounts into the system.
24. However, when the issues became more frequent, it started to get worrying and the Helpline could not offer any further help at all. It was so frustrating when calling them and I feel they didn't care about my situation. I wasn't being listened to.

25. I sought advice from the National Federation of Sub-Postmasters after the shortfall was discovered and they advised me that it would be in my best interests to resign instead of my employment being terminated.
26. I resigned from the Post Office on 5th July 2010.
27. I first became aware of other people having issues with Horizon after my mother-in-law alerted me to a local news report she saw. It was a piece about employees and former employees of the Post Office meeting up at a JFSA event to discuss their experiences with the Horizon system. I attended the meeting and couldn't believe the amount of people who had been through such a similar experience to me.

CRIMINAL ALLEGATIONS AND ANY PROCEEDINGS/CONVICTION

28. Following an Audit on 1st July 2010, a shortfall in the sum of £7,525.65 was found.
29. I was subsequently suspended and I later resigned on 5th July 2010, on the advice of the National Federation of Sub-Postmasters.
30. The Post Office sought to prosecute me for Theft and False Accounting.
31. On 21st February 2011 I received a summons through the post for me to attend Northallerton Magistrates Court on 11th April 2011. The hearing was then adjourned until 18th May 2011.
32. I then received a letter on 18th May 2011 telling me that the case had been transferred to the Crown Court. I later received a letter advising that the case had been listed for a hearing at the Teesside Crown Court on 12th August 2011. I pleaded Not Guilty to the charges.

33. The Judge said that he felt the case should have been dealt with at the Magistrates Court but proceeded with the hearing.
34. On 15th August 2011 I received a letter confirming that the charges against me had been reduced to False Accounting and that I had to appear at Northallerton Magistrates Court on 1st September 2011 to allow for a pre-sentence report to be completed.
35. I was given a Community Order for a period of 12 months and ordered to carry out 120 hours of unpaid work.
36. I was also ordered to pay £500 towards the prosecution costs, to be paid within 6 months.
37. My conviction was quashed by the Court of Appeal on 23 April 2021.

THE HUMAN IMPACT

38. The human impact which the failings of the Horizon IT System have had and continue to have upon me and my family are set out in the remainder of this statement. The section headings follow the particular questions posed by the enquiry.

WHAT WERE THE CONSEQUENCES OF BEING REQUIRED TO MAKE GOOD APPARENT SHORTFALLS SHOWN BY THE HORIZON IT SYSTEM ?

39. My wife and I ran a café alongside the Post Office and we would take funds from the café when we were short.
40. There were occasions that I had to turn away customers as there was no cash in the safe; this resulted in us either losing their custom or they would

have to come back when the cash had been delivered, both of which impacted our trade.

41. It was upsetting to watch our thriving cafe bail out Horizon issues time and time again.

WHAT WERE THE COSTS OF MAKING GOOD ALLEGED SHORTFALLS SHOWN BY HORIZON?

42. As stated above, my wife and I would take money from our cafe business in order to correct the balance shown on the Horizon system.

43. My wife and I were leasing and running a pub from late 2007 and organised for the installation of new fittings, amounting to around £4,000. When we left the pub in January 2009, we were paid back the £4,000 and we used this money to pay the alleged shortfalls, which were happening almost daily by early 2009.

44. I also used savings and money from my own pocket to correct the Horizon system. Eventually it got to the point where I could no longer afford to carry this on and I stopped paying the shortfalls that the Horizon system showed.

45. I also borrowed £7,500 from my father-in-law to correct the balance on Horizon, and paid this money back to him without interest.

HOW WERE YOU AFFECTED WHEN ALLEGED TO BE RESPONSIBLE FOR SHORTFALLS OR DISCREPANCIES SHOWN BY THE HORIZON IT SYSTEM?

46. On 1st July 2010, two representatives from the Post Office attended to carry out an audit. When they left for the night, they changed the alarm code so I was unable to get back into the Post Office.

47. The following morning one of the Post Office representatives attended again and a shortfall of £7,525.65 was found.
48. We discussed the shortfall and I asked to count it myself. The figure was correct.
49. I felt like a criminal who couldn't be trusted, and this hurt massively.
50. I had hoped that the Post Office would have my back as I had been in contact with the Helpline on numerous occasions to tell them about the issues I was having, but they were not interested.
51. All they were interested in was the money.
52. I felt like I was not valued as an employee or as a person.
53. I was interviewed under caution in November 2010. Throughout the interview I was not represented as I was naïve and thought I would not need anyone.
54. I was so confused by the whole situation and had started to believe the Post Office - that it must be my fault and so I admitted that it was down to my negligence.
55. After the interview I was followed home by investigators who searched my home for money and any relevant documents.
56. This was intrusive and embarrassing.
57. Prior to the accusations I felt like we were an important part of village life and were well liked and respected as a family.
58. After I was accused, the Post Office had to close as there was no one to take over.
59. We live in a small village, and I was the subject of a lot of gossip and anger

60. The Post Office had been open for almost 100 years and people accused me of killing the village Post Office.
61. I felt so guilty about this.
62. At the time I wanted to arrange a meeting at the Village Hall to explain to everyone what had happened. I felt this would help people understand my situation, but I couldn't bring myself to do it.
63. It made me even more unhappy that I hadn't been able to address this and had just given up.
64. My mental health began to deteriorate. I became more and more withdrawn. I felt ashamed and angry.
65. My sleep was disturbed significantly so I turned to alcohol and cannabis to try to help me sleep.
66. The alcohol and cannabis helped to block everything out.
67. I still have sleepless nights, where I can't stop thinking about what happened.

**WHAT WERE THE CONSEQUENCES OF BEING HELD RESPONSIBLE FOR
SHORTFALLS AND DISCREPANCIES SHOWN BY THE HORIZON IT SYSTEM?**

68. I became more and more wary of people. The only person I felt I could trust was my wife, **GRO**
69. I stopped going out and my mood deteriorated.
70. I felt like I had to cope with this on my own, and to try and stay strong. I didn't visit my doctor as I'd always tended not to do this unless I really needed to.

71. I feel like I am a strong person, but I often felt like crying and sometimes I did.
72. With only **GRO** to vent to, I became depressed and found it difficult to cope.
73. I relied on cannabis to calm me down and I used this as a form of self-medication.
74. Throughout the investigation and after my conviction, I was abusing alcohol to help me relax and sleep.

WHAT EFFECT DID IT HAVE TO BE ACCUSED OF COMMITTING CRIMINAL OFFENCES AS A RESULT OF SHORTFALLS AND DISCREPANCIES SHOWN BY THE HORIZON IT SYSTEM?

75. I felt humiliated by the situation I found myself in.
76. I knew I was innocent but had no way to prove this.
77. Despite how I felt. I needed to carry on and to support my family.
78. I felt anxious, which only got worse during and after the court hearings.
79. I tended to go through the events in my mind and replay some of the things that had been said. When I had the court hearing almost a year after the initial investigation things came back to me and I experienced flashbacks
80. The accusations about me were detailed in the newspapers, so once this happened everyone knew about what was happening.
81. Following my conviction my community service involved painting at the village halls in my local area.
82. Every Sunday I got picked up from bus stop and taken to Northallerton where we were allocated a job. There were about 7 of us together doing community service.

83. The worst part was when I had to paint our own village hall.
84. Elderly members of the village passed the village hall whilst I was painting. I knew they were all talking about me, and it felt awful.
85. It is soul destroying to see people you classed as friends and good neighbours, apparently happy that I was being punished.
86. Prior to the accusations I had been outgoing and sociable. I mixed well and made friends easily.
87. We had a lot of friends in the village, and I was trusted.
88. As a result of the accusations and subsequent conviction, I changed as a person.
89. I felt extremely uncomfortable meeting people and was aware that people were talking about me, even when I was there.
90. I would walk down the street and greet people and they would often just outright ignore me.
91. You have to experience this to know how it feels.
92. I couldn't imagine a future where things would improve and life would get better.
93. I contemplated taking my own life but realised I could not do this to my family.

**WHAT WERE YOUR FINANCIAL LOSSES CAUSED BY ACTION TAKEN
AGAINST YOU IN RELIANCE UPON HORIZON DATA?**

94. Following my resignation, I had to take labouring work to try to keep us going financially. Our Post Office was a standalone shop, which was within our house. We converted the Post Office back into a proper part of the house.

95. My income was severely impacted. I went from earning upwards of £30,000 per year in my role as Sub-postmaster, to earning as little as £30-£40 per day doing some labouring jobs. This work was not regular, and I would often be called the night before or the morning of when I was needed.
96. **GRO** was still running the café, but we were experiencing severe financial difficulties.
97. I agreed to repay the shortfall by direct debit at a rate of £1,000 per month.
98. For some reason the final £1,000 was not collected.
99. The Post Office wrote to me advising that this was still outstanding, and my Father-in-law gave us the money to continue to repay this by direct debit, in the sum of £250 per month.

WHAT WERE THE CONSEQUENCES OF BEING CONVICTED OF A CRIMINAL OFFENCE AS A RESULT OF SHORTFALLS AND DISCREPANCIES SHOWN BY THE HORIZON IT SYSTEM?

100. After resigning from the Post Office, I managed to get work doing some labouring for a friend from the village.
101. I was earning £30 per day so suffered a significant loss of earnings. Initially I was just happy to have some work.
102. I still hoped that at some point I would be able to return to normal, well paid employment.
103. In early 2011 I was invited to an interview with an Area Manager of a company that specialised in trench support systems. I had got to know the Area Manager on a previous contract and went along for what turned out to be an informal chat to discuss me becoming an area representative.

104. The role would have allowed me to work from home some of the time, which would have been great for our family circumstances.

105. I was told the job was mine but, when I had to complete a personal information form requiring me to declare my conviction, the offer was withdrawn.

106. Not only this but the Area Manager gave me a bit of a reprimand for not telling him about this, which was mortifying.

107. This experience put me off applying for other positions and instead I carried on labouring.

108. In 2017 I started a new job as a Groundworker, doing drainage and flagging for a small local contractor.

109. I have never been able to earn what I did at the Post Office because of my conviction.

110. After my conviction we had to move onto an interest only mortgage as we could not afford to stay on our repayment mortgage.

111. For three months we couldn't afford to pay our mortgage and at that point we got a letter in relation to repossession of the house.

112. Had it not been for my Father-in-Law supporting us, I do not know how we would have coped.

113. When I took over the Post Office I had intended to retire at the age of 65. I was 38 at the time and our mortgage was over 20 years so I expected to have this paid off by 58, leaving us with 7 years of being interest free before retirement.

114. This appears unlikely now. We have managed to get back onto a repayment mortgage, but only through the help of my Father-in-Law. It has 5 years remaining.

WHAT EFFECT DID THESE ISSUES HAVE UPON YOUR RELATIONSHIPS WITH YOUR FAMILY, FRIENDS, COLLEAGUES AND LOCAL COMMUNITY?

115. My daughter, **GRO** found the situation most difficult to deal with. She was only 15 and doing her GCSEs at the time.

116. **GRO** was teased and people would make nasty comments to her.

117. She applied to Ripon Grammar for 6th form so she could get away from the village, purely because of the accusations.

118. This was 30 miles away from where we lived but there were still people there who knew about the case or had links to the village, so it did not make things easier.

119. Because of this, **GRO** only stayed at Ripon Grammar for the first year.

120. Whilst at Ripon Grammar, **GRO** met someone in the year above who was going to Liverpool to do their degree, so she applied to a 6th form college there, called South Sefton, again hoping to escape the area and the stigma of the accusations.

121. This meant **GRO** had to start her studies from scratch, effectively setting her back by a whole year.

122. At one point after the Investigators had been, **GRO** told me that she wanted to kill herself. This was devastating to me.

123. After the accusations and subsequent conviction, **GRO** didn't talk to me for a long time.

124. When she did start talking to me it was in a very matter of fact way. She would come home during the University holidays, but she was not warm, loving or even friendly towards me.

125. It is only in the last 4 or 5 years that things have changed, and our relationship has started to improve.

126. I have found this very difficult; prior to the shortfall issues, **GRO** and I had a very close relationship.

127. My wife **GRO** is my rock. She has supported me throughout this ordeal. I could talk to **GRO** when I couldn't talk to anyone else, but this has placed added pressure on her too.

128. **GRO** and her dad were well known in the village and the way people have treated us since the accusations is very upsetting.

129. She has had to put up with the whispers and dirty looks, but she has always known that I was innocent and stood by me.

130. Not only has **GRO** had to deal with this, but at the same time she has had to deal with my low mood and anger. She's had to cope with all of this whilst working and looking after our son.

PLEASE DESCRIBE THE DIRECT AND INDIRECT EFFECT WHICH THESE ISSUES HAD UPON THE MEMBERS OF YOUR FAMILY?

131. The accusations and subsequent conviction have affected my wider family as well as my immediate family.

132. After my conviction my sister-in-law wanted to buy a pet shop in the village, but this was blocked by the villagers purely because she was my Sister-in-Law.

133. This just added yet another layer of embarrassment and guilt on me. I could not believe that I was standing in the way of someone else's aspirations.

134. My sister became very distant from me

135. My Mother was very upset about the situation. She passed away in 2011 and I still feel incredibly upset that she might have taken to her grave the belief that I had stolen from the Post Office.

136. I never got the opportunity to redeem myself or be proven innocent legally before my mother passed.

137. My wife has always been very supportive; she was in it with me and knew I had not done anything wrong.

CONCLUDING REMARKS

138. My life started to improve when I realised that I was not the only person in this position and was able to speak to people who had been through the same thing.

139. I am now trying to build a future for myself and my family.

140. Despite this, I still feel bitter about how unfair the system is and how I and others have been treated.

141. I feel like I have lost a significant chunk of my life and that I will never get that time back with my family.

142. I feel sad that this event has changed me and my family irreparably.

Statement Of Truth

I believe that the facts stated in this witness statement are true.

Signed:

GRO

Tim Burgess (Jan 14, 2022 11:35 GMT)

Position Or

Office Held:

Print Full

Date of signature: Jan 14, 2022

Name: TIMOTHY BURGESS

FILE REFERENCE:

GRO

