

Witness Name: Jason Coyne

Statement No.: WITN00210100

Dated: 16 May 2023

## POST OFFICE HORIZON IT INQUIRY

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### FIRST WITNESS STATEMENT OF JASON PETER COYNE

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I, JASON COYNE, will say as follows:

#### INTRODUCTION

1. I am a currently a Partner at Evolution Project Consulting Limited. Evolution Project Consulting is a company that assists parties to resolve disputes involving technology.
2. This witness statement is made to assist the Post Office Horizon IT Inquiry (the "**Inquiry**") with the matters set out in the Rule 9 Request dated 3<sup>rd</sup> April 2023 (the "**Request**").

#### BACKGROUND

3. I have been asked to set out a summary of my professional background.
4. Since 1981 I have been involved in the programming computers, initially using the language, "BASIC" on Sinclair ZX81 and Spectrum computers, before

moving to Commodore Vic 20 & 64 computers whilst at School and later during college.

5. In 1986 I attended Cardinal Newman College, at Preston where I studied Computer Science and statistical mathematics and achieved A levels in both.
6. On leaving college, I started to look at universities to study computing at degree level but was disappointed to find that all courses were focused at looking back at legacy 1960,1970's computing rather than the emerging technologies of modern networked computing that was rapidly accelerating in industry in the time (1989). It was on that basis that I took the decision to go straight into an industrial placement and secured a position as a computer programmer with a company called Exact Abacus which at the time created 'full business control' systems for small to medium sized companies.
7. During my six years at Exact Abacus, I assisted in the design and development of systems in Business Book-Keeping, Accountancy, Stock Control, Warehouse Management, Electronic Point of Sale, Credit Card Processing, Manufacturing Requirements Planning, Mail Order and Distribution.
8. During this time, as well as computer programming, I undertook both technology hardware and operating systems implementations.
9. These aspects involved the custom-building of computer servers from hardware components (Motherboards, Memory, Disk Controllers, Network cards etc) and wide area networking communication architecture such as leased and PSTN telephone lines.

10. My role then, involved the installation and configuring of multiuser operating systems such as SCO Xenix, Unix, Novel, CDOS from 'bare metal' hardware into 'green field' sites often with hundreds of networked users and devices.
11. My computer programming skills and experience widened into programming languages such as Dataflex and PowerFlex.
12. During my tenure at Exact Abacus, I went on to manage the on-site support function for the UK commercial users of the Exact Abacus systems, which involved interfacing with the telephone helpdesk operatives and I was also part of the on-site engineering team who covered the country to ensure that installations continued to operate optimally.
13. Around 1996 I wanted to gain exposure to larger computing systems and took a position with Computer Sciences Corporation (CSC) who had recently won the contract to manage the outsourced support function for British Aerospace, which became BAE Systems.
14. The role in CSC took me from previously looking at hundreds of users to an estate of 15,000 users and hundreds of disparate Computer Aided Design (CAD), Manufacturing Control, and Testing systems as well as several 'flight critical' systems.
15. Part of my role at CSC was looking at the rationalisation of inter-departmental systems, seeking to make cost and efficiency savings by looking across the departments to help understand where computer systems and processes may have been duplicated, and convergence technologies could be employed to make cost and support efficiency savings.
16. During my time at CSC, I used many different operating system technologies such as: Solaris, AIX, VMS and WindowsNT. I also used many different

communication technologies such as; Ethernet, Token Ring, SNA, CAT5 and various Fibre Optic configurations and programming languages such as; Oracle Forms, Delphi (Pascal), Visual Basic, Foxpro. I deployed several databases such as Informix and Progress, Oracle, Sybase, SQL and Dbase.

17. In 2000 I had the opportunity to be a shareholder in my own company, Best Practice Group PLC ("**BPG**") which I founded with three other shareholders. The purpose of BPG was to guide buyers of technology systems through the design specification and procurement process of new business technology systems and to assist with disputes that may arise during the implementation and operation of such systems.
18. The rationale for starting BPG was that we had discovered that many technology implementations were seen as being failures due to 'misaligned expectations' as to what the parties (buyers and suppliers) actually desired. There was also, typically, a misunderstanding of the respective roles and responsibilities of the parties in the overall technology implementation process.
19. BPG assisted buyers to specify, carefully what they desired from a new system and more importantly how as buyers they would judge the success of the system once it was delivered.
20. BPG also assisted technology companies to communicate what was expected from the customers during the implementation process, such as responsibility for training, data transformation and the communication of changing requirements. It was during these early years at BPG that we started to be approached by law firms and parties involved in technical implementations to assist in the resolution of ongoing disputes with failing implementations.

21. Whilst I do not recall the initial approach from Weightman Vizards regarding Post Office Limited -v- Mrs J Wolstenholme, it is likely that this was around the end of 2003 (I will return to this further detail later this statement).
22. I can see from my CV attached to the 21 January 2004 document (the “**Initial Opinion**”) (WITN00210101) that I was already a Law Society accredited Expert Witness. In the early 2000’s the Law society provided an accreditation scheme for Expert Witnesses (my number 229 suggested that I was an ‘early adopter’ of the scheme). The Law Society has more recently stopped providing this accreditation service.
23. As part of the Law Society accreditation scheme, experts were required to have formal vetting.
24. In December 2008 I obtained the Expert Witness Diploma from Cardiff University Law School and still to this day feel that I benefited from its teachings regarding the roles and responsibilities of an Expert Witness and the Civil and Criminal Procedure rules of England and Scotland.
25. In 2009 I sold my shareholding in BPG and shortly afterwards became a shareholder in IT Group UK limited (“**ITG**”). ITG focused exclusively on dispute resolution, typically by way of Expert Witness instructions from Law Firms and around 2010 (if I recall the date correctly) ITG was approached by Lee Castleton’s family and held one informal meeting with his father but was unable to assist him with his matter as, at the time, ITG would only accept Expert Witness instructions from a Law Firm and Mr Castleton was unrepresented.
26. In 2016 ITG was instructed by James Hartley of Freeth’s to provide Expert Witness services in the Bates –v- Post Office matter.

27. ITG was acquired by Blackrock Expert Services in 2018. Blackrock Expert Services was then acquired by Kroll Associates in 2020. I continued to be employed in largely the same role by these organisations until April 2023.
28. From 2000, as part of BPG and after 2009 for ITG, to the present day, I have investigated hundreds of failed or failing computer system implementations and have provided written opinions and oral testimony on several occasions in civil, criminal, and international arbitration matters. The instructions are broadly balanced between technology implementors (including many of the technology companies) and technology purchasers (including large UK governmental agencies including the MOD and many Local authorities).
29. I am a member of the Academy of Experts, the British Computer Society and the Society for Computers and Law.

**Post Office Limited -v- Mrs J Wolstenholme**

30. Regarding Post Office Limited -v- Mrs J Wolstenholme, I have been asked how I first became involved in these proceedings.
31. I no longer have any access to any emails or have a copy of the instructions from Weightmans Vizards but from speaking to BPG I have been able to obtain a copy of my Initial Opinion dated 21 January 2004, (WITN00210101) exhibited to this witness statement as well as a Microsoft Excel spreadsheet (WITN00210102) that I created to assist me in the analysis of the helpdesk call logs provided to me. I have been unable to locate the copies of the helpdesk call logs provided to me that would have been with the instructions.
32. I estimate that it was towards the end of 2003 when I was approached by Susanne Helliwell of Weightman Vizards. It is likely (but I can't be sure) that by 2003 I had already undertaken other unrelated instructions from

Weightmans Vizards, I have certainly been instructed by that firm on unrelated matters since.

33. I have been asked what my knowledge of the Horizon System was (including from any press reporting) prior to my involvement in this matter. I do not recall any prior knowledge of the Horizon System at the time of the instruction.

34. Whilst I do not have a copy of the actual instruction provided at the time, I can see from the Initial Opinion that the matter concerned Blackpool County Court, Claim number CR101947.

35. I can see that in the covering email to the Initial Opinion I said, "*Please find enclosed my brief note after reviewing the papers in the above matter*" and in the introduction section; "*I do not consider that I am required at this stage to produce a full expert witness report as such, and have therefore set out my initial opinions in the format below*". This statement, and the way that the document is presented is consistent with my understanding that this Initial Opinion was a draft opinion and that my instructions from the parties may have been expected to develop over time as more relevant material was disclosed and as my understanding developed over time as a result.

36. The Initial Opinion states that it was a joint instruction (i.e. whilst I was communicating with Ms Helliwell, the instruction was from both Post Office Limited & Mrs J Wolstenholme). I was expressly requested to "*make initial observations that would be of value to the court*" and I can see that my communications also were carbon copied to Mrs Wolstenholme.

37. I can see from WITN04600203 that it was suggested that "*A Court Order was made on 19th February 2003 that a computer expert examine the equipment*". Until this document was provided to me by the Inquiry, I don't believe that I

was aware of this Court Order. I can see from WITN04600203 that Post Office was taking steps to overturn this Court Order.

38. It appears from the documents that I have been provided with that Post Office did not want the Horizon Terminal to be examined and I don't recall any equipment being provided to me, nor do I recall visiting the Post Office branch to examine the equipment. The document WITN04600203 states that as of 14th February "*The equipment was not examined as part of the Expert's review*".

39. In January 2004 I would have been familiar with the Joint Expert Instruction process and the need to ensure that both parties got the opportunity to provide me with information (as the Joint Expert) which each party felt was relevant to the proceedings. I was also aware of the need to ensure that both parties were copied in my communications with the other party.

40. I recall having a telephone conversation with Mrs Wolstenholme about her experience of using the Horizon System and having telephone discussions with Ms Helliwell of Weightman Vizards. I do not believe that I had any discussions with either Post Office or Fujitsu directly and I did not have sight of documents WITN04600203 and WITN04600206 until these were provided by the Inquiry.

41. From the observations that I made in the Initial Opinion I can see that I was asked to opine if Mrs Wolstenholme's use of the helpdesk was 'reasonable'. I concluded that to answer this question fully that I would need comparative documents from other Post Office branches, but I can see that I was told that this was not possible due to; "*...such logs not being available*".



42. FUJ00121535 (my document) and WITN04600203 (which I had not seen at the time) show that comparative help desk calls were extracted from other Post Office branches and whilst I had requested these, they were not provided to me.

43. I can see I was provided with the following documents:

1. Claim form dated 19 April 2001 and amended Particulars of Claim dated 17 February 2003;
2. Amended Defence and Counterclaim dated 14 April 2003;
3. Reply and Defence to Counterclaim;
4. Order dated 6 October 2003;
5. Claimant's List of Documents;
6. Defendant's List of Documents;
7. Claimant's witness statement;
8. Defendant's witness statement; and
9. Additional set of call logs disclosed by the Claimant to the Defendant.

44. I recall that the 'additional set of call logs disclosed by the Claimant' (document 9 above) was a folder of several printouts from the Post Office Horizon Helpdesk System regarding circa 90 calls to the helpdesk which I reviewed and from which I created an Excel spreadsheet which I called 'Analysis of the PO logs'. I have exhibited this at (WITN00210102) to this witness statement.

45. The analysis that I conducted on the additional set of call logs considered whether the purpose of Mrs Wolstenholme's call to the Post Office helpdesk was to seek training or alternatively to report a suspected Horizon System

fault and, in addition, if the remedial action prescribed by the Post Office was to 'reboot' the Horizon Terminal.

46. From my Initial Opinion I can see that I disagreed with the statement of Ms Elaine Tagg, the retail network manager of the Post Office, where she stated :  
*"Mrs Wolstenholme persisted in telephoning the Horizon System Help Desk in relation to any problems which she had with the system generally, these problems related to the use and general operation of the system and were not technical problems relating to the system."* I said that in my opinion this was not a true representation on the evidence that I had seen.

47. In support of the above statement, I said that 63 of the calls *"...are without doubt system related failures."* And; *"Only 13 could be considered as Mrs Wolstenholme calling the wrong support help desk"* I went on to report; *"The majority of the system issues were screen locks, freezes, and blue screen errors which are clearly not a fault of Mrs Wolstenholme's making, but most probably due to faulty computer hardware software, interfaces or power"*.

48. I concluded that; *"From a computer system installation perspective it is my opinion that the technology installed at the Cleveleys sub-post office was clearly defective in elements of its hardware, software or interfaces. The majority of the errors as noted in the fault logs could not be attributed to being of Mrs Wolstenholme's making or operation of the system."*

49. I made the following additional observation; *"The helpdesk operated by the Post Office would seem to be more focused on 'closing calls than attempting to get to the bottom of the continual recurrence. The instruction to 're-boot' would allow a call to be closed as the postmaster could continue to work once the system had powered back up."* I note that within the document

WITN04600203 is a comment from Fujitsu that “*Blue screens and system freezes have always been a problem and the stock HSH reply has always been to re-boot.*”. This was consistent with my findings at the time.

50. I also reported; “*From the 31<sup>st</sup> of October (starting at call log number 10253234) there seems to be a number of logs which talk of ‘large discrepancies’ in stock figures, trial balances with “all sorts of figures showing minus figures” [Call Log 10311359]*”. At the time, I did not realise the significance of such discrepancies.

51. Following my sending of the Initial Opinion (WITN00210101) Weightman Vizards sent me the response from Fujitsu (FUJ00121512) and telephoned me to discuss its contents. Whilst I can’t recall the detail of that conversation, the thrust (from my response at FUJ00121535) appears to have been a request to see if I was satisfied by the answers provided by Fujitsu and whether the contents of the Fujitsu document led me to change my opinion.

52. I sent a follow up email on 27 February 2004 (FUJ00121535) stating; “*...No my opinion, currently, remains as stated in my original note*” which was followed with my detailed responses to the Fujitsu comments.

53. In addition to the explanation as to why my opinion remained unchanged, I suggested where additional investigations may be conducted that could have assisted.

1. With regard to “*Transaction handling on rebooting of the Horizon Terminal*”, Fujitsu suggested that the audit data had since been deleted. I offered to examine further data if any were to come to light. None was ever provided.

2. With regard to the “*reasonableness of helpdesk calls*”, whilst I was originally instructed that data had been destroyed, some ‘*unregulated records*’ had now been discovered but only Fujitsu had reviewed these and had presented findings in overview. I requested the “*raw data*” to opine myself, but none was provided.
3. With regard to operators being told to ‘*reboot*’, I offered to review the findings from the ‘*crashdumps*’ which should have been available, but these were not provided, and I can see in WITN04600206 that Fujitsu stated to Post Office that; “*It will not be possible to provide the ‘crashdumps’ that the Expert refers to since these will have destroyed.*”

54. After my email of 27th February 2004, I can’t recall having any further communications with the parties and to this day I’m not sure if my opinions were used by the parties.

### **Post Office Conduct**

55. I have been asked my view on how Post Office conducted the proceedings.

My only contact with Post Office was via Weightmans Vizard.

56. Whilst I had no direct contact with Post Office, I can see from the documents provided that Post Office appeared reluctant to examine or accept my findings, instead seeking to look to Fujitsu to assist in the creation of an alternative position. I note from WITN04600203 that; “*POL are concerned that the Expert’s opinions (that the system was at fault) might set a precedent against future POL prosecutions*” and; “*Their primary objective is to get the equipment returned.*”

57. Post Office also appears to have a confused view of what is important in this particular dispute when it stated; “*They want anything! that might indicate that*

*Cleverleys was no better or worse than any other 6 Counter Outlets*” [sic]. This appears to me to suggest Post Office perceived that if a sample of 6 others Post Office branches suggest that they are all operating poorly this may assist in this dispute.

58. Post Office appeared to have had knowledge that was not disclosed to me as part of my instruction, but would have been relevant, for example; *“Blue screens and system freezes have always been a problem...”* (WITN04600203).

59. Additionally, it appears that a Known Error Log (“**KEL**”) was raised because of Mrs Wolstenholme’s calls to the helpdesk (WITN04600206). This KEL was a document likely relevant to my investigation. I opined that; *“...worrying ‘discrepancies’ in audits. This may, or may not be to do with an ‘upgrade’ of some of the counters...”*. WITN04600206 explains that; *“One of the calls that he has specifically referenced was closed using a Known Error Log. The presence of a KEL clearly indicates that the problems are investigated and workarounds provided pending a permanent fix through a system upgrade”*. The KEL was not disclosed to me.

60. Once Post Office (and perhaps Fujitsu) became aware that my Initial Opinion was adverse to Post Office’s case a suggested course of action was to *“influence the Expert’s opinion by inviting him to Post Office account locations and provide him with access to data, records and people who can deal with his observations directly”* (WITN04600206). Such data and records had been requested by me from the outset but were not provided. It appears to me that Post Office was only considering disclosure of such material when seeking to redress views expressed in the Initial Opinion.

## **Fujitsu Conduct**

61. I have been asked to provide my view of how Fujitsu conducted the proceedings. Whilst I did not have any direct contact with Fujitsu, it is quite clear that Fujitsu's view of the performance of the Post Office Horizon Helpdesk System is through the lens of its commercial contract with Post Office, not the view of the Sub Post Masters. This appears to be illustrated by a comment in FUJ00121512. The Helpdesk; "*...operates under strict contractual Service Level Agreements (SLA) covering aspects such as pick-up time, first time fix, and time to close. These measures designed to ensure that Post Masters receive a quick response to their call and, to the extent possible over the 'phone, a timely return to normal business operations*". This appears to reflect a desire by both Post Office and Fujitsu for branches to continue trading as quickly as possible which, in itself was not unreasonable but was likely to be detrimental to the Sub Postmasters knowledge of the ongoing diagnosis of reported Horizon System faults.

62. Fujitsu's responses to my Initial Opinion could be characterised by me as claiming; "*we disagree with the experts' opinions because we have fulfilled our obligation to Post Office*". This was not the primary concern of the current proceedings nor my Expert Instruction which was to look in isolation at Mrs Wolstenholme's Horizon System experience.

63. In the Fujitsu report provided to me at the time, (FUJ00121512) there is the statement; "*It is worth noting that Fujitsu Services is not aware of similar complaints or claims being made from the other Outlets in the above list,*

*some of which have higher call profiles than Cleveleys*". From my knowledge of the Bates litigation and the more recent press coverage, I am concerned that the statement (which may well be factually correct) could be seeking to direct focus away from complaints or claims that plainly did exist from Post Office branches but which were perhaps not on the specific list of outlets that Fujitsu selected for analysis in this table.

64. I am not aware of the result of these proceedings. I do not recall either party reported back to me with regard to the outcome, nor can I locate any judgement via any open-source information.

65. I have been asked whether anyone at the Post Office or Fujitsu expressed any concerns with bugs, errors, or defects in the Horizon System? I do not believe that any bugs, errors, or defects were brought to my attention, other than what I could see within the narrative from the 90 help desk logs.

66. Looking back today at the table of the 13 branches displayed (FUJ00121512), there are many reports of problems with "Hardware", "Reference data", "Network", "Cash Account" and "Software". In my experience, such reports typically refer to bugs, errors, or defects rather than "Advice and Guidance", "Training" and "Operational" which are very different categories and are shown in different columns in the Fujitsu table. I do not know the date range used for the table but as this table is intended to be representative of the wider Horizon System estate, it suggests to me that all Sub Postmasters were suffering a high degree of exposure to Horizon System issues in aspects of the system that Judge Fraser ruled were likely to have had a lasting impact on branch accounts.

**Statement of Truth**

I believe the content of this statement to be true.

Signed: 

Dated: 16<sup>th</sup> May 2023



**Index to First Witness Statement of Jason Coyne**

<b>No.</b>	<b>URN</b>	<b>Document Description</b>	<b>Control Number</b>
1	WITN00210101	Initial Opinion dated 21 January 2004	<u>WITN00210101</u>
2	WITN00210102	Microsoft Excel spreadsheet	<u>WITN00210102</u>
3	WITN04600203	Post Office Account Review of Expert Witness Report: Claim CR101947, author Jan Holmes	<u>WITN04600203</u>
4	FUJ00121512	Letter Colin Lenton-Smith, Fujitsu Director Commercial and Finance, to Keith Baines, Contract Manager (FS) POL re POCL v Mrs Julie Wolstenholme	<u>POINQ0127726F</u>
5	FUJ00121535	Email Jason Coyne Best Practice Group Plc to Weightman Vizards re POL v Mrs J Wolstenholme	<u>POINQ0127749F</u>
6	WITN04600206	Fujitsu Services Post Office Account, Response to the The Expert's Reply to Fujitsu Services' Submission, author Jan Holmes	<u>WITN04600206</u>