

Thursday, 16 November 2023

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(9.58 am)

MS PRICE: Good morning, sir, can you see and hear us?

SIR WYN WILLIAMS: Yes, I can, thank you. Before you begin the evidence session, was price, I wish to make an announcement, all right.

MS PRICE: Yes, sir.

SIR WYN WILLIAMS: It is with considerable regret and frustration that I have to announce that the session scheduled for Monday and Tuesday next week will have to be postponed. That is Mr Jarnail Singh will not be called to give evidence next Monday and Tuesday. I have reached the decision that his giving evidence next week is not possible because there is every likelihood that the Post Office will, in the course of the next either hours or days, disclose many documents which are relevant to him.

My current understanding is that these documents may number in the hundreds and it would clearly be impossible for Mr Singh to receive those documents in time for him to give evidence on Monday and Tuesday since, as yet,

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Mr Jenkins, as the Inquiry was informed by his leading counsel, Ms Dobbin, has made a draft witness statement in respect of his evidence due to be given on 30 November, but that witness statement has not yet been signed and it would be unreasonable of me to expect that Mr Jenkins sign that witness statement until he has had the opportunity to digest all these new documents.

I have taken the decision that it is practically impossible for the Inquiry to be ready to receive Mr Jenkins' evidence on 30 November, given this late disclosure.

It may be -- and I stress "may" -- that the four days during which Mr Jenkins was due to give evidence, beginning on 30 November, can be used for other witnesses. I will update everyone about that possibility as soon as I know whether that is a realistic possibility.

So I would ask all participants in the Inquiry to keep open the possibility that we will sit on the days designated between 30 November and 6 December, albeit that we won't be hearing from Mr Jenkins.

I should also say that, given the obvious importance of Mr Jenkins to my Inquiry, that

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the Inquiry does not have them.

We had been promised by the Post Office that there would begin the disclosure of those documents, or disclosure of those documents would begin, rather, yesterday, but that has not occurred and I am unclear, as I speak, as to when disclosure will begin.

Fairness demands that Mr Singh sees those documents before he gives evidence. Fairness also demands that Core Participants see those documents before Mr Singh gives evidence and, as I have said, the Inquiry is not yet in a position to process those documents and disclose them to Mr Singh and Core Participants.

Hence, to repeat, the sessions on Monday and Tuesday will not take place.

It is also with considerable regret and frustration that I inform everyone that Mr Gareth Jenkins will not begin his evidence on 30 November. In the case of Mr Jenkins, the Post Office has disclosed 3,045 new documents, I believe, yesterday to the Inquiry. The Inquiry will need to process those documents and then disclose them to Mr Jenkins and all other Core Participants.

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I have decided that there should be a substantial period of time which should now elapse before I try to reschedule Mr Jenkins. I cannot contemplate what has occurred so far recurring, namely that shortly before Mr Jenkins gives his evidence there is a flurry of activity which includes the late disclosure of documents.

Accordingly, I have decided that some months are likely to go by before I call Mr Jenkins to give evidence, because I want to be absolutely certain, or at least as certain as I can reasonably be, that every single relevant document relating to him has been disclosed to all relevant parties before his evidence begins.

As I have said, therefore, it may be some months before Mr Jenkins appears to give evidence at this Inquiry. That is a source of frustration to me. I'm sure it will be a source of frustration to many Core Participants and perhaps a source of frustration to Mr Jenkins himself. But I think everyone who has followed this Inquiry will appreciate that it is crucial that Mr Jenkins' evidence is heard with the benefit of all documents which is relevant to that evidence.

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1 To repeat, I am sorry to have to have made
2 this announcement this morning but I felt it
3 necessary to do it orally, as opposed to simply
4 sending out a notice so that (a) everyone is
5 clear about what I am saying and (b) those who
6 are watching can see for themselves how
7 frustrated I have become by all that is going on
8 in relation to disclosure.

9 Thank you, Ms Price. You can now call your
10 witness.

11 **MS PRICE:** Thank you, sir. Can we please call
12 Mr Whitaker.

13 **PAUL GRAHAM WHITAKER (affirmed)**

14 **Questioned by MS PRICE**

15 **MS PRICE:** Could you confirm your full name, please,
16 Mr Whitaker.

17 **A.** Paul Graham Whitaker.

18 **Q.** You should have in front of you a hard copy of
19 a witness statement in your name, dated
20 8 October this year. If you can turn, please,
21 to page 42 of that statement, do you have a copy
22 with a visible signature?

23 **A.** I do.

24 **Q.** Is that signature yours?

25 **A.** It is.

5

1 issues which arise in Phase 4 of the Inquiry,
2 focusing on your involvement as an Investigator
3 within the Security and Investigation Team in
4 the relevant criminal prosecutions, including
5 the prosecution of David Blakey.

6 You joined the Post Office in 1985 as
7 a postal cadet; is that right?

8 **A.** Correct, yes.

9 **Q.** From 1986 to 1994 you worked as a postman
10 delivering and processing the mail?

11 **A.** Yes.

12 **Q.** Between 1994 and 1998, you worked within Royal
13 Mail Letters, dealing with postal franking
14 machines in the main?

15 **A.** Yes.

16 **Q.** Then in September 1998 you joined the Post
17 Office Security and Investigation Service, as it
18 then was?

19 **A.** Yes.

20 **Q.** Your role was initially that of an Assistant
21 Investigation Officer; is that right?

22 **A.** Correct, yes.

23 **Q.** Can you explain, please, the three separate
24 entities which existed at that time under the
25 Royal Mail Group corporate umbrella?

7

1 **Q.** Are there any corrections that you wish to make
2 to the statement?

3 **A.** I'd just like to add that, on recent disclosure,
4 documents have become known to me. In this
5 statement, I initially say that I wasn't aware
6 of any challenge to Horizon right up until the
7 time I left Post Office Limited in January 2012.
8 However, as I say, these recent disclosures have
9 shown that I was aware of some action in regard
10 to questioning the integrity of Horizon,
11 particularly in sub post offices in North Wales,
12 actually before I left, and it wasn't until
13 I saw those documents that that refreshed my
14 memory.

15 **Q.** With that correction made, are the contents of
16 that statement true to the best of your
17 knowledge and belief?

18 **A.** Yes.

19 **Q.** For the purposes of the transcript, the
20 reference is WITN05050100.

21 Thank you for coming to the Inquiry to
22 assist it in its work and for providing the
23 witness statement that you have. As you know,
24 I will be asking questions on behalf of the
25 Inquiry. Today, I'm going to asking you about

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1 **A.** There was Post Office Limited, Royal Mail
2 Letters and Parcelforce.

3 **Q.** You say in your statement at paragraph 8 that
4 Royal Mail Letters and Post Office Limited each
5 had their own investigation function but
6 Parcelforce did not. So in 1998, the Post
7 Office Security and Investigation Service had
8 Parcel Group sections, which dealt with
9 investigations into crime within the Parcelforce
10 network; is that right?

11 **A.** That's correct.

12 **Q.** You deal with your role within the Post Office
13 Security and Investigation Service at
14 paragraphs 9 to 11 of your statement to the
15 Inquiry. Could we have those on screen, please,
16 page 3 of Mr Whitaker's statement WITN05050100.

17 Starting at paragraph 9, you say this:

18 "On joining POSIS I recall that I had
19 an initial period of induction training which
20 covered relevant aspects of investigation,
21 eg law, principles of investigation, evidence
22 gathering, PACE etc, before being assigned to
23 an established officer for 'on the job'
24 training. Further training modules were
25 complete over the following year in subjects

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1 such as witness interviewing and suspect
2 interviewing, etc. As I recall, I received no
3 specific training to do with POL work at this
4 time, as, within Parcel Group I was not expected
5 to undertake or assist with any POL
6 investigations."

7 You go on at paragraph 10:

8 "In 1999 Parcelforce introduced its own
9 investigation function, and in September of that
10 year POSIS Parcel Group (North) was disbanded.
11 Its operational staff in Leeds were then
12 compulsorily transferred to different Royal Mail
13 investigation functions. Some staff went into
14 Parcelforce, and others to Royal Mail Cashco
15 (the Royal Mail Group's cash carrying function).
16 Despite having a background in mails work and no
17 previous POL experience, I was sent to work for
18 POL, initially based at their regional
19 headquarters in Leeds in September 1999."

20 Going to paragraph 11, please:

21 "I had no say whatsoever in where I was
22 placed at this time."

23 How did you feel about being sent to the
24 Post Office Security and Investigation Team in
25 1999?

9

- 1 **A.** Initially I was based in Leeds.
2 **Q.** What part of the country were investigations run
3 from the -- apologies.
4 What part of the country were investigations
5 covering out of the Leeds office?
6 **A.** It was the investigations in the counties in the
7 sort of north-eastern quadrant of England. So
8 up to the Scottish Borders around Berwick and
9 down as far as just south of Sheffield, that
10 sort of area, and across to the east coast.
11 **Q.** Who did you report to when you were based at the
12 Leeds office?
13 **A.** Initially my first team leader was a gentleman
14 named Les Thorpe.
15 **Q.** He was based in Durham; is that right?
16 **A.** I think it was Peterlee, yeah, County Durham,
17 yeah.
18 **Q.** Mr Thorpe, in turn, reported to a Senior
19 Investigation Manager based in Glasgow, Rashid
20 Sarwar; is that right?
21 **A.** As I recall, yes.
22 **Q.** Who, in turn, reported to the North Area Head of
23 Security, also based in Glasgow, and you say
24 that was a man called Duncan McFadyen?
25 **A.** I believe so, yes.

11

1 **A.** I recall a certain amount of apprehension for
2 the reasons stated in the statement. I'd not
3 worked behind a Post Office Counter at that
4 time. However, obviously, I was happy to go
5 wherever they sent me.

6 **Q.** You worked as a Post Office Investigation
7 Manager, later named a Security Manager, from
8 1999 until January 2012, save for a brief period
9 when you were a temporary team leader for the
10 South Investigation Team, in around 2009; is
11 that right?

12 **A.** Yes.

13 **Q.** Then in 2012, you took up the role of
14 Investigation Manager with Royal Mail Letters?

15 **A.** Yes.

16 **Q.** You say in your statement at paragraph 13 that
17 when you were a Post Office Investigation
18 Manager, Post Office Security was split into
19 three areas: East, West and North; is that
20 right?

21 **A.** That's as I recall it, yes.

22 **Q.** Which was your area when you first started as
23 an Investigation Manager?

24 **A.** The North.

25 **Q.** Where were you based at first?

10

- 1 **Q.** You say in your statement that the Security
2 Department was split into physical Security and
3 Investigation departments, and it was the latter
4 of these which you worked within, that being the
5 teams responsible for the investigation of
6 suspected criminal losses to the Post Office?
7 **A.** Correct.
8 **Q.** You say in your statement at paragraph 16 that
9 perhaps a year after you joined the Post Office,
10 the security function within the Post Office
11 began a period of rapid change. Can you
12 explain, please, the key changes which were
13 brought in at that stage? Please do feel free
14 to refer to your statement if you need to.
15 **A.** If I may, yeah. Yeah, as I recall, there was
16 a number of geographical boundary changes and
17 staff changes as well, movement of staff.
18 I mean, I do recall, actually, at that time
19 I spent some time doing some investigations in
20 the northwest and, in terms of hierarchy, as
21 I say, at the time, Tony Marsh headed it, and
22 Phil Gerrish became his Head of Investigations.

23 So I believe at that time Mr Thorpe went and
24 I recall the sort of line for Investigations
25 became more sort of centred around Mr Gerrish

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1 being the Head of Investigation function.
 2 I can't recall Mr McFadyen or Mr Sarwar having
 3 such input around that time.

4 As I say, I can't recall specifics but I do
 5 recall that there seemed to be plenty sort of
 6 happening, as it were.

7 **Q.** As a result of those changes, you moved from
 8 being based in Leeds to being based in
 9 Sheffield; is that right?

10 **A.** Yes. But that was -- I was on my own in
 11 Sheffield. It wasn't that there was an office
 12 in Sheffield that moved from Leeds; it's just
 13 that I happened to work from an office in
 14 Sheffield.

15 **Q.** Is it right that your manager was never based in
 16 the same location as you in Sheffield?

17 **A.** No, that's correct.

18 **Q.** But you say you saw them regularly and were in
 19 contact by email and telephone?

20 **A.** That's correct, yes.

21 **Q.** You recall Tony Marsh leaving the Post Office to
 22 become head of Royal Mail Group Security in
 23 around 2007 --

24 **A.** Yes.

25 **Q.** -- and Phil Gerrish leaving shortly thereafter

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1 at -- proactively looking into losses and also
 2 into physical security, so we were looking at
 3 dual training the managers. And I think during
 4 that time, because of the people that he bought
 5 in, who may have been more attuned to that new
 6 type of role, I think we lost a lot of
 7 experience in regards to actual Investigators
 8 and people who were able to work to reactively
 9 investigate a loss.

10 **Q.** What happened to the geographical remit of the
 11 Security team in general and in relation to your
 12 team in particular under John Scott?

13 **A.** It just widened. It went from just being in the
 14 north. I was coming down to London. I was
 15 taking on investigations in Wales. So it just
 16 widened. I think there were -- at different
 17 times, different geographical barriers were
 18 brought in but they did change quite a lot.

19 **Q.** You say at paragraph 22 of your statement that
 20 the remit expanded into Scotland and Northern
 21 Ireland as well?

22 **A.** Certainly, yeah. I did investigations or
 23 assisted with the investigations in Northern
 24 Ireland and in Scotland.

25 **Q.** You deal at paragraphs 23 and 24 in a bit more

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1 to join Royal Mail Letters as Head of
 2 Investigation?

3 **A.** Yes.

4 **Q.** How did the Post Office Security Team change
 5 under the leadership of John Scott, who replaced
 6 Tony Marsh?

7 **A.** John Scott brought in more of an ethos of
 8 analysis in regard to losses. It was more
 9 proactive and on the front foot, looking at ways
 10 to stop losses, and less focus on reactive
 11 investigation once losses had occurred. Within
 12 that, he again, he reorganised, he was -- he
 13 brought in sections that, as I say, looked at
 14 forecasting, if you like, and using techniques
 15 to be able to anticipate where losses might
 16 occur, as opposed to just straight investigating
 17 losses reactively once the loss had occurred.

18 **Q.** You say in your statement that you also noticed
 19 a change in the type of experience which your
 20 Investigation colleagues had. Can you explain
 21 the nature of this change, please?

22 **A.** Yeah, I think Mr Scott wanted to bring in
 23 Security Managers that were potentially dual
 24 trained, so they were not just Investigators.
 25 As I say, they had more background in looking

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1 detail with some of the changes in approach to
 2 investigation brought in by John Scott. Could
 3 we have those paragraphs on screen, please, it's
 4 page 7 of WITN05050100. You say here:

5 "I feel that Mr Scott focused more on
 6 bringing to POL Security a data driven model to
 7 proactively analyse and seek out risk and loss
 8 within post offices as opposed to using the POL
 9 Investigation Team to investigate losses
 10 reactively. Mr Scott brought in much more data
 11 analysis in his loss management strategy and set
 12 up a dedicated team to do this, I recall Helen
 13 Rose being part of that team but unfortunately
 14 cannot recall other names."

15 What and who do you understand was driving
 16 the new approach of proactively analysing and
 17 seeking out risk and loss within post offices,
 18 rather than investigating reactively?

19 **A.** Certainly Mr Scott was driving that: John Scott.
 20 His reasons why he was doing that, I'm only
 21 speculating in that potentially an Investigation
 22 Team were expensive, essentially what -- he
 23 could have looked at what value they did
 24 actually bring to the organisation. POL was
 25 changing very, very quickly around that time,

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1 I recall. The network was shrinking, they'd
2 lost number of contracts. They were examining
3 how they worked and where they sat within the
4 country, and how they were to operate going
5 forward.

6 So I think it was -- I think -- and, again,
7 it's only my speculation of how I looked at
8 it -- I think it was to do with that and looking
9 at repositioning the organisation and, as I say,
10 an Investigation Department, purely
11 Investigation Department, was an expensive tool,
12 perhaps.

13 **Q.** At paragraph 24 of your statement you say this:

14 "Mr Scott also brought in a team to try to
15 recoup losses through the Proceeds of Crime Act
16 and some Investigators were trained as financial
17 investigators. From memory, I recall these
18 included Ged Harbinson, Graham Ward, Helen
19 Dickinson and Paul Southin."

20 Do you recall where the agenda for recouping
21 losses through criminal enforcement proceedings
22 came from?

23 **A.** Again, it could be speculation because I don't
24 recall ever being told, but I believe that
25 obviously, in order to enact the Proceeds of

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1 experienced, with many of the managers having
2 come through 'the ranks', as it were. They knew
3 the Investigators' role and the challenges it
4 brought. However, I feel that when Mr Marsh,
5 and others left POL, my line management under
6 the leadership of Mr Scott, though reasonable in
7 so much as they were someone to manage staff,
8 many lacked the experience and understanding
9 within the investigation and criminal justice
10 fields. Managers I remember and consider in
11 respect of that statement were Andrew Daley and
12 Alison Drake."

13 Did this lack of experience and
14 understanding within the investigation and
15 criminal justice fields have an impact on the
16 fairness and adequacy of investigations, in your
17 view?

18 **A.** Not personally, I don't think, because I think
19 when that came in, I was -- not of a standing,
20 but I had enough experience of the job to be
21 able to, you know, work through that. But
22 anybody who came in, into an Investigator's role
23 or a role that had an investigation element,
24 they may have felt -- they may have struggled
25 somewhat with line management and leadership,

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1 Crime Act and to use the Proceeds of Crime Act,
2 there has to initially be a crime committed. So
3 I think it was -- in fact, that was probably one
4 of the reasons why elements of the Investigation
5 Team remained.

6 But, ultimately, I think Mr Scott was all
7 about, you know, affecting the bottom line of
8 the organisation and trying to stop losses. So
9 that was a strategy brought in, in regard to
10 that.

11 Whilst I understand that, in terms of the
12 proceeds of crime, you know, an element of that,
13 any recouped would go to the Government. Also,
14 some would not.

15 **Q.** You refer to the bottom line of the business.

16 Did you ever feel that the interests of the
17 business, particularly financial interests,
18 influenced the way Investigators did their job?

19 **A.** It certainly didn't influence me at all.

20 I never gave it a thought.

21 **Q.** Going over the page, please, to paragraph 28 of
22 the statement, you say this:

23 "I felt that within the tenure of Mr Marsh
24 as Head of Security, I found the line management
25 within POL investigation to be supportive and

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1 who didn't fully understand the role.

2 **Q.** How did the various investigation teams
3 operating across the country communicate with
4 each other about any matters of concern arising
5 on their patch?

6 **A.** All sort of communication tended to come from
7 the centre, as it were. We did get together
8 occasionally for conferences and suchlike, at
9 which, you know, things would be chatted
10 through, and I did feel that I could speak to
11 Investigators throughout the country if I wanted
12 to and ring them up.

13 But, essentially, a lot of the information
14 of which you speak there would come from the
15 centre, so it would feed in from someone on the
16 South Coast or something and it would get up, if
17 relevant -- if deemed relevant by whoever was
18 disseminating it, it would get disseminated out
19 to everyone else.

20 **Q.** Why did you leave the Post Office to go to Royal
21 Mail Letters?

22 **A.** I think I was getting a bit disillusioned with
23 Post Office Limited. I was not particularly
24 a fan of the leadership. As I say, the
25 organisation was going through a lot of change.

20

1 I thought there was slightly more job security
 2 in Post Office Limited and a job came up in
 3 there, so I applied for it and got it.

4 **Q.** Turning to the training you received in the
 5 conduct of investigations, please. Before you
 6 joined the Post Office Security and
 7 Investigation Service in 1998, did you have any
 8 experience in criminal investigations or
 9 criminal law?

10 **A.** Not directly. Elements of the job within
 11 franking machines, there was elements of
 12 inspection and that linked into elements within
 13 POSIS but not directly as an Investigator or
 14 within that sort of field.

15 **Q.** We have seen from paragraph 9 of your statement,
 16 which we had on screen earlier, that you had
 17 some initial induction training when you first
 18 joined the Post Office Security and
 19 Investigation Service in 1998. How much time
 20 did the initial induction training take up?

21 **A.** I recall it was two weeks' residential training
 22 in Croydon.

23 **Q.** You say in paragraph 34 of your statement that
 24 this was classroom-based learning. Who was it
 25 who provided this training?

21

1 **A.** He was leading investigations into, in the main,
 2 Parcelforce losses.

3 **Q.** How did Parcelforce losses differ from those you
 4 dealt with later with the Post Office?

5 **A.** They were very much losses from the course of
 6 post, so examining the theft of parcels, from
 7 course of post. In fact, that was the main body
 8 of the work, the old charge of delaying the
 9 mail. That was one that was looked at. There
 10 were a couple, I think, because part of the
 11 remit of Parcel Group was also to do group
 12 enquiries. So anything that came under the
 13 Royal Mail Group that didn't fall within
 14 Letters, or anything like that, tended to get
 15 sort of handed to Parcel Group to pursue. But
 16 there was certainly nothing that was in any way
 17 accountancy based or anything like that.

18 **Q.** You say in your statement at paragraph 35 that,
 19 when you were moved to Post Office
 20 Investigations in 1999, you were given some
 21 counter clerk's training on the counter clerk
 22 role and Post Office working practices, and that
 23 was before the introduction of the Horizon
 24 system, wasn't it?

25 **A.** I recall that it was, yes.

23

1 **A.** It was -- I think there was an in-house training
 2 group within POSIS and it was their trainers
 3 that did that.

4 **Q.** You've said already that the training did not
 5 cover Post Office investigation work, as within
 6 the Parcel Group you were not expected to
 7 undertake or assist with any POL investigations,
 8 but you say there were further modules covered
 9 over the course of that first year in
 10 investigations when you were allocated to Parcel
 11 Group work. You give examples of the topics
 12 covered in your first year as suspect
 13 interviewing, witness interviewing, searching
 14 and report writing in your statement.

15 Did any of the training you did in your
 16 first year cover disclosure?

17 **A.** I don't recall that it did.

18 **Q.** You say at paragraph 9 of your statement that
 19 you were assigned to an established officer for
 20 'on the job' training. How long did this on the
 21 job training last for?

22 **A.** It lasted for a year, I believe.

23 **Q.** Can you recall now what kind of work the person
 24 you were shadowing was doing in that first year
 25 when you were still with Parcel Group work?

22

1 **Q.** When you were moved to Post Office
 2 Investigations in 1999, were you given any
 3 training, in particular on your duties as
 4 an Investigator working on Post Office, as
 5 opposed to Parcel Group investigations?

6 **A.** I don't recall any specific training where I was
 7 taken to one side and said, "This is the
 8 training that you're about to receive". I was
 9 placed under the sort of tutorship, if you like,
 10 of a longstanding Investigator and another
 11 Investigator who were very experienced, and
 12 I was sort of mentored, if you like -- though it
 13 was never officially called mentoring -- in
 14 regard to those sort of taking me along and
 15 introducing me to the work.

16 **Q.** Who were those more experienced investigators?

17 **A.** John Hart was the most experienced one and then
 18 John Hart, who -- sorry, and John Downie, he was
 19 an Assistant Investigation Officer at the time
 20 with, as I say, John Hart being the lead
 21 Investigator, if you like.

22 **Q.** You say at paragraph 36 of your statement that,
 23 when the Horizon system was introduced, you
 24 recall going on a course over a week or so on
 25 the Horizon system; is that right?

24

1 A. Yes.

2 Q. That training was not specifically for

3 Investigators, there being other Post Office

4 staff on the course, including subpostmasters?

5 A. Yeah, I recall it was -- I was sat amongst

6 subpostmasters, other Post Office staff. It

7 wasn't exclusively investigation based.

8 Q. Did you have any training on the Horizon system

9 after this?

10 A. Not that I can recall.

11 Q. You say in your statement at paragraph 32 that

12 in around 2006 you completed a Level 4 National

13 Vocational Qualification in investigation

14 management. Can you recall what topics you

15 covered during that qualification, of relevance?

16 A. Again, it was a vocational qualification so it

17 was demonstrating competency in interviewing,

18 witness interviewing, managing investigations,

19 those sort of modules. Again, there was nothing

20 specific about Horizon or anything in there.

21 Q. You also say that, before you left the Post

22 Office, in 2010 you started a post-graduate

23 diploma in security and risk management at

24 Leicester University, which you completed after

25 you had moved to Royal Mail.

25

1 working in Parcel Group, we were actually in

2 an office, and there was a number of us in

3 there. So they may have been available in there

4 but possibly in binders or something like that.

5 But I can't recall, to be perfectly honest.

6 Q. Were any investigation or prosecution policies

7 provided to you when you moved to Post Office

8 Investigations in 1999?

9 A. Not specifically. Again, because I was working

10 in Leeds, which was a sort of regional office,

11 they may have been available within the office

12 somewhere but I don't specifically recall that,

13 yes, they were in the third cabinet from the

14 left, or anything like that.

15 Q. Could we have on screen, please, paragraph 38 of

16 Mr Whitaker's statement. That's page 11 of

17 WITN05050100. You say here at paragraph 38:

18 "... I don't recall there being a 'central

19 repository' or such where Investigators could

20 specifically view policies. The dissemination

21 of information contained within policy, as

22 I recall and understand, was mainly through

23 training, team meetings and special directives

24 called 'Investigation Circulars' which would be

25 sent via email to Investigation staff."

27

1 Again, can you remember any topics you

2 covered when doing that training?

3 A. In regards to investigation, there was a topic

4 around the law but it wasn't specifically

5 an investigation-based course, it was security

6 and risk management, so it was more in keeping

7 with, I suppose, Mr Scott's view about looking

8 at risk management within the organisation.

9 Q. Turning, then, to policies and guidance

10 applicable to the work of Post Office

11 Investigators, were any investigation or

12 prosecution policies provided to you during the

13 training you had in your first year as

14 an Investigator, in 1998?

15 A. I recall policies were -- would have been

16 available. I don't recall an online -- I don't

17 recall a sort of repository. So I would imagine

18 they would be available for us to look at and

19 expected that we, you know, had a knowledge of

20 them.

21 Q. You say you think they would have been

22 available. Where do you think they were

23 available?

24 A. I'm just trying to think because, 1999, it may

25 not have been online. In 1999 when I was

26

1 Can you recall when email Investigation

2 Circulars were first introduced?

3 A. It was very, very early on. It may have been

4 around 1999. It may have been earlier but I do

5 recall them occasionally coming out and saying,

6 you know, "Investigation Circular D15", or

7 whatever, and whatever it referred to.

8 Q. These circulars, were they summarising what was

9 in a new policy, for example, or were they

10 attaching the policy itself?

11 A. I seem to recall that they were summarising. It

12 would be new policy or changes within the law,

13 or I suppose anything that -- because I think

14 they were issued centrally through Group

15 Security. So it would have been anything that

16 Group Security felt the need to disseminate

17 officially in one of these documents.

18 Q. Can we have on screen, please, document

19 reference POL00104762. This is a document

20 entitled "Disclosure of Unused Material --

21 Criminal Procedure and Investigations Act 1996

22 Codes of Practice", and it is dated May 2001.

23 This is one of the policy documents which was

24 sent to you by the Inquiry for the purposes of

25 preparing your witness statement. Have you had

28

1 an opportunity to read this document?
 2 **A.** Yeah, I've looked at the document, yeah.
 3 **Q.** Had you seen this document before the Inquiry
 4 sent it to you?
 5 **A.** I don't recall. However, if I had, it would
 6 have been almost 20 years ago.
 7 **Q.** Under "Purpose", this document explains that:
 8 "The aim of this policy is to ensure that
 9 Security Managers know and understand the
 10 Investigation Procedures in relation to the
 11 Disclosure of Unused Material as described in
 12 the Criminal Procedure and Investigations Act
 13 1996 Codes of Practice, which must be adhered to
 14 by all Consignia staff undertaking
 15 investigations."
 16 Just pausing there, you listed the Criminal
 17 Procedure and Investigations Act as governing
 18 your role as an Investigator at paragraph 39 of
 19 your statement. Were you aware, in 2001, that
 20 there was a CPIA Code of Practice which Post
 21 Office Investigators were required to adhere to,
 22 in addition to the Act itself?
 23 **A.** I'm not sure if you'd have asked me at the time
 24 that I'd be able to say, "Yes, I am adhering to
 25 the CPIA Code of Practice". However, my
 29

1 Consignia. All Investigators have
 2 a responsibility for carrying out the duties
 3 imposed on them under this Code, including in
 4 particular recording information, and retaining
 5 records of information and other material."
 6 Then at the second bullet point, we have
 7 this:
 8 "Investigators and Disclosure Officers must
 9 be fair and objective and must work together
 10 with prosecutors to ensure that disclosure
 11 obligations are met. A failure to take action
 12 leading to proper disclosure may result in
 13 a wrongful conviction. It may alternatively
 14 lead to a successful abuse of process argument
 15 or an acquittal against the weight of the
 16 evidence."
 17 Then at bullet point 3, we have this:
 18 "In discharging their obligations under the
 19 statute, code common law and any operational
 20 instructions, Investigators should always err on
 21 the side of recording and retaining material
 22 where they have any doubt as to whether it may
 23 be relevant."
 24 Moving, then, to the second bullet point on
 25 this page:

1 understanding was that -- generally, that we
 2 would. I don't know if that makes sense, you
 3 know. If someone were to have asked me then,
 4 "Are you adhering to this?", I would say, "Well,
 5 I believe I am", but if they'd asked me to stand
 6 there and recite the Act, I don't think I would
 7 have been able to do it.
 8 **Q.** The introduction at 3.1 in the first two bullet
 9 points identifies the Act, so the Criminal
 10 Procedure and Investigations Act 1996, and then
 11 also covers the Attorney General's Guidelines on
 12 the disclosure of unused material. It may be
 13 that you can't say but in 2001 were you aware of
 14 the existence of the Attorney General's
 15 Guidelines on disclosure of unused material?
 16 **A.** Well, I can't say. However, in 2001, I would
 17 have probably been sort of 15 months into the
 18 role and quite new. So there's a strong chance
 19 that I wouldn't have been.
 20 **Q.** Going further down the page, please, to the
 21 general principles section, there is a section
 22 on "Investigators and Disclosure Officers", and
 23 at bullet point 1 an Investigator is defined:
 24 "An Investigator is a person involved in the
 25 conduct of a criminal investigation involving
 30

1 "The Disclosure Officer is the person
 2 responsible for examining material retained
 3 during an investigation, revealing material to
 4 Legal Services during the investigation and any
 5 criminal proceedings resulting from it, and
 6 certifying to Legal Services that he has done
 7 this. Normally the Investigator and the
 8 Disclosure Officer will be the same person."
 9 Just pausing there, you've addressed in your
 10 statement your understanding of your role in
 11 relation to disclosure at the time of your
 12 involvement in Mr Blakey's case, that is in
 13 2004. Could we have on screen, please,
 14 paragraph 139 of Mr Whitaker's statement, that's
 15 page 33 of WITN05050100. That's 139. You say
 16 this:
 17 "Regarding disclosure, without really
 18 knowing it I was the Disclosure Officer in the
 19 case. Within POL Investigations, if you were
 20 the officer in the case, you were also
 21 Disclosure Officer, exhibits officer, report
 22 writer, witness liaison, and all the other roles
 23 combined to support an investigation. As such,
 24 when it came time to review evidence and produce
 25 disclosure schedules for a criminal prosecution,
 32

1 it was down to each Investigator to do this."

2 You say you were the Disclosure Officer
3 without really knowing it. Do you mean by that
4 that it fell to you to complete the disclosure
5 schedule as one of number of tasks Investigators
6 did but you gave no conscious thought to the
7 fact that you had an additional but distinct
8 role as a Disclosure Officer.

9 **A.** No, what I meant by that was that, basically,
10 you were expected to do everything. It was
11 never said to me that "You are the Disclosure
12 Officer", but I knew I had, you know --
13 disclosure fell under the remit of what I was
14 expected to do. So it was simply that I -- you
15 know, as a Post Office Investigator, you were
16 expected to do everything.

17 I know in other roles, in other
18 organisations, the roles that I've mentioned
19 there, exhibits officer, report writer, would
20 often be someone different and an Investigator
21 would stand to one side of them, leading the
22 investigation. But within every one of my Post
23 Office Investigations, no matter how big or
24 small or how complicated or how simple, I --
25 those roles were expected to be completed by the

33

1 "Disclosure Officers must specifically draw
2 material to the attention of the Prosecutor for
3 consideration where they have any doubt as to
4 whether it might undermine the prosecution case
5 or might reasonably be expected to assist the
6 Defence disclosed by the accused."

7 At the time you were an Investigator, did
8 you understand that, because you were also the
9 Disclosure Officer, you had a duty specifically
10 to draw material to the attention of the
11 prosecutor where you were in any doubt as to
12 whether it might undermine the prosecution case
13 or assist the defence?

14 **A.** I recall that -- I would have been aware of that
15 because in filling in the disclosure schedules,
16 you know, it specifically mentions that. So
17 I think it's safe to say that I would have had
18 an understanding that that was something
19 I should have been doing.

20 **Q.** The bullet point below says this:

21 "Disclosure Officers must seek the advice
22 and assistance of prosecutors when in doubt as
23 to their responsibility, and must deal
24 expeditiously with requests by the prosecutor
25 for further information on material which may

35

1 Investigation Manager.

2 **Q.** So you knew that you had a disclosure task but
3 were you consciously aware that you had
4 a distinct role with applicable additional
5 duties as a Disclosure Officer?

6 **A.** I don't think it was ever pointed out to me that
7 "You are Disclosure Officer". It's not a role
8 or a term that I probably would have been
9 familiar with. However, as you say, I knew
10 I had a role in regards to providing disclosure
11 and considering disclosure all the way through
12 an investigation.

13 **Q.** Going back, please, to the May 2001 Disclosure
14 of Unused Material Policy, that's POL00104762,
15 page 2 of that document, please. The third
16 bullet point on this page, about halfway down,
17 deals with a Section 9 statement and underneath
18 that, underneath the paragraph in bold, it is
19 explained:

20 "In meeting the obligations in paragraph 6.9
21 and 8.1 of the Code, it is crucial that
22 descriptions by Disclosure Officers in
23 non-sensitive schedules our detailed, clear and
24 accurate."

25 Then this at the next bullet point:

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1 lead to disclosure."

2 Who was the prosecutor in cases you
3 investigated on behalf of the Post Office?

4 **A.** It would have been Legal Services, Royal Mail
5 Group Legal Services.

6 **Q.** Is it Legal Services, the Criminal Law Team,
7 that you would have gone to, if you were in
8 doubt about your responsibilities relating to
9 disclosure?

10 **A.** Probably in the first instance, if I had any
11 doubts about it I may have chatted it through
12 with team leader or something like that, or
13 a colleague. My view with regard to it was
14 essentially that my role was to, in
15 disclosure -- or certainly a role in disclosure
16 was to list everything. It was going to get
17 reviewed and, if there was anything that
18 shouldn't have been there or was on the wrong
19 schedule, or any issues like that, the reviewing
20 lawyer would get back to me, and it would be --
21 you know, it would be discussed and put right.

22 That's how I viewed the process, or I seem
23 to recall how I viewed the process.

24 **Q.** It is not referenced in this document, but were
25 you aware, when you were an Investigator, that

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1 there was an obligation on a criminal
 2 investigator to pursue lines of inquiry which
 3 pointed away from the guilt of the suspect?
 4 **A.** Yes.
 5 **Q.** In terms of the legislation you list at
 6 paragraph 39 of your statement, which you say
 7 governed your investigations -- and do feel free
 8 to refer to that if you want to -- where would
 9 you have found these documents if you wanted to
 10 refer to them?
 11 **A.** The Police and Criminal Evidence Act Codes of
 12 Practice, they were in a book that we carried
 13 around with us. The Criminal Procedure and
 14 Investigations Act, potentially as it went
 15 along, they could have been along -- sorry, they
 16 could have been held electronically. The Human
 17 Rights Act, I recall when that came in, we went
 18 on a course. But, again, I would imagine they
 19 would have been held somewhere, the specific
 20 Acts, or you could get them from, you know, from
 21 open sourcing on the Government website. So
 22 a number of places they would be available to be
 23 viewed.
 24 **Q.** Apart from the Police and Criminal Evidence Act,
 25 which you say you carried around with you, did

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1 2012; is that right?
 2 **A.** Yes.
 3 **Q.** So some two months later. As far as you can
 4 recall, did you go to this training session?
 5 **A.** I vaguely recall coming down to -- I think it
 6 was held in chambers close to the Royal Courts
 7 of Justice In London. I'm not sure whether
 8 it -- that was this course or another, but I've
 9 got no reason to believe that I wasn't, that
 10 I didn't attend, if I was invited to.
 11 **Q.** Can you recall being on a training course where
 12 disclosure was specifically discussed?
 13 **A.** Again, I think I'll have to refer back to what
 14 I've just said. I do recall having some sort of
 15 training within Bells Yard (*sic*) but I was not
 16 entirely sure that it was disclosure. It could
 17 have been something else.
 18 **Q.** Can you recall attending any training
 19 specifically on disclosure at any time before
 20 this, whether provided internally by the Post
 21 Office or otherwise?
 22 **A.** I don't but, again, that's not to say that there
 23 wasn't. There could have been something right
 24 at the very, very beginning. But I think -- and
 25 I don't know whether, you know, it's something

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1 you ever go directly to the other legislation
 2 for guidance?
 3 **A.** Potentially, maybe the Proceeds of Crime Act.
 4 But I would probably be more inclined, if I had
 5 a query that fell within those, I would have
 6 rang Legal Services, I would have rung a lawyer.
 7 My view was that they were the experts, if I'd
 8 got a query in regards to specifics of the law,
 9 I would ring them.
 10 **Q.** You have recently been provided with some
 11 documents by the Inquiry relating to training
 12 provided very shortly before you left the Post
 13 Office to join Royal Mail, in November 2011, and
 14 that was training on legal advices and
 15 disclosure which was provided by Rob Wilson, who
 16 was Head of Criminal Law at that time, and
 17 counsel from a set of chambers specialising in
 18 criminal law, hosted externally by that set of
 19 chambers.
 20 Could we have on screen, please, the email
 21 invitation to this training. The reference is
 22 POL00167351. We can see this is an invitation
 23 from Graham Brander to a session planned from
 24 11.00 am to 3.00 pm, on 14 November 2011. So
 25 I think you left the Post Office in January

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1 that'll be mentioned later. I do think, you
 2 know, that the provision for training in respect
 3 of disclosure within Post Office Limited was not
 4 what it should have been.
 5 **Q.** So are we right to understand that you have
 6 a memory of there being some training provided
 7 by an external provider?
 8 **A.** Not specifically disclosure training. I do
 9 remember that from time to time external
 10 providers would give us training and, as I say,
 11 I do remember some training in Bells Yard
 12 chambers. However, I genuinely cannot recall if
 13 it was disclosure training, if it was training
 14 on something else. Unfortunately, the reason
 15 I do remember it, because I do recall that we
 16 were shown around the Royal Courts of Justice
 17 afterwards. So I do recall we were down there
 18 and I recall that happening, but the actual
 19 content of the training, I can't recall if that
 20 was disclosure training or not, unfortunately.
 21 **Q.** Setting aside the content of the training, is
 22 there only one occasion you remember where you
 23 were given training by an external provider?
 24 **A.** Yeah, probably, yeah.
 25 **Q.** We need not have them up on screen unless you

40

1 wish to go to them, Mr Whitaker, but among the
2 documents recently provided to you are two
3 emails sent to you and others after this
4 training, which included the PowerPoint
5 presentation from the session, an extract from
6 the Criminal Procedure Rules, the Code for Crown
7 Prosecutors and the CPIA Code of Practice, as
8 well as links to other CPS resources including
9 the Attorney General's Guidelines on disclosure.
10 As far as you can recall, do you remember
11 receiving those documents by email?

12 **A.** I don't remember receiving those documents but
13 if they were sent to me I would have received
14 them.

15 **Q.** Can you recall ever being sent those kind of
16 resources before this?

17 **A.** What, specific to disclosure?

18 **Q.** Well, the resources I've just referred to, and
19 in particular, the Attorney General's Guidelines
20 on disclosure, the CPIA Codes of Practice, the
21 Code for Crown Prosecutors. You were being sent
22 these documents after this training. Do you
23 remember those documents ever being sent to you
24 before?

25 **A.** No.

41

1 what was known as a 'committal file' and
2 therefore had never produced disclosure
3 schedules."

4 Does this remain your view: that because
5 there was no regular refresher training on
6 disclosure and because Post Office cases were
7 rarely committed for trial, Investigators and
8 their line managers were poorly equipped to deal
9 with disclosure?

10 **A.** I would agree with that. I mean, reading out
11 the policy, essentially, Post Office Limited
12 said, "This is the policy that, you know, you're
13 adhering to and, obviously, the law with regard
14 to what you're adhering to with disclosure".
15 However, there was never any -- or I don't
16 recall any checking of understanding of that.

17 It was never something that was really
18 pushed, as it were, and I don't know whether
19 that is because we were, as I said in the
20 statement, we were rarely called to put together
21 schedules and, actually, seriously consider
22 disclosure ahead of proceedings.

23 I think the general feeling was that -- with
24 disclosure is that we were -- you know, we had
25 a duty to retain, we had a duty to review but,

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1 **Q.** You say in your statement at paragraph 33 that
2 you felt the training in respect of the
3 investigation role you held was adequate, that
4 you were trained to a reasonable standard in
5 investigation skills and any specific major
6 change to the law, policies or techniques would
7 be communicated through training courses. But
8 your assessment of the training relating to
9 disclosure is somewhat different.

10 Could we have on screen, please,
11 paragraph 140 of Mr Whitaker's statement, that's
12 page 34 of WITN05050100. You say here:

13 "An issue ... that I feel there was, was
14 that there was no regular refresher training on
15 the subject ..."

16 That subject being disclosure; is that
17 right?

18 **A.** Yes.

19 **Q.** "... often the line managers were equally as
20 poorly equipped to deal with disclosure, and
21 because as POL cases were rarely committed for
22 trial, consideration and production of schedules
23 was something that investigators rarely did.
24 I can recall in my time at POL investigators
25 with substantial service who had never assembled

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1 actually, putting the schedules together was
2 something that was rarely done and I don't
3 recall getting any feedback. You know, when
4 they were sent in to review, I don't recall
5 getting any feedback to say, "Oh yeah, they're
6 fine", or, you know, "They're not what we
7 should -- what they should be".

8 So, essentially, that's the knowledge that
9 I've sort of drawn to make the statement that
10 I've made in the -- in my statement.

11 **MS PRICE:** Sir, I am about to move to a larger
12 topic. I wonder if we might take the morning
13 break slightly earlier.

14 **SIR WYN WILLIAMS:** Yes. By all means, Ms Price. So
15 what time shall we start again?

16 **MS PRICE:** 11.30.

17 **SIR WYN WILLIAMS:** Yes, fine. Thanks.

18 **MS PRICE:** Thank you, sir.

19 (11.07 am)

(A short break)

20 (11.30 am)

21 **MS PRICE:** Hello, sir, can you see and hear us?

22 **SIR WYN WILLIAMS:** Yes, thank you.

23 **MS PRICE:** Mr Whitaker, I'd like to turn to
24 investigation casework compliance. Should we
25

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1 take it from your statement that there was,
2 throughout your time as a Post Office
3 Investigator, a requirement that certain
4 information was set out in the case files in
5 a uniform way?

6 **A.** Yes.

7 **Q.** One document which the Inquiry sent you for the
8 purposes of preparing your statement was
9 a document entitled "Casework Management", and
10 there are two versions of that, one is dated
11 March 2000 and one is dated October 2002. It's
12 right, isn't it, that you don't recall being
13 provided with either version of this document
14 before they were provided to you by the Inquiry?

15 **A.** I don't think they were provided to me. I don't
16 know whether I would have been able to access
17 them but they were not actually provided.

18 **Q.** Is their content familiar to you?

19 **A.** Yeah, yeah.

20 **Q.** This document sets out the need for two separate
21 reports: one, the conduct report, to go to the
22 discipline manager; and another, the legal
23 report to go to the Criminal Law Team.
24 Sensitive information should only be included in
25 the legal report and not the conduct report, and

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1 My understanding of the guidance, and how it was
2 applied at the time, was, as I've said in my
3 statement there, that the commercial
4 sensitivities were to do with customers of the
5 Post Office and how their transactions moved
6 through sub post offices. And my understanding
7 was that, you know, anything commercially
8 sensitive from that point of view was what this
9 guidance was aimed at. I didn't take it that
10 this guidance was aimed at the relationship
11 between Fujitsu and Post Office Limited.

12 I thought purely it was to do with --
13 I think I've mentioned it in the statement --
14 such things as the Benefits Agency and how their
15 products were processed through post offices.

16 **Q.** In terms of your understanding at the time you
17 were an Investigator, did you think that,
18 because something was commercially sensitive,
19 that alone and of itself, meant that it did not
20 need to be disclosed?

21 **A.** No.

22 **Q.** You say at paragraph 76 of your statement that,
23 towards the end of your time with the Post
24 Office, you recall there being a push on
25 casework compliance --

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1 there are also paragraphs in this document
2 dealing with both operational and procedural
3 failures identified during an investigation.

4 Is that a fair summary of the nature of the
5 document?

6 **A.** Yes.

7 **Q.** You've provided in your statement your
8 understanding of the guidance given in that
9 document and that is at paragraph 72 to 73 of
10 your statement. Is it right that your
11 understanding of the guidance now, contained
12 within that document, is this: within
13 disclosure, the organisation should take care,
14 as evidence and unused material may contain
15 commercially sensitive information that should
16 not be in the public domain?

17 Do you want to have a look to your
18 statement? This is paragraph 72. We can have
19 this on screen, if that's easier. WITN05050100,
20 page 19. This is a document that the Inquiry is
21 familiar with. If you'd like to refresh your
22 memory, I can bring that up on screen for you,
23 as well, or are you content to go from your
24 statement?

25 **A.** No, I'm content to go from my statement, yeah.

46

1 **A.** Yeah.

2 **Q.** -- and you recall a compliance checklist being
3 sent out and files being scored against that
4 checklist by a Compliance Manager?

5 **A.** Yes.

6 **Q.** You recall that compliance manager to have been
7 Ged Harbinson?

8 **A.** Yes.

9 **Q.** Could we have on screen, please, document
10 reference POL00118096. The email about halfway
11 down the page on this document, please --
12 a little further down. This is an email from
13 Dave Posnett to a number of Security team
14 recipients, including you, and it's dated 23 May
15 2011. The subject of the email is "Casework
16 Compliance", and the email reads as follows:

17 "All,

18 "Most of you are aware that case files
19 submitted for legal advice will become subject
20 to compliance checks. This process is due to
21 commence in June and is designed to raise
22 standards of files submitted (including their
23 contents -- reports, taped summaries, appendix
24 enclosures, recoveries, stakeholders, etc) and
25 ensure there is a consistent approach across the

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1 team. It is also probably an opportune time
 2 given that we have recently recruited new people
 3 to the team.
 4 "I've associated relevant documents that
 5 feed into the compliance process. Please
 6 familiarise yourself with these documents."
 7 A number of compliance documents were
 8 attached to Mr Posnett's email in a zip file.
 9 Presumably, given the instruction in
 10 Mr Posnett's email to "familiarise yourself with
 11 the documents attached", you read them when you
 12 received his email, did you?
 13 **A.** Though I can't recall reading them, I can't
 14 think of a reason why I wouldn't have.
 15 **Q.** One of those documents was the "Guide to the
 16 Preparation and Layout of Investigation Red
 17 Label Case Files". Could we have that on
 18 screen, please. The reference is POL00118101.
 19 Just scrolling down a little.
 20 Did you read this document at the time it
 21 was sent to you by Mr Posnett, or can't you say?
 22 **A.** Is it possible to scroll down a little further
 23 because I can just see a blank page?
 24 **Q.** We can look over to the second page and that may
 25 give you a bit more content.

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1 section of the report dealing with the content
 2 of the discipline report, as opposed to the
 3 confidential offender report. Paragraph 2.15
 4 reads as follows:
 5 "Details of failures in security,
 6 supervision, procedures and product integrity.
 7 This must be a comprehensive list of all
 8 failures in security, supervision, procedures
 9 and product integrity it must be highlighted
 10 bold in the report. Where the investigator
 11 concludes that there are no failures a statement
 12 to this effect should be made and highlighted in
 13 bold."
 14 So this seems to relate to the instruction
 15 to include a comprehensive list of failures in
 16 this report.
 17 Then, over the page, please, there is this
 18 exception:
 19 "Significant failures that may affect the
 20 successful likelihood of any criminal action
 21 and/or cause significant damage to the business
 22 must be confined, solely, to the confidential
 23 offender report. Care must be exercised when
 24 including failures within the Discipline Report
 25 as obviously this is disclosed to the suspect

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1 **A.** Right. As I say, I can't think of a reason
 2 I wouldn't have, although if you asked me to
 3 tell you what date, what time I read it,
 4 I wouldn't be able to tell you.
 5 **Q.** This document deals with the content of the
 6 offender report and the discipline report. So
 7 we discussed just now that the separate reports
 8 that were required by the "Casework Management"
 9 document, one being the one for the Criminal Law
 10 Team and the other being the conduct report, so
 11 the terminology is a little different, but it is
 12 the offender report which goes to Legal and the
 13 discipline report which goes to the Discipline
 14 Manager, in the sense of this document.
 15 **A.** Yes.
 16 **Q.** This was provided to you by the Inquiry. Have
 17 you had a chance to read it?
 18 **A.** Yes.
 19 **Q.** You addressed this document at paragraph 78 and
 20 79 of your statement. So please do have those
 21 in front of you if you need to refer to them.
 22 Can we turn, please, to page 10 of this
 23 document. Scrolling down a bit, please, so that
 24 2.15 is visible.
 25 To put this in context, this is the second

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1 offender and may have ramifications on both the
 2 criminal elements of the enquiry, as well as
 3 being potentially damaging to the reputation or
 4 security of the business. If you are in any
 5 doubt as to the appropriateness of inclusion or
 6 exclusion you must discuss with your Team
 7 Leader."
 8 Could we have on screen, please,
 9 paragraph 78 of Mr Whitaker's statement. That's
 10 page 20 of WITN05050100, towards the bottom of
 11 the page, please. Just to clarify, the
 12 understanding of the paragraph we've just looked
 13 at, 2.15, that you're addressing here at
 14 paragraph 78, is that your understanding now,
 15 reading this document with the benefit of your
 16 current understanding of disclosure obligations,
 17 or is that how you understood the document at
 18 the time?
 19 **A.** No, I think it was how I understood the document
 20 at the time. As I said, I was always aware in
 21 regard to disclosure that the duty was to have
 22 an eye on it and -- you know, from the very,
 23 very beginning, and make sure that anything that
 24 passed the disclosure test was highlighted.
 25 **Q.** So what you say is this:

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1 "In regard to my understanding of
2 paragraph 2.15 ... I would say that any failing
3 of the types identified in the document should
4 be drawn to the attention of the prosecution
5 decision maker in the report by the
6 Investigation Manager, highlighting them in bold
7 type."

8 Over the page, please:

9 "Similarly, should a matter be progressed
10 through the criminal courts it would be
11 reasonable to expect that matters highlighted in
12 this way would be included on the relevant
13 disclosure schedule. If there was evidence of
14 Horizon system bugs errors or defects I feel
15 that this evidence would clearly be relevant to
16 the case and would pass the disclosure test in
17 that it would be reasonably considered capable
18 of undermining the prosecution case or assisting
19 the defence."

20 In essence, and do correct me if
21 I paraphrase wrongly, you conclude that any
22 serious failures would be highlighted in the
23 offender report, even if not in the discipline
24 report. They would be highlighted to the
25 prosecution decision maker, who would consider

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1 ultimately -- well, specifically, in regard to
2 disclosure, if something were to undermine
3 a crucial or assist the defence, it needed to
4 be -- it needed to be disclosed and it was my
5 job, as an Investigator, to gather the evidence,
6 and put it forward. It was someone else's
7 decision to what they did with that,
8 essentially. So, speaking from a personal point
9 of view, that seems clear to me.

10 Again, unfortunately, I can't speak for
11 other people and their understanding of it.

12 **Q.** Turning, please, to another document which
13 Mr Posnett asked recipients of his email to
14 familiarise themselves with, the "Identification
15 Codes" document, you've had an opportunity to
16 see that document, to read it?

17 **A.** Yes.

18 **Q.** I don't think we need to display it on the
19 screen at the moment. Did you read this
20 document as you were asked to do when Mr Posnett
21 sent you his email?

22 **A.** I don't recall specifically reading it but, if
23 he sent me the email, there's no reason to
24 suggest that I wouldn't have read it.

25 **Q.** Do you recall having any concern about

55

1 it in the context of whether the prosecution
2 test was met and decide whether the matter
3 should be disclosed.

4 So, as such, you see no problem with
5 paragraph 2.15; is that right?

6 **A.** I think that sums it up.

7 **Q.** Could we have back on screen, please,
8 paragraph 2.15. That's POL00118101. Again
9 page 10 of that document, please. To the bottom
10 of the page, please, and going over, actually,
11 to page 11. Looking at this wording again, do
12 you think there was a risk that using the
13 wording of the sort used here, under a heading
14 of "Failures in Product Integrity", might be
15 interpreted by some Investigators to mean that
16 relevant product integrity failures should not
17 be disclosed because they might affect the
18 success of any criminal action?

19 That is, of course, the opposite of the test
20 for disclosure.

21 **A.** I can't really comment on someone else's
22 understanding of that. I think, speaking
23 personally, from the very, very beginning,
24 fairness in regards to investigations was
25 something that I always considered. You know,

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1 an "Identification Codes" document when you were
2 an Investigator?

3 **A.** No, because I seem to recall -- and I think I've
4 mentioned as much in my statement -- that it was
5 just something that we completed. As I say,
6 I used a different one to the one that
7 Mr Posnett put forward. I never used that
8 document and, you know, the terms on it are
9 offensive, outdated and, as I say, I don't
10 recall it at all.

11 But, that said, I don't recall putting up
12 any -- you know, sending it back in and saying,
13 "What's this?" which, you know, obviously, if it
14 happened today, I would like to think I would
15 do.

16 **Q.** You say at paragraph 81 of your statement that
17 you recall as an Investigator being required to
18 include identity codes in casework reporting,
19 which you understood to be required in the
20 context of recording crime data and statistics
21 to the police.

22 **A.** I believed it was something to do with that,
23 yeah. Essentially, it was -- as we go on, we've
24 just been talking about compliance, it was
25 a section that had to be filled in on the

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1 offender report, so, you know, rightly or
 2 wrongly, I filled the section in.
 3 **Q.** Setting aside for a second the offender report,
 4 do you recall there being a specific form used
 5 by the Post Office, as a non-police agency, to
 6 notify the police of criminal proceedings?
 7 **A.** Yes.
 8 **Q.** It was called a form NPA01?
 9 **A.** Yes, there was, yeah.
 10 **Q.** Can we have on screen, please, document
 11 reference POL00118374. This is a blank copy of
 12 the form NPA01 and we can see the agency name on
 13 the top left, Post Office Limited. We can see
 14 at the top, the title "Non-Police Agencies
 15 (Notification of Proceedings to Police)". Then
 16 there are boxes for various identifying details
 17 of the person being charged or summonsed.
 18 About halfway down the page, we can see the
 19 "Prosecuting Agents" listed as "Post Office
 20 Limited Legal Services, Criminal Law Team".
 21 Then, over the page, please, right at the
 22 top, we see there are number of options for
 23 ethnic appearance. There are seven boxes:
 24 "White European", "Dark European", "Afro
 25 Caribbean", "Asian", "Oriental", "Arab" and
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1 offender reports and discipline reports.
 2 Starting on page 4 of that document, please,
 3 scrolling down a little, we see a preamble for
 4 the policy template of an offender report. You
 5 see there at 1.2, "Preamble as policy template".
 6 Going to the top of the next page, please,
 7 at the top right, we see "Identification Code"
 8 and in brackets "Numbers 1 to 7 only". So
 9 Investigators were being instructed to enter
 10 an identification code limited to options 1 to
 11 7; is that right?
 12 **A.** Yes.
 13 **Q.** They were being provided with the
 14 "Identification Codes" document sent in the same
 15 compliance zip file, which you described as
 16 containing offensive and outdated terms. Was
 17 there any other way for Investigators receiving
 18 Mr Posnett's suite of compliance documents to
 19 interpret the instruction, other than, "Use this
 20 identification codes document to complete the
 21 identification codes space on the offender
 22 report"?
 23 **A.** As I say, I didn't use Mr Posnett's information
 24 that he sent. I seem to recall I'd been
 25 an investigator for some time now and I had
 59

1 "Unknown".
 2 Is this the form you used to notify the
 3 police of proceedings and to identify the
 4 identification code which applied in any given
 5 case.
 6 **A.** This was the form that we filled in and I think
 7 it went to a Prosecution Support Office and they
 8 actually dealt with the notification to the
 9 police, but it was our responsibility to fill
 10 the form in.
 11 **Q.** But is this the way that you notified police of
 12 identification codes by reference to those
 13 options on this form?
 14 **A.** It looks to be on the form, so obviously the
 15 question is why was it on the offender report?
 16 **Q.** So no reference to the identification codes
 17 document circulated by Mr Posnett in May 2011
 18 was necessary to provide identity code
 19 information to the police, was it?
 20 **A.** It doesn't look to be the case, no.
 21 **Q.** Turning back then to Mr Posnett's zip file of
 22 compliance documents, could we have document
 23 reference POL00118101. This is, again, the
 24 "Guide to the Preparation and Layout of
 25 Investigation Red Label Case Files", covering
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1 numbers that corresponded with the identity
 2 codes used in the police. And it had -- it
 3 remained in my -- what we termed a tackle kit,
 4 from an early period and I don't recall ever
 5 changing it.
 6 As I say, some of the descriptions in
 7 Mr Posnett's document were -- came -- it came as
 8 a shock to me when I saw that because I don't
 9 recall ever seeing it previously. As I say, if
 10 I got these -- this suite of documents with
 11 this, I can only think that I did recall them.
 12 But I didn't use it. I don't remember using
 13 those terms on there at all.
 14 **Q.** Given that it was not necessary to use this
 15 document, the "Identification Codes" document,
 16 for police notification purposes, because the
 17 options were there on the face of the form, can
 18 you help us with why it was being used to
 19 populate the offender report? It may be that
 20 the answer is no.
 21 **A.** I don't have any idea whatsoever. It certainly
 22 wasn't required. But I can say that it
 23 pre-dated Mr Posnett's -- or this document,
 24 certainly, because I do recall -- I mean, as
 25 I say, I started filling in reports back in 1999
 60

1 and I do recall it being on there then, and
2 I recall it being on there ever since.

3 **Q.** I'm sorry, what do you recall being on there
4 then?

5 **A.** The space on the -- in the report preamble for
6 identity code.

7 **Q.** It's apparent from your statement that you can't
8 assist on who might have drafted that document
9 or how long ago that might have been?

10 **A.** I can't, I'm afraid. I'm sorry.

11 **Q.** Turning, please, to lines of inquiry in cases
12 where a shortage was being attributed to the
13 Horizon system, could we have on screen, please,
14 page 22 of Mr Whitaker's statement,
15 paragraph 84.

16 You deal here with the situation when
17 someone being investigated attributed
18 a shortfall to problems with the Horizon system,
19 and you say this:

20 "It is difficult to state what analysis was
21 done by Investigators of Horizon data when
22 someone attributed a shortage to Horizon. It
23 depended on what had been said during the
24 interview. If someone had stated that a loss
25 had just appeared and offered nothing else, it

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1 **Q.** Also, in general terms, is it right that you
2 would only carry out fairly basic analysis of
3 data produced by Horizon, such as comparing cash
4 on hand figures to previous cash accounts or
5 declarations?

6 **A.** I would.

7 **Q.** You say at paragraph 88 of your statement that:

8 "... early on after Horizon was introduced
9 [you] had to send away for Horizon information
10 ..."

11 What kind of information are you referring
12 to here?

13 **A.** I recall, just sending away for more detailed
14 analysis of Horizon, I think on specific
15 datasets and things like that. It depended what
16 was -- what I was looking into at the time. As
17 I say, my role was to gather evidence, so
18 I thought, you know, if someone had said in
19 interview that there was the -- the loss stemmed
20 from Post Office card account, or whatever,
21 I would -- you know, I would sort of follow that
22 trail and say "Right, well, we need to have
23 a look at Post Office card account, you know,
24 what did you -- what specifically are you
25 looking at?" and then send away for that

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1 was difficult to begin to find a place to start
2 any analysis."

3 You go on at 85:

4 "I can't specifically recall the steps

5 I would have taken but if the subpostmaster
6 could provide any relevant information about the
7 loss being as a result of a particular product,
8 or transaction, then I feel that some analysis
9 would have to be done in the area named."

10 Then at 86:

11 "In regard to analysis, I always viewed that
12 my personal role was not to provide intricate
13 analysis of systems and usually I would ask
14 someone better qualified, perhaps
15 a representative of a particular product within
16 the National Business Support Centre, a POL
17 security analyst, or on occasions Fujitsu
18 representative to perform analysis."

19 Should we take it from the paragraphs here
20 that, unless a subpostmaster could pinpoint
21 a loss being down to a particular product or
22 transaction, then, as a matter of practice, you
23 would not request data or analysis of data from
24 Fujitsu as part of your investigation?

25 **A.** I don't think that I would have, at the time.

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1 information and see if there were any anomalies
2 that would -- you know, support a line of
3 inquiry.

4 **Q.** In the context of paragraph 88 here, you say
5 that that changed in that you, at some point,
6 gained remote access to Horizon information via
7 a portal on your computers, where information
8 could be downloaded directly to you.

9 **A.** Yes. We could examine cash accounts. I can't
10 recall whether -- how up to date they were.

11 They might have been a week behind, or something
12 like that, but I do recall being able to
13 certainly have a look at cash accounts, through
14 this portal on our laptops.

15 **Q.** Just to be clear, by remote access, do you mean
16 that you could download and view data, rather
17 than alter that data in any way?

18 **A.** Yes, I -- it was just viewing what had already
19 been put on the system.

20 **Q.** In respect of ARQ requests, you deal with this
21 at paragraphs 90 and 91 of your statement --
22 over the page, please, to page 23. Should the
23 Chair understand from these paragraphs -- and
24 perhaps we'll read those out. Paragraph 90:

25 "I cannot recall arrangements between POL

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1 and Fujitsu in respect of the provision of ARQ
2 requests, though I do not feel that they were
3 provided as a matter of course for losses
4 attributed to an unexplained Horizon shortage.
5 I vaguely recall also that Fujitsu may have
6 charged POL for provision of some ARQ
7 information after a certain number of requests,
8 however I don't not recall what the number of
9 requests before that cost began. Also, I don't
10 recall that I ever consciously considered this
11 in any ARQ request that I might have made."

12 At 91:

13 "I recall that ARQ data might be required if
14 a case was committed for trial following a 'not
15 guilty' plea at Magistrates Court. It may have
16 been requested at this stage perhaps by the
17 reviewing lawyer in their advice. If this ARQ
18 data was part of the evidence then I feel that
19 it would be disclosed to the subpostmaster's
20 legal team at the relevant point prior to the
21 trial as part of the evidence."

22 Should the Chair understand from this that,
23 generally speaking, ARQ data would not be sought
24 as part of an investigation, but might be if
25 a case was committed to trial following a not

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1 statement and in what context?

2 **A.** I recall it was always someone within Fujitsu.
3 I think the person changed throughout the time
4 and, as I say, from my point of view, I was
5 an Investigator, I was gathering the evidence.
6 I -- against the backdrop of believing that
7 Horizon was robust anyway, so I would make the
8 request to -- I think through a single point of
9 contact within our organisation, I would make
10 the request to Fujitsu and they would provide
11 what I've termed a "catch-all" statement, which
12 is a statement to say that the Horizon system at
13 a particular office appears to be in good
14 working order and there's no reason that it
15 should throw up anomalies.

16 That sort of -- that's the sort of -- it
17 wasn't for me to request that statement. It was
18 for them to give me that statement, you know.

19 **Q.** In cases where you obtained a catch-all
20 statement, did this mean that no case-specific
21 analysis of the available data was conducted by
22 anyone from Fujitsu?

23 **A.** I don't know what Fujitsu did to produce the
24 statement. As I say, I would ask that in the
25 first instance, in putting together a file

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1 guilty plea?

2 **A.** In the main, yes. I don't think exclusively so,
3 and I can only speak from the investigations
4 that I did. Specifically if you were looking --
5 if an Investigator, potentially, was looking at
6 an office for -- that they suspected of doing
7 certain things, before an interview took place,
8 they may want to get some information so they
9 could have sent away for those ARQs.

10 I would say that, in the main, though, it --
11 that sort of information would generally wait
12 until we had to put together a committal file
13 and rely on the evidence and then, obviously,
14 the -- any evidence that we relied upon would be
15 disclosed to the defence.

16 **Q.** At paragraph 92, you say this:

17 "That said I feel that in investigating
18 cases, if it sufficed, I often would be
19 satisfied with a 'catch-all' statement to say
20 that the Horizon system was in good working
21 order at the time and did not throw up
22 anomalies. If then directed to obtain something
23 in more detail by Legal Services I would go
24 ahead and obtain whatever they had requested."

25 Who would provide this kind of catch-all

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1 potentially for a committal -- putting together
2 a committal file. As I say, if that had been
3 reviewed by the reviewing lawyer or by counsel,
4 and they felt that it wasn't specifically what
5 they wanted, in how they were going to run the
6 case, then they would come back to me and
7 I would make the request for a statement to --
8 if a statement could be obtained, to say
9 whatever was required.

10 **Q.** You say at paragraph 93 that you recall Andy
11 Dunks being someone that was called upon to
12 assist in prosecutions; is that right?

13 **A.** Do, I recall Andy Dunks and I think since
14 writing this statement I do recall Penny Thomas,
15 I think, may have been someone else.

16 **Q.** I'd like to turn, please, to your involvement in
17 the prosecution of David Blakey. You drew the
18 distinction in your witness statement to the
19 Inquiry between the shortfall cases where
20 someone could provide relevant information about
21 the loss as a result of something particular,
22 a particular product or transaction, in which
23 case you might have done some further analysis,
24 and cases where someone was only able to say
25 that a loss appeared, and they could not explain

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1 it, in which case you would not, generally
 2 speaking.
 3 David Blakey's case was one where he could
 4 not explain how the loss had appeared, wasn't
 5 it?
 6 **A.** Yes.
 7 **Q.** Do you remember Mr Blakey and his case now?
 8 **A.** From reviewing the documentation, I've certainly
 9 got an understanding of it. In regards to the
 10 events, I do recall attending Riby Square post
 11 office in Grimsby. I recall certain aspects of
 12 it but certainly not a full narrative of every
 13 aspect of it.
 14 **Q.** You deal with your involvement in this case
 15 starting at paragraph 124 of your statement to
 16 the Inquiry. Do feel free to refer to that
 17 statement, if you need to. You first became
 18 aware of the case on 13 May 2004, on the day
 19 an audit was conducted at the Riby Square
 20 branch; is that right?
 21 **A.** Yes.
 22 **Q.** Am I pronouncing that branch correctly?
 23 **A.** I've always known it as Riby Square, yes.
 24 **Q.** You've set out the circumstances in which this
 25 case was allocated to you in the offender report

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1 spoke to all three members of the Audit Team.
 2 At this time he informed them that there would
 3 be a shortage of cash in the post office of some
 4 £60,000. He said that this was due to cash
 5 going missing from the office over the last few
 6 months.
 7 "Glen Morris then asked Mr Blakey to write
 8 and sign a brief statement outlining what he had
 9 just told them. The members of the Audit Team
 10 then contacted their management, relayed the
 11 information of the morning to that point and
 12 continued with the audit."
 13 Just pausing there, did it concern you to
 14 find that the auditor had, on the spot, asked
 15 Mr Blakey to write up and sign a statement.
 16 **A.** It didn't concern me. I'm not an auditor and
 17 never have been an auditor but I think I recall
 18 that being their standard procedure. If
 19 a disclosure was made in relation to the one
 20 such as Mr Blakey was making, I believe that
 21 their instruction was to write that down and get
 22 the person making the disclosure to them to
 23 sign, to say as much.
 24 **Q.** So it was practice to seek a signed account from
 25 someone before they'd had the opportunity to

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1 you authored, dated 25 May 2004. Could we have
 2 that on screen, please. The reference is
 3 POL00044818. Turning to page 6 of that
 4 document, please, and scrolling down, we can see
 5 your name at the bottom of the report. Going
 6 back to page 2 of the document, please, we see
 7 the subpostmaster's name, Gillian Blakey. That
 8 was Mr Blakey's wife --
 9 **A.** That's correct.
 10 **Q.** -- and the date you wrote the report little
 11 further down, 25 May 2004. In terms of the
 12 circumstances leading up to your involvement,
 13 you said this:
 14 "On 13 May 2004, members of the Audit Team
 15 attended Riby Square SPSO Grimsby FAD Code:
 16 202/311. The Audit Team gained entry to the
 17 office at approximately 0820 hours. At this
 18 time Gillian Blakey, the subpostmaster and
 19 person named in the second preamble to the
 20 report, was asked to produce all cash stock and
 21 vouchers proper to the audit.
 22 "As the Audit Team were awaiting the opening
 23 of the office safe, David Blakey, Gillian
 24 Blakey's husband, and offender named in the
 25 first preamble to this report, attended and

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1 consider the position or take legal advice?
 2 **A.** It was not something that we'd asked --
 3 specifically asked anybody to do, as far as
 4 I recall. I don't. But it was something that
 5 auditors did.
 6 **Q.** The auditors aren't trained, are they, in the
 7 conduct of criminal investigations?
 8 **A.** The auditors are auditors.
 9 **Q.** So the safeguards of an interview aren't present
 10 in those circumstances, are they?
 11 **A.** No, but I wouldn't say that it was an interview.
 12 In respect of that, whatever the auditors took
 13 would then be taken into the interview where
 14 Mr -- in this case, Mr Blakey would have had the
 15 provisions of the caution and the provisions of
 16 having a solicitor present if they wished to.
 17 So, at that stage, it was -- you know, it
 18 was just a piece of paper that had been written,
 19 albeit an important piece of paper. It became
 20 obviously more important when introduced into
 21 evidence and discussed after the caution.
 22 **Q.** What were you told about the circumstances in
 23 which this note came to be written?
 24 **A.** Just what was reported in the report. I say,
 25 I don't recall specifically but I don't doubt

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1 what was written in the report at the time, that
2 it appears the auditors asked for all cash and
3 stock to be produced, which was something they
4 would normally do, and, at that time, Mr Blakey
5 offered his disclosure that the cash-on-hand
6 figure had been inflated and he'd been doing
7 that, he'd been inflating the cash-on-hand for
8 some time.

9 **Q.** It may or may not be relevant for Mr Blakey's
10 case but did you ever give any consideration to
11 the possibility that an auditor may have done or
12 said something that made a written signed note
13 unreliable and, potentially, a subsequent
14 interview based on that note unreliable?

15 **A.** Potentially, that could be the case, certainly
16 but, again, that, as I've said, you know,
17 before, my job is to gather the evidence.
18 Certainly, I would view that as a strong piece
19 of evidence and if that piece of evidence was to
20 be tested down the line in court as any piece of
21 evidence would be. That's fair enough, and it
22 would be for the court to decide whether, you
23 know, whether that evidence met the test.

24 So if the auditor had been called to court
25 and asked certain questions, then it may have

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1 they would just let you know the circumstances.

2 **Q.** Do you recall what they told you about what had
3 happened that morning?

4 **A.** I don't specifically recall what they said but,
5 as I say, I don't doubt what's written in the
6 report there.

7 **Q.** What happened when you arrived at the branch?
8 Do feel free to refer to your report or your
9 statement, as you wish.

10 **A.** Well, again, I can speak in general terms. What
11 would normally happen, I'd speak -- I'd go to
12 the office, I would perhaps speak to the auditor
13 to see if anything had altered, you know, if the
14 money had been found or anything else had -- you
15 know, if somebody else had come forward and
16 offered a different account.

17 According to the report here, I asked Glen
18 Morris that when I turned up, Glen Morris being
19 the auditor. He told me that nothing had
20 changed but they were close to reaching a final
21 figure, which indeed backed up what Mr Blakey
22 had said to him. And, at that time, it appeared
23 Mr Morris handed me the statement written by
24 Mr Blakey.

25 **Q.** What documents did you consider before you

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1 made that unreliable but, at that stage with the
2 knowledge that I had at the time, as
3 an Investigator, I felt that I -- it was
4 reasonable for me to include that piece of --
5 that -- Mr Blakey's statement, as it were,
6 within the interview and, as I said, put it
7 forward in my investigation and see where it
8 led.

9 **Q.** Can you recall who it was who called you about
10 the situation? So you say, in the next
11 paragraph:

12 "The same morning I received a telephone
13 [I assume that's a telephone call] apprising me
14 of the situation and, along with Helen Dickinson
15 of this Department, I attended the office."

16 Do you remember who called you?

17 **A.** I don't specifically remember who called me at
18 this time. It would more than likely have been
19 either my team leader at the time or it could
20 have been the auditor themselves, because
21 often -- because we worked quite closely with
22 certain Audit Teams, particularly at that time
23 in 2004. Sometimes you would get a call and
24 say, "Oh, you know, we've just turned up at
25 a certain office and this has happened", and

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1 interviewed Mr Blakey?

2 **A.** It would have been the -- well, certainly the
3 statement he gave to the auditors, it would have
4 been cash accounts that were on hand at the
5 office for previous weeks and anything that the
6 auditors felt relevant, you know, overnight cash
7 holdings, evidence of that, those sort of
8 things.

9 **Q.** So no attempt was made at that stage to check
10 the audit trail with Fujitsu, as opposed to look
11 at the paperwork which was available in branch?

12 **A.** No, this would have been -- we were very much
13 encouraged to undertake an early interview and
14 I would imagine that -- well, it was not unusual
15 to attend an office, have a quick briefing from
16 the auditor and be in an interview as soon as
17 possible, and sometimes that could be as little
18 as an hour after you turned up at the sub post
19 office. So there was certainly no time at that
20 point to make any substantive enquiries beyond
21 what was immediately to hand at the audit.

22 As I say, we were very much encouraged to
23 perform early interviews.

24 **Q.** Indeed, you interviewed Mr Blakey on the same
25 day as the audit, with the interviewing

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1 commencing at 1308 hours, that's the time on the
2 record of taped interview, and the interview
3 took place onsite at the branch, didn't it?

4 **A.** Yes, I believe so.

5 **Q.** We have a record of the tape recorded interview,
6 which is in two parts. The first half of the
7 interview lasted 42 minutes, according to that
8 record, and recommenced for a further
9 32 minutes. Can we have on screen, please, the
10 record of the first part of the interview, that
11 reference is POL00044830. We can see from this
12 record that you are listed as the interviewing
13 officer and also Helen Dickinson as second
14 interviewer.

15 Looking towards the bottom of the first
16 page, please, it appears here "PW", three lines
17 up, that you cautioned Mr Blakey at the outset
18 of the interview.

19 **A.** Yes.

20 **Q.** Going over the page, please, looking down that
21 page, you went through Mr Blakey's legal rights
22 with him?

23 **A.** Yes.

24 **Q.** Going over to page 3, please, and looking at
25 that page, what was Mr Blakey's decision on

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1 made whether we could continue after having that
2 legal advice, or wait until a time when
3 a solicitor came over, or rescheduled to another
4 time.

5 **Q.** Do you recognise that the situation Mr Blakey
6 found himself in was a difficult one, being
7 criminally interviewed by his employer, that he
8 might have felt under pressure to just press on
9 and explain the situation as best he could?

10 **A.** I recognise that being interviewed for
11 a criminal offence is potentially very
12 distressing -- I do -- and difficult. However,
13 I would suggest that, you know, the alternative
14 would be, you know, should Mr Blakey have
15 committed an offence anywhere else, you know,
16 potentially, he could have been taken to the
17 police station, booked into custody, and
18 interviewed there.

19 So it's never -- you know, it's never
20 anything other than a distressing situation.
21 What I would say is that Mr Blakey was
22 interviewed at his premises, he was interviewed
23 in a room where people that he knew were the
24 other side of the wall and he was given, you
25 know, every right that he should have been

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1 whether to have a solicitor present?

2 **A.** I think he actually says, "No, I'm fine
3 honestly".

4 **Q.** Page 4, please, towards the top, what was his
5 decision on whether to have a friend present?

6 **A.** He declined the offer of a friend to attend
7 the interview.

8 **Q.** This was the first time he was being told that
9 he was the subject of a criminal
10 investigation --

11 **A.** Mm-hm.

12 **Q.** -- by the Post Office. Several hours after the
13 audit had commenced and he was required, wasn't
14 he, to take a decision on whether to have
15 a solicitor present pretty much on the spot,
16 wasn't he?

17 **A.** Well, it was explained to him that he could have
18 a solicitor present, if he wished. So ...

19 **Q.** What would the alternative have been to the
20 interview going ahead then, immediately?

21 **A.** If Mr Blakey had decided that he wanted
22 a solicitor present and he expressed that to us,
23 we would have halted the interview at that point
24 until such a time as he'd taken legal advice, at
25 which point, you know, a decision would be then

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1 given, and, as I've said before, I do understand
2 that it is very, very distressing, but I was
3 there to investigate a criminal offence.

4 I had reasonable grounds to suspect
5 Mr Blakey of committing that offence and,
6 therefore, I think I'd reasonable grounds to
7 interview him. As I say, the Post Office
8 require -- well, requested that we interview as
9 early as possible, and Mr Blakey could have said
10 that "I don't want that to happen now".

11 And I would have -- if he had said that,
12 I would have postponed it. However, he didn't
13 so the interview carried on.

14 **Q.** Going back to the record of interview, the
15 majority of this page on screen is a record of
16 the account given by Mr Blakey about the
17 background to the audit. He explains that,
18 although his wife was the subpostmistress, he
19 would attend the office every day after he
20 finishes work and helped out by doing the
21 cut-off and by balancing the office on
22 a Wednesday.

23 About halfway down the page, Mr Blakey
24 explained that he always entered the figures
25 onto Horizon and produced the office cash

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1 account. Then he, at 10.38, covered the
2 circumstances surrounding the audit that
3 morning, including him telling auditors that
4 they were going to find a discrepancy.

5 Then at 11.36 minutes you raise the written
6 account requested from Mr Blakey by the
7 auditors, and you got him to read that out. So
8 starting at the bottom of the page, he says:

9 "Yes this is the one ... About three months
10 ago money started to go missing I covered this
11 up hoping to replace it. My wife had been ill
12 ... I can go into more detail about that later
13 on if you wish ... I've got an appointment with
14 the bank manager next week I was hopefully going
15 to take out a loan to replace it, where or how
16 the money's gone I don't know. I was hoping
17 there was an error but it does not appear to be
18 the case. And I wrote that briefly this morning
19 while I was still shaking."

20 So straightaway in the note Mr Blakey had
21 written for the auditors, he was saying that the
22 money had been going missing for about three
23 months, that where or how the money had gone, he
24 didn't know; that's right, isn't it?

25 A. Yes.

81

1 there, are you, David?"

2 He says:

3 "Well ...

4 "PW: I don't think you're telling me the
5 truth.

6 "DB: It's time ago, to be honest with you

7 ...

8 "PW: Not particularly about that. You know
9 where the money's gone because you've been
10 taking it, haven't you, David?"

11 Mr Blakey says:

12 "No way. Honestly, as God is my witness,
13 no, not a chance."

14 What was the basis for you accusing
15 Mr Blakey of taking the money at this stage?

16 A. I think probably at that stage because Mr Blakey
17 was the one who'd been doing the accounts, he'd
18 admitted covering the shortage up, I think. He
19 didn't offer anything in regard to any of his
20 members of staff, and what he was saying to me
21 at that time -- obviously, now is different --
22 but, at that time, I thought the system was
23 robust. I thought we were looking at a large
24 amount of loss and what he said to me didn't
25 ring true.

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1 Q. At 12.55, further down the page, please, there
2 is a summary here of what Mr Blakey was saying.
3 So, given this is not a transcript of interview,
4 it's a record, some bits are word for word and
5 some bits are paraphrased.

6 At 15.05 you ask where Mr Blakey thinks the
7 money has gone, and he says:

8 "I honestly don't know. Goodness knows ...
9 I wish I did."

10 You ask if he thinks it is a member of staff
11 stealing. He says no, he trusts them 100 per
12 cent.

13 You ask if it was errors from his staff's
14 incompetence. He says this is a possibility.

15 Then, at the bottom of the page:

16 "I can't really see where the hell it's
17 gone."

18 Over the page, please, there is some
19 discussion of Mr Blakey's attempts to speak to
20 the bank to get a loan to repay the money. At
21 17.30, we have you summarising what Mr Blakey
22 had told you and noting his reluctance to point
23 the finger at members of staff.

24 Then at 17.40 you say this:

25 "I don't think you're telling me the truth

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1 And, to be perfectly honest, sometimes when
2 you are interviewing people, a phrase such as
3 that, "I don't think you're telling me the
4 truth", would often sort of focus the person's
5 mind that, you know, it was an interview where
6 accounts would be challenged. And, sometimes,
7 in past interviews, having said that, some
8 people would open up. Some people wouldn't but
9 some people would open up, and the interview
10 would go in a different direction.

11 Q. Was there anything other than the Horizon data
12 that suggested money was stolen by Mr Blakey?

13 A. Well, it was the audit report. It wasn't
14 specifically the Horizon data. I trusted the
15 Horizon data. At that point in 2004, I think
16 Horizon had just rolled out fully across the
17 Post Office Limited estate and, as far as we
18 were told, as far as we knew, as far as we
19 accepted, the Horizon system was a system that
20 was infallible, as it were. So I took the audit
21 report that there was that amount of money gone.
22 So I trusted that.

23 Q. The audit report was confirming a difference,
24 wasn't it, between what was actually there --

25 A. Yeah.

84

1 Q. -- and what the Horizon reports were saying --

2 A. Yeah.

3 Q. -- should be there?

4 In circumstances where the only basis for
5 there being a loss was that Horizon data, did
6 you consider looking at the detail of the data
7 over the last three months to analyse how the
8 losses had built up to the audit figure before
9 accusing Mr Blakey of theft?

10 A. I wouldn't have done that in this occasion, no.
11 But, as I say, this was very, very much at the
12 start of Horizon. Well, in answer to your
13 question, no. No, I wouldn't.

14 Q. You go on:

15 "So you're saying that £60,000 has gone in
16 a matter of months and you've not drawn it to
17 the attention of anyone, not even your wife?

18 "DB: No, that's [not] true.

19 You say:

20 "That's not true, you don't run a business
21 like that David ..."

22 So Mr Blakey maintains his denial that he's
23 taken any money. There's some discussion of the
24 cash-on-hand figure and, going over the page,
25 please, slightly further down the page, there's

85

1 He says:

2 "You're right I know."

3 Further down the page, you suggest, and this
4 is PW, a little way down from 27.40:

5 "Is it something that your wife doesn't know
6 about? I mean we turn up on a Thursday morning
7 to lots of places, sub post offices, and the
8 stories we've heard you wouldn't believe a lot
9 of them. But I know people get into trouble
10 with various things ... with gambling ..."

11 Mr Blakey says:

12 "Oh no."

13 What was the basis for your suggestion that
14 Mr Blakey was stealing to cover up gambling?

15 A. As I've said there, there's any number of
16 reasons that someone steals, gambling being one
17 of them. And, even at that point, I was
18 probably five years into my Post Office Limited
19 career, I'd heard any number of reasons why
20 people had stolen money, and that's not in
21 Horizon losses, or anything like that. It's
22 just, you know, people's motives for stealing
23 are very wide and very varied.

24 Certainly, with gambling being one of them,
25 with debts in private side of shops. Everything

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1 some discussion of the figures, and you ask why
2 the figures have been steadily climbing and why
3 he's not drawn that to anybody's attention. He
4 says:

5 "That's my mistake."

6 Then at the bottom of the page, you say
7 this:

8 "I can that you've probably got your wife's
9 welfare at heart. But the size of the in
10 respect of this. You can't expect me to believe
11 that you didn't know or you didn't do something
12 about it. If it's not you ... if it's not you
13 that's doing it you've got no reason to shield
14 anybody from it. I can understand for health
15 reasons your wife. But you can't shield this
16 from your staff because if it's not you stealing
17 and you don't suspect your wife. Then it's got
18 to be your staff's incompetence or it's got to
19 be your staff's dishonesty and I can't believe
20 that you haven't got them together before this
21 point before now and if it hasn't been you and
22 you've not said to them, "Look we're losing
23 money at this Post Office, one of you is at it",
24 or, "You are all incompetent", or something in
25 that respect so that just doesn't ring true."

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1 I put to Mr Blakey as a challenge, as it were,
2 or as an attempt to potentially for him to open
3 up to me about this loss that he said he'd got
4 no idea about, was based in other cases that I'd
5 done or other cases that I'd heard about, and
6 motives that people had given me and others in
7 the past.

8 Q. You go on:

9 "... Things that their wives or their
10 husbands don't know about ... secret lives,
11 secret mistresses ..."

12 Then Mr Blakey laughs at this suggestion.

13 Mr Blakey had spent a good deal of the interview
14 to this point talking about his concerns for his
15 wife's health. What basis did you have for
16 suggesting Mr Blakey was having an affair?

17 A. I was putting out suggestions there and what's
18 missing from this is nuance, in regard to the
19 interview. It's in black and white there. As
20 you can see there, Mr Blakey laughs. I don't
21 know in what context, in what way it was
22 delivered, other than it being in black and
23 white on there. But, again, in the past, I'd
24 interviewed people and -- interviewed people
25 where this had been a motive for stealing

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1 because they'd got a secret life.

2 So I was putting it there as an option.

3 I was challenging his account, because his
4 account, to that point, was simply that "I don't
5 know where it's gone", and that nobody knew
6 about it other than him.

7 **Q.** The next section is not a word-for-word attempt
8 at transcription but is paraphrased and it's you
9 warning Mr Blakey that it's not only you and
10 Ms Dickinson that he had to convince, and that
11 the court could draw its own inference if the
12 matter goes that far. What was the reason for
13 saying this to Mr Blakey?

14 **A.** I suppose it was a reminder of the caution, that
15 I'd spent -- what time was it there -- half
16 an hour speaking with Mr Blakey. As I said, at
17 that point, it's safe to say that I didn't
18 believe what he'd told me. And, as I say, it's,
19 in effect, me reaffirming the caution to him,
20 that, you know, it's quite happy for him to give
21 those answers to me but, ultimately, if it does
22 go that far, somewhere down the line, you know,
23 a court can draw an inference.

24 **Q.** You say:

25 "If you're quite happy to sit there and say
89

1 Mr Blakey to say he had taken the money to avoid
2 you speaking to his wife?

3 **A.** I think at that stage, as I say, I didn't
4 believe what Mr Blakey was telling me, and let
5 me state now, obviously that was a thought at
6 the time. You know, in knowing what I know now,
7 you know, absolutely and rightly so, Mr Blakey's
8 conviction has been overturned.

9 However, at that time, I didn't believe him.
10 I could tell that he cared about his wife and,
11 again, I just thought I'd give him
12 an opportunity to tell me, because I thought
13 he'd stolen the money, I did think he'd stolen
14 the money. So I thought I'd give him
15 an opportunity, a last opportunity, I suppose,
16 if you like, if he wanted to consider that.

17 **Q.** Towards the bottom of this page, please,
18 Mr Blakey accepts what you put to him about the
19 cash account. You say:

20 "So this account is a false account?"

21 He says:

22 "It is."

23 So, at this stage, you had an admission of
24 a false account but on the basis that Mr Blakey
25 was experiencing unexplained discrepancies, from
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1 that you've not stolen the money but you've
2 covered up for it knowing full well that it's
3 going missing. You've not said anything to
4 anybody, and you're quite happy to stick to that
5 story."

6 Mr Blakey says:

7 "I am quite happy to stick to that. That is
8 the truth."

9 Mr Blakey consistently resisted the
10 suggestion he was lying throughout the
11 interview, didn't he?

12 **A.** Yes.

13 **Q.** Over the page, please, to page 10 of this
14 document. At 38.34, we have this:

15 "PW goes through who can be ruled out of the
16 equation, and states to DB that his wife cannot
17 be ruled out at this stage. PW states that he
18 feels the discrepancies are down to dishonesty,
19 and that to be thorough he may have to see all
20 members of staff including DB's wife. However
21 PW states that he feels that this can be avoided
22 as he feels that DB has something he may wish to
23 tell PW."

24 Mr Blakey says: "No".

25 Was this is an attempt to put pressure on
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1 what he was saying.

2 **A.** Yes.

3 **Q.** Were you conscious, at the time of the
4 interview, that without an admission of theft,
5 theft, in this case, would be hard to prove?

6 **A.** I think that's safe to say, yes. Yeah, yeah.

7 **Q.** Did that inform your approach to the interview
8 in any way?

9 **A.** Well, I think it's -- from an investigations
10 point of view, rightly or wrongly, you probably
11 always feel a little bit better if you get
12 an admission on tape under caution, because
13 obviously that -- the evidence of that is pretty
14 compelling evidence.

15 So yes, I mean an admission of theft would
16 have -- from the Post Office's point of view,
17 wouldn't have hurt.

18 **Q.** Could we have back on screen, please,
19 Mr Whitaker's report of 25 May 2004. The
20 reference is POL00044818. It's page 5 of that
21 document, please. You deal on this page with
22 the further steps that you took after
23 interviewing Mr Blakey. In summary, is it fair
24 to say that the further steps in the
25 investigation consisted of interviewing
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1 Mrs Blakey, two members of Mr Blakey's staff,
2 Mr Blakey's mother, who helped out with the
3 private side of the business, and a recently
4 retired member of staff. Do take a moment to
5 look down that page if you need to, we can
6 scroll down.

7 **A.** As I say, I don't recall but, if that's what the
8 report says, I've got no reason to doubt that.
9 **Q.** In addition, you started making enquiries to see
10 whether Mr Blakey was attempting to get a loan,
11 so going over to the top of the next page,
12 please. So this is the penultimate paragraph
13 here. You were making enquiries with the Royal
14 Bank of Scotland to establish the Blakeys'
15 financial position and if David Blakey had
16 approached them for a loan, and you were also
17 seeking to establish whether Mr Blakey had been
18 made redundant.

19 In terms of the members of staff you
20 interviewed, it's right, isn't it, that none of
21 them could shed any light on where the money had
22 gone?

23 **A.** I don't recall that they did, no.

24 **Q.** In terms of Mrs Blakey, we have a summary of key
25 points from her interview, rather than a fuller

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1 stolen the money as she feels that she would
2 have seen £60,000 added to their lifestyle."

3 Do you recall now these issues being
4 discussed in the interview?

5 **A.** I don't recall, I don't recall the interview at
6 all but, as I say, I've got no reason to
7 question what's been written on the document
8 there.

9 **Q.** Mrs Blakey has given a witness statement to the
10 Inquiry and in it she covers her interview with
11 you. Could we have Mrs Blakey's statement on
12 screen, please. The reference is WITN02310100.
13 Page 8 of that document, please, starting at
14 paragraph 39. She says:

15 "I was interviewed the same day, straight
16 after my husband's interview. Mr Whitaker first
17 asked me how I was doing, whether I was all
18 right. I told him that I was okay, but in fact
19 I was miserable. He then asked if I thought my
20 husband had stolen the money. I told him,
21 emphatically, that David had not stolen
22 anything."

23 Then at 40:

24 "Mr Whitaker suggested that David may have
25 had a secret life, and that he may have been

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1 record of tape recorded interview. Could we
2 have that summary on screen, please. It's
3 POL00044829. This is a one-page summary of
4 an interview which, scrolling down to the
5 bottom, please, appears to have taken nearly
6 42 minutes; is that right?

7 **A.** That looks to be right, yeah.

8 **Q.** One of the points recorded at 22.54 is
9 summarised in this way:

10 "GB states that David has never approached
11 her to tell her of money missing, and she was
12 under the impression that the office was having
13 some superb balances. One thing that did
14 surprise her was one week when the office got
15 around £1,000 back from a giro error but upon
16 checking the account it showed a nice balance."

17 Then at 24.50:

18 "GB states that she does worry when the
19 office receives large error notices."

20 Just pausing there, did you understand what
21 she was referring to by "error notices", at that
22 time?

23 **A.** Yes.

24 **Q.** Then at 29 minutes:

25 "GB states that she doesn't think David has

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1 gambling, and suggested that he may have been
2 unfaithful. I did not process the suggestion at
3 the time, as I was simply despairing. David has
4 since told me that Mr Whitaker had suggested to
5 him that he had been having an affair."

6 Do you recall making that suggestion to
7 Mrs Blakey? It may follow from your earlier
8 answers that you don't.

9 **A.** Again, I don't recall, but there was evidence
10 certainly that I've said it to Mr Blakey, and
11 I don't recall, in Mrs Blakey's -- the document
12 that showed Mrs Blakey's interview, whether it's
13 in there. But, you know, based on what's been
14 said, I've got no reason to doubt that some
15 enquiries were made along that line.

16 Clumsily, and not very good, and if it
17 helps, I apologise for that now. But I'm sure
18 it doesn't help but, as I say, based on my role
19 there and what I was there to do, Mrs Blakey had
20 been employed by Post Office Limited to
21 safeguard public money. The evidence available
22 to me at that time suggested that over £60,000
23 of that money was no longer there. The replies
24 that I were getting that -- you know, it may
25 have been staff it may not have been staff. So

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1 I tried to follow those -- I tried to follow
2 that evidence.

3 But, essentially, it was Mr and Mrs Blakey
4 who were the figure heads and the ones that
5 ultimately ran that office and, essentially,
6 they were the ones that, if it had have been
7 a member of their staff, as Mr Blakey was doing
8 the accounts, it perhaps would have been known
9 to him. So the only -- the only avenue that
10 I could go down was that it was either Mr Blakey
11 or Mrs Blakey, or them together, that's how
12 I felt, and, as I say, Mr Blakey very resolutely
13 and very rightly said -- denied it all the way
14 along, as did Mrs Blakey. So, essentially,
15 that's where the investigation went.

16 But to explain a little bit, my view was
17 that, or how I tried to approach these sort of
18 losses or losses within the Post Office, or --
19 is that, you know, £60,000 in this case was
20 a lot of money, and somebody has to actually
21 physically take that out from the Post Office
22 drawer, presumably secrete it somewhere, get it
23 out of the building, and then use it.

24 So I always tried to have that at the back
25 of my mind, and I think I've talked in my

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1 **A.** I would say at that time, definitely not and
2 that's based on, as I say, the line that was
3 given to us that Horizon was not -- was
4 certainly without fault. Sorry.

5 **Q.** Did you, at any stage in your investigation,
6 request more detailed audit data from Fujitsu or
7 ask Fujitsu to investigate to get a clearer
8 picture of how the final apparent shortfall
9 figure had been reached?

10 **A.** I can't recall. I don't think I would have done
11 because, as I mentioned in my statement, as
12 well, we were encouraged to get an early
13 interview, and, going back to compliance, one of
14 the things that very, very soon after
15 an interview, we were expected to get a file in,
16 and that was for an early -- for early advice.

17 Quite often, you know, that could be stalled
18 if you had investigations, probably like this --
19 where you had to go out and speak to witnesses.
20 But I would imagine that I would have got the
21 file in very, very quickly and then waited for
22 any advice to come back from the Legal Services.
23 And if nothing came back from the Legal
24 Services, with regard to obtaining any other
25 information or to pursue any other lines of

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1 statement about means, motive and opportunity.
2 Certainly, the means and the opportunity were
3 there for Mr and Mrs Blakey and, again, I had to
4 explore a motive.

5 As I've said, just said, very, very clumsily
6 and regrettably now, and I hope that I wouldn't
7 do that now, but at the time, I did, which
8 I apologise for.

9 **Q.** At paragraph 41, Mrs Blakey says this:

10 "I asked Mr Whitaker it could be any
11 problems in Horizon, or computer error. He gave
12 me a long, surprised, look, and simply said
13 'no'. Mr Whitaker told me that 'no, someone has
14 stolen it'."

15 Do you recall Mrs Blakey asking whether
16 there could be any problems in Horizon or
17 computer error?

18 **A.** I don't recall that at all but I've got no
19 reason to suggest that she didn't and my reply
20 from that would be consistent, as I say, from
21 the line that I was told within Post Office
22 Limited, that the system was not at fault and
23 was never at fault.

24 **Q.** Did it occur to you at any point that there
25 might not be a real loss in this case?

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1 inquiry, I don't think I would have.

2 **Q.** Do you accept that it was a reasonable line of
3 inquiry in this case to look more closely at the
4 audit data?

5 **A.** In hindsight, absolutely. At the time, I would
6 say no. Again, the audit data -- I trusted the
7 Audit Team. They were professionals. I got
8 a statement from the Audit Team, I seem to
9 recall, like I normally would, producing the
10 audit and saying that the audit was -- you know,
11 the results of the audit were as they were.

12 So as regards the auditors, again, as I say,
13 my role was to gather evidence. I wasn't
14 an auditor, so I spoke to the auditor, I got
15 a statement from the auditor to give me that
16 evidence. And, again, that evidence would have
17 been challenged in court had it got that far and
18 that evidence would have been tested, and the
19 auditor's account would have been tested.

20 But I saw my role as to gather all these
21 different strands of the investigation together
22 and present that, the audit being one of them.
23 And if the auditor has said the audit was fine,
24 I wasn't an auditor, so why would I suggest that
25 it wasn't?

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1 **Q.** You say at paragraph 60 of your statement that
 2 you were bound by timescales for completion of
 3 a case file, and you think it may have been two
 4 weeks, or thereabouts, from interview to the
 5 expected date that the file was submitted for
 6 charging advice. Did this, whether in relation
 7 to Mr Blakey's case or any other case, ever
 8 impact upon your decision making in terms of
 9 sufficiency of investigation?

10 **A.** No, because I think, to hit compliance, that was
 11 the -- you know, they expected the case to be in
 12 under those tight timescales. However, if it
 13 was obvious that you had significant enquiries
 14 to perform, I think you were given time to do
 15 that. Although I'm just trying to recall, it
 16 might be that you put the file in anyway and
 17 then just listed that you still had other stuff
 18 to do.

19 So I just recall that, as I say, in terms of
 20 compliance and the importance that was being put
 21 on compliance, we had to -- we were encouraged
 22 to get the file in within the timescales that
 23 they'd said. But there was provision if it ran
 24 over, sorry.

25 **MS PRICE:** Sir, I have five more minutes on
 101

1 prospect of success and for false accounting
 2 with a high prospect of success. Clearly in the
 3 absence of any admissions from Mr Blakey for
 4 theft of the £64,435.24, then we will need to
 5 eliminate the involvement of Mrs Blakey and
 6 other members of staff, and they will need to
 7 give evidence (if they can do so) to implicate
 8 Mr Blakey in the preparation of the inputs of
 9 all the daily figures for the Office on the
 10 Horizon system and that each week he completes
 11 the Office balance and subsequently produces and
 12 signs the weekly cash account and the other
 13 members of staff do not perform any of the
 14 accounting procedures at the Office. This has
 15 been accepted by David Blakey. This fact needs
 16 to be confirmed in witness statements. The
 17 witnesses will need to confirm that they did not
 18 steal cash or falsify the accounts. Once we can
 19 get these statements, then I would confirm that
 20 there would be a good prospect of success to
 21 prosecute Mr Blakey for theft. The case will
 22 further be strengthened by further enquiries
 23 which are in hand in relation to his finances."

24 So based on the evidence to that date,
 25 Mr Singh was saying there was a low prospect of
 103

1 Mr Blakey's case and I do have several other
 2 short topics to cover. I am in your hands as to
 3 whether I finish that five minutes before we
 4 take the lunch break.

5 I'm sorry, sir, I think you were on mute.

6 **SIR WYN WILLIAMS:** Yes, finish the five minutes.

7 **MS PRICE:** Thank you, sir.

8 After you sent your report to the Criminal
 9 Law Team, it appears that Jarnail Singh provided
 10 advice on the case by way of a memo dated
 11 23 June 2004. Could we have this on screen,
 12 please. The reference is POL00044835.

13 This memo was sent to "S&A Casework", can
 14 you explain, please, which team that was? Was
 15 it simply the casework team?

16 **A.** I think it's just the casework. It was whatever
 17 it was called at that point, unfortunately.

18 **Q.** It was copied to you. Was that standard
 19 practice that the legal advice would be copied
 20 to the Investigator in the case?

21 **A.** Yes, I think it was.

22 **Q.** The first paragraph of this reads as follows:
 23 "In my opinion there is sufficient evidence
 24 to afford a realistic prospect of conviction for
 25 Mr Blakey for an offence of theft with a low
 102

1 a theft conviction. In the event, Mr Blakey was
 2 prosecuted for theft and six charges of false
 3 accounting. What was your role in relation to
 4 the prosecution?

5 **A.** I think that answers something that I was
 6 speaking about just now, in that it looks like
 7 I got the file in to Mr Singh and he came back
 8 and asked for evidence from assistants and
 9 I believe, in this case, I went out and took
 10 statements from assistants. So I would have got
 11 those and submitted them back to Mr Singh, who
 12 would have assessed that evidence, based on
 13 those witness statements and suggested a theft
 14 charge along with the false accounting charges.

15 I think then it was normally up to the
 16 investigator to lay the information at court to
 17 obtain summons and serve summons, and then after
 18 that, if -- once the case was reviewed by
 19 counsel, whether there were anything that the --
 20 any further enquiries or any other information
 21 that counsel required, it was probably up to the
 22 Investigator to obtain that.

23 And then at court, it would have been --
 24 I would have attended court just in a support
 25 facility there, to ask -- sorry, to answer any
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1 questions as required. Obviously, if I was
2 a witness, I'd have to sit outside of the court.
3 So it was just a supporting role, really.
4 **Q.** You were informed of the outcome of the case by
5 way of a memo dated 24 March 2005. Could we
6 have that on screen, please. The reference is
7 POL00044357. Scrolling down a little, we can
8 see from this document that Mr Blakey pleaded
9 guilty to the six false accounting charges, that
10 is Counts 2 to 7, and the theft charge was left
11 to lie on the file.

12 Going, please, to page 2 of this document
13 towards the bottom, there are some comments:

14 "Although the judge stated that the
15 Defendant will have to repay the £64,000 to the
16 Post Office at some point, no formal order for
17 compensation was made."

18 Over the page, please:

19 "The Defendant was ordered to pay
20 prosecution costs of £1,000 at the rate of £50
21 per month the first payment to be 4 weeks from
22 25 February 2005.

23 "Civil recovery of the outstanding amount
24 should be considered."

25 This memo is signed off by Phil Taylor,
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1 not accepted, in regard to pleas.

2 But it just seemed to me that it happened
3 lots and lots and lots, and, you know, the Post
4 Office always had the fallback that the
5 a subpostmaster convicted of a criminal charge,
6 you know, they could be dismissed and, again,
7 the extra fallback of, under the terms of the
8 contract, they would be able to recoup losses.

9 **Q.** You have included, at paragraph 158 of your
10 statement, some reflections on Mr Blakey's case.
11 Is there anything you want to say now about
12 those reflections?

13 **A.** Well, essentially, what I've said there.
14 I recognise that it must have been extremely
15 distressing for Mr Blakey and his family, for
16 him to hear my dismissal of his now known to be
17 truthful explanation.

18 But, I mean, I go on in the statement to
19 explain why I did some of the things I did in
20 regard to him, particularly in regard to, you
21 know, challenging him and challenging his
22 account. But they were genuinely -- as I've
23 said in my evidence prior to this, they were
24 genuinely reasons that I'd heard before. So
25 again, reflecting on that, perhaps, you know,
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1 a legal executive within the Criminal Law
2 Division.

3 You say at paragraph 168 of your statement
4 to the Inquiry that, during prosecution, at
5 an early stage, the Post Office appeared keen to
6 take a plea deal where the false accounting
7 charges were admitted, with the theft charge not
8 being taken forwards. You then suggest at
9 paragraph 169 of your statement that
10 a subpostmaster being convicted of any criminal
11 charge would mean that the Post Office was able
12 to dismiss the subpostmaster and recoup their
13 perceived loss under the subpostmaster's
14 contract without evidence of the robustness of
15 the Horizon system ever being truly tested.

16 Was the prospect of civil recovery a factor
17 which impacted upon decision making on the
18 charges which were pursued in this case, as far
19 as you were aware?

20 **A.** I can't say it was, as far as I was aware.

21 I made those observations in my statement just
22 from the amount of times that it happened. It
23 seemed to be a regular occurrence but I was
24 never involved in any of the sort of background
25 work with regard to what was accepted, what was
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1 this bias, albeit unconsciously, may have been
2 in play as I investigated the incident and, as
3 I say, I apologise for the way that you were
4 treated.

5 **MS PRICE:** Sir, those are all the questions I have
6 on Mr Blakey's case. Shall we take lunch at
7 that point?

8 **SIR WYN WILLIAMS:** We shall but I'll just ask one
9 question, if I may, that's occurred to me.

10 Mr Whitaker, in the memorandum which you
11 were shown a few minutes ago, I think it was
12 from Mr Jarnail Singh -- it may have been
13 Mr Taylor, but I think Mr Jarnail Singh -- there
14 was reference to investigation of Mr Blakey's
15 financial affairs, all right?

16 **A.** Sir, yes.

17 **SIR WYN WILLIAMS:** I've assumed that that was
18 because -- well, I've assumed there were two
19 strands to that: (1) to check whether what he
20 had said about applying for a loan was accurate;
21 but, secondly, to see whether there was any
22 possibility of tracing the money which you
23 believed had been stolen?

24 **A.** Sir, in regard to 2004 when this incident
25 happened, I don't think I would have had an eye
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1 on the proceeds of crime or anything like that.
 2 I think -- I recall that, in his interview,
 3 Mr Blakey had said that he'd made attempts to
 4 get a bank loan to feed money back into the Post
 5 Office to cover the losses, and I believe my
 6 investigations with the bank, at that time,
 7 would have been solely to examine that line of
 8 inquiry.

9 **SIR WYN WILLIAMS:** Yes, well, it wasn't proceeds of
 10 crime, so much, I had in mind when I used the
 11 word "trace", the best way of proving that
 12 Mr Blakey or, for that matter, anybody else had
 13 stolen the money is, if you were able to
 14 discover some or all of it. So I wondered what,
 15 if any, steps you took in order to find the
 16 money? Because, as you've correctly observed,
 17 £60,000 or thereabouts in 2004 was a very
 18 substantial amount of money.

19 **A.** Yes, sir, quite often, again, speaking
 20 historically with regard to a lot of Post Office
 21 cases, quite often, it was through business
 22 failings, paying staff, things getting on top of
 23 people and --

24 **SIR WYN WILLIAMS:** Sorry to interrupt you.

25 **A.** Sorry, sir.

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1 **MS PRICE:** Good afternoon, sir. Can you see and
 2 hear us?

3 **SIR WYN WILLIAMS:** Yes, thank you.

4 **MS PRICE:** Mr Whitaker, moving, please, to your
 5 knowledge of the Lee Castleton case. Is it
 6 right that you have no independent recollection
 7 of this involvement now?

8 **A.** That's correct.

9 **Q.** But you've had an opportunity to look at the
 10 papers that have been sent to you by the
 11 Inquiry --

12 **A.** I have.

13 **Q.** -- and you've addressed this at paragraph 99 of
 14 your statement, and the paragraphs on from
 15 there. So please do feel free to refer to that
 16 statement if you need to.

17 Can you explain, please, having reviewed the
 18 documents, how you came to provide advice to
 19 Catherine Oglesby in relation to Mr Castleton's
 20 case in early 2004?

21 **A.** As far as I can recall, looking at the
 22 documents, Cath Oglesby contacted me for advice.
 23 I would imagine she would have explained the
 24 situation to me and asked for a view in regard
 25 to the case.

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1 **SIR WYN WILLIAMS:** I'm not asking about the motive
 2 for it, I'm actually talking about investigating
 3 where the money had gone, and the possibilities
 4 are -- there are a number of them and you
 5 mentioned some of them interview. But what
 6 I want to know is whether you or anybody else in
 7 the investigative team followed up on that and
 8 tried to find out where the money, which you
 9 believed had been stolen, had actually ended up.
 10 **A.** I think there may have been questions asked of
 11 witnesses to see about lifestyle changes, and
 12 that sort of thing, but probably beyond that,
 13 I'm afraid not, sir.

14 **SIR WYN WILLIAMS:** All right. Thank you very much.
 15 Yeah, we'll take lunch now. What time shall we
 16 start again, Ms Price?

17 **MS PRICE:** I'm looking over at the stenographer, if
 18 we were to have 55 minutes, would that be -- if
 19 we come back at 2.10, in that case, sir?

20 **SIR WYN WILLIAMS:** All right, thank you very much.

21 **MS PRICE:** If my watch is right and it's now 2.15.

22 **SIR WYN WILLIAMS:** All right. So 2.10, everyone.
 23 (1.12 pm)

(The Short Adjournment)

24 (2.10 pm)

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1 **Q.** What did she tell you about the case?

2 **A.** I understood that Mr Castleton had been
 3 experiencing losses in his accounts, that he --
 4 he wasn't aware of where they were coming from.
 5 He'd contacted her at an early stage and she'd
 6 got involved in regard to that and was working
 7 with him to understand why these losses had
 8 occurred in the accounts of his post office.

9 **Q.** What advice was she seeking from you?

10 **A.** I think she was a view whether it would be taken
 11 on by the Investigation Team as an investigation
 12 case.

13 **Q.** You say in your statement you felt this was not
 14 a matter for criminal investigation. Can you
 15 explain why you thought that was the case?

16 **A.** Well, from how it was explained to me by Cath
 17 Oglesby, Mr Castleton had discovered shortages
 18 in his account and he wasn't sure where they'd
 19 come from. He had sort of spoken to her at
 20 a very, very early stage and was looking to work
 21 with her to understand why that had happened,
 22 and what could be done about it, and
 23 essentially, he'd -- he brought the issue to her
 24 at a very, very early stage, looking for
 25 resolution.

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1 Q. Did you have any further involvement in the Lee
2 Castleton case after that discussion with
3 Catherine Oglesby?

4 A. Well, I told her that I didn't think I'd was
5 something for the criminal Investigation Team to
6 get involved with and, after that, I don't
7 recall any involvement whatsoever.

8 Q. Turning to your involvement in the criminal
9 prosecution of Allison Henderson, it's right,
10 isn't it, that you were the second interviewer
11 to Christopher Knight in an interview with
12 Ms Henderson which took place on 11 March 2010?

13 A. Yeah, from the records I can say that I was.

14 Q. Again, do you recall that interview now?

15 A. Not specifics of it. I recall going to --
16 travelling to Norwich and I recall an interview
17 in the -- I think it was in Royal Mail premises
18 in Norwich but the specifics of the interview
19 I don't recall.

20 Q. Is it right that your understanding at the time
21 of the interview, as you say in your statement,
22 was that Mrs Henderson could not explain the
23 loss at her branch but you were not aware of any
24 specific allegations relating to the Horizon
25 system?

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1 Q. You say in your statement that, to the best of
2 your knowledge, you were not aware of any
3 allegations made by Ms Hall about the Horizon
4 system; is that right?

5 A. I don't believe so at the time and, again, I'm
6 just going through the transcripts of the
7 interview and the documents that I've been
8 shown, but, based on that, I don't believe
9 I would be.

10 Q. To the best of your knowledge, were you involved
11 in any decision making in relation to Ms Hall's
12 case?

13 A. No, I wasn't.

14 Q. Did you have any further involvement apart from
15 the interview that you're aware of?

16 A. I think I produced a statement later but it was
17 essentially a production statement, I think, in
18 relation to the interview.

19 Q. Turning, please, to your knowledge of Horizon
20 Issues, you didn't, at least at the time of
21 making your statement, recall any specific
22 dealings with Gareth Jenkins; is that right?

23 A. That's correct, yeah.

24 Q. You have very recently been provided with
25 an email dated 8 March 2010, which was sent by

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1 A. From the documents that I've seen, that would be
2 the case, yeah.

3 Q. You were, as far as you're aware, not involved
4 in any decision making in respect of
5 Mrs Henderson's case?

6 A. No, I wasn't.

7 Q. Nor did you have any further involvement?

8 A. I didn't, no.

9 Q. In respect of the criminal prosecution of Alison
10 Hall, you were the second interviewer, again, to
11 Christopher Knight in Mrs Hall's case; is that
12 right?

13 A. According to the records I was, yeah, although
14 I don't specifically recall it.

15 Q. So you don't specifically recall that interview
16 but you've had a chance to look at the documents
17 that have been sent to you about your
18 involvement?

19 A. Yes, similarly, I to a recall travelling to
20 Cleckheaton and an interview at a solicitors
21 office in Cleckheaton but, beyond that, I don't
22 recall.

23 Q. That's the interview that took place on
24 28 September 2010; is that right?

25 A. Yeah.

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1 Steve Bradshaw to you and others, enclosing
2 a report prepared by Gareth Jenkins?

3 A. Yeah.

4 Q. Have you had an opportunity to look at that
5 email and the attached document?

6 A. Briefly. It was only sent very, very recently.

7 Q. Could we have that on screen, please, so the
8 email reference is POL00167364. We can see the
9 other recipients there, yourself among them, and
10 an explanation in the body of the email that the
11 attached document had been sent by Jon Longman.
12 Do you remember Jon Longman?

13 A. Yeah, I recall Jon Longman, yeah.

14 Q. Who was he?

15 A. Jon was a Post Office Limited Investigation
16 Manager working -- I think he was sort of in the
17 Hertfordshire/London area.

18 Q. Can you recall anything about the circumstances
19 in which you received this email?

20 A. No.

21 Q. Going, then, to the attachment, could we have
22 that on screen, please. It is POL00167365. We
23 can see that the author of this document is
24 Gareth Jenkins. It is marked "Final Draft" and,
25 scrolling down to the bottom of this page,

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1 please, there is a date at the bottom right of
2 the 2 October 2009. The "Abstract", going
3 further up again, please, is as follows:

4 "This document describes the measures that
5 are built into Horizon to ensure data
6 integrity."

7 Do you recall reading this document at the
8 time you were sent it?

9 **A.** I don't recall the document at all, I'm afraid.

10 **Q.** Does it follow that you can't help with what you
11 understood its purpose to be?

12 **A.** I'm afraid I can't.

13 **Q.** Could we have on screen, please, document
14 reference FUJ00225899. Going, please, to page 8
15 of this document first and scrolling down,
16 please, this is an email from you to Jane Owen,
17 dated 9 June 2011. You say this:

18 "Jane,

19 "I currently have a police liaison inquiry
20 centred on St John Green sub post office,
21 Rotherham.

22 "Briefly the office was audited and found to
23 be approximately 11K short and a clerk is
24 suspected and has been interviewed. The case
25 has been reviewed and the police officer has

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1 Page 5, please. This is your response on
2 9 June:

3 "Jane,

4 "At present, the police haven't asked for
5 Horizon records although I am sure that if they
6 know we can provide them they will ask for them
7 (and then not use them). All the officer asked
8 was if we could provide a statement saying that
9 the Horizon system was operating correctly in
10 the run up to the shortage being identified."

11 Then page 4, please. This is Jane Owen on
12 10 June to you, asking whether she should go for
13 six months initially and noting that this would
14 come off your allocation, even if you were not
15 getting the transactional data.

16 Bottom of page 3, please. You appear in
17 that email to agree to six months.

18 Then further up the page, we have an email
19 from you to Maureen Moors, dated 6 July, which
20 reads as follows:

21 "Maureen,

22 "This is the stuff I want from Andy Dunks.

23 "There has not been an ARQ in respect of
24 this. All the police wanted was a statement to
25 say that the Horizon appeared to be working okay

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1 asked me to get a statement demonstrating the
2 robustness of the Horizon system at the branch.

3 "The case is unusual as the branch is
4 operated by a charity ... and because of this we
5 were asked to get involved at the outset in
6 order to possibly mitigate the adverse publicity
7 of us demanding our money back from them."

8 Going back, please, to page 7, and scrolling
9 down a bit further down that page. We see Jane
10 Owen forwarding your email to Penny Thomas, also
11 on 9 June:

12 "Hi Penny

13 "Just wanted to run this by you before
14 I make any kind of formal request. I assume
15 that we will just request a statement as normal
16 but would need to put it around some dates?

17 "Jane."

18 Then further up the page, Penny Thomas
19 replies to Jane Owen suggesting identifying the
20 time frame when the funds were reported missing
21 and asking Fujitsu to provide Helpdesk call
22 analysis.

23 Then page 6, please, a little further down
24 the page. Jane Owen gets back to you forwarding
25 Penny Thomas's suggestion.

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1 at the branch in the run up to the audit
2 shortage. If he can't do it then I will have to
3 tell the police as such."

4 Then going to page 2, please. Your email
5 seems to be sent to Andy Dunks, who says at the
6 top of the page, please, in an email directly to
7 you:

8 "Paul,

9 "I am unable to say for definite that the
10 Horizon system was working okay. What I can do
11 is look at all calls logged by this PO during
12 the date range and state that there were no
13 faults reported by the PO to suggest any faults.

14 "If you want me to get the calls extracted
15 to examine the calls we will need ARQ numbers to
16 cover this request.

17 "Please let me know what you would like us
18 to do."

19 Then page 1, please. About halfway down the
20 page, you say this:

21 "No need for anything beyond this, Andy.

22 I have explained to the police that all you can
23 say is that no faults were logged and they are
24 happy with that."

25 Finally, Andy Dunks' response, further up

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1 the page, and he says:

2 "Paul,

3 "I think you may have misinterpreted my
4 email ... I have not said that no faults were
5 logged. What I am saying is that if you want me
6 to extract the calls logged so that I can
7 examine them to see if there are any fault calls
8 during these dates."

9 This appears to be an example of you seeking
10 a catch-all statement from Andy Dunks in
11 relation to a case where the police had asked
12 for assurances about the Horizon system. It
13 also appears that Andy Dunks was not able to
14 provide a catch-all statement in this instance
15 and the reason he gave for that was that he was
16 unable to say for definite that the Horizon
17 system was working okay. Did you take this to
18 mean that there could be faults in Horizon with
19 the potential to affect evidence in criminal
20 cases?

21 **A.** I think it's difficult to say. I think around
22 this time, around just -- this is when the
23 initial sort of raising of the question of
24 Horizon reliability was sort of gathering pace.
25 As I say, my background was that it had always

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1 organisation for any reason, they were the --
2 they were the part of the Post Office that dealt
3 with debts left behind, whether anything was
4 owed to subpostmasters or whether subpostmasters
5 owed anything to the -- to Post Office Limited.

6 **Q.** The subject of the email was "Old Colwyn and
7 Conway Road", and you say this:

8 "Clive,

9 "I interviewed both Mrs McQuilliam and
10 Mrs McQuilliam-Jenkins and both answered 'No
11 Comment' to my questions.

12 "This case is one of a few that we currently
13 hold that really is dependent on the outcome of
14 cases whereby the integrity of the Horizon
15 system has been called into question. In effect
16 a 'test' case is being put through the course
17 relating to this and as such other cases are
18 being put on hold until its outcome. This is
19 one of the cases.

20 "Basically we are waiting to see if the test
21 case goes through with a Horizon challenge
22 before deciding what to do with some of the
23 others.

24 "Not ideal but hopefully this keeps you up
25 to speed."

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1 been sort of infallible and, certainly, I don't

2 think it had been tested in court yet and

3 I think the sort of underlying message would
4 be -- was that, you know, until we get something
5 coming back certain to say definitely, you know,
6 Horizon's at fault, to sort of carry on in the
7 belief that it's not.

8 So I think these emails -- and, as I say,
9 I don't know because they -- whilst there was
10 a trail of them, I don't know where they sit in
11 amongst other things. I think that's probably
12 what I can say about the emails.

13 **Q.** Turning, please, to the document which prompted
14 your memory of subpostmasters raising Horizon
15 integrity issues before you left the Post
16 Office, the reference is POL00114310. Starting
17 about halfway down the page, this is an email
18 from you to Clive Burton, dated 17 June 2010.
19 Who was Clive Burton?

20 **A.** I don't recall the name but, if you scroll up
21 and I can see his job title, I might be able to
22 illuminate a little bit.

23 **Q.** Former Agents Debt.

24 **A.** Yeah, it looked like someone who in the Former
25 Agents Debt Team so when subpostmasters left the

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1 What did you mean by a "test case" in this
2 email?

3 **A.** I think that was a term that was being used
4 around the organisation or certainly the
5 Investigation Team. As I say, I recall
6 interviewing Mrs McQuilliam and
7 Mrs McQuilliam-Jenkins, as I said in the email
8 there, and I recall that they -- you know,
9 similar to many, in regard to events at the
10 moment, they said that they didn't know -- well,
11 there were losses at the office, audit shortages
12 at the office and they didn't know where the
13 loss had come from, and I don't know whether
14 I recall that they did actually specifically say
15 that it was Horizon. Certainly, I mean -- well,
16 it looks like they answered "No comment", so
17 maybe not.

18 But I do recall them being in North Wales,
19 I recall that Mr Bradshaw, Steve Bradshaw, who
20 was an Investigator, he had a case in North
21 Wales that was being questioned. There was
22 another couple around North Wales that was being
23 questioned. So that sort of gave rise to my
24 thinking that it was possibly something that was
25 geographically based around North Wales.

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1 And, as I say, from reading the email there,
2 it looked to be that there was talk of cases
3 going through and -- you know, and the
4 answers -- sorry, and the Horizon system
5 integrity being part of that case and being
6 questioned.

7 And, as I say, I believe that's where, it
8 was just generally referred to that a test case
9 was being put thorough, and that's the terms
10 that was used. I don't know whether that was
11 ever officially said to us, it was a test case,
12 or it was just sort of the vernacular that was
13 used in regards to what was happening at the
14 time.

15 **Q.** Does your email there reflect any doubt on your
16 part as to the integrity of the Horizon system?

17 **A.** I don't think it does. I think it's a "We'll
18 wait and see". If the challenge goes through,
19 then I think my view would have been, well, if
20 the challenge -- you know, if the evidence shows
21 that Horizon is flawed, then that's that. If,
22 you know, the challenge shows that Horizon isn't
23 flawed, then that's that.

24 **Q.** The response from Clive Burton further up the
25 page, please, was this:

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1 problems with Fujitsu all ARQ requests have been
2 suspended. I can now advise that the
3 enhancement to delete duplicated records from
4 the returns has been developed and is due to be
5 tested by Fujitsu at the weekend."

6 You've had an opportunity to read this
7 email. Do you recall receiving this email, now?

8 **A.** I don't specifically remember receiving the
9 email.

10 **Q.** Do you recall being aware of this issue, the
11 duplication of transaction records?

12 **A.** To be fair, I'm not sure that I do. As I say,
13 I don't recall receiving the email and it's
14 certainly not something that's stuck from that
15 time.

16 **Q.** Could we have on screen please paragraph 159 of
17 Mr Whitaker's statement, that's page 39 of
18 WITN05050100. Page 39, paragraph 159. You say
19 here:

20 "It was my honestly held belief during the
21 time I was investigating within POL that Horizon
22 was robust and would not erroneously produce
23 spontaneous transactions that were not genuine.
24 That was the overriding narrative that I was
25 being told and accepted."

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1 "Paul,

2 "Thanks for the update. I will hold the
3 matter in abeyance for the time being."

4 So it appears that further action on the
5 case was held off pending the outcome of the
6 test case you refer to; is that your
7 understanding?

8 **A.** That's what it seems to be.

9 **Q.** Do you recall being made aware of the outcome of
10 the test case, as you refer to it?

11 **A.** I don't. I don't know whether it happened after
12 I'd gone or but I certainly don't recall the
13 result of anything.

14 **Q.** Turning, please, to another document which has,
15 I'm afraid, has only been provided to you very
16 recently. Could we have on screen, please,
17 document reference POL00167367. This is
18 an email from Jane Owen to a number of
19 recipients, including you, dated 29 July 2010.
20 The subject line is "Fujitsu -- Duplication of
21 Transaction Records". We can see that Penny
22 Thomas is Bcc'd in and the email begins as
23 follows:

24 "All

25 "As you are aware, due to the recent

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1 Does it remain your position,
2 notwithstanding some of the later documents
3 you've seen, that it was your belief that the
4 Horizon system would not erroneously produce
5 spontaneous transactions that were not genuine?

6 **A.** Yes, as I mentioned at the start of my evidence
7 this morning -- when I produced the statement
8 I thought it was across the whole of my time in
9 Post Office Limited, however I accept that,
10 towards the very, very end, one or two documents
11 pointed towards question marks over Horizon but,
12 during the vast majority of my time within Post
13 Office Limited, I thought the Horizon system was
14 robust and would not produce erroneous
15 transactions or bugs or the things that it's
16 proved to have done.

17 **Q.** Going, please, to page 41 of this statement,
18 paragraph 171. You say this:

19 "Reflecting on my personal performance
20 during this time, I would say that in comparing
21 the cases I investigated pre-Horizon and those
22 post-Horizon rollout I did not notice
23 a significant increase in the audit shortage
24 type cases."

25 Over to paragraph 172:

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1 "Though I was not aware of the whole picture
2 in regard to how many cases of a similar nature
3 were being pursued by POL, I do not recall any
4 significant increase in this type of
5 investigation in the period after Horizon system
6 implementation to that which I experienced
7 before the system rollout. This may have
8 affected my thinking in respect of my
9 investigations, as if I had have noticed a sharp
10 increase in cases after the implementation of
11 Horizon it may have raised my suspicions that
12 the Horizon system was not performing as it
13 should have."

14 Notwithstanding that you did not notice
15 an increase in audit shortage type cases, did it
16 not concern you that, from at least 2010, you
17 were aware of multiple subpostmasters actively
18 alleging that apparent shortfalls were being
19 caused by the Horizon system?

20 **A.** I think towards the end of my career with Post
21 Office Limited -- and I don't know whether
22 subconsciously that was something that fed into
23 the picture of why I left -- but I could see
24 that there was a movement gathering pace,
25 certainly. And somewhere along the line there

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1 system and it was -- it must have been robust.
2 However, obviously, we were very, very wrong in
3 that assumption.

4 **Q.** You deal in the final two paragraphs of your
5 statement, and this is the bottom of page 41,
6 starting at 173, with your final reflections on
7 your involvement in investigations and
8 prosecutions where Horizon data was relied upon.
9 How do you feel about that involvement, as you
10 sit here today?

11 **A.** Well, as said in my statement there, the thought
12 that somebody within Post Office Limited or
13 Fujitsu had knowledge that the Horizon system
14 was flawed and didn't disclose that and kept
15 that to themselves for whatever reason, sits
16 incredibly uncomfortably with me, particularly
17 knowing that I was the face of Post Office
18 Limited when going out and seeing people and
19 essentially causing upset and destroying their
20 lives.

21 It does make me quite angry, when I think
22 about it. I think, obviously, through my
23 investigations, I've -- I feel that I've been
24 unwittingly -- albeit unwittingly, used as
25 an instrument of Post Office Limited and Fujitsu

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1 would have been -- Post Office Limited would
2 have to prove one way or another whether the
3 Horizon system was robust or if it was not. So
4 towards the end of my time within Post Office
5 Limited, I think it's safe to say I sort of made
6 that realisation.

7 **Q.** A theme that you raise in a number of places in
8 your statement is that you and other
9 Investigators were repeatedly and continually
10 told that the Horizon system was robust. You
11 say at paragraph 137 that the certainty of the
12 message from the Post Office may have coloured
13 your judgement and that of other Investigators
14 in matters surrounding Horizon. Who was this
15 message that Horizon was robust coming from?

16 **A.** I think it was coming from whenever we asked for
17 statements, it always came back that the system
18 was robust. When that evidence were tested, it
19 was tested in court, if ever it was tested in
20 court, more often than not it would be that the
21 convictions went through. It was strange --
22 just a general overall -- it's that that is the
23 system, that is the system that is used and
24 just, I suppose really, the understanding that
25 the Post Office had paid all that money for that

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1 to perpetuate the myth that Horizon was
2 faultless and, as a result, that's brought so
3 much unnecessary distress and anguish to
4 innocent people and, like I say, it doesn't sit
5 very well with me at all.

6 **MS PRICE:** Sir, those are all the questions that
7 have for Mr Whitaker. I'll turn to CPs to see
8 if there are any questions from others.

9 Yes, there are from Mr Moloney, sir.

10 **Questioned by MR MOLONEY**

11 **MR MOLONEY:** Thank you.

12 Mr Whitaker, you said that you thought that
13 Mrs Alison Hall, who sits next to me, didn't
14 raise the question of Horizon having anything to
15 do with the discrepancies that she experienced.
16 Are you sure about that?

17 **A.** I don't recall that she did and I was basing my
18 answer on what I'd seen in the documentation.
19 Apologies if she did.

20 **Q.** It's something that we can -- Mr Knight, in
21 fact, took the lead in the interview, didn't he?

22 **A.** I believe so, yes.

23 **Q.** It's something we can deal with with him but
24 I just thought it best to raise with you,
25 because, and if we could put up on the screen

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1 POL00021244, we thought we'd provided this in
2 advance, but I'll just read it to you, if I may,
3 Mr Whitaker.

4 **A.** Yes.

5 **Q.** It's at page 4 and it can be checked if
6 necessary. But Mr Knight, some 4 minutes and
7 9 seconds into the interview, says to Mrs Hall:

8 "Right, so you're adamant that the £14,000
9 is nothing that you've done criminally,
10 fraudulently, however you want to put it?"

11 Mrs Hall said:

12 "I've not taken a penny out of that post
13 office criminally, I wouldn't dare."

14 Mr Knight says:

15 "It's something to do with some sort of
16 discrepancy?"

17 Mrs Hall says:

18 "I think it's to do with discrepancy with
19 the Lottery and I'm hoping that we can come to
20 the bottom of this."

21 Mr Knight says:

22 "Right."

23 Mrs Hall says:

24 "I'll pay any money back whatsoever to the
25 Post Office Limited. I'm not a thief. I'll pay

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1 I welcome Mrs Hall to the Inquiry and I hope
2 she's found it informative.

3 Do you want a break before the next witness,
4 Ms Price?

5 **MS PRICE:** Sir, I'm afraid we do need a short break
6 because the next witness appears remotely and
7 some manoeuvring needs to be done to sort out
8 the screen, I'm afraid. So we do need a short
9 break of ten minutes. I'm told my watch is
10 fast, so I'll allow you, sir, to tell me when
11 ten minutes takes us to.

12 **SIR WYN WILLIAMS:** Well, I'll just have a look at
13 the most reliable machine I have in front of me,
14 which says 14.48. So 3.00, Ms Price?

15 **MS PRICE:** Thank you, sir.

16 (2.48 pm)

(A short break)

18 (3.04 pm)

19 **MS PRICE:** Good afternoon, sir. Can you see and
20 hear us?

21 **SIR WYN WILLIAMS:** Yes, I can.

22 **MS PRICE:** May we please call Ms Oglesby.

23 **SIR WYN WILLIAMS:** Certainly.

24 **CATHERINE OGLESBY (affirmed)**

25 **Questioned by MS PRICE**

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1 anything back. But I just want all this to be
2 looked at in detail and because Horizon system
3 is not 100 per cent, if I've got all the details
4 here, I'd like that to be taken into account,
5 please."

6 Then she explains how it is that she's had
7 problems with the Lottery tickets and the
8 discrepancies have built up and built up and
9 built up, and she doesn't know where the
10 discrepancies come from.

11 Does that assist with your memory as to her
12 talking about unexplained discrepancies and
13 mentioning that the Horizon system is not
14 100 per cent?

15 **A.** It would certainly seem consistent. As I say,
16 I don't specifically recall it but I've got no
17 reason to dispute what's in the transcript.

18 **MR MOLONEY:** Thank you very much, Mr Whitaker.

19 **MS PRICE:** Sir, it doesn't appear there are any
20 other questions from Core Participants.

21 **SIR WYN WILLIAMS:** Thank you.

22 Well, thank you, Mr Whitaker, for making
23 your witness statement and for answering a great
24 many questions today. Although the focus of the
25 questioning has not been on Mrs Hall's case,

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1 **MS PRICE:** Sir, we're having an issue at the moment
2 in that we can't actually see Ms Oglesby.
3 I think someone is trying to resolve that.

4 I'm sorry, sir, I think you're on mute.

5 **SIR WYN WILLIAMS:** I was just saying I've got the
6 advantage of you because I can see her.

7 **MS PRICE:** Well, that's good, sir.

8 There we are. Could you confirm your full
9 name, please, Ms Oglesby?

10 **A.** Catherine Oglesby.

11 **Q.** You should have with you a hard copy of your
12 witness statement and it's dated 4 June 2023.
13 If you can turn to page 36 of that, please.

14 **A.** Yes.

15 **Q.** Do you have a copy with a visible signature?

16 **A.** Yes, I do.

17 **Q.** Is that your signature?

18 **A.** Yes, it is.

19 **Q.** Are the contents of that statement true to the
20 best of your knowledge and belief?

21 **A.** Yes.

22 **Q.** For the purposes of the transcript, the document
23 reference is WITN08530100.

24 Thank you for coming to the Inquiry remotely
25 to assist it in its work and for providing the

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1 witness statement that you have. As you know,
 2 I will be asking questions on behalf of the
 3 Inquiry.
 4 Today I'm going to be asking you about
 5 issues which arise in Phase 4 of the Inquiry,
 6 focusing on your involvement in the proceedings
 7 brought by the Post Office against Mr Castleton
 8 relating to alleged losses at the Marine Drive
 9 Post Office branch. You joined the Post Office
 10 in 1982 at the age of 16 as a counter clerk; is
 11 that right?
 12 **A.** Yes, that's right.
 13 **Q.** Five years later, in 1987, you were promoted to
 14 manager of that branch?
 15 **A.** Yes, that's right.
 16 **Q.** At that point, you became a Retail Line Manager?
 17 **A.** No, not at that point.
 18 **Q.** Apologies. You say you moved roles when you
 19 returned to work, so looking at your statement,
 20 can you assist us, then, with when you became
 21 a Retail Line Manager?
 22 **A.** Yes, I -- from returning from maternity leave in
 23 approximately 1997.
 24 **Q.** Yes. So January 1997, you became a Retail Line
 25 Manager?

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1 **A.** Yes, I do.
 2 **Q.** You've set out at paragraph 8 of your witness
 3 statement some aspects of the roles you have
 4 held since becoming a Retail Line Manager in
 5 1997 and you go on to say that one of those
 6 aspects is no longer part of the role, namely
 7 suspensions and termination of contracts, and
 8 you say this is now the responsibility of the
 9 Contracts team; is that right?
 10 **A.** Yes, that's right.
 11 **Q.** But it was part of your role in 2003?
 12 **A.** Yes, correct.
 13 **Q.** Do you recall when suspensions and termination
 14 of contracts became the responsibility of the
 15 Contracts team?
 16 **A.** No, sorry, I don't.
 17 **Q.** You were the Retail Line Manager who took the
 18 decision to terminate Mr Castleton's contract;
 19 is that right?
 20 **A.** Yes.
 21 **Q.** At the outset of your statement for the Inquiry,
 22 you have expressed your sympathy to all
 23 subpostmasters who were affected by Horizon
 24 related issues and, in particular, Mr Castleton.
 25 **A.** Yes.

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1 **A.** Yes.
 2 **Q.** Yes. You've set out an explanation of the
 3 change in terminology relating to the Retail
 4 Line Manager role over the years, at paragraph 7
 5 of your statement, and you say the title changed
 6 from Retail Line Manager to Retail Network
 7 Manager and then to Area Sales Manager and then
 8 Area Manager. Did the role remain substantially
 9 the same, despite these changes to the title?
 10 **A.** Yeah, substantially the same.
 11 **Q.** You held this role from 1997 to 2005 in the
 12 Postmaster Network --
 13 **A.** Yes, correct.
 14 **Q.** -- 2005 to 2010 in the Directly Managed
 15 Network --
 16 **A.** Yes.
 17 **Q.** -- and 2017 to date, again in the Postmaster
 18 Network; is that right?
 19 **A.** Yes, it is.
 20 **Q.** So apart from a period between 2015 and 2017,
 21 when you were not working for the Post Office,
 22 your entire career has been with the Post
 23 Office; is that right?
 24 **A.** Yes.
 25 **Q.** And you remain employed by the Post Office now?

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1 **Q.** You say that when you made the decision to
 2 terminate Mr Castleton's contract, this was
 3 based on an understanding that the Horizon
 4 system was working as it should. Should we
 5 understand your evidence against that backdrop?
 6 **A.** Yes, please.
 7 **Q.** You also say in your statement that, during your
 8 time at the Post Office, you were reassured that
 9 the Horizon IT System was robust and working
 10 properly; is that right?
 11 **A.** That's right, yes.
 12 **Q.** Who was it who was providing that reassurance?
 13 **A.** I contacted several different places, so I was
 14 getting messages back from Fujitsu and from the
 15 Business Support Centre and the Horizon System
 16 Helpdesk.
 17 **Q.** Do you mean that in the specific sense of the
 18 Horizon system working properly in relation to
 19 Mr Castleton or, when you're talking about
 20 reassurance that the system was robust and
 21 working properly, do you mean that more broadly?
 22 **A.** Both, really. So during Mr Castleton's case,
 23 I was contacting them to make sure everything
 24 was okay when Mr Castleton was asking me
 25 questions, and in the broader sense as well,

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1 through my career. Yes.
 2 **Q.** Starting, please, with your understanding of
 3 Mr Castleton's contract with the Post Office,
 4 you say at paragraph 16 of your statement to the
 5 Inquiry that, when there was a loss, it was for
 6 the subpostmaster to make that loss good and, in
 7 your statement, you don't qualify that.

8 Was it your understanding that
 9 a subpostmaster's contract imposed an obligation
 10 on a subpostmaster to make good any loss, no
 11 matter the circumstances?

12 **A.** Could you just repeat the question in
 13 a different way then, please? I'm not really --

14 **Q.** Of course, if you want to look at paragraph 16
 15 of your statement to the Inquiry.

16 **A.** Yes, I've got that.

17 **Q.** You say that, when there was a loss, it was for
 18 the subpostmaster to make that loss good.

19 **A.** Yes.

20 **Q.** You don't, in that aspect of your statement,
 21 qualify that in any way. So my question is: was
 22 it your understanding that the contract imposed
 23 an obligation on a subpostmaster to make good
 24 any loss, no matter of the circumstances?

25 **A.** I think under some circumstances they wouldn't
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1 department to see if there was an error notice
 2 pending, if anything had left the branch, to try
 3 to help them in finding where the error might
 4 be.

5 **Q.** I appreciate that it is your evidence that you
 6 went beyond simply signposting Mr Castleton to
 7 the Business Support Centre but do you think
 8 that simply telling subpostmasters to ring the
 9 Business Support Centre was sufficient support
 10 from a line manager for subpostmasters dealing
 11 with losses?

12 **A.** Probably not, no, with hindsight.

13 **Q.** You say at paragraph 26 of your statement that
 14 it was normal for most branches to have small
 15 losses and gains each week and even to have
 16 a large loss or gain from time to time when
 17 an error had occurred. By "error", do you mean
 18 error on the part of subpostmasters or their
 19 staff?

20 **A.** Yes, I do. So that if they'd sent something
 21 that had left the office and that was incorrect,
 22 it would cause an error.

23 **Q.** You also say at paragraph 26 of your statement
 24 that, where errors did not come to light, they
 25 were the responsibility of the subpostmaster to
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1 be expected to make the loss good, so for
 2 instance, perhaps, a robbery, or something of
 3 that case, or a burglary, you know, if the money
 4 had been stolen in a robbery or a burglary.

5 **Q.** Was the position adopted by the Post Office that
 6 apparent shortfalls, irrespective of how they
 7 came about, were the responsibility of
 8 subpostmasters to make good?

9 **A.** In their day-to-day working, yes.

10 **Q.** You say at paragraph 23 of your statement that
 11 the usual role of a Retail Line Manager, when
 12 a subpostmaster reported a loss, was limited to
 13 telling the subpostmaster to ring the Business
 14 Support Centre for advice.

15 **A.** Yes.

16 **Q.** What was your understanding of what the Business
 17 Support Centre could do to assist the
 18 subpostmaster in these circumstances?

19 **A.** It would be to signpost them to try to help them
 20 find where the loss might have occurred. So
 21 maybe to go through and get them to check their
 22 stock again, get them to add the cash up, maybe
 23 contact Girobank and Savings Bank to see if any
 24 paperwork that had left the office was
 25 incorrect, maybe contact the Chesterfield
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1 make good; is that right?

2 **A.** Yes.

3 **Q.** Should we take it from your evidence in this
 4 paragraph that, as far as you were concerned,
 5 unless an error on the part of the subpostmaster
 6 could be identified, the loss was taken to be
 7 the loss, and the subpostmaster was liable to
 8 pay that sum to the Post Office?

9 **A.** Yes.

10 **Q.** In preparing your statement to the Inquiry about
 11 your involvement in Mr Castleton's case, you
 12 have refreshed your memory from a document
 13 entitled "Marine Drive Post Office Summary of
 14 Events". Can we have that document on screen,
 15 please. The reference is LCAS0000699.

16 Going, please, to the second page of that
 17 document. Is this a document that you prepared?

18 **A.** Yes, it is.

19 **Q.** When did you produce it, and why?

20 **A.** I can't exactly recall the exact date. I've
 21 looked through several times to see if there's
 22 any hint at a date when I prepared it. I think
 23 I'll have probably prepared it around about when
 24 I requested the audit, to make a summary of what
 25 was happening, so I called recall the events.
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1 But I don't know exactly, because I've
2 not -- I can't remember and I haven't put a date
3 on it anywhere.

4 **Q.** Is it right that you are reliant in your memory
5 of events on this document, and it informed your
6 witness statement prepared for the Inquiry?

7 **A.** Yes.

8 **Q.** You say here on the first page at the top that
9 the first time Mr Castleton contacted you about
10 issues at his branch was between Christmas and
11 New Year 2003, to report a loss of £1,100; is
12 that right?

13 **A.** Yes.

14 **Q.** This was the first time Mr Castleton had
15 experienced any major balancing issues since
16 he'd taken over as subpostmaster the previous
17 July?

18 **A.** Yes, that's in my notes there, yes.

19 **Q.** He came to you to declare this apparent
20 discrepancy, didn't he?

21 **A.** Yes, he did.

22 **Q.** What did Mr Castleton say to you about the
23 apparent shortfall?

24 **A.** I can't remember the conversation because it's
25 obviously a long time ago. I can just refresh

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1 did not think they were accurate?

2 **A.** Well, he would have shown the 1,100 short in his
3 account, so he would be signing to say he had
4 a shortage in the account.

5 **Q.** But you were encouraging him to make good on the
6 basis that it would all come out in the wash
7 with an error notice; is that right?

8 **A.** That's what I was hoping, yes.

9 **Q.** On this occasion, Mr Castleton did make good the
10 loss, didn't he?

11 **A.** Yes, he said he could make good the loss, yes.

12 **Q.** Mr Castleton balanced fine for the next three
13 weeks, you say in your note, something you noted
14 on your visit to the branch on 16 January 2004.

15 **A.** Yes, correct.

16 **Q.** When you visited the branch and found that
17 nothing had come to light to explain the
18 apparent shortfall, did you take any steps to
19 investigate this or ask anyone else to look into
20 it?

21 **A.** I can't remember doing so, no, but as it was
22 only three weeks or so after the loss, the error
23 notices could take a long time to come back, so
24 I didn't think anything untoward or anything at
25 that point.

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1 my memory from what I've written there, that
2 he'd told me he was £1,100 short in his cash.

3 **Q.** What suggestions did you make to Mr Castleton?

4 **A.** Quite a common error was when a branch was doing
5 a business deposit, so a deposit for a business,
6 they would deposit cash and cheques. It was
7 only the cash figure that should be entered on
8 to the Horizon system. The cheque figure just
9 went off separately but, quite often, the
10 customer would either add the cheques in or the
11 branch would add the cheques in by mistake, and
12 then that would create quite a large loss.

13 So, at that point, I told Mr Castleton to
14 contact Girobank, which is where the -- that
15 sort of an error would come to account, National
16 Savings, because those could be large amounts of
17 deposits into people's accounts, to see if
18 anything could come to light and bring any light
19 on the error.

20 **Q.** Is it right that you also asked Mr Castleton to
21 make the loss good as an error notice might take
22 up to eight weeks to arrive?

23 **A.** Yes, looking at my notes there, I did, yes.

24 **Q.** So you were, in effect, advising him to accept
25 the loss, sign off the accounts, even though he

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1 **Q.** The next time Mr Castleton tried to balance, he
2 found an apparent shortfall of over £4,000, and
3 your advice was again to contact Girobank and
4 Savings, wasn't it, according to your note of
5 events?

6 **A.** Yes, it was.

7 **Q.** You also asked if the cash at the branch was
8 kept secure and who had access to it.

9 **A.** Correct, yes.

10 **Q.** Since Mr Castleton was unable, on this occasion,
11 to make the amount good, you told him to contact
12 the helpline to get a hardship form; is that
13 right?

14 **A.** Yes.

15 **Q.** Was the purpose of this so that the amount of
16 the apparent shortfall could be held in the
17 suspense account while the matter was
18 investigated --

19 **A.** Yes.

20 **Q.** -- rather than Mr Castleton having to put the
21 money in to balance and roll over into the next
22 trading period?

23 **A.** Well, with the hardship fund, it gave the
24 postmaster the opportunity to pay back the loss
25 over a period of time, rather than all in one go

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1 and he could have deductions from remuneration,
 2 rather than making it good there and then.
 3 **Q.** You say you discussed ways to double check the
 4 work, leaving the office, and suggested to
 5 Mr Castleton that he perform a snapshot each
 6 evening and check the cash. Can you explain,
 7 please, what a snapshot was and why you were
 8 suggesting this?
 9 **A.** So on the Horizon system you could print what we
 10 call a snapshot, which is as it sounds. It's
 11 a print-off of everything that's happened in the
 12 branch at that particular time. So up to that
 13 point, when you print a snapshot off, it lists
 14 everything that's gone through the branch, all
 15 the pension dockets, all the giro business. It
 16 also prints what the system thinks the cash
 17 should be in the till because, obviously, the
 18 system, as you sell a stamp, it increases the
 19 cash, decreases the stock, as you do a Girobank
 20 deposit, it increases the cash and puts an entry
 21 on there.
 22 So you could double check everything up to
 23 that point that you were doing, and it would
 24 give you a cash figure. So when you counted the
 25 cash that you physically had, if it matched the
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1 "(b) Castleton at this time not produce one
 2 for every day;
 3 "(c) For Cath to have collected one for
 4 every day she would have had to attend the
 5 branch each day to print one off (because the
 6 data would have changed each minute of the each
 7 day so presumably you couldn't attend the branch
 8 say once a week and print out historical balance
 9 snapshots);
 10 "(d) Cath certainly wouldn't have had the
 11 time to attend the branch every day; and
 12 "(e) that the PO sent me those snapshots
 13 that Cath removed (in the red folder)?"
 14 Going back, please, to page 1 to the top,
 15 please, this is Vicky Harrison replying to
 16 Stephen Dilley with you as a recipient as well.
 17 Looking, please, to the second paragraph of this
 18 email. Vicky Harrison says this:
 19 "Looking at the events logs from the Horizon
 20 archive for Marine Drive which I also sent you,
 21 a balance snapshot was printed most days and
 22 some days more than once by both Christine and
 23 Lee throughout Jan to Mar '04. This report was
 24 not mandatory to be printed or retained, so they
 25 may well have printed it off and discarded it,
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1 cash on the snapshot, you know you were
 2 balancing correctly.
 3 If there was a difference between the cash
 4 you had and the snapshot, then you either had
 5 a gain or a shortfall, depending which way it
 6 was.
 7 **Q.** Could we have on screen, please, document
 8 reference POL00071159. This is an email chain
 9 from June 2006. Can you see that, Ms Oglesby?
 10 **A.** Yes.
 11 **Q.** It's an email chain in the lead-up to the trial
 12 in the *Castleton* case, and about two-thirds of
 13 the way down the page is an email from Stephen
 14 Dilley to Vicky Harrison, a Contracts and
 15 Services Manager, and he's seeking information
 16 following receipt of a letter from
 17 Mr Castleton's solicitors. At point 2, at the
 18 bottom of the page there, he says:
 19 "Castleton states that a complete set of
 20 balance snapshots for each day's trading until
 21 the suspension was produced and removed from the
 22 branch by Cath. Am I right in thinking that:
 23 "(a) balance snapshots are not a mandatory
 24 report so Castleton wouldn't have had to print
 25 one for every day;
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1 as this is used as a rough guide to what the
 2 cash variances were compared to the cash on
 3 hand. I have never seen the balance snapshots
 4 and I don't know about Cath taking them away.
 5 Cath do you remember taking these??"
 6 It would appear from what Vicky Harrison
 7 says in this email, wouldn't it, that, contrary
 8 to your recollection now, Mr Castleton did
 9 balance snapshots, did create balance snapshots
 10 most days and some days more than once, for the
 11 period January to March 2004; would you accept
 12 that?
 13 **A.** Yes, if that's what it said on the event log.
 14 **Q.** Could we have on screen, please, document
 15 reference POL00073661. This is an email from
 16 Vicky Harrison to Stephen Dilley, dated
 17 7 December 2005. Scrolling down a bit, please,
 18 she says:
 19 "Stephen, everyone has now replied to me and
 20 therefore this is a joint response to your
 21 questions:
 22 "Questions 1 and 2 -- Helen Rose did not
 23 take away any documentation and the forms that
 24 she completed on the day have been forwarded to
 25 your office by Stephen Hough. Cath took the
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1 cash accounts from the Branch and some
2 snapshots, but she is unable to recall which
3 ones. She also forwarded me some electronic
4 documents which I have attached to the bottom of
5 this email which you may or may not already
6 have."

7 So it would appear, on the basis of this
8 email, that you took away at least some
9 snapshots from the branch; do you recall doing
10 that?

11 **A.** I only do from refreshing my memory from some of
12 the documents and one of the interviews, where
13 I discussed those snapshots with Mr Castleton at
14 an interview, and they were noted in there. So
15 yes, from that, I do. But I don't know which
16 ones.

17 **Q.** Did you ever look at the balance snapshots to
18 try to understand what Mr Castleton was saying
19 about possible causes of the loss?

20 **A.** We looked at the snapshots in one of the
21 interviews. But I don't know --

22 **Q.** Did you yourself -- sorry to stop you there,
23 before the interview, did you yourself look at
24 the documents and try to do any analysis of them
25 before you interviewed Mr Castleton?

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1 **A.** Yes.

2 **Q.** You say here that you had a long conversation
3 about how to check the work. By that, do you
4 mean checking Mr Castleton's figures?

5 **A.** Yes, and checking everything that was leaving
6 the branch to make sure nothing was leaving
7 incorrect.

8 **Q.** Can you just clarify what you mean by that?

9 **A.** So at that time, there'd be things that would
10 leave the branch on a daily basis. Things like
11 any cheques that the branch had taken, any giro
12 deposits, giro withdrawals, telephone accounts,
13 Savings Bank deposits and withdrawals. All of
14 those things left each evening. So it was
15 making sure that nothing was leaving the branch
16 that hadn't had, you know, double check, and was
17 correct.

18 **Q.** You say here that you suggested the possibility
19 that someone might be stealing the money, and
20 Mr Castleton refuted that suggestion.

21 **A.** Yes.

22 **Q.** You suggested individual stock balancing.

23 **A.** Yes.

24 **Q.** But Mr Castleton did not favour this as the
25 office did not lend itself to individual stock

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1 **A.** I'll have looked at them. I don't think I'll
2 have tried to do any analysis, because the only
3 figures that were in -- that weren't looking
4 right was obviously the cash figure. All the
5 other figures on the snapshot would have been
6 things like the pensions, the Girobanks, the
7 Green Giros. All of those, you know, will have
8 been double checked because if they hadn't,
9 they'd have caused an error notice.

10 **Q.** Did you consider copying the balance snapshots
11 you had and returning them, given that you
12 thought that these were important in terms of
13 figuring out what had happened?

14 **A.** I think in the interview dated 10 May,
15 everything was copied and given back to
16 Mr Castleton but I don't recall it because it's
17 such a long time ago.

18 **Q.** Going back, please, to your summary of events,
19 could we have this back on screen, please, it's
20 LCAS0000699. About halfway down, following your
21 suggestion about balance snapshots, after
22 Mr Castleton's second apparent shortfall of over
23 £4,000, you contacted Mr Castleton following the
24 next balance, and there was an apparent
25 shortfall of £2,500; is that right?

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1 balancing; is that right?

2 **A.** Well, that was Mr Castleton's opinion. You
3 could do an individual stock unit balance in any
4 branch.

5 **Q.** The next week, Mr Castleton had an apparent
6 shortfall of £25 and, the week after, of £1,500.
7 Those are the figures that you've put in your
8 note. So, by this point, you say there was
9 a cumulative shortfall of £8,243.10, not
10 counting the £1,100 he had made good.

11 **A.** Yes.

12 **Q.** Your only further suggestion at this stage was
13 to get a hardship form, at least in terms of
14 what you've recorded here on your summary of
15 events; is that right?

16 **A.** I did ask him to get a hardship form, yes.
17 I can't recall if we discussed to do anything
18 else.

19 **Q.** About two-thirds of the way down the page you
20 say this:

21 "At this point I was very concerned and
22 contacted the Investigation team. They told me
23 that as he had kept me fully informed of the
24 loss then they would not be able to prove
25 dishonesty."

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- 1 A. Yes.
- 2 Q. "I completed an audit request."
- 3 What was it that you were so concerned about
- 4 that led you to contact the Investigation Team
- 5 who conduct criminal investigations.
- 6 A. I was looking for some help, I think, at that
- 7 point and some advice, because of the large
- 8 losses.
- 9 Q. What evidence did you have that Mr Castleton had
- 10 done anything criminal?
- 11 A. I didn't have any evidence that he'd done
- 12 anything criminal. I don't think that was in my
- 13 mind. I just wanted some -- you know, some sort
- 14 of help, really.
- 15 Q. Was it usual for you or other Retail Line
- 16 Managers to contact the Investigation Team
- 17 before an audit had taken place?
- 18 A. I don't think I'd contacted them before but I'd
- 19 never had anybody with large losses before.
- 20 I can't speak for other Retail Line Managers but
- 21 I don't think I had contacted them before.
- 22 Q. You spoke to someone from the Investigation
- 23 Team. Did you speak on the phone?
- 24 A. Yes, I believe so.
- 25 Q. What did you ask that person?

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- 1 Mr Castleton was, at this stage, clearly
- 2 attributing the losses in the shortfall to the
- 3 Horizon system, wasn't he?
- 4 A. Yes.
- 5 Q. You suggested he contact Horizon and get
- 6 a system check; is that right?
- 7 A. Yes.
- 8 Q. Did the Post Office see it as any part of its
- 9 role to raise concerns about the Horizon system
- 10 with Fujitsu on its subpostmasters' behalf?
- 11 A. I can only speak from my role as a Retail Line
- 12 Manager, and we could also ring and ask for
- 13 different, you know, checks to be done, but it
- 14 wasn't something that was in the forefront of my
- 15 mind. To be honest, I wouldn't have given it
- 16 a thought. I had no idea that there would be
- 17 any problem with Horizon.
- 18 Q. Given what Mr Castleton was saying, did you
- 19 consider at this stage contacting Fujitsu
- 20 yourself, as opposed to directing him to contact
- 21 Horizon himself?
- 22 A. I was just trying to look and see if that --
- 23 I can't see the timeline of when I actually
- 24 contacted them but we didn't have a direct
- 25 contact to Fujitsu. We would have to go through

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- 1 A. Unless it's documented anywhere to recall,
- 2 I can't remember the conversation.
- 3 Q. Can you recall what they said to you, and do
- 4 refer to your summary of events if it helps. Is
- 5 there anything over and above what you have
- 6 recorded here that you remember?
- 7 A. I don't remember anything over and above what
- 8 I've put on there, sorry.
- 9 Q. What was your reaction at the time to them
- 10 saying that this was not a matter for criminal
- 11 investigation?
- 12 A. I can't recall, I'm sorry.
- 13 Q. The next week, Mr Castleton was, you say,
- 14 £3,509.18 short.
- 15 A. Yes.
- 16 Q. Then you say this, in your summary:
- 17 "Lee told me that himself and Chrissie his
- 18 assistant had spent hours and hours checking and
- 19 double checking transaction logs and work to try
- 20 to prove that it was the computer equipment that
- 21 was changing the figures. I asked him if he had
- 22 founding anything. He hadn't. He is convinced
- 23 that since he had a processor changed around
- 24 about the time that the losses started it is
- 25 that that is causing the losses."

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- 1 the Business Support Centre or the Horizon
- 2 System -- the Horizon Helpdesk.
- 3 You didn't have -- there wasn't a direct
- 4 link, you know, to contact Fujitsu, and I'm not
- 5 sure at what point I made those calls as well.
- 6 Q. You say in your summary:
- 7 "I visited the office on Friday 27 February
- 8 2004."
- 9 You say this:
- 10 "We went over everything again. Lee was
- 11 very distressed and angry, Chrissie his
- 12 assistant was very worked up, upset and angry.
- 13 They felt they hadn't received any help and had
- 14 been left to try to prove that the computer was
- 15 changing the cash figures. At times they looked
- 16 close to tears and said they weren't sleeping.
- 17 On top of all this Lee's son needed an operation
- 18 and was going into hospital. The stress levels
- 19 in the office were high ..."
- 20 A. Yes.
- 21 Q. Mr Castleton was at this stage questioning the
- 22 checks which had been done by Fujitsu, wasn't
- 23 he?
- 24 A. I can't see in my notes where it says that.
- 25 Q. So we go down another paragraph:

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1 "I asked them what ... I could do to help.
2 We had covered all the usual possibilities. Lee
3 and Chrissie kept on that they had not taken the
4 money and that I must be the Horizon kit. Lee
5 said that the Horizon System Helpline had said
6 that the checks had been okay, but what had they
7 checked?"

8 Your response was for him to ring the
9 Horizon helpline back. Again, at this stage,
10 did you consider contacting Fujitsu on
11 Mr Castleton's behalf, particularly given how
12 distressed you saw him to be?
13 **A.** I believe that I was also doing things in the
14 background. I maybe haven't documented on there
15 but I know I've got things from the problem
16 manager, you know, from Richard Benton, who had
17 done all the checks and sent that to Fujitsu.
18 I'd got emails back from the Business Support
19 Centre, from Andrew Price and Andrew Wise, so
20 I was doing things as well, and asking him, you
21 know, Mr Castleton, to do things, as well, so
22 that we were both doing things to try to find
23 out.

24 Everything just kept coming back that
25 everything was fine with the Horizon system.

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1 Fujitsu. That just wasn't a possibility, if my
2 understanding is correct.

3 **Q.** Had you asked anyone from Fujitsu to attend
4 Mr Castleton's branch by this point?

5 **A.** I didn't, as I said earlier, I didn't have
6 a direct contact with Fujitsu. I would have
7 just gone via the Horizon Helpdesk.

8 **Q.** So where do you think this understanding came
9 from, that they would not attend in the
10 circumstances of Mr Castleton's case?

11 **A.** Just from my own experience. I'd never known
12 anybody from Fujitsu to attend a branch for poor
13 balancing.

14 **Q.** But this was, you said earlier, the first large
15 loss case that you had dealt with, wasn't it?

16 **A.** Yes.

17 **Q.** As far as you were aware, did anyone from the
18 Post Office ever ask Fujitsu to send someone out
19 to Mr Castleton's branch to investigate what was
20 going on?

21 **A.** Not that I'm aware, no.

22 **Q.** Do you remember Anne Chambers, who gave
23 a statement for and oral evidence at
24 Mr Castleton's trial?

25 **A.** I remember her name. I don't actually remember

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1 **Q.** Could we have on screen, please, document
2 reference POL00071240. This is a record of your
3 interview with Mr Castleton on 10 May 2004.

4 Could we have page 3 of this document, please.
5 About halfway down the page, Mr Castleton says:

6 "He said that no one had visited from
7 Horizon to look at his problems and balances."

8 Your response is this:

9 "CO Explained that Horizon would not attend
10 his office due to poor balances, they would need
11 evidence of a problem which he was unable to
12 provide, she also mentioned that she had given
13 him advice and spent hours and hours on this
14 case and his cash accounts. She asked LC if he
15 could show her a figure that the Horizon system
16 had changed which did not make sense or could
17 prove his allegations."

18 What was the basis for the view you
19 expressed here that Horizon -- and by that we
20 can take it to mean Fujitsu -- would not attend
21 Mr Castleton's office due to poor balances, they
22 would need evidence of a problem, which he was
23 unable to provide?

24 **A.** If I remember correctly, I don't think there was
25 any people that would visit a branch from

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1 the lady herself.

2 **Q.** Mrs Chambers has given oral evidence to the
3 Inquiry. Could we have the transcript of her
4 evidence given on 27 September this year on
5 screen, please. The reference is INQ00000980.
6 Going, please, to page 14 of that document.

7 **A.** Are you able to make it any bigger, please?

8 **Q.** Yes, if you just give is a moment I'll help the
9 RTS people zoom in.

10 **A.** That's it.

11 **Q.** So page 14 and what we're looking for is the
12 bottom of internal page 54, if we can zoom in
13 a little bit more to make it easier for
14 Ms Oglesby.

15 **A.** Yes, it's quite big enough now, thank you.

16 **Q.** Counsel to the Inquiry is asking Mrs Chambers
17 about the limits on her investigations, and he
18 asks this, at lines 20 to 22:

19 "So your investigation didn't extent to
20 whether there was a problem with the recording
21 of the transactions beyond the extent that
22 you've said?"

23 Mrs Chambers says this:

24 "There was no indication of any problem with
25 the recording of the transactions that was

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1 visible to me, either when I looked in 2004,
2 when obviously there was, you know, more files
3 and things to look at ..."

4 Then moving over to page 55, at line 18
5 Mrs Chambers says she could not see that without
6 some way of knowing actually what had happened
7 at the branch.

8 Counsel to the Inquiry says this, at
9 line 21:

10 "One way of doing that would be to send
11 somebody in on balancing day, for example --"

12 Mrs Chambers says:

13 "Yes, or just during normal processes."

14 Counsel to the Inquiry:

15 "-- and just watch the subpostmaster or
16 their clerk do it?"

17 Then going to the right side of the page,
18 the top of internal page 56:

19 "Yeah, and try to keep a record that you
20 could check against at the end of the day.
21 I mean, the postmaster had a lot of reports that
22 had to be printed out at the end of the day,
23 with totals on for pensions and various other
24 things, and I believe that -- but this is
25 getting into business stuff, which wasn't --

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1 that there would be a need for specific evidence
2 of a system problem?

3 **A.** Well, I wasn't aware that Fujitsu would visit
4 a branch. That was -- that's maybe my naivety
5 but I wasn't aware of that, I hadn't heard of
6 that at any other branch but, as you say, this
7 was the only one that I was dealing with, with
8 high losses. The things about the checks around
9 the pensions and that the lady's talking about
10 there, those were the things we spoke about
11 earlier when I suggested that everything was
12 double checked against the reports before it
13 left the branch.

14 Those were the things that Mr Castleton and
15 I discussed him doing before it actually left
16 the branch every day, and he never -- I think in
17 all my notes that I've made -- he never found
18 one error, you know, that the system was making
19 that didn't correspond with the summary.

20 **Q.** Do you accept that someone from Fujitsu going
21 out to the branch was something which should at
22 least have been explored by the Post Office in
23 the very unusual circumstances of Mr Castleton's
24 case?

25 **A.** Yes, with hindsight, I think, yes, it should

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1 I had less familiarity with, but they were meant
2 to add up the dockets or counterfoils, or
3 whatever they'd got, for various things and
4 compare them against the totals on the reports,
5 to make sure that what was on the system was
6 consistent with the business that they had done.

7 "But there was something that I had no way
8 of chose checking."

9 The question from Counsel to the Inquiry is:

10 "Those are two things that could be done to
11 seek to discover whether there was an underlying
12 problem and, if so, what it was?"

13 The answer is:

14 "Absolutely, and it is possible that if
15 those sort of checks had been done, it might
16 have highlighted some sort of system problem.
17 At the time, my view was that seemed very
18 unlikely, but -- or, you know, completely
19 unlikely, completely impossible, but, in light
20 of where we are now, who knows."

21 So it seems from this that Fujitsu would not
22 have required specific evidence of a system
23 problem in order to visit Mr Castleton's branch.
24 Was that something that you -- can you help us,
25 knowing this, with why it was that you concluded

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1 have been.

2 **Q.** Going back, please, to your summary of events
3 and if we can have that back on screen, please,
4 LCAS0000699, page 3., and scrolling down
5 a little, please. We can see your summary here
6 of the fact that the apparent shortfalls or
7 apparent losses kept accumulating. Then
8 an audit happens on 23 March 2004 --

9 **A.** Yes.

10 **Q.** -- and that's exactly it, the penultimate
11 paragraph there.

12 **A.** Yes.

13 **Q.** At the bottom of the page, you discuss your
14 decision to suspend Mr Castleton on the same day
15 as the audit. What was your reasoning for
16 suspending Mr Castleton at that point?

17 **A.** Well, the losses were -- we couldn't explain the
18 losses. Obviously, Lee was upset, and I -- the
19 only explanation Mr Castleton was coming back
20 with was that it was the Horizon equipment. So
21 I really wanted to try to take him and his staff
22 out of the equation and put somebody else in
23 there to see how the branch would balance, to
24 see if it carried on or if it stopped.

25 I wanted to, you know, safeguard Post Office

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1 funds, as well. We were at a lot of money at
 2 this point.
 3 **Q.** The temporary subpostmaster who was put in place
 4 at that stage was Ruth Simpson; is that right?
 5 **A.** Yes, it is.
 6 **Q.** So going over the page, please. You say about
 7 three paragraphs down:
 8 "I asked a very experienced postmaster if
 9 she would run the office on a temp basis."
 10 **A.** Yes.
 11 **Q.** Did you know Ruth Simpson before you asked her
 12 to take up this position?
 13 **A.** Yes. First Lane post office was one of the
 14 branches in my area, so she was a postmaster in
 15 my area.
 16 **Q.** Going, please, to the top of page 5 of this
 17 document, after Mrs Simpson has spent some time
 18 in situ, at the top of the page, you approach
 19 the Investigation Team for a second time, and
 20 you say this:
 21 "I spoke to Paul Whitaker from the
 22 Investigation Team again. He said that they
 23 didn't wish to take on the case or interview the
 24 [postmaster] as he had kept me fully informed of
 25 the situation on a weekly basis. Again, he said
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1 look back at your summary, if you need to.
 2 **A.** I've written another note here. Yes, they had
 3 shortages and gains, over the weeks that they
 4 were there.
 5 **Q.** Could we have on screen please document
 6 reference POL00071234, and it's page 14 of that
 7 document, please. This is a letter to you and
 8 Mrs Joyce, dated 28 April 2004, from
 9 Mr Castleton, and if we just go to the -- well,
 10 we see the "L Castleton" at the top.
 11 I think you've seen this document before,
 12 but the last page is page 17 of that document,
 13 please. Scrolling to the bottom and we can see
 14 there that it's from Lee Castleton.
 15 Going back to the first page, please,
 16 towards the bottom, Mr Castleton says this,
 17 starting on the bottom line:
 18 "But would like to know whether these losses
 19 actually exist or if as I believe they are
 20 a figment of a computer's imagination."
 21 Then he requested a number of things
 22 relating to Horizon. So we have at 1:
 23 "A full list of all software updates since
 24 January 2004 to now, 28 April '04 ...
 25 "2. List of all calls to Horizon and NBSC
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1 that they needed to prove dishonesty and being
 2 able to prove this looked unlikely."
 3 Why did you raise the question of potential
 4 criminality with the Investigation Team again?
 5 **A.** I don't remember the exact conversation but
 6 I will have been looking for some support or
 7 help from somewhere, I will have been speaking
 8 to the Contracts team and my line manager, as
 9 well the Investigation Team. So I was looking
 10 for some support, really, and some guidance.
 11 **Q.** The Investigation Team said, again, that they
 12 didn't think it was a criminal matter. After
 13 this, Greg Booth took over as a temporary
 14 subpostmaster, didn't he? Can you remember why
 15 there was that change from Ruth Simpson to Greg
 16 Booth?
 17 **A.** Ruth had her own branch and I think she could
 18 only commit to a few weeks and -- so she could
 19 only commit to a few weeks, so I needed to find
 20 somebody else.
 21 **Q.** Based on the account that you've included in
 22 this summary, it's right, isn't it, that both
 23 temporary subpostmasters, Ms Simpson and
 24 Mr Booth, had some balancing issues, albeit that
 25 they were small discrepancies? Take time to
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1 from this office, since 16 January 2004 ...
 2 "3. List of all calls to Horizon and NBSC
 3 from any office in relation to computer balance
 4 problems that seem unexplained.
 5 "4. List of any Horizon problems which are
 6 either ongoing or have been dealt with including
 7 suspense account problems. What action was
 8 taken and description of the work."
 9 Then over the page, please:
 10 "5. A detailed list of the requirements of
 11 an RLM in such a case ...
 12 "6. Contractual obligations of Horizon with
 13 respect to how and when Horizon should act when
 14 a fault on the system is suspected.
 15 "7. What action is taken with data at
 16 'Clear Desktop' within Horizon ...
 17 "8. ... detailed breakdown of what is
 18 checked during a Horizon system check when
 19 system checks have been done on machines."
 20 Further information sought there on system
 21 checks:
 22 "9. List of BT line faults ...
 23 "10. I would also like to know if the
 24 computer system has been off over the period of
 25 my suspension. The reason for them being off.
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1 The actions taken ..."
 2 Just going over to the final page for
 3 completeness:
 4 "Any software changes or repairs required to
 5 bring the system online again."
 6 Your response to Mr Castleton is at page 18
 7 of this document. Scrolling down a little,
 8 please, from you. Going up again, please to
 9 Mr Castleton, 6 May 2004, including a number of
 10 documents. But it's right, isn't it, that you
 11 didn't provide Mr Castleton with all of the
 12 items he requested in his letter?
 13 **A.** Yes, that's right.
 14 **Q.** With the benefit of hindsight, do you accept
 15 that the Post Office should have asked Fujitsu
 16 to provide the evidence that Mr Castleton was
 17 asking for?
 18 **A.** I think I did ask for it but I just didn't
 19 receive it to be able to pass it to him and,
 20 yes, I do agree we should have.
 21 **Q.** Again, with the benefit of hindsight, do you
 22 think it was the wrong choice to dismiss him
 23 before the questions he had about Horizon had
 24 been answered?
 25 **A.** Well, the decision to dismiss him -- because I'd

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1 "I sent copies to Liz Morgan and Davlyn
 2 Cumberland in Leeds, two very experienced
 3 suspense account people. They helped me with
 4 the wording for my explanation. I sent a letter
 5 to Lee on Friday 14 May, plus the interview
 6 notes. Both Liz and Davlyn could not see
 7 anything wrong with the way the computers were
 8 working."
 9 You say:
 10 "I discussed the whole case with my HOA ..."
 11 Can you just clarify what that acronym is?
 12 **A.** Head of Area, my line manager.
 13 **Q.** "... throughout.
 14 "My decision is to summary terminate Lee
 15 Castleton's contract for services."
 16 What did you think had happened to the money
 17 represented by this shortfall?
 18 **A.** I didn't know where the money had gone and
 19 that's why we were trying to look at every
 20 aspect of, you know, where it could have gone.
 21 Just an unexplained loss. It could have been
 22 somebody, you know, taking the money, not
 23 necessarily Mr Castleton. It could have been,
 24 you know, the -- they were doing a really large
 25 giro business deposit from a car auction, and

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1 put people into the branch and there were no
 2 real -- I know there were small losses and gains
 3 but that's something you would expect in any
 4 branch, I based, you know, part of my decision
 5 on that the Horizon system was working and was
 6 robust. I had no reason to believe it wasn't.
 7 With hindsight now, then maybe it was premature.
 8 **Q.** You set out the reasons for the termination of
 9 Mr Castleton's contract, or a summary of those
 10 at least, on the last page of your summary
 11 document. If we can have that back on screen,
 12 please, it's LCAS0000699.
 13 It's the penultimate page, in fact, because
 14 the last page is blank. About two-thirds of the
 15 way down the page, you say, under the heading
 16 "Monday 10 May 2004, RTU interview":
 17 "At the interview Lee could only give one
 18 explanation for the losses at his office and
 19 that was computer software problems. He did not
 20 provide any instances where the figures on his
 21 cash accounts were incorrect, it was always the
 22 cash figure that didn't match. He asked me to
 23 explain the discrepancies at the top of his
 24 final balances."
 25 You go on to say:

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1 I know that the customer would leave a lot of
 2 money there in the branch. You know, that might
 3 have been the source of it. We talked about
 4 that previously, making sure that was correct,
 5 and things like that.
 6 So I didn't know where the cash had gone.
 7 I'd suggested lots of things to try to narrow it
 8 down, which Mr Castleton hadn't wanted to do,
 9 like the individual balancing. I'd put people
 10 in the branch to try to prove to us both,
 11 really, that the Horizon system was working
 12 correctly. So it was just unexplained losses.
 13 So I didn't know exactly where the money had
 14 gone.
 15 **Q.** So was it your view that there was a loss? Did
 16 you find that, as a matter of fact, before you
 17 terminated Mr Castleton's contract?
 18 **A.** Well, it was a matter of fact that the money was
 19 missing, so there was a loss.
 20 **Q.** When it came to the civil proceedings brought by
 21 the Post Office against Mr Castleton, you
 22 provided a witness statement. Could we have
 23 that on screen, please. It's POL00107117, and
 24 it's paragraph 9 of that statement, please. You
 25 say:

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1 "At the material time, the subpostmaster
2 also had to balance the physical cash and stock
3 against the cash and stock shown on the
4 computers on a weekly basis and produce a Cash
5 Account. The Cash Account contained information
6 such as cash and stock in hand at the end of
7 that week, receipts, payments, the balance due
8 to the Post Office and whether there were any
9 discrepancies such as a surplus or shortfall.
10 The subpostmaster had to sign the Cash Account
11 and of course should not have done so unless it
12 was accurate."

13 It's right, isn't it, that subpostmasters
14 might well dispute apparent discrepancies
15 appearing on a final balance but still roll over
16 into the next trading period to enable them to
17 carry on trading? Did you come across that?
18 **A.** They would declare their loss or the gain,
19 though, and they're signing with the loss or the
20 gain on the account.
21 **Q.** But the case being run by the Post Office
22 against Mr Castleton was that the act of doing
23 that, of signing and rolling over, was
24 an acceptance that the accounts were correct,
25 and you say here:

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1 There were often times, weren't there, when
2 subpostmasters would not think a discrepancy was
3 accurate and there was an error notice in the
4 pipeline or another reason, but they had to roll
5 over, didn't they, to carry on into the next
6 trading period?

7 **A.** Yes, but they'd still be signing the account to
8 say that that was accurate, the cash and stock
9 was accurate and, at that point in time, there
10 was also a discrepancy. So that would be a loss
11 or a gain. So they're signing the account, you
12 know, to say that's accurate at that point, with
13 the loss or the gain in there.
14 **Q.** What would have had happened if Mr Castleton had
15 refused to sign the cash account which showed
16 the loss or the apparent loss?
17 **A.** Well, nothing would have happened that I could
18 think of.
19 **Q.** Would he have been able to roll over into the
20 next trading period?
21 **A.** Without signing, yes, it would, yeah, he would
22 still roll the -- he would still roll the branch
23 over into the next period. It's only
24 a signature on a document. You could still
25 physically do that on the machine.

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1 "The subpostmaster had to sign the Cash
2 Account and of course should not have done so
3 unless it was accurate."

4 But because error notices took time to come
5 through, there might well be occasions where
6 cash accounts were confirmed and a subpostmaster
7 rolled over to allow them to continue trading,
8 when they didn't accept there was a discrepancy;
9 do you see that?

10 **A.** I can see what you're saying but they would
11 declare the loss or the gain on the account and
12 then sign and roll over. Is that what you're
13 saying? So they would do that, yes, but the
14 loss or the gain would be listed, you know, on
15 the account.
16 **Q.** So if the subpostmaster doesn't think that there
17 is a loss, they're not accepting the discrepancy
18 that's there on the draft, if we can put it in
19 that way, accounts. They don't agree that there
20 is a discrepancy. There might be an error
21 notice out there, there might not, but they
22 don't agree with that discrepancy. What you're
23 saying here is the subpostmaster had to sign the
24 cash account and, of course, he should not have
25 done so unless it was accurate.

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1 **MS PRICE:** Sir, those are the questions that I have
2 for Ms Oglesby. I'll turn now to Core
3 Participants to see if there are any questions.

4 Mr Henry has some questions, sir.

5 **Questioned by MR HENRY**

6 **MR HENRY:** Ms Oglesby, in the past, subpostmasters
7 were prosecuted on data, in other words the
8 books, they had generated and were responsible
9 for, which they had constructed and signed off
10 themselves, and were indisputably accountable
11 for. You agree with that, don't you, before
12 Horizon?

13 **A.** Oh, before Horizon? Yes, it was a book.

14 **Q.** Yes. Now they were being judged on data
15 generated by Horizon, which they could not
16 interrogate or control, correct?

17 **A.** Well, they could check the documentation that
18 Horizon then would be summarising, so that all
19 the documentation could be cross-referenced
20 against the figures on Horizon.

21 **Q.** But they were not in control of it?

22 **A.** Could you explain what you mean, please?

23 **Q.** Well, it was generated by Horizon itself and
24 they could not check how Horizon performed the
25 calculations.

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1 A. But they could check -- so if we just take
 2 an example, say the pension docketts, there would
 3 be a counterfoil for each pension that would
 4 have been inputted into Horizon, and then the
 5 total on Horizon for the pensions you could
 6 physically add up -- as we used to do before
 7 Horizon, physically add them up and
 8 cross-reference them with the figure on Horizon,
 9 so you could double check all of the entries.
 10 Q. But you're assuming that the system is bug,
 11 error and defect free when saying that, aren't
 12 you?
 13 A. Yes, I am, yes.
 14 Q. I'll move on. Janet Skinner, paragraph 89 of
 15 your witness statement -- you recognise the name
 16 Janet Skinner, didn't you?
 17 A. Yes, I do.
 18 Q. She worked in your area for years and, in fact,
 19 you were her Area Manager at one time, weren't
 20 you?
 21 A. Yes, I was.
 22 Q. You knew that she was an experienced
 23 subpostmaster?
 24 A. Well, she was an employee, I believe.
 25 Q. Well, she was experienced and well regarded.

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1 something wrong with the system?
 2 A. Well, you say I knew all of this, but
 3 I wasn't -- I'd moved roles in 2005, so I don't
 4 I can't recall, you know, knowing that
 5 information.
 6 Q. I mean, you earlier accepted that you did know
 7 that Janet Skinner had been prosecuted. You
 8 didn't think that this was worth mentioning when
 9 you gave evidence against Lee Castleton in
 10 December 2006, did you?
 11 A. I don't know at what point I became aware,
 12 whether I would -- you know, this is going back
 13 some 20 years. I don't know whether I would
 14 have known at that point or not. So I wouldn't
 15 like to say. If I'd have known, then I would
 16 have mentioned it, so I'm presuming I didn't
 17 know.
 18 Q. I want to just briefly touch on the witness
 19 statement. No need to put it up but do you not
 20 recall that at paragraph 53 of your witness
 21 statement, which was page 15 of the statement
 22 that you filed in that case, you said the
 23 following:
 24 "Since Mr Castleton has been suspended the
 25 temporary subpostmasters had worked with exactly

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1 You knew that?
 2 A. I don't know how long -- I can't remember
 3 because it's quite some time ago, how long she'd
 4 worked there, but I just know that I knew the
 5 name Janet Skinner and she had been in my area
 6 at one of the branches. I couldn't recall which
 7 one now but I did know her.
 8 Q. Fine. She was dismissed and prosecuted in May
 9 2006 and you were aware of that, weren't you?
 10 A. Yes, I was aware of it. I didn't know the
 11 details of the case.
 12 Q. As RLM in that general area, you would have also
 13 become aware that the temporary SPM who came
 14 after her, just like Mrs Skinner before her, was
 15 investigated for stealing money. Do you
 16 remember that? Wendy Lyle(?).
 17 A. I don't, I'm sorry. The name doesn't ring
 18 a bell at all with me.
 19 Q. Well, the person who replaced Janet Skinner was
 20 arrested for theft. So you had an experienced
 21 member of staff, Janet Skinner, who'd suddenly
 22 incurred large losses and was arrested, and then
 23 you had her replacement, Wendy Lyle, who also
 24 incurred large losses and was arrested. Did
 25 that cause you to think that there might be

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1 the same Horizon kit and the balance had
 2 continued to be fine each day within expected
 3 parameters. Mr Castleton had not given any
 4 credible explanation for the unauthorised
 5 shortfalls. In these circumstances I decided to
 6 terminate summarily."
 7 That wasn't accurate, was it?
 8 A. Which part?
 9 Q. Well, we know, don't we, that Mrs Simpson was
 10 having difficulties and there were shortfalls,
 11 weren't there, and there were discrepancies
 12 above and below the line, weren't there?
 13 A. Mrs Simpson wasn't having difficulties. She had
 14 one particular error of £100, which she did have
 15 an explanation for, which was --
 16 Q. Sorry, you carry on, please.
 17 A. -- which she thought her staff member had left
 18 an amount in the stack on Horizon and paid it
 19 out a second time, which she'd previously done,
 20 I believe, at her own branch. All the others
 21 were -- all the other losses and gains that I've
 22 noted were sort of under the £20 limit, really,
 23 and some were over and some were short.
 24 Q. She didn't process the Lottery transactions,
 25 even though they were there from her first day,

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1 did she?
 2 **A.** Unless you can show me my notes, I don't recall,
 3 I'm sorry.
 4 **Q.** Well, I'm under some pressure of time, so if
 5 I might just ask you to recall this. She didn't
 6 use Horizon until 11.30 am on 1 April 2004, did
 7 she?
 8 **A.** I'm sorry, that's going back --
 9 **Q.** Because of a crash. It crashed. Do you not
 10 recall her saying that it had to be rebooted,
 11 and then she offered a different explanation, so
 12 a mutually inconsistent explanation, that it
 13 hadn't crashed but that she just decided to work
 14 manually.
 15 **A.** I can't recall that, I'm sorry.
 16 **Q.** I suggest that there were evident problems with
 17 Horizon when Ruth Simpson took over and no one
 18 was being frank about it; isn't that right?
 19 **A.** No, I don't agree.
 20 **Q.** Could I ask you, please, to consider the answers
 21 you've given to Counsel to the Inquiry, and I'm
 22 going to ask if you might have been displaying
 23 a degree of bias against Mr Castleton and that
 24 you actually thought that he was dishonest.
 25 What do you have to say to that?

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1 **A.** I was -- I didn't think for one minute that the
 2 Horizon system wasn't robust. Every time I'd
 3 asked anybody to check anything, everything came
 4 back that the Horizon system was fine. So I was
 5 trying to help Mr Castleton and try and find out
 6 where -- and get help from other people, you
 7 know, in the business.
 8 **Q.** You see, what you ought to have done, rather
 9 than calling the Criminal Investigation Team,
 10 was to bombard Fujitsu with requests. That's
 11 what you ought to have done, Mrs Oglesby. Don't
 12 you accept that now?
 13 **A.** With hindsight, yes, probably.
 14 **Q.** So I put it to you again that the reason why you
 15 twice contacted the Criminal Investigation Team
 16 was because you hoped you could persuade them to
 17 take on this case?
 18 **A.** I was looking for help and support. That's why
 19 I contacted them.
 20 **Q.** That's your answer?
 21 **A.** Yes.
 22 **Q.** Right. Can I ask you, please, to just deal with
 23 paperwork. Did you not remove paperwork from
 24 Mr Castleton during his suspension -- balance
 25 snapshots, transactional logs -- purportedly to

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1 **A.** No, I didn't think he was dishonest. I was
 2 trying to find an explanation and help and
 3 support him to try to find where the errors
 4 were.
 5 **Q.** Why did you speak to Mr Paul Whitaker twice in
 6 the Criminal Investigation team; why did you
 7 speak to Mr Paul Whitaker twice?
 8 **A.** To try to get some support because, obviously,
 9 I was very concerned at the losses. So it was
 10 to try to get some help and support for that.
 11 **Q.** But you wouldn't go to the criminal
 12 Investigation Team for that, particularly since
 13 he had told you emphatically that Mr Castleton
 14 was not dishonest, that he had been frank about
 15 the losses and had brought them to you --
 16 correct -- and he said that to you on two
 17 occasions?
 18 **A.** Yes, he did.
 19 **Q.** Right. What I'm going to suggest is that it
 20 would have far better suited your narrative,
 21 made it a lot easier for you, if Mr Castleton
 22 was dishonest, Horizon was robust and you could
 23 have got a confiscation order against him in the
 24 criminal courts. Isn't that the truth? That's
 25 the way you were thinking at the time?

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1 get them analysed; do you remember that?
 2 **A.** I believe I took them at the audit. Unless I've
 3 made a note for when I took them, I think I took
 4 some at the audit.
 5 **Q.** He did exactly as you'd suggested, contrary to
 6 what you say in paragraph 60 of your statement
 7 to the Inquiry. He did exactly as you
 8 suggested. He took repeated snapshots, balance
 9 snapshots, he also annotated transactional logs
 10 and they were taken away by you, weren't they?
 11 **A.** I did take some balances and some snapshots,
 12 which we discussed at his interview on 10 May
 13 and which I gave him copies back of and that's
 14 stated in there.
 15 **Q.** I suggest that's not true. You did not give him
 16 back copies and they were never returned to him.
 17 Your memory is playing tricks.
 18 **A.** I'm just -- if you can just have a moment to
 19 find the notes from the interview, that's all
 20 I'm going on, is the notes there. Just
 21 a second. I might have a ...
 22 I'm just looking at the notes of 10 May;
 23 I won't be a moment. I'm sure it says on there
 24 that we discussed them and copies were given.
 25 Yes, it does. It says:

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1 "We went on in detail to discuss the
2 balances, error notices, snapshots, and cash
3 declarations. Copies of all this information is
4 provided with a list of all the results of the
5 balance."

6 So that's what I was going on there.
7 **Q.** That was not provided to him. That was provided
8 to you. You were provided with his originals
9 and they were never returned.

10 **A.** Well, my understanding was he got copies of
11 those, and then the originals were put in the
12 file and given as part of the appeal process.
13 Everything was put together.

14 **Q.** Ms Oglesby, this is the subject of a complaint
15 by him -- subject of a complaint by him that he
16 hadn't had the material returned to him and that
17 it hamstrung his action against the Post Office;
18 don't you recall that?

19 **A.** Well, my understanding is that he got copies of
20 that.

21 **MR HENRY:** I see. I ask you no further questions.

22 **SIR WYN WILLIAMS:** Does anyone else wish to ask any
23 questions?

24 **MS PRICE:** No, sir, no further questions from Core
25 Participants.

1 **SIR WYN WILLIAMS:** Right.

2 Well, thank you, Mrs Oglesby, for making
3 your written statement and for answering
4 questions from Ms Price and Mr Henry.

5 That concludes, I believe, today's business,
6 yes, Ms Price?

7 **MS PRICE:** Yes, sir, we return tomorrow at 10.00 for
8 Tony Utting.

9 **SIR WYN WILLIAMS:** Yes, all right. Thank you very
10 much, everyone.

11 **MS PRICE:** Thank you, sir.

12 **(4.29 pm)**

13 **(The hearing adjourned until 10.00 am**
14 **the following day)**

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