

Witness Name: David Posnett

Statement No.: WITN08340100

Dated: 4 October 2023

POST OFFICE HORIZON IT INQUIRY

FIRST WITNESS STATEMENT OF DAVID POSNETT

I, David Posnett, will say as follows:

Introduction

1. This witness statement is made to assist the Post Office Horizon IT Inquiry (the "Inquiry") with the matters set out in the Rule 9 Request dated 19.5.23 (the "Request") and the Supplementary Rule 9 Request dated 16.8.23 (the "Supplementary Request"). I have received advice and assistance from a lawyer in the preparation of this statement.

My professional background

2. I am a former employee of Post Office Ltd ("POL") and worked in a number of roles between 1986 and 2017. I have listed those roles below, to the best of my recollection. While I have been able to recall the approximate years my service in these roles covered, I have not been able to recall the exact dates I worked in these roles.

3. I originally started working for POL in 1986 as a counter clerk, starting at Chessington before moving to Tooting. I also worked as a "reserve", filling in at other branches. The role of a counter clerk included serving customers with products and services offered by POL. My role also included balancing tills and completing daily accounts and weekly cash accounts for the branches I worked in.
4. I worked as a counter clerk until 1995 when I obtained a new role as an auditor. I was based in Guildford, and the area I covered was broadly in the south of England. This role involved conducting compliance checks and cash and stock verifications at Post Office branches, including programmed checks, audits following burglaries and robberies, and new subpostmaster appointments. I worked as an auditor until 1999.
5. Between 1999 and 2000 I worked as a Joint Business Testing Analyst, which involved working within ICL Pathway. My role was to follow scripts in testing the Horizon computer system prior to its roll out across Post Office branches.
6. Between 2000 and 2004 I worked as an Investigation Manager. I was based at Twickenham and then at Woking. In this role I conducted enquiries into cases assigned to me and assisted with cases assigned to colleagues, including criminal investigations. These cases covered a range of issues, including for example incidents of Giro suppression, cash losses in Crown Post Offices, Pension Allowance fraud and overclaims. This work involved conducting interviews, searches, obtaining witness statements, gathering evidence, committal preparation and attendance at court.

7. In 2004 I was promoted to the role of Investigation Team Manager. I was based at Woking, and then moved to Leatherhead when the Woking office closed. I managed a team of Investigation Managers, and was responsible for assigning cases, monitoring progress, providing assistance and conducting 1-2-1s, team meetings and development reviews. I worked in this role until 2007.
8. Between 2007 and 2008 I worked as a Casework Manager. I was based in Croydon. In this role I managed the Casework Team, which included Assistant Managers and support staff. My duties included contributing to a monthly performance pack, acting as single point of contact for law enforcement agencies and stakeholders such as DVLA. I was also the point of contact between POL and Fujitsu in relation to Audit Record Queries ("ARQs"). Monthly performance packs contained information about the number of cases opened and closed in the month, the number of prosecutions commenced; and sums of money recovered.
9. Between 2008 and 2010 I worked as a Fraud Risk Manager. I was based at Leatherhead. In this role I was responsible for designing, developing, deploying and assisting with fraud risk programmes, with the aim of addressing specific areas of risk e.g. Crown Office losses, overnight cash holdings, lottery scratch cards and rejected postage labels.
10. Between 2010 and 2014 I worked as an Accredited Financial Investigator. I was accredited by the National Policing Improvement Agency. I was accredited to undertake financial investigations. My role was to use the powers conferred by the Proceeds of Crime Act 2002 to recover losses in cases which were prosecuted. This included making applications for Production Orders, Restraint Orders and Confiscation Orders.

11. Between 2014 and 2015 I worked as a Security/Investigation Team Leader and Accredited Financial Investigator. This position combined a number of previous roles but also had an additional security element, following the merging of the two disciplines. The security element of the role was broadly concerned with ensuring that security procedures were followed. For example, I undertook what were called "torch visits" to branches, so called because they involved 'shining a light' on how branches were following security procedures.
12. Lastly, between 2015 and 2017 I worked as a Branch Standards Field Manager. My responsibilities included undertaking compliance checks at branches to ensure they were having the right conversations with customers to maximise sales; also to check that the clerks were asking the correct questions with regard to whether packages contained prohibited and restricted items.
13. The Request asked me specifically about the role of "Security Programme Manager". As can be seen from my career history, I have never held a position called "Security Programme Manager" as such. My recollection is that the term "Security Programme Manager" applied to a particular grade (CM1), and encompassed the roles I had between 2004 (when I started as an Investigation Team Manager) and 2015 (the Security/Investigation Team Leader and Accredited Financial Investigator role). In this statement I have used the actual job titles for the positions I held.
14. I became an Investigation Manager (a role at CM2 grade) following attendance at a selection board, which involved undergoing assessments, interviews and practical exercises. 'On the job' training was provided by more experienced colleagues. Training was also provided by the Royal Mail Investigation Training

Team, on areas which provided a grounding for Investigation Managers (e.g. interviewing, taking witness statements, notebooks, etc).

15. I was appointed to the role of Investigation Team Manager (the first role I held at CM1 grade) following an interview.
16. In the positions I was subsequently appointed to, I recall that I received 'on the job' training from the previous incumbent(s), except for the Fraud Risk Manager role which was, as I recall, a newly created position.
17. The only further officially necessary training occurred when I became an Accredited Financial Investigator. Obtaining accredited status required me to follow a course of study and undergo assessment by examination. Maintaining my accreditation meant that I had to undertake continuous development and demonstrate the use of powers available to a financial investigator.
18. I was line managed by numerous people throughout my employment with POL. I can recall that during the period I worked in roles described as "Security Programme Manager" my managers included Brian Sharkey (Investigation Team Manager), Paul Fielding (Security and Investigation Team Manager), Paul Dawkins (Investigation Team Manager) and Manish Patel, Trevor Lockey, Dave Pardoe, John Bigley, Andy Hayward and Rob King (all Senior Investigation Managers). Looking back, I do not recall any reason to question their competence or professionalism.
19. The Request asked me to address any role I had in relation to disciplinary matters; interviewing people accused of criminal offences; disclosure in criminal or civil proceedings; case strategy and liaising with other POL departments about how cases were progressing.

20. My role in relation to direct disciplinary matters was limited to those staff who I line-managed, but I do not remember having to deal with any disciplinary matters. In my role as an Investigation Manager, I was involved in interviewing those suspected of committing criminal offences and disclosing material in criminal proceedings. I was not involved in litigation case strategy but did liaise with other POL teams in respect of progress of cases (e.g. the Criminal Law Team and the Late Account Team).

The Security team's role in relation to criminal investigations and prosecutions

21. Paragraph 4 of the Request drew my attention to a series of documents, and I was asked to explain the organisational structure of the Security Team, its functions and any changes which occurred during the time I worked within it.
22. The Security Team structure changed throughout my period of employment. Before or around 2000 there was a move away from a central corporate investigation function (the Post Office Investigation Department, which became the Security and Investigation Service). This function ceased and Investigation Teams were embedded in each business unit within the Royal Mail Group (POL, Royal Mail Letters and Parcelforce).
23. In the mid to late 2000s, POL security and investigations functions were merged into one Security Operations Team. The investigation services and support provided by Royal Mail Group were still available and utilised by the POL's Investigation Team for a number of years following the move away from a central corporate investigation function.
24. There were five teams within the Security Team: Security Operations (which included the investigations element), Physical Security (responsible for security

equipment, policies, etc), Commercial Security (responsible for stakeholder engagement and input from conception to roll out of new products or services), IT Security (responsible for security associated with technology, information security and systems) and Security Admin (responsible for administration duties associated with the wider Security Team).

25. I do not recall being significantly involved in the development or management of policies, which were drafted by Royal Mail Group. I cannot remember whether POL had sight of these as the years progressed. I do recall that the POL Investigation Team also introduced their own policies, issued by the Casework Team, in areas which were specific to them.

Guidance provided to the Security Team on the conduct of investigations

26. In addition to internal policies, the Investigation Team was also required to adhere to legislation, which included the Police and Criminal Evidence Act 1984, Regulation of Investigatory Powers Act 2000, Criminal Procedure and Investigations Act 1996, Data Protection Act 1998, Human Rights Act 1998 and Proceeds of Crime Act 2002. Policies and legislation change but I do not recall changes of any significance, other than the introduction of new legislation e.g. Fraud Act 2006.
27. The Request asked me to consider the document at POL00105190 ("Separation Project – Criminal Investigations Policy for Post Office Ltd") and to describe my involvement in the development of investigation policies after POL separated from the Royal Mail Group. I do not remember this document or most of the activities detailed within it. I do recall that a Memorandum of Understanding (MOU) with Royal Mail, referred to on page 1 of the document, was developed in

order to outline roles and responsibilities of investigation staff where a joint operation was required. Before separation, I recall obtaining policies and forms in the lead up to Royal Mail separation. After separation, I recall that I sense-checked and provided feedback on policy related documents when asked, though I cannot recall specific examples.

28. The way investigations were conducted did not change following separation. The same policies and legislation applied and the structure and personnel within the team remained. As a result of separation, one Senior Lawyer from the Criminal Law Team transferred to POL and access to services provided by Royal Mail Group were no longer available, for example the Training & Development Team, Policies & Procedures Team, Forensics Team, etc.
29. The Supplementary Request drew my attention to a series of documents which related to and supported compliance checks which were to be carried out in 2011 and into 2012/13, but I don't recall that these checks were undertaken. On reviewing the email I sent to a number of recipients on 23.5.11 (POL00118096), it appears that case files which were submitted to POL's lawyers to obtain legal advice were to be subjected to compliance checks with a view to raising standards in how files were presented, and to achieve a degree of consistency.
30. My email of 23.5.11 refers to some "relevant documents" which I believe must have been attached to the email. I am asked specifically about versions of a document headed "Casework Management" which were produced in 2000 and 2002 (POL00104747 (version 1.0, March 2000) and POL00104777 (version 4.0, October 2002) and whether I was provided with either of these versions. I have no recollection of this document, in the form of either of the two versions referred

to, and am unable to say if I was provided copies of them.

31. The Supplementary Request also asked me what I understood by the instructions/guidance contained within the documents about investigations and the role of POL Legal Services. It has been some time since I would have had to consider this guidance, but I believe I would have taken the guidance in both versions to mean that Legal Services was responsible for deciding if information should be disclosed in compliance with the Criminal Procedure and Investigations Act 1996, and that a failure to follow security or operational procedures would ultimately have to be reported to Legal Services.
32. The Supplementary Request also asked me what I considered to be the status of the compliance documents contained in the Zip folder which I circulated. My recollection is that I considered them to have been produced some time before I circulated them (but I don't recall now how long before I circulated them they might have been produced). I don't now recall how I came to have these documents.
33. The Supplementary Request also asked me about any role I had in in the development, management or amendment of the compliance documents. I don't recall having had any involvement in developing the documents, or any amendments being made to them. As I say, my recollection at the time I circulated them was that I understood them to have been introduced some time previously, and that I was circulating them to other people for their information.
34. The Supplementary Request also asked me about the document entitled "Guide to the Preparation and Layout of Investigation Red Label Case Files – Offender reports & Discipline reports" (POL00118101), and my understanding of

paragraph 2.15 relating to details of failures in security, supervision, procedures and product integrity and its relevance to Post Office's disclosure obligations (especially as these related to issues with Horizon). I cannot recall now what I might have thought about the meaning of this section of the document, or its relevance to disclosure obligations.

35. The Supplementary Request also asked me if I was involved in drafting the document entitled "Identification Codes" (at POL00118104, POL00118128 and POL00118131) and if I reviewed the document before I circulated it. I do not recall having had any involvement in the preparation of this document; as I say, my recollection is that I was circulating documents which had been produced previously. I don't recall that I reviewed the document before circulating it and I don't recall receiving any responses, comments or feedback from any of the recipients to whom it was sent.
36. The Supplementary Request also asked why investigators were asked to assign these identification codes. I cannot now be certain, but I believe that the identification codes were used because we were required to complete a form called an NPA1 ("NPA" stands for "Non-policing Agency"). The form had to be completed if suspected offenders pleaded guilty or were found guilty. I think these forms had to be submitted to the police so that they could record the details of offenders on their systems.
37. The Request asked me to explain the process for dealing with complaints about the conduct of an investigation by the Security team. I do not recollect the process for dealing with such complaints, but I note from document POL00104806 ("Royal Mail Group Security – Procedures & Standards – Standards of Behaviour and

Complaints Procedure", dated October 2007) that such complaints should be referred to the Head of Investigations or the Complaint Manager for an initial assessment and a decision on which procedure should be followed. I recall that I was given the task once of assessing an investigation complaint. As I recall, a complaint had been made by a defence solicitor about the conduct of an Investigation Manager, and how they had conducted an interview.

38. The Request also asked me to explain what supervision there was, if any, of criminal investigations carried out by Security Managers. "Security Manager" is the term used in the Conduct of Criminal Investigation Policy at POL00031005, which was developed in 2013 and has a section dealing with supervision of investigations. I was an Accredited Financial Investigator by this point, so can only speak from my experience as an Investigation Manager performing the equivalent role. Investigation Managers were supervised by Investigation Team Managers. Supervision of criminal investigations was led by the Criminal Law Team, through continued liaison with the Investigation Manager. All investigations during my last year within the Security Team were discussed and assessed at regular meetings with the Head of Security and Senior Security Managers.
39. The Request also asked me to explain any differences in policy and practice in the investigation and prosecution of Crown Office employees as compared to subpostmasters and their managers and support staff. I am not aware that there was any difference in policy or practice.
40. The Supplementary Request drew my attention to a "Project Initiation Document" (POL00120165) referring to a project called "Product X Fraud Reduction". I have reviewed the document but I have no recollection of having seen the Project

Initiation Document, or any recollection of the project it describes or any other action taken in response to this. I am mentioned as being the "Project Manager" on page 5, but cannot recall ever acting in such a role. I have no recollection of the author, David Jones (who is also described as "Project Manager" on the front page). The document also has conflicting information about who the Project Sponsor is; Iain Murphy is mentioned on the front page but Andy Hayward is mentioned on page 5 of the document as being the "Project Sponsor". I don't know what "Product X" is a reference to either. I wonder if the Project Initiation Document was a draft or "work in progress".

41. I also have no recollection of the document titled "Post Office Security Programme Plan Template" at POL00120166. This relates to a project called "HNGX", which I think is a reference to "Horizon Next Generation". This document describes me as the "Project Manager" and it appears that I am assigned some actions. Other actions are assigned to Lester Chine, who I recall was, like me, also a Fraud Risk Manager. Although I cannot recall the details of the project, it seems possible that I was involved in its early stages, and that later actions became the responsibility of Lester Chine.

Audit and investigation

42. The Request asked me to consider the document at POL00084813 ("Condensed Guide for Audit Attendance") and explain the circumstances in which an investigator would attend an audit of a branch and their role. An Investigator would attend an audit of a branch if a shortage had been reported and they were asked to attend the branch. Their role was to establish the facts from the Audit Team and determine what course of action was required e.g. fact-finding interviews or

interviews under caution. They would also attend if they were leading on an investigation and requested an audit for the day on which they intended to conclude the operational elements of their investigation.

43. The Request asked me to explain how decisions were made about whether shortfalls identified at audit would be investigated as criminal matters or as debt recovery matters. My recollection is that each case was decided on its own merits, and the decision was informed by a number of factors, including the amount of the shortfall, and the current resource and workloads within the teams. The Investigation Team Manager or a senior manager within the Investigation Team would usually ask the Investigator to attend the branch. If an Investigation Team Manager or senior manager was not contactable, then Investigators could also be contacted directly by the audit team. The Investigator determined whether there was potential criminality. Debt recovery matters were generally dealt with by the Financial Services Centre (Late Account Team). This did not change during the period I worked within the Security Team.
44. The Request also asked about the role of Contract Managers. Contract Managers dealt with the contractual matters concerning the branch and a subpostmaster. Contract Managers and/or Retail Line Managers may have requested an investigation in certain circumstances, but did not get involved in the specifics of the investigation. I am not aware this changed during the period I worked within the Security Team.
45. The Request also asked me to describe the "triggers / criteria" for raising a fraud case if a discrepancy was found on audit. There was, I recall, a document which contained a flowchart describing what I knew as "Triggers & Timescales", but I do

not recall the amounts or criteria contained within it. I do recall that the "Triggers & Timescales" may have changed (in terms of the amounts of money which would trigger a fraud case) due to workloads, team shrinkage, etc and that they were not rigidly adhered to. I have noted that document POL00031005 ("Conduct of Criminal Investigations Policy", version 0.2 dated August 2013) has a section (at 5.6) headed "Enquiry Type". This resembles the approach which went by the name "Triggers & Timescales" which I refer to above.

Process followed by Investigators when conducting a criminal investigation following a shortfall at an audit

46. The Request asked me to describe the process followed by Security Team Investigators when conducting initial investigations. My recollection is that investigators obtained all information about an audit shortage from the Auditors who conducted the audit. The Investigator then determined what course of action was appropriate. Their decision-making should also have factored in the most up to date rules, standards, procedures or policy in force at the time.

Decisions about prosecution and criminal enforcement proceedings

47. The Request asked me to explain who was responsible for making decisions about whether to bring a prosecution. Following an investigation, the Criminal Law Team advised on whether a prosecution was viable. I do recall their advice began with an assessment of the prospects, using phrases such as "there is a low (or medium or high) prospect of success", which was followed by their reasons. The Head of Investigations also provided a view on pursuing a prosecution and the Prosecution Authority made the decision based on the information and advice available. The Prosecution Authority was a senior member of staff within POL, who was not part of the Security & Investigation team.

48. The Request also asked me if, when a branch was run by a subpostmaster, the local Contract Manager had any input into the prosecution decision-making process. My recollection is that they did not, and that this was the position throughout my time in the Security Team.
49. The Request also asked me what test was applied by those making prosecution and charging decisions and what factors were considered at the evidential and the public interest stage. I was not aware of the tests applied by those making prosecution and charging decisions, although I recall that decisions and commentary around them were placed in case files. These were matters, as I recall, for POL's lawyers and those authorised to make these decisions. It would not have been a matter for an individual investigator.
50. The Request also asked me to explain what legal advice was provided to those making prosecution and charging decisions. I am not aware of what advice was provided to decision-makers, so am unable to answer this question.
51. The Request also asked me to explain the circumstances in which steps were taken to restrain a suspect's assets. The restraint of a suspect's assets was considered when a financial investigation had been instigated in conjunction with a criminal investigation, and there was a belief that assets could be dissipated. An Investigator completed a "Financial Evaluation Sheet" (FES) which included a view on whether they believed there was a risk that assets could be dissipated, the Accredited Financial Investigator completed a Restraint Order application, the Senior Authorising Officer signed off the application, and the appointed Senior Criminal Lawyer was also informed.

52. The Criminal Law Team and Accredited Financial Investigators determined whether confiscation proceedings should be pursued. An individual would have had to have been convicted, and consideration would have to be given to whether they had benefitted from criminal conduct. The prosecution informed the court if they wished to pursue confiscation.

Training, instructions and guidance to Investigators

53. The Request asked me to explain what guidance and/or training was given to Investigators in the Security team in relation to a range of different tasks. Training on interviewing, taking witness statements, conducting searches, evidence gathering, disclosure and reporting was delivered in various ways. Some was delivered by the Royal Mail Group Training and Development Team, some was delivered by the Criminal Law Team and other training was delivered in-house by experienced colleagues. My recollection of the training available was that it was adequate. Policies and processes were also available on a shared electronic platform, and hard copies were also in circulation. Changes to policies and procedures were also circulated.

Analysing Horizon data, requesting ARQ data from Fujitsu and relationship with Fujitsu

54. The Request asked me to describe what analysis was done by Security team investigators of Horizon data when a shortfall was attributed to problems with Horizon. I do not recall what analysis was done by Investigators of Horizon data if or when a shortfall was attributed to problems with Horizon. I do recall from my own investigations using Horizon data that it was used, for example, to demonstrate a number of erroneous or suspicious transactions being entered one after the other, before a branch was open for business. I also recall one of my investigations where,

in branch, I obtained event logs which showed declarations of cash with an associated shortage, followed by almost immediate increased declarations of cash to show a balance.

Audit data from Horizon to support investigation, prosecution and / or other legal proceedings

55. The Request asked me to describe the process for requesting Horizon data, and the Supplementary Request asked me to include in my account a description of the contractual requirements on Fujitsu as I understood them and the limits on the number of ARQ requests that could be made, and whether there were any changes between the Legacy Horizon and Horizon Online systems. I am also asked to give an account of my role in obtaining ARQ data; who was responsible on Fujitsu's side for providing ARQ data and an account of any other prosecution support Fujitsu was obliged to provide.

56. As far as I can recall, the process for requesting Horizon data involved an Investigator emailing a request to the Casework Team. The Casework Team completed an ARQ form and emailed it to Fujitsu. I'm not aware that this process changed over the time I worked for POL.

57. My recollection is that Fujitsu were obliged to provide a quota of Horizon logs (mainly transaction logs and event logs) per month and per year to the Security Team. Though I can't remember precisely, I believe they were also obliged to provide banking and possibly other data. The Supplementary Request drew my attention to a series of documents called "Security Management Service: Service Description" (FUJ00002033, FUJ00080107, FUJ00002264, FUJ00088868, FUJ00002555, POL00002572 and POL00002666) dating from 2006. Each version

of the document deals at section 2.4 with "Service Limits and Volumetrics" and this gives the figure of 720 ARQ requests per year. I have some recollection that, to begin with, the figure was lower and it increased to 720, but I can't remember when that change came about.

58. My recollection is that any requests over and above the amount that Fujitsu were obliged to provide had to be paid for. Looking at the document at FUJ00152212 ("Management of the Litigation Support Service" dated 27.10.09), paragraph 7.1 says that ARQ requests beyond that specified under contract would be agreed on a "case by case basis". I don't now recall exactly the process which had to be followed, but having looked at another document at POL00052222 (some emails exchanged in June – August 2009 relating to the prosecution of Seema Misra) it would appear that I asked Penny Thomas, Security Analyst at Fujitsu, for an estimate of the cost. This correspondence also indicates that a "formal quote" could then be obtained. So I think there was a practice of obtaining an initial estimate of the cost from Fujitsu, which might then lead to a request for a formal estimate.
59. I do not recall what, if any, changes to Fujitsu's obligations arose as the Horizon system evolved from Legacy Horizon to Horizon Next Generation and to Horizon Online. As far as I was aware at the time, they were just updated versions of the Horizon system which were rolled out over time.
60. As I mentioned elsewhere, between 2007 and 2008 I worked as a Casework Manager managing the Casework Team and one of my roles was to act as the point of contact between POL and Fujitsu in relation to ARQs. The Casework Team would receive email requests for Horizon data from Security Managers. I

or another member of the Casework Team would complete the ARQ form using the information provided by the Security Manager and forward the request to Fujitsu.

61. A member of the Casework Team was able to authorise requests which were within the limits specified in the contract and these were simply actioned. I don't recall there being a specific authorisation decision for these requests, as such.
62. I don't know who was responsible at Fujitsu for providing the data as such, but the people at Fujitsu I recall having contact with were Penny Thomas, Security Analyst, and, for a brief period when I was Casework Manager, Pete Sewell. When data was provided, it was sent in Excel format on discs.
63. In addition to providing ARQ data, Fujitsu staff were also required to make witness statements in prosecution proceedings, and they were also required to attend court and give evidence when the need arose. I don't recall that there were any quotas or limits on the provision of this support; looking at the document at FUJ00152212 ("Management of the Litigation Support Service" dated 27.10.09), paragraphs 7.2 and 7.3 deal with expert witness statements (such support being provided on a "case by case basis") and court attendance.
64. My recollection is that Fujitsu staff called on to provide a witness statement would exhibit Horizon logs obtained in a particular case and give their view as to whether the system in the relevant branch was operating correctly.
65. I cannot now recall whether ARQ data was requested as a matter of course if or when a shortfall was attributed to problems with Horizon, or whether ARQ data held by an Investigator was routinely provided to a subpostmaster. I don't recall this issue having arisen in the period in which I was working as an Investigator.

Relationship with Fujitsu

66. The Request also asked me to describe the circumstances in which I would have contact with Fujitsu staff and my relationship with them. As I mentioned above, my recollection of Fujitsu staff included Pete Sewell and Penny Thomas, who were the liaison contacts with the Investigation Team. For a short period of time I was the Casework Manager and maintained the Investigation Team relationship with them. My recollection is that there were 'catch-up' meetings scheduled every two to three months, where we could discuss the numbers of ARQ requests made, witness statements provided and so on. As I have mentioned elsewhere, my recollection is that I was only a Casework Manager for a few months however. As far as I can recall, Penny Thomas was helpful and pleasant to deal with.
67. The Supplementary Request drew my attention to a document at FUJ00156122 (which I understand contains the document with the reference FUJ00156121). I have looked at the document and note the email that I sent to various recipients on 24.2.10. It seems my involvement came about because John Scott, Head of Security at that time, gave my name as someone who could help Mandy Talbot with obtaining Horizon Audit logs relating to the Alresford branch. It seems to me that my email of 24.2.10 is a follow-up to a discussion I had with Mandy Talbot and was sent with a view to contacting various people who might have been able to assist. It seems I then offered to arrange a conference call, but that this would be led by Mandy Talbot. I have no recollection of attending any such call myself.
68. The Request also asked me about the role played by Gareth Jenkins in criminal prosecutions. I recall Gareth Jenkins provided witness statements to Investigators, including exhibits containing Horizon data that Fujitsu had supplied in response to ARQs. My understanding of the role of Gareth Jenkins was that he provided his

knowledge and experience concerning Horizon. I recall that I viewed him as an expert witness, since he was known to have expertise, but I did not know the rules governing independent expert evidence.

ARQ process issues

69. The Supplementary Request drew my attention to a series of emails exchanged in January and February 2009 (FUJ00155399, FUJ00155400, FUJ00155409 and FUJ00155421) and a draft statement (FUJ00122604). The emails are concerned with an issue with ARQ data and I am asked to give an account of my recollection of this issue.
70. I have reviewed these documents but I am unable to recall anything at all about this particular issue. I can see that Penny Thomas sent me an email on 7.1.09 (at FUJ00155399) forwarding an email that she had been copied into describing an issue arising from a software error which occurred in 2007. The handwritten note on the email suggests that Penny Thomas spoke to me on the same day, but I cannot now recall having the conversation. As I read these documents, it seems that the issue that arose was whether the discovery of this particular error might be a relevant factor in a number of ongoing prosecutions, and if this needed to be addressed in the evidence that Fujitsu staff may be called on to provide. I refer to a "standard witness statement" and amendments which may be needed as a result (at FUJ00122604).
71. The handwritten notes on FUJ00155399 suggest that I agreed to refer the matter to POL lawyers, which I appeared to do in emails I sent to Rob Wilson, POL's Head of Criminal Law that same day (at FUJ00155400). I seemed to be of the

view that the amendment proposed to paragraph 11 of the standard witness statement (adding a further point to the list of controls applied when carrying out data extraction) was acceptable, but I saw no need to refer to the 2007 software error if no problem had been identified in a particular case (the amendment on page 7). Rob Wilson gave his view which I fed back to Penny Thomas on 8.1.09, advising her not to include the additional paragraphs on page 7.

72. The email at FUJ00155409 which Penny Thomas sent on 21.1.09 refers to me calling her the day before. I have no recollection of this conversation or what she means by the "exercise" I was enquiring about. It seems likely that it would have been the data analysis that she describes in her email to me of 4.2.09 (at FUJ00155421) and which must have been conducted following the discovery of the software error referred to above. I have no recollection of what happened as a result of this review being carried out.

73. I should stress that by this point, in January and February 2009, I had taken up the post of Fraud Risk Manager (as shown by my email signature on the emails I have just referred to). I described this role in paragraph 9. Liaising with Fujitsu in relation to prosecution cases would have been something I did in my previous role as Casework Manager, a position which (as I have said elsewhere) I recall only holding for a few months between 2007 and 2008. It seems possible that these queries were directed to me during a period of transition from my old to my new role, but ultimately whoever took on the role of Casework Manager (or the Casework Team more widely) would likely have taken on responsibility for this issue. I don't recall much about the role of Casework Manager which, as I say, I only recall occupying for a few months.

Relationship with others

74. The Request asked me to describe my involvement with Cartwright King solicitors. I recall that, following the separation of POL from Royal Mail Group (in around 2012), Cartwright King were contracted to provide criminal legal service work for POL. Along with some other colleagues, I recall having an initial introductory meeting with them, and acting as a liaison point for questions or information and also any training provision requested or deemed necessary by either party. From recollection, my main contacts were Martin Smith and Simon Clarke.
75. Interaction regarding my cases was mainly around financial investigations at that stage. I was also a participant in the Horizon Integrity Meetings, along with Cartwright King and other teams within POL, which I refer to later on in my statement. I also recall in the last year I was in the Security Team that Cartwright King attended some case review meetings, following on from their sift of historical cases, and I was also asked by them to assist with the collation of case information for referral to the Criminal Case Review Commission (CCRC).
76. The Request also asked me to describe my involvement with the National Federation of Subpostmasters ("NFSP"). I had no involvement with the NFSP, other than on occasions when a representative acted as a Post Office friend at some interviews. I do not recall any names of those who attended these interviews.

Prosecution of Mr David Yates

77. The Request asked me to set out my recollection of the case of David Yates, and my attention has been drawn to some documents including the witness statement I gave in the proceedings against Mr Yates (POL00112919), the audit report

(POL00066457) and my investigation reports (POL00112918 and POL00113159). I have set out an account of my involvement in this case to the best of my recollection, informed by my review of these documents.

Initial Investigation

78. My recollection of the initial investigation is informed by my investigation reports at POL00112918 and POL00113159. On 7.3.03 I received a telephone call from my line manager, Paul Dawkins, who informed me it looked like there was going to be a significant audit shortage at the main Post Office in Walton-on-Thames, Surrey. I remember that I told Paul Dawkins that there were two (main) Post Offices in Walton-on-Thames, Mr Yates' Post Office (which I knew as the "Half Way" branch) and the other branch in Church Street. I recall that, when it was established that Mr Dawkins was referring to Mr Yates' branch, I told Paul that I knew Mr Yates. I recall there was a brief discussion about whether it should be me who attended the branch, but in the end it was decided that I would.
79. My role was to be the Investigator in the case and I recall that I attended the Post Office, accompanied by a colleague, Rob Fitzgerald, who was also an Investigation Manager. Investigations necessitated at least two persons to be present when attending Post Offices and conducting enquiries. At least three persons were required to be present at searches, if searches were thought necessary based on enquiries. Paul Dawkins, who was my line manager and Investigation Team Manager, also attended the Post Office later in the day.
80. At this stage I don't recall being aware of any issues that Mr Yates was experiencing, other than that there was an expected significant audit shortage. On arrival at the Post Office I recall that I introduced myself and Rob Fitzgerald

to Mr Yates (albeit Mr Yates and I already knew each other). I explained that I needed to speak with the Audit Manager, Paul Bosson, before any further conversations took place.

81. I spoke with Paul Bosson and my recollection is that he informed me that the reason for the audit was because of concerns which materialised from the previous audit of 15.11.02. At that audit, cash remittances (money recorded as being sent to the cash centre) were indicated as £330,000, but this money had not arrived at the cash centre. (As I recall, from my experience as an auditor, the process was that following an audit, the Audit Team received microfiche documents detailing cash remittances confirmed as received by the cash centre.)
82. Paul Bosson informed me that he had asked Mr Yates to provide his cash declaration relating to the close of business the day before the audit (6.3.03) and the balance snapshot, which details the cash declared to complete the cash account balance from the day before (5.3.03).
83. It was noted that there was a large variance in the two cash declared figures. Paul Bosson asked Mr Yates to explain why there was such a large difference and Mr Yates indicated he had sent a cash remittance the previous day (6.3.03) but not booked out the remittance onto the Horizon system.
84. Mr Bosson then asked for the cash remittance documents and the cash in transit receipt book, showing that the cash remittance had been sent. Mr Yates indicated he could not find these documents and then informed Mr Bosson that he had not sent a cash remittance the previous day and that the audit would result in a shortage of approximately £350,000.

85. I do not recall making any further enquiries, other than gathering the handwritten audit report and previous cash accounts to refer to during an interview with Mr Yates.
86. The Request asked me who made the decision to interview Mr Yates. I have considered the document at POL00047494 (the record of the tape recorded interview which took place on 7.3.03). The decision to interview Mr Yates was mine, though I don't recall conversations with colleagues around whether an interview was required; given the circumstances outlined by Mr Bosson, I don't think I would have been in any doubt that an interview needed to be carried out.
87. Following my discussion with Paul Bosson, I gave Mr Yates the required caution and invited him to attend a tape recorded interview. His legal rights were explained, which included speaking with a solicitor and having a solicitor present at the interview. His legal rights were further explained during the interview.
88. Evidence shown to Mr Yates during the interview included a selection of cash accounts and the handwritten note from Paul Bosson, detailing his conversation with Mr Yates.
89. I have reviewed document POL00066266 (Mr Yates' Amended Schedule of Information submitted in the *Bates and Others v POL* litigation), in which Mr Yates states that the tone of the interview was aggressive, that I and Rob Fitzgerald offered no support and seemed to have decided Mr Yates was guilty. I do not accept these views, as they do not accord with my recollection of the interview. I also recall that Mr Yates declined the offer to have a friend or solicitor present at the interview, which seems to me inconsistent with what he says about not being offered any support.

90. The Request asked me who decided to search the Post Office and to describe how the search was conducted. I do not recall who specifically decided to search the Post Office. I do recall that I, together with Rob Fitzgerald and Paul Dawkins, carried out the search. This reflects what I recall was the standard procedure: one person would conduct the search, another would act as a "scribe" and the third person would act as a "chaperone" to the suspect. Other than that "a quantity of documents" were seized (as it is put in the report), I do not remember what these documents were.
91. The Request also asked me who decided to search Mr Yates' home and to describe how the search was conducted. Again, I cannot recall who made the decision to search Mr Yates' home. My recollection is that the decision was taken after the interview with Mrs Smale. Before the search was carried out, I recall that I asked Mr Yates if any family members would be present, should he wish to make arrangements to ensure they were not present. I do not remember anyone else being at the home premises during the search. I also note in report POL00113159 that one of the documents seized was a passport.
92. Having reviewed the document at POL00066266, I do not recall specifically whether I or others found evidence to show that Mr Yates had stolen money for his own benefit.
93. I do not recall whether Mr Yates provided access to his bank records, but I note that during the interview this was discussed and I have no reason to doubt that he didn't provide access to his bank records. Again, I do not recall specifically whether I or others found evidence to show that Mr Yates had stolen money for his own benefit.

94. The Request also asked me who decided to interview Mrs Smale and how I came to decide that there were insufficient grounds to prosecute her. I do not recall who specifically made the decision to interview Mrs Smale, but believe it would have been necessary due to information that came to light which contradicted what Mr Yates had said during his interview. Mrs Smale completed the cash accounts at the Post Office whilst Mr Yates was on vacation in the United States for two or three weeks in 2002. Given that Mr Yates said he had completed all cash accounts for the past five years, this posed the question why he said he had completed all the cash accounts when he was in fact abroad for a period.
95. The Request asked me why I considered there were insufficient grounds to pursue a prosecution against Mrs Smale. I expressed my view in my report at POL000113159, which I have reviewed. I considered there were insufficient grounds to pursue a prosecution against Mrs Smale because she said she only completed two cash accounts, in 2002. She also said that she was informed by Mr Yates that there was a significant quantity of cash that was being held on the instruction of POL (from another Post Office branch) and that this did not need to be checked, but just added to the cash declared figure when the cash accounts were completed. This would have been my view based on the evidence I saw, but I emphasise that the decision whether or not to prosecute was not one I was authorised to take. I also note from document POL00066266 that Mr Yates predominantly dealt with the running of the Post Office and Mrs Smale predominantly dealt with the running of the shop. Mrs Smale made no admissions to any dishonest activity and there was no evidence to suggest she had been involved in such activity.

96. My attention has been drawn to the document at POL00113159 and the Request asked me to address a number of questions in respect of this report.
97. The purpose of the report at POL00113159 was to provide details of the investigation to relevant stakeholders (the narrative section of the report is headed "Legal Services", but my recollection is that it would have gone initially to the Casework Team and then to the Criminal Law team, and also to the Prosecution Authority). The report also includes areas of perceived weaknesses in POL procedures and processes. The case file was submitted to the Casework Team who forwarded the file to relevant prosecution decision makers and also email reports to relevant stakeholders.
98. I have stated within the report that current processes seem to have been adhered to. As far as I can recall, this was based on the understanding that auditors recorded remittances with a view to verifying that they have been received and accepted by the Cash Centre at a later date.
99. I also stated in the report that the auditors at previous audits appeared to have been "duped". As far as I can recall, this was based on the understanding that Mr Yates had recorded remittances as having been despatched, but which were not actually despatched.
100. I also stated in the report that Martin Ferlinc had instigated enquiries into the matter due to the large amount of the audit shortage in this case. My recollection is that Martin Ferlinc, as Head of Audit, led on a review of the processes carried out by the audit team, to prevent the recurrence of a similar audit shortage in future.

101. I also highlighted in the report that the Inventory Management Team was an area of concern. I believe I said this because the Inventory Management Team was responsible for allocating and monitoring daily and weekly cash targets at Post Offices. Despite the daily cash declarations regarding Walton-on-Thames Post Office being of a "reasonable" amount, these amounts spiked significantly on balancing/cash account days over a long timeframe.

102. I recall that my overall view of the adequacy of POL's internal controls was that they were weak, which is why I detailed my concerns within the report.

Additional documents relating to the David Yates case

103. The Request asked me to describe any further investigation I conducted. My recollection is that I was told to liaise with Joe Ashton, Head of Civil Litigation. I recall that the case was outsourced to a litigation firm, to consider and pursue the recovery of the loss in this case. Aside from some telephone calls, I recall providing the firm we had outsourced the case to with all requested information and documents held concerning the case. I recall that it was my view that this was a firm that specialised in identifying assets and acted on behalf of POL in trying to recover losses. I am not aware of the details or outcome of their investigations.

104. The Request asked if I carried out any analysis of Horizon data to show how the cumulative shortfall built up. I do not remember carrying out any analysis of Horizon data or indeed whether Horizon transaction and event logs were obtained as part of this investigation.

105. The Supplementary Request draws my attention to a spreadsheet at POL00118519. I have looked at this document, which appears to be a log of calls

made from the Walton-on-Thames branch, possibly to the Network Business Support Centre (given the nature of some of the enquiries). I don't recall having requested this log or of having had sight of it before. It doesn't appear to me to be a log of Horizon data per se, but some of the entries mention Horizon and others mention errors and error notices.

106. As I recall, the main reason for not carrying out analysis of Horizon data would have been that Mr Yates provided an account, made admissions to taking money and falsifying accounts, albeit that he could not recall specific amounts. The activity he had admitted to – according to the transcript of the interview – took place over a three to five year period, some of which would have predated the introduction of Horizon. My recollection in this, and in other prosecution cases, was the case file was submitted, and relevant stakeholders had sight of and input into the case. Investigators continued to be involved in the case, but they worked to the instructions of the Criminal Law Team. I do not recall any of the stakeholders suggesting or instructing me to obtain and analyse Horizon data.

107. I do not recall receiving any legal advice, other than 'business as usual' legal instructions and correspondence e.g. what the charges were, obtaining process, attending court. However, I note that document POL00112919 is a witness statement completed by me on 11.7.03, so assume I was advised to complete this statement.

108. I had no involvement in the decision to charge Mr Yates. Charging decisions were made by the Prosecution Authority in conjunction with advice from the Head of Investigations and the Criminal Law Team.

109. Aside from the account I have provided above, I do not recall any further involvement in this case before court proceedings commenced.

R -v- Mr Yates

110. The Request asked me to describe the circumstances in which I provided a witness statement in the criminal proceedings against Mr Yates. I do not remember the circumstances in which I provided a witness statement in the criminal proceedings against Mr Yates. The witness statement was probably completed as part of a committal bundle submission or I was instructed to provide the witness statement as part of a skeleton committal bundle.

111. Whilst I do not recall which individuals I had contact with during the drafting of my witness statement, I note from document POL00112919 that I have made reference to schedules containing details of error notices obtained from Chesterfield, which I exhibited to my statement as Exhibits DP/6 and DP/7. There is also reference to two previous audit reports exhibited as items MD/1 and MD/2. It seems likely that I would have had to liaise with colleagues to obtain this information. I do not recall discussions with individuals who provided a witness statement.

112. My understanding of my role in the case was to establish whether there was an audit shortage, obtain details from the Audit Manager and offer Mr Yates the opportunity to provide an account and/or his explanation for the loss. Thereafter my role was to receive instructions from the Criminal Law Team and act on them.

113. I do not recall any further involvement I had in the case against Mr Yates.

114. My attention has been drawn to the document at POL00113278, the judgment of the Court of Appeal in *Josephine Hamilton & Others v Post Office Limited* in 2021 (and in particular at paragraphs 328 to 332), and the Request asked me to give my reflections on how the investigation and prosecution of Mr Yates was conducted. I respect the judgment of the Court of Appeal and the court's remarks and observations about the conduct of the investigation.

Prosecution of Josephine Hamilton

115. The Supplementary Request drew my attention to two documents at POL00118877 (the "Antecedents form" relating to Josephine Hamilton) and POL00118990 (the Suspect Offender Reporting form in that case) and asked me for an account of my involvement in the case.

116. The Suspect Offender Reporting form refers to Graham Brander as the Investigator and Geoff Hall as the Investigation Team Manager. I recall that at some stage there was a restructure of the Investigation teams and I became Graham Brander's line manager (the Antecedents form refers to me as Supervising Officer). I don't have any recollection of being involved in this case or having any issues about it brought to me by Graham Brander. The Antecedents form would have been completed at the very end of the case; it seems to me possible that I only became Graham's line manager at a late stage of the case.

Prosecution of Ms Seema Misra

117. The Request asked me to provide an account of my involvement in the case of Seema Misra. I had very limited involvement in this case. I acted as neither the first, second or third officer, nor was I the Team Manager or Financial Investigator. The

information I have seen suggests that John Longman was the Investigator. I was his line manager for a period when I was the Investigation Team Manager, but at the time of the events described in these documents, I was the Fraud Risk Manager and was not John's line manager.

118. I was not responsible for disclosure in connection with any legal action against Ms Misra. Having reviewed the documents that have been drawn to my attention, it would seem that I was involved in requests for Horizon transaction data, communications following a conference call about challenges to Horizon and assisting a colleague in trying to trace individuals associated with the case.

119. I have reviewed the email at POL00107817 and what I said about being unable to authorise Fujitsu to carry out John Longman's request for transaction log data covering the period 30.6.05 to 14.1.08. I have also reviewed the emails mentioned in the Supplementary Request covering the period July and August 2009 (FUJ00152818, FUJ00154846, FUJ00154848 and FUJ00154851)

120. I referred to the "contract" that POL had with Fujitsu. My recollection is that POL had a contractual arrangement with Fujitsu under which Fujitsu supplied transaction and event log data to the Security Team to assist in investigations. I referred to the limited allowance of ARQs available under this contract, the cost and impact on other resources, and asked John Longman to seek views/input from the criminal lawyer in the case. I believe this position reflected a policy/procedure that was communicated to me during the brief spell I was Casework Manager. I recall some occasions when requests made from outside of the Security Team were dealt with. Requests made within the ARQ limit were dealt with, but requests outside the limit needed to be approved. I didn't have

autonomy to stray from the process but acted on instructions from senior management or lawyers when the need arose.

121. In one of the emails I sent to Penny Thomas, dated 5.8.09, I advised her that I had not authorised an ARQ, and suggested that the cost of making the request could be borne by the Defence. To that end I asked how much the request would cost, and Penny Thomas provided an estimate by letter the same day (at FUJ00154846).
122. I note that POL Legal Services wrote to Ms Misra's solicitors on 14.8.09 in relation to the request for Horizon data (the letter is among the documents at FUJ00154851) asking for further information about what they required and its relevance. The letter advised of the costs associated with retrieving data and POL would not underwrite the cost if Counsel's opinion was that the data was irrelevant. POL's Legal Services evidently sent the letter (along with some legal advice which is not among the documents I have reviewed) to John Longman who sent it on to me. I described the letter sent to Ms Misra's solicitors as a "good letter" but am unable to recall why I took that view.
123. I note that at the time I exchanged emails with John Longman about this case (in August 2009) I was a Fraud Risk Manager, so don't know why this request came to me because I don't recall having had responsibility at that time for obtaining or authorising data (I remained, as I have said elsewhere, responsible for maintaining the relationship with Fujitsu). I am also puzzled by the fact that before the request was made by John Longman, it would appear that I had already made an ARQ with the same parameters on 9.6.09 (the document at POL00051793). I cannot

now recall the reasons for or the circumstances surrounding for making that request.

124. (At this stage, I note that the Supplementary Request drew my attention to the document at FUJ00154859 (the minutes of a meeting on 3.11.09). The meeting recorded in this document appears to be a meeting of "RMGA Litigation Support/POL Fraud team". The minutes refer to me as "POL Fraud Risk Manager", and on page 2 refers to the fact that "the migration of the POL Casework support function is now complete as Dave [which I take to be a reference to me] formally handed his responsibility over to the Salford Team". This prompts me to recall that for a transitional period I continued to have some role in the functions of the Casework team after I became Fraud Risk Manager, but that this must have finally come to an end by November 2009.)

125. I have also reviewed the email at POL00107817 which records my view about many cases in which the defendant pleaded guilty "at the eleventh hour" and where no evidence is found to challenge Fujitsu data. My view that many cases plead guilty at the eleventh hour and/or nothing is found by expert to challenge Fujitsu data, was, I believe, based on my experience of events at the time. I recall that late guilty pleas often occurred, whether Horizon-related cases or not, and I do not recall a case whereby the Fujitsu data was challenged insofar as it resulted in a prosecution being ceased or a prosecution being unsuccessful.

126. Whilst I do not remember using the term "the usual attempts of muddying the waters", I think this derives from unsuccessful challenges to Fujitsu data and perhaps a view that as word had got around about Horizon, some individuals raised Horizon concerns as a defence.

127. My attention is drawn to a series of email exchanges among POL staff during February and March 2010 at POL00106867, which discussed a review of the “integrity” of the Horizon system. I do not recall any specific contribution I made to this review. I note that Andy Hayward’s email of 26.2.10 summarises the actions arising from a conference call which had taken place that day. It seems that the reference to “DP” in this email is a reference to me, and I note that I was asked to forward details of two other cases in which the Horizon had been challenged; another action was that I would continue with my investigation into the “Alresford” case and “feed into MT [Mandy Talbot] & wider review”. Andy Hayward also asked that any “immediate responses” from the other recipients be sent to me since he was going away. I don’t recall details of any actions I took in response to this or any responses I received.

128. I note that I was not included in the initial emails exchanged in late February and was only cc’d in the remaining emails. This accords with my recollection that I didn’t play a leading part in the review of the “integrity” of the Horizon system referred to here or in the conference call on 26.2.10. I note that on the 1.3.10 I sent an email to the email group asking that they ensure that Rob Wilson, Head of Criminal Law, Royal Mail Group was copied into the emails. My recollection is that I was concerned that he needed to be ‘kept in the loop’, in his role as head of Criminal Law and would need to be aware of any issues that might impact on prosecutions (the emails suggest he had not been copied into emails and had not attended the conference call on 26.2.10).

129. In the email exchange I said that “our prosecution cases have faced an increase in challenges”. Looking back over these exchanges now, I think it was generally known at the time this email exchange took place that alleged errors with the

Horizon system were being cited to explain accounting discrepancies. It seems to me that this is what the early emails in this exchange (which I was not a party to) are directed at, to obtain a sense of in how many cases Horizon issues had been raised. Rob Wilson, in his email of 3.3.10 refers also to the "persistent challenges that have been made in court" and again on 9.3.10 he refers to "additional difficulties in relation to challenges to Horizon". I also refer to prosecution and civil cases facing "an increase in challenges", which I assume refers to challenges which cited issues with Horizon.

130. I recall having some awareness about Horizon challenges, but the corporate position was that Horizon was working correctly, and that evidence provided by Fujitsu colleagues consistently backed this position up.

131. The Request asked if I thought an internal investigation was necessary. I can't recall if I had a view on whether an internal investigation was necessary.

132. Rob Wilson's email is addressed to me and refers to a "memo". I cannot recall, nor is it apparent to me from reviewing this email exchange, what the "memo" is he is referring to. I don't recall writing a memo. As I read this exchange (and this accords with my recollection) I had no role in instigating the review that is described here and wasn't involved in the organisation of the conference call, so I can't say why Mr Wilson wasn't invited. As I say above, I must have been concerned that he needed to be 'kept in the loop' on this issue.

133. At the time that these email exchanges were taking place, I was not directly involved in any criminal cases; again, by this time I was in the role of Fraud Risk Manager and I would not have been involved in the day-to-day running of investigations or prosecutions. I'm not able to say what consideration was being

given to Ms Misra's case in light of the discussions which were taking place at the time.

134. My attention is drawn to the series of reports prepared by Charles McLachlan, the expert called by Ms Misra, and statements by Gareth Jenkins commenting on the reports. I don't recall having any direct involvement with the matters raised in these reports or of Fujitsu's response to them.

135. At POL00062550 there is a witness statement made by John Longman in which he gives an account of his investigation into a crime report made by former employee of Ms Misra. This, together with an email he sent me on 1.5.09 prompts me to recall that I attended a couple of addresses in Woking/West Byfleet to assist John Longman who was trying to trace some individuals connected with this. John Longman's statement quotes from a notebook entry I made after attending these properties. At the time, this was not a task that would have fallen within my responsibilities, but it seems likely that I carried out these visits to assist John; I had known him for some time and also because I lived near to the Woking/West Byfleet area.

136. Other than assisting John Longman with these property visits, and my apparent involvement in the ARQ which I describe above (in paragraphs 120 onwards) I am afraid that I do not have any recollection of being involved in Ms Misra's case, so I don't feel that I am able to comment on the role that individuals from Fujitsu played or the position taken on the role that Horizon errors might have played.

137. The Request asked me to describe my involvement in the financial investigation and enforcement proceedings in respect of Ms Misra. I don't recall having any involvement in the financial investigation or the enforcement proceedings against

Ms Misra. My understanding from the documents I have reviewed is that Paul Southin was the Financial Investigator in that case. The document at POL00093975 is an email from me dated 25.1.08. I recall that one of my roles as Casework Manager was to notify stakeholders of the outcome of recoveries in a case. It seems that by sending this email, I was circulating the "Funding Notification" document to the recipients.

138. My attention is drawn to the document at POL00057691 containing an email which Alison Bolsover, Branch Conformance and Liaison Manager sent to me on 4.5.12 regarding Ms Misra's case, which she refers to as being one of the cases on a "Horizon issues Spreadsheet". I am unable to recall exactly, but on reading this email correspondence I assume that Alison Bolsover (whose role I think included some debt recovery work) had a spreadsheet which listed cases where Horizon issues had been cited by defendants in prosecution proceedings. I don't recall that I had a role in maintaining such a spreadsheet, but it seems plausible that there might have been a spreadsheet containing such information, since by that time there would have been some awareness that the reliability of Horizon was being cited as a factor in criminal cases, and I recall that Cartwright King were conducting checks on a number of cases by this time. I do recall that financial investigation work pretty much froze around the time Cartwright King were undertaking their assessments.

139. I have considered the document at POL00113278, the judgment of the Court of Appeal in *Josephine Hamilton & Others v Post Office Limited* and particular those sections referring to Ms Misra's case. As I said above, this is not a case in which I played a leading role, but I acknowledge the position I took in relation to the ARQ data request (at paragraph 122 above). In hindsight, and in light of what is now

known about the faults in the Horizon system, I am inclined to agree that knowledge of the faults in the Horizon system might have had an impact on the conduct of the prosecution case. For my part, I considered that I was following practices and procedures that had been introduced to manage ARQ requests, but I was content for requests to be made and agreed if my managers or POL's lawyers instructed me that it was necessary to obtain ARQ data as evidence in prosecution cases.

Prosecution / criminal enforcement proceedings against Khayyam Ishaq

140. The Supplementary Request drew my attention to a series of documents relating to the case of Khayyam Ishaq. I do not recall having had any involvement in this criminal case. The documents which I have reviewed appear to relate to POCA proceedings to recover money from Mr Ishaq. It seems to me that this case was assigned to Helen Dickinson. From what I recall, she was training to become an Accredited Financial Investigator at that time and hadn't yet attained her accreditation. She was therefore unable to apply for court orders. I applied for the Confiscation Order on her behalf as I was accredited. As I recall, she would have prepared documents and I would check them and make the application. Aside from this, I don't recall having had any involvement in the enforcement proceedings.

General matters

141. The Request asked me to what extent I considered a challenge to the integrity of the Horizon system in one particular case to be relevant to other cases. I did not consider a challenge to the integrity of Horizon in one case to be relevant to other ongoing or future cases. Although I recognise that POL's corporate position was that there were no systematic issues with the Horizon system, I took it that

individual prosecutions were to be taken on their own merits, and that evidence from Fujitsu would be required in each case where these issues were raised.

142. The Request also asked me to what extent I considered the investigation into bugs, errors and defects in Horizon was sufficiently carried out by POL, and whether sufficient information was provided by Fujitsu. With the benefit of hindsight, I do not consider the investigation into bugs, errors and defects in Horizon was sufficiently carried out by POL. This is based on my recollection that POL maintained a position that the system was sound and robust and working properly at all times, which has transpired not to be the case.

143. Again, with the benefit of hindsight, it seems to me that Fujitsu, as the owner and operator of Horizon, ought to have identified bugs, errors and defects in Horizon, which may have caused losses, and passed such information to POL. This may have occurred at some stage by default or by accident, but the impact to numerous individuals has been significant and issues should have been reported speedily and as a matter of course.

144. I do not consider that I had sufficient information regarding bugs, errors and defects in Horizon which may have caused losses; indeed I do not recollect being informed by POL or Fujitsu of such issues. I feel as though these are the two sources that should have informed myself and teams within POL. I cannot attribute these failures to specific individuals; for example, I have no awareness of who in Fujitsu might have been responsible for 'signing off' Horizon as being fit for purpose if that assessment wasn't merited, or who within POL accepted that position, or who knew that there might be issues with Horizon or how they found out about this. My understanding of the situation is informed by the general stories

and claims I heard since my time working at POL, for example that senior individuals were told about possible bugs and errors some time previously, but that appropriate action wasn't taken.

Review of challenges to Horizon Integrity / Post Office investigations

145. The Supplementary Request asked me about my involvement in the investigations carried out by POL into the integrity of Horizon and/or the impact on prosecutions. I have no recollection of being involved in the Second Sight investigation or the *Bates and Others* group litigation. Nor do I recall having been involved in the investigations carried out by Brian Altman KC or Jonathan Swift KC.

146. I do recall being aware of some of the outcomes of the review of cases carried out by Cartwright King, and that some cases were recommended to be closed with no further action. My recollection is that where such a recommendation was made, Security Managers were responsible for closing the criminal cases and Financial Investigators were responsible for closing financial investigation cases. That aside, I don't recall having any involvement personally.

147. Paragraph 15(iv) of the Supplementary Request referred me to a series of documents containing minutes of a number of meetings held over the course of 2013 to 2015. In my last couple of years working within the Security Team, I participated in these meetings (I referred to them as "Horizon Integrity meetings"). These were weekly conference call meetings attended by different people representing different teams within POL. Any issues or claims or information which had come to the attention of teams across the business, relating primarily to Horizon, were raised at these meetings. These issues were collated and any

actions identified. I recall notifying Security Managers that if Horizon was mentioned during the course of investigation, then details should be flagged to me to be raised at these Horizon Integrity meetings.

148. The Supplementary Request drew my attention to the document at POL00118547, entitled “Business, Innovation and Skills Committee: Inquiry into Post Office Mediation” and asks me what my role was and any input I had into this document. I don’t recall playing any role in relation to this or contributing to the document.

150. I have no further reflections on these matters or other matters relevant to the Inquiry’s Terms of Reference, and there are no other matters I wish to bring to the attention of the Chair of the Inquiry.

Statement of Truth

I believe the content of this statement to be true.

Signed:

Dave Posnett (Oct 4, 2023, 9:16am)

04 Oct 2023

Dated:

Index to First Witness Statement of David Posnett

<u>No.</u>	<u>URN</u>	<u>Document description</u>	<u>Control Number</u>
1	POL00105190	Separation Project - Criminal Investigations Policy for POL	POL-0080815
2	POL00118096	Email from Andrew Wise to Michael Stanway forwarding an email re Casework Compliance	VIS00012685
3	POL00104747	Investigation Policy: Casework Management (England & Wales) v1.0	POL-0080387
4	POL00104777	Investigation Policy: Casework Management (England & Wales) v4.0	POL-0080417
5	POL00118101	Appendix 3 - Offender reports and Discipline reports: "Compliance Guide to the Preparation and Layout of Investigation Red Label Case Files" - undated (date taken from parent email)	VIS00012690
6	POL00118104	Appendix 6 - Identification codes (undated - date taken from parent email)	VIS00012693
7	POL00118128	Race Identification Codes, numbers 1-7.	VIS00012717
8	POL00118131	Identification Codes, numbers 1-7	VIS00012720
9	POL00104806	Royal Mail Group Security – Procedures and Standards: Standards of behaviour and complaints procedure No.10-X v2	POL-0080438
10	POL00031005	Conduct of Criminal Investigation Policy for the Post Office. (Version 0.2)	POL-0027487
11	POL00120165	Post Office - Security Project Initiation Document (PID) - Product X Fraud Reductio. v.1	POL-0125850
12	POL00120166	Report of Project HNGX to support the migration of all branches to Horizon Online (HOL) from Dave Posnett	POL-0125851
13	POL00084813	Condensed Guide For Audit Attendance	POL-0081871
14	POL00031005	Conduct of Criminal Investigation Policy for the Post Office. (Version 0.2)	POL-0027487
15	FUJ00002033	Fujitsu Services Security Management Service: Service Description. Version 1.0	POINQ0008204F
16	FUJ00080107	Fujitsu's Guidance on Security management service: Service Description (v.2)	POINQ0086278F
17	FUJ00002264	Fujitsu and Post Office Document re: Security Management Service: Service Description v3	POINQ0008435F
18	FUJ00088868	Fujitsu/Post Office Security Management Service: Service Description (v3.5)	POINQ0095039F
19	FUJ00002555	Fujitsu Security Management Service: Service Description, HNG-X and HNG-X Application Roll Out Transitional Period, Version 4.0.	POINQ0008726F

20	POL00002572	Fujitsu Security Management Service: Service Description v 5.0	VIS00003586
21	POL00002666	Fujitsu/Post Office Fujitsu Services Security management service: service description	VIS00003680
22	FUJ00152212	Management of the Litigation Support Service - Fujitsu v1.0	POINQ0158406F
23	POL00052222	Email from John Longman to Phil Taylor Re: WS for West Byfleet HSH calls.	POL-0048701
24	FUJ00156122	Email from Tom Lillywhite to Suzie Kirkham and Gareth Jenkins re Alresford Large debt outstanding , legal request for info	POINQ0162316F
25	FUJ00155399	Email to Dave Posnett from Penny Thomas re Security Incident which occurred and has been resolved with software correction	POINQ0161593F
26	FUJ00155400	Email from Thomas Penny to Pritchard Howard, Warham Wendy and Denham Steve Re: Security Incident	POINQ0161594F
27	FUJ00155409	Email to Penny Thomas to Steve Denham, Howard Pritchard, Peter Sewell and another Re: Outlet Checking List - Audit Issue	POINQ0161603F
28	FUJ00155421	Email from Thomas Penny to Denham Steve, Sewell Peter Re: FW: Security Incident	POINQ0161615F
29	FUJ00122604	Standard form Fujitsu draft Witness Statement re: extraction of audit archived data with mark-up and comments from Penny Thomas Version 7.0 (0308) (CS11A) (Slide A)	POINQ0128818F
30	POL00112919	Witness Statement of Dave Posnett	POL-0110319
31	POL00066457	David Yates case study: Memo from Paul Bosson to Dave Posnett re: Audit of Walton On Thames 090 023	POL-0062936
32	POL00112918	Offence of two offenders - Theft/False Accounting	POL-0110318
33	POL00113159	Post Office Limited Case Files from Dave Posnett of David Peter Yates and Lindsey Susan Smale - Walton on Thames - 090 023	POL-0110543
34	POL00047494	David Yates - Record of Tape Recorded Interview 7 March 2003	POL-0043973
35	POL00066266	The Post Office Group Litigation, Alan Bates & Others and Post Office Ltd.: David Yates schedule of information	POL-0062745
36	POL00118519	Spreadsheet - Report of Incident IDs, SPM names, Description, Incident Log, Resolution, etc. from the Walton on Thames PO between 13/07/2000 to 31/03/2003	POL-0118449

37	POL00113278	Approved Judgment between Josephine Hamilton & Others and Post Office Limited	POL-0110657
38	POL00118877	Antecedents of Josephine Hamilton - Officer in Case Graham Brander, Supervising Officer Dave Posnett	POL-0118796
39	POL00118990	Josephine Hamilton criminal case study - Suspect offender reporting form to be emailed to Casework team, case file no. POLTD 0506/068, Josephine Hamilton	POL-0118909
40	POL00107817	Email from John Longman to Phil Taylor re: Fw: Trial of Seema Misra - West Byfleet SPSO - Branch Code 126023 Guilford Crown Court 30th November 2009(Four day trial)	POL-0106062
41	FUJ00152818	Email from Tony Jeffery to Andy Dunks and Penny Thomas re trial of Seema Misra - West Byfleet SPSO, Guildford Crown Court.	POINQ0159013F
42	FUJ00154846	Seema Misra case study: Email from Penny Thomas to Guy Wilkerson re: Estimate for a Request for Information	POINQ0161041F
43	FUJ00154848	Email from Thomas Penny to Dave Posnett and John Longman re witness statement for West Byfleet HSH calls (Seema Misra criminal case study)	POINQ0161043F
44	FUJ00154851	Seema Misra case study - Email chain with Dave Posnett, John Longman and Thomas Penny - Re: R v Seema Misra	POINQ0161046F
45	POL00051793	Audit Record Query (ARQ) for West Byfleet PO	POL-0048272
46	FUJ00154859	Lee Castleton case study: RMGA/POL Litigation Fraud Team Meeting Summary	POINQ0161054F
47	POL00106867	Email from Rob G Wilson to Dave Posnette, Doug Evnas, CC Andy Hayward, Dave King, Mandy Talbot re Challenges to Horizon	POL-0105175
48	POL00062550	Seema Misra Case Study - Witness statement of Jon Longman dated 29/05/09.	POL-0059029
49	POL00093975	Email from Dave Posnett to Clive Burton, CC Paul Dann, Marle Crockett and others re Investigation Team Recovery - West Byfleet, SPSO 126023.	POL-0094097
50	POL00057691	Email from Dave Posnett to Graham C Ward, RE: FW: West Byfleet	POL-0054170
51	POL00118547	Business, Innovation and Skills Committee: Inquiry into Post Office Mediation Supplementary evidence of Post Office Limited	POL-0118466

