

Witness Name: Mrs Diane Fogarty
Statement No: WITN0321_01
Exhibits: None
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THE POST OFFICE HORIZON INQUIRY

FIRST WITNESS STATEMENT OF MRS DIANE FOGARTY

I, MRS DIANE FOGARTY WILL SAY as follows:

INTRODUCTION

1. I am grateful to the Chair to be invited to provide a “human impact” statement, concerning the physical, psychological, emotional, reputational and financial consequences to me and my family of being held responsible for shortfalls shown by the Horizon IT system and Post Office Limited’s actions toward me and my family. The initial paragraphs below provide a brief summary of my background, and provide context to the detail of the human impact of the Horizon scandal on me and my family. This statement does not reflect a full account of my experiences or those of my family and if necessary or required I will provide further witness statement evidence.

BACKGROUND

2. I am the wife of Mr Michael Fogarty, who is a core participant in this inquiry.
3. Mr Michael Fogarty has provided a statement which gives an account of the shared experiences of our family.
4. I confirm that I have read the statement of Mr Michael Fogarty and that its contents are a true and accurate reflection of our experiences.

5. However, I would like to say the following on the human impact.

HUMAN IMPACT

6. It was my dream to own a post office and my husband, and I had been looking for one for nearly 18 months when the Queensbury post office in West Yorkshire came up for sale.
7. I couldn't believe my luck when I discovered the Queensbury post office was up for sale. I am Queensbury born and bred as is my entire family and I was keen to move back to my hometown at this point, so it just made sense to apply for the post office.
8. I knew the majority of the population in the village and felt that my Husband and I could bring a good service to the community that I came from. Even though he was an outsider I thought that my roots would be well received by the community. We had a good business plan for the post office. Our intention was to extend, we had already been discussing starting a Quarterly newsletter (Queensbury post office news) where the community could enter articles on news, business and events to bring the community together.
9. We moved into the post office in January 2000. I was the manager of the Queensbury Post Office 24 High Street, Queensbury, Bradford BD13 2PA.
10. When I started running the branch the accounting was still manual. I grasped it quickly and Horizon was introduced about a month after I arrived.
11. The system itself was easy, but when I came to roll over on a Wednesday I experienced my first shortage of about £20. I rang our area manager to tell him, he said it would be down to human error, such as, paying a customer too much. He told me I had to make up the shortfall. No one till was short on cash so I was confused but put the money in anyway.

12. The shortages started appearing weekly and getting larger, it became normal to have shortages. I was using our savings to pay back the shortfalls which was very difficult when you bear in mind that I was in the first year of our contract with the Post Office so I was only receiving 50% of our salary as per our contract and we had a mortgage and bills to pay. In fact, it totally undermined the concept of buying a post office, especially when you think it will bring you financial stability.
13. I spoke with the area manager again, who was now new to me as the previous one retired. At first she dismissed them as glitches and said they would iron themselves out in the short term. They didn't, the shortfalls got larger and the area manager suggested we had a thief. My brother was the senior loss prevention officer with Wilkinson's chain store and he came up one Sunday and installed some covert cameras to cover the tills. They showed no sign of anyone stealing.
14. The shortfalls continued until I had a shortage of over £600. I rang the area manager and asked her to come and assist with the roll over. She came the following week. She did the roll over 4 times that day and got a different figure every single time and it was short.
15. The area manager was adamant I had a thief and I felt as though she was insinuating it was us. My husband and I fell out so badly that he refused to work in the shop so I took on two more part time members of staff which we also could not afford. It caused real stress between us.
16. Around this time we attended a postmaster association meeting in Bradford one evening. There were about 40 subpostmasters in attendance and a good number were experiencing the same problems and we all had the same area manager. We also found out at this meeting that the subpostmaster at Denholme a neighbouring village had been sacked for theft. She also had the Horizon system installed but we never joined the dots. I was shocked because I had known her a while and couldn't believe it.

17. About three months after the £600 shortfall I had a shortfall of £2000. I was beside myself. Again I rang the area manager to say I couldn't make up such a loss immediately and asked for help but I was not offered any help and was told no one from the post office would be attending the branch.
18. My husband and I had been having conversations between ourselves about selling the Post Office because it was making me poorly, I wasn't sleeping, I was hardly eating and being really sharp with my husband and daughter. On the Monday following the week I had the £2000 shortfall I arrived at the post office to open up and upon my arrival there were auditors waiting outside of the post office for me.
19. I had no prior notice that the post office was going to be audited. They had turned up on the busiest day of the week. My customers were queued up outside and one of the auditors turned round and said to them *"you might as well go home because this post office is shut until further notice."*
20. The auditors asked for my keys and the code to the safe, they did not give me any reason for their visit of why they needed my keys so I refused to hand them over but I let them in to the post office. My staff started turning up for work and they were told to go home and someone would contact them later, customers were banging on the door asking to come in and I had to turn them away, this was so embarrassing for me.
21. Not long after I let the auditors in, a scruffy looking man turned up and introduced himself as the senior investigating officer and told me he was there to investigate a suspected theft. He gave me the impression that he was a police officer because at no point did he introduce himself as an employee of the Post Office, just the senior investigating officer. I was confused by this because I thought there hasn't been a theft and I haven't reported anything as being stolen.
22. Then sheer panic set in as I didn't understand what was going on and what I was meant to do. I couldn't understand why I was being accused of theft, on the day of the audit I actually had a cheque for the £2000 shortfall that had occurred the previous week. I

- was prepared to pay back the money despite knowing that £2000 had never left the office however, the auditor told me that this was not good enough.
23. After the audit was complete, my husband and I were suspended from the Post Office.
 24. Later that day we got a call from the senior investigating officer on the case (as mentioned above I took that to mean a policeman) informing us that both my husband and I should attend an interview under caution at Foster Square.
 25. We were confused that we weren't going to the police station but relieved at the same time. Because of the way the investigating officer introduced himself I believed he was a police officer so we instructed a solicitor to attend the interviews with us.
 26. When we arrived for our interviews, we were told that our solicitor was not allowed to be present during our interviews. Our solicitor argued with the investigating officer and said we are entitled to representation. The investigating officer at this point announced himself as an employee of the Post Office and told our solicitor that he had no jurisdiction as the interview.
 27. Eventually, after both my husband and I refused to continue with our interviews without our solicitor present, the Post Office agreed to let him accompany us. The interview was an extremely stressful experience for us and I recall feeling very intimidated by the interviewers who appeared to believe that we had been stealing money from the branch.
 28. We were interviewed separately. I was interviewed twice and my husband was interviewed twice on different days at Foster Square, Bradford and once at Leeds because he was the subpostmaster.
 29. During my husband's third interview the Post Office were only interested in his business plan for the Post Office and our plans to extend the business. When I asked my husband what the outcome was and what was going to happen he could not give me an answer because there was no discussion on the matter.

30. After our interviews the Post Office wrote to us to say they were terminating our contract for breach of contract. The Post Office were to continue with the chosen people they had placed in the office. We were shell shocked and had no clue what to do. We contacted the federation of postmasters who told us there was nothing we could do. We could not appeal but we could charge them rent on the shop.
31. The team that was sent in to take over our Post Office temporarily was actually a company that had been set up by an ex-auditor. There were so many Post Office's getting closed down that someone was able to set up a company and send in a temporary team to run the offices, in hindsight this should have set off alarm bells to post office counters limited.
32. When the relief subpostmaster came in, he said he would pay us £650 per month including bills. I told him that, that did not cover the £1300 loan we had. I said we would go in and remove the stock because we sold cards gifts, toys, stationary, sweets and pop but I was denied access.
33. The temporary postmaster that came in after the first team said he would pass the proceeds on from the stock on a weekly basis. We averaged £110 a day previously, but he was returning £15-£20 a day saying people didn't want to buy off us but I had no way of checking the stock to see if it was diminishing. I tried ringing the staff to see what was going on but they had all been told they were not allowed to talk to me as there was a criminal investigation going on.
34. One of the staff members, GRO who I considered to be my best friend had been ignoring me, I received a text from her that said along the lines of 'I am so disappointed in you.' This was because the Post Office had told her that she had been under surveillance by me following the covert cameras I had installed. As such she was devastated because she thought I suspected her of stealing when it was in fact the Post Office who advised me to put the cameras in. We have never spoken since, although her son is my godson.

35. Because we had no money coming in my husband's parents helped us out, and my family initially rallied around until the rumours started and it went through the village that we had stolen money from the Post Office.
36. The actions of the Post Office seriously damaged our reputation in an area in which I had been born and raised in and the knock on effect of this was huge.
37. I knew I was the subject of gossip in the local area. As my job with Post Office had ended so suddenly, people speculated as to whether we had stolen the money. Generally, I felt as though the attitudes of the local people changed towards me and my family. The figure of £50,000 was the sum that was banded round that we had allegedly stolen.
38. I was not just concerned about the customers asking questions, I also had my parents questioning me. My parents believe there is no smoke without fire so when they heard the rumours they believed they were true. As a result my parents became so ashamed that they cut all ties with us. My dad was just mortified, every time he went out in the local community it would get brought up.
39. Our daughter started getting bullied at school because her parents were labelled as thieves and the school did nothing to stop it so we had no choice but to move her to a school in another village. She became withdrawn for a while, she lost her friends and actually was out of school for some 2 weeks before we were able to get into a new school.
40. My daughter's life was made miserable for a time. My mental health was in decline for a long time after the Post Office's action against us. Although I function on a daily basis I have never returned to the person I was before this dire episode in our lives.
41. My health was seriously affected, I fell into deep depression and I ended up under the doctor for about 6 months on strong antidepressants. I never left the house, I hardly even left my bedroom. Prior to this I had never suffered from depression at any point

- in my life. I still have a tendency to become quite overwhelmed by what I would previously have described as trivial events.
42. Had it not been for the fact that I was incapable of looking after myself let alone the house and my daughter, my marriage would have been over, I just did not care about anything after everything the Post Office did.
 43. My mother-in-law ended up giving up her job to look after my family whilst Michael found a job to keep our heads above water. We had already maxed out all the credit cards and were very close to losing our house.
 44. After Michael told me about a conversation he had with his boss at work who pointed out that we should threaten to close down the post office unless they pay us the proper rent I was so angry I wanted to go down and change the locks so the post office could not access the building.
 45. We decided to act on this and threatened to lock the Post Office out so eventually they agreed to up the monthly payments and agreed to let us sell the post office.
 46. We paid £210,000 for the Post Office so this is what we put it on the market for, However, we ended up having to sell the Post Office at a loss of £68,000 as by this time everyone knew our story. The post office area manager had discussed it with every subpostmaster in the area, telling them we had been sacked for theft which meant all buyers had us over a barrel. By the time we sold the post office we were glad to be rid of the pressure and strain.
 47. We lost in the region of £98,000, this amount is made up of the sale of the business, the loss of stock, making up shortfalls on Horizon, making up the loan payments and paying for all the utilities and rates on a business which we were not allowed to run.
 48. The Post Office's actions against us left us feeling very bitter and this bitterness has festered. I asked myself the question many times, what happened to being innocent

- until proven guilty? The Post Office made us feel like we should be grateful for small mercies, i.e. not being prosecuted or bankrupted.
49. The villagers gossiped about us so we rarely went into the village because we were embarrassed. We felt like no one trusted us. Lifelong friends wanted to talk to us to get the low down and then we never heard from them again.
50. I feel uncomfortable going into the village to this day, an area I once called home.
51. Our previous untarnished reputations were in tatters. Both my husband and I had served in the army, we were people of high moral standing. We believed in rules and the rule of law, we were and are honest people. However, as a result of the Post Office's actions the local community and my own family believed I was a thief. This was so serious that my own family were so ashamed that they cut all ties with us. The effect of this was devastating on me. It took many years to rekindle this relationship but it has never been the same.
52. I believe that Post Office deliberately preyed on people, by this I mean Subpostmasters. Subpostmasters are always people of good standing. For example, like my husband and I, former members of the armed services. Subpostmasters by the very virtue of the job they hold are law abiding citizens, as such, we and other Subpostmasters were incredibly naïve about the criminal justice system. Perhaps we would have been better placed for the job if we weren't so law abiding.
53. As a result of the way we were treated by Post Office, we honestly believed that we were going to be dealt with by the police and the full force of the law was to be brought down on us for a crime we had not committed. We were denied legal representation and because we were naïve we accepted that everything the Post Office said and did was right and legal; because we believed that, at the end of the day, they are the government. This was in the same way that we accepted everything that the Army told us, because they are the one and same government.

54. Our lives were ruined for a good many years; we had to move to another village to escape the gossip and scathing looks.
55. We had to deny our daughter many things financially, as our standard of living took a complete nose dive. My daughter missed out on the love and affection I should have been able to give her as her mother but I withdrew into my own abyss and my family chose to keep their distance.
56. The Post Office and the government have a lot to answer for. They have ruined very many lives as they used their draconian methods to no end.
57. I lost time with my family that I can never get back. My dad believed I was a thief, he believed if the government came down on you they come down on you for a reason. My parents didn't talk to me for years, it was only when my dad became poorly that the lines of communication reopened and I reached out to him.
58. The hardest pill to swallow out of all of this is my dad and Michael's parents all went to their graves thinking we were thieves.

CONCLUSION

59. My husband and I are lucky we are still together to this day because the pressure that I we were under as a result of how ill I was due to the actions of the post office was unbearable.
60. I am not the woman I used to be. I use to thrive under pressure, I would always look for solutions but now I get overwhelmed and shy away from situations and that is not my personality at all, I don't give up.

61. We had to move away from Queensbury, an area I had known and been a part of my whole life. We had to take our daughter out of school because someone told her, that her mum was a thief. No child should have to hear that, especially not at school.
62. We had to start over and rebuild our lives. I did not work for about 2 years after, because I couldn't face sitting through an interview being questioned about what happened with the post office, and I did not want to have to relive it again.
63. I am now a property developer by accident and this only happened because I had a good friend who asked me to come and work with them and learn the ropes of property development, in the office initially.
64. I am still bitter about the actions of the post office and how they treated us to this day. The Post Office preyed on good people and used their vulnerability and naivete to take advantage of them.
65. At this point, I do not see what else can be done to make good the harm we have suffered at the hands of the Post Office and thus the government, other than compensation.
66. The compensation however, needs to be more than just what we have lost. It needs to consider the pain and suffering we went through and our potential earnings. Had this not have happened I would have been running my post office for 10 plus years by now. I would have had funds to go on and do so much more, so it is hard to quantify just how much damage the post office have caused me. I had a good business, with a good future, and that was snatch from under me.
67. The Post Office should be held accountable for their actions, and not just the organisation but the individuals, such as the investigating officers and the area managers, who treated us like we were the scum of the earth, and who threw threats and accusations around with absolutely no basis or evidence. They should be looked at

for wrongful or unfair dismissal because there is no reason I should have lost my post office.

68. I would also like to see a public apology to all Subpostmasters. There should be a roll call where each subpostmaster and office manager is named individually, so that everyone knows that myself, and all the other Subpostmasters, did absolutely nothing wrong.

STATEMENT OF TRUTH

I believe that the facts stated in this Witness Statement are true.

Signed... **GRO** Dated... 11/3/2022

Diane Fogarty