

Witness Name: Alan Bates
Statement No.: WITN00050100
Dated: 29 February 2024

POST OFFICE HORIZON IT INQUIRY

FIRST WITNESS STATEMENT OF ALAN BATES

I, ALAN BATES of GRO, WILL
SAY AS FOLLOWS:

INTRODUCTION

1. I held the position of Subpostmaster (“**SPM**”) of the Craig-y-Don Post Office, 21 Queens Road, Craig-y-Don, Llandudno, North Wales, LL30 1AZ, FAD code 4616146 (the “**Branch**”) from 31 March 1998 to 5 November 2003.
2. This Witness Statement is made to assist the Post Office Horizon IT Inquiry (the “**Inquiry**”) with the matters set out in the Rule 9 Request dated 19 December 2023 (the “**Request**”).
3. I have been asked by the Inquiry to respond to a number of questions. Those questions, my responses and any relevant documents, including those which the Inquiry asked me to refer to are detailed within this Witness Statement.

4. My solicitors, Freeths LLP, have assisted me in the drafting of this statement. This being said, I can confirm that this statement is written in my own words and has been approved by myself as being complete and accurate.

Question 1 - Please set out your professional background, including before and after your time as a sub- postmaster (“SPM”).

5. My professional background, prior to becoming SPM of the Branch, involved a career in the heritage and leisure project management sector over a 12-year period. I developed experience in the Electronic Point of Sale systems (“**EPOS**”), the development of site-specific business software and the provision of staff IT training. Following the cessation of my time as a SPM, I have not returned to a full-time career as I have dedicated years to campaigning for justice for SPMs.

Question 2 - Please summarise the positions or roles you have had in relation to the campaign for, amongst other things, access to justice and financial redress for SPMs relating to the Horizon IT System. Please note that more detailed questions are asked below. It is intended for the response to this paragraph to be an introductory summary.

6. Prior to and since my termination from the Branch, I have spent the last 23 years campaigning to expose the truth, and justice, not just for myself, but for the entire group of wrongly treated/wrongly convicted SPMs. I have dedicated this period of my life to this cause which, sadly, has been necessary since Post Office

Limited (“POL”) has spent this entire period denying, lying, defending, and attempting to discredit and silence me and the group of SPMs that the Justice For Subpostmasters Alliance (“**JFSA**”) represents. I also became a member of the ‘Working Group’ on behalf of the JFSA which oversaw the running of the Initial Complaint Review & Mediation Scheme set up at the request of Members of Parliament in relation to this matter in 2012.

TIME AS A SPM

Question 3 – Please describe the background to your appointment as an SPM.

Please set out the process by which you became an SPM.

7. I decided that I wanted to work as an SPM as I had thought that it would bring secure employment, based upon the fact a Post Office branch provides a community service and was an established brand in the community. I was also encouraged by the fact that I could run a secondary business, such as a retail shop, alongside the Branch.

8. From around 1997, my partner, Ms Suzanne Sercombe, and I began searching for an available branch. We learned that the Craig-y-Don Branch was available, and I was particularly interested because it was being sold together with a haberdashery and general retail business, which was known as ‘The Wool Post’, and had substantial residential accommodation above it. I knew the location to be a large community in which a branch was likely to remain an essential service.

9. Suzanne and I arranged for a visit to the Branch via Ian Free, a Business Transfer Agent, who had been instructed by the former owners, Mr and Mrs Savage. The

fundamentals of the business were reasonably clear from the accounts and what we were able to observe from our visits, there being nothing particularly complicated about the nature of the business. During our visits, Mr Savage broadly spoke positively and in general terms about his experience of running a Post Office branch.

10. Mr and Mrs Savage agreed to sell the Branch to us (subject to me being appointed SPM), and on 15 December 1997, Suzanne and I entered into a Memorandum of Agreement [**WITN00050101**] for the purchase of the premises and business at the price of £175,000 and paid the required deposit of £8,000. This was a major investment for Suzanne and me. It was a large amount of money, but we were willing to invest it in this way because we were sure there was a large measure of security in running a POL branch, which was, to our mind, a relatively safe investment upon which we would likely receive a return.
11. Having entered into the Memorandum of Agreement, I then looked to making a formal application to POL for the SPM position. I recall that the process in this respect involved the current or outgoing SPM tendering his resignation, at which point POL would then accept applications for the role.
12. I am unable to recall the precise date, but shortly after I submitted my application, I was invited to interview, which took place at POL's regional office in Bangor. I was interviewed by Mr Jones, and Suzanne also attended, as this was to be a joint business venture.

13. On 31 March 1998, I received a letter from Mr Jones confirming that my application had been successful [POL00041768]. I signed and returned this on the same date.

Question 4 - Please set out your recollection of the installation of the Horizon IT System in the Post Office you managed.

14. In October 2000 POL introduced Horizon at my Branch and imposed upon me a requirement that I use it to record transactions at the Branch and to submit Branch accounts. To the best of my recollection, Horizon was installed from 2 October 2000. I remember that the Branch was closed around this time to allow for this.
15. I did not have any involvement in discussions about the introduction of Horizon, and I had no choice but to accept and accommodate this variation. Obviously, this was also a huge change in how I operated the Branch, as many of the previous processes that I had been trained on and had operated at the Branch were made obsolete not only for me, but also for my assistants.

Question 5 - What were your initial impressions of the Horizon IT System?

16. When Horizon was introduced, given my background with EPOS systems, to which I refer above, I regarded the introduction of Horizon, at first, as a positive innovation. However, I did not expect there to be any apparent discrepancies shown on the system that I was unable to identify the cause of and resolve, either by myself or with support or information from POL. Certainly, I did not expect discrepancies to occur for which POL would try to hold me liable without the

cause being investigated and established. To that point, I had been preparing accounts manually, using the Capture system.

Question 6 – Please describe your experience of the following matters whilst you were a SPM:

a. Your day-to-day working relationship with the Post Office (“POL”) and your avenues of communication with the company.

17. From around 13 December 2000 onwards POL stated that my Branch accounts showed a discrepancy of £1,182.81 (which was later revised to £1,041.86). Therefore, almost immediately after the installation of Horizon, I began experiencing significant issues with the system.

18. I had been led to believe that SPMs were working in partnership with POL, and if POL wanted me to measure up to the standards they required, I expected them to do the same for me. However, over time, it soon became evident that the ‘partnership’ was very one sided, and it really was a question of *“you will do as you are told and if you don’t like it, you can’t complain and there is no redress on this, and you just get on and keep your mouth closed”* — that’s how it works.

19. In a letter dated 13 February 2002 [**POL00004590**], that I wrote to Glenn Chester to explain to him, as I had explained to my previous line managers, why I continued to roll through ‘losses’ and ‘gains’ from week to week without resetting the system, which in my view would have meant I was accepting the figures the Horizon system produced without allowing me full access to check the figures that my staff and myself had entered. Then, following discussions with Mike

Wakely the latest of my POL Line Managers (the fifth in 3 years) in early April 2003, he wrote to me on 14 April 2003 [page E1/50/41 of POL00004598] to 'cease with this current practise of rolling over any losses and gains'. In my response to him on 16 April 2003 I informed him that this had been the practice ever since the system had been installed at the office and many POL staff knew of this. I also explained to him why this way of working was being followed, and that I had explained the reasons in previous correspondence with POL. Following further correspondence between POL and myself, on 4 June 2003 [POL00004629] POL threatened to terminate 'my contract'. Such interaction with various POL staff members clearly exhibits that my working relationship with POL was extremely strained and it was rare that any communication with POL ever benefitted me or gave me the impression that I could trust them to support me.

b. Any training you received in relation to the Horizon IT System.

20. In or around September 2000, POL provided a 1.5-day training course of which my assistants were permitted to attend the first day. I attended on both days. The training took place at the Imperial Hotel, Llandudno, and was delivered by a third-party service provider, Knowledge Pool and was attended by approximately 150 other SPMs and assistants at the same time. The introduction of Horizon and its effect on SPMs and the operation of their branches, and POL's requirements as to the use of Horizon were too vast to be covered adequately or at all in the time given.

21. The training did not adequately cover how the cause of any discrepancy between Branch account information shown on Horizon and cash and stock in the Branch could be investigated or ascertained by SPMs. It also did not inform me that I would be required to make good any apparent discrepancy in order to be able to commence any new Cash Account week.
22. Furthermore, the training did not inform me that I would be required to make good any apparent discrepancy even if it had not been shown by POL that I had been at fault or that one of my assistants had been at fault, and/or even if it represented no economic loss or detriment to POL. It also did not cover how, in practice, POL would support me when apparent discrepancies arose, investigate them or deal with any doubt or dispute as to the cause of the same.
23. Despite my prior experience of EPOS systems, the training provided by POL was inadequate for the purpose of informing me as to the proper and reliable use and/or operation of Horizon in the Branch, and enabling me to ascertain the likely cause of any apparent discrepancy between cash and stock in Branch and the position as shown on Horizon and ascertaining whether an apparent discrepancy shown on Horizon was an actual loss and, if so, the likely cause of the same.
24. In relation to any further training received, on the date of the first weekly balance of Branch accounts following the introduction of Horizon at the Branch, two of POL's Retail Network Managers, one of which was Idris Jones, attended the Branch. POL's representatives were no more familiar with Horizon than I was, as the system was new to them also. If and to the extent POL will say this

attendance amounted to training, I deny that it was adequate, or that it in any way addressed the inadequacies of the previous training.

25. On two further occasions, on dates I cannot presently recall, POL provided two half day support sessions at the Branch, which related to the use and/or operation of Horizon. This support was provided by POL's auditor Mr Selwyn Berry and a Horizon Support Officer, Ms Ki Barnes. This support did not in any way address the inadequacies of the previous training received.

c. Any support or other advice and assistance that was available to you concerning the Horizon IT System (including via Horizon Field Support Officers, contract managers, the Fujitsu helpline or the NBSC).

26. I do not recall any support which fundamentally helped me with any issues.
27. I was first notified about the Post Office Helpline, as opposed to the Fujitsu Helpline (which I rarely used), in my Appointment Letter dated 30 March 1998 [POL00041768]. It gave the Helpline number and said that this is "the first point of contact". The Induction Booklet, which Steve Hughes, my trainer from POL, gave to me on 8 May 1998, also gave information about the Helpline. The Induction Booklet described the Helpline as an "excellent service at all outlets" and explained that Helpline staff would provide "*speedy, accurate information and support to staff, agents, client and the public on all Post Office Counters enquiries and services*" and would handle "*complaints in an efficient and unbiased manner*".
28. In my experience, none of this happened in practice for me.

29. My understanding was that the Helpline was a service provided by POL as part and parcel of their investment into the relationship and the support that they were meant to provide to me. Looking back, I clearly regarded it as such when complaining to Graham Harbord of POL by letter on 27 September 2001 [POL00004643] about the service I had received.
30. POL's Helpline records which have been disclosed to me indicate that between 21 February 2000 and 23 November 2003, my assistants and I made 507 calls to the Helpline, 85 of which specifically related to Horizon and balancing problems, 16 were complaints and 106 related to Branch office processes.
31. I found that the Helpline was frequently unavailable and/or my calls often went completely unanswered, without any information as to why, or whether the call would be answered. Also, different Helpline staff would give different answers to the same queries. The Helpline staff even gave incorrect advice at time, including by way of illustration, advice given in November 2003 which resulted in an incorrect entry of £600 relating to foreign currency being wrongly entered on Horizon.
32. I was unable to contact the same person who had been handling my enquiry which wasted time, increased the incidence of inconsistencies in the advice given, and deprived me and the relevant Helpline operator(s) of the obvious advantages of following through an issue to its conclusion.
33. See paragraph 45 below which refers to this.

34. As for the other support and advice which was available, it was not effective in supporting me.

d. POL's approach to dispute resolution when a discrepancy was identified in branch accounts.

35. I was not willing to put any cash into the Branch to balance the alleged discrepancy showing after the 13 December 2000 balance as I did not accept liability for it, given my (then) understanding of Section 12(12) of the SPM contract. Due to the way that Horizon worked in practice, it was impossible for me, as SPM, to accurately track and interrogate and understand transactions that had taken place and, therefore, determine whether an actual discrepancy had occurred and satisfy myself that it had arisen due to my negligence, carelessness or error of me or my staff. I therefore asked Gerry Hayes, in my letter of 19 December 2000 [page E1/50/134 of POL00004598], to advise me on how to treat the alleged discrepancy showing on the balance and whether I should roll over the discrepancy. I never received a response to that letter.

36. I corresponded with Gerry further on this issue and he arranged for Selwyn Berry of POL to attend my branch on 8 June 2001 to assist with the "resolution of accounting errors". Although I cannot recall the dates, I do remember that Selwyn Berry and Ki Barnes came to my Branch in relation to this problem on separate occasions. However, they were not able to access the system in any further detail than I could, and their visits did not provide any answers.

37. I was not going to let this issue remain unresolved and took it up further in correspondence with POL throughout the remainder of 2001. I explained, in

particular, my concerns that the Horizon reporting was *"made so complex and lacks the ability to interrogate the system when you know the information is inside"* (my letter to Sue Perry dated 7 June 2001).

38. By a letter from Gerry Hayes dated 16 July 2001 [**POL00004586**], POL conceded that *"neither the visits from Selwyn Berry and Ki Barnes nor the pension & allowance checks carried out for the problematic weeks, revealed specific reasons as to how the resultant loss of £1041.86 initially occurred"* but, despite this, continued to demand my *"proposals to now make good the loss"* as a matter of urgency. I corresponded further with POL via my line manager, Glenn Chester, in early 2002.
39. Finally, by letter dated 6 March 2002 [**WITN00050102**] I was notified that *"Post Office ...has decided to take no further action in respect of the loss"* at my Branch and that this will be written off. No reason was given, but I have since seen a copy of a "Write Off Authority" voucher disclosed by POL which gives the reason for the write off as *"Disputed Horizon Cash Account Shortage"*.
40. The letter of 6 March 2002 also said POL had taken time to respond because *"... it has been necessary to formulate a consistent response to all such cases"*. I take from this that POL was aware at the time of many such complaints. I also take from the fact that POL was willing to write off the considerable apparent discrepancy I had disputed that my complaints were valid, and that POL was aware that was the case and wished to avoid controversy on this matter, given I was willing to assert my legal rights.

41. It was clear to me from this point that there were problems with the Horizon system. Not only was I unable to access the information that I needed to fully track transactions, but I also did not trust that the system processed transactions accurately.

e. The availability and / or quality of support from the NFSP.

42. I spoke to the local Branch Secretary of the Federation of SPMs (the “**NFSP**”), Dave Foster, about my concerns and was told that many other SPMs were experiencing similar issues.

43. The NFSP were the only organisation that POL had decided it would recognise to ‘represent Subpostmasters’, but the fact that they continually failed to provide real support for SPMs in Horizon matters was widely known. To the best of my knowledge, the NFSP has never once supported a SPM in any court case where issues surrounding the Horizon system have been questioned. In point of fact, the NFSP has actively supported POL in their Horizon position on many occasions. I received a letter from Colin Baker dated 13 January 2004 [POL00215384] where he said that he had spoken to POL about all of this, and he said everything was fine.

44. Within the Common Issues judgment, Fraser J found that:

a. *“the NFSP is not an organisation independent of the Post Office...The Post Office effectively controls the NFSP”* paragraph 596, [2019] EWHC 606 (QB)

Question 7 - Please consider POL00004598 (correspondence provided further to a subject access request) and POL00107462 (correspondence concerning shortfalls and termination).

a. Please describe your experience of using the Horizon IT System as an SPM.

45. One of my fundamental concerns when Horizon was introduced, which I clearly communicated to POL through various letters, was the lack of transparency and control available to me in reviewing transactional data that I and my staff had entered. I could not fully access data that I needed to in order to properly track, and if necessary correct, transactions. My concerns about this first became evident in December 2000, following a particularly difficult balance. I was therefore clearly dependent upon POL for this sort of information and, therefore, in order to ascertain the cause of any apparent discrepancy and whether it was in fact a real loss.
46. I contacted the Helpline seeking support and help as to why this apparent variance had occurred. They were unable to assist in any meaningful way. I tried to investigate the matter myself. I printed various reports from two of my three counter terminals. I left the third terminal for use to serve customers as we were very busy in the Branch, with customers queuing out the door.
47. Though I understand that Post Office later moved to monthly balancing, during my tenure I was required to produce weekly cash accounts, which meant that I had to conduct a balance on a weekly basis, on a Wednesday. When carrying out this balance on Wednesday 13 December 2000, the Horizon system showed

that there was an unexplained variance of over £6,000 which I eventually tracked down to Giro deposits.

48. Using the limited reports, I was able to print, which was a time consuming and difficult exercise, I ascertained that around £5,000 of the alleged discrepancy related to Giro items, which had become wrongly duplicated on Horizon. These reports were in the form of lengthy, multiline, narrow till receipts and were many metres long, making them difficult to review in any event. At the time, I believed that a majority of the remaining alleged discrepancy, being £1,182.81, was also attributable to Giro transactions. However, I was unable to track these potentially smaller sums in the absence of proper reporting functions on Horizon.
49. Therefore, far from being within my knowledge, I was unable to ascertain the root cause of the apparent discrepancy at all. I also called my Retail Network Manager, Gerry Hayes, the following day to inform him and ensured to follow up with a letter dated 19 December 2000 [**POL00112664_001**]. In the absence of a proper response from POL, I carried over the apparent discrepancy from that week's cash account to the following week's cash account, by transferring it to a suspense account, which was visible to POL.
50. I recall that there had been an overnight software update to the Horizon system during that cash account week, and at the time I could only think that this process had been the source of the problem. I concluded that there must have been an error within the system software due to the number of duplicate entries that had eventually been found and had been removed. Giro transactions were frequently

undertaken by all the staff at the Branch and were a simple transaction to process. The scope of staff error on this was therefore small.

b. Please describe how POL dealt with any discrepancies that arose in your branch accounts.

51. Please see my comments above in response to this question.

c. Please explain to what data you believed you needed access in order to determine the cause of discrepancies in the Horizon generated branch accounts.

52. As detailed in the extensive correspondence with POL, I required access to all data, even in a read-only format, held on the system in relation to all input by me and my staff which happened at my Branch. However, in respect of verifying information regarding those transactions, or the accounts that they ultimately formed a part of, I could only check transaction logs that were available on Horizon for limited periods of time or use the limited range of information and reports I had access to, and which could be printed from Horizon terminals, comparing those to stock in the Branch. I had no real way of checking information held in Horizon that came from Post Office itself, or from its clients such as Camelot or indeed the way in which those had been reconciled with transactions in the Branch.

d. What response did you receive from the Post Office when raising concerns about Horizon at this time?

53. Please see my responses above.

e. Please consider page 22 of POL00004598 and the sentence “The Horizon system at Craig y Don Post Office has been reviewed and interrogated in response to your complaints, and the reports from both the Horizon Field Support team and the NBSC have confirmed there is nothing inherently wrong with the Horizon system installed at the branch”. What was your view of this aspect of POL’s response?

54. Whilst the position as stated in the letter is that they had reviewed and interrogated and concluded that there was nothing ‘*inherently wrong with the Horizon system*’, I had seen no evidence of the apparent review and interrogation that they had claimed to carry out. I was still without the data which I had been requesting for a number of years. Nor had they discussed their findings with me. I do not believe that there was any investigation or evidence that the purported investigation had taken place.

f. What technical IT support had you received in response to your complaints regarding Horizon?

55. Very little. The Helpline was of no assistance in furthering my understanding of the causes of apparent discrepancies. The seven calls that I made when having problems with balancing on 13 December 2000 is but one example.

56. Further, POL were able to communicate directly with Fujitsu and obtain transactional data and, more generally, any other information on Horizon that may have been relevant to my Branch or the products/services which I offered. I had to rely on POL acting as a middleman in this respect and it is choosing

whether to share any information with me. I still do not know whether POL even asked Fujitsu about my transactions.

g. Please set out your recollection of the process leading up to and of the termination of your SPM contract.

57. By my letter to POL of 13 February 2002 [**POL00004590**], I expressed my concerns at POL's suggested approach that weekly balancing be achieved by either taking money from the Branch or putting it in so that cash and stock reconcile. My concerns were that it would amount to acceptance of liability for discrepancies without there being report writing functions to assist me in ascertaining the cause, and secondly the lack of a record on Horizon of any shortage or over in a given week. Effectively, what was recorded on Horizon would not reflect what had happened in real life.
58. Given these concerns, when I experienced discrepancies, I adopted the practice of 'rolling over' those discrepancies into subsequent accounting periods. I received a letter from Mike Wakley, my Retail Line Manager at the time, dated 14 April 2003 [**page E1/50/41 of POL0004598**] regarding that practice. Mike had not been involved in my previous correspondence with Post Office, to which I refer above. By his letter, Mike stated that I had to stop rolling over my accounts and that I had to make good discrepancies without delay. Rather than repeat myself, I referred him back to my previous correspondence and repeated my position that it was "totally unreasonable to expect me to accept the liability from uncheckable data".

59. Mike maintained the position that I now know to be taken by POL in its Losses and Gains Policy, which was that Section 12(4) and 12(12) required that "in the event of any losses occurring" I had to make them good without delay. I refer to his letter to me dated 2 May 2003 [**POL00040363**]. This is not the understanding that I had of Section 12.
60. I set out my position again in my letter dated 15 May 2003 [**POL00004618**], which records my understanding of Section 12 at the time. As I refused to concede this point, POL threatened termination of my appointment (see the letter from Mike Wakley dated 4 June 2003 [**POL00004629**]). I refer to my letter in response to this threat, dated 12 June 2003 [**POL00040398**].
61. Prior to contracting I expected this sort of issue to result in POL offering me more training or support, or at least trying to find out what was going wrong. I did not expect to be left with these problems, as was in fact the case.
62. I received a letter from Mike Wakley dated 5 August 2003 [**page E1/50/30 of POL00004598**] stating that "in accordance with Section 1, Paragraph 10 of [my] Contract for Services" POL were issuing me with "three months' notice of termination of your Contract for Services". The letter simply stated that this would take effect on 5 November 2003 and gave no explanation for the decision to terminate. I was shocked that POL considered that it had the power under the terms of my engagement to terminate with no reason or explanation.
63. When I first applied to be a SPM, I was not aware, nor made aware, that the contract with POL could be terminated in such a way. If I knew that such a term

existed, I would have sought legal advice on this before making such a substantial investment and most likely would decide to steer clear.

h. Please set out your recollection of POL's pursuit of the £1,407.38 alleged to be outstanding in the letter of 21 May 2004 (page 21 of POL00107462).

64. Following my termination, POL conducted a closing audit at the Branch on 6 November 2003. My appointment had been terminated and I was no longer in the Branch, so I was unable to verify the auditors' findings. Nor did I oversee them carrying out the audit, as I was not permitted access. POL alleges that the final cash account showed a discrepancy of £1,227.61. At the time, I recall that I was expecting the balance to be short by approximately £200, but certainly not to the value that POL alleged, it was entirely unexplained and impossible for me to verify.

65. I received a number of letters from POL chasing me for payment for the sum of £1,407.38. Those letters continued for a number of months following the termination of my contract by POL. It is not clear why this figure increased from the £1,227.61 allegedly discovered at the closing audit and again I had no means of verifying the cause of any of this. POL said that I am responsible for the alleged discrepancies "*under the contract or services*" and that my "*responsibility for the losses does not cease when [my] appointment as Sub Postmaster finishes*".

66. For all the reasons I have previously explained above, as I understand the position, the terms of my contract only imposed liability on me where there is negligence or error on my part. That had not been established and it is not possible for me to investigate the matter. I therefore did not respond to any of

POL's letters, despite their threatening tone. I did not pay this alleged sum to POL.

67. I certainly never thought that I was responsible for any supposed discrepancies, regardless of whether they were real or why they had happened. Certainly no one told me that before I was appointed.

CAMPAIGNING AFTER TERMINATION OF SPM CONTRACT

Question 8 - Save as set out in response to the above, please describe your work in seeking (a) to expose the failings of the Horizon IT System and (b) to obtain redress for the SPMs suffered as a result of those failings up to the start of 2009. In so doing, please address the following issues:

- a. The nature or extent of any support you received in this work, and the adequacy of the same.**
- b. Any challenges you faced in this work.**
- c. What strategy or policies you believed POL adopted in response to your work.**
- d. Whether you believe that POL or Fujitsu sought or did in fact obstruct your work.**

68. In 2003, having been issued the termination letter and during my 3 months' notice period, I set up the www.postofficevictims.org.uk website. I believed I was not the only SPM in this situation, and I was trying to connect with others to understand whether their experience was the same as mine.

69. By letter dated 27 August 2003 [POL00040354], POL made threats about using POL imagery on the website.
70. Following the receipt of the notification of the termination of my contract by POL, I wrote to enlist the support of my MP, who at that time was Mrs Betty Williams. I also wrote to Allen Leighton Chairman of Royal Mail Group. The response from the Chairman's office was predictably to ignore the content contained within all the copies of the correspondence that I had sent him (comprising of correspondence already part of this submission) and then failing to have the real issues investigated. It was the usual box ticking letter exercise, entirely from POL's perspective. However, the string of correspondence to and from my MP and her notes of dealing with POL reveal the approach and attitude of POL with my case and their arrogant and dismissive way of dealing with SPMs.
71. I first wrote to Mrs Williams about my case on 27 October 2003 [WITN00050103], and in turn she raised it with POL and the Minister. Eventually she received a letter dated 5 January 2004 [POL00040345] from POL informing her that they had taken a decision to "*review the case in its entirety*". But again, this was carried out behind closed doors and without bothering to contact me. Further to that letter, POL wrote to my MP again on 19 January 2004 [POL00040368], after the 'review', in which Richard Barker, POL General Manager, finished his letter stating, "*It is my view that the best interest of all involved with this matter would be best served by considering the matter closed*". It was at this point that my MP

wrote to me to inform me that there was nothing further she could do on my behalf.

72. Yet the reality of what actually took place during the 'review' only became evident once I had received the documentation about me in response to a Subject Access Request I made under the Data Protection Act, that is, unless there was other documentation that was not included.
73. Throughout all the ensuing correspondence and discussions of my case, not once did anyone contact me to discuss the issues involved, everything was carried out behind closed doors without me being offered the opportunity to be heard. Again, it was a case of POL acting as judge, jury, and executioner in breach of Articles 6 & 7 of the European Human Rights Act, i.e., by denying me a fair and impartial hearing and inflicting punishment without access to the law by use of their financial might.
74. I was not aware of Fujitsu doing anything to obstruct me.

Question 9 - Please set out any views you have on the nature and extent of the support and representation available to SPMs, counter managers and counter assistants alleged to be responsible for shortfalls shown by the Horizon IT System through the NFSP and / or the CWU during this period (i.e. to 2009).

75. The CWU were not involved during this period, as I recall. The NFSP, in the letter from Colin January 200 dated 13 January 2004 to me [POL00215384], stated

that there were no '*real problems*' with the Horizon IT System. There was minimal support provided to me, and certainly none from the NFSP.

The following questions are not intended to limit your answers to the prior ones.

Question 10 - In respect of the website address www.postofficevictims.org.uk you registered:

a. Please set out the background to this website, its development and whether it was linked to a campaigning body.

76. I developed this website solely by myself to explain what had occurred, the attitude of POL and to offer a point of contact for anyone else who had suffered. I believed I was not alone in my experiences and therefore I wanted to reach out to others affected in the same way.

b. If it was linked to a campaigning body, please set out the aims of the body, its membership and its governance structure.

77. It was not linked to a campaigning body.

Question 11 - Please consider [POL00107538](#) (correspondence file) and [POL00040345](#) (letter from Richard Barker to Betty Williams MP on 5 January 2004).

a. Please consider the letter at page 11 of [POL00107538](#). Did you contact Betty Williams MP concerning the closure of Craig y Don Post Office in 2003?

78. I contacted Betty Williams MP in regard to my concerns around the closure of my Branch.

b. Please set out your views on the adequacy of support provided to you by your MP in respect of the issues arising from the Horizon IT System.

79. With what was known at the time, I doubt Betty Williams MP could have done much more. I do not have any complaints about the adequacy of the support provided by Betty Williams MP, considering the knowledge at the time.

80. Please see my response to Question 8 above for further details in regard to my communication with Betty Williams MP.

The JFSA

Question 12 - Save as set out in response to the above, please describe your work in seeking (a) to expose the failings of the Horizon IT System and (b) to obtain redress for the SPMs suffered as a result of those failings from the start of 2009 to the present day. In so doing, please address the following issues (and the questions below):

81. My work in seeking to expose the failings of the Horizon IT System and to obtain financial redress for the victims' group has been and still is a full-time campaigning post.

82. To give the Inquiry a feel for the extent of work that proved necessary, I would estimate that, on average from 2009, I will have spent 30-40 hours a week on campaigning. This includes weekends and bank holidays as my work never stops.

83. The steps I have taken are very well documented and publicised through the various Judgements, for example. These actions have included but are not limited to:

- i. Pre-JFSA: communications with MPs, Ministers, POL, SPMs, lawyers and other campaigners, media.
- ii. Establishing JFSA: building its activities over time.
- iii. Extensive ongoing attempts to engage POL to, unsuccessfully, on a voluntary basis on the part of POL, achieve positive action by them.

84. Taking all necessary steps to progress the legal claim that ultimately proved necessary.

a. The nature or extent of any support you received in this work, and the adequacy of the same.

85. Apart from the valuable support from the small number of SPMs with whom I had been in contact with, there was no external support in the setting up of the JFSA in November 2009.

86. As time moved on, some valuable support was obtained from people including, but not limited to, Kay Linnell, MPs and Politicians such as James Arbuthnot and others, Second Sight and legal support once matters escalated in that way.

b. Any challenges you faced in this work.

87. The challenges were faced at every step of the way since POL would obstruct me. The gravity and the enormity of the problem was not recognised by others in power including Government. And it became clear that the only way to achieve progress was through a formal legal route which has its own challenges, including obtaining the necessary funding for this route.

c. What strategy or policies you believed POL adopted in response to your work.

88. POL used their financial might to control the narrative, they would not address issues openly and honestly. They wanted to answer the questions that they brought rather than other people's queries. I would refer once again to the findings and comments made by Judge Fraser in the GLO High Court proceedings which give a very clear picture as to the type of policies and strategies which POL adopted in response to my work.

d. Whether POL or Fujitsu sought or did in fact obstruct your work.

89. The primary objective of the JFSA and myself has always been to expose the truth and achieve justice for the SPMs. POL has sought to, and has in fact, contained the achieving of that objective, not only in relation to my own work but also many others including Second Sight and the MPs. One way in which this has manifested itself has been POL's approach to disclosure.

90. I have not had full visibility on Fujitsu's position in the scandal, so I certainly cannot rule out that they caused or contributed to some of POL's seemingly

obstructive behaviour, and I note Judge Fraser's comments in the GLO High Court proceedings in regard to Fujitsu's disclosure of documents to POL.

Question 13 - Please set out any views you have on whether nature and extent of the support and representation available to SPMs, counter managers and counter assistants alleged to be responsible for shortfalls shown by the Horizon IT System through the NFSP and / or the CWU changed during this period (i.e. from the start of 2009 to the appointment of Second Sight).

91. In my view, it was non-existent. I did not receive any support from the NFSP or CWU myself and do not believe that substantial support was available for other SPMs. We often felt as if we were alone in our experiences and the supposed support available was completely non-existent.

Question 14 - Please describe the background to and the process of founding the JFSA. Without limiting your answer, please address the following:

a. Your reasons for creating the JFSA, its aims and objectives.

92. My main objective for creating the JFSA was to expose the truth. I wanted to create a body of former and current SPMs and Branch Assistants which could provide a community for all those going through the same experiences with POL. I knew that I was not alone in my dealings with POL and the JFSA was set up in order to ensure that other people in the same situation as myself knew that they too were not on their own. As mentioned above, there was a complete lack of support from POL, and I believe those in similar circumstances required support.

b. The membership, including how individuals became members.

93. Anyone who reached out to me could become a member of the JFSA. I would receive phone calls and emails, hence the reason why my work never stopped during weekends and holidays as I always made myself available to others. The people who reached out to me would then become members by attending our meetings.

c. The structure of the JFSA (whether body corporate or unincorporated association) and its governance.

94. The JFSA was set up as a loose association, it had no formal standing. Therefore, the JFSA comprised current or former SPM and some assistants, anyone who was affected by POL or had suffered due to the Horizon system. It was set up to provide support and so had no formal governance. We would make decisions via a show of hands.

d. Any sources of funding.

95. There was no funding when the JFSA was initially set up, we relied on the members to contribute in the ways they could, by bringing food for the members during our meetings, for example.

Please set out any material changes to the above at the appropriate point of your witness statement.

Question 15 - Please describe how the JFSA operated from 2009 onwards. In particular, but without limiting your answer, please address the following issues:

a. Who was entitled to represent the JFSA and how it made decisions binding on the association.

96. Myself and our volunteer professional advisor, Kay Linnell were entitled to represent the JFSA. All major decisions were taken to group meetings and were sanctioned by a show of hands from those attending. Although, much of the time, decisions were dictated by circumstances.

b. The nature and extent of any support and / or representation the JFSA provided to its members or non-member SPMs.

97. Having formed as a group, the JFSA offered advice to individuals and organised the group meetings and took forward the campaign to expose the truth. I always made myself available to all members if they required support or assistance, whether this be whilst they were still in tenure or after having left their branches.

c. The nature of JFSA's work in seeking (a) to expose the failings of the Horizon IT System and (b) to obtain redress for the SPMs suffered as a result of those failings.

98. The JFSA corresponded with MPs and acted as a central network for support. Our main work consisted of, but was not limited to, supporting, collaborating and campaigning. We had set out to move the issue forward however we could, whether this be by contacting the media, MPs or other individuals of power. We had legal representation for those who were in the early stages of their dispute with POL, those who were close to termination or suspension.

The following questions are not intended to limit your answer to the above.

Question 16 - Please consider POL00041564 (11 May 2009 Computer Weekly article by Rebecca Thomson). Please explain how you came to be interviewed by Ms Thomson. What were your thoughts on the article?

99. I initially wrote to Computer Weekly in 2004 following Computer Weekly receiving a further letter from Lee Castleton, the editor, Tony Collins, assigned Rebecca Thomson to contact those involved. I worked closely with her, and we identified a small number of others which became the basis of her article. I never actually met Ms Thomson having only spoken to her on the phone. The Computer Weekly article was useful as it was the first time a number of cases had been combined into one article. It showed that people were not alone, and there was clearly an issue with Horizon.

Question 17 - Please consider UKGI00016119 (your letter to Edward Davey MP dated 20 May 2010).

a. Please set out the background which led you to send this letter.

100. I thought it appropriate to make the Minister for Postal Affairs aware of the setting up of the JFSA and the issues faced by the former and serving SPMs who had suffered because of POL.

b. Please consider: “Over the years I have personally submitted written details of all this to the select committee of the DTI, and then on two other occasions to that of BERR, and, put simply, the information has either been buried or disappeared”. Please set out the submissions you made to the Select Committee and HMG (exhibiting any relevant documents to your witness statement).

101. Please refer to my letters to the Chair of the Select Committee, Martin O’Neill, dated 9 September 2004 [WITN00050104], 9 October 2004 [WITN00050105]

and, 5 January 2005 [WITN00050106] which sets out my submissions made to the Select Committee. I did not receive a response to these letters.

102. In my letter to Mr O'Neill dated 9 September 2009, I explained '*I am hoping, in providing this file to your committee, that you will be able to obtain answers to the questions Post Office Limited have spent so much time ignoring, they do need asking and they certainly need answering. They refused to answer them to my MP, they refused to answer them to the Minister, but at the end of the day Post Office Limited operates with Government approval, and that includes approval of the way they operate and run the business.*'

Question 18 - Please consider UKGI00016099 (your letter to Edward Davey MP dated 8 July 2010):

a. If you have a copy of Mr Davey's letter of 31 May 2010, please exhibit it to your statement.

103. I exhibit a copy of the letter.

b. Please set out why you considered the response to be disappointing and offensive.

104. It was disappointing because they had not read or taken into account anything which I had said in my previous correspondence. It appeared to be a standard template response. I took offence at the phrase 'arm's length' as detailed in my response dated 8 July 2010.

Question 19 - Please provide details of any meeting you had with Edward Davey MP on or around 7 October 2010. Without limiting your answer, please describe who attended, what was said and what the outcome of the meeting was. Please exhibit any notes you have of this meeting to your witness statement.

105. I do not recall the details of this meeting and I do not have any notes of the meeting.

Question 20- Please set out to what extent you were involved in the intimation of possible legal proceedings by Shoosmiths on behalf of several SPMs. For the avoidance of doubt, you are not requested to provide information over which you or another SPM could claim legal professional privilege.

106. Shoosmiths were instructed by 70 SPMs and former SPMs. They wrote four Letters of Claim to POL on behalf of four separate SPMs, and I was not one of the four concerned.

Question 21 - Please set out to what extent you were in contact with Lord Arbuthnot (then James Arbuthnot MP) and Oliver Letwin MP prior to the appointment of Second Sight.

107. I did not have any contact with Oliver Letwin MP and had the briefest of contact with James Arbuthnot, and this would have mainly been about the arrangement of Second Sight.

Question 22 - Please consider POL00107331 (your letter to Norman Lamb MP on 25 February 2012) and UKGI00016112 (Mr Lamb's response). Please set out a full account of any meeting you had with Norman Lamb MP. Without limiting your answer, please describe who attended, what was said and what the outcome of the meeting was. Please exhibit any notes you have of this meeting to your witness statement.

108. From what I can recall of the meeting, myself, Norman Lamb and one of his officials attended. I felt it was positive and for the first time had found the minister who seemed to actually listen to what he was being told and was concerned with the situation. As he was replaced shortly after the meeting, I had wondered whether his concern with the Horizon IT System had contributed to his removal. I do not have any notes from the meeting.

Second Sight Appointment

Question 23 - Please describe to what extent you or the JFSA were involved in discussions that led to the appointment of Second Sight.

109. We were not involved with the appointment of Second Sight; however, MPs through James Arbuthnot were keen to seek our approval of their appointment.

Question 24 - Please set out what your initial views were as to the appointment of Second Sight.

110. We had real concerns as they had been chosen by POL. We were concerned as to whether they would undertake a whitewash and were in POL's pocket in a similar way to that of the NFSP.

Question 25 - To what extent were you or the JFSA consulted on Second Sight's Terms of Reference?

111. I do not recall being involved in the Terms of Reference.

Question 26 - What did you think of POL's approach to the complaints made by SPMs concerning the Horizon IT System at the point Second Sight was appointed?

112. I was suspicious of POL at this point and the whole Scheme in general. After having engaged in countless communications with POL over a long period of time, all of which were sent with the hope of receiving some support from POL, no one felt as if we could trust POL in all of this.

Question 27 - Please consider POL00107174 (email from Ron Warmington to Susan Crichton and Simon Baker on 4 July 2012). Please consider "Apparently, AB had commented along the lines that "this all seemed to be moving rather too quickly". Did you make this, or a similar, comment? If so, please set out what you meant by it.

113. I do not recall whether I made this comment.

Question 28 - Please consider POL00096817 (email chain on 17/18 July 2012) POL00096961 (email from James Arbuthnot to Ian Henderson on 13 September 2012). Please explain the concerns you had regarding POL's investigation of Horizon with Second Sight and how you sought to address these.

114. The idea was, as I recall, that the investigation was due to look at only historic cases. However, at the same time, the JFSA was receiving information about live cases, and we wanted these included as well. We believed it would be easier for Second Sight to investigate live cases, as they would be able to obtain up-to-date data for the purpose of their investigation. As per my letter dated 13 July 2012 to James Arbuthnot [**WITN00050107**], I outlined the way in which we had hoped the investigation would be carried out. This included looking at both historic and live cases so that Second Sight could perform an accurate investigation into the current errors which were still occurring.

The run up to the first interim report

Question 29 - Please provide an account of your involvement with Second Sight's initial investigation. Without limiting your answer, please address the following issues:

- a. **Your role and the work you carried out (whether on your own behalf, on behalf of the JFSA or of specific SPMs). Please describe the nature or extent of any support you received in this work, and the adequacy of the same.**

115. My role was to provide information which I had built up over the years and liaising with Second Sight on cases when requested. I would assist people throughout the process (when requested) and ensure they were involved with the investigation at the appropriate time. If the SPMs were having problems, then they could come to me, but I was not working with them to formulate their claims. I would act as a connection between Second Sight and the SPMs.

b. Your working relationship with Second Sight, Lord Arbuthnot, other MPs and POL.

116. I would liaise with Second Sight, James Arbuthnot, other MPs and POL as and when required by them.

c. Please summarise the extent of your communications with POL and / or Her Majesty's Government.

117. My communications with POL and Government were very occasional, I cannot recall exact details of these.

d. Your impression of Second Sight's independence and its ability to carry out the review. adequately.

118. My impression of Second Sight improved from initial contact with them, I felt more confident in their ability and could see them operating more independently from POL. My main reservation at the start had been the fact that they had been selected by POL, however, I came to see that they were keen on working as an unbiased third party which improved my confidence in them as an investigating body.

- e. Your impression of POL and Fujitsu’s approach to the investigation. Please state to what extent, if at all, you considered POL or Fujitsu sought to or did in fact obstruct the investigation. Please provide reasons for your answers.**

119. Whether intentional or not, POL and Fujitsu’s approach to the investigation was very slow and seemed obstructive at times. This was due to the lack of access to documents, which worsened as the Mediation Scheme went on.

Question 30 - Please consider POL00098315 (your email to Ron Warmington dated 12 May 2013, and others).

- a. Please explain what you understood the difference between “system errors” and “systemic failures” to be.**

120. ‘*System errors*’ might be something like a certain combination of transactions which may cause the system to interpret the action in a way that was not expected, and hence might only affect one branch at any time. Then at the other end of the scale it might be something far more complex resulting from a network communication failure and an incomplete recovery of a transaction at a particular office. Ultimately, these could be described as bugs in the system.

121. ‘*Systemic failures*’ on the other hand could be described as fundamental flaws across the network which also applies to the way in which POL dealt with matters in relation to the Horizon IT System.

b. Please consider “However, I do believe that the investigations you have undertaken so far have exposed a better route that should be followed”. Can you please explain what you meant when you said the investigation exposed a “better route”?

122. This comment was made after the selected cases had been decided for investigation and before the Initial Mediation Scheme. I thought that they needed more investigation rather than trying to draw a line under the whole thing with the Interim Report.

Question 31 - Please consider POL00098418 (your email to Paula Vennells on 21 May 2013). Why did you feel the need “to ensure that [Ms Vennells] have been receiving the full details of what has been occurring with the 2nd Sight investigation”? Please provide full details of any meeting you had with Ms Vennells following this letter but prior to the first interim report.

123. There was a concern that perhaps the information was not getting through to Ms Vennells, as I did not think her staff were feeding back to her. I was concerned that she was not being told the full story and so I wanted to ensure that she was being accurately informed of the whole situation. This was, perhaps, a failure in the way that Ms Vennells handled the situation in that I did not feel confident that she had been receiving accurate updates and was truly invested in the investigation and the subsequent events.

124. I considered it appropriate to approach matters in this way because Paula Vennells had told me she would be personally overseeing the process and, as far as I could tell, her involvement had been very limited.

The interim report

Question 32 - Please consider POL00099004 (your email chain with Paula Vennells on 4 July 2013), POL00115961 (Paula Vennells email of 6 July 2013) POL00099037 (email chain with Paula Vennells on 6 July 2013)

a. Please set out your interactions with Second Sight and POL in the run up to the release of the Second Sight Report.

125. As I had seen a copy of the Report, I had concerns about the word 'systemic,' I knew perfectly well that failing to use that in the Interim Report, POL would pick up on that. I did tell Second Sight this and the MPs, but nothing was done.

b. Please consider the following in POL00115961: "It is worth emphasising that AB's main issue is not 'the computer' but the human aspect: how in his view Post Office failed to support and help vulnerable and 'muddle headed' [sic] Spmrs". Did this accurately reflect your position in telephone calls with Paula Vennells?

126. They were both an issue, both the computer and human aspect had issues. POL could have contained issues had they done something about the issues when they were initially flagged.

127. After the end of the investigation, it was a question of where do we go from here, which is why I had a phone call with Ms Vennells. There were then subsequent phone calls in regard to this, to try and figure out where to go next following on from the investigation.

Question 33 - Please consider POL00099063 (Second Sight's interim report), POL00099091 (email chain between you and Paula Vennells of 7 July 2013) and POL00029664 (note of meeting at Houses of Parliament on 8 July 2013).

a. Please set what your views were of the interim report. Did these differ from other members of the JFSA?

128. I am not sure how many of the group saw the Report or whether it was discussed. Overall, the Interim Report was positive in general as it showed that there were issues occurring, but we had a real concern over the Interim Report stating that there were no 'systemic' flaws.

b. Please set out what actions you think POL should have taken in response to the interim report. Did that differ from what POL did in fact do?

129. POL should have launched an investigation into the findings to prevent further cases from occurring. They needed to show a genuine intention to want to find solutions. I do not believe that POL showed a genuine intention to attempt to deal with the conclusions found in the Report. Had it not been for the perseverance of myself and the JFSA, it is unlikely that POL would have done anything further.

c. What actions did you take as a result of the release of the Interim Report, and why?

130. I did not take any actions purely due to the Interim Report. My aim had and always has been to expose the truth and I endeavoured to continue in my efforts.

d. Please describe your recollection of the meeting with POL representatives on 8 July 2013.

131. This meeting was where it came up for the first time about there being 20 trained investigators on the case, I do not recall this meeting being particularly special. The purpose of the meeting was to comment about the findings of the Interim Report. There is not a lot I can add, aside from what is in the minutes. I recall that it did not result in any major step changes.

e. Do you consider POL00029664 to accurately reflect the meeting on 8 July 2013? If so, why did you feel restricted in what you could say because POL were present?

132. As mentioned in paragraph above, I cannot add anything further other than what is in the minutes for this meeting.

Initial Complaint Review and Mediation Scheme ('The Mediation Scheme')

Question 34 - Please consider the following documents when preparing the section of your witness statement on the Mediation Scheme:

a. POL00026625 (minutes of the Working Group meeting on 25 October 2013),

- b. POL00043641 (minutes of the Working Group meeting on 31 October 2013),
- c. POL00043622 (minutes of the Working Group meeting on 7 November 2013),
- d. POL00043623 (minutes of the Working Group meeting on 14 November 2013),
- e. POL00043624 (key points and actions of the Working Group meeting on 28 November 2013),
- f. POL00043625 (key points and actions of the Working Group meeting on 5 December 2013),
- g. POL00026666 (key points and actions of the Working Group meeting on 12 December 2013),
- h. POL00026638 (key points and actions of the Working Group meeting on 3 January 2014),
- i. POL00026639 (standing agenda for Thursday calls and note for 16 January 2014 meeting),
- j. POL00026640 (note of Working Group Meeting on 23 January 2014),
- k. POL00026635 (note of Working Group meeting on 6 February 2014),
- l. POL00026636 (note of Working Group meeting on 20 February 2014),
- m. POL00026637 (note of Working Group meeting on 27 February 2014),
- n. POL00026656 (note of Working Group meeting on 7 March 2014)
- o. POL00026643 (note of Working Group meeting on 13 March 2014),

- p. POL00026642 (note of Working Group meeting on 20 March 2014),
- q. POL00026644 (note of Working Group meeting on 27 March 2014),
- r. POL00026633 (note of Working Group meeting on 1 April 2014),
- s. POL00026652 (note of Working Group meeting on 17 April 2014),
- t. POL00026653 (note of Working Group meeting on 24 April 2014),
- u. POL00043627 (note of Working Group meeting on 6 May 2014),
- v. POL00026657 (note of Working Group meeting on 15 May 2014),
- w. POL00026662 (note of Working Group meeting on 20 May 2014),
- x. POL00026667 (note of Working Group meeting on 29 May 2014),
- y. POL00026668 (note of Working Group meeting on 5 June 2014),
- z. POL00026664 (note of Working Group meeting on 12 June 2014),
- aa. POL00026673 (note of Working Group meeting on 16 June 2014),
- bb. POL00026665 (note of Working Group meeting on 26 June 2014),
- cc. POL00026672 (note of Working Group meeting on 10 July 2014),
- dd. POL00026671 (note of Working Group meeting on 17 July 2014),
- ee. POL00026683 (note of Working Group meeting on 24 July 2014),
- ff. POL00026676 (note of Working Group meeting on 28 August 2014),
- gg. POL00026679 (note of Working Group meeting on 4 September 2014),

- hh. POL00043628 (note of Working Group meeting on 25 September 2014),
- ii. POL00026684 (note of Working Group meeting on 2 October 2014),
- jj. POL00040475 (note of Working Group meeting on 17 October 2014),
- kk. POL00043629 (note of Working Group meeting on 30 October 2014),
- ll. POL00043630 (note of Working Group meeting on 14 November 2014),
- mm. POL00043631 (note of Working Group meeting on 8 December 2014),
- nn. POL00043633 (note of Working Group meeting on 14 January 2015),
- oo. POL00043634 (note of Working Group meeting on 13 February 2015).

Question 35 - Please set out your involvement in the establishment and running of the Mediation Scheme (including the Working Group). Without limiting your answer, please provide the following details;

- a. What did you understand the nature and purpose of the Mediation Scheme to be?**

133. The purpose of the Mediation Scheme was to address SPMs complaints and individual cases so that there could be an exploration into the way they had been treated, with a view to finding a solution for the SPMs which was likely to involve compensation. It was also set up to establish what had been the truth behind the circumstances.

b. Whether you believed the Working Group and/or Mediation Scheme could fulfil the purpose.

134. At the outset, we thought that the Mediation Scheme might well achieve the aims it had set out, provided POL would enter it in good faith. We entered into this process as we did not have any alternative option at the time.

c. What role did you and / or the JFSA have in setting the terms of references or the appointment of the Chair?

135. The Chair was a suggestion that emanated from the JFSA, in particular Kay Linnell. We did not have any major role in the setting of the terms of references.

d. Please explain how the Working Group operated. In particular, please explain how often the group met and what was discussed. What role did the different attendees play (i.e. POL representatives; Andrew Parsons of Womble Bond Dickinson, Sir Anthony Hooper as the Working Group Chair).

135. The Working Group met face-to-face on a monthly basis and I recall having fortnightly conference calls in between those face-to-face meetings.

136. The main function of the Working Group was to monitor the progress of cases through the various stages and to seek to identify and resolve any stumbling blocks with the progression of cases.

137. Unfortunately, the financing of the Scheme came from POL and so it provided the secretariat and admin support which were supposed to be independent. However, we were not aware at that time that Belinda Crowe was also a member of POL's covert project Sparrow team as was POL's General Counsel as indicated by the minutes from the Project Sparrow meeting which took place on 9 April 2014 [POL00006565].

138. Anthony Hooper was involved right at the outset, and he was the independent Chairman. Andrew Parsons was the lawyer for POL and was on the POL side of the room.

e. Please summarise the work you and / or the JFSA carried out as part of the Working Group. Please describe the nature or extent of any support you received in this work, and the adequacy of the same.

139. The JFSA and I represented the claimants, we acted as a voice for the group in hoping to ensure that the Working Group acted in the best interests of each of the members of the JFSA.

f. What was your impression of POL's approach to the Working Group and / or the Mediation Scheme. Please provide reasons for your answers and state whether POL's approach changed. over time.

140. I was concerned from the outset that POL had no intention of using this as a way to get the truth out, but we did not know how genuine POL were being. They would find ways to delay disclosure on claims which furthered my concern in the

genuine nature of the Mediation Scheme. But it was the only thing we had, so we had no choice but to give it a go.

g. What was your impression of POL's policy or strategy in responding to claims made by SPMs concerning the adequacy of the Horizon IT System or seeking redress for shortfalls. From your experience, what challenges, if any, did SPMs face in seeking to obtain redress from POL and what might some of the causes of those challenges have been.

141. There was a complete lack of engagement or acceptance of any issue from POL. Disclosure of documentation was the major issue and POL continually extended deadlines for reporting on cases.

h. Please explain what you thought were the positives and negatives of the Mediation Scheme and Working Group. To whom did you communicate that feedback?

142. It was a process which brought together a lot of cases and a lot of information, which was positive. But on the other hand, it also exposed some of POL's reluctance to engage fully in such Schemes.

Question 36 - Please consider POL00026641 (minutes of Working Group meeting on 30 January 2014). Please explain the nature of the disagreement on the scope of the Working Group and to what extent this was resolved.

143. Shortly after the appointment of Christopher Aujard, there was a real change in POL's approach to the Mediation Scheme. I am under the impression that he was brought in to halt any developments. He wanted to change the Terms of Reference and I said to him that this is not what the Mediation Scheme is about. I wrote to him after that meeting via email on 8 February 2014 [WITN00050108] with the Terms of Reference copied in explaining what we believed the Scheme was about.

Question 37 - Please consider POL00022683 (letter from JFSA to Jo Swinson MP of 16 April 2014), POL00043627 (referred to above (tbc)

a. Please set out the background to your making these criticisms at this point in time.

144. Please see my email to Christopher Aujard, mentioned at paragraph 143 above, which sets out my criticisms of the Mediation Scheme at this point.

b. What, if anything, changed as a result of this communication.

145. In my letter dated 16 April 2014, I set out to Jo Swinson MP how the Mediation Scheme was meant to work and went on to explain how the Scheme actually works. I expressed concern at this and how POL had not finalised a single case report to the point where it is ready for the Working Group to consider its suitability for being sent to Mediation. I also stated that the main hold up was with POL. There were no changes, as I can recall, as a result of this.

Question 38 - Please consider POL00026672 (minutes of Working Group meeting on 10 July 2014).

a. Please describe the background to and purpose of your proposal to change the agreed process in respect of decisions to mediate.

146. It never was agreed that the Working Group would discuss individual cases and make decisions on whether to mediate, it was down to Second Sight to decide this, then there was the Mediation Scheme which would undertake the process of mediating between POL and the SPMs. However, two example cases were discussed prior to Second Sight starting to produce reports, but only to agree a format in which case reports were to be produced.

b. What were your views on POL's and the Working Group's approach on determining which cases to mediate?

147. I did not believe it was part of the Scheme that the JFSA would be making decisions on actual cases. My thoughts were that it was down to Second Sight to make the decisions based on the review of the claimant's case and POL's case.

c. What was the outcome of this discussion?

148. I refused to take part, they decided to try and carry on, but I did not want to take part in this set up. It was wrong for us to try and represent the individuals without knowing about the cases put forward.

Question 39 - Please consider POL00026685 (Minutes of the Working Group meeting on 16 September 2014).

a. Please set out your views on Sir Anthony Hooper’s decision that the Working Group still had a role to play where Second Sight advised that a case was suitable for mediation.

149. It was not for the Working Group to make such a decision; we were unable to make decisions when we had not seen the case in its entirety, nor had we discussed it with the SPM involved. Second Sight had been working on the case for a short while and so had the information necessary in order to make such decisions, and they had also discussed the case with the SPM

b. Please consider “JFSA registered a standing vote to mediate all cases where Second Sight so recommended and declined to participate in discussions on those cases”. Please explain the reasoning for this decision.

150. I did this so that all cases went to mediation, since we could not make the decision on whether they could or could not without having seen the case in its entirety, it would have been unjust. Second Sight had the benefit of having reviewed the cases and so were in the best position to make a decision on whether mediation was necessary.

c. Please set out why the JFSA did not contribute to debates of cases where Second Sight did not recommend mediation.

151. As above.

d. Please explain why the JFSA nearly left the meeting but decided to stay.

152. Officially the JFSA did leave the meeting because I refused to attend and discuss individual cases. We did not stay in the meeting. They recognised this at the time, and I came into meetings when they were not discussing individual cases, save for the two trial cases.

Question 40 - Please consider POL00107151 (the JFSA's letter to Sir Anthony Hooper dated 10 November 2014). Please explain the background that led to the JFSA sending this letter. What, if anything, changed as a result of sending it?

153. It had been agreed at the outset we would discuss cases where there was insufficient information to investigate and only in these cases JFSA would discuss the individual cases. I sent this letter with a view of clarifying the position, saying that in certain circumstances, the JFSA would provide some comment. The Scheme was terminated shortly after this (9 March 2015) so there is little to say in regard to change following my sending of this letter.

Termination of Second Sight and the Working Group

Question 41 - Please explain to what extent, if at all, you or the JFSA were consulted by POL on the decision to terminate Second Sight's contract and / or close the Working Group.

154. The JFSA was not consulted by POL on the decision to terminate Second Sight's contract, we should have been, but we were not.

Question 42 - What was your view of the decision of POL to agree to mediate all cases within the Mediation Scheme.

155. Once they terminated the Scheme, it was entirely up to them whether a case would be mediated, the Scheme had ended so it was up to POL if they wanted to continue to mediate without the Scheme being in place.

Question 43 - What is your understanding of the circumstances that led to the termination of the Second Sight contract?

156. I am not aware; it was a decision by POL without any consultation with the JFSA.

Question 44 - Why do you think the Mediation Scheme failed?

157. I believe the Mediation Scheme failed as it was part of the cover up by POL, I expect POL discovered things that they did not like and did not want to come out. There definitely was an element of not wanting to accept fault. I believe POL had no intention whatsoever of getting to a mutually acceptable and fair decision, if anything it seemed as if POL had been using the Scheme as a fishing expedition to see what evidence SPMs actually had about Horizon.

The Group Litigation

None of the following questions is intended to elicit information over which you or another SPM could claim legal professional privilege.

Question 45 - Please set out the background to the decision to issue proceedings against POL. Without limiting your answer, please provide the following details:

a. When was the decision made to investigate bringing the proceedings?

158. I was considering bringing proceedings during the Mediation Scheme, and the deliberation continued thereafter.

159. We had spent time with Edwin Coe, exploring how we could bring a case, although we eventually found Freeths LLP who were not only able to assist with getting the litigation off the ground, but also helped us to secure the funding we required. Therefore, the ability to issue proceedings was a lengthy one that involved perseverance culminating in Freeths LLP succeeding in launching the claim after they fully investigated the claims and decided that the SPMs and former SPMs had reasonable causes of action to bring.

b. Why was it considered necessary to bring such proceedings?

160. It was necessary to bring such proceedings since everything else had failed, it seemed the only way forward. It was clear by then that what was required was for the Court to force POL to do whatever was needed to expose the truth. I believe that a body of power needed to step in since a voluntary process, such as the Mediation Scheme, did not provide an adequate solution to those affected by POL's actions.

c. What, if any, support did you have from other bodies such as the NFSP, CWU etc.

161. I do not believe that we had any meaningful support. The CWU did try to provide some support in offering information but there was a limit to what they could actually do. I did not receive any support from the NFSP, but I recall Freeths LLP wrote to the NFSP seeking disclosure of certain correspondence and I recall the requested documents were not provided.

Question 46 - Please set out your views on POL's approach and general strategy to the group litigation. Without limiting your answer, please address the following issues:

a. To what extent did you feel that POL had complied with disclosure obligations?

162. By way of example, from the very start, Freeths LLP were writing to request copies of the Known Error Logs and Womble Bond Dickinson said they were not even sure if such a thing existed. This was disingenuous at best. Regarding Peaks, these were instances of system failure and we/our expert stumbled across the fact that they existed, and POL had not volunteered this information, so we had to push for their disclosure as well. Hundreds of thousands of documents were provided which was no doubt a deliberate attempt to drown us in documents, and then key disclosure was being provided right up to and including the trial which could have derailed it and was extremely frustrating. Andrew Parsons was asked to prepare a number of witness statements explaining why disclosure orders had not been complied with. POL made it incredibly difficult.

b. What was your view of the witness and expert evidence led by POL?

163. Their witness evidence was consistent with everything POL had done over the years, they protected POL from the truth being revealed at any cost.

164. In Fraser J's Common Issues Judgment ([\[2019\] EWHC 606](#)), he noted the fact that POL made use of Mr Abdulla's computer experience as he had obtained the title of '*Computer Champion*.' Mr Abdulla went on to say that '*it was just his title,*

and did not mean he was an IT expert' (paragraph 226). Given that POL relied so heavily on Mr Abdulla's assertions, despite he himself admitting that he could not be described as an IT expert, demonstrates the fact that supposed expert evidence provided by POL was not dependable by any means.

165. Furthermore, Mr Carpenter of POL informed the Court that he had encrypted an interview between himself, and Mrs Stockdale and the encryption key had been lost. Fraser J stated that he was '*sceptical*' of such an explanation given that POL had supposed IT experts at their disposal and that POL had instructed a digital forensics consultancy (paragraph 293). This clearly demonstrates the lack of reliability of the POL supposed experts and furthers the idea that POL were reluctant to expose the truth.

c. What was your view of POL's decision to issue an application for Fraser J to recuse himself?

166. My view of the decision to issue an application for Fraser J's recusal was that it was made out of desperation. The application had immediate ramifications and it seemed as if POL were trying to delay everything so that we would run out of money. It was a truly irresponsible decision; a responsible corporate would not do this.
167. The Court of Appeal, in their decision to refuse permission for POL to appeal the decision not to allow Fraser J's recusal stated that '*the recusal application never had any substance and was rightly rejected by the judge*' (paragraph 50, PTA A1/2019/0855). Such a statement furthers the notion that POL brought this

application simply to cause delay and that their decision was completely irresponsible.

Financial and other redress

Question 47 - Please set out in detail your account as to the events leading up to the settlement of the litigation insofar as you consider it relevant to the matters being investigated by the Inquiry (and only insofar as you consider you are able to without eliciting information over which you or another SPM could claim legal professional privilege).

168. It is public knowledge that POL knew we had funding for the litigation, they will have known that we had access to a finite pot of money, and the harder they fought, the more that funding would be depleted, in my opinion this was a very cynical approach. The Steering Committee and I were advised by Leading Counsel and Freeths LLP that it was in the best interests of the Claimant Group as a whole to settle the proceedings at that time. POL had effectively outspent the 555 Claimants and the risks of continuing with any litigation without adequate funding, and possibly without ATE insurance, was not a risk which any of the Claimants should have taken, given they have suffered to much already at the hands of POL.

169. It was hoped, at the time of the settlement, that the judgments we had secured would prove to be a foundation for further steps, which, thankfully, has proven to be the case with the overturned convictions and, more recently the ex-gratia GLO compensation scheme. We had achieved what we set out to achieve which was to expose the truth and this was to be the key to all that has followed.

Question 48 - Please set out the extent of your involvement with seeking financial redress since the GLO proceedings were settled.

170. Following conclusion of the GLO proceedings, I invoiced the Government for the cost of the legal action, which included everything from the £58 million settlement which was not available for payment to the Claimant group. I did so because it was a case which the Government was responsible for, being the sole shareholder and it had fallen down on its role to properly oversee and manage POL. Since then, I have sustained continual political pressure to secure support for the SPMs and I and others have sought financial redress for SPMs as a whole which Government eventually realised we were entitled to and in March 2022, DBT (known as BEIS at the time) announced a scheme would be set up to ensure the GLO group received full and fair financial redress to put them back in a position that they would have been in were it not for POL and its Horizon IT System failures.

Question 49 - To what extent, if at all, do you believe that POL has properly delivered upon its commitment to improve relations with the SPMs? Please provide reasons for your answer.

171. I am not aware that it has achieved this as I have not seen any evidence of a commitment from POL to improve relations with SPMs and assistants.

Question 50 - If you have applied for compensation pursuant to one of the schemes, please set out your views on the process of making such a claim. In particular, please identify any positives or negatives about the process.

172. The process for compensation of financial redress of the monies SPMs are rightfully owed is taking far too long, not just for myself. A key component was Post Office disclosure which has been at the root of this delay.

General

Question 51 - Who and / or what do you think is to blame for the Horizon IT scandal?

173. This is a question for the Inquiry, I have some views on this, but it is more relevant what the Inquiry's view is.

Question 52 - Is there anything further relevant to the Inquiry's terms of reference of which you think the Chair should be aware?

174. I do not have anything further to add.

Statement of Truth

I believe the content of this statement to be true. I understand that proceedings for contempt of court may be brought against anyone who makes or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: **GRO**

Full Name: Alan Bates

Dated: 29 February 2024

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| 1. | POL00041768 | Letter from Idris Jones to Alan Bates dated 30 March 1998 | POL-0038250 |
| 2. | POL00004598 | Letters and correspondence between Mr Alan Bates and Mr Mike Wakley | VIS00005666 |
| 3. | POL00107462 | Letters between Gerry A Hayes, Alan Bates and C.W Burton regarding losses and gains | POL-0105770 |
| 4. | POL00107538 | Letter from Alan Bates to Alan Leighton dated 7 August 2003 | POL-0105846 |
| 5. | POL00107538 | Letter to Mr A Leighton regarding Termination of Subpostmaster Contract | POL-0105846 |
| 6. | POL00040345 | Letter from Richard Barker to Betty William regarding Horizon | POL-0036827 |
| 7. | POL00040345 | Article titled "Bankruptcy, prosecution, and disrupted livelihoods - Postmasters tell their story" By Rebecca Thompson | POL-0038046 |
| 8. | WITN00050104 | Letter from Alan Bates to Martin O'Neill re: Post Office Limited attempt to alter terms of contract dated 9 September 2004 | WITN00050104 |
| 9. | WITN00050105 | Letter from Alan Bates to Martin O'Neill MP re: no acknowledgement of letter month ago dated 9 October 2004 | WITN00050105 |
| 10. | WITN00050106 | Letter from Alan Bates to Martin O'Neill MP re: FOI request for all details of Craig-y-don Post Office dated 5 January 2005 | WITN00050106 |
| 11. | UKGI00016119 | Letter to Edward Davey MP regarding Meeting request | UKGI026912-001 |
| 12. | UKGI00016099 | Letter to Edward Davey MP regarding Justice for Subpostmasters Alliance | UKGI026892-001 |
| 13. | POL00107331 | Letter from JFSA to Norman Lamb MP requesting a meeting and enclosing a survey | POL-0105639 |
| 14. | UKGI00016112 | Letter from Norman Lamb MP to Alan Bates regarding arranging a meeting | UKGI026905-001 |
| 15. | POL00107174 | Email from Simon Baker to Rod Ismay and others regarding the feedback on meeting with MPs | POL-0105482 |

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| 16. | POL00096817 | Email from Paula Vennells to Alwen Lyons, Theresa Lies, Susan Crichton in regard to printed Subpostmasters and Second Sight | POL-0096400 |
| 17. | WITN00050107 | Letter from Alan Bates (on behalf of JFSA) to James Arbuthnot re: 2nd Sight dated 13 July 2012 | WITN00050107 |
| 18. | POL00096961 | Email from James Arbuthnot to Ian Henderson and Ron Warmington regarding Post Office Cases | POL-0096544 |
| 19. | POL00098315 | Email from Simon Baker to Alwen Lyons re Alan Bates Letter | POL-0097898 |
| 20. | POL00098418 | Email from Theresa Lies on behalf of Paula Vennells to Alwen Lyons regarding the Printed Horizon Inquiry and JFSA concerns | POL-0098001 |
| 21. | POL00099004 | Email from Paula Vennells to Martin Edwards and Mark Davies regarding Monday Meeting | POL-0098587 |
| 22. | POL00115961 | Email from Paula Vennells to Alice Perkins, Neil McCausland and others regarding SS 5 July update | POL-0116963 |
| 23. | POL00099037 | Email from Alan Bates to Paula Vennells regarding the proposed way forward | POL-0098620 |
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| 69. | POL00022683 | Letter from Alan Bates to Jo Swinson re: Justice for Subpostmasters Alliance, Initial Case Review & Mediation Scheme | POL-0019162 |
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| 79. | POL00004590 | Letter from Alan Bates to Glenn Chester dated 13 February 2002 | VIS00005658 |
| 80. | POL00004595 | Letter from POL regarding application for SPM dated 6 January 1998 | VIS00005663 |
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| 82. | POL00040370 | Letter from Mike Wakley to Alan Bates dated 14 April 2003 | POL-0036852 |
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