Witness Name: James Arbuthnot

Statement No.: WITN00020100

Dated: 12th March 2024

POST OFFICE HORIZON IT INQUIRY

FIRST WITNESS STATEMENT OF JAMES ARBUTHNOT

I, James Norwich Arbuthnot of Edrom, will say as follows…

INTRODUCTION

1. I am the former Member of Parliament for North East Hampshire and currently a Member of the House of Lords and of the Horizon Compensation Advisory Board.

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 13th December 2023 (the "**Request**").

BACKGROUND

3. I have been asked to set out my involvement with the matters being investigated by the Inquiry, and in particular, a detailed account of my involvement and / or my views on:

   a. the efforts of sub-postmasters, subpostmistresses, managers and assistants ("SPMs") in seeking to expose the failings of the Horizon IT System and to obtain redress for the wrongs they suffered as a result of those failings;

   b. the support and representation that was available to those SPMs in pursuing those efforts;

   c. the extent of any procedures available to SPMs to raise concerns and grievances with POL [Post Office Ltd] and the adequacy of the same;

   d. the appointment of Second Sight, the ambit of its investigation, the extent of its access to relevant information and documentation and the termination of its involvement;

   e. the creation of the Initial Complaint Review and Mediation Scheme, its termination and the reason for the same;

   f. the response of POL [Post Office Ltd] to the above, including any policies or strategies it adopted in relation to the same;

   g. to what extent, if at all, Post Office Limited ("POL") or Fujitsu Services Limited ("Fujitsu") assisted or obstructed the efforts of SPMs to expose

the failings of the Horizon IT System and to obtain redress for the wrongs which they suffered as a result of those failings;

h. POL's conduct of the Group Litigation; and

i. the mechanism(s) in place to enable government oversight of the above issues and whether they were adequate.

4. First a bit about **my professional career and my roles in Parliament**.

a. In 1975 I was called to the Bar in the Inner Temple, and in 1976 began to practise as a Chancery Barrister at 10 Old Square in Lincoln's Inn.

b. From 1987 to 1997 I was the Conservative Member of Parliament for Wanstead and Woodford and served as a Parliamentary Private Secretary in the Ministry of Defence and the Department of Trade and Industry. In 1992 I was appointed an Assistant Government Whip and stopped practising as a barrister. In 1994 I became the Parliamentary Under-Secretary of State for Pensions in the Department of Social Security and in 1995 the Minister of State for Defence Procurement.

c. In the 1997 General Election, the constituency of Wanstead and Woodford having been abolished by the Boundary Commission, I was elected as MP for North East Hampshire. The Conservatives lost that election, and I became Opposition Chief Whip from 1997 until 2001. From 2001 until

2005 I served on the Intelligence and Security Committee and from 2003 to 2005 I was Shadow Secretary of State for Trade.

d. In 2005 I became Chair of the Defence Select Committee, a position I held until 2014.

e. In 2015 I stood down from the House of Commons and in October of that year I was appointed a Life Peer. In the House of Lords I chaired the Special Select Committee on Risk Assessment and Risk Planning between October 2020 and December 2021.

5. I should start by saying that the issues with which I have been involved relate to more than an IT system – they relate to the behaviour of people in the Post Office, Fujitsu, the Government and the legal system, with the Horizon IT system being the backdrop of that behaviour.

6. What follows has been reconstructed as to detail not only from the documents helpfully provided by the Inquiry team but also from the entries in my electronic diary and in my document folders. The facts set out below are within my own knowledge or are derived from the documents I have seen, and I believe them to be true. The process of reconstruction has involved my going through my electronic entries and looking at the notes attached thereto. Sometimes those notes contain documents such as letters, sometimes threads of emails and sometimes both. For the purposes of this Statement I copied them from those diary entries into a Microsoft Word document. I no longer have access to the

original emails because I left the House of Commons on 30 March 2015, but I believe the documents I have copied to be accurate copies of the original documents. Some of the documents to which I refer were stored on the computer of my former Chief of Staff, Janet Walker, and she sent me copies of those documents but I cannot now remember how or when she did that. All of those documents I believe to be true copies of the original documents. It has not always been possible with the email threads to be certain about the dates on which those emails were sent; I have simply done my best to be accurate. One further important caveat is that the fact that something was in my diary means that it was likely, though not certain, to have taken place as envisaged in my diary; it is possible that meetings, telephone calls or events either did not take place or were slightly different from what was envisaged, but, again, the narrative below fully accords with my own memory of what happened.

2009 – 2011: INITIAL INVOLVEMENT WITH POL & HORIZON

7. On Friday 3rd April 2009 I went to a coffee morning in Long Sutton in my constituency, and a local councillor from South Warnborough, Cllr John Kennett, told me about the case of Jo Hamilton. He told me that Rebecca Thompson of Computer Weekly was writing an article about it, and that she hoped it would be published that month or the following month. I already had a high regard for Computer Weekly as a result of their investigations into the Chinook crash of 1994 (which had led to a campaign which I and others had pursued to exonerate from the accusation of negligence the deceased pilots). Cllr Kennett sent me an email of 4th April 2009[1] confirming our conversation but it is not clear what, if anything, I did as a result of that conversation and email. I should think I probably decided to wait until the article came out and then, when I heard nothing more, I got on with other things,

8. On 8th October 2009 David Bristow, the former subpostmaster of Odiham, sent me an email[2]. He had just been removed from his position by the Post Office who were demanding he pay them more than £42,000. He referred to the case of Jo Hamilton, and also to one in the constituency of David Jones MP, that of Alan Bates. I probably then had an informal conversation in the House of Commons with David Jones MP because I replied on 22nd October 2009[3] to say that I had not previously been aware of his predicament and that I had

[1] **[POL00114298].**
[2] **[JARB0000002]**.
[3] **[JARB0000003]**.

been in contact with David Jones MP and would help in any way I could. It appears from my email that I did not remember the conversation I had previously had with Cllr John Kennett about Jo Hamilton but I cannot now say why that might have been.

9. On 27th October 2009 Mr Bristow wrote to me[4] to say that he had had another threatening letter from the Post Office, that he had found out that the problem arose from Horizon and that Brooks Newmark MP had asked a written question about Post Office miscarriages of justice.

10. It appears that I then wrote to David Jones MP and also raised the matter with Cllr John Kennett, because by this time I had connected in my own mind Mr Bristow's case with that of Jo Hamilton. I wrote my first letter to Lord Mandelson, the Secretary of State for Business, Innovation and Skills, on 3rd November 2009. In my email of 19th November 2009[5] I wrote to Mr Bristow to say that I had raised the issue with these people and that I was asking Cllr Kennett's permission to pass on the contents of his email of 4th April 2009[6].

11. On 26th November 2009 I wrote[7] to Mr Bristow, setting out the email dated 4th April 2009 that I had received from Cllr Kennett and asked Mr Bristow if he recognised any commonalities with his case.

[4] **[JARB0000004]**.
[5] **[JARB0000005]**.
[6] **[POL00114298]**.
[7] **[JARB0000006]**.

12. On 29th November 2009 Mr Bristow wrote to me[8] to say that there were indeed commonalities and to ask for a meeting. He drew my attention to another MP, David Heathcoat-Amory MP, who had had a constituent with a similar problem.

13. At some stage, and I do not remember the timing and I have no record in my diary of it, I also spoke to Nippy Singh, a Borough Councillor in my constituency, who was a senior figure in the National Federation of SubPostmasters, about the matter. His response was that the Horizon system worked well, and that the subpostmasters' problems were of their own making.

14. On 5th December 2009 Pat McFadden MP, Minister of State for Business, Innovation and Skills, replied[9] to my letter of 3rd November 2009 saying that the Government had assumed an arms' length role in Post Office Ltd and that the issues I had raised were operational and contractual matters for POL and not for Government. This letter crossed in the post with my chasing letter of 10th December 2009[10].

15. While I was frustrated on receiving the Minister's letter, it did not then occur to me quite how troubling it was. In the years since then I have come to believe that in effect it left the British public with no redress against a Government-owned organisation which the Government was deliberately refusing to oversee. The only shareholder was repudiating the responsibilities of ownership. It may be that the Government considered such an arms' length

[8] **[POL00114298]**.
[9] **[UKGI00011506]**.
[10] **[POL00114298]**.

relationship to be a necessary pre-cursor to the sale of Royal Mail or the Post Office to the private sector which, as I believe was widely thought at the time, the Government was hoping eventually to achieve. Or it may be that the Government considered that private sector disciplines would be easier to bring in to the Post Office if there were minimal Government interference in its day to day running. It might have been a mixture of both, but I do not know.

16. Also on 10th December 2009 there was a meeting between two or three Post Office personnel, David Jones MP and myself in a room off Westminster Hall in the House of Commons. I would expect the Post Office to have taken notes of that meeting. The briefing notes[11] written by James Marshall, my then Chief of Staff, in the diary entry say that we were to discuss general issues and the background. We were not to raise constituent-specific issues but it would be useful background for the meeting in my constituency with Mr Bristow that was to happen the following day. I could not stay for long, because I had a meeting at the same time of the Liaison Committee, but I remember that the Post Office personnel there were adamant that the Horizon system was "robust" (a word which struck me as unusual at the time, but one we have heard so many times since that it had clearly been fixed as the Post Office's line to take).

17. The following day, on 11th December 2009 I went to South Warnborough to meet David Bristow and Jo Hamilton as Mr Bristow had asked. Also present was Issy Hogg of Shoosmiths, the Basingstoke solicitors. I have not found a record of that meeting, but I came away thinking that the subpostmasters' case

[11] **[JARB0000007]**.

was a convincing one. Both of them struck me as truthful people. I shall not repeat here Jo Hamilton's account of what had happened to her, but will only say that it has not changed in any respect since I first met her at that meeting in 2009; I continue to keep in touch with her. I believed from what she told me that she probably had committed the offence of false accounting, but equally that she might have had no choice in the matter if she was (as she was contractually bound to do) to open the Post Office the following day. But even by then my legal experience (in chancery law rather than criminal law) was out of date, and I am no longer at all sure that she did, in fact and in all the circumstances, commit that offence. That, however, is not a matter for me to decide.

18. I think it is likely that at the meeting somebody showed me the article in Computer Weekly of 11th May 2009[12]. For the reason set out above that strengthened in my eyes the credibility of the two subpostmasters and I distinctly remember that it and my meeting with the subpostmasters reduced the credence I would otherwise normally have given to the view of Cllr Nippy Singh, a man I respect. I should think that the meeting was the first time I had mentioned to me the name of Alan Bates, who formed the Justice for SubPostmasters Alliance that year.

19. On 15th December 2009 I sent David Jones MP a message[13] to set up a meeting to see where we could take the matter. As I said in the message, I felt

[12] **[POL00041564]**.
[13] **[JARB0000008]**.

a campaign coming on. But nothing then appears to have come of that meeting or campaign. It may be (I cannot remember) that we could think of no way to take it further. Jo Hamilton had pleaded guilty, so could obviously not appeal. The Government was refusing to get involved. The Post Office was insistent that the Horizon system was "robust", and there was not sufficient evidence available to us to call that robustness into question.

20. However, I remained uncomfortable about the impasse we seemed to have reached. On 7th February 2011 there was aired on television a programme presented by Nick Wallis, Inside Out South[14], which addressed the problem of the subpostmasters accused of fraud. Seema Misra, Jo Hamilton, David Bristow and I appeared on it. I said that there were a lot of cases that seemed to be cropping up all round the country and that I was very concerned about it. Amanda Glover of Shoosmiths, the solicitors, also appeared, and said that the 55 people that had come forward to Shoosmiths were the tip of the iceberg.

21. On 9th February 2011 Cllr Nippy Singh telephoned me and asked me to set up an urgent meeting with Ed Davey MP, the Minister with responsibility for the Post Office. The issues on which Cllr Singh, who was expecting soon to become President of the NFSP, wanted to brief me to raise with the Minister did not include Horizon but were about the new Government proposals for the Post Office relating to Green Giros, Paypoint, and the structure of sub-post offices[15]. I believe that the meeting between Ed Davey MP and myself did take place,

[14] **[POL00058000]**.
[15] **[JARB0000009]**.

and I must have raised with him the issues of Horizon that I had raised in the Inside Out South interview two days earlier, because it was not the sort of thing I would have passed over; I subsequently referred to such a discussion in a letter I wrote to Ed Davey on 15th December 2011[16].

22. On 16th February 2011 I wrote to Amanda Glover[17] at Shoosmiths to say that I would be grateful if she would update Janet Walker, who worked in my office, about the subpostmaster matter. I am sure she did so.

23. At some stage during 2011, probably at a defence conference at Ditchley Park of 22nd and 23rd September 2011, I had a conversation with Alice Perkins. I knew her because she had been a senior and respected civil servant, seconded by the Treasury to the Ministry of Defence, at a time between 1995 and 1997 when I had been Minister of State for Defence Procurement. I discovered during that conversation that she might soon be involved with the Post Office, and I raised with her my concerns about the events described above. She expressed a wish to help sort it out but was not at that stage in a position to do so.

24. In December 2011 the event that really exacerbated my concerns took place: Mr Bristow having been removed as subpostmaster from the Odiham Post Office, his successor, Mr Paul Kemp, was also removed and the Odiham Post Office was closed. Some of my Odiham constituents (though not Mr Kemp)

[16] **[UKGI00001395]**.
[17] **[JARB0000010]**.

wrote to me to express their concern about the closure of the Post Office on the grounds, my constituents said, of “irregularities”.

25. I immediately took the view that this could not be a coincidence. It confirmed to me that what Shoosmiths had been saying about their cases being representative of a widespread problem required serious investigation.

26. On 15th December 2011 I wrote to Ms Moya Greene[18], the then Chief Executive of Royal Mail, and to the Minister, Ed Davey MP[19], to express my concerns that there were apparently 34 cases of such unexplained problems and I asked for the matter to be looked into as a matter of urgency. I told Ms Greene and the Minister that I was planning on meeting the 34 individuals to discuss what action they planned on taking.

27. At some stage I suggested to Shoosmiths that I should write to all MPs to ask if they had experienced similar issues, and that then the MPs and Shoosmiths, possibly with subpostmasters as well, should meet in the House of Commons to discuss possible ways forward. On 3rd January 2012 my new Chief of Staff, Janet Walker, wrote to ask Shoosmiths about a date of such a meeting, which would probably be around the end of February 2012. On 11th January 2012 Mr Channer of Shoosmiths replied to say he was keen to have such a meeting.

[18] **[POL00105483]**.
[19] **[UKGI00001395].**

28. I have seen two replies from the Post Office to my letter to them, one or both of which I probably received. Paula Vennells, then Managing Director of POL, wrote an unsigned letter of 9th January 2012[20], referring to the JFSA and allegations about financial discrepancies being due in some way to the system; she said there was no evidence to support those allegations and she was confident that the system was robust (that word again) and fit for purpose. The other was written on behalf of Moya Greene by Kevin Gilliland, Network and Sales Director, who wrote an unsigned letter of 12th January 2012[21] in similar terms but not referring to the JFSA, saying that POL did not accept the allegations and that they were fully confident in the integrity and robustness of the system. I do not remember receiving a reply from the Minister. I drafted a template reply[22] to send to my constituents saying that I was suspicious of what the Post Office said about the software it was using.

29. At this stage I did not know the truth of the matter but it was clear that a detailed investigation was needed. I thought it was conceivable but unlikely that all of these allegations were wrong – there were too many for it to be a coincidence, and by this time I had come across three in my own constituency. (From my vague memory I later came across a fourth.) The subpostmasters I had met seemed to me to be transparently honest. I do not remember anyone suggesting to me that the introduction of a new computerised accounting system had uncovered previously hidden fraudsters. If they did I would have given it little credence, both because of the self-evident honesty of the

[20] **[POL00107698]**.
[21] **[POL00105483]**.
[22] **[JARB0000011]**

subpostmasters I had met and because of the sudden rash of similar allegations appearing shortly after the installation of a new computer system, an exercise which inevitably will have teething problems. I was therefore not satisfied with the brush off I was getting by way of reply to my letters of 15th December 2011.

THE APPOINTMENT OF SECOND SIGHT

30. On 12th January 2012 Janet Walker wrote to Mr Channer to suggest the meeting take place on 20th or 27th February 2012, and on 17th January 2012 Mr Channer replied to choose 27th February 2012. On or about 31st January 2012 Janet Walker wrote to Mr Channer[23] to say:

> "*I would like to pencil in a pre-meeting meeting with James, here at Westminster, on 20 February at 11am. This will be to go over what Shoosmiths are doing with regard to the post office cases. James will be interested to learn what it is you think MPs can do to help. You will know that once solicitors are involved, unless they expressly give permission to MPs to become involved in their constituent's case, and have a role to play in helping, MPs must stand aside. This is one reason both meetings are important.*
>
> *The larger meeting on 27 February at 2pm is for Shoosmiths, interested individuals affected by this matter, and constituency MPs, to discuss what is happening. In order to entice MPs along, it is important for the individuals you have listed on your spreadsheet to write to their MPs, giving details about the meeting, stating that they (the individual) will attend and asking their MP to do so as well. Could you possibly let*

[23] **[JARB0000012]**.

me have a draft of this proposed letter, as I would like to use some of your wording in an email invitation we will send to MPs, which will come from James."

31. After the pre-meeting, on 22nd February 2012, I telephoned a friend of mine, Orna Ni Chionna, who was on the board of the Post Office/Royal Mail. She said that her responsibilities were limited to Royal Mail, but that she suggested I write to the incoming chair of the Post Office, Alice Perkins, whom, as set out above, I had met at Ditchley Park

32. I wrote to Alice Perkins on 23rd February 2012[24], saying:

"You may remember that when we last met at, I think, Ditchley Park I mentioned the issue of the Horizon computer system in use in Sub Post Offices throughout the country, and said I had a real concern about the way some of the sub-Post Masters in and outside my constituency had been treated. I have spoken to Orna Ni Chionna as well about this, and she may mention it to you.

"May I please come and see you about it? I know it is the position of the Post Office (supported by the National Federation of Sub Post Masters, though not by the Communications Workers Union) that there is nothing wrong with Horizon. I am deeply sceptical about this, and

[24] **[POL00105470]**.

hope I can persuade you to look afresh at the matter, rather than accepting that there should be a closing of ranks round the computer.

"I look forward to hearing from you."

33. Alice Perkins replied the same day[25], offering a meeting either at the House of Commons or the Post Office.

34. At some stage, perhaps as a result of the premeeting with Mr Channer on 20th February 2012, perhaps in preparation for the substantive meeting with the subpostmasters on 27th February 2012, somebody, and I think it was probably Mr Channer rather than Janet Walker, prepared a two page summary[26] of the issues. The points made included:

"Access Legal from Shoosmiths, a national law firm, have been contacted by almost 100 SPM's who have suffered losses they cannot explain, and have been subjected to disciplinary measures by POL. All are adamant that they or their staff have not stolen any money."

"They claim there has been no real investigation by POL as to the cause of the losses that have appeared – and SPMs are expected to pay it back regardless of how it was caused."

[25] **[POL00105470]**.
[26] **[JARB0000013]**.

35. Many of the issues raised in the summary of the issues were later to be found by Mr Justice Fraser to have occurred.

36. On 24th February 2012 I emailed Alice Perkins to ask her to come to meet me, and said that my office would arrange it.

37. On 27th February 2012 between 2:00 and 3:00pm the meeting between the subpostmasters, Shoosmiths and MPs took place in the Wilson Room of Portcullis House of the House of Commons. Janet Walker took notes of the meeting[27] which refer to the summary of issues. It was attended by six Members of Parliament including myself and by the representatives of two others, by Tadge Channer and Rose Donoghue from Shoosmiths and also by some subpostmasters and some of their partners (the spreadsheet[28] provided by Shoosmiths beforehand suggested that 23 subpostmasters attended).

38. I chaired the meeting and told the subpostmasters that I did not believe that they were anything other than honest, and that the allegations about the Post Office gave rise to a series of concerns. Mr Channer said that just under 100 individuals had come to Shoosmiths with similar cases. Rose Donaghue said that the Post Office had a moral if not legal obligation to sort the matter out. Andrew Tyrie MP recommended commissioning a report to look into the matter. Mr Channer said that there would be two problems with that, the first being the

[27] **[SMIS0000247]**.
[28] **[JARB0000014]**.

cost and the second access to the Horizon system. I told the meeting that I was organising a meeting with the Chairman Designate of the Post Office, Alice Perkins. I asked everyone present to get more people who were in the same situation to write to their MPs to ask them to contact me. I said (and believed) that the Post Office's line, which was always that there was nothing wrong with Horizon, was wholly implausible, because so many people would not have come to the House of Commons simply to say that they were not criminals, that those attending were there to ensure something was done to prove that they were not, and that loss of reputation was a very hurtful thing.

39. On 13th March 2012 there took place in my office in the House of Commons a meeting between Alice Perkins and Alwen Lyons of the Post Office and myself; this had been arranged following my writing to Alice Perkins on 23rd February 2012. According to the Post Office minutes[29] of that meeting it seems that I was the only MP present. While it seems likely that Janet Walker would have been there taking notes, I cannot find a record of it. I accept the truth of the Post Office minutes, presumably taken by Alwen Lyons. In the meeting I raised concerns about the training of the subpostmasters, about the support and helpline and about the contract between the subpostmasters and the Post Office. Alice Perkins invited me to see Horizon in action, and I suggested that I should be accompanied by a computer expert from Computer Weekly. I explained my belief in Computer Weekly arising out of the Chinook crash referred to above.

[29] **[POL00105481]**.

40. I wrote to Alice Perkins on 26th March 2012[30] to thank her for coming to the meeting but also to thank her for lending a willing ear. It was my belief then, and it remains my belief now, that at that stage at any rate she genuinely did wish to sort the matter out.

41. On 28th March 2012 Oliver Letwin MP wrote to Janet Walker arranging to meet me on 16th April 2012 (after the Easter Recess) to talk about Post Office issues.

42. In a letter of 2nd April 2012[31] Alice Perkins invited me to visit the Post Office HQ. Our respective offices agreed that this meeting should take place on 17th May 2012. Oliver Letwin and I met on 16th April 2012, which presumably led to my inviting him to the meeting at the Post Office.

43. On 17th May 2012 from 10:30 to 12:00 a meeting took place between Alice Perkins and Paula Vennells of Post Office Ltd and Oliver Letwin and myself at 1st floor, 148 Old Street, London EC1V 9HQ. I have seen the Post Office pack[32] dealing with the meeting and I have no reason to question it. My own memory of the meeting is that Alice Perkins and Paula Vennells were clear that they believed their systems worked well, but they were equally clear that they too wanted to clear up a matter that was growing in importance for them, and they both wanted and needed to find a way through that would solve the problem to the satisfaction of everyone. I believed then and I believe now that

[30] **[JARB0000015]**.
[31] **[JARB0000016]**.
[32] **[POL00033825].**

they did both genuinely want and expect to sort the matter out and that their belief in the integrity of Horizon was real.

44. It may or may not be relevant, but Alice Perkins particularly made the point that when as Chair designate she began her introductory visits to sub-Post Offices, she was struck by – or there was brought to her attention - the huge amounts of cash that were lying around in unexpected places, and she said the Post Office and the subpostmasters needed to have efficient ways of accounting for and dealing with that cash. I believe that she or Paula Vennells or both mentioned the temptation that this put in the way of subpostmasters. I do not know whether that point – which Alice Perkins made strongly – affected her approach towards the honesty or otherwise of subpostmasters.

45. Towards the end of the meeting Paula Vennells said that the Post Office believed that what we (and the Post Office) needed, to get to the bottom of the allegations being made by the subpostmasters, was an investigation by forensic accountants, to be paid for by the Post Office. This amounted to an offer by the Post Office to provide exactly what had been suggested by Andrew Tyrie MP in the meeting of 27th February 2012, but overcoming the two objections of cost and access to the Horizon system that had been raised by Mr Channer[33]. Oliver Letwin and I accepted with enthusiasm and relief. I believe we pointed out at that stage the suspicion that some MPs would have about the independence of any such investigation being funded by the Post Office, and either Alice Perkins or Paula Vennells or both agreed that the MPs should meet

[33] **[SMIS0000247]**

the accountants to be recommended by the Post Office, to satisfy ourselves that they would indeed be independent.

46. Oliver Letwin and I came away from the meeting feeling that it had gone better than we had hoped. We were content that things were on the right track.

47. It seems that one of the matters that must have been agreed at the meeting on 17th May 2012 was that Alice Perkins and Paula Vennells would come to a meeting of MPs in the House of Commons to lay before the MPs the agreement we had reached. On or about 26th May 2012 inter-office negotiations on the date of that meeting with MPs concluded that it would take place at 6pm on Tuesday 18th June 2012 in Portcullis House with, attending from the Post Office, Alice Perkins (Chairman), Paula Vennells (Chief Executive), Angela Van Den Bogerd (Head of Network Services) and Alwen Lyons (Company Secretary).

48. A list dated 28th May 2012[34] entitled "List of MPs who have a constituent affected by the Horizon/Post Office case" drawn up by Janet Walker suggests that at that stage she was aware of 38 MPs including myself who had constituents affected.

49. On 8th June 2012[35] Janet Walker emailed Glenda at the Post Office to suggest a short 15 minute premeeting to take place between the Post Office personnel

[34] **[JARB0000145]**.
[35] **[JARB0000146]**.

and myself before the full meeting with MPs on 18th June 2012. It appears that on 11th June 2012 there was a telephone call[36] between Paula Vennells and myself to discuss and agree an agenda (which appears to have been drafted by the Post Office) for the meeting to take place on 18th June 2012. It may be that it was in this conversation that she told me about Second Sight. At some stage I believe she told me that Susan Crichton, Post Office's General Counsel, had worked with Second Sight before and had been impressed by them. And at some stage Paula Vennells told me that she would send me the proposed Terms of Reference for their appointment.

50. On 12th or 13th June 2012 I wrote[37] to Alice Perkins and Paula Vennells to thank them for sending me the proposed Terms of Reference[38]. Those terms included:

> *"Reviewing all company-held documentation focussing on why shortfalls occurred.*
> *Interviewing company investigators to gain insights and to verify their findings,*
> *Reviewing defence submissions and*
> *Studying relevant evidence with regard to the 'Horizon' system.*"

[36] **[JARB0000147]**.
[37] **[JARB0000018]**.
[38] **[JARB0000017]**.

51. The review would "reach conclusions on each case and identify any systemic issues/concerns, including training and support processes."

52. In my email I also made the points, first, that the subpostmasters should also be present at the meetings with MPs and, second, that the coming summer recess would cause difficulties with timing. I attached a draft Press release of which I do not have a copy.

53. On 13th June 2012 Paula Vennells wrote to me[39] to advise against the press release and to set out her approach. She said,

> "*Dear James, thank you for your care and attention to this. It is critical we resolve it properly and I am grateful to you.*
>
> *"Firstly, let me reassure you that Altice [sic] and I intend total transparency - as I'm sure you sensed from the meeting we arranged for you and Oliver.*
>
> *"Secondly, the queries you raise are entirely valid: the reason I had wanted to meet face to face on Monday was to talk this through. Each case as you saw with your own and with Oliver's, is different. We are dealing with particularly sensitive and personal situations, as well as with a combination of fact and misunderstandings. (And in some cases, as we explained, fiction and /or fraud.)*

[39] **[JARB0000019]**.

"Rather than a blanket approach, we would take each case separately - we are dealing with individuals' lives and livelihoods. But, the guarantee for each one is complete transparency and handled in the most appropriate and sensitive way. Therefore in some, we may need to go further than the draft TOR suggests, with SubPostmasters in joint meetings; in others, that might be difficult and/or embarrassing for them and their MPs. We would however, start with each MP in order to explain/explore the background.

"Thank you for reminding me about summer Recess - of course, we will work to a timetable that suits.

"As regards, your draft release, my view is that it would not be without risk both in terms of human sensitivities and reputational distortions. There are reasons for this which I am happy to share."

And she added, "*Ps. Alice is away on holiday this week, hence I am replying for both of us. (We discussed the issue of transparency before she left. As you would expect, Alice is committed to the primacy of this. She is also very aware of the risks and sensitivities of how we handle the individual cases.)"*

54. It appears that the premeeting in fact took place on 14th June 2012 between Paula Vennells and Alwen Lyons and myself. It is possible that Oliver Letwin

MP also attended. I cannot remember what was said or done at that premeeting.

55. The meeting with MPs took place on 18th June 2012, with six MPs Including myself) attending and representatives of three more, as well as the representatives from the Post Office. Janet Walker took notes[40] which reflected the discussion. I concluded the meeting by saying that the terms of reference would be circulated, the investigations begun shortly and concluded by the end of the year. A draft press release was agreed.

56. On the following day, 19th June 2012, I said in an email to Shoosmiths[41] that we had had the meeting with the Post Office and that we had found a very positive way to resolve the problem. It seems that Janet Walker in my office sent the Post Office a copy of the email. I also issued a press release[42] on 19th June 2012 which is entitled "Resolution to Post Office/Horizon system problems proposed".

57. On 22nd June 2012 Christopher Hine of RSM Tenon wrote to me, perhaps following up an email from one of his colleagues, Paul Burchett, to offer his firm's services as the forensic accountants who would investigate Horizon. It seems likely that RSM Tenon had previously advised a subpostmaster, because I replied to him[43] on 28th June 2012 to say,

[40] **[JARB0000001]**.
[41] **[POL00096666]**.
[42] **[POL00144705]**.
[43] **[JARB0000021]**.

"*whoever takes on the investigations into each case must be genuinely independent. The Post Office is insisting on this as well, therefore we have decided that anyone with prior connection to the cases involved really cannot take part.*"

He responded on 4th July 2012[44] accepting the need for independence.

58. The next task was for the MPs to interview Second Sight. It had been agreed on all sides at the MPs' meeting that such an appointment would work only if the MPs who were concerned could vet them before they were appointed; there was a natural suspicion that accountants chosen and paid for by the Post Office would have their tune called by the Post Office rather than by the interests of justice. On 26th June 2012 Janet Walker telephoned Ron Warmington of Second Sight and agreed a meeting date of 4th July 2012. Second Sight sent their biographical details[45]. The meeting took place, with Andrew Bridgen MP, Mary Glindon MP, Tessa Munt MP and Mike Wood MP, with Edward Garnier MP sending a representative. Janet Walker, having put forward a list of suggested questions[46] for MPs to ask Second Sight, took notes[47]. Those notes are similar in content to those in Ron Warmington's email[48] to Susan Crichton of 4th July 2012. The MPs were convinced of Second Sight's expertise and determination to be independent, and endorsed the appointment of Second Sight, but also wanted the agreement (without giving him a veto) of Alan Bates, who was a

[44] **[JARB0000025]**.
[45] **[JARB0000024]**.
[46] **[JARB0000023]**.
[47] **[JARB0000022]**.
[48] **[POL00107174]**.

person of increasing importance and influence in the representation of subpostmasters.

59. Shortly after the meeting with Second Sight, and probably the same day and as a consequence, I telephoned Alan Bates of the Justice For Subpostmasters Alliance, because at some stage, according to his email of 5th July 2012[49], I suggested that he and I needed to meet Second Sight. He told Janet Walker he would be bringing Kay Linnell as the JFSA's expert forensic accountant.

60. Alwen Lyons asked Janet Walker how we thought the meeting with Second Sight had gone, and in my email of 5th July 2012[50] I confirmed that it had gone well.

61. The meeting between Alan Bates, Kay Linnell, Ron Warmington, Ian Henderson and myself took place on 12th July 2012 in my office in Portcullis House. Kay Linnell was particularly challenging of Second Sight, but the overall result was that Alan and Kay too, with a caveat, agreed with the appointment of Second Sight. The caveat was that they wanted to enable Kay Linnell, at the Post Office's expense, to double check that Second Sight were doing a proper independent job. After the meeting I wrote an email[51] to Alwen Lyons asking the Post Office to set aside £5000 towards Kay Linnell's doing a review of Second Sight's initial investigations.

[49] **[JARB0000026]**.
[50] **[POL00096767]**.
[51] **[POL00096816]**.

62. On 13th July 2012 Alan Bates wrote to me[52] to set out his understanding of what we had agreed as the way forward even though, he said, I had not at the end of the meeting sought his agreement. He said that the scope of the initial investigation would include, but would not be restricted to:

> *"1. Review of area manager complaints.*
>
> *2. A description of the Horizon system operations, in theory, in practice including training and level and access and authority.*
>
> *3. Review of the second level queries of system problems especially those involving Fujitsu.*
>
> *4. Preparation of a forensic analysis of the system errors to be used in point 5.*
>
> *5. Selection of a sample of cases together with the historic cases put forward by MPs.*
>
> *6. Live data testing on system parameters.*
>
> *7. Report on the "cradle to grave" of the transactions that are flagged up in the cases reviewed.*
>
> *8. Report on the integrity of the Post Office Horizon system."*

If the terms set out in his letter were agreed then he would, on behalf of the members of JFSA, be prepared to offer his full support and cooperation with the investigation, as proposed.

[52] **[JARB0000027]**.

63. On 16th July 2012 Mia Porter on behalf of Paula Vennells emailed me[53] to agree the proposal for setting aside £5,000, which was later confirmed in a letter to me from Alwen Lyons of 28th August 2012[54].

64. On 17th July 2012 I emailed Paula Vennells[55] to ask what to do with cases forwarded to me by MPs, and she replied that I should send them on to the office of the Company Secretary, Alwen Lyons. It appears from an email sent on 18th July 2012 from Alwen Lyons to Paula Vennells that a slightly different arrangement was going to happen with Alan Bates and the JFSA, in that Alan Bates was going to forward cases to Second Sight. In any event, things were underway.

65. I replied to Alan Bates's letter on 18th July 2012; in my files I have two different drafts of that reply[56], one containing an apology for my apparent failure to ask for his explicit agreement, but both setting out the way forward that we envisaged, with Second Sight doing their initial investigations, the result of which would determine the later ones, including whether an investigation was needed of the entire system.

66. I received a letter dated 6th August 2012[57] from Mr Hogan of Messrs Hogan Brown, a firm of solicitors acting for a client who had been charged with false

[53] **[POL00096816]**.
[54] **[JARB0000031]**.
[55] **[POL00096816]**.
[56] **[JARB0000028]**; **[JARB0000029]**.
[57] **[JARB0000030]**.

accounting. He asked me about the progress of steps looking into the working of the computer system. I do not have a copy of my response.

THE INTERIM REPORT AND THE MEDIATION SCHEME

67. On 31st August 2012 Alan Bates sent an email to Janet Walker in my office expressing concerns about several matters. I do not have a copy of that email but the tenor of what he said can be gleaned from my draft reply of 3rd September 2012[58], which I expect I sent in the words drafted and which it is worth setting out in full:

> *"Thank you for your email to Janet Walker of 31 August 2012, bringing me up to date with your concerns about this matter. Please be assured that I am well aware of the difficulty individual SubPostmasters and mistresses have had, and continue to have, with regard to this entire matter. Do not underestimate my determination to see that they are dealt with fairly.*
>
> *"I am slightly at a loss as to your message, however, as I did not think that you believed investigations ought not to proceed until we had your agreement. Investigations are indeed already underway. 2nd Sight have a number of these that have been passed from individuals to their MPs, and thence to my office. In every case, my office has ensured that the individual concerned, as well as his or her MP, is fully aware that his or her details will be passed to the Post Office, who require this detail in order to pass on relevant data to 2nd Sight in order for them to conduct their investigation. We will continue to proceed along these*

[58] **[JARB0000032]**.

lines with any individual SubPostmaster or mistress that approaches us via their MP.

"I understand that you have been sent a copy of the letter the Post Office sent to me, confirming that they have set aside £5000 for the review of 2nd Sight's initial investigations, which we discussed at our last meeting. Do you agree that this should be done by Miss Kay Linnell.

"The Post Office has, in addition, drafted a form of words which I understand you have also seen, but not commented on, as follows, and I draw your attention in particular to paragraphs 2 and 3, and ask that you might let me have your thoughts on their points. They seem to me to be reasonable:

> "Post Office Limited ("POL") has agreed that the Office of the Rt Hon James Arbuthnot should contact Alan Bates and the Justice for Sub Postmasters Alliance ("JFSA") and request that the JFSA submit approximately 5 of their best cases for independent review by Second Sight Support Services Ltd ("2nd Sight"). Ideally, cases for review should be less than 5 years old, but it may be possible to accept older cases in certain circumstances. 2nd Sight is the body appointed by POL to conduct an independent review of a number of cases that have previously been subject to formal investigation by POL.

"POL recognises that the JFSA may have concerns about submitting detailed information about possible cases to POL and agrees that the JFSA may submit this information directly to 2nd Sight, via the Office of the Rt Hon James Arbuthnot. JFSA must recognise that minimum basic information about each case such as branch details, identity of the sub-postmaster and relevant dates must be notified to POL by 2nd Sight in order that the appropriate records and correspondence may be provided to 2nd Sight.

"POL also recognises that some members of JFSA may have concerns about submitting cases for independent review by 2nd Sight where even basic case information is communicated to POL. Whilst POL cannot provide any form of immunity from prosecution in respect of information held by POL, in recognition of the concerns expressed by the JSFA, POL agrees not to take any prosecution action relating to information provided by JFSA without the agreement of the Executive Committee of POL and to deal which each case submitted in a sensitive manner. The Executive Committee of POL comprises 9 senior members of staff including the POL Chief Executive and the POL Lead Counsel.

"Finally, I do not think it is wise or indeed feasible to dictate to 2nd Sight how their conduct their investigations. Neither you nor I are experts in this field. They are, and Miss Linnell is being offered the opportunity to bring her expertise to bear in her review. I do not think we can do more than this and would suggest we left those with the requisite skills to do their job independently. They outlined how they would conduct their investigation when we met, and Miss Linnell was content, as was I, and as I thought were you. I had no expectation that anyone anticipated signing an agreement to this effect.

"I think you and I, and the Post Office as well, want the right result from this undertaking – a fair and independent examination of a number of cases, from which results can be extrapolated to see what next steps may be required. It would be a shame if you felt unable to lend this your support, as I believe it is the best chance the Alliance is going to be offered to help your membership get the justice they seek. I hope you might give this some thought."

68. Alan Bates replied on 6th September 2012[59] to point out that in my letter to him of 18th July 2012 I had said,

"Your point about obtaining cases where current errors are occurring was and is a very good one. I shall write to the Post Office and suggest

[59] **[JARB0000033]**.

this, asking firstly that individuals might be prompted to come forward via the Post Office's Subspace magazine, and secondly, for some assurances with regard to immunity. I take your point that this immunity ought to be extended to all personnel involved. Thank you for making it."

69. It had clearly slipped through the net, and on 13th September 2012 I wrote to Paula Vennells[60] enclosing Alan Bates's letter and asking her to address the points about immunity and mentioning the investigation in the Post Office's Subspace magazine.

70. On 18th September 2012 there was a catch-up meeting between Alice Perkins and myself. The negotiations to set this up had been going on since the end of July 2012, and it seems likely that amongst the matters we discussed were the points raised in Alan Bates's correspondence.

71. On 4th October 2012 there was a meeting between Alan Bates, Paula Vennells, her Chief of Staff and myself. It seems from a letter[61] I wrote to Alan Bates after that meeting that the main purpose of the meeting was to put him together with Paula Vennells so that they could deal directly with each other, rather than through me. But from that letter, and from a letter I also wrote to Paula Vennells on the same day[62], it is clear that I at any rate thought the meeting had gone well (to Alan Bates, I said, "very well indeed" and to Paula Vennells I

[60] **[JARB0000034]**.
[61] **[JARB0000035]**.
[62] **[POL00105487]**.

said, "I was extremely pleased"). I would have expected Janet Walker also to have been present at that meeting, but I cannot find any evidence that she was or that she took notes.

72. I received a letter of 5th October 2012 from Albert Owen MP about one of his constituents, to which I replied on 23rd October 2012[63]. From my reply can be seen the view that I then had about the entire negotiations with the Post Office. I said:

> *"Thank you for your letter of 5 October, and I am sorry it has taken me a while to respond. This is with regard to your constituent, [___], about the Horizon system and the issue to do with SubPostmasters.*
>
> *"I recently hosted a meeting between Mr Alan Bates, who chairs the Justice for Subpostmasters Alliance, and the Chief Executive of the Post Office, Paula Vennells, and her chief of staff. It appears that there has been some disconnect between the two parties as to the exact terms of investigations that will be brought to the forensic accountants directly from the JSFA. This has to do with a blanket guarantee of immunity, which the Post Office as a statutory body cannot offer, and the currency of cases that ought to be investigated. The result of this meeting is that the two parties are going to talk directly and come to an agreement, rather than having to deal with each other via my office.*

[63] **[JARB0000036]**.

"I ought to let you know that I continue to pass on details – at the request of their constituency MP – of individuals who are happy for me to do so, to the forensic accountants. There are just over a dozen who have done so thus far in the full knowledge that their details will be passed first of all to the Post Office who are collating relevant data, who then pass details and data on to the accountants. No offer of immunity has been made to these people, and so if your constituent is concerned about this, he ought to stay in touch with the JSFA and await their negotiations with the Post Office before deciding whether or not to proceed. The JSFA will be best placed to advise him about this.

"Finally, I should like to add that there is nothing sinister about the investigations that are underway. My constituent, clearly those others who have been content for their details to be made known, the Post Office, and I are all extremely keen for this entire matter to be resolved. What I expect is that, beyond the results of individual investigations, the accountants will be able to extrapolate some general points from the investigations undertaken, which will point the way for further work to be done. I am awaiting the results with real interest.

"Do come back to me if you need more detail as I am happy to help."

73. I received a letter dated 23rd November 2012[64] from John Woodcock MP about one of his constituents, from which it appeared that the Post Office was

[64] **[JARB0000037]**.

redirecting complaints about the Horizon system to me, so that I could vet whether the case should then be included in the tranche of cases being investigated by Second Sight. John Woodcock understandably found this strange and had written to the Minister, Jo Swinson MP. In my lengthy reply of 4th December 2012[65] I set out the history of the matter.

74. I received a similar request from Damian Hinds MP dated 16th January 2013 in relation to a constituent of his, and another from Sir Alan Meale MP in relation to two of his constituents. I should think I or my office probably replied to them in similar terms to the way I had replied to John Woodcock MP.

75. On 19th February 2013 Janet Walker emailed Ron Warmington and Ian Henderson, starting her email[66] with,

> *"I am so relieved to hear that things are beginning to run smoothly. Well done! It really is your persistence and patience that has driven this, and James will be really pleased."*

She also passed on details of two further MPs, Mark Lazarowicz MP and Priti Patel MP, who had constituents who had cases which needed investigation. But it seems that I had also begun to receive questions from MPs about Second Sight's methodology and how they were getting along, so Janet asked if Second Sight could contact the MPs and let them know.

[65] **[JARB0000038]**.
[66] **[JARB0000020]**.

76. Ian Henderson told Janet Walker in his first email[67] the following day, 20th February 2013, that they were moving towards thematic issues rather than case by case investigations. Janet Walker replied[68] that she would need to discuss that with me, and in his second email[69] he said that their current thinking was that they would issue a single report that dealt with all the thematic issues that were identified, but that in addition, each sub-postmaster and MP would be issued with an appendix dealing with the specific issues they had raised.

77. A telephone call was set up for Thursday 28th February 2013 between Ian Henderson and myself and Janet Walker to discuss how in practice to deal with the queries I would receive from MPs, and to set up a meeting on 25th March 2013 between Second Sight, the Post Office and MPs.

78. On 7th March 2013[70] I wrote an email to MP colleagues to invite them to the meeting to take place on 25th March 2013 and I also wrote to Alan Bates to suggest that Second Sight were keen on Post Office representatives being at the meeting and wondering whether he would be content with this. Rather oddly I also (without waiting for a response from Alan Bates) wrote to Alice Perkins[71] to invite her to the meeting. I made to her various points about how the meeting might go, including the following:

[67] **[JARB0000040]**.
[68] **[JARB0000041]**.
[69] **[JARB0000042]**.
[70] **[JARB0000043]**.
[71] **[POL00097588]**.

"*In my discussions with Ron and Ian, I gather that questions have been raised over the absolute integrity of Horizon, though without their being so fundamental as to say that the system is not fit for purpose. Since it is a system that remains in current use, there is the risk that existing SubPostmasters and mistresses may find themselves in exactly the same position as those whose cases are being investigated. I know that definitive results are not yet available, but I hope the Post Office would be ready to address this issue."*

79. I concluded the letter as follows:

"I would like to say in conclusion that I am impressed beyond my expectations with not only how the investigations are proceeding, but of your continuing support. I cannot recall a more important campaign, nor one where the end result has been so consistently supported by all parties involved. You have my gratitude and admiration for how the Post Office is handling this."

80. My letter caused strong push back from the Post Office, and on 19th March 2013 there was a meeting between myself and Alice Perkins. It appears from a speaking note[72] Janet Walker wrote for me for a telephone call on 20th March 2013 between myself and Ian Henderson that at the meeting on 19th March

[72] **[JARB0000045]**.

2013 Alice Perkins said amongst other things: that the Post Office didn't believe anything was wrong with Horizon; that they were very concerned that any opinion being formed by Second Sight at this stage was being communicated; that Second Sight should not be expressing an opinion, not least as PO hadn't had right of reply; that there was a limit to the Post Office's willingness to continue funding investigations; that it seemed there would be some sort of deadline for cases of the end of February (though it is unclear from the note what this meant); and that the Post Office would not attend the meeting of 25th March 2013 but there would be an open letter from the Post Office available for distribution at that meeting; and that the Post Office would expect to be ready to attend a meeting with MPs in perhaps June.

81. It appears from that speaking note that after the meeting on 19th March 2013 Ian Henderson had his own meeting with the Post Office, probably Susan Crichton, General Counsel (though the note refers to Susan Leyton(?), head of legal), and Alwen Lyons, company secretary.

82. On 20th March 2013 Ian Henderson and I and probably Janet Walker and possibly other MPs had the telephone call. Apart from the fact that I believe I would have passed on what Alice Perkins had said the day before, I cannot remember exactly what was said in that telephone call. Looking back on it now, it may have been the first time that Second Sight had said that there might be issues with Horizon, and the first time that the Post Office had tried to restrict things that could be said openly by Second Sight about Horizon.

83. On 25th March 2013 there was a meeting in Room N of Portcullis House for Second Sight to update the MPs. I had an agenda which was:

> "*17:00 Welcome – James Arbuthnot*
>
> *17.05 Second Sight – Ian Henderson, Ron Warmington*
>
> *Update on investigations – process followed, rationale for procedure, preliminary findings*
>
> *17.35 MPs Q&A*
>
> *18.0 Close"*

84. For the meeting, attended by 11 MPs, Second Sight, JFSA and Shoosmiths, Janet Walker had done me speaking notes[73]. I thanked Alice Perkins and the Post Office, Shoosmiths, JFSA, Kay Linnell and Second Sight. I made the point that the Post Office were saying that it had not been given the opportunity to comment on what had been found thus far, thus we should not pre-judge matters before this had occurred and that it would not be helpful to issue press releases now, but this time would come. I then turned over to Second Sight. Ian Henderson had provided me with a draft[74] of what he was going to say. Janet Walker kept a note of the meeting[75] which so far as I recall accurately reflected what was said.

85. Alan Bates sent me a long letter dated 1st April 2013[76]. After reflecting on the meeting with Second Sight he expressed his frustration that there seemed to be

[73] **[JARB0000048]**.
[74] **[JARB0000047]**.
[75] **[JARB0000046]**.
[76] **[JARB0000049]**.

less appetite than he would have liked for the Post Office to be confronted with Horizon's systemic failures (of which Second Sight appeared to be finding some evidence), their bullying and abusive use of their powers that he and JFSA had been talking about for years. I was on holiday when the letter came in, and I replied on 16th April 2013[77] saying I would raise the matters with Second Sight.

86. It appears (from an email[78] of "High" importance that Janet Walker wrote to Second Sight on 9th May 2013) that we were chasing them and the Post Office for their comments on Alan Bates's letter, which it seems I had sent to Second Sight on 16th April 2013.

87. On 23rd May 2013 there was a telephone call between myself and Paula Vennells. Janet Walker prepared speaking notes[79] for that conversation. In those speaking notes I see the first reference in my files to the Rudkin events at Bracknell, because it would appear that Ron Warmington had emailed Alan Bates to say:

> *'You have mentioned "numerous miscarriages of justice" and it's pretty clear that James has also focussed on that.... as has POL's top management. You, Kay, Ian and I all know how much reliance has been placed by the courts (Criminal and Civil) on POL's assurances (such as that "there is no remote access to the system or to individual*

[77] **[JARB0000050]**.
[78] **[JARB0000051]**.
[79] **[JARB0000052]**.

branch terminals which would allow accounting records to be manipulated in any way"). As you also know, Alan, several of the Spot Reviews have presented what appears to be evidence that completely undermines and disproves statements like that. I am pretty certain that, in the event that even one of those Spot Reviews (for example SR005 the Bracknell Basement/Rudkin one) turns out to be irrefutable, then James will completely understand the implications, as I'm sure will POL's senior management.'

I believe the conversation went much as Janet Walker's speaking notes suggested it should.

88. I cannot remember exactly when Ron Warmington and I discussed the rumours about the Michael Rudkin visit to Fujitsu but he told me that Second Sight could not put anything in their Interim Report about it until they had discovered what had actually happened. He and I agreed that it was at best odd, and potentially sinister, that Michael Rudkin's account of his visit to Fujitsu was being flatly denied by the Post Office on the basis that it never took place.

89. It seems from an email of 11th June 2013[80] from Alan Bates to Janet Walker that I had just sent him a letter or email in which I asked for a chat with him. At the same time I probably emailed Ron Warmington, probably to ask for an update and to propose a meeting with MPs before the summer recess. Ron

[80] **[JARB0000054]**.

Warmington responded to my email in one of his own in the early hours of 12th June 2013[81], in which he said:

> *"I'll send a proper response to your latest email later today but the idea of a 2nd July meeting is certainly a good one so we'll agree to that. Also, I don't think we'll need your help in getting POL to respond to the Spot Reviews. They are RESPONDING... but not yet in a form that will really WORK in our Interim Report or in the 8th July Meeting. They are still - understandably I suppose - incredibly defensive and nobody - at the levels producing the responses - is ready to give an inch. They probably fear it will be career death to concede any failings whatsoever. We have consistently and clearly asked for short, easy-to-understand, honest and complete answers to the assertions that we have put forward. What we are getting are highly technical, multi-page, responses that will appear to many to have been crafted so as to avoid actually giving any answers to those assertions and allegations at all. Without wishing to burden you with detail, the attached is a pretty good example of the POL/2nd Sight dialogue... and shows my exasperation in trying to get them to ANSWER THE BLASTED QUESTIONS."*

90. On 13th June 2013 I had a telephone conversation with Alan Bates. Janet Walker reported that conversation to Alwen Lyons in an email[82] in which she says:

[81] **[JARB0000053]**.
[82] **[POL00095435]**.

"1. Alan Bates

Interim report - James had an extremely good telephone conversation with Alan Bates today. He has asked me to let you know that Alan was content with the proposed content of the interim report. Alan was more concerned with what happens after this has been delivered (which is due at a meeting to take place at Westminster on 8 July, with Ian and Ron presenting). James touched on the point Paula has made about potentially bringing the investigation of further cases in-house within the Post Office. Alan said he was not entirely comfortable with this, but James persuaded him to put this matter into abeyance for the time being, and Alan agreed. We can return to this after the interim report when we have all seen what it has to say.

"Media – James also discussed media with him. We are beginning to be approached and are putting people on hold – Private Eye, Computer Weekly, BBC Shropshire local radio. Alan said he was not responsible for the article in this week's Private Eye, and James believes him. Alan said he was happy not to go public on anything while the investigation process was underway.

"2. Meeting 8 July

Ian and Ron have agreed to present an interim report based on 3 cases to MPs, here at Westminster on 8 July. James has said to both them and Alan that at the moment, he is not minded to invite

representatives of the Post Office to attend, given that you will presumably only have just seen the report yourselves. Do you have a view on this? James needs to think through this a little more, so it would be helpful if he knew your thoughts.

"I am going to email Ron and Ian with all this as well, but wanted to let you know the view from this end is good. Might you let Paula know please?"

91. Despite what Janet Walker says in that email, it is not clear in my mind whether at that stage I or Alan Bates actually knew the contents of the interim report or whether what was being discussed was the method of handling the report. This is because on 17th June 2013 Janet emailed Alwen Lyons[83] to say that I was "about to ask Ian and Ron for a meeting on 2 July as a heads-up n the interim report to be delivered on 8 July. I don't know if and when Paul is expecting news from them about their findings, but it makes sense for James and Paul to talk AFTER James has been given some warning about what the interim report will contain." I believe "Paul" meant Paula Vennells. The email also began negotiations for a conversation between Paula Vennells and myself, and told Alwen Lyons that: "Furthermore, James is starting to talk to the media. He has scheduled phone calls with Private Eye and Computer Weekly which will simply be to let them know about the interim report and its presentation on 8 July. Media will not be invited to the meeting."

[83] **[POL00188344]**.

92. On 18th June 2013 I telephoned Private Eye about the Interim Report and also spoke to Karl Flinders of Computer Weekly. On 25th June 2013 I telephoned Matt Prodger of the BBC. According to a speaking note[84] prepared for me by Janet Walker for the conversation with Private Eye I told them:

> *Update = 47 cases under current investigation by Second Sight.*
>
> *1. Interim report - to be presented by Second Sight to MPs on evening of 8 July, at Westminster.*
>
> *2. The report will concentrate on a few (two? three?) strongest complaints against the Post Office.*
>
> *3. The report should consider whether there are:*
>
> *a. any flaws in Horizon,*
>
> *b. any flaws in processes currently followed by the Post Office, or training offered to staff.*
>
> *4. The report should be absolutely clear as to whether there are problems with Horizon or not.*
>
> *5. Final report – details yet to be finalised, but want something by end of year.*

93. On 27th June 2013 I went to see the Speaker. It seems likely that I wanted to give him the background to the whole story in case I wanted to ask an Urgent Question about the Interim Report when it came out, because I did indeed a fortnight later put in for such a question.

[84] **[JARB0000057]**.

94. On 2nd July 2013 I had a conference call with Second Sight at 09:00. At 10:00 that day there is an entry in my diary to say that I was to speak on the telephone to Jo Swinson, the Minister with responsibility for the Post Office; I do not know whether that call took place nor, if it did, what was said, because there is an entry for the following day for a similar call.

95. On 3rd July 2013 I had a meeting at 08:45 in the House of Commons with Paula Vennells and Alwen Lyons. At 14:17 that day Ron Warmington wrote[85] to Janet Walker to say,

> *"Ian and I have been "summoned" to a 16:00 hrs meeting with Paula Vennells. We are hearing that Paula and James have agreed to a substantial change to the scope either of the (virtually finalised) Interim Report or even of the entire Investigation (I'm pre-advised that we are to cut the report back to only "bottomed-out SOFTWARE-related issues"). Either way, managing the non-POL stakeholders' and the media's disappointment (even anger) would be a huge challenge. Maybe James didn't agree to that? I'll find out from Paula in 2 hrs time I suppose. It might be a resignation matter."*

96. Janet Walker replied at 14:37[86] to say,

[85] **[JARB0000039]**.
[86] **[JARB0000039]**.

"*Just spoken to Ian and explained that what you have written is not quite what the meeting discussed or concluded this morning.*

"No difference in scope for the interim report. No conclusion on exactly what the entire investigation process does or where it goes from now on - this will be something that, at least in part, comes out of Monday's meeting.

"1. Post Office and James very keen to ensure that because of the scope of the investigations, the definition of 'Horizon' that is used in the report is made explicit and very very clear that it is not just the software program, but includes interface with other programs, and the processes and systems (help desk, training, etc.) around it. There is understandable anxiety that when existing SubPostMasters and media hear the word 'Horizon' (and assume it refers solely and strictly to the computer software program only), they will immediately leap to the conclusion that there if faults have been found and can be proved, this is tantamount to admitting that there is a 'ghost in the machine' which will cause enormous panic.

"2. Post Office and James very keen that what is presented in the report is totally accurate and evidence-based.

"James will call Ian at 3.45pm on his mobile for a brief chat."

97. In fact it seems that I made that telephone call at 3:15pm (on 3rd July 2013). I then spoke to Jo Swinson on the telephone for 10 minutes at 3:45pm and Alan Bates for 15 minutes at 6:00pm.

98. On 4th July 2013 Paula Vennells wrote me a letter[87] in which she referred to the distinction between systemic issues with the Horizon system – of which she understood none had been found – and the wider support systems, and the importance of making that distinction clear.

99. On 5th July 2013 there was a further meeting between myself (as often, perhaps with other MPs present), Paula Vennells and Alwyn Lyons. I cannot remember how the discussion went.

100. 8th July 2013 was Interim Report Day. I put out an early holding Press Statement[88], referring to a further statement which I would put out at 6pm, when I would be chairing a closed meeting with MPs at which Second Sight would release its Interim Report. At 11:00 there was a 15 minute telephone call between Jo Swinson and myself.

101. At some stage I received a briefing from Second Sight about the Interim Report, but I do not know when. They provided me with preliminary conclusions[89] and I wrote some handwritten notes[90] for my own use about my reaction to the Interim Report. I wrote, "It seems at the moment that the Horizon software itself

[87] **[POL00029649]**.
[88] **[JARB0000058]**.
[89] **[JARB0000064]**.
[90] **[JARB0000059]**.

has worked as it was meant to", but I underlined "at the moment", which suggests that I believed that there was more work to be done. Basing my comments on those notes, at 11:15 I rang Private Eye, and at 11:30 Computer Weekly. At 12:00 I rang Paula Vennells at her request for a "catchup".

102. At 4pm on 8th July 2013 I went to see the Speaker; he was in the chair, so I could not have taken long about it; I was confirming what I had already probably warned him about on 27th June 2013, namely that I would be asking for an Urgent Question the following day. I probably gave him the question now in my files[91] which set out the background of the matter and why I felt an urgent question was needed. In that question I said:

> "*Essentially the Report finds that the Horizon software itself seems not to be at fault, but the combination of defects in the way the Post Office dealt with concerns, sometimes inadequate training, sometimes unreliable hardware, an exceptionally complex system and other concerns all led to Sub Postmasters not having the support they should have had*."

This was not completely accurate, because the Interim Report had included the following sentence:

> *"It has become clear that whereas the Horizon system appears to achieve its intended purpose almost all of the time and operates*

[91] **[JARB0000062]**.

smoothly for most SPMRs and their staff, some combinations of events can trigger situations where problems occur."

It also said*:*

"We are aware of 2 incidents where defects or 'bugs' in the Horizon software gave rise to 76 branches being affected by incorrect balances or transactions, which took some time to identify and correct".

103. At 6pm that day, 8th July 2013, we held a meeting in the House of Commons to launch the Second Sight Interim Report[92]. Janet Walker's note of attendance[93] said that as well as MPs there were present Second Sight, Shoosmiths, Alan Bates, Kay Linnell and observers from the Minister's Office and the Post Office.

104. According to my own agenda[94] I said that the Report was a good one – but only a step along the way. I thanked the Post Office for supporting and funding the investigation thus far, in particular Alice Perkins and Paula Vennells. I mentioned that I had concerns regarding the solutions that the Post Office had proposed (the creation of a working party, the involvement of an independent person and a new branch user forum) but that we'd discuss those during the meeting. There was then a presentation by Second Sight, 40 minutes of questions and the meeting closed at 7pm. I told the meeting that I envisaged a further meeting in the autumn to which MPs would be invited.

[92] **[POL00002228]**.
[93] **[JARB0000060]**.
[94] **[JARB0000061]**.

105. In the press statement[95] I put out that evening, more detailed than the one put out earlier that day, I welcomed the report, saying that it did highlight some real issues of concern, some of which the Post Office had already addressed, some of which they were putting forward proposals to address, and some which remained unresolved. After the meeting I did media interviews on the Report. With Alan Bates I did the BBC at around 7pm, and I did Radio 5 Live at 10:40pm. On 9th July 2013 at 07:02 I did Radio Surrey and at 8:08 BBC Shropshire.

106. On 9th July 2013 the Minister, Jo Swinson, in the event decided to make a statement. I expect that she knew that the Speaker would have been likely to have granted my urgent question if she had not. In that Statement[96] she emphasised the arms' length nature of the relationship between the Post Office and its owner, the Government.

107. My own question, which shows what was uppermost in my mind about the Interim Report, was as follows:

> *"I thank my hon. Friend for making this valuable statement to the House. Does she accept that the Post Office, which has acted highly commendably in commissioning this independent review, has a conflict of interest—or, rather, a conflict of duty—in both looking after its sub-*

[95] **[JARB0000063]**.
[96] https://hansard.parliament.uk/commons/2013-07-09/debates/13070952000004/PostOffice-HorizonSystem

postmasters and protecting public money, and that the review has shown that it has fallen too far on the asset recovery side of that conflict? Does she agree that it is essential that the work that needs to be done is not only independent, but seen to be independent of the Post Office? Does she also agree that some sub-postmasters would never have been prosecuted, sued or disciplined had the new procedures now in place or proposed been in effect earlier, and that we must look after them and try to provide them with redress, perhaps through the Criminal Cases Review Commission?"

108. The Minister replied, saying amongst other things,

"It is important that any further work is not only independent, but seen to be independent, and clearly the role of Second Sight in that is important, as is the role of the JFSA. I would not go as far as my right hon. Friend, however; there is no evidence to suggest that any convictions would have been different had these processes and training systems been in place, particularly given that in most of the prosecutions dealt with in the report—not all 47 cases in the report resulted in a prosecution—the sub-postmaster pleaded guilty in the first place. It is difficult to second guess when somebody has entered a guilty plea."

109. The questions which were asked during the Statement were in some respects prescient of what was later to be found by Mr Justice Fraser, and showed a

concern about the Post Office's behaviour that the Interim Report had not dispelled. I would particularly draw attention to the question by Andrew Bridgen MP, Michael Rudkin's MP, in which he said:

> *"Having been involved in this issue for some time and having initially been told by Post Office representatives that the Horizon software system was perfect and could not be infiltrated, I am pleased that the Post Office is co-operating with the independent investigation"…*

He was to return to that theme in a debate the following year.

110. On the morning of Thursday 11th July 2013 at 09:15 there was a wash-up meeting at the Post Office headquarters at Old Street between Paula Vennells, Alwen Lyons, Janet Walker and me with Alan Bates joining by telephone. To prepare for that meeting Janet Walker emailed me some notes[97], which I will have followed. Those notes said:

> *"To raise / discuss*
>
> *"Second Sight continuing involvement*
>
> *"1. It is worth your raising, if not fully resolving, the fact that Second Sight really ought to continue to be involved. Whilst the terms of their*

[97] **[JARB0000065]**.

involvement are not our concern, the fact that they continue to be involved and in what capacity, is. Ian Henderson has called to express some anxiety that neither he nor Ron have heard from the PO since just before the meeting on 8 July. Not entirely surprising. But he did say that given the Ministerial agreement with MP's comments in the statement that Second Sight's continued involvement is necessary, it is a bit unnerving. Second Sight appears to be on some kind of rolling 'agreement' based on an hourly rate rather than having a contract. Not our problem, but worth knowing the agreement seems tenuous rather than formal.

"2. Ian also mentioned that he rather expects PO full cooperation to drop off, given the hammering it has taken. I pointed out that this would not be in the interests of PO, and that they would probably see this. However, he did ask what escalation point might he be able to use over summer if his requests for data / documents / cooperation were not met. I said, come to me. I did not say, James is available if absolutely necessary – they should be able to sort this out themselves. But it's worth you just bearing in mind. Ian, Ron, and Alan know recess dates, my holiday dates, and I have said that you are pretty much unavailable during summer.

"3. Said has never heard from Ministerial office, should he expect to? I said probably not now, but would check your view on this.

"October meeting

"Shall we mull over what might comprise an October meeting (14? 21? 28?), and get that in the diary now, with forewarning to Second Sight and PO? You've said that at this meeting, the PO ought to be in a position to respond to investigation findings and speak directly to the MPs. I'd suggest a date for the meeting, then let PO and Second Sight work out between themselves what needs to be done to get them there. Good pressure to keep things moving.

"New cases

"What would PO like me to do with these?

"They need to be acknowledged and held, pending decision on how to proceed. Should they be acknowledged by and held at this office or PO?"

111. It appears that we contemplated a further meeting on 22nd or 23rd July 2013, because Janet Walker sent Alwen Lyons an email[98] to that effect that day (11th July 2013). That afternoon Alan Bates sent Janet Walker an email[99] proposing a set of steps to deal with the historic cases. Janet forwarded it to Alwen Lyons with a comment from me that I thought Alan Bates's ideas were quite outstanding.

[98] **[POL00167943]**.
[99] **[POL00095441]**

112. It is worth noting here that the Clarke advice about Dr Gareth Jenkins was dated 15th July 2013, and so presumably had been commissioned some time beforehand. I was aware neither of the commissioning nor of the receipt of the Clarke advice.

113. On 17th July 2013 I met Simon Blagden, the non-executive Chairman of Fujitsu. The reason for the meeting[100] was that he wanted to talk to me as Chairman of the Defence Select Committee about the recent MoD White Paper which outlined the next stages in the move to transform DE&S (Defence Equipment and Support). I had had several meetings with Mr Blagden to talk about defence; but I also raised with him at that meeting the issue of Horizon. On 18th July 2013 he wrote to me[101] to agree to a visit to the Fujitsu offices (I accepted on 9th August 2013). In his email he said,

> *"With regards to The Post Office, as discussed, I really do think that a continued open and inclusive engagement with Paula Vennells would be the best way forward. I hold her in very high regard and she is without doubt the most morally and socially aware CEO that I deal with. I always think with these kind of sensitive situations that agreeing a common approach on the issues is often best for the people who are affected. Do let me know if you think I can help in any way."*

[100] **[JARB0000067]**.
[101] **[JARB0000068]**.

114. On 22nd July 2013 there was a meeting at the Post Office between Paula Vennells, Ian Henderson and myself. The Post Office notes[102] sent on 23rd July 2013 say that there were also present Ron Warmington, Susan Crichton, Mark Davies and Alwen Lyons. The preparatory notes[103] I have for that meeting read as follows:

> *"1. What is going to be delivered in October?*
>
> *2. Will it answer the question MPs will want answered regarding their constituent?*
>
> *3. If any cases are to be dropped from this batch, we MUST know who they are, who the relevant MP is, and why they are being dropped, so I can write to the MPs and explain*
>
> *4. How are we going defining the process by which new cases will be investigated?*
>
> *I am now holding 6 new cases, one of which goes to court next week"*

115. At the meeting we were given a flow chart[104] prepared by the Post Office to set out how cases would be dealt with. I believe that the meeting went as set out in the email from Alwen Lyons. From what I can now remember, I firmly believed that the Post Office were dealing in good faith with the matter, and that everyone was working towards a full resolution of all the outstanding cases. There were probably at the back of my mind niggling doubts arising from the legalistic approach to Second Sight's investigations, and their failure to answer

[102] **[POL00099354]**.
[103] **[JARB0000070]**.
[104] **[JARB0000069]**.

the questions Second Sight were putting to them, and their over-confident backing of the Horizon system in their response to the Interim Report, but I believed I was dealing with people who were able to work through any problems and get to the right result.

116. On 29th July 2013 Susan Crichton emailed me[105] to tell me about the first meeting of the Working Party and the details of the mediation process which the Post Office were proposing.

117. From 20th to 24th August 2013 I was in Scotland on holiday. Susan Crichton and Alwen Lyons met Janet Walker[106] to discuss "the mediation process which has been agreed with the JFSA and SS". As a result of that meeting Janet emailed me the documentation for my comments, and I returned some pretty detailed comments as set out in Janet Walker's email[107] to Susan Crichton and Alwen Lyons of 21st August 2013. I had suggested to Janet that the eventual announcement should include the words from me,

> *"I am very pleased indeed with the working group's proposed process. To my mind it represents the very best chance all parties – individual subPost Masters and Mistresses, and the Post Office – have of ensuring the best outcome for everyone. It is fair, thorough and independent."*

[105] **[POL00027849]**.
[106] **[POL00099447]**.
[107] **[POL00099493]**.

118. I was proposing Sir Stephen Sedley, a retired Court of Appeal Judge, to chair the mediation process, and Janet Walker was sending on a further list of new cases that had come into my office.

119. There was a telephone call between Paula Vennells and myself while I was on a fishing boat near Oban; the purpose of the call was to iron out some details about the Mediation Scheme that had been agreed at earlier meetings. The call was amicable and constructive, and I certainly believed at the time that matters were on the right track and indeed going well.

120. In the event it seems that the Post Office gave to the NFSP the task of announcing the mediation scheme, which they did on 27th August 2013[108], including the quote from me. On that day I did an interview with BBC South about Jo Hamilton and the mediation process. I did it outside Jo Hamilton's shop in South Warnborough[109], and she will have been there too. The thought that the Post Office might eventually exclude Jo Hamilton from the mediation scheme did not cross my mind for a moment.

121. Also on 27th August 2013 I responded to a blogpost by Nick Wallis, and said[110]:

> *"Good stuff, and I know you will keep your eye on this extremely important issue. But one thing I would challenge you on, namely the payment by the Post Office for the investigation by Second Sight. The*

[108] **[NFSP00000263]**.
[109] **[JARB0000071]**.
[110] **[POL00061352]**.

very fact that they were prepared to do that suggested to me that they did want, perhaps against their own apparent interest, to resolve the matter for the good of everyone, themselves included. I thought that was creditable.

"And someone had to pay for it. I wasn't going to, the Government wouldn't have forked out money from somewhere else to do so, and the Post Office offered to do so despite the risk to their reputation. That does contrast (well, IMHO) with the cover ups we've seen elsewhere in the public sector."

122. Apparently Angela Van Den Bogerd wrote[111] on the same day to Alan (Bates, I presume) about the Mediation Scheme.

123. On 11th September 2013 there was a meeting in the House of Commons between Alice Perkins, Alwen Lyons and myself. The questions which Janet Walker suggested in the notes[112] to that meeting were:

"" has a decision been made re chairman of new working party (JNA suggested Sir Stephen Sedley)*

** October meeting with MPs - we had promised this."*

[111] **[POL00146048]**.
[112] **[JARB0000072]**.

124. I understand that during September 2013 Susan Crichton left the Post Office. I do not know why she left, but it may be important, because it was (I now see, looking back on it) around about this time that the Post Office's approach changed. Their change of attitude may have been because they had been expecting Second Sight (whom Susan Crichton had recommended) to give Horizon a clean bill of health, which Second Sight had not done. The Post Office clearly did not like that.

125. Alternatively or additionally it may have been partly because Susan Crichton's replacement, Chris Aujard, brought a different tone to the Post Office's dealings. I cannot exactly put my finger on it. I felt uncomfortable with him and thought him uncommitted to the process we were going through. I cannot at this remove in time give details of what he said or did or in which meetings to give rise to that feeling, but I do remember thinking that things were somehow different – less open, more combative - because of him.

MEDIATION SCHEME GETS UNDERWAY

126. Some time before the end of September 2013 Janet Walker on my behalf sent an email[113] to MPs who had been involved in the Horizon matter. She set out the details of the mediation scheme, and said that while the results of the continuing investigations had been hoped for by October 2013, I was now delaying the meeting until January in order to hear how investigations were going, how the internal review of processes at the Post Office was going, and perhaps to hear from the chairman of the Working Party.

127. On 1st October 2013 I did a TV interview with BBC Wales. In the emails[114] setting up the interview, of which the subject was "Interview with James Arbuthnot MP, 3pm, 1 Oct, at Tory Party Conf, re Post office", I was asked:

> *"I also understand he received an email the day before yesterday from the JFSA about an attempted suicide by one of the posymasters* [sic] – *the second one to try to kill themselves over discrepancies between them and the PO. Is he happy to respond to that email from the JFSA in our programme?"*

I have no information in my files about what I said.

[113] **[POL00099656]**.
[114] **[JARB0000073]**.

128. Also that day, 1st October 2013, I had a meeting with executives from Fujitsu; the diary notes concern only defence, but it is possible that at that meeting I also raised the issue of Horizon. Both of the attempts of my office to arrange a Fujitsu visit failed by 11th October 2013, so we tried to organise another day.

129. On 28th October 2013 Alwen Lyons emailed Janet Walker and me[115] to say that the Post Office were just about to announce the appointment of Sir Anthony Hooper as chairman of the Mediation Scheme. Sir Anthony had been proposed by Kay Linnell and was supported by Alan Bates.

130. From 1st to 3rd November 2013 I attended a British-Turkish conference in Edinburgh. Alice Perkins also attended and it seems that at some stage during that conference she and I spoke about the Horizon issue. I cannot remember the conversation.

131. On 4th November 2013 it seems that Paula Vennells emailed Chris Aujard and Alice Perkins[116] to say that I had spoken to her (Paula Vennells) about Sparrow. I do not know what had caused me to do that – clearly I had raised the matter with her rather than the other way round - nor whether this was the first time I had heard of Sparrow, nor what if anything I knew about Sparrow, nor what she told me.

[115] **[POL00099828].**
[116] **[POL00099875]**.

132. It seems I also described Sir Anthony Hooper as "quirky" but I cannot remember that. I am not sure whether I have ever met him. I do remember being perfectly content with his appointment, not least because he was supported by Alan Bates. I see from a note[117] of a meeting in January 2014, the following year, that I said I had received feedback that he was a really good man doing a really good job.

133. On 26th November 2013 Alice Perkins sent me a letter[118] referring to the conversation she and I had had in Edinburgh. She said that she and I had agreed to arrange a date to discuss the progress being made on the Post Office's commitments. She said that the mediation scheme was taking longer than at first envisaged, so that it would be better for us to meet in the New Year rather than earlier.

134. On 10th December 2013 Alan Bates emailed Janet Walker[119] to ask for a telephone conversation with me which took place the following day. He wanted "a short conversation in the near future to discuss a concern that may arise in the future, before we arrive at that point". Janet Walker wrote to Alan Bates on 11th December 2013[120] to tell him about the meeting it was proposed I was to have with Alice Perkins and Paula Vennells on 28th January 2014, suggesting that my conversation with Alan should take place shortly before that, and also to say:

[117] **[POL00026743]**.
[118] **[POL00102598]**.
[119] **[JARB0000074]**.
[120] **[JARB0000075]**.

"what he will need [that is to say, I believe, what I would need] *is evidence. If, as you suggest, current practice is not changing despite processes being reviewed and cases investigated, he will need very clear description (no names are required) about what is going wrong, when, and why this indicates that processes are in fact not being changed as the mediation process proceeds. I am sure you are keeping a log of what you are hearing, and this would be useful to refer to."*

135. On or about Wednesday 8th January 2014 Alan Bates called Janet Walker[121] and asked for a confidential chat with me. He told her that the mediation scheme was running, but that the Post Office were putting some pressure on Second Sight – he was vague about quite what – and that Ron Warmington was getting to the stage where he was thinking of walking out. Alan Bates wanted to talk to me and brief me on the background. It appears that that telephone conversation between Alan Bates and me took place the following day, 9th January 2014. I do not have a note of what was said.

136. A note[122] of a telephone conversation on 10th January 2014 between Janet Walker and Ian Henderson reads as follows:

"JKW spoke to Ian H, and there are problems with PO/Second Sight relationship. IH has written to new head of legal about contract, and

[121] **[JARB0000076]**.
[122] **[JARB0000078]**.

waiting for response. Will contact JKW when he receives answer, and take it from there. JKW mentioned JNA meeting with Alice and Paula on 28 Jan, and asked for telephone call to be pencilled in, in case JNA needs to raise anything with Alice / Paula regarding this. Suggested to IH that if problems are not resolved, he ought to raise them with working group chairman BEFORE speaking to JNA."

Things were starting to go slightly (at that stage) wrong.

137. On 20th January 2014 Janet Walker wrote to Second Sight[123] about the telephone call to take place before my meeting with the Post Office to take place on 28th January. She asked whether there was a satisfactory agreement in place with the Post Office and also said,

"it is clear that a January update meeting for MPs is not going to happen, but I think something ought to be done to let them know how the mediation process is going, at what stage the investigations are at, and when the cases will be moved on to the next stage. Two MPs in particular are beginning to ask questions: Andrew Bridgen has raised the matter of compensation (Alan and Kay are looking into this); and Mike Wood is asking how things are going with his constituent. Would a report from Second Sight be a good idea, I wonder? Perhaps ahead of a February meeting with MPs? I think it is be important to keep MPs

[123] **[JARB0000079]**.

up-to-date with what is going on, and it might be helpful to Second Sight and the JSFA in keeping pressure on the Post Office.“

138. On 27th January 2014 at 2:45 pm the telephone call with Second Sight took place. And at 5pm there was a telephone call with Alan Bates. I do not have notes of what was said in either of those calls, but whatever it was will have been reflected in the speaking notes that Janet Walker prepared for my subsequent meeting with the Post Office.

139. At 09:30 on 28th January 2014 there was a meeting with the Post Office in my room in the House of Commons. The agenda[124] (from the looks of its formatting it appears to have been provided by Janet Walker) covered the following subjects:

“*1. The mediation scheme – how it is going; what will be reported to MPs, how, and when; matters surrounding compensation; external review of past cases that went to court*

2. Second Sight – relationship with them including agreement as to what they are doing and for whom

3. JFSA – relationship between POL and the Association

4. Successor to the mediation scheme

5. Business Improvement Programme

6. Next steps“

[124] **[JARB0000080]**.

140. Janet Walker didspeaking notes[125] for me for the meeting. These will have been partly based on the telephone conversations I had had with Second Sight and Alan Bates. The notes read as follows:

Mediation Scheme

1. How is this going?

a. 147 cases have applied

b. How many have reached mediation?

c. Only half a day or one day allocated for mediation – is this enough?

d. Understand that results are not binding – on either SubPM or Post Office. Is this true? What are consequences of this?

e. Chairman – how long is he contracted for?

2. Reporting progress to MPs – when and how and in what detail?

a. Do confidentiality terms mean that constituents will not be able to talk to their MPs?

3. Reporting results to MPs – individual cases, cases in total, when and how

a. Second Sight producing a Thematic Report (previously called Mediators Briefing Document) – sounds ideal for circulation

[125] **[JARB0000081]**.

4. Are there any exclusions on what can be made public?

a. Reporting problems with Horizon – should they be found

5. Compensation

a. Is there contingency for this?

b. Is there someone of sufficient authority on the working group that will be empowered to make offers from POL without having to revert to senior management?

6. External review of past and current litigation – what were the results?

7. Any future plans for second tranche of mediation for new cases that come to light?

141. It seems from the Post Office notes[126] of the meeting that there were present Alice Perkins, Paula Vennells, Janet Walker, David Oliver (the programme manager of the mediation scheme) and myself. I raised a number of points. I wondered how MPs would be kept in touch with the scheme. I asked about the turnover of the staff on the scheme, and about Second Sight's employment. I asked about a final report, and said that Second Sight were being prevented from talking to MPs about their own constituents. It seems from the note that Paula Vennells told me Second Sight's engagement letter was not designed to restrict in any way Second Sight's ability to investigate issues with Horizon.

[126] **[POL00026743]**.

This was not the first time that she had promised access for Second Sight to any document or file that was relevant to their investigations.

142. But she then said that Second Sight would not be advising Post Office on criminal cases or prosecution policy as they were forensic accountants and not lawyers. I believe that at the time this struck me as wrong. It was at odds with what she had just said about not restricting Second Sight's ability to investigate the issues with Horizon. Accountants in their training and work have a great deal to do with criminal cases and prosecution. The Post Office notes do not record that made this point at the time, but since I accepted her offer of a meeting to discuss it (itself a strange proposal, given that we were already having a meeting) it seems probable that I was sceptical. Looking back on it now, I believe she was following the recommendations of Chris Aujard and Angela Van Den Bogerd.

143. On 4th February 2014 I sent an email[127] to MP colleagues including the following words:

> *"I would like to mention a couple of matters in advance of the meeting. The mediation scheme is running, and we must take care both to respect the privacy of individual applicants and to avoid skewing the mediation process. Individual cases will not be up for discussion, but I am sure that if any colleague wanted to seek a separate meeting with*

[127] **[POL00100445]**.

Post Office to discuss an individual case, Post Office would be happy to arrange this separately."

This, according to Janet Walker, was an offer made by the Post Office.

144. At close of play on Friday 7th February 2014 David Oliver sent Janet Walker an email[128] containing the draft minutes of the meeting. Janet Walker, having spoken to me, replied to him on 11th February 2014 to raise three points. First, I wanted Paula Vennells to confirm that Second Sight were at liberty to discuss matters with me, as the JFSA was. Second I wanted her to confirm that, if problems arose with Horizon, Second Sight were at liberty to investigate – in other words, there were no "no-go" areas in the investigations. Third I wanted her to meet Second Sight to iron out a letter of agreement. These were issues on which clearly I had reservations about the Post Office's approach, and which were reminding me of the concerns I felt the previous summer about Post Office defensiveness and legalism. I also proposed an agenda for the meeting with MPs that was eventually to take place. I would have expected there to be some response to that email of 11th February 2014, but do not have a copy in my files.

145. Oliver Heald MP wrote to me on 19th February 2014 about one of his constituents; I do not have a copy of his letter. On 5th March 2014 I wrote a letter to him to say that the mediation scheme had now closed but that he

[128] **[POL00100222]**.

would be welcome to attend a meeting I would be chairing on Monday 24 March 2014, at 5.45pm in Room T, Portcullis House.

146. On 14th March 2014 Janet Walker emailed me to say that Paula Vennells wanted to speak to me on the telephone, a call eventually agreed to take place on 18th March 2014. She emailed David Oliver at the Post Office on 17th March 2014[129] to say:

> *"One thing that has come up which he would like to cover is the agenda for the meeting next week. What has been proposed is as follows:*
>
> *1. Welcome and into – JNA for 5 mins*
> *2. Update on progress with mediation scheme and business improvement programme – PV for 15 mins*
> *3. Second Sight update – 10 mins*
> *4. JFSA update – 10 mins*
> *5. Q&A – 20 mins*
>
> *Is Paula content with this? Second Sight have expressed some concern in that they feel they cannot, and should not, speak on behalf of the Working Group. However, they can offer their perspective on the investigations. I have spoken to Ian just now and he understands that it would be inappropriate to go into details given that the investigations*

[129] **[JARB0000082]**.

are still works in progress, and that gesturing towards any conclusions at this stage would not be wise. This would be something it would be very good for Paula and James to cover."

147. On 20th March 2014 David Oliver wrote an email[130] to Janet Walker beginning, "Following on from the call Paula undertook to provide James with a draft email he could send to interested colleagues about the restrictions around what we can and can't say." He also asked whether Janet and I were happy with amendments he had made to the minutes – presumably of the meeting of 28th January 2014. Janet replied immediately that on 4th February 2014 I had sent an email to MP colleagues telling them something slightly different from what David Oliver was now proposing, and also saying that she had sent an email some time before agreeing the amendments. However I do not have a copy either of the amendments proposed by David Oliver nor of Janet Walker's approval of those amendments. It seems that David Oliver tried to speak on the telephone to Janet Walker following receipt of her email of 20th March 2014.

148. I do not have notes of the meeting that took place on 24th March 2014 but I have seen the Post Office notes[131]. I do not question the accuracy of the Post Office notes. They include the comment,

[130] **[POL00100445]**.
[131] **[POL00105634]**.

"In the short term the Second Sight reference to the thematic report and it somehow being shared with MPs is a concern and we are prepared for the potential leaking of the report."

149. This comment appears to be at odds with the Post Office's professed intention to be open and transparent. Perhaps the meeting of 24th March 2014 – which the Post Office describes as "difficult" - was the time that I truly began to sense a changed attitude from the Post Office. The reluctance by Chris Aujard and Paula Vennells to discuss compensation, combined with my own determination to return to the issue, will have suggested to me that we might be on divergent tracks.

150. On 26th March 2014 I wrote[132] to Paula Vennells to try to get a date for a meeting in July in our diaries but also to say:

"I know you sensed that MPs are beginning to want to hear something more than that the cases are going through mediation. There was some dismay, I thought, at the prospect mentioned that even when the mediation process is complete, MPs are not going to get a chance to hear the result of investigations. I am fairly certain this will not wash and that something is going to have to be offered by way of reported results, even if only on a generic basis.

[132] **[POL00100474]**.

> *"Everyone understands the point about the integrity and independence of the working group being respected, but the reason this entire process has been instigated is that MPs agitated on behalf of their constituents for it. Given that Second Sight are producing a report within days, I think it is quite justifiable that MPs believe that results of some description are being arrived at, and we are getting hungry to know what they are. Might a report be made available soon, or can results be made known at this July meeting? Perhaps you can let me know your thoughts about this?"*

I was – and MPs were – beginning to feel frustrated at the Post Office's secretiveness.

151. On 1st April 2014 I emailed MPs[133] and said (amongst other things) that Alan Bates was expressing frustration and:

> *"I remain concerned that the process is taking much longer than anyone wants and also that we were not given any indication of when any investigation might yield results, and what exactly we might be told about those results. Given that investigators were on the verge of producing a report on 26th March about their work and handing this to the working group, I have also asked when MPs might be offered some more substantial news.*

[133] **[POL00100491]**.

"I have therefore written to Paula Vennells, the CEO who attended the meeting, expressing these points and requested another meeting which I hope could take place in July. …

"I have said to the Post Office that I remain confident that the mediation process remains the best possible opportunity for this matter to be resolved, but that we need to see some results, and soon. I ask you to be patient a while longer."

152. On 11th April 2014 Paula Vennells replied[134] to my letter of 26th March 2014 to say that she was not supportive of a further interim report because it would have the potential to damage the integrity of the scheme, and that a meeting in July 2014 would serve no purpose because there would be no more to discuss then; it should wait until September 2014.

153. On 1st May 2014 I replied[135]:

"May I make two points in response to your letter? The first is that whilst I appreciate that an interim report is slightly disruptive of the Mediation Scheme's progress, I am not so sure that preliminary findings cannot be shared in a manner that respects the Scheme's integrity. Given that the investigators were issuing the Post Office with a report in late March, surely by now they have been able to draw

[134] **[POL00100671]**.
[135] **[POL00105466]**.

some conclusions about the cases before them. Doing so would not intrude on the confidentiality of any individual case. And would it not be fair to share these, given that the group of MPs whose constituents have been affected have been partially (with the Post Office and the JSFA) responsible for getting these investigations underway? Second, if a July meeting is unimaginable, can you offer me a date when a further meeting will be considered, please?

"I understand all the points that you make and have some sympathy with the position you adopt. However, I am anxious that the longer the silence, the more concerned MPs will get. This relates not just to their own constituency cases but to the processes which had been followed at the Post Office which led to so many individuals coming forward. This entire matter has the potential to run away from our control, something neither you nor I want to see happen. In short, I am slightly worried.

"I wonder if you might let me have your thoughts please? In order to dampen expectations about a July meeting, I would like to circulate your letter of 11 April to those MPs involved, but I feel I should give you an opportunity to think these points through before I do so."

By my standards I was irritated.

154. On 6th May 2014 I had a meeting with Clark Vasey of Fujitsu. In the emails organising that meeting my diary secretary reminded Fujitsu that I was hoping for a visit to see their operations in my constituency. On 13th June 2014 that visit took place, and there is no evidence of any discussion of Horizon – it appears to have been an entirely defence orientated visit.

155. On 14th May 2014 Paula Vennells wrote to me[136] in reply to my letter of 1st May 2014. She said that the scheme was making progress, but that every stage was taking longer than originally envisaged. She said that Second Sight had only just submitted their first case review, and that given the slow process of their case reviews, a thematic report should not be the focus of their efforts. She also made a complaint that Alan Bates had written to Jenny Willott MP, and she said that this was in breach of the confidential nature of the Working Group, that the Working Group Chair had written to the Minister about it and that Alan Bates's letter had contained various inaccuracies.

156. On 20th May 2014 I replied[137] to say that I was taken aback by the fact that only one review had been completed thus far, and to ask what she suggested I should tell MPs about why things were taking so long. As for her complaint about Alan Bates, I was inclined to forgive him and asked why it might have been that he had not felt able to approach either Sir Anthony Hooper or her with his concerns. But I also wrote to Alan Bates[138] to say that he probably should have raised the issues with Sir Anthony Hooper or Paula Vennells rather than

[136] **[POL00100696]**.
[137] **[POL00100695]**.
[138] **[JARB0000083]**.

the Minister. I probably felt that the prediction in my letter of 1st May 2014 that things might run away from our control was beginning to come true. I suggested to both Paula Vennells and Alan Bates a meeting between the three of us to clear the air.

157. It appears that on 22nd May 2014 Second Sight produced Part 1 of a Mediation Briefing Report[139]. I cannot say when I saw this. It is linked to Part 2 which contains the conclusions of Second Sight's continuing investigations, and in view of the absence of those conclusions I would probably have waited until seeing them before forming a view.

158. On 12th June 2014 Paula Vennells replied[140] to my letter of 20th May 2014. She wanted to discuss with Sir Anthony Hooper an update – which she thought would be helpful - to be provided to MPs. She did not think a "clear the air" discussion with Alan Bates was needed but she would keep the offer in mind.

159. On 2nd July 2014 Paula Vennells wrote to me[141] enclosing an annex from Sir Anthony Hooper giving a brief update on the mediation scheme. I was disappointed with it. I replied on 8th July 2014[142], as follows:

> *"I understand your reticence about reporting anything further to MPs than is covered by the Annex to your letter. I will circulate this to the*

[139] **[POL00035280]**.
[140] **[POL00100695]**.
[141] **[POL00102600]**.
[142] **[POL00026747]**.

group who will, I suspect, be disappointed that no further news can be offered.

"What I propose to write to them via email is as follows:

> *"*I had hoped that we could schedule a meeting before summer during which the Post Office might offer us an update on how the mediation scheme is progressing. To this end I have been in correspondence with Paul Vennells, the Chief Executive. I attach an update from her office, which I have just received.
>
> It appears that not a great deal can be added to what was said in our last meeting. I see no point in trying to push for a meeting which offers no further detail than we heard at the last.
>
> "I understand and am concerned that the investigations and reviews are taking longer than any of us anticipated. It is possible (though I have not been told so) that the Post Office considers that nothing can be said about any individual case until something can be said about all of them. Perhaps there is a risk in the mind of Sir Anthony Hooper that to release the result of one case might create pressure on another.

> "I intend to press the Post Office on this point, to reconfirm the need to give us all some substantial information, and to come back to you with a further update in September
>
> "I hope you might be content with this approach."
>
> *"I plan on sending this at the end of this week. If you would like to suggest any amendments, could you do so by close of play Thursday 10 July please?"*

160. Paula Vennells emailed me on 10th July 2014[143] to put a slightly better gloss on things.

161. On 11th July 2014 Alan Bates telephoned Janet Walker. Her note[144] to me of that conversation reads as follows:

> *"Alan spoke to JKW. Working Group meeting this week has ended rather badly. Alan feels that Second Sight's role is being changed as independent arbiters of whether cases ought to proceed to mediation is being changed [sic]. Has spoken to Tony Hooper who has given Alan 2 weeks to make a case that Second Sight should be the decision maker as to whether or not cases proceed to mediation. Alan wants to know JNA's views on what he and other MPs believe Second Sight's role is.*

[143] **[POL00101018]**.
[144] **[JARB0000084]**.

"At the moment, Second Sight investigates. At the end of the investigation, they make a recommendation as to whether a case goes to mediation or not. This is then debated at Working Group, where there are two votes, Post Office and JSFA. If the vote is split, then Tony Hooper makes a decision.

"Alan's point is that surely Second Sight's recommendation should be regarded as final, and that not allowing this to be the case interferes with the independence of the process."

162. On 15th July 2014 two things happened. I had a telephone call with Alan Bates arising out of his previous conversation with Janet Walker. I do not have notes of my conversation with him. And second Janet Walker sent Paula Vennells a redraft of the email[145] I was going to send MPs that was a little less downbeat than my first draft and asking for a telephone call between her and me to discuss that redraft. That telephone call was due to take place and probably did on 17th July 2014.

163. Probably on 17h July 2014 – after my conversation with Paula Vennells - I emailed MPs[146] as follows:

[145] **[JARB0000085]**.
[146] **[POL00101053]**.

"I had hoped that we might schedule a meeting before summer during which the Post Office might offer us an update on how the mediation scheme is progressing. To this end I have been in correspondence with Paula Vennells, the Chief Executive, to see what might be arranged.

It appears that not a great deal can be added to what was said in our last meeting. The mediation scheme is progressing, but at a slower pace than any of us would have liked. Rather than hold a meeting just before Recess that will not reveal more than we already know, I would rather wait until autumn, but I do want to get a date in the diary for a meeting then.

I attach a note that Paula has sent which sets out the progress made since our last meeting. She has reiterated to me that the integrity of the mediation scheme requires that confidentiality of cases be respected. In her letter to me she has also said that individual case details may not be shared with us at any point, including at the end of the Scheme.

I would like to believe that at the end of the Scheme we will be presented with a report which shows why and how we got to the stage where hundreds of individuals were (and still are) coming forward with their concerns and their often harrowing stories. I do believe that the mediation scheme has a good chance of righting things, but we shall all need clarity as to what happened and why, and how it is being put right."

164. On 4th August 2014 Janet Walker forwarded on my behalf an email from the office of Steve Webb MP about a constituent of his.

THE BREAKDOWN OF RELATIONS

165. On 21st August 2014 Second Sight produced Part 2 of its Initial Complaint Review and Mediation Scheme Briefing Report[147]. In my files I also have a document called "Post Office – Second Sight Report – Part 2"[148] which is also from August 2014. I believe it must have been provided to me by Second Sight, and it is a useful summary of the conclusions of the full report and I would have read them together. I do not, however, know when I saw it.

166. The report contains many points that were damning. Whether at the time I saw it I recognised quite how damning they were is less clear in my mind. There is no reference, for example, to the Post Office or Fujitsu being able to access Horizon remotely, something I remember being concerned about. But the question, "Is Horizon fit for purpose", is answered by Second Sight's conclusion – no. Uppermost in my own mind was always the question, have the actions taken against these subpostmasters, whether disciplinary, litigious or prosecutory, been fair, and are the results safe? The conclusion I would have drawn from the summary whenever I did see it was, "Almost certainly not, and certainly not in every case".

167. By this stage I had come to trust Ron Warmington and Ian Henderson. My feeling about their approach was that they were straightforward, open,

[147] **[POL00030160]**.
[148] **[JARB0000086]**.

competent, and experienced in the issues with which we were all dealing. I had completely abandoned my initial suspicion of their (or at least Ron Warmington's) past friendship with Susan Crichton and the fact that they were being funded by the Post Office. At the same time the Post Office personnel with whom I was dealing had become defensive, legalistic and determined to keep from MPs information about which they had previously promised to be open. Where there was a dispute between Second Sight and the Post Office I therefore felt more inclined to favour Second Sight's version.

168. On 28th August 2014 Priti Patel MP wrote to me about a constituent of hers. I do not have a copy of her letter, but my reply to her[149] of 4th September 2014 said,

> *"I know he is not alone in finding the length of time that is being taken to investigate his case frustrating.*
>
> *"I am afraid there is nothing I can do to increase the pace of investigation. I too would like to see these cases resolved more swiftly than is currently happening. The investigators are being extremely diligent in gathering and then wading through a great deal of information in each of the 150 cases they are investigating and so I would counsel patience, not least as I remain convinced that this process offers Mr Ward the very best chance of seeing his complaint resolved.*

[149] **[JARB0000088]**.

"I am glad you have written to the Chief Executive. Your letter will help her to see how very keen constituency MPs are to see this matter resolved, and it will have applied just the right pressure required to ensure she knows this is true in [_____]'s case."

169. On 4th September 2014 I wrote to Paula Vennells[150] asking for a meeting with her and Jimmy Hood MP about a constituent of his.

170. On 5th September 2014 Angela Van Den Bogerd wrote to Second Sight[151] asking Second Sight to reconsider their recommendation that a particular case was suitable for mediation. The reason she gave boiled down to the fact that the applicant had pleaded guilty in court to false accounting and theft, so that there was no basis left for mediation. I do not know how I have the letter of 5th September 2014 in my files. While it looks as though it came from Second Sight, I cannot be sure of that. Nor do I know when I first saw it. But whenever I did see it, if the same logic were applied to all of the cases where there had been guilty pleas, then the basis of the mediation scheme would have been fundamentally changed.

171. It had always been obvious that the mediation scheme would not have been able to alter convictions in courts. In the question I had asked in the statement

[150] **[JARB0000087]**.
[151] **[JARB0000089]**.

on the floor of the House of Commons on 9th July 2013 after the production of Second Sight's Interim Review I had said

> *"we must look after them and try to provide them with redress, perhaps through the Criminal Cases Review Commission".*

172. The MPs had always regarded the mediation scheme as being one step on the way to, rather than the entire process of, the potential exoneration of those who had been found or who had pleaded guilty. It would be fair to say that we had not worked out a process of what to do should someone's conviction (whether through a finding of a court or a plea of guilty) turn out to be based on evidence that was wrong, untrue or unfair, but I believed that the first step was to establish the validity of the evidence, which was what Second Sight and the mediation scheme were doing. The Post Office now seemed to be treating its own lack of power to overturn court decisions as being a reason not even to admit applicants into the mediation scheme to work out whether those court decisions had been based on evidence that was true and fair. This was not what MPs had agreed to.

173. I have in my files a letter[152] dated 9th September 2014 from Steve McCabe MP, about a constituent of his (see paragraph 175 below).

[152] **[JARB0000148]**.

174. On 13th September 2014 I went to see Kay Linnell who, like Jo Hamilton, was a constituent of mine. The briefing note[153] in my papers prepared for me by Janet Walker shows that the meeting was about the details of the case of Jo Hamilton, whom Kay Linnell was advising.

175. Janet Walker replied to Steve McCabe MP's letter on 15th September 2014 to say that I was forwarding such out of time cases to the Post Office, and she wrote to Paula Vennells doing so. Also on 15th September 2014 Janet Walker forwarded to Steve Webb MP the brief reply she had had from the Post Office about his constituent. On 16th September 2014 the Post Office acknowledged receipt of the letter from Steve McCabe MP about his constituent.

176. On 17th September 2014 I wrote[154] to Paula Vennells (copying it to Sir Anthony Hooper and Alan Bates) as follows:

> *"Alan Bates telephoned my office today following the Working Group meeting which I believe was held earlier this week. He expressed concern about how the meetings were proceeding and mentioned that three solicitors were present during the last one, all from the Post Office's side. I wonder whether this has the effect of interfering with what is meant to be an independent group? Might you think about making these meetings a little less 'lawyerly'?*

[153] **[JARB0000090]**.
[154] **[POL00105465]**.

Also, might you let me have an answer to my letter of 4 September 2014 to you please about meeting with my colleague Jim Hood MP and myself?"

177. On 22nd September 2012 the Post Office wrote to me saying they would look into the constituent's case raised by Steve Webb MP.

178. In the Post Office's reply[155] to Second Sight's Initial Complaint Review and Mediation Scheme Briefing Report dated 22nd September 2014 the Post Office said it was unable to endorse the Report. I cannot remember precisely when or how I saw this Reply.

179. I accept that much of the Second Sight Report and of the Post Office Reply is outside my own area (such as it is) of expertise. I have no understanding of the Activation of Scratchcards, and I never mastered the details of Transaction Reversals. But when I did see the Reply, which I assumed from its tone had been drafted mainly by Chris Aujard, it struck me as unconvincing, defensive, offhand and designed to be obstructive.

180. The Reply said, for example, that "Matters such as the Subpostmaster contract and other legal matters are not within the scope of the Scheme and are outside Second Sight's professional expertise." (Paragraph 1.9). I had expressly said to the Post Office that Second Sight should have no no-go areas and believed that they had accepted that, so 1.9 was a breach of the understanding that MPs

[155] **[POL00002415]**.

had with them. And Second Sight's professional expertise was more than capable of dealing with contracts and legal matters. Accountants have to deal with law much as lawyers have to deal with accounts.

181. Another example was the Post Office's treatment of the contract with subpostmasters (paragraphs 4.1-4.16). My experience of dealing with Jo Hamilton was that she was a trustworthy, sensible woman dealing with an overbearing organisation that refused to listen to what she said. The Post Office Reply about the fairness of the contract, I thought, was callous and wrong, and bore out what I had heard from Jo Hamilton.

182. Another example was the Post Office's Reply about Training, Support and Supervision (Section 8). The complaints from the subpostmasters about the inadequacy of these things are dismissed as "based entirely on the anecdotal information provided by Applicants in their CQRs. As noted in the introduction to this Reply, that information remains largely untested." But what else could such a report be based on? Since the Post Office was insisting that Second Sight restrict itself to dealing with the applications to the mediation scheme rather than doing the investigations that such allegations cried out for, it came poorly from the Post Office to complain about the anecdotal nature of what Second Sight was finding.

183. Another example was the Post Office's arrogant dismissal of Second Sight's concerns expressed in Section 22 about the behaviour of Post Office investigators. It merely rejected the section as being outside the scope of

Second Sight's expertise. But when Second Sight had produced its Interim Report in July 2013, in my Press Release[156] issued on the day of the release of that report I had included the following words:

> *"However, the problems investigators have discovered point to the need for further work. These problems involve:*
>
> • *The way the Post Office has investigated concerns"*

184. So my preference (referred to above) for Second Sight's view of events over that of the Post Office where their views differed encouraged me to reject the Post Office's Reply in those areas – virtually all - where they disagreed with Second Sight.

185. On 1st October 2014 Paula Vennells wrote to me[157] in response to my letter to her of 17th September 2014 about Alan Bates' concerns about the Post Office being lawyered up as follows:

> *"Thank you for your letter of 17th September regarding the concerns Alan has expressed about how the Working Group meetings are proceeding and attendance at those meetings. For your information, Post Office General Counsel is the lead PO representative at the meeting and from time to time takes along members of his team who are involved in the case work, as do Second Sight.*

[156] **[JARB0000063]**.
[157] **[POL00109204]**.

"As you note, the Working Group is independent, and it would be inappropriate for me to intervene as its proceedings, including who attends, are matters for the Group and the Chair. It is of course open to Alan to raise any concerns relating to Working Group meetings with the Chair."

There is no record in my files as to what I did with this dismissive letter. Neither is there any record of a response from Sir Anthony Hooper, to whom I had copied my letter of 17th September 2014.

186. In view of rising concerns about the progress of the mediation scheme I believe that there were then several telephone calls and probably meetings between Alan Bates, Second Sight, other MPs and myself – though not necessarily together - to discuss how we should best take things forward. Journalists were beginning to get wind (though not through me) that things were not going well.

187. On 17th October 2014 I wrote[158] to Paula Vennells as follows:

"I would be pleased if you would accept a request to come to a meeting with myself, Oliver Letwin, Mike Wood, and Andrew Bridgen to discuss progress on the mediation process. I am not alone in becoming increasingly worried about the tone that is emerging from proceedings

[158] **[POL00105464]**.

and I am beginning to fear its disintegration. I would like to discuss this with you as soon as possible.

"The following times suit me. Might you be able to make one of them? I am very keen to meet as soon as possible.
5 pm Monday 27 October
5 pm Monday 3 November
5pm Monday 10 November
6pm Monday 17 November

"If none of these suit, please would your office call mine to discuss times that might be available? I shall ask Janet to call your office next week to check.

"Also, might you let me have an answer to my letter of 4 September 2014 to you please about meeting with my colleague Jim Hood MP and myself? I did write to remind you about this a month ago but am yet to have a response."

I was losing – had in fact lost – patience and trust.

188. Then things began to go bad quite quickly. On 22nd October 2014 Janet Walker wrote to Avene O'Farrell[159] at the Post Office to say,

[159] **[JARB0000091]**.

"Last Friday [ie 17th October 2014] James sent a letter to Paula requesting a meeting. Could you please give me a call at the earliest possible opportunity to arrange. I must let you know that we are now receiving calls from numerous journalists about the mediation scheme and so this meeting is a matter of considerable urgency."

189. On 23rd October 2014 Janet Walker emailed Ron Warmington[160] to say that things were starting to speed up and she wondered whether he had yet heard from Paula. We were getting calls from journalists and I would have to say something soon. Ron Warmington replied:

"Left a message today. Paula is out on holiday this week. They're going to see whether she can fit in a call with me some time next week (!). The Defence Team Representative (Belinda Crowe) wanted to know what I wanted to speak to Paula about (the weather maybe?). I gave her a broad outline but obviously I want to have a person-to-person quick call with Paula not to have some intermediary intercept/interpret/dilute/delay. Will persevere."

190. Also on 23rd October 2014[161] I emailed Alice Perkins as follows:

[160] **[POL00101479]**.
[161] **[POL00101477]**.

"I am becoming increasingly worried about how the sub-Postmasters mediation process is working. The Post Office is treating the decision as to whether individual cases should go through to mediation as a legal battlefield, to the extent that I am getting close to asking another Urgent Question in the House of Commons about it. I have requested a meeting with Paula, who I know is on leave this week. My office is receiving requests for me to talk to the media, and I intend to do so, but I want to discuss matters with Paula first, if possible. I, the subpostmasters and Second Sight agreed to this process in the expectation that it would be carried through in good faith. I would hate to be in a position of having to call that into question.

"I am sorry to write in these terms, but I felt you needed to know how serious the matter was becoming."

191. On the same day (23rd October 2014) there was a telephone call between Alan Bates and me. He wanted to talk to me about "potential developments". I do not have a note of that conversation but it helped to inform me for the telephone conversation I would subsequently have with Paula Vennells. And Janet Walker wrote again to Avene O'Farrell[162] to say,

"James is being contacted by the media and will need to speak to them soon. He wants to speak to Paula before he talks to them. Can you please let Paula know this as a matter of urgency? In addition, we

[162] **[JARB0000093]**.

know that Ron from Second Sight is trying to reach her. He would like to tell her how things are going from his perspective and James is very keen for her to hear what he has to say."

192. On 28th October 2014 there was a telephone call between Paula Vennells and me. In setting it up with Avene O'Farrell Janet Walker said[163],

"James is content to have a word but he would prefer to meet Paula face to face and wants other MPs to join him, namely Oliver Letwin, Andrew Bridgen, and Mike Wood. So, a preliminary and brief word tomorrow would work well but he does want a meeting subsequently."

193. Janet Walker had prepared speaking notes[164] for me, and I accept the accuracy of the Post Office notes[165] of the conversation. In essence I told Paula Vennells that the mediation scheme was breaking down, that the Post Office was trying to prevent people from entering it, that JFSA were likely to take legal action before the end of the year and that I was minded to advise them to do so and that while I did not want to be seen as abandoning the process I felt I could not currently really support it.

194. Paula Vennells replied that the Post Office had invested a lot of time and money in the scheme and could not be accused of bad faith, that the Post Office could not accept responsibility for matters for which it was not

[163] **[JARB0000093]**.
[164] **[JARB0000092]**.
[165] **[POL00117030]**.

responsible, that the mediation scheme was not a compensation scheme and that over 90 cases had now been investigated and no evidence had been identified which suggested there was a problem with Horizon.

195. I raised the case of Jo Hamilton, and was concerned she had been told the Post Office was not willing to consider the case until all other cases had been completed. It does not appear that this point received a reply from Paula Vennells at this stage.

196. On 4th November 2014 Janet Walker forwarded to Steve McCabe MP correspondence from the Post Office about his constituent.

197. On 5th November 2014 Paula Vennells wrote to me[166] to repeat what she had said in our telephone conversation.

198. The meeting between the Post Office and MPs took place in my office in Portcullis House on Monday 17th November 2014 at 4:30pm. In the pre-meeting emails[167] — Avene O'Farrell had said that Pauline Vennells had no objection to Alan Bates attending as well, so the attendees were Paula Vennells, Mark Davies, Chris Aujard and Angela Van Den Bogerd from the Post Office, Alan Bates from JFSA and Andrew Bridgen MP, Oliver Letwin MP, Mike Wood MP and myself. I held a pre-meeting with the MPs alone – and perhaps

[166] **[POL00101571]**.
[167] **[POL00101573]**.

Alan Bates - at 4pm. Janet Walker had prepared speaking notes[168] for the meeting.

199. What I remember of the meeting is that I felt that it was controlled, on the Post Office side, by Angela Van Den Bogerd and Chris Aujard. They said that the Post Office should exclude altogether from the mediation scheme people who had pleaded guilty – a different proposition from their being put to the back of the queue. I asked them how they thought I would have supported a scheme which excluded my constituent, Jo Hamilton, to which they had no answer. This, for me, was the final straw. Paula Vennells seemed almost cowed by their stronger personalities and said little. I told her she was breaking her word. I sensed, rightly or wrongly, that she felt ashamed. The meeting broke up in acrimony.

200. While I do not have notes of the meeting as such, my letter[169] to interested MPs, which I probably sent on 20th November 2014 and which Janet Walker forwarded to the Post Office on 26th November 2014, sets out my view of how it had gone. In that letter I said:

> *"On Monday afternoon Oliver Letwin, Andrew Bridgen, Mike Wood and I met Paula Vennells, the CEO of Post Office Ltd, and some of her staff to discuss progress of the mediation scheme. Also present at the meeting was Alan Bates of the Justice for Sub-Postmasters*

[168] **[JARB0000095]**.
[169] **[POL00101586]**.

Association. I think it would be fair to say that it was not an easy meeting from anyone's point of view.

"The MPs expressed concerns about the Post Office's challenging too many issues before cases even went to mediation, and we suggested that where the independent investigators, Second Sight, recommended that a case should go to mediation, there should be a presumption that that would then happen.

"The Post Office said that they had done exactly what they had said they would do, and that in challenging cases within the Working Party they were doing what had always been set down as the process of the Working Party (though this point was questioned by Alan Bates).

"In relation to our suggestion about a presumption in favour of Second Sight's recommendation, Paula Vennells said she would consider it and would take the matter to the Post Office Board. I believe we should give her the opportunity to do that. The media are wanting to talk, but I intend at the moment not myself to give interviews until the Post Office has had a reasonable time – not open-ended - to consider it.

"I am sorry to relay this disappointing news, but I do believe that there still is a chance to bring this very unhappy saga to a conclusion which will not satisfy everybody but which will be better for most than before we embarked on it.

"On a different point, it does seem unlikely that resolution will have been reached by the General Election, at which, as you may know, I shall not be standing. I have (with the agreement of the MPs mentioned in this letter) discussed the matter with Kevan Jones, who would in due course be happy to take over from me the leadership of the matter. I am sure he will have your full support, as he will mine.

"As soon as I have more news I will be in touch."

201. On 28th November 2014 Paula Vennells wrote to me[170], having consulted the Post Office Board, rejecting my proposition that there should be a presumption in favour of Second Sight's recommendation as to who should go forward for mediation.

202. From 28th to 30th November 2014 I was in Istanbul for a British-Turkish conference, as was Alice Perkins. She and I spoke on the evening of 29th November 2014, and she reported our conversation to Paula Vennells in her email of 1st December 2014[171]. I accept the accuracy of her report. I would be surprised if this were the only Post Office report referring to the meeting of 17th November 2014, but it is the only one disclosed to me. It seems that I told Alice Perkins that I had had a sleepless night on receiving Paula Vennells' letter of

[170] **[POL00101699]**.
[171] **[POL00101607]**.

28th November 2014. Alice Perkins says she was rather surprised at this. I took this matter as seriously then as I take it now.

203. She then asked me how I thought my colleagues had behaved at the meeting, and I said (correctly) that they had been much more restrained than I had expected. She said that it had not sounded very restrained to her, and it would be right to say that the MPs had been, and showed that we were, extremely angry.

204. She and I then apparently went through the arguments first rehearsed in the telephone conversation of 28th October 2014. It seems I said that the MPs wanted to meet Sir Anthony Hooper.

205. I told her that I thought that she and Paula Vennells genuinely believed what they were saying. Looking back on it now, I think I was wrong to believe that, at least as regards Paula Vennells, but I did believe it at the time – I thought at the time that much of the changed approach to the mediation scheme was down to Chris Aujard and Angela Van Den Bogerd.

206. Alice Perkins concluded that my position was exactly the same as it had been two and a half years previously. About that she was wrong. My position two and a half years previously had been that with hard work and good faith a public organisation like the Post Office could and would work with MPs to right wrongs for their constituents. But by the time of the conversation she was reporting I had lost trust in the Post Office. And I also found myself in full

alignment with the forensic accountants that the Post Office themselves had appointed to investigate the matter.

207. On 1st December 2014 Paula Vennells forwarded Alice Perkins's report to Gavin Lambert[172]. I believe he was a civil servant at the Department of Business, Innovation and Skills. I do not know his role. In her email Paula Vennells said:

> "FYI.
>
> "To be discussed with the team if you can please Gavin, as Alice will undoubtedly want to cover off on Wed. Probably best to see below before you read on.
>
> "I hope AH decides to keep to his position of independence, I have suggested a couple of times in the past few months, to Belinda, that Alice might meet AH just in terms of keeping the relationship going, or even me (tho' I now think Chairman is better as is more removed from the process). Alice had requested to do so as well. But B was reticent (she thought it would raise the profile too much; I also think that she felt personally better in control if we didn't).

[172] [**POL00101607**].

"This may be the time – now. Or … it may be too late and be seen as the PO trying to influence, which would be wrong. (Tho' if we find AH agrees to meet the MPs, we'd have to see him as well.)

"All rather difficult. Sounds as though Alice did a good job though."

I presume AH is Sir Anthony Hooper but I do not know who Belinda or B are. I see that there is a reference in an email from Ron Warmington of 23rd October 2014[173] to a Belinda Crowe whom Ron Warmington describes as "the Defence Team Representative" and perhaps 'B' might be Angela Van Den Bogerd. But I do not know.

208. Whoever 'B' was, I note that the reason she (B) apparently gave for there being no meeting with AH was not that this might damage the integrity and independence of the scheme – the reason Paula Vennells implies that she herself would surely have given for his not meeting MPs - but that "she [B] thought it would raise the profile too much; I also think that she felt personally better in control if we didn't."

209. On 3rd December 2014 there was a meeting between Kevan Jones, Andrew Bridgen, Mike Wood and myself from the core group of MPs. I do not have a note of that meeting but what followed was presumably the outcome.

[173] **[POL00101479]**.

210. On 4th December 2014 I went to see the Speaker to ask for a debate in Westminster Hall. Thereafter, in an email contained in the diary entry for 17th December apparently dated 4th December 2014 but which must in reality have been dated 8th December, I wrote to Kevan Jones MP an email[174] to say that the debate could be either in his, Kevan Jones's, name or mine and the Speaker did not seem to mind about that. And I wrote to Tim Robinson[175] at the BBC as follows:

> "*We need to talk. Specifically I shall be writing to Paula Vennells today, but releasing my letter to the press. In order to maximise its impact, I rather think my letter needs to be discussed on the Today Programme tomorrow morning. But I'd like to discuss that with you before making any decisions, please."*

We probably did have such a conversation, but I did not go on the Today programme until 9th December 2014.

211. On 8th December 2014 I had a note in my diary entitled "Post Office letter actions" which read as follows:

> "*1 Collate Press Release with words from other MPs*
>
> *2 Print letter to Paula Vennells on HoC paper, sign*
>
> *3 Scan signed letter*

[174] **[JARB0000077]**.
[175] **[JARB0000097]**.

4 Email all the cc people including (not listed on the letter as it should be) with (a) the letter from PV and (b) my reply and (c) the completed press release

5 In the email to MPs include the following words:

"On 25th November I wrote to you to say that all was not well with the Post Office Mediation Scheme. I am extremely sad to have to tell you that since then things have taken a turn for the worse. The CEO of Post Office Ltd, Paula Vennells, wrote to me to say that her Board had considered but rejected the proposal that there should be a presumption in favour of the recommendations made by Second Sight. I have replied that in several different respects Post Office Ltd were neither allowing the Mediation Scheme to proceed as it was designed to nor doing what they said they would do. I attach hereto a copy of the letter from Paula Vennells to me, a copy of my reply to her and of the accompanying press release.

In the circumstances I have lost faith in the Post Office Board's commitment to a fair resolution of the issue and have handed over the leadership of the informal group of MPs to Kevan Jones with immediate effect. I hope we shall shortly have an opportunity to discuss the issue in an adjournment debate.

Many thanks for your encouraging support on this issue. I shall not myself be abandoning the fight – merely carrying it on in other ways.""

212. And on the same day, 8th December 2014, I wrote a long letter[176] to Paula Vennells setting out our position. The conclusions of that letter were as follows:

"Conclusions

"13 Despite the points raised in paragraph 5 above about investigations and contracts, the Post Office response of 22 September 2014 states, among other things, that contracts and Post Office investigations are outside Second Sight's remit.

"14 Despite your agreement that the Mediation Scheme was to be available to all SPMRs whose cases had been identified by Second Sight as giving rise to concern (see paragraph 6 above), in recent months the Post Office has been objecting to around 90% of cases going forward to mediation. This is contrary to the envisaged process whereby exclusion from mediation would be the exception (see paragraph 8 above), as well as being contrary to the entire purpose of the Mediation Scheme.

"15 Despite your agreement to fund the engagement of professional advisers to support SPMRs "in all relevant stages of the process" (see paragraph 7), the Post Office is attempting, in the absence of

[176] **[POL00101700]**.

representation by those professional advisers of the SPMR under consideration, to have 90% of cases excluded from mediation.

"16 Despite your agreement that those who had pleaded guilty would be able to take advantage of the Mediation Scheme (see paragraph 6 above), the Post Office has objected to cases going to mediation on the ground that the SPMR had pleaded guilty.

"17 Despite your knowing that I and other MPs agreed to the Mediation Scheme only on the basis that it would be available to those who had pleaded guilty (see paragraph 6 above), you did not tell me, nor so far as I am aware any other MP, that the Post Office was arguing that a plea of guilty should debar the SPMR from mediation.

"18 Clearly the Post Office is aware of the Limitation Act point set out in paragraph 13 above – it has enough lawyers. The Post Office could allay any suspicion that this was a factor in the way that it has been behaving by agreeing that Post Office Ltd will not take any time barred limitation point in resisting legal claims arising out of the introduction of Horizon and its support arrangements. Will you agree to this? And will you agree not to destroy any data relevant to these cases?

"19 Will you agree to MPs meeting Second Sight to discuss our concerns and to hear their take on the matter?

"20 I shall not be standing at the next General Election. It is clear that this will not have been resolved by then, and so the group of MPs who met you have agreed that Kevan Jones MP should take over my role in the group of MPs. This has been accepted without demur by the almost 150 other MPs who have constituents in this plight. In any event I could not continue negotiating with you because I have lost faith in the Post Office Board's commitment to a fair resolution of this issue. I shall be pursuing the need for justice for Sub Postmasters in other ways."

213. Also on December 8th 2014 I issued a Press Release[177] the body of which read as follows:

"MPs lose faith in Post Office mediation scheme

"Today a group of MPs campaigning for justice for SubPostmasters announced that they have lost faith in the mediation scheme run by Post Office Ltd. James Arbuthnot, leader of the group of over 140 MPs, said:

""The scheme was set up to help our constituents seek redress and to maintain the Post Office's good reputation. It is doing neither. It has ended up mired in legal wrangling, with the Post Office objecting to most of the cases even going into the

[177] **[POL00101690]**.

mediation that the scheme was designed to provide. I can no longer give it my support. I shall now be pursuing justice for SubPostmasters in other ways."

"Following a meeting between the Chief Executive of Post Office Ltd, Paula Vennells, and a small group of MPs to discuss the MPs' concerns, the Chief Executive wrote a letter setting out the Post Office's position. That letter and James Arbuthnot's reply are attached hereto.

"Andrew Bridgen MP said:

*"*MPs have been working with the Post Office for two years now in the belief that they would work towards a solution to this issue. It would appear that this belief is increasingly looking misplaced*."*

"Mike Wood MP said:

*"*Either the Post Office is awash with criminals who open Sub Post Offices for personal gain or something has gone terribly wrong. MPs are inclined to believe the latter and we are all shocked that the Post Office seems not to want to get to the bottom of all this*."*

"Kevan Jones MP said:

> *"*My constituent has lost everything – his livelihood, his house, his good name, and he is not the only person who faced ruin*."*

"Huw Irranca-Davies MP said:

> "The mediation process has failed even those sub-postmasters who were originally included. But there are also many who fell outside the scheme, and have had no chance to be heard. They all deserve fair play, they all deserve justice, so the fight goes on*."""*

ADJOURNMENT DEBATE AND 2015 SELECT COMMITTEE

214. On the same day (8th December 2014) I wrote a letter[178] to Adrian Bailey MP, Chair of the Business, Innovation and Skills Select Committee. I said:

> *"Please may I put before you for consideration the possibility of your Committee's doing an inquiry into the Mediation Scheme run by Post Office Ltd in relation to the subpostmasters and the Horizon accounting system?*
>
> *It is a saga which has been running for years, but recent developments mean that I have decided that I should no longer lead the group of MPs who have been campaigning to have some form of redress for the subpostmasters. I took this decision because I shall not be standing at the next election, but it has been brought forward by some months by my loss of faith in the Post Office Board's commitment to a fair result. It would not be overstating it to say that I believe the Post Office is doing its best to sabotage its own Mediation Scheme. I attach two letters, one from the CEO of the Post Office to me, and my reply to her, which give you an idea of the issues involved. My place will be taken by Kevan Jones, to whom I am copying this letter.*
>
> *I appreciate that this is not brilliant timing for your committee. But a subpostmaster who is having a house repossessed, or who is in*

[178] **[JARB0000098]**.

danger of losing the right to sue the Post Office through lapse of time, cannot worry about our election timetable."

215. That evening in the division lobby I spoke to Adrian Bailey in the Central Lobby to reinforce my letter. He seemed to like my proposal and told me he would discuss it with his committee.

216. The following morning, 9th December 2014, I and others did media interviews to follow up the press release. I did the Today Programme with John Humphreys[179], Radio 5 Live at 10:45[180], and BBC Surrey at 5:15pm.

217. I also wrote to Jimmy Hood MP[181] to explain what had happened to his correspondence. I said:

"Further to our conversation today I am writing to let you know that I sent a letter to Paula Vennells, CEO, Post Office Ltd (copied in) in September 2014, and followed it up in October 2014 asking when I should be expectng a reply.

In a telephone call in November, Paula Vennells said she was very sony [sic] for the delay andexplained [sic] that it had somehow slipped through the net. She assured me that this matter was now in hand and

[179] http://www.bbc.co.uk/radio/player/b04tjdlg, about 1 hour and 32 minutes from the start
[180] http://www.bbc.co.uk/radio/player/b04tcfw6, about 1 hour 10 minutes from the start
[181] **[JARB0000099]**.

that a reply would be forthcoming shortly. It is now December and still we have heard nothing.

As I am standing down from the leadership of the group of MPs campaigning to have some form of redress for the Subpostmasters, it is clear that I am no longer the person to try to persuade the Post Office to respond.

I am extremely sorry to let you down - I really hate doing this but in view of the circumstances, can only hope that you understand my predicament."

218. I was granted the Adjournment Debate for which I had asked, and on the evening of 9th December 2014 I wrote to all MPs[182] and said:

"Dear Colleague,

"At 2:30pm on Wednesday 17th December (next week) there will be a 90 minute Adjournment Debate in Westminster Hall on the Post Office Mediation Scheme. The background to this, as contained in the attached letters and Press Release, is as follows.

"A decade or so ago the Post Office introduced a new computer accounting system, Horizon, for its sub Post Offices. Shortly thereafter

[182] **[JARB0000100]**.

subPostmasters began to find discrepancies appearing in their accounts (which they were required to balance at the end of each day in order to trade the following day). Eventually these discrepancies led to subPostmasters being prosecuted by the Post Office for false accounting and theft, some of them going to prison. If you would like to listen to accounts of how this happened, they are to be found on Radio 5 Live at http://www.bbc.co.uk/radio/player/b04tcfw6 , about 1 hour 10 minutes from the start, and on the Today Programme, http://www.bbc.co.uk/radio/player/b04tjdlg , about 1 hour and 32 minutes from the start.

"Growing concern was felt about the dependability of the Horizon system, and MPs approached the Post Office asking for a resolution of these concerns. Following an independent interim report by forensic accountants Second Sight the Post Office set up a Mediation Scheme to deal with those cases which have given rise to concern.

"In recent months MPs have discovered that the Post Office was using the procedures of that Mediation Scheme to argue that most of the cases giving rise to concern should not, despite what was agreed with MPs, be permitted to go through mediation. This was done without the Post Office's telling MPs they were doing it. I therefore have written to the Post Office to say that I no longer have faith in the Post Office Board's commitment to a fair resolution of this issue.

"If you felt able to take part in the Adjournment Debate, I and the other MPs who have been pursuing this matter would be most appreciative."

219. I see that the Post Office held a Drop-in Session in the House of Commons on 10th December 2014[183]. I believe I did not go.

220. On Monday 15th December 2014 there is an item[184] in my diary entitled "Postponed – phone call with Simon Blagden, Fujitsu". It seems that I had tried to telephone him – and it can only have been about Horizon since I was no longer Chairman of the Defence Select Committee. Mr Blagden had gone overseas.

221. On 17th December 2014 the Adjournment Debate took place[185], from 2:30pm to 4:00pm, with the Minister Jo Swinson answering on behalf of the Government. The House of Commons Library had issued briefing for the debate which despite its being the day before the Christmas Recess was very well attended both by MPs and subpostmasters.

222. There is no need for me to rehearse here the speeches made but I shall pick out two matters. First, Andrew Bridgen MP raised the extraordinary case of Michael Rudkin and remote access – followed by an investigator's visit to his post office the following day, about which there had been simmering suspicion for well over a year. And second, Kevan Jones MP said to the Minister, "You're

[183] **[POL00130757]**.
[184] **[JARB0000101]**.
[185] https://hansard.parliament.uk/commons/2014-12-17/debates/14121741000002/PostOfficeMediationScheme

the Minister, do something" to which the Minister in replying said, "In order to do something, what is required is independent investigation that is done thoroughly and forensically". She seemed to be unaware that the independent investigation done by Second Sight had just been rejected by the Post Office.

223. The following day, on 18th December 2014, I did an interview with BBC Radio Shropshire.

224. By January 2015 I had a list of 123 MPs representing 144 subpostmaster applicants within the mediation scheme and 19 other MPs with subpostmasters outside the scheme.

225. On 12th January 2015 I wrote a letter to the CCRC[186], in which I said,

> *"Could I ask for your help please, over a matter I have been pursuing for a number of years? This concerns the Post Office and the convictions, sometimes after pleas of guilty, of sub-postmasters and sub-postmistresses for offences usually of false accounting, but also (I understand) theft and fraud. The accused tended to blame the Post Office's Horizon computer system for the money that had gone missing.*
>
> *"After discussion with many concerned Members of Parliament, the Post Office set up a scheme to consider these cases, with the*

[186] **[JARB0000102]**.

availability of independent mediation if agreement between those accused and the Post Office could not be reached. I was hopeful that justice might be achieved via this scheme, but have now given up as the Post Office is doing everything in its powers to stop cases proceeding to any mediation at all. I am extremely disappointed that this is the result of much hard work and negotiation by myself and over 140 other MPs.

"The result of this is that there is a strong likelihood that miscarriages of justice have occurred but that those who have suffered from them will now have no means for redress of their conviction via the Post Office's mediation scheme. Whilst we understand that some of these individuals may be guilty we cannot believe that all are and we would very much like to see what we can do to help our constituents, many of whose lives, finances, and reputations have been utterly ruined. I enclose herewith a copy of the debate in Parliament last month, which may be found at:
http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm141217/halltext/141217h0001.htm#14121741000002

"Are you able to offer me any thoughts as to whether or not the CCRB [sic] would look into these cases please? I do not know the procedure of bringing this to the Board's attention, and so thought it best to begin with a direct approach to you.

"I should be most grateful for your consideration of this matter."

226. On 13th January 2015 I wrote to Paula Vennells[187] asking for a reply to my letter of 8th December 2014. On 14th January 2015 Mark Davies said[188] he had been asked to reply to my letter of 8th December 2014[189]. He offered me a meeting to talk about Jo Hamilton. He said he enclosed a fact sheet, but that is not with the papers disclosed to me and I may not have retained it.

227. The CCRC's reply to me of 14th January 2015[190] said that they had been in contact with the Post Office for some time seeking information and clarification on a number of points, and that they had the power under s.17 of the Criminal Appeals Act 1995 to require public bodies to preserve and make available to them documentation, and that they had made a s.17 request to the Post Office.

228. On 22nd January 2015 I wrote again to Paula Vennells[191] to say:

"Please would you offer me an answer to the questions I posed in my letter to you of 8 December 2014? These are:

"1. Will you agree to retaining any and all data held by the Post Office which is relevant to all cases under consideration?

[187] **[POL00109874]**.
[188] **[POL00101989]**.
[189] **[POL00101700]**.
[190] **[JARB0000103]**.
[191] **[POL00026741]**.

"2. Will you agree not to take any time barred limitation point in resisting legal claims arising out of the introduction of Horizon and its support arrangements?

"3. Will you agree to MPs meeting Second Sight to discuss our concerns and to hear their take on the matter?

"Whilst you may prefer an answer to come from either one of your lawyers or your public affairs spokesman might you do me the courtesy of responding to this yourself, please?"

229. At some stage the BIS Select Committee decided to hold an inquiry on Tuesday 3rd February 2015 into the Post Office Mediation Scheme, because on 21st January 2015 Karl Flinders of Computer Weekly emailed[192] Janet Walker to say:

"Great news about the inquiry. I have written a story this morning about it but I am interested in doing a more in depth follow-up about what this could mean.

"It seems that there are more and more people supporting the subpostmasters' cause, which is great.

[192] **[JARB0000105]**.

"I will attend the meeting on 03 February, but would like to do an article in preparation for this.

"If James can call me on **GRO** *later for a chat that would be good. No hurry as the news is done. This will be more on an analysis."*

230. I do not know when I spoke to Karl Flinders nor what article came of it, but I would have spoken to him and he would have written an article.

231. On 28th January 2015 I wrote to Adrian Bailey MP[193], the Chair of the Select Committee, to send him some of the evidence he might find useful.

232. On 29th January 2015 I spoke to Ian Henderson of Second Sight; he wanted tips on how to give evidence to the committee; he had been told it seems that his evidence might last only 45 minutes.

233. On 2nd February 2015 Janet Walker (and this would have been after discussion with me) wrote to Alan Bates and Kay Linnell[194] (copied to Ron Warmington) about their evidence, making the following suggestions about what they should ask the Select Committee to recommend:

"1. Initiate inquiry independent of Post Office – perhaps a public inquiry

[193] **[JARB0000104]**.
[194] **[POL00102087]**.

"2. Post Office to make available prosecution records relating to all cases being considered under the Mediation Scheme to the investigators

"3. Post Office to make available all data regarding suspense accounts for those years during which an investigation is relevant

"4. Ask the Ministry of Justice to consider how to deal with cases where a miscarriage of justice has been found but where defendant has pleaded guilty and make available its recommendations to this Committee

"5. Ensure that the Post Office preserves and makes available to the Criminal Cases Review Commission (CCRC) any documentation the CCRC thinks relevant to enquiries it wishes to make on behalf of applicants who claim to be victims of a miscarriage of justice (Alan, Kay, please use these exact words – James has written to the Chairman of the CCRC and is meeting with him and Kevan Jones soon to discuss Post office cases)

"6. Ask the Ministry of Justice to make available a suitable legislative vehicle as soon as possible, extending the CCRC's Section 17 powers to cover the private sector (as above, please use these exact words)".

234. I went to the hearing of the Select Committee on 3rd February 2015[195] to sit in the public gallery. I shall confine myself to picking up one or two matters from the hearing.

235. At Questions 73 and 74 Ian Henderson was asked whether he asked for the emails from 2008 and was given those from 2009 instead. He said,

> *"… we were provided with 2009. We were told at the time that with the first batch there were some technology issues relating to the provision of the 2008 e-mails. Two years down the line, we still don't have those."*

236. In answer to Question 76, Ian Henderson said,

> *"we unsurprisingly asked for full access to those legal files. Responses were to the effect, "Under no circumstances are we going to give you access to those files. You are entitled to the public documents that would normally be available to the defendant if the case had gone to trial."*

237. Although Angela Van Den Bogerd tried to dispute both points (saying in answer to Question 81, "I do not recall that conversation"), this was another example of

[195] https://www.jfsa.org.uk/uploads/5/4/3/1/54312921/17926_1.pdf

my preferring Second Sight's version of events to that of the Post Office. But then in answer to Question 112 Ian Henderson clarified things as follows:

> *"Chairman, may I add something by way of clarification? It is the general counsel of Post Office* [Chris Aujard]*, to whom I have spoken, who said that he is not prepared to disclose to us the full legal files. I do not know to what extent he gave the same answer and advice to the chief executive of the Post Office."*

238. In answer to Question 147 Paula Vennells said:

> *"If there had been any miscarriages of justice, it would have been really important to me and the Post Office that we surfaced those. As the investigations have gone through, so far we have no evidence of that*."

239. As set out above I had formed a different opinion from hers, and thought she was probably simply wrong and blinding herself to the Second Sight evidence that I thought was so compelling. I did not dismiss entirely the thought that she might be lying, but lying to Parliament is a big step. At the time I was listening to her saying it, I was unaware of the Clarke Advice of 15th July 2013 and of the considerations, investigations and discussions that must have gone into its commissioning and the fallout after its receipt. If I had been aware of the existence of the Clarke Advice I would have thought she was lying, because it would have been inconceivable to me that so important a matter would have been kept from the CEO. If she had not been aware of it, it could only in my

view be because she had decided, despite all the concerns raised directly with her over a period of years about possible miscarriages of justice, deliberately to remain in ignorance of what was going on in the organisation of which she was CEO.

240. On 11th February 2015 I had a telephone call with Alan Bates. There are no notes in my diary entry about it, but that may have been the date on which he told me he was pressing ahead with group litigation.

241. On 11th February 2015 I spoke to Sir Alan Beith MP, the Chair of the Justice Select Committee, and on the following day wrote to him[196] as follows:

> *"We spoke briefly last night on a matter in connection with the Committee's current inquiry into the Criminal Cases Review Commission. My interest is with regard to cases connected with the Post Office where an individual has pleaded guilty to a charge and the case later turns out to be a miscarriage of justice. I have corresponded with the Chair, Richard Foster, about this and attach a copy of his response to me.*
>
> *"We discussed whether the CCRC might review such a case. You said that your understanding was that it was possible but only if the Appeals Court was prepared to accept the argument that a miscarriage of*

[196] **[JARB0000107]**.

justice had in fact occurred. My question is: how would such a case get to the Appeals Court unless it had first been reviewed by the CCRC?

"Second, we discussed the lack of clarity surrounding whether or not the CCRC can deal with private prosecutions. It would be good to see what the Inquiry findings are on this."

242. On 12th February 2015 I wrote to Daniel Kawczynski MP[197] as follows:

"Thank you for your letter of 9 February regarding your constituent and involvement in the Post Office Horizon issues. You ask a very pertinent question – how to maintain a coordinated approach to this very thorny problem. As I am standing down at the next election Kevan Jones MP has kindly offered to lead on this and so your office ought to get in touch with his office and register your interest.

"I have lost faith with the Mediation Scheme and indeed the Post Office who seem to me to be running in almost exactly the opposite direction to that intended at the outset of this process. My own constituent remains in the Scheme – which in her case has ground to a shuddering halt – but she is in close contact with the Justice for SubPostmasters Alliance run by the splendid Alan Bates, and I could think of no better place to send your constituent than there: http://www.jfsa.org.uk/. I understand that they are considering a class action lawsuit.

[197] **[JARB0000106]**.

"If I think of anything else I will let you know but I hope you will continue to campaign on behalf of your constituent. The Post Office has acted abominably and seems not to comprehend this in the slightest."

243. On 18th February 2015 I went to see Kay Linnell and Jo Hamilton – both being my constituents.

244. It seems that on 19th February 2015 Ian Henderson wrote a confidential memo[198] to the BIS Select Committee (I don't know how or exactly when I got hold of this memo, whether from Second Sight or one of the members of the Select Committee or otherwise, but I remember seeing it shortly after its receipt by the Select Committee). That note said, amongst other things:

"2.1. In my evidence to the Committee I referred to the need for Second Sight to have access to the complete, i.e. not redacted, legal files held by Post Office. Ms. Vennells also referred to Post Office's commitment to identifying "Miscarriages of Justice".

"2.2. However, Post Office's true position on this point was set out in a letter from Post Office to Second Sight, dated 21 January 2015:

"Post Office does not accept that an analysis of the evidence in the Applicant's criminal case, whether served during the course

[198] **[JARB0000108]**.

of that case or not, is either within the scope of the mediation scheme or something which is within Second Sight's remit."

2.3. It would appear that concern about Second Sight investigating previous prosecutions by Post Office, is the real reason behind Post Office's continuing refusal to provide us with access to the complete legal files.

2.4. When Second Sight was first appointed by Post Office and Members of Parliament in July 2012, a number of undertakings were given by Post Office in order to satisfy MPs that Second Sight would be able to conduct a truly independent investigation into the matters of concern.

2.5. Those undertakings included the following:

· Unrestricted access to documents held by Post Office (including documents subject to confidentiality and legal professional privilege);
· No limitation in the scope of work determined necessary by Second Sight.

2.6. Those undertakings were reflected in the "Raising Concerns with Horizon" document signed by Post Office on 17 Dec 2012 and sent to the JFSA and Mediation Scheme Applicants. A key paragraph was:

> "In order to carry out the Inquiry, Second Sight will be entitled to request information related to a concern from Post Office Limited, and if Post Office Limited holds that information, Post Office Limited will provide it to Second Sight."
>
> *2.8. It would appear that many Subpostmasters and Applicants to the Mediation Scheme will have relied on that paragraph, when reporting matters to Second Sight. Post Office is clearly no longer meeting its commitment to provide Second Sight with the documents requested."*

245. In relation to one of the rare cases where Second Sight was given access to the full file (and I believe it was Jo Hamilton's), the memo said in its conclusion,

> *"4.1. The new facts that have come to light as a result of examining a single complete legal file, have identified a number of issues that indicate:*
> *a) Possible misconduct by a Prosecutor on behalf of Post Office; and*
> *b) A possible miscarriage of justice."*

246. On 24th February 2015 Paula Vennells wrote to me[199] in reply to my letters of 8th December 2014 and 13th and 22nd January 2015. She refused my request not to rely on the Statute of Limitations. This contributed to an impression I had that one of her motivations was to string the subpostmasters and MPs along

[199] **[POL00102596]**.

until the subpostmasters were time-barred. She said (without mentioning the Post Office's general policies on retention of documents),

> *"Post Office has gone to great lengths to trace information relating to cases in the Scheme, even those that are very old and we have no plans to destroy that information, all of which is being provided to Second Sight and applicants as part of the process of the Scheme.*
>
> *"You asked if I would agree to Second Sight meeting with MPs. I am content for Post Office to organise a briefing on the Scheme for MPs, perhaps via the All Party Parliamentary Post Office Group, that Second Sight could attend. I have asked my team to pick this up."*

She did not say that in under a month she would be sacking Second Sight.

247. On 4th March 2015 Kevan Jones MP and I held a meeting in my office in the House of Commons with Richard Foster of the Criminal Cases Review Commission. On 5th March 2015 I wrote to Richard Foster[200] as follows:

> *"Thank you very much for coming to London yesterday for our meeting. Both Kevan Jones and I came away from it feeling encouraged. As I mentioned, the SubPostmasters we both know are not criminals, are finding that the mediation Scheme currently run by the Post Office is offering them no redress and they are at a loss as to where to go next.*

[200] **[JARB0000109]**.

You have given us a most valuable suggestion as to what they ought to do next.

"I may not have mentioned to you and Sally but there are over 140 MPs who have at least one constituent involved in the Mediation Scheme. There are plenty more individuals who could not apply within the timescale allowed to join the Scheme so this should give you some idea of the scale of the problem. There have been bankruptcies and family breakdowns, of course, but there have also been suicides. Some of the stories we hear are utterly ghastly.

"I have asked Alan Bates, an extremely good man who runs the Justice for SubPostmasters Alliance (JFSA), to prompt those affected to apply to the CCRC to have their cases investigated. I hope many do apply. My own constituent, Jo Hamilton, most certainly will.

"As to the favour you asked in return, within the next week I shall be sending an update on the matter to all 140+ colleagues here at the House of Commons and I shall ask them to look on your request to make Section 17 applicable to private bodies with favour. You might care to talk to Kevan Jones about this after the election, if he is returned. I hope we can deliver this for you."

248. On 9th March 2015 Richard Foster wrote me a long and helpful letter[201] about the powers of the CCRC, and told me that they would be setting up a dedicated unit to handle the Post Office cases.

249. On 10th March 2015 I heard via a Post Office Press Release[202] that the Post Office had sacked Second Sight and disbanded Sir Anthony Hooper's independent Working Group. I thought there was a strong risk that the Post Office would try to suppress Second Sight's updated Briefing Report Part 2, so I immediately wrote a letter[203] to Paula Vennells making a Freedom of Information request for the updated report. The Post Office sent me a holding reply[204] the following day.

250. And on 11th March 2015 I emailed MPs[205] quoting the Post Office's Press Release and saying,

> *"The independent investigators, Second Sight, have now been put on 30 days' notice. They have been denied the documents they consider they need to determine whether a miscarriage of justice has taken place. As I understand it, this action by the Post Office denies to MPs the possibility of seeing Second Sight's Part 2 Report, which is now to be restricted to Post Office eyes only.*

[201] **[JARB0000110]**.
[202] **[JARB0000111]**.
[203] **[POL00109979]**.
[204] **[JARB0000112]**.
[205] **[POL00102373]**.

"The Working Group is to be closed, presumably with immediate effect. The Post Office has said in their Press Releease, of which I attach a copy, "Nothing has been found in any of the cases to suggest Horizon has not worked as it should." While I do not accept that to be true, the refusal to give Second Sight access to the documents they considered they needed has made it impossible to satisfy our constituents that potential miscarriages of justice have been or will be put right. …

"I hope to have an early opportunity to bring this deeply worrying matter to the attention of the House, and should be grateful for your support."

251. In one sense it did not matter, to me or to anybody else, that Second Sight's role had been terminated. Their work had been so confined, restricted and frustrated by the Post Office that they were hardly able to continue to perform any useful role. They were being denied sight of the documents they needed in order to establish whether the Horizon IT and all the processes that went with it had any integrity. They were not being permitted to do the job that the Post Office had employed them to do, so in that sense there was no point in their struggling on.

252. This meant that the truth (or lack of it) of the evidence leading to convictions or pleas of guilty could not be tested. The mediation scheme had failed at the first step. Subsequent steps – including determining whether there had been miscarriages of justice, and if so what should flow from that in terms of

compensation or overturning convictions or holding to account those who had been responsible for miscarriages of justice – never arose.

253. But in another sense I was infuriated, though not surprised. The Post Office had comprehensively abandoned its commitment to get to the bottom of the complaints as first agreed with me and Oliver Letwin in the meeting of 17th May 2012. I believed, and still believe, that the reason the Post Office acted in such a way was because Second Sight were doing too good a job, that they were bringing to light failings in an accounting and auditing system, and the investigation and support services that went with it, in a way that amounted to an existential threat not only to Horizon but to the Post Office itself. Second Sight saw one legal folder – that of Jo Hamilton – and identified a case of misconduct in a public office. Although they may have seen a few others, my understanding (right or wrong, but Second Sight will be able to answer that) is that the result of their identifying the misconduct in Jo Hamilton's case was that thereafter they saw no more. The desire to cover it all up was more important to the Post Office than the requirements of truth, fairness and justice for the individual subpostmasters. I did believe then that justice would eventually be done, and I still believe that now, but I believed it would take much longer and would cost much more than needed. It has.

254. In that sense, therefore, the Post Office's sabotaging of its own mediation scheme, culminating in its sacking of Second Sight, was one of many tragically missed opportunities. But there were more to come.

255. Also on 11th March 2015 I asked a question[206] in Prime Minister's Questions as follows:

> *"Is my right hon. Friend aware that in connection with the Post Office mediation scheme, the Post Office has just sacked the independent investigator, Second Sight, and told it to destroy all its papers? Does he agree that it is essential that Second Sight's second report should not be suppressed, but should be supplied to sub-postmasters and MPs, starting with the hon. Member for West Bromwich West (Mr Bailey) and the Business, Innovation and Skills Select Committee?"*

256. The Prime Minister replied:

> *"My right hon. Friend makes an important point. I know that he has consistently raised the concerns of some sub-postmasters about the operation of the Post Office IT system and the matter of the Post Office mediation scheme. The Business Committee is currently taking evidence on this issue, and it should be given all the relevant information. The Government should not interfere with the independent mediation process, but I will ask the Business Secretary to write to my right hon. Friend about his concern and to ensure that the Business Committee can do its job properly."*

[206] https://hansard.parliament.uk/commons/2015-03-11/debates/15031163000022/Engagements

257. So I wrote a letter[207] dated 11th March 2015 to the Secretary of State saying,

> *"In Prime Mister's Questions today the Prime Minister told me that he would ask you to write to me about the Post Office Mediation Scheme. While there are many things that are very worrying about it, what particularly concerns me is that the Post Office has recently been refusing to give to Second Sight the documents and information that Second Sight feel they need in order to determine whether a miscarriage of justice has occurred. I believe that the only legal folder, for example, that Second Sight has seen is that relating to my constituent Jo Hamilton - but that folder did show that there was no evidence (as the Post Office knew at the time) of theft. Yet the Post Office charged her with theft. And as a result she then pleaded guilty to false accounting, having untruthfully been told that she was the only person going through these difficulties.*
>
> *"That suggests to me that there is more disclosure of documents that need to take place, and that our constituents will never believe that the truth has been reached without that disclosure. Equally, that disclosure needs to be made to Second Sight, who have now built up the expertise to deal with it."*

258. On 12th March 2015 I wrote[208] again to Richard Foster at the CCRC and said:

[207] **[UKGI00003781]**.
[208] **[JARB0000113]**.

"When we met on 4 March you said that the CCRC would welcome applications from SubPostmasters who had been found guilty or who had pleaded guilty to a criminal conviction. I now enclose an application from my constituent, Jo Hamilton, whom I mentioned to you and Sally when we met.

"The reason for my approaching you directly is that I am concerned that the Post Office are about to begin destroying documents pertinent not just to Jo's case but to all the others that come under the same rubrick. I wonder if there is anything the CCRC can do to forestall this?

"With no notice given, on Tuesday 10 March 2015 the Post Office closed the mediation scheme that was set up with the express purpose of offering individuals like Jo some kind of redress. The independent investigators, Second Sight, who were appointed by the Post Office, have been put on 30 days' notice on Tuesday which was not coincidentally, I suspect, the day before they were due to issue their final report (formally called the Second Sight Briefing Report – Part 2) into all cases they investigated to the working group administering the mediation scheme. This of course means that the report will only be seen by Post Office. I have requested a copy under Freedom of Information but fully expect to receive a negative response. I have asked the Prime Minister at Prime Minister's Questions in the House of Commons this week to ensure the Report is made available to the BIS

Select Committee who conducted a formal inquiry into the mediation scheme very recently. Would it be helpful for the CCRC to request a copy of this report, under your own investigative powers, I wonder? It would certainly be pertinent to any future investigations your Commission might wish to undertake.

"The investigators have also been told that they must destroy all relevant communications and return all relevant documents to the Post Office, on 17 April 2015. My fear is that this signals the beginning of relevant documents disappearing. Is there any action the CCRC can take to stop this happening?

"You will read from the enclosed Briefing Note to BIS Select Committee, which is from Ian Henderson of Second Sight, the difficulties he and his team have faced in gaining access to documents they deem indispensable for thorough investigation to occur. Now Post Office has rescinded Second Sight's permission to speak to me and all other MPs, thus our avenues for discovering the facts about our constituents' cases and therefore helping them are now closed.

"If there is anything the Commission can do at this stage to stop the destruction of potentially relevant documents and to gain access to the Second Sight Part 2 Report, I would be most grateful."

259. On 17th March 2015 the Secretary of State, Vince Cable, wrote[209] to me in response to my letter of 11th March 2015[210]. In essence he reiterates "that the mediation scheme is independent of Government", goes on to put the Post Office's case and says, "The Government is not privy to information about this [the business of the Working Group]". To all intents and purposes his letter was pointless.

260. Also on 17th March 2015 I had a telephone conversation with Oliver Letwin about the Post Office at his request, but I do not know what was said in that conversation.

261. On 18th March 2015 I wrote to Paula Vennells[211] rejecting Mark Davies's offer of a meeting to talk about Jo Hamilton. I seemed to be unaware in writing that letter of Paula Vennells' letter[212] of 24th February 2015.

262. On 24th March 2015, the CCRC wrote to me[213] to say that they were in active discussion with the Post Office over Jo Hamilton and the retention of the relevant documents, and on 25th March 2015 I wrote[214] to the CCRC (probably not by then having received their letter of 24th March 2015) enclosing a copy of Second Sight's briefing note to the BIS Committee drafted in advance of Ian Henderson's appearance before the Committee on 3rd February 2015. It is not clear to me which briefing note this was.

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[209] **[UKGI00003910]**.
[210] **[UKGI00003781]**.
[211] **[POL00117275].**
[212] **[POL00102596]**.
[213] **[JARB0000114]**.
[214] **[JARB0000096]**.

263. On 26th March 2015 Paula Vennells wrote to me[215] in reply to my letter of 18th March 2015[216], and she correctly pointed out to me her earlier response of 24th February 2015[217]. She confirmed that the Post Office would not destroy documents relating to Jo Hamilton.

[215] **[POL00102594]**.
[216] **[POL00117275]**.
[217] **[POL00102596]**.

FOLLOWING THE SCHEME

264. On 30th March 2015 Parliament was dissolved and I stopped being an MP.

265. On 9th April 2015 there is a note[218] in my diary – probably written by Janet Walker - about my Freedom of Information Request to see Second Sight's Final Report. The note states that the response was due on that day, and:

> *"If Post Office refuse to send you copy of the Second Sight Part 2 Report, you need to write back to the post Office asking them to state reasons why they have refused. Once you receive this, if you disagree or wish to challenge their decision, you need to follow instructions on the Information Commissioner's website. https://ico.org.uk/for-the-public/official-information/ ".*

On 10th April 2015[219] the Post Office replied to my Freedom of Information Request saying that the Report was exempt from disclosure (not something which I remember accepting) but that they would send it to me on a discretionary basis.

266. I do not know exactly when I therefore received the Second Sight updated report dated 9th April 2015[220] but I should think it was shortly after it was

[218] **[JARB0000115]**.
[219] **[POL00117337]**.
[220] **[POL00029849]**.

produced. In that document Second Sight set out that they had experienced significant difficulty in obtaining access to a number of documents that they believed were necessary for the purposes of their investigation, notwithstanding Post Office's commitment to make requested documents available to them.

267. They set out (in paragraphs 2.9-2.13) part of the Michael Rudkin story and state that they believed that Fujitsu / Post Office did have, and might still have, the ability to directly alter branch records without the knowledge of the relevant Subpostmaster, an allegation which the Post Office was at the time denying. They set out a number of other issues including (paragraph 4.10) that Post Office did not appear – at least for a time - to operate a "litigation hold" process whereby documents that might later be needed to support a complaint or investigation would be retained – and so, on and on. The updated report was more damning even than the Part 2 Report of the previous year. Its conclusions cast doubt (to put it at its most favourable to the Post Office) on the Post Office's commitment to seek the truth. Second Sight were unable to complete their independent investigation in the way they considered necessary but they were able to say that "we remain concerned that in some circumstances Horizon can be systemically flawed from a user's perspective and Post Office has not necessarily provided an appropriate level of support."

268. At this stage I was out of Parliament, and so far as I was concerned my political efforts had now to be subsumed to the legal case that Alan Bates was trying to get off the ground, but I had not given up my own part in the fight.

269. I have in my files an email sent to me by Ron Warmington of 28th July 2015[221] in which he is trying to get through both to George Freeman MP and to the then Prime Minister, David Cameron MP, the inaccuracy of their summary of the Second Sight reports. He says in the email to George Freeman,

> *"even if there had never been any systemic flaws in either version of the system (that being a contention with which we do not agree), that would not mean that the operational platform as a whole was always fit for purpose for all of the tens of thousands of users. As we have stated in our Report, it was not."*

I considered he was right about both the flaws in the system and about the inaccurate portrayal of the Second Sight reports. I probably left to the continuing MPs the task of ensuring that George Freeman and the Prime Minister took the points on board.

270. On 4th August 2015 the office of the Parliamentary Under-Secretary of State for Intellectual Property, Baroness Neville-Rolfe wrote to me[222] at the request of Andrew Bridgen MP to set up a meeting to talk about the Post Office, and it was agreed that it should take place on 17th September 2015.

[221] **[JARB0000116]**.
[222] **[JARB0000117]**.

271. On 17th August 2015 the Panorama programme, "Trouble at the Post Office", was aired. I was interviewed, and said that Jo Hamilton's conviction needed to be overturned despite her plea of guilty and Paula Vennells should go.

272. In the Dissolution Honours List issued on 27th August 2015 it was announced that I would become a Life Peer.

273. I have in my papers a copy of a letter dated 10th September 2015[223] from Baroness Neville-Rolfe, to the incoming Chairman of the Post Office, Tim Parker. I do not know how that letter came to me, but I may have downloaded it from the internet. In that letter she says,

> *"I am writing to you ahead of your taking up the role of Post Office Limited Chairman to confirm our conversation last month regarding the Post Office Horizon system. The issues surrounding the Horizon IT system have not been resolved. Indeed, some of the MPs concerned have written to me again following the Panorama programme pressing the case for an independent investigation."*

274. On 16th September 2015 Alan Bates emailed me[224] to ask about Tim Parker and also to keep me up to speed about how things were going from his point of view.

[223] **[JARB0000118]**.
[224] **[JARB0000119]**.

275. I think it was in the hope, arising out of Andrew Bridgen's request and the Panorama programme, of keeping the issue alive with the incoming Government that I went to see Baroness Neville-Rolfe, on 17th September 2015. Janet Walker (even though she was now working for someone else) had made a few suggestions[225] as to what I should raise, including:

> *"Give her hell!*
> *Worth telling her that Post Office is dragging its heels in getting documents to the CCRC in Jo's case.*
> *Would she be willing to see Ian Henderson, do you think?*
> *Journalists still interested – campaigners still v active – won't go away.*
> *Worth saying that in the end, the entire matter will need to be sorted and the longer it is left, the more expensive to the Government (money and reputation) it will be."*

I cannot remember much about the meeting except that I talked Baroness Neville-Rolfe through the saga and asked her to see what she could do to help. I think her reaction was positive. On 13th October 2015 she wrote to me[226] to say that she would, as I had asked, meet Second Sight.

276. In my files there is a briefing note which I believe Ron Warmington sent me on 19th October 2015[227]. I cannot remember whether this was because he was meeting Baroness Neville-Rolfe and knew I would be interested, or whether it

[225] **[JARB0000120]**.
[226] **[JARB0000121]**
[227] **[JARB0000122], [JARB0000136]**

was because he and I were both expecting to meet Tim Parker to discuss his new role and we thought it would be helpful to compare notes.

THE SWIFT REVIEW

277. On 10th December 2015 I had a meeting in my office in Gray's Inn with Tim Parker and Jonathan Swift QC at Tim Parker's request. I accept the accuracy of their notes[228]. I took the meeting as an opportunity to revisit an issue that the Post Office had been very keen to bury. I cannot remember being particularly optimistic about the outcome – I had had too many dealings with the Post Office to believe that a new person in the chair would be likely to change the culture of an organisation that was so deeply defensive and unwilling to hear or act upon the truth.

278. I do not remember hearing back from Tim Parker or Jonathan Swift. Apart from the meeting on 10th December 2015 I was not involved in the Swift Review[229]. I believe I first became aware of its existence on or around 11th August 2022 when Eleanor Shaikh's Freedom of Information request bore fruit, when I was able to obtain a copy from the internet - and as far as I remember I read about it on Nick Wallis's blog or in Karl Flinders' Computer Weekly article.

279. It is hard to say what steps I would have taken in response to the Swift Review, since I would have given the Review entirely different terms of reference – I would not have started from here. On the assumption, which we now know to be true, that Gareth Jenkins had told Ian Henderson on 13th September 2012

[228] **[POL00103002].**
[229] **[POL00006355]**.

that remote access was a given, and also that the Post Office had in 2013 informed its insurers that there might be miscarriages of justice, there would have needed to have been serious and immediate action. It should have started with a clear out of that part of the management and legal team that had been covering it all up and lying about it. There would then have needed to be open disclosure of the lack of safety of most if not all previous Post Office convictions and a serious discussion with Fujitsu about the future of Horizon and the consequences of Fujitsu's own behaviour.

THE GROUP LITIGATION

280. Neither was I involved, except in one respect, in the Group Litigation. However, much as I wanted to, I could not except on narrowly defined terms ask questions or lead debates in the House of Lords because of the sub judice rule.

281. I was delighted when Alan Bates told me (I cannot remember when) that he had managed to secure litigation funding. And I had a discussion on 14th July 2016[230] with Kevan Jones for us to brief each other on how things were going.

282. But on 26th January 2017 I heard the news – through Nick Wallis – that the Post Office had accepted that the subpostmasters' accounts could be remotely accessed without the permission or knowledge of the subpostmasters. I thought at the time, as I think now, that this point went to the heart of the cases against the Post Office. It was an admission so fundamental, and so at odds with everything the Post Office had told subpostmasters, the courts, MPs and the media, that I thought the right thing for the Post Office then to have done would have been to concede and settle the cases. It threw into question, to put it at its lowest, the safety of the convictions against many, and perhaps all, of the subpostmasters, as well as those cases where subpostmasters had been sued rather than prosecuted, or coerced into paying money into the system before they were taken to court.

[230] **[JARB0000123].**

283. I was not surprised by the admission, because I now believed – rather than keeping an open mind about - both Michael Rudkin's story and the assertions in private conversations with Second Sight to the effect that all complicated accounting systems require some form of remote access. What did surprise me was the continuing aggression of the Post Office in defending the litigation. This was another missed opportunity to save money for the taxpayer and do right by the subpostmasters and even by the Post Office. Alan Bates told me that the Post Office was trying to spend so much (taxpayers') money on the litigation that the subpostmasters would run out of money first. I agreed.

284. Lucy Allen MP was later (27th April 2021)[231] to describe the Post Office's behaviour in the following way:

> *"Will the Minister ask his officials whether his Department authorised the Post Office to use millions of pounds of taxpayers' money to fight the sub-postmasters in that litigation, waging a war of attrition on them, purely to disguise the Horizon failings? Will he ask whether his predecessor, the Minister responsible for post offices in 2018-19, was aware of that, and if not, why not?"*

285. On 31st August 2018 the Criminal Cases Review Commission wrote to Jo Hamilton to say:

[231] https://hansard.parliament.uk/commons/2021-04-27/debates/9D8DDC1D-379C-4C48-B5E7-218D24CC8DA3/PostOfficeCourtOfAppealJudgment

"the investigation phase of the CCRC's review is complete. We are now in a position to move into the decision-making phase of the cases this autumn".

286. When Nick Wallis heard about the CCRC letter, he wrote to the CCRC on 21st November 2018 and said,

"I really really don't see how the CCRC can make an announcement on whether it is minded to refer these Postmaster cases to the Court of Appeal without waiting to see the transcripts in this trial and the forthcoming Horizon trial."

287. Nick Wallis forwarded a copy of his email to me and I believe he may well have rung me as well, to express his concern that the CCRC might be just about to reject the cases of subpostmasters even though important evidence against the Post Office was coming out in court on an almost daily basis. I wrote to the CCRC on the same day[232] to say,

"Mr Wallis has sent me a copy of the email he sent to you which is below. I have to say that he makes a very strong point. I would worry that any decision not to reopen these criminal cases, before the allegations have been examined in the cases that are currently before the court, might be subject to judicial review – and certainly would be if the current cases went against the Post Office."

[232] **[JARB0000124], [JARB0000137], [JARB0000138]**

I do not know whether or not there was indeed a risk that the CCRC might have made premature decisions. In any event, they did not.

288. On 15th March 2019 the subpostmasters won their first of potentially five cases in a judgement by Mr Justice Fraser (as he then was) that I should not attempt to summarise. This was the turning point of the battle. I responded to the decision in various media interviews including one in Computer Weekly,[233].

289. Baroness Neville-Rolfe's ministerial successor, Kelly Tolhurst MP, wrote to all MPs and Peers on 18th March 2019[234] about the group litigation, saying that it was a matter for the courts to resolve but that she would be remaining in close contact with the Post Office over the coming weeks and months as they delivered on their "commitments to improve".

290. Their "commitments to improve" apparently began, on 21st March 2019, with the application, later described as "absurd" by the Court of Appeal, to recuse Mr Justice Fraser, an application served on the final day of evidence of the second trial. On 29th April 2019 I went to see Kelly Tolhurst in her office in the House of Commons. At that meeting I expressed strong disapproval of the way that the litigation between the subpostmasters and the Post Office was going. I was particularly concerned about the recusal application and the possibility that the Post Office might even appeal Mr Justice Fraser's decision not to recuse

[233] https://www.computerweekly.com/news/252459863/Post-Office-lacked-humanity-in-the-treatment-of-subpostmasters-says-peer
[234] **[JARB0000125]**

himself (they did). She told me that it had been made very clear to her that she was to keep out of the matter. She did not say who had made this clear, but I had the impression that it might have been the Permanent Secretary, because it would have to have been someone senior enough to tell a Minister what to do. But I did not ask, and I do not know.

291. The application for the recusal of the judge on 21st March 2019 was part of the Post Office's aggressive, expensive and delaying litigation tactics. Mr Justice Fraser had formed a judgment of the Post Office based on the evidence and had applied it accordingly, which it was his job to do. The Post Office did not like that, in much the same way as they had not liked the outcome of Second Sight's investigations, and therefore in much the same way tried to denigrate Mr Justice Fraser as they had tried to denigrate Second Sight.

292. By applying for his recusal, the Post Office ran up further costs for the subpostmasters, which contributed to forcing the subpostmasters towards settlement at the end of the second trial, even though there was envisaged to be a total of potentially five trials. It was an abuse of the legal system, a waste of a large amount of taxpayers' money and a further cruelty to subpostmasters who had been so badly treated already. I gather that the Post Office believed that it had no choice in applying for recusal. It was wrong.

293. Over the course of the period from my leaving the House of Commons to the date of this Witness Statement I have done numerous interviews and responded to numerous questions from journalists from all types of media, of

which I have not kept a record. On 26th November 2019 I called, in Computer Weekly, for the removal of the Board of the Post Office[235]. I felt that the culture of the Board and the awful quality of its decisions were such that only its removal would allow the Post Office to improve. I took part in the Panorama programme of 2020, "Scandal at the Post Office" and BBC's Great Post Office Trial radio series, both going out in June and July 2020. On 25th April 2022 I took part in the Panorama programme – "The Post Office Scandal". On 2nd November 2023 I took part in an ITV programme about Wendy Cousins. The airing of the ITV drama, Mr Bates vs the Post Office, caused me to do many more interviews.

294. When the litigation settled, on 11th December 2019, many people (including myself) were dismayed at the low level of payment made by the Post Office to the subpostmasters, and even more so when it later transpired that the vast bulk of that payment was to go in the costs of lawyers and litigation funding. But I was not prepared to criticise Alan Bates, because I was not in the negotiations, I did not have the pressure of trying to fund any further litigation, nor the responsibility for the litigants that he did. But calls for a public inquiry began to grow.

295. I also believed that Fujitsu should bear its share of the blame and of the costs, and on 8th January 2020 an article by Karl Flinders in Computer Weekly contains the following quotation from me,

[235] https://www.computerweekly.com/news/252474583/Peer-suggests-clear-out-of-Post-Office-board-after-Court-of-Appeal-confirms-major-defeat-in-court

"Peer James Arbuthnot, a staunch critic of the Post Office over the Horizon scandal, said: "It may well be that the Post Office may feel let down by Fujitsu, but it is certain that the subpostmasters will. Might they have a cause of action against Fujitsu for a breach of Fujitsu's duty of care?"

296. The settlement of the Group Litigation meant that Parliament was largely released from the restrictions of the sub judice rule (except in relation to those many cases that were still going through the process of convictions being overturned). Therefore I was able, as I did several times a year, to pursue different aspects of the matter (such as the need to reconsider the Post Office acting as prosecutor, the need for the Inquiry to be properly independent, the need to overturn the Group Litigation settlement, the need to hold Fujitsu to account and so on) in questions and debates in the House of Lords.

297. The next battle, carried out in different ways by different people, became to force the Government to accept its own share of the responsibility for the behaviour of the Post Office. As many people began to say, the Post Office was owned by the Government, funded by the Government and directed by the Government, and the Permanent Secretary of the BEIS Department (now DBT) was (and remains) the Accounting Officer. The Government's defence that it was an arms' length organisation was becoming less effective every day.

298. At around this point the Government abandoned the line that this was all a matter for the Post Office and moved on to the line that it had been misled by the Post Office. On 25th February 2020 Lord Callanan, the Minister in the House of Lords responsible for Business, Energy and Industrial Strategy matters, said[236],

> *"The Department for Business, Energy and Industrial Strategy relied on Post Office management to investigate the issues with the Horizon system and the government was assured that the system was robust and the issues being raised by the postmasters were being handled appropriately. BEIS pressed management on these issues and was given consistent advice from the company's experts that appeared to verify these claims at that time."*

> *"In hindsight, of course, facts have come to light through the litigation that has revealed that advice given during that period was flawed."*

299. On 18th November 2020 some of the cases referred by the CCRC came before the Court of Appeal for procedural directions. I was not in court but read Nick Wallis' Twitter feed. I heard for the first time of the 2013 Clarke advice.

300. On 20th November 2020 I wrote to Lord Callanan[237] as follows:

[236] https://hansard.parliament.uk/lords/2020-02-25/debates/4FBD0BEE-B7F2-4D9B-AC1D-5CD00C489248/PostOfficeHorizonAccountingSystem
[237] **[JARB0000126]**

"On Wednesday 18 November the Court of Appeal considered a piece of advice written by a barrister, Simon Clarke, in 2013 for the Post Office. According to Brian Altman QC, acting for the Post Office, this advice - which was apparently to the effect that the evidence of Gareth Jenkins (a former senior Fujitsu Horizon engineer) was wrong - was disclosed to Aria Grace solicitors (acting for three appellants) by Peters and Peters solicitors (acting for the Post Office) last week. As you know, the judge in the Horizon litigation referred Mr Jenkins' evidence to the DPP.

In 2013 I and other MPs were in full flow of the discussion with Paula Vennells and Alice Perkins about the unsafe nature of the Horizon convictions. We should have been told about this document, but I have not yet seen it. Please will you immediately send me a copy, and place it in the library of both Houses?"

301. On Saturday 21st November 2020[238], I wrote to Mel Craig in Lord Callanan's office, copying it to the Post Office Minister Paul Scully MP, Speaker of the House of Commons and the Lord Speaker, as follows:

"On 3rd February 2015 the BIS Select Committee took evidence in their inquiry into the Post Office Mediation scheme. Part of that evidence was a written submission from the Post Office, although they also received oral evidence from amongst others the Chief Executive of

[238] **[JARB0000127]**

the Post Office. Paragraph 11 of that written evidence (http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/business-innovation-and-skills-committee/post-office-mediation/written/17827.pdf) reads as follows:

> "At the start of the Scheme, both Post Office and the Justice for Subpostmasters Alliance made clear that mediation cannot overturn a conviction. This can only be done through established Court procedures. Post Office is under an absolute duty to disclose any evidence that might undermine a prosecution case or support the case of a defendant. It takes its responsibilities in this regard very seriously and Post Office's investigations have been carried out with this important duty firmly in mind. Post Office writes to everyone who has suggested they have or have seen evidence that a conviction is unsafe and asked them to disclose this so that it can be acted on. To date no such evidence has been provided."

"I suggest that the contemptibly late disclosure of the advice of Mr Clarke – something that should have been in the public domain in 2013 – establishes that the Post Office lied to, and was in contempt of, Parliament. The above quoted paragraph of the Post Office's written advice was only one of many instances of this. I should be grateful if you would consider my request for the immediate publication of the advice in the light of this."

302. On 30th November 2020 Lord Callanan replied[239] to say his department did not have a copy of the Clarke Advice and that it was for the Court of Appeal to decide the extent to which it should be disclosed.

303. I wrote back the same day[240], saying that his department owned the Post Office, and pointing out that he had not commented on the Post Office's having lied.

304. On 7th December 2020 Lord Callanan said[241] that his department had checked their files and really did not seem to have the Clarke Advice, that it was still a matter for the Court of Appeal, and that I should stop writing to him and write instead to the responsible minister, Paul Scully MP.

305. On 14th December 2020 I wrote to Paul Scully MP[242], the Commons Minister with responsibility for the Post Office, and said,

> *"It is now more than three weeks since I drew to your attention that the Post Office, which your department owns and for which you are responsible, lied to Parliament on 3rd February 2015. The lie went to the heart of the BIS Committee's inquiry, and the effect of it must have been to deny to the subpostmasters evidence and an argument about*

[239] **[JARB0000139].**
[240] **[JARB0000140]**.
[241] **[JARB0000129]**.
[242] **[JARB0000130]**.

a lack of safety of their convictions which might have helped them in their defence. The Post Office then went on to perpetuate the lie in the evidence they adduced and the arguments they made in the High Court, costing the taxpayer well over £100 million.

"I am disappointed that, despite the importance of the matter and the fact that you are responsible for the Post Office, you have given me no response whatever. I am therefore writing to the Chair of the BEIS Select Committee to see what the Committee might be able to do in the matter."

306. On the same day, 14th December 2020 I did write to the Chair of the BEIS Committee, but on 16th December 2020 the BEIS Committee Clerk wrote[243] to say they would not be considering the issue until after the Inquiry had reported. On that day I wrote a briefing note[244] for Chi Onwurah MP (so far as I can remember at her request) to help her with her front bench responsibility for the Post Office on behalf of the Labour Party.

307. Paul Scully MP wrote to me on 18th December 2020[245] making two points. The first, about the disclosure of the Clarke Advice, was as follows:

"As you know from the Court of Appeal hearing on 3 December, the court has decided not to disclose the Clarke Advice. The Clarke Advice

[243] **[JARB0000141], [JARB0000142]**.
[244] **[JARB0000133]**.
[245] **[JARB0000143], [POL00104183]**.

is a privileged document disclosed for a specific purpose in the proceedings. It also has the potential to impact a live police investigation. Post Office is respecting the court's decision to not disclose the advice at this time and we must do the same."

308. The second point was about whether the Post Office lied to the Select Committee. On that matter he relied on a Post Office Ltd statement which he attached to his letter. That statement concluded with the words,

" Although Post Office cannot comment on the oral evidence provided to the Committee by its former Chief Executive, as only she can do that, the summary above suggests that the evidence was given in the context of the Complaint Review and Mediation Scheme and the steps taken to investigate cases through that scheme."

I found his letter unpersuasive.

GOVERNMENT ACCEPTS OVERTURNING OF GLO SETTLEMENT

309. On 29th April 2021 I wrote a series of answers to questions from Karl Flinders of Computer Weekly, stating, amongst other things, that the Government's refusal to compensate the Group Litigants was shameful.

310. I co-wrote, with Lord Falconer of Thoroton, an article for the Sunday Times of 16th May 2021[246], in which we called for the Government to give full compensation to all the victims of the scandal, and to hold to account Fujitsu, the Accounting Officers, the Post Office Board including the Government's representatives on it, the court system and the lawyers involved, so many of which had failed the subpostmasters so badly.

311. In June 2021 I wrote what I now consider to be a thoroughly bad-tempered email[247] to the House Magazine (the Parliamentary in-house magazine) about their failure to cover the Horizon issue – it was a failure common to all too much of the media. They invited me to write an article, which came out in July 2021.

312. In late 2021 Kevan Jones MP at my request organised a meeting between the chair of the Business, Energy and Industrial Strategy select committee, Darren Jones MP, Kevan Jones and myself to see where the matter could be taken. I suggested that since compensation had been expressly excluded from the remit of the Inquiry there was still scope for the Select Committee to conduct a hearing on it. Darren Jones was receptive to the suggestion, and on 14th

[246] https://www.thetimes.co.uk/article/why-isnt-fujitsu-paying-a-penny-in-compensation-over-post-office-scandal-7dgmtlz0r
[247] **[JARB0000135]**.

December 2021 his committee held the first of two hearings on the matter, the second being on 11th January 2022[248] in which the Minister Paul Scully MP made it plain (without quite saying so) that he wanted to include the Group Litigants in the compensation schemes available to other subpostmasters. This lead to a most helpful report on 17th February 2022 which contributed to persuading the Government to reopen the Group Litigation settlement and to compensate the Group Litigants.

[248] https://committees.parliament.uk/oralevidence/3283/pdf/

GOVERNANCE

313. I turn next to the mechanism(s) in place to enable government oversight of the above issues and whether they were adequate. First perhaps I should give my - perhaps faulty - understanding of those mechanisms.

314. The Post Office is classified as a Public Non-Financial Corporation and is an organisation wholly owned by the Secretary of State of the relevant Department, the name of which has changed over the years. The Department is currently the Department of Business and Trade but during the time I was most involved, from 2012 to 2015, it was the Department of Business, Innovation and Skills.

315. Departments have Accounting Officers who are responsible for managing the public money the departments spend, and in the case of the Post Office the Accounting Officer is the Permanent Secretary. For much departmental spending the Accounting Officer takes personal responsibility for ensuring that the organisation they manage delivers the standards set out in paragraph 3.3 of "Managing Public Money"[249] - standards which currently include requirements such that the organisation should:

- *"have trustworthy internal controls to safeguard, channel and record resources as intended*

[249] https://www.gov.uk/government/publications/managing-public-money

- *"treat its customers and business counterparties fairly, honestly and with integrity"*
- and other matters.

In my view it hardly needs to be said that the Post Office failed such standards. But it is a Public Non-Financial Corporation, or Arms' Length Body, so perhaps different standards apply to it.

316. Arms' Length Bodies are meant to have Framework Agreements. The Post Office's Framework Agreement[250] is dated 25th March 2020. Prior to that, as I understand it, there was no such agreement between the Government and the Post Office governing how the relationship worked. I do not know if the absence of a Framework Agreement means that the standards to be applied to the Accounting Officer's role are those set out in paragraph 3.3 of "Managing Public Money".

317. Let us suppose, however, for want of anything better, that the standards set out in the current Framework Agreement are to be applied retrospectively to the Post Office's behaviour. According to Appendix 1 of that Agreement,

"The organisation should:

governance

[250] https://www.gov.uk/government/publications/post-office-limited-shareholder-relationship-framework-document

• have a governance structure which transmits, delegates, implements and enforces decisions

• have trustworthy internal controls to safeguard, channel and record resources as intended

• work cooperatively with partners in the public interest

• operate with propriety and regularity in all its transactions

• treat its customers and business counterparties fairly, honestly and with integrity

• offer appropriate redress for failure to meet agreed customer standards

• give timely, transparent and realistic accounts of its business and decisions, underpinning public confidence"

Again, in my view it hardly needs to be said that the Post Office failed such standards.

318. However, it is not clear to me, in the case of an arms' length body, who is responsible for enforcing those standards. The House of Commons Public Accounts Committee, in its 18th Report of the 2021-22 session, Government's Delivery Through Arm's-Length Bodies[251], said that in 2016 it

"called for the Cabinet Office to use its unique position at the centre of government "to ensure that departments improve the way they manage

[251] https://committees.parliament.uk/publications/7431/documents/77735/default/

their business through arm's-length bodies". Progress since then however has been limited."

The Government agreed with the Committee's conclusions[252]. This is a subject on which there is urgent need for reform.

319. I have set out earlier in this Witness Statement my concerns about the Government's refusal to take the responsibility that naturally goes with ownership. Ministers asserted that they did not know and could not or would not find out what was going on in the Post Office. This is not oversight.

320. There is the additional issue of democratic control. If an organisation as central to the lives of so many people in our communities is not subject (through Parliament and MPs) to the control of those communities, then over time things will go seriously wrong, as has happened in this case.

321. On Wednesday 7th February 2024 I asked[253] in the House of Lords,

"In an arm's-length organisation, to whom in practice is the chief executive accountable? Is it the department's Permanent Secretary?"

I received the answer,

[252] https://committees.parliament.uk/publications/8226/documents/84184/default/
[253] https://hansard.parliament.uk/lords/2024-02-07/debates/12E9AAC1-A904-47C2-8215-C5006DE50824/PostOfficeAppointmentsMinisterialResponsibility

""I thank my noble friend for his question and for all his efforts on behalf of the postmasters. We have to realise that this is a limited company owned entirely by the Government, with one share owned by the Secretary of State. It separated from Royal Mail Group when that went private, but the Post Office is actually classified as a public non-financial corporation. Public corporations include, for example, Ordnance Survey, Royal Mint and British International Investment. They are typically owned by the appropriate Secretary of State in that department, the reason being that they are hybrid: the Post Office has commercial activity, it makes revenue through the post offices, but it also receives public money to support the network. As a result, the governance is such that the chief executive reports to the chair, the chair reports to the Secretary of State, and the chief executive also reports to the Permanent Secretary when it comes to public money."

322. The Permanent Secretaries involved with Horizon since I first became involved have been Sir Simon Fraser (2009-2010), Sir Martin Donnelly (2010-2016, the period when the Horizon shortcomings should have been properly addressed) and Sir Alex Chisholm (2016-2020, the period when the litigation should have been properly addressed). In view of the lack of clarity in the oversight arrangements for the Post Office, it is not clear to me what personal responsibility each of these accounting officers has for the costs the country now faces. Neither do I know what they actually did in their roles and it might be helpful to discover that.

323. Paragraph 11.1 of the Framework Agreement Articles of Association[254] states that,

> *"POL requires the prior written consent of the Shareholder for any undertaking to incur any expenditure in excess of £50,000,000."*

I asked a question about this and received the following answer[255] on 8th February 2024:

> *"Under its Articles of Association, the Post Office is required to gain prior written consent from the Shareholder before entering into a transaction which involves the incurrence of a commitment, liability or payment of a sum in excess of £50 million. Officials have checked our records and have seen no evidence of any such written consent."*

324. It is, therefore, my current view that at least Sir Martin Donnelly and Sir Alex Chisholm – neither of whom is yet on the Inquiry's list of potential witnesses to give oral evidence – might wish to explain whether they could or should have stepped forward to stop the Post Office from incurring potential liabilities for (in Sir Martin's case) compensation such as we now see materialising at perhaps £1 billion and (in Sir Alex's case) litigation costing over £100 million.

[254] https://www.gov.uk/government/publications/post-office-limited-shareholder-relationship-framework-document
[255] https://www.parallelparliament.co.uk/question/HL1555/horizon-it-system

325. As regards the Ministers involved, I have set out above the responses I got. Some were a little more helpful than others. Lord Mandelson referred me to his junior minister, Pat McFadden MP – which is fair enough, junior ministers have their role. Pat McFadden passed on the departmental mantra that this was an arms' length body and a matter for the Post Office. Ed Davey MP did likewise. Jo Swinson MP showed a lack of curiosity surprising in a minister, given the strength of feeling that was on display during both the statement on the Interim Report and the Adjournment debate in December 2014. David Cameron, as Prime Minister, simply passed me on to Vince Cable MP, the Secretary of State – again, fair enough, Secretaries of State have their role - who wrote me a letter that I have said above was to all intents and purposes pointless. Kelly Tolhurst MP was warned off getting involved, and accepted the warning. Perhaps it would be unfair to expect a junior minister to step away from the boundaries so rigorously set by many more senior who had gone before. Baroness Neville-Rolfe did try to take action in speaking to the incoming chairman of the Post Office, but then (we later learnt) seems not to have received a copy of the review she caused to be produced.

326. As a catalogue of failure of oversight, all this seems hard to beat.

327. It was only when on 26th February 2020 Boris Johnson, the new Prime Minister, answered a question from Kate Osborne MP and promised (no doubt much to the surprise of his officials and of the Post Office) a public inquiry that the logjam broke. This was the second turning point in the story, but it is hardly an example of good governance. And thereafter Paul Scully MP and Kevin

Hollinrake MP have tried hard to ensure that justice is done and compensation paid, but the sclerosis of government has hindered them both.

328. The final point I have to make about governance (in which I profess no expertise) is that the Chairman and Board of Directors – all appointed by and therefore removable by and answerable to the Government - had an important part to play in the oversight of the Post Office. I recognise that the following points are made with the benefit of hindsight, but one of the purposes of a board of directors is to exercise foresight. Some of the areas (and I suspect this may be a small sample) where they might have asked important questions, but either did not do so or allowed themselves to be satisfied with answers that may have been unsatisfactory, include the following:

a. When introducing a new computer system, how likely is it that it will be so free of error that you can base prosecutions upon it?

b. Do complicated new computer systems routinely – or perhaps always – come with remote access to them?

c. Have any reports to the Board included reference to remote access?

d. In 1997, before the introduction of Horizon, the number of prosecutions was 10. In 2001, after the introduction of Horizon, the number was 80. Should this have rung warning bells?

e. If we accept as a fact that the Post Office suspected, before the introduction of Horizon, that there was a large amount of undiscovered fraud going on, what weight should have been given to the possibility that that suspicion might have been wrong, and that it was the new system that might be to blame for any increase in prosecutions?

f. In contracting for the maintenance of a new computer system, is it appropriate to permit the contractor to charge for disclosure of details of whether there are errors in that equipment or software?

g. What was the role of suspense accounts?

h. In devising bonus schemes, is it appropriate to:

i incentivise the recovery of money in priority to the interests of truth or justice?

ii Incentivise compliance with a public inquiry into the failures of your own organisation?

i. What legal advice is the Board receiving about multiple allegations of miscarriages of justice, and what is the Board doing about it?

j. Is the culture of the organisation one which encourages or discourages whistle-blowing?

k. How, both as a board and as an organisation, do we fight against groupthink?

l. In rejecting the proposition put forward by a substantial group of MPs (that there should be a presumption that the Mediation Scheme should accept the recommendation of the forensic accountants chosen and appointed by the Post Office), do we need to consider the interests of justice as well as the apparent immediate interests of the Post Office?

329. There is one further point I should make which is not precisely related to governance, and it is about the role of auditors. I am aware that the Inquiry Chair has decided not to include within the scope of the Inquiry a consideration of what auditors knew or did not know, because it would have added disproportionately to the length of the Inquiry. Of course I do not question that decision. The point I do nevertheless wish to make is that it is the duty of auditors to determine whether the accounts present a true and fair view of a company's financial state. If auditors fail to establish the existence of a potential liability of over £1 billion, then their reports are of less value than we might wish. And their failure to identify this potential (and now actual) liability was yet another missed opportunity to put things right.

REDRESS

330. The drama Mr Bates vs The Post Office – the third turning point in the scandal (the first being the Fraser judgement and the second being Kate Osborne MP's question to the Prime Minister) - has galvanised the nation. This was what I said needed to happen in the Today Programme interview on 9th December 2014. One of the many terrible facets of this story is that it has taken so long.

331. I do believe that the Government, with all political parties much aligned on this, is now focusing on the need for overturning wrongful convictions, paying redress to subpostmasters and holding to account those responsible for the actions, failures and human consequences outlined in the drama. And because of all the missed opportunities it has taken longer than it should and cost more than it should. And there are many loose ends to tidy – including, for example, the employees of subpostmasters who have suffered, those who were employed not by the Post Office but by partner organisations such as McColls or the Co-op, and the subpostmasters' families who themselves have been put through ghastly experiences yet have not been included in the compensation schemes.

332. But sitting as I do on the Horizon Compensation Advisory Board I am seeing at first hand the day to day struggles of the Government to speed up the payment of money to the subpostmaster victims, and to pass unprecedented legislation to overturn hundreds of convictions. We are doing what we can to cut out as

much as possible of the unthinking bureaucracy that inevitably goes with the spending of public money.

333. The drama has nevertheless brought home to us that too many people have died before we reached this point. I find it difficult to stop thinking of them.

Statement of Truth

I believe the content of this statement to be true.

Signed: _GRO

Dated: _12th March 2024_____

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83	JARB0000063	Press release Statement of James Arbuthnot MP welcoming Interim Report	JARB0000063
84	JARB0000065	Email from Janet Walker to James Arbuthnot. RE: second sight continuing involvement	JARB0000065

85	POL00167943	Email from Janet Walker (UK Parliament); to Alwen Lyons (POL); Theresa Iles (POL) & Charlett Susanne Re: Potential meeting following board and Parliamentary recess dates	POL-0163240
86	POL00095441	Email from Janet Walker to Alwen Lyons re: Thoughts from Alan Bates	POL-0095024
87	JARB0000067	Email from joe Moor to Susanne Charlett RE: meeting at Westminster between Mr Arbuthnot and Mr Blagden	JARB0000067
88	JARB0000068	Email from Simon Blagden to James Arbuthnot RE: follow up from their meeting on 17 July 2013	JARB0000068
89	POL00099354	Email from Alwen Lyons to Ron Warmington, Ian Henderson, Susan Crichton and others, Re: Notes of the meeting on the 22nd July	POL-0098937
90	JARB0000070	Email from GRO to Janet Walker, GRO GRO Alwen Lyons & Ors RE: Meeting with James Arbuthnot and Second sight	JARB0000070
91	JARB0000069	Horizon resolution Flowchart showing process for looking at PO cases.	JARB0000069
92	POL00027849	Email from Susan Crichton to Paula Vennells, Alwen Lyons and Simon Baker Re: Copy of email to JA and draft to go to subpostmasters	POL-0024490
93	POL00099447	Email from Janet Walker to Susan Crichton and Alwen Lyons. Re: TORK and mediation pack	POL-0099030
94	POL00099493	Email chain between Susan Crichton, Janet Walker, Alwen Lyons and others Re: Reply from James Arbuthnot.	POL-0099076
95	NFSP00000263	Letter (Branch Secretaries Circular) from George Thomson to unnamed colleague re Horizon Mediation Scheme	VIS00008711
96	JARB0000071	Email from Frankie Peck to Recipient RE: BBC South Interview in relation to Mediation	JARB0000071
97	POL00061352	Blog post by Nick Wallisat titled 'Post Office 2nd Sight report into Horizon' dated 14 August 2013.	POL-0057831
98	POL00146048	Letter from Angela Van Den Bogerd to Alan re: Initial Complaint Review and Mediation Scheme (to be known as the Scheme)	POL-BSFF-0005175
99	JARB0000072	Letter from GRO to Janet Walker Re: Meeting with Alice Perkins and James Arbuthnot	JARB0000072
100	POL00099656	Email chain from James Arbuthnot to Andy Holt, Jack Hands and Alwen Lyons re: Post Office investigations.	POL-0099239

101	JARB0000073	Email from Janet Walker to James Arbuthnot cc Susanne Charlett RE: BBC Wales interview, Tuesday 1 October, 3pm at conf	JARB0000073
102	POL00099828	Email chain from Janet Walker to Alwen Lyons re: Press release for the appointment of Sir Anthony Hooper	POL-0099411
103	POL00099875	Email from Paula Vennells to Chris Aujard cc: Alwen Lyons, Belinda Crowe and Jorja Preston re: James Arbuthnot	POL-0099458
104	POL00026743	Final Note by David Oliver of Meeting held on 28/01/2014 between Post Office and James Arbuthnot MP	POL-0023384
105	POL00102598	Letter from Alice Perkins to James Arbuthnot re: Progress made on Commitments	POL-0102181
106	JARB0000074	Email from Alan Bates to Janet Walker RE: Conversation with James - raising issues	JARB0000074
107	JARB0000075	Email from Janet Walker to Alan Bates RE: January meeting with Alice Perkins	JARB0000075
108	JARB0000076	Email from Janet Walker to Alan Bates Re: Phone call with James tomorrow - mentions mediation scheme, pressure on Second Sight and potential Ron Warmington resignation	JARB0000076
109	JARB0000078	Janet Walker's note RE: Second Sight - mentions problems with PO/Second Sight relationship, contract queries, upcoming meeting with James Arburthnot and more	JARB0000078
110	JARB0000079	Email from Janet Walker to Ron Warmington, IRH RE: Checking in - organising meeting with James Arbuthnot, queries on new proposed agreement, update on mediation process and more	JARB0000079
111	JARB0000080	Meeting agenda with James Arbuthnot. Attendees: Alice Perkins, Paula Vennells and David Oliver RE: Mediation scheme, Second Sight and more	JARB0000080
112	JARB0000081	Meeting with Alice Perkins, Paula Vennells, and David Oliver - JNA Notes - re: Mediation Scheme	JARB0000081
113	POL00100445	Email from David Oliver to Janet Walker re. draft email and prep for 24th	POL-0100028
114	POL00100222	Email from Janet Walker to David Oliver, RE: Draft Meeting note and letter	POL-0099805
115	JARB0000082	Email from Janet Walker to David Oliver1 Re: Room for the meeting on the 24th	JARB0000082

116	POL00105634	'Meeting with MPs - Mediation Scheme and Branch Improvement Programme' Minutes, undated.	POL-0104622
117	POL00100474	Letter from James Arbuthnot to Paula Vennells re: meeting follow up	POL-0100057
118	POL00100491	Email Crowe to Sophie Bialaszewski and other re. Fwd: Update from Post Office meeting, 24 March 2014	POL-0100074
119	POL00100671	Letter from Paula Vennells to RT Hon James Arbuthnot MP, Final report on the Mediation Scheme.	POL-0100254
120	POL00105466	Letter from the Rt. Hon. James Arbuthnot MP to Paula Vennells dated 01/05/2014.	POL-0104646
121	POL00100696	Letter from Paula Vennells to James Arbuthnot MP re: Mediation Scheme	POL-0100279
122	POL00100695	Letter from James Arbuthnot to Paula Vennells, Mediation process case review	POL-0100278
123	JARB0000083	Letter to Alan Bates Re: concerns about Initial Case Review and Mediation Scheme	JARB0000083
124	POL00035280	Initial Complaint Review and Mediation Scheme, Mediation Briefing Report prepared by Second Sight	POL-0032215
125	POL00102600	Letter from Paula Vennells to James Arbuthnot re: Progress of the Mediation Scheme	POL-0102183
126	POL00026747	Letter from James Arbuthnot to Paula Vennells re meeting update	POL-0023388
127	POL00101018	Email from Martin Edwards on behalf of Paula Vennells to James Arbuthnot re: Note to MPs	POL-0100601
128	JARB0000084	Telephone Call regarding Alan Bates	JARB0000084
129	JARB0000085	Email from James Arbuthnot to Sarah Paddison and Janet Walker Re: Draft email from James Arbuthnot to MP's	JARB0000085
130	POL00101053	Email from Belinda Crowe to Sophie Bialaszewski, Mark R Davis, Chris Arnold and others re: FW Post Office - proposed July meeting	POL-0100636
131	POL00030160	Initial Complaint Review and Mediation Scheme Briefing Report - Part Two prepared by Second Sight	POL-0026642
132	JARB0000086	Post Office Second Sight Report Part 2	JARB0000086
133	JARB0000088	Letter to Priti Patel MP Re: Constituent Graham Ward - about case with Post Office	JARB0000088
134	JARB0000087	Letter to Paula Vennells Re: discussing constituent, William Doran	JARB0000087
135	JARB0000089	Letter from Post Office to Second Sight Re: Post Office's Response to Second Sight's Case Review Report on case M030	JARB0000089
136	JARB0000090	Briefing regarding Jo Hamilton	JARB0000090

137	POL00105465	Letter from The Rt Hon James Arbuthnot, MP to Paula Vennells re: Working Group meetings	POL-0104645
138	POL00002415	Post Office, Initial Complaint Review and Mediation Scheme, PO Reply to Second Sight's Briefing Report –Part Two	VIS00003429
139	POL00109204	Letter from Paula Vennells to Rt Hon James Arbuthnot MP re: Working Group Meetings.	POL-0111032
140	POL00105464	Letters between James Arbuthnot and Paula Vennels, RE: request to meet MPs to discuss mediation process.	POL-0104644
141	JARB0000091	Email from Janet Walker to Avene O'Farrell re Requested meeting with James Arbuthnot MP	JARB0000091
142	POL00101479	Email from Ron Warmington to Janet Walker, cc'd Ian Henderson and Chris Holyoak re: Call with Paula.	POL-0101062
143	POL00101477	Email from Avene O'Farrell to Belinda Crowe, Tom Wechsler, Chris Aujard re: FW: Post Office mediation process	POL-0101060
144	JARB0000093	Email from Janet Walker to Avene O'Farrrell re Requested meeting with James Arbuthnot MP	JARB0000093
145	JARB0000092	List of possible items that will arise in anticipation of the Post Office telephone conversation	JARB0000092
146	POL00117030	Note of call between Paula Vennells and James Arbuthnot MP - 15:30, 28 October 2014	POL-0117865
147	POL00101571	Letter from Paula Vennells to James Arbuthnot MP re Complaint and Mediation Scheme	POL-0101154
148	POL00101573	Email from Janet Walker to Avene O'Farrell; re: Meeting with James Arbuthnot MP	POL-0101156
149	JARB0000095	Post Office meeting minutes on Monday 17 November 2014 re the status of the mediation scheme	JARB0000095
150	POL00101586	Email from Ron Warmington to Mediation re: Post Office cases - update	POL-0101169
151	POL00101699	Letter from Paula Vennells Chief Executive, Post Office Ltd to The Rt Hon James Arbuthnot MP re: Complaint and Mediation Scheme.	POL-0101282
152	POL00101607	Email from Gavin Lambert to Paula Vennells re: JA	POL-0101190
153	JARB0000077	Email from James Arbuthnot to Kevan Jones cc Janet Walker, Susanne Charlett RE: FW: Post Office and media advice	JARB0000077
154	JARB0000097	Email from James Arbuthnot to Tim Robinson and cc Susanne Charlett re Post Office and media advice	JARB0000097
155	POL00101700	Letter from The Rt Hon James Arbuthnot to Paula Vennells re: Compliants and Mediation Scheme.	POL-0101283

156	POL00101690	Post Office Press Release from the office of The Rt Hon James Arbuthnot, MP re: MPs lose faith in Post Office mediation scheme	POL-0101273
157	JARB0000098	Letter from James Arbuthnot to Adrian Bailey MP re request for Adrian Bailey's committee to do an inquiry into the Mediation Scheme run by the Post Office in relation to the Horizon accounting system	JARB0000098
158	JARB0000099	Letter from James Arbuthnot to Jim Hood MP and cc Paula Vennells re his resignation from leadership of the MPs campaigning on behalf of subpostmasters	JARB0000099
159	JARB0000100	Letter from James (Arbuthnot) to Colleague Re: Post Office Mediation Scheme Adjournment Debate, 2:30, Wed 17th Dec, Westminster Hall	JARB0000100
160	POL00130757	MP Drop-in Session - Wednesday 10 Dec, 16:00-18:00 - Discussing - Horizon: Details of business improvements, Constituency issues raised by MPs on acceptance list	POL-0120698
161	JARB0000101	Email from Joe Moor to Janet Walker RE: Phone call between James Arbuthnot and Simon Blagden	JARB0000101
162	JARB0000102	Letter to Richard Foster RE: Post Office and the convictions	JARB0000102
163	POL00109874	Letter from James Arbuthnot to Paula Vennells re: response to letter of 8 December 2014	POL-0111098
164	POL00101989	Letter from Mark Davies to RT Hon James Arbuthnot MP, re the Complaint Review and Mediation Scheme.	POL-0101572
165	JARB0000103	Letter from Richard Foster to Mr James Arbuthnot MP RE: Horizon Computer System	JARB0000103
166	POL00026741	Letter from The Rt. Hon. James Arbuthnot M.P. to Paula Vennells re: Request for answers to questions from letter dated 8/12/2014 about Second Sight	POL-0023382
167	JARB0000105	Email from Karl Flinders to James Arbuthnot RE: Select Committee announces inquiry into Post office mediation scheme	JARB0000105
168	JARB0000104	Letter from James Arbuthnot to Adrian Bailey RE: Post Office Mediation Scheme	JARB0000104
169	POL00102087	Email from Ron Warmington to Janet Walker and Ian Henderson re: Ask for the following - re govt	POL-0101670
170	JARB0000107	Letter to Rt Hon Sir Alan Beith MP RE: Committee's current inquiry into the Criminal Cases Review Commission	JARB0000107
171	JARB0000106	Letter Daniel Kawczynski MP RE: Involvement in the Post Office Horizon issues	JARB0000106

172	JARB0000108	Briefing Note to BIS Select Committee from Ian R Henderson CCE, CISA, FCA	JARB0000108
173	POL00102596	Letter from Paula Vennells to The Rt Hon James Arbuthnot MP re: response to letters dated 8 December 2014, 13 January 2015 and 22 January 2015 concerning criminal investigations	POL-0102179
174	JARB0000109	Letter from the Rt Hon Hon James Arbuthnot MP to Richard Foster CBE RE: Failure of Post Office Mediation Scheme and referral to the CCRC	JARB0000109
175	JARB0000110	Letter from Richard Foster CBE to the Rt Hon James Arbuthnot MP cc Kevan Jones MP RE: Failure of Post Office Mediation Scheme and referral to the CCRC	JARB0000110
176	JARB0000111	Press Statement issued by Post Office Press Office RE: Post Office Mediation Scheme Update	JARB0000111
177	POL00109979	Letter from The Rt. Hon. James Arbuthnot. M.P. to Paula Vennells re: Request under Freedom of Information Act	POL-0111129
178	JARB0000112	Letter from Martin Humphreys (Post Office) to the Rt Hon James Arbuthnot MP RE: Freedom of Information Request - FOI201503101334	JARB0000112
179	POL00102373	Email from Ron Warmington to Mediation. FW: Urgent - Post Office	POL-0101956
180	UKGI00003781	Letter from James Arbuthnot to Vince Cable MP, re Post Office Mediation Scheme	UKGI014595-001
181	JARB0000113	Letter from Rt Hon James Arbuthnot MP to Richard Foster CBE RE: Application to CCRC from my constituent, Jo Hamilton	JARB0000113
182	UKGI00003910	Letter from Vince Cable to James Arbuhtnot MP re Post Office Mediation Scheme	UKGI014724-001
183	POL00117275	Letter from The Rt Hon James Arbuthnot MP to Paula Vennells re Jo Hamilton case	POL-0118092
184	JARB0000114	Letter from Richard Foster CBE to the Rt Hon James Arbuthnot MP RE: Mrs Josephine Hamilton	JARB0000114
185	JARB0000096	Letter from James Arbuthnot to Richard Foster CBE of the CCRC re Briefing note to add to CCRC application for my constituent, Jo Hamilton	JARB0000096
186	POL00102594	Letter from Paula Vennells to The Rt Hon James Arbuthnot MP re: reply to letter dated 18 March 2015 discussing disclosure of second sight documents in reinvestigations	POL-0102177
187	JARB0000115	FOI Request of Second Sight Part 2 Report process	JARB0000115

188	POL00117337	Letter from Tom Wechsler to James Arbuthnot re Freedom of Information Request for a copy of Second Sight's Briefing Report - Part 2.	POL-0118152
189	POL00029849	Initial Complaint Review Mediation Scheme: Second Sight Briefing Report - Part Two	POL-0026331
190	JARB0000116	Email from Rt Hon James Arbuthnot to Janet Walker RE: Fwd: Second Sight's Briefing Report - Part Two	JARB0000116
191	JARB0000117	Email from Barbara Williams (Baroness Neville Neville Rolfe's Private Office) to Rt Hon James Arbuthnot RE: Meeting with Baroness Neville-Rolfe	JARB0000117
192	JARB0000118	Letter from Baroness Neville-Rolfe to Tim Parker re: issues surrounding Horizon IT system	JARB0000118
193	JARB0000119	Email from Alan Bates to James Arbuthnot re: Assorted information	JARB0000119
194	JARB0000120	Email from Janet Walker to James Arbuthnot re: RE: Post Office - letter to Minister	JARB0000120
195	JARB0000121	Letter from Baronness Neville-Rolfe to James Arbuthnot re: request to meet with Second Sight	JARB0000121
196	JARB0000122	Email from Ron Warmington to James Arbuthnot re: Speaking notes 19 October Post Office_ONE_PAGER.docx	JARB0000122
197	JARB0000136	Ron Warmington speaking notes for meeting at House of Lords	JARB0000136
198	POL00103002	Email from Jonathan Swift to Tim Parker cc: Christopher Knight re: meeting with Lord Arbuthnot	POL-0102585
199	POL00006355	Review on behalf of the Chairman of Post Office Ltd concerning the steps taken in response to various complaints made by sub-postmasters	POL-0017623
200	JARB0000123	Handwritten Note re: Meeting Notes JNA Kevan Jones	JARB0000123
201	JARB0000124	Email from Nick Wallis to James Arbuthnot re: From my book re the CCRC referrals - hope this helps	JARB0000124
202	JARB0000137	Email correspondence between Nick Wallis and Justin Hawkins of the CCRC	JARB0000137
203	JARB0000138	Email from Lord Arbuthnot to Justin Hawkins (CCRC)	JARB0000138
204	JARB0000125	Letter from Kelly Tolhurst MP to Members of the House of Commons re: Post Office Ltd Litigation	JARB0000125
205	JARB0000126	Email from James Arbuthnot to Minister Callanan re: The Clarke Advice to the Post Office	JARB0000126
206	JARB0000127	Email from James Arbuthnot to Lord Arbuthnot of Edrom re: The Clarke Advice to the Post Office	JARB0000127

207	JARB0000139	Email to Lord Arbuthnot from Lord Callanan's Private Secretary dated 30 November 2020	JARB0000139
208	JARB0000140	Email to Lord Arbuthnot from Lord Callanan's Private Secretary dated 2 December 2020	JARB0000140
209	JARB0000129	Email from Lord Callanan to James Arbuthnot, Minister Callanan, CC Minister Scully and others re: The Clarke Advice to the Post Office - Lord Callanan confirming they do not have the Clarke Advice	JARB0000129
210	JARB0000130	Email from James Arbuthnot to Minister Scully, CC Nick Read and The Rt Hon The Lord Charles Falconer QC and others re: The Clarke Advice to the Post Office - concerning the BEIS Select Committee	JARB0000130
211	JARB0000141	Email to Lord Arbuthnot from Matthew of Business, Energy and Industrial Strategy Committee	JARB0000141
212	JARB0000142	Letter to Lord Arbuthnot from Darren Jones MP	JARB0000142
213	JARB0000133	Report re: Where the Post Office Horizon issue stands - by James Arbuthnot	JARB0000133
214	JARB0000143	Email to Lord Arbuthnot from Paul Scully MP's Private Secretary	JARB0000143
215	POL00104183	Letter from Paul Scully MP to Lord Arbuthnot re: The Clarke Advice to the Post Office	POL-0103766
216	JARB0000135	Email from James Arbuthnot to Rosa Prince re: The House coverage - concerning coverage on the Post Office Horizon scandal	JARB0000135
217	JARB0000145	List of MPs who have a constituent affected by the Horizon/Post Office case	JARB0000145
218	JARB0000146	Email from Glenda at Post Office from Janet Walker (James Arbuthnot's Chief of Staff)	JARB0000146
219	JARB0000147	Email from Janet Walker to Theresa Iles regarding call between James Arbuthnot and Paul Vennells	JARB0000147
220	JARB0000148	Letter from Steve McCabe MP to James Arbuthnot MP regarding the Initial Complaint Review and Mediation Scheme dated 9 September 2014	JARB0000148