

WITNESS: NICHOLAS JAMES CLARK

STATEMENT NUMBER: WITN0176_01

EXHIBITS: 0

DATED: Jan 13, 2022

POST OFFICE HORIZON IT INQUIRY

FIRST WRITTEN STATEMENT OF NICHOLAS JAMES CLARK

THIS STATEMENT IS PROVIDED IN RESPONSE TO THE RULE 9 REQUEST OF
THE PUBLIC INQUIRY DATED 29/10/2021 TO ADDRESS THE HUMAN IMPACT OF
THE FAILINGS OF THE HORIZON IT SYSTEM

I, MR NICHOLAS JAMES CLARK, Date of Birth of ADDRESS

will say as follows:-

PERSONAL BACKGROUND

1. I recently turned 50 years old and I live in Barrow-upon-Humber with my parents, who let me a room. The house where we live used to belong to me, but my parents bought this following my ordeal with the Post Office.
2. I currently work as a customer sales assistant at and have been doing this for about 3 years. I am only contracted to work 8 hours per week, which is an increase from a zero hours contract when I started.

POST OFFICE HISTORY

3. Prior to purchasing the village shop in Barrow-upon-Humber, which also contained the Post Office, I worked as a postman for the Royal Mail for 10 years.
4. My Mum was the previous sub-postmistress at the Post Office in the Barrow-upon-Humber branch, and whilst employed by the Royal Mail I took on the role of counter clerk at the branch. We proceeded to run the shop and the Post Office together as partners.
5. Eventually my Mum was looking to step down from her position as sub-postmistress of the branch and asked if I would like to take over. I wanted to work as a sub-postmaster because of the interaction with the community and to feel like I was providing a service to them. I became sub-postmaster of the Barrow-upon-Humber branch of the Post Office in November 2005.

CRIMINAL ALLEGATIONS AND ANY PROCEEDINGS/CONVICTION

6. Following an audit in March 2009, a shortfall in the sum of around £7,500 was found. I was accused of being responsible for this shortfall and was subsequently investigated.
7. The Post Office pursued me in the criminal court, and I was charged with Theft towards the end of 2009.
8. On the advice of my barrister, I pleaded guilty to the lesser charge of False Accounting. On 23 February 2010, I was given a 6-month sentence, suspended for 2 years, and 150 hours of community service.

THE HUMAN IMPACT

9. The human impact which the failings of the Horizon IT System have had and continue to have upon me, and my family are set out in the remainder of this statement. The section headings follow the particular questions posed by the Inquiry.

WHAT WERE THE CONSEQUENCES OF BEING REQUIRED TO MAKE GOOD APPARENT SHORTFALLS SHOWN BY THE HORIZON IT SYSTEM?

10. In the week leading up to the interview, I felt very worried and confided in my parents about my situation. They very kindly offered to make a cheque payable to the Post Office for the sum of the total alleged discrepancy . After having gone through so much over the previous 2 years, I decided to accept this gift and presented the interviewers with this on my arrival.
11. About a week later, on or around 17th March 2009, I attended an interview with Post Office representatives to discuss the outcome of the audit. The interview took place at Grimsby Post Office. I presented the interviewers with the cheque. They immediately accused me of admitting that I had stolen this money. I was shocked because I thought that this would have been appreciated and thought I may have been provided with additional training to help me with Horizon.
12. In hindsight I also think I was a bit naïve in the build up to the interview. I assumed that I would receive a slap on the wrist for what I believed to be my own incompetency when balancing the accounts.

WHAT WERE THE COSTS OF MAKING GOOD ALLEGED SHORTFALLS SHOWN BY HORIZON

13. Due to various discrepancies in the Horizon System, I accepted that I would have to make good any losses because I believed them to be my fault. I ended up selling numerous sentimental assets to fund the balancing of the accounts. I estimate that in the period prior to March 2009, I personally covered approximately £4,500.00.
14. As previously mentioned, prior to my interview, my parents had given me a cheque to cover the outstanding shortfalls which I handed to the investigators prior to the start of the interview..

HOW WERE YOU AFFECTED WHEN ALLEGED TO BE RESPONSIBLE FOR SHORTFALLS OR DISCREPANCIES SHOWN BY THE HORIZON IT SYSTEM?

15. I suspected that there must have been an issue with the IT system. To start with, I was confident that the shortfalls weren't my fault. Towards the start of 2007, I noticed a significant discrepancy and started to seriously doubt the reliability of Horizon. I always said to my Mum that it was a glitched computer system. I considered myself to be quite tech-savvy at the time hence I did not fully trust the system when I began having difficulties. I contacted the Post Office to ask whether it would be possible for one of their staff members to observe whilst I balanced the accounts.
16. The Post Office agreed to send one of their representatives to attend my shop and observe whilst I balanced the accounts. On this occasion there was no discrepancy and I was told by the staff member that I had done everything right.

- The result of this was that the next time I had a discrepancy, I believed it to be down to my own incompetence. I instantly felt stupid and was embarrassed.
17. I did not ask for any more assistance from the Post Office as I was made to believe that it was my fault when there were further discrepancies, and thought it was pointless for any further observations. I also started to use the Helpline less as time went by as they could not help me to resolve the issues. I suddenly felt alone and annoyed at myself for not performing better in my role. Looking back, I am very upset that I was made to feel this way.
18. My experience with the Post Office has impacted me in a variety of ways. Before I started noticing discrepancies in the Horizon system, I was a happy, confident and outgoing person. However, when I was told that issues with the balancing were not the fault of Horizon, I started to doubt myself and this led to me thinking I was stupid, and that I was the only one experiencing these issues.

WHAT WERE THE CONSEQUENCES OF BEING HELD RESPONSIBLE FOR SHORTFALLS AND DISCREPANCIES SHOWN BY THE HORIZON IT SYSTEM?

19. Going forward, whenever I noticed any new discrepancies, I paid them off myself, as to respect the contract with the Post Office. The system made me doubt myself, and so I was made to feel incompetent, and that any discrepancy shown by Horizon must be due to a human accounting error.
20. I did not continue to report shortfalls to the Post Office during this period as I was under the belief that they were caused by human error. I feared for my job and so continued to make good the losses personally rather than report the issue.

21. In mid-March 2009, auditors arrived at my shop without me having any warning or prior knowledge. The auditors informed me that there was a significant discrepancy owing of approximately £7,500.00.
22. I immediately pointed to the unreliability of Horizon as a reason for this shortfall. I also informed them that I had been covering the Post Office shortfalls personally since I was appointed sub-postmaster. I told them that I had personally covered an estimated £4,500.00 during this period.
23. The Post Office auditors rebuffed this suggestion and told me in no uncertain terms that I was the only person they have ever come across who has had an issue with Horizon. When I was told this, I started to doubt myself and felt incompetent.

WHAT WERE YOUR FINANCIAL LOSSES CAUSED BY ACTION TAKEN AGAINST YOU IN RELIANCE UPON HORIZON DATA?

24. My parents had to financially support me through a period of unemployment as a result of my loss of livelihood.
25. I was forced to sell my home as a result of the loss of income I experienced following my ordeal with the Post Office, which rendered me unable to keep up with my mortgage payments.
26. My earning potential has been limited due to my conviction.

WHAT EFFECT DID IT HAVE TO BE ACCUSED OF COMMITTING CRIMINAL OFFENCES AS A RESULT OF SHORTFALLS AND DISCREPANCIES SHOWN BY THE HORIZON IT SYSTEM?

27. I didn't fully comprehend the accusations at the time of the interview. During the interview, the interviewers seemed sympathetic towards me. I was happy to reveal what had been happening to me for the past 2 years. I believed that the interviewers would understand and try to help me. In retrospect, I think the line of questioning used by the interviewers was loaded. I recall them saying things such as, 'this is such a shame - you seem like a nice guy' etc. It was what I would have expected if I had been interviewed by the police.
28. Had I known that the line of questioning by the interviews would have been police-like, I would have instructed representation to accompany me in the interview.
29. I burst into tears when I received my summons on a sunny day in Summer 2009. I had never been in trouble at any other point during my life. It just felt surreal.
30. After my conviction I became really low. My mental health was severely impacted, to the point where I was experiencing suicidal thoughts. This has been a huge battle for me over the past 12 years and is still ongoing.
31. Since my conviction I have become a recluse and do not wish to be seen in my local community. I fear that I will be recognised following the local press's coverage of my conviction, which I feel brought great shame on my family. Whenever I go out, I ensure it is either at night when it is dark or in a different village or town so that I am not recognised.

WHAT WERE THE CONSEQUENCES OF BEING CONVICTED OF A CRIMINAL OFFENCE AS A RESULT OF SHORTFALLS AND DISCREPANCIES SHOWN BY THE HORIZON IT SYSTEM?

32. In July 2009 I was summonsed to appear before Scunthorpe Magistrates Court on a charge of theft. I pleaded not guilty to the offence as I did not steal anything from the Post Office: far from it; I parted with a lot of my own money to make good the alleged losses. Due to the seriousness of the offence, the judge ordered the case to be transferred to the Crown Court in February 2010.
33. I was due to appear before Doncaster Crown Court on 23rd February 2010. Prior to the trial, which was due to take place in front of a jury, my legal representation informed me that the Post Office wanted to offer a plea bargain.
34. I was told that the charge of Theft would be dropped if I pleaded guilty to the lesser charge of False Accounting. Having been advised by my barrister that I would be less likely to receive a custodial sentence or, in the alternative, I would be likely to receive a lesser custodial sentence in the event that I pleaded guilty, I opted to do so. It was a difficult decision at the time because I wanted to fight to prove my innocence, but at the same time the hope of not going to prison was such that I really had no choice. I was so worried that I would go to prison.
35. I was sentenced to 6-months imprisonment, suspended for 2 years, and received an order to undergo 150 hours of unpaid work.
36. I became incredibly reclusive, rarely ever leaving the house, save for when absolutely necessary. To this day I try to only leave the house either to go to work or at night-time so that I am not recognised by any of the local residents. I am aware of what villages are like, and how people can be so judgemental.

37. After my conviction I visited my local GP as I was struggling with the repercussions of the negative, and often inaccurate, way I was portrayed in the media. My GP prescribed me medication for anxiety on this visit. Afterwards I did not go back to my GP as I could not bear the thought of sitting in a waiting room with other people in my community.
38. As a result of my conviction, I was unemployed after my contract with the Post Office was terminated. Shortly after losing my job I started going to the job centre. I was very conscious that there were other local people there and I couldn't face going again for the fear of being judged. My parents helped me through this period financially.
39. It was only in 2016 when I had the confidence to revisit the job centre. I was ashamed to go but needed to regain employment to earn an income. This was very difficult for me at the time, as I had to tell the staff members and other job seekers why I was no longer employed. It was degrading and humiliating.
40. I explained to the staff members at the job centre that I did not want to work in the radius of where I lived. I felt there was a distinct lack of empathy for my situation and felt judged because of my conviction.
41. I remained unemployed until December 2018, when I was finally employed by **GRO** as a Customer Sales Assistant. Up until December 2018 I claimed job seeker's allowance.
42. I am still employed in the role of Customer Sales Assistant at **GRO**. Originally, I was on a zero-hours contract so had to be on hand in case overtime hours were offered. As I had been unemployed for numerous years, I needed to accept as much overtime hours as possible, meaning I could never fully enjoy my time away from work just in case I was called into work.

43. I am on a permanent contract now with GRO but only for 8 hours work each Sunday. Whilst this is slightly better, I still need to be prepared to work every day in case I am needed.
44. I was forced to sell my house in 2015 as I was unable to keep up with the mortgage repayments. I sold my house to my Mum and Dad, who offered to rent one of the rooms to me. I accepted this offer and have been living in the house I previously owned, with my parents. I am still living there now.
45. My mental health has been seriously impacted since my conviction. Prior to this, I was a fairly reserved person who sometimes lacked confidence, but I had a well-paid job with no significant history of mental health issues.
46. When I first received my summons, I suffered from suicidal thoughts and twice considered taking my own life. It is only the love of my Mum and family, and knowing what it would do to my Mum, that stopped me from going through with it.
47. To this day, I still suffer from anxiety when appearing in my local community. I am constantly wondering who is looking at me and judging me. I have been diagnosed with PTSD, severe depression, and severe anxiety, and it has been recommended that I undergo a course of counselling which I intend to start after the festive period has ended.

WHAT EFFECT DID THESE ISSUES HAVE UPON YOUR RELATIONSHIPS WITH YOUR FAMILY, FRIENDS, COLLEAGUES AND LOCAL COMMUNITY?

48. Immediately after my conviction my case was published in the Telegraph. This was incredibly frustrating for me as many things were taken out of context, which led to my ex-fiancé sending me derogatory texts. Until this point, we were

on speaking terms and had also discussed the possibility of getting back together.

49. [GRO] a counter assistant at my Post Office, told my Mum that she heard some of the local villagers gossiping about me. A story was made up about me leaving the country with two women and £50,000.00 in my pocket to move to Australia.

50. The official Post Office newsletter made comments about me and my conviction, incorrectly stating that I was found guilty of theft. My Mum, who had recently been reappointed sub-postmistress of our shop, saw this and was very upset. She wrote to the Post Office and asked for an apology for this error [GRO] also emailed the Post Office correcting the article they published. Neither [GRO] nor my Mum received a response to this, which was upsetting for my Mum who tried to fight my corner when she could.

51. My relationship with my brother also deteriorated to the point where we have not spoken since. My brother, [GRO] told me to my face that he did not believe me when I said I was innocent. He repeatedly told my family that I was guilty, that I stole the money, and he tried his best to turn my family against me. We have not spoken in over 10 years. For context, we had a good brotherly relationship before my conviction. We would often get together for family parties and other social events.

52. My relationship with two of my other friends also broke down due to the label I was given after being convicted. One of them used to call me 'sticky fingers' and the other goaded me that I would never work again. This was very unpleasant to hear from two people who I used to think of as friends.

PLEASE DESCRIBE THE DIRECT AND INDIRECT EFFECT WHICH THESE ISSUES HAD UPON THE MEMBERS OF YOUR FAMILY?

53. My Dad is and was at the time of my conviction. I thought that I had ruined everyone else's lives as well as my own. I felt incredibly guilty about what my conviction could do to my family's reputation.

54. As stated earlier, my parents paid for the alleged shortfall .

55. I continue to live with my parents in my old house, which I sold to them in 2015 after I couldn't keep up with the mortgage payments. I rent a room in the house, and neither I, nor my parents, imagined that we would all still be living together.

CONCLUDING REMARKS

56. My experience with the Post Office was incredibly traumatic and this has severely impacted on my current life and my future. It has also affected everyone around me. I will never be able to forget the extreme neglect I have suffered at the hands of the Post Office.

Statement Of Truth

I believe that the facts stated in this witness statement are true.

Signed:

GRO
Nicholas James Clark (Jan 13, 2022 12:13 GMT)

Position Or

Office Held:

Print Full

Date of signature: Jan 13, 2022

Name: NICHOLAS JAMES CLARK

FILE REFERENCE

GRO

