

Witness Name: Patrick Bourke

Statement No: WITN09830100

Dated: 11 April 2024

## POST OFFICE HORIZON IT INQUIRY

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### FIRST WITNESS STATEMENT OF PATRICK BOURKE

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I, Patrick Bourke, will say as follows:

#### **INTRODUCTION**

- 1 I am currently employed by Post Office Limited ("**POL**") as its Government Affairs and Policy Director. I have occupied this role since January 2017.
- 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 16 January 2024 (the "**Request**").
- 3 I have prepared this witness statement independently of POL and with the assistance of separate legal representation. To assist my recollection and the preparation of this statement I have reviewed some additional contemporaneous documents, requested and supplied to me by POL, and

beyond those which were disclosed to me by the Inquiry with the Request. A full list of the documents exhibited with this statement is included in the accompanying index, all of which have been previously disclosed to the Inquiry by POL. Where I have quoted from any of the documents exhibited with this statement, these are in italics.

- 4 I have addressed the 93 questions posed to me in the Request in a narrative form that reads chronologically, insofar as possible. I have broadly structured the statement to follow the section structure of the Request, but have also included specific sections to address key issues it raises. My reflections, in answer to question 92 of the Request, are set out in paragraph 294.

#### **BACKGROUND**

- 5 I have been asked to set out my professional background and qualifications prior to joining POL. I graduated from the London School of Economics and Political Science and the University of Strasbourg with a degree in Law and French Law. I trained as a lawyer at the European Commission, the Post Office, and DJ Freeman and qualified as a solicitor in 1997. I practised as a solicitor for 2 years at Berwin Leighton in Brussels, before becoming Head of European Affairs for Post Office in 1999, again based in Brussels, when I stopped practising as a lawyer. I joined the then Department of Constitutional Affairs (now Ministry of Justice (“**MOJ**”)) in 2002 where, as a junior and subsequently a senior civil servant, I worked in a variety of roles in international trade policy, aspects of regulatory reform in the legal services sector, the Freedom of Information Act 2000, and as the Department’s lead on European and

International policy. I worked at the MOJ for 8 years prior to taking up a post as Head of European Affairs and EU Representative for the Isle of Man Government, opening its Brussels office in 2011. I joined POL in 2014.

6 In September 2014, I joined POL as a programme manager for the Initial Complaint Review and Mediation Scheme (“**The Scheme**”). I held this role until around June 2016. I set out details of this role below at paragraph 23.

7 I was recruited to POL by a former colleague, Belinda Crowe, with whom I used to work at the MOJ. In or around spring 2014, she contacted me on LinkedIn while I was abroad and explained that she was now working at POL. She asked me to contact her for further information about a role there which she thought might be of interest to me.

8 On return, I contacted her and she explained that she was engaged in work for POL to investigate complaints about a computer system with a view to establishing what might have gone wrong and to seek a resolution to those complaints through mediation where appropriate. Belinda Crowe and I had worked in the same directorate at the MOJ and she was broadly familiar with my skills and experience. In particular, she was aware that I had led a piece of work at MOJ to prepare for the commencement (on 1 January 2005) of the Freedom of Information Act 2000 (“**FOIA**”). This involved the close and timely management of a sensitive case load, significant interest from Ministers and senior officials across Whitehall, and heightened external scrutiny. Our discussions continued, we both confirmed our respective interests, and I then

went through the normal HR vetting and joining process, starting with POL on a fixed term contract, extendable by mutual agreement.

- 9 In around June 2016 my team became part of the Corporate Services Group and I became the Deputy Corporate Services Director until January 2017. I took this role as a result of an internal restructuring process following the closure of the Scheme, and the follow-up work which was by now being conducted as part of POL's preparations for litigation. The then General Counsel, Jane MacLeod, was asked to expand her responsibilities and take on responsibility for Information Security (including Cyber-Security) & Rights (including compliance with the Data Protection Act 2018 and FOIA), Audit & Risk, and the Security team, in addition to the in-house legal function. The new directorate would later become the Legal, Risk, and Governance team.
- 10 As Deputy Corporate Services Director, I helped Jane MacLeod with the restructure and acted as her deputy for the purposes of management and helping to integrate the various teams into their new structure. In addition, I was responsible for managing POL's information security and information rights teams which included coordinating data subject access and freedom of information requests ("**FOIRs**"). I had line management responsibility for between eight and twelve individuals and I shared a personal assistant with Jane MacLeod, to whom I reported throughout. Within approximately 6-12 months of the new structure taking shape, steps were taken to break up the Security team into three smaller teams, with only the Financial Crime team (looking at money laundering issues) remaining within Jane MacLeod's wider



Directorate. While I was not directly involved in this decision, I was aware of concerns at senior level about the prevailing work culture which characterised the team.

- 11 I have been a member of different committees and focus groups during my time at POL, including being a member of the Postmaster Litigation Steering Group (“**PLSG**”), which I refer to in more detail later in my statement. I was engaged in Project Sparrow, this being a broad descriptor of POL’s efforts to address the complaints of postmasters in the Scheme, but the formal governance took place at the level of the Board of Directors (“the **Board**”), and as far as I remember, I only ever attended one meeting at that level.

### **MY CURRENT ROLE**

- 12 In January 2018, I became the Corporate Affairs Director, joining POL’s corporate affairs and communications team. The role has been through a number of changes in scope and job title, reflecting restructuring within the team, as well as a more widespread and centrally led-exercise to reduce headcount. I have been in this role, now known as Government Affairs & Policy Director, for six years and I am responsible for a mix of corporate affairs, external relations, and general communications work.
- 13 This involves managing a team responsible for liaising with a number of POL’s stakeholders including various government departments and agencies, Members of Parliament (“**MPs**”), trade associations, charitable organisations, POL’s senior leadership team (of which I am also a member), members of the

Group Executive and POL's Chief Executive Officer (“**CEO**”). Occasionally, I also work directly with members of the Board. I manage approximately ten direct reports and I share a personal assistant with 2 others. When I started in the communications team, my line manager was Mark Davies, the Group Director of Corporate Affairs and Communications. Following his departure, I reported directly to the CEO for a period of 5 months, until the appointment of a new Group Corporate Affairs and Communications Director, Richard Taylor, in 2020. My current line manager is Karen McEwan, POL's Chief People Officer, who in turn reports to the CEO, Nick Read.

- 14 My role is varied and my job title has not always reflected its content particularly accurately. POL engages with government (POL's sole shareholder) at different levels and through different teams; that has always been the case in my experience. Between my arrival in late 2014 and early 2019, the scope of the relationship was relatively narrow reflecting the position that, while owned by government, POL was commercially and operationally independent of it. At that time, it was principally conducted through the Corporate Affairs and Communications team day-to-day, with input from Finance and the Legal teams as appropriate. At the most senior level, the then CEO and Chief Financial Officer (“**CFO**”) (Paula Vennells and Alasdair Cameron respectively) would liaise with government as necessary through their fellow Board member, Richard Callard, who was the Shareholder's representative on the Board.
- 15 Since early 2019, however, government 'oversight' of the business has become very much more energetic and substantially broader in scope to the extent that,

in my personal view, it has become harder to assert that the business is commercially and operationally independent in any meaningful sense. This is, at least in part, attributable to government's response in anticipation of the financial, political, and reputational risks the litigation brought by Alan Bates & Others under the Group Litigation Order (the "**Group Litigation**") would potentially expose it to (and, of course, did following Fraser J's judgment in March 2019). It also reflects the creation of a Post Office Policy Unit in what was then the Department for Business, Energy and Industrial Strategy ("**BEIS**"), the idea behind which was that POL needed a champion within a mainstream Whitehall government department to support it from a policy perspective, with UK Government Investments ("**UKGI**") focused on its financial performance as a government asset.

- 16 In reality, despite some limited policy interventions, the new Post Office Policy Unit has added a further measure of control and constraint on POL's ability to manage its business day-to-day. The central, overwhelming, concern of government in relation to POL since 2019 has been the Group litigation and its consequences, most notably around the funding and delivery of compensation, and the Inquiry. More recently, it has also become concerned with aspects of POL's senior governance in which it, of course, plays a direct part through its Board representative. As a result, there has been little substantive advancement of broader policy questions between POL and its sponsoring Department, whether through UKGI or the Department proper.

- 17 It has been my experience in the last four and a half years that the CEO, Nick Read, unlike his predecessor, has preferred to engage directly with BEIS and UKGI at working, as well as at Ministerial, level in our sponsoring Department (now the Department for Business and Trade, and UKGI) day-to-day. While he is supported by me and my team in his formal engagements with Ministers, his engagement with officials is more frequent and informal in nature and he typically does not require briefing or the participation of others. As a result, my role, and my team's focus, more frequently entails liaising with other parts of government. For instance, we were recently engaged in coordinating POL's input into work being undertaken by HMRC on the practical effects of the Windsor Framework Agreement with the European Union on postal services between Northern Ireland and Great Britain.
- 18 The policy element of the work relates to the development and advocacy of ideas which benefit (any or all of) the business, postmasters, and its customers. Examples include our successful efforts to ensure that, as a matter of law, and despite the closure of thousands of bank branches nationwide, people and small businesses continue to have convenient, local, access to free to use cash services. Similarly, we made the case for Her Majesty's Treasury to continue providing postmasters with financial support to offset against eye-watering energy bills after the initial six-month period of the scheme.
- 19 I am also one of the people who meets with the CEO to discuss a range of wider issues concerning POL. Here, I act as a sounding board, or, on occasion, I may provide advice or a solution.

## **KNOWLEDGE OF THE HORIZON IT SYSTEM**

20 By the time I arrived at POL in September 2014, it was clear that concerns about the Horizon IT system (“**Horizon**”) had been expressed to POL for some time and a fair bit of work had already been done to try to get to the bottom of the issues and resolve them. At the time, Second Sight had already prepared its first report and found no systemic problems with the Horizon software; however, Second Sight reported several themes arising from the postmasters' complaints relating to Horizon, such as power outages that could potentially delay a transaction being processed and operational errors arising from the icons on the branch terminal screen being too close, potentially resulting in postmasters pressing the wrong keys. Relatively soon after I joined POL, I began to understand that at the heart of the complaints was the suggestion that Horizon was producing anomalies; it was not always the case that it was attributed to a bug; it could also be hardware or external factors such as power outages.

21 I was not provided with any specific training relating to Horizon. I was employed to help facilitate a scheme where sub-postmasters' complaints could be ventilated, any points of difference with POL could be understood, and a mediated resolution might be achieved.

22 However, I did take steps to improve my knowledge of Horizon as referred to in more detail below.

**THE INITIAL COMPLAINTS REVIEW AND MEDIATION SCHEME (“THE SCHEME”)**

- 23 As one of the programme managers brought it to support it, I was responsible for the day-to-day management and supervision of the Scheme, reporting to Belinda Crowe. The Scheme was set up in agreement between POL and the Justice for Sub-postmasters Alliance (“**JFSA**”), following the publication of Second Sight’s Interim Report in July 2013. By the time I joined POL in September 2014, the Scheme was already established and Second Sight were engaged in this phase of their work. I was not, therefore, involved in designing the Scheme or in discussions around the scope of Second Sight’s engagement.
- 24 Upon joining POL, I believe I would have been verbally briefed by Belinda Crowe about the architecture and processes of the Scheme and on Second Sight’s role. Tom Wechsler and I were recruited to work on the Scheme by POL at around the same time and we divided the responsibility for managing it between us. From memory, the broad division involved Tom Wechsler managing the Working Group while I was responsible for administering the pre-Working Group stages of the Scheme, and ensuring the progress of cases through the system.
- 25 The Scheme involved a completely fresh and comprehensive reinvestigation of all the cases admitted to it, resulting in an investigation report for each of the applicant sub-postmasters. Angela van den Bogerd led a team of people brought together for the purpose of reinvestigating the facts and circumstances of each case admitted to the Scheme and for the preparation of investigation reports. These reports were then submitted to Second Sight to enable them to

conduct an independent assessment of the facts and circumstances of each case recorded, at the end of their work, in a Case Review Report (“**CRR**”). This CRR would contain a recommendation from Second Sight as to whether, having reviewed all the evidence, facts, and circumstances, they would recommend the case as being suitable for mediation. Their CRR, including this recommendation, was then communicated to the Working Group.

26 POL also engaged external legal support from Bond Dickinson LLP, as it was then called, to assist it with the administration of the Scheme and provide advice in relation to individual cases. Bond Dickinson LLP prepared responses to Second Sight’s CRRs which included their recommendations as to whether POL should agree to mediate and, if so, on what basis and issues.

27 The Working Group’s role was to facilitate agreement as to which cases were suitable for mediation. Their determination of each case was made following receipt and consideration of the investigation report, prepared by POL, and Second Sight’s CRR. It was chaired by Sir Anthony Hooper, and also comprised representatives from Second Sight, members of the JFSA, Alan Bates, Kay Linnell and POL. Tom Wechsler, Chris Aujard and Belinda Crowe represented POL. As General Counsel, Chris Aujard was POL’s most senior representative on the Working Group. In the event of a disagreement amongst the members of the Working Group over whether or not a case should proceed to mediation, Sir Anthony Hooper held the casting vote. Sir Anthony Hooper was appointed to Chair the Working Group on the recommendation of the JFSA.



- 28 I did not have any specific roles or responsibilities in respect of the Working Group beyond overseeing the preparation of the document packs ahead of meetings. Tom Wechsler was responsible for engaging with the Working Group and Sir Anthony Hooper.
- 29 Mediations were organised and facilitated by the Centre for Effective Dispute Resolution (“**CEDR**”), who were selected for their independence and reputation for alternative dispute resolution, and attended by subject specialists from within POL’s business who had experience of the issues which were the focus of the mediation in a given case. This would usually be someone with operational experience of running Post Office branches who understood the various pitfalls and issues that could arise. Someone from Bond Dickinson LLP would also usually attend alongside POL. We would receive feedback as to how the mediation had proceeded. Under the Scheme, POL made provision for applicant sub-postmasters to have legal representation at the mediation, and to cover their expenses on the day.
- 30 In certain cases, I was involved in determining the levels of payment that we might make to sub-postmasters during a mediation as part of a resolution to their complaint. POL’s approach to all mediations, including in relation to the level of any payments, was at all times guided by legal principles on advice from Bond Dickinson LLP. Typically, there was a pre-agreed ceiling on any possible financial payment which might be made in the room. Going beyond that ceiling would usually need escalation by phone call to me, Tom Wechsler, or Belinda Crowe. I imagine that had payments exceeded a certain level, a

further escalation might have been necessary, although I do not now recall whether this was, in fact, ever triggered.

31 Neither Tom Wechsler nor I attended mediations, with one exception. I was interested to see this end of the process better to understand how it worked and what issues might typically arise in practice. I therefore attended one involving a postmaster named Mr Bajaj in around February or March 2015.

32 Throughout my role working on the Scheme, I had relatively little contact with Second Sight. Most of the contact between POL and Second Sight was conducted by Tom Wechsler, Belinda Crowe, Chris Aujard, and then Jane MacLeod once she took over from Chris Aujard as POL General Counsel. Other than my team being responsible for uploading investigation reports and Second Sight's CRRs to a document sharing platform called Huddle. I would occasionally provide updates and documents to Second Sight when I was asked.

33 A number of contentious issues emerged in connection with the Scheme, including whether the cases of sub-postmasters with criminal convictions could or should be mediated. POL's position, based on legal advice from Bond Dickinson LLP and also, I think, from Cartwright King and Brian Altman KC (see paragraph 71 below), was that conviction cases could not be mediated which led to arguments about whether POL was fulfilling the terms on which the Scheme was established.

34 I am also aware that there was disagreement between Second Sight and POL around the extent to which Second Sight had full access to POL's prosecution files. I was not involved in making the decision or determination over any such access. My understanding is that some information within the prosecution files was never intended to be shared with Second Sight because the material was legally privileged. I think that Sir Anthony Hooper may have supported that stance in the context of a specific case in the Scheme. However, prior to me joining POL, I understand that some of POL's prosecution files on specific cases, and which contained privileged information, were in fact disclosed in full to Second Sight but in error. As I understand it when POL then refused to provide the full prosecution files relating to the other cases in the Scheme, Second Sight formed a view that POL was reneging on the terms of their engagement, presumably because the access they had been erroneously given created an expectation. My understanding of this comes from discussions at the time with Rodric Williams, Belinda Crowe, Mark Underwood and others who were part of the POL team who were involved with the engagement of Second Sight and the Scheme.

35 As stated at paragraph 23 above, I was not involved in discussions or decisions about the design and framework of the Scheme as it was initially envisaged, as this pre-dated my employment at POL. However, I assume (but do not know for certain) that advice as to the non-disclosure of legally privileged material from POL's prosecution files to Second Sight in the context of the Scheme would

have come from Rodric Williams, as in-house counsel for POL, through his interface with external counsel from Cartwright King and/or Brian Altman KC.

### **Closure of the Working Group**

36 The Scheme came under a significant amount of scrutiny and pressure from Parliament and the media. Criticism of POL felt like the daily backdrop to our work. There was a great deal of concern being expressed about perceived delays in cases progressing through the Scheme. In addition, in many cases where Second Sight had recommended mediation, POL took the view that the facts did not support that recommendation and, accordingly, did not agree to mediate. A collection of MPs, led by Lord James Arbuthnot (“**Lord Arbuthnot**”), had been instrumental in supporting JFSA and in the establishment of the Scheme. They requested a meeting with the CEO, Paula Vennells, in order to remonstrate about the various complaints of the JFSA about the process. That meeting duly took place on 17 November 2014 with Paula Vennells, Angela van den Bogerd, Lord Arbuthnot, Oliver Letwin, and perhaps others, at the House of Commons. I had been asked, I think by Belinda Crowe, to prepare a briefing for Paula Vennells for that meeting and I set out details of my role at paragraph 66, where I describe my role in connection with briefing documents.

37 A key request advanced at this meeting by the MPs was for POL to agree to a general presumption to mediate all cases in the Scheme where this was recommended by Second Sight. Once the Scheme was in operation, Second Sight began to recommend that almost all of the cases proceed to mediation. On the basis of the investigation reports prepared by POL, and our review of

the CRRs which Second Sight submitted, my team and I had some concerns about the approach Second Sight were adopting in consistently recommending cases to be mediated, even in circumstances where their own CRRs appeared to contradict such a recommendation. For example:

<b>Scheme case</b>	<b>Details from Second Sight's CRR</b>
Case M020 concerned branch losses of £19,335.92.	The draft CRR, dated 5 February 2015, expanded on three specific discrepancies which the Applicant believed provided evidence of faults with the Horizon system. In respect of a purported branch surplus of £3,500, paragraph 4.4 stated " <i>It is clear that this discrepancy was caused by a keying error made by the Applicant, rather than by a 'fault' in Horizon.</i> " In respect of a shortfall of £200 caused by an error of phone card stock, the CRR stated at paragraph 4.8 that " <i>we find that the cause of the discrepancy in this instance was an operational error made by the Applicant.</i> " In respect of a purported discrepancy related to a "Green GIRO" payment of £1,257.99, paragraph 4.12 provided that " <i>We can only conclude, on the evidence presented, that there was no discrepancy related to this amount</i> ". Despite these findings, the CRR recommended this case for

	<p>mediation to consider “<i>whether Post Office or the Applicant is responsible in part or in whole for the losses of £19,335.92.</i>” [POL00035285]</p>
<p>Case M120 concerned branch losses of £34,330,41.</p>	<p>The draft CRR, dated 22 November 2014, stated at paragraph 4.4 that “<i>Having reviewed these transactions, errors and TCs, we have concluded that Post Office was not at fault in any of its actions. The Applicant, on the other hand, made mistakes and then compounded them with further mistakes, which had the effect of masking the branch’s true shortfall that was, by that point, very substantial.</i>”</p> <p>The CRR went on to recommend this case for mediation to consider “<i>whether Post Office or the Applicant is responsible in part or in whole for the loss of £34,330,41 that remains unrecovered by Post Office.</i>” [POL00040448]</p>
<p>Case M087 concerned responsibility for branch losses of £43,269.10.</p>	<p>Paragraph 4.18 of the draft CRR, dated 18 November 2014, stated that the branch’s shortfalls “<i>were probably caused by human error, and exacerbated by her apparent lack of understanding of Horizon accounting (and end of Trading Period) procedures.</i>” Paragraph 4.23 stated “<i>It is clear...that</i></p>

	<p><i>the Applicant was making errors, and that they were very difficult to trace, the more so because of the Applicant's false accounting". This case was recommended for mediation to consider "whether Post Office or the Applicant is responsible in part or in whole for the losses of £47,097.22."</i></p> <p>[POL00040446]</p>
<p>Case M041 concerned responsibility for losses of £26,256.63.</p>	<p>Paragraph 4.20 of the draft CRR, dated 13 November 2014, provided "<i>We concur with Post Office's assessment that the evidence shows that the Applicant frequently made mistakes whilst operating the branch... it is reasonable to assume that many errors would have gone undetected and caused branch losses</i>". The CRR went on, at paragraph 6.1, to recommend this as "<i>a weak case for mediation</i>", despite finding that "<i>the most likely causes of the shortfalls experienced by the branch were operational errors made by the Applicant and her staff</i>". The issue to be considered at prospective mediation would be "<i>whether Post Office or the Applicant is responsible in part or in whole for the</i></p>



	<i>losses made good by the Applicant of approximately £77,000.</i> " [POL00035026]
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38 From my reading of the CRRs, such as the examples provided, I came to hold the view that Second Sight had lost their objectivity. This view was shared by others at POL and also at Bond Dickinson LLP when they read Second Sight's CRRs. At some stage, the JFSA began to refuse to engage in any discussion as to the merits of cases Second Sight had recommended for mediation unilaterally declaring that Second Sight's recommendation alone was or, at least, should be determinative. In other words, where Second Sight recommended a mediation, this effectively should be interpreted as an instruction to POL. On the basis that it considered a significant proportion of the cases recommended by Second Sight for mediation as being, instead, unsuitable, POL could not agree to this approach. JFSA refused to engage in discussions of cases in the Working Group which led to a fatal break down of the architecture of the Scheme in that it ceased to function as had been envisaged and, indeed, called its viability into question.

39 Given the challenges it was facing, a group of those engaged in administering and participating in the Scheme (consisting of, among others, Tom Wechsler, Mark Underwood, Mark Davies, Rodric Williams, Belinda Crowe, Chris Aujard, and then Jane MacLeod – who was General Counsel on a permanent basis) would have held various discussions about how these might be overcome while continuing to honour, as closely as possible, the commitments POL made to

applicants to the Scheme. While I cannot recall specific instances of these meetings or who participated in any given one, it is my clear recollection that all of those engaged on the POL side shared that objective. My contribution towards these discussions about the Scheme came from my direct involvement with it and the issues encountered. Against the backdrop of daily criticism and disruption to its operation, I was in favour of finding a way through. I cannot remember where the idea originated, but I later supported the view that POL could agree to mediating all of the remaining cases in the Scheme, save for those in which the applicant had a relevant conviction, because it would accelerate the process and represent an important concession to the demands of the JFSA and MPs. Doing so would also have the effect of making the Working Group redundant and, in circumstances where its work was in any event hampered, this was an acceptable outcome.

- 40 Prior to POL's eventual decision to move forward on that basis, I was involved in some work to establish whether any such decision was susceptible to legal challenge. This arose, I believe, in the context of being told by Chris Aujard that Paula Vennells was concerned about the possibility of such a decision being judicially reviewed. In order to understand the parameters of possible courses of action available to POL, a decision was taken to seek advice from leading counsel, in this case Tom Weisselberg KC. There were questions over the extent to which POL was acting in a private or public law capacity with respect to the Scheme, and therefore whether there were any constraints on POL's ability to make changes to the Scheme generally and to close the Working

Group in particular. The decision to seek this advice and consider the options for the future of the Scheme appears to have been informed by the meeting between Paula Vennells and MPs on 17 November 2014, since this is referred to under the sub-heading “*Watershed moment*” in the instructions.

41 I believe that I drafted the instructions to Tom Weisselberg KC [POL00149601]. In so doing I would have received input from others, including Rodric Williams, Belinda Crowe, Mark Underwood, Tom Wechsler and POL General Counsel, Chris Aujard, who would also have approved the final instructions.

42 I attended the conference with Tom Weisselberg KC at Blackstone Chambers on 24 November 2014 and circulated an email summary note of his advice to POL colleagues shortly afterwards [POL00116814]. This email seems to suggest that it had previously been thought that POL was not able to take the steps now envisaged. I am aware that in June 2014 POL had obtained legal advice, known as the “Beachcroft advice”, to which I believe I was referring in my email of 24 November 2014. This advice was obtained prior to my arrival at POL, so I was not party to discussions around that advice being obtained. On 27 November 2014, I emailed Rodric Williams attaching a document I had located and asked him to confirm that the attachment was “*the JR advice we had over the Summer*”, which suggests that I was unfamiliar with the document [POL00149688]. I have recently reviewed documents which show that the Beachcroft advice was shared with me by Belinda Crowe on 23 October 2014. Her cover email states that she understood “*that Chris [Aujard] spoke to Stephen Hocking about whether [POL] could simply bring the Scheme in house*

*and the answer was that carried too great a risk*" [POL00307631]. Belinda Crowe shared further background documents with me on 23 October 2014 [POL00307633], which included a paper for the Board sub-committee, dated 3 June 2014, which outlined three options for the Scheme going forward, one of which was *"moving the governance and management of the Scheme in-house (ending Second Sight's engagement and dissolving the Working Group)"* [POL00027369], and another paper, dated 6 June 2014, recommending this option to the Board, subject to the risk of judicial review [POL00027153]. Insofar as I read the Beachcroft advice and the Board papers shared by Belinda at the time, I do not recall the details of their contents. I do not recall being involved in any discussions relating to the varying or closure of the Scheme until October 2014, although I now clearly see that this matter had been considered by the Board in June 2014, prior to me joining POL.

- 43 I have been asked to describe the background to an email exchange I had with Tom Wechsler on 26 November 2014 [POL00149685]. In this exchange we discussed the possibility of the Scheme being changed in some way, and/or the Working Group being disbanded. This discussion followed the advice we had received from Tom Weisselberg KC. In his email of 17:07, Tom Wechsler appears to be referring to there being, at the time the Scheme was established, less certainty about whether there were any problems with the Horizon system. This email seems to reflect a growing sense of confidence within POL, on the basis of the cases which were progressing through the Scheme and Second

Sight's work, that there were, in fact, no problems with Horizon. I cannot recall, and do not know, what the first two emails in this chain refer to.

44 On 12 January 2015, I attended a meeting of the Project Sparrow sub-committee in a supporting capacity. I did not typically attend these meetings, or any Board-level sub-committee meetings, since I was insufficiently senior. The minutes for this meeting indicate that I was welcomed as a guest [POL00006575]. I assume I was required to attend this meeting because of my involvement in instructing Tom Weisselberg KC in November 2014 and preparing the briefing materials for the Westminster Hall debate on 17 December 2014. I cannot recall whether I contributed to the discussion.

45 POL had been invited (in the meeting hosted by Lord Arbuthnot on 17 November 2014) to relax its approach to the Working Group by agreeing to a general presumption to mediate all cases in which Second Sight's recommendation was to do so. However, paragraph (i) of the minutes of this meeting states that POL should "*continue to take a robust approach at the Working Group, focusing on the agreed Terms of Reference*". I understand this to mean that POL should continue to determine cases on the basis of the evidence before it and in accordance with legal principles for compensation, and in so doing, adhere to the original agreement for operating the Working Group as intended, which had been agreed at the outset of the Scheme.

46 The second bullet point under paragraph (i) provides that POL should "*consider the most effective options to draw a line under the Scheme for consideration at*

*a future Sparrow Sub-Committee*". This task appears to have been assigned to Mark Davies.

47 On 26 January 2015 at 15:35 I shared an options paper with Paula Vennells [POL00117056] describing ways in which POL might respond to the myriad challenges facing the Scheme [POL00102065]. This paper set out an assessment of the risk associated with each option. Paula Vennells responded at 19:36 later that day with some comments on the paper, which included the suggestion that the wording "[*Second Sight's*] impartiality is a fiction" was too strong. This reflected my view at the time that Second Sight had by that stage lost objectivity, particularly in light of its recommendation that almost all cases be mediated, even where it's assessment of the facts of sub-postmaster's case appeared to reflect a different conclusion as discussed in paragraph 37 above. My email of 27 January 2015 at 08:37 to Tom Wechsler and Mark Davies in the same email chain also reflects my view at the time that, while we needed to keep an open mind to all options, this included the possibility that closing the Scheme was the least worst option.

48 I assisted in preparing and/or editing some slides for a meeting between Mark Davies, Paula Vennells and Alice Perkins on 4 February 2015 [POL00130853]. The slides were designed to inform a decision to be taken by Paula Vennells and Alice Perkins as to the course of action for the future of the Scheme. These slides are a representation of where the reflections of the POL team had reached and reflected their input. In my email to Mark Davies of 08:57 [POL00102109] I asked him for guidance on the extent to which POL was



required to ask the Department of Business, Innovation and Skills (“**BIS**”) for approval on our proposed next steps. To the extent that I expressed concern, it was about ensuring that we were dealing with government stakeholders appropriately, and the extent to which we should ask them for input on our forward-looking work. As discussed in paragraph 62 below, the Project Sparrow sub-committee of the Board decided that POL would agree to the request of the JFSA and MPs, and POL would mediate all the cases in the Scheme, save those involving a conviction. One of the natural consequences of that decision was there was no longer any need for the Working Group in circumstances where a decision to mediate all cases had been taken.

- 49 On 5 February 2015, I emailed Andrew Parsons, of Bond Dickinson LLP, to request advice on the effect, in both legal and practical terms, of a decision to terminate Second Sight’s engagement [POL00022352]. This request for advice would have arisen in the context of wider discussions around the future of the Working Group. On 6 February 2015 Andrew Parsons provided POL with the requested advice [POL00021728] [POL00006364]. The decision to terminate Second Sight’s engagement had not been taken at the time of this request. Rather, this advice was sought to enable POL to better understand what would happen should such a decision be taken. Following a Board sub-committee meeting on 18 February 2015, where the options for taking the Scheme forward were discussed, a paper was shared with the Board on 2 March 2015 which sought endorsement for the closure of the Working Group and the current



engagement with Second Sight to be terminated [POL00223073]  
[POL00102254].

- 50 When POL took the decision to mediate all cases, POL retained Second Sight in order to deliver on its commitment that every applicant in the Scheme would have their case comprehensively reinvestigated by POL and an independent CRR prepared by Second Sight. This would enable them to pursue further avenues for redress in future should they be dissatisfied by the outcome of the Scheme.

#### **POL Response to Second Sight's Part Two Report**

- 51 Second Sight's Part Two Report was intended to set out a number of thematic issues which Second Sight identified as arising in two or more cases which they examined as part of their ongoing work on cases in the Scheme. It was expressed as intended to be a 'living document' which would be updated in the light of further work. The objective of the Part Two Report was to identify and explain what thematic issues were revealed by their work to enable applicants to the Scheme and their advisers to better prepare for any mediation they might undertake with POL. I recall that there was frustration at POL (and among applicants to the Scheme, I believe) about the time taken for Second Sight to finalise this report. POL then also considered that the Part Two Report was deficient in a number of material respects.

- 52 On 11 March 2015 Second Sight shared their Part Two Report with Jane MacLeod, Belinda Crowe and Tom Wechsler. It was then forwarded by Jane

MacLeod internally to a wider distribution list, which included me. Following receipt of Second Sight's Part Two Report, on 12 March 2015, I met with the communications team, Bond Dickinson LLP, and those working on the Scheme to discuss how POL might respond. This meeting was arranged by Belinda Crowe, who at the time appears to have taken the lead in coordinating POL's response [POL00040938]. I would have contributed towards this discussion, although I cannot precisely recall what was discussed

53 Later that day, I emailed Jane MacLeod to set out the key points arising from the discussion and agreed next steps [POL00040952]. I copied this email to Melanie Corfield, Rodric Williams, Belinda Crowe, Tom Wechsler, Mark Underwood and Andrew Parsons, and believe that the copy list reflects those who attended the meeting.

54 Having now reviewed my email to Jane MacLeod of 12 March 2015, it appears that it was agreed at the meeting that POL would write to Second Sight to highlight POL's concerns about their Part Two Report. My email indicates that POL's concern was that, *"The collective view (Sparrow, Comms and BD) is that we ought to register with SS the fact that we think the Report goes over ground we have already addressed with them, strays into areas beyond the Scheme and SS's professional expertise, and lack evidence for many of the claims it makes"* [POL00040952]. The genuinely held concerns were that the Part Two Report often covered case-specific rather than thematic issues, made claims which were not supported by evidence (or without quoting the source of the material), commented on matters outside their remit and expertise such as

criminal law and the interpretation of the postmaster contract, and did not provide evidence that particular issues had caused losses. The details of these concerns are set out in POL's public response to the Part Two Report.

55 My email to Jane MacLeod attached a first draft of POL's letter to Second Sight which I had prepared, and which had "*already had the benefit of others' comments*". I emailed Jane MacLeod again on 16 March at 17:08 and attached an updated version of the letter to address "*the points you raised with me*", and invited both her input and "*substantive comments from others*".

56 On 17 March at 10:51, I shared an updated draft of the letter to Second Sight with Jane MacLeod. On 17 March at 12:16 Jane MacLeod responded with a slightly amended version with some questions embedded in the text [POL00040953]. The letter reflects POL's concerns about the content of the Part Two Report and its utility to applicants in the Scheme. The letter also seeks to ensure that POL and Second Sight "*work on Applicants' individual cases collaboratively in an appropriately prioritised manner*", given that the engagement of Second Sight had by then been rescoped and it was felt that our priority should be to focus on the remaining cases in the Scheme for the remainder of their engagement.

57 I also assisted with preparing POL's detailed response to the Second Sight Part Two Report ("**POL's Part Two Response**"), which set out POL's response to each section of Second Sight's Part Two Report. I recall that Mark Underwood and Andrew Parsons initially led on gathering information to inform POL's response. On 26 March 2015, I shared a draft of POL's Part Two Response

with Andrew Parsons [POL00041013] [POL00041014]. On 27 March 2015 POL sent a draft version of POL's Part Two Response to Second Sight, as stated in Andrew Parsons' email of 11 April 2015 [POL00041057]. POL's Part Two Response was informed by external professional advisers, Bond Dickinson LLP and Fujitsu as described below

58 On 9 April 2015, Second Sight issued a finalised version of their Part Two Report and later that month POL issued its finalised detailed response to the Part Two Report. Both documents were shared with Applicants to the Scheme to ensure they had a rounded view of the issues raised in Second Sight's Part Two Report.

59 The process by which expert input was sought for inclusion in POL's Part Two Response is illustrated by the email exchange between Mark Underwood and Fujitsu between 9 and 13 April 2015, where Fujitsu were asked to provide wording to rebut some assertions included in Second Sight's Part Two Report, to inform POL's response [FUJ00087144]. Fujitsu's input and assistance was sought again on 8 April 2015 with respect to the response to Second Sight to address section 14 of their Part Two Report, concerning branch transactions not entered by a sub-postmaster. Pete Newsome appears to have set out, in an email to Mark Underwood, the process for injecting a balancing transaction into branch accounts. The email was sent following a call between Mark Underwood and Pete Newsome where this matter was discussed. Mark Underwood then forwarded this email to Andrew Parsons and me. At 16:26, following his reflection on the email from Pete Newsome, Andrew Parsons

shared an updated version of the letter to Second Sight. His covering email (when sharing his updated version) suggested the text about balancing transactions from an earlier draft was largely retained. Andrew Parsons again shared a draft marked-up version of the letter with his comments, and a clean version, at 17:07 [POL00226090].

60 On 11 April 2015, Andrew Parsons emailed Mark Underwood, Melanie Corfield and I with an updated version of POL's Part Two Response [POL00041059]. It appears that POL had asked Bond Dickinson LLP to undertake a complete review of POL's draft response to check for accuracy and consistency, and to highlight any changes that had been made between the initial draft, dated 11 March 2015, and the finalised version, dated 9 April 2015, of Second Sight's Part Two Report. Andrew Parsons' cover email notes that Rodric Williams' comments on Second Sight's Part Two Report and had been reflected in POL's draft reply to the same. The email otherwise indicates that Andrew Parsons had advised on points which required further input from POL, with wording to be considered by Melanie Corfield from a communications perspective, and that he otherwise provided advice on the proposed drafting of the response [POL00041057].

### **My role in briefings – background**

61 In my role as a programme manager of the Scheme I was required to prepare briefing materials for members of the Board, including Paula Vennells and Alice Perkins, and, on occasion, draft correspondence for Paula Vennells, to inform

their engagement with MPs about the Scheme. I was also involved in preparing briefing materials for the relevant Minister (see paragraphs 64 to 94).

- 62 The information included in briefing documents was drawn from areas of expertise across the business, as well as from my knowledge of the Scheme and that of my POL colleagues, including Belinda Crowe, Tom Wechsler, Mark Underwood and Mark Davies. Where the information required was beyond the capacity and capability of my immediate POL colleagues, for example, details around the safety of convictions and/or technical information concerning Horizon, I believe I approached the relevant experts from across POL, including POL's external advisors, as well as approaching Fujitsu. This can be seen, for example, with reference to the email chain of 14 December 2014, where advice and input was sought from Jarnail Singh and Andrew Parsons in respect of a briefing then being prepared for Jo Swinson [POL00040508] ahead of the Westminster Hall debate. This is discussed in greater depth in paragraphs 77 to 94 below. My role with respect to preparing briefings was to draw all the information and details together and present it in a concise and coherent manner, which would be easily digestible to the recipient. My role working on the Scheme meant that I had a more overarching vantage point of the matters to be included in briefing documents than some of the individuals who contributed specific information towards it. I also drew on my experience of preparing briefings whilst working in the civil service. I had received feedback that the way I structured and presented information was found to be easily navigable and digestible, including by the CEO.

### **My role in briefings – specific briefings**

63 I have been asked about a number of specific briefings, which I refer to below. I have relied on the documents provided to me by the Inquiry and by POL to reconstruct my involvement, as well as that of others, and to help sequence events.

#### *Briefing note 26 October 2014*

64 Ahead of Paula Vennells' telephone conversation with Lord Arbuthnot on 28 October 2014, I prepared a briefing note for her, dated 26 October 2014 [POL00040288]. I believe this call was arranged to discuss Lord Arbuthnot's concerns about the Scheme. Since I was tasked with preparing this briefing note only around five weeks after I had commenced my employment at POL, I would have relied heavily on discussions with POL colleagues, in particular Belinda Crowe and Rodric Williams, as well as Bond Dickinson LLP, and on my reading of the case documents for cases in the Scheme, to inform the content of this note. I believe that the content in paragraphs 7 and 8 of the documents touching on "*the integrity of Horizon*" is likely to have been supplied by Belinda Crowe and/or Rodric Williams as well as Bond Dickinson LLP.

#### *Briefings/letters connected to the 17 November 2014 meeting of Paula Vennells and MPs*

65 On 5 November 2014, Paula Vennells wrote to Lord Arbuthnot to set out POL's position on the issues discussed during their phone-call on 28 October 2014, and prior to the meeting of 17 November 2014 attended by Paula Vennells,



Lord Arbuthnot, and a delegation of MPs who also had concerns about the Scheme [POL00116788]. I believe I was asked by Belinda Crowe and/or Paula Vennells to draft this letter. I initially drafted and shared the letter with Belinda Crowe and Tom Wechsler for their comment on 30 October 2014 at 13:52 [POL00211585]. Belinda Crowe then circulated the letter for comment amongst POL colleagues and finalised it. The material for this letter was largely drawn from the briefing note for the telephone call on 28 October 2014.

66 I also prepared a briefing note for Paula Vennells to help guide the discussion in her 17 November 2014 meeting with MPs [POL00116790]. Again, I also prepared the briefing by drawing on information and content used in the briefing note for the 28 October 2014 telephone call, and with input from POL colleagues in the manner described at paragraph 62 above. When I shared the draft briefing with POL colleagues for their comment on 15 November 2014, I noted in my covering email that Tom Wechsler had contributed to the draft then being shared [POL00116787].

67 The briefing outlines the steps which POL had taken in good faith to try and resolve the issues with postmasters. This included: establishing the Scheme on the advice of Lord Arbuthnot and in consultation with the JFSA; appointing their recommendation for Chairman of the Working Group; reinvestigating the postmasters' cases, and, providing funding for applicants to the Scheme to have professional advisers for both the reinvestigation of their cases and their representation at mediations. The briefing includes, at Annex E, details of the costs invested by POL in the Scheme at the relevant time.

68 At the time there was a sense of frustration within POL about accusations being made, in the media and on social media, which did not acknowledge the genuine efforts being made by POL to resolve the issues raised by sub-postmasters through the Scheme. The tone of the briefing note for Paula Vennells' meeting with MPs on 17 November 2014, and indeed other briefing materials prepared around that period, at times reflects that sense of frustration. POL wanted to set out the constructive steps it had taken to try to answer the concerns of those applying to the Scheme, clearly and on record. There was also concern that the delegation of MPs might adopt an aggressive posture at the meeting. The suggestion made in the briefing note that Paula Vennells should take an "*assertive approach*" in the meeting on 17 November 2014 reflects that impression. My update to Alice Perkins 26 of November 2014 [POL00149683] reflects that the concern was not misplaced since some of the attendees did in fact behave inappropriately towards Paula Vennells, albeit I cannot remember the specific details.

69 Paragraph 5 of the briefing note, which states that "*the Horizon issue is one which [POL] are absolutely willing to entertain*", reflects that, although at the time POL had confidence in Horizon, POL was not closed minded and would listen to allegations and evidence presented to it on the Horizon issue. The briefing also notes that, "*in not one of the 106 cases investigated so far has a fault with the Horizon system been established. That said, we are being extremely careful to avoid any sense of complacency and we will apply the same rigour in investigating the remaining cases as we have to date.*"

- 70 As mentioned above in this statement, at the meeting on 17 November 2014, the group of MPs proposed that going forward there should be a general presumption that POL would agree to mediate all cases, save in some undefined exceptional cases, where Second Sight recommended mediation. On 25 November 2014 Paula Vennells met with Alice Perkins to discuss this proposal. Upon request from Mark Davies, I assisted in the preparation of some speaking notes for Paula Vennells ahead this meeting and her meeting with the Board on 26 November 2014 [POL00308179] [POL00308180].
- 71 Following the meeting with MPs on 17 November 2014, I prepared a note of advice for Paula Vennells to inform her consideration as to how to respond to the proposal advanced by MPs that POL mediate all cases in the Scheme where this was recommended by Second Sight [POL00149669]. I shared this for comment with Tom Wechsler and Mark Underwood on 26 November 2014 [POL00149668]. The advice, including the recommendation, was the product of discussions between those involved in the Scheme at POL and at Bond Dickinson LLP. This would have included Belinda Crowe, Tom Wechsler, Chris Aujard, Andrew Parsons, as well as Paula Vennells. Our recommendation was that Paula Vennells should not accede to the request to mediate all cases in the Scheme, on the basis that this would entail the mediation of "*criminal cases*" (cases in which the postmaster or assistant had been prosecuted and convicted of a criminal offence arising in the context of their work in branch) in relation to which POL had received legal advice "*in the strongest terms*" that doing so would subject POL to "*intolerable risk*". POL obtained written advice from Brian

Altman KC further to a discussion in conference with Rodric Williams and Gavin Matthews, of Bond Dickinson LLP, on 31 July 2014. His advice, dated 5 September 2014, addressed Sir Anthony Hooper's suggested approach to the issue of criminal appeal in cases which an applicant in the Scheme had admitted a criminal offence [POL00006368] and concluded that there was "*an unacceptable risk to POL in providing or being held to a position on criminal appeal at the early stage of mediation*". Belinda Crowe shared this advice with me by email on 15 September 2014, the day I joined POL, and shortly after it had been circulated by Rodric Williams to POL colleagues [POL00209031]. It would also entail the mediation of cases where POL was not, on any reasonable view, responsible for the branch losses. This view was based on our reading of the reports for cases in the Scheme, including CRRs prepared by Second Sight which, as discussed at paragraph 37 above, often recommended mediation even where the preceding content of their report did not align with this recommendation. To agree to mediate all cases would also have had cost implications for POL, and fundamentally it would have deprived the Working Group of its central purpose and therefore undermined the Scheme's functioning. Sir Jonathan Swift went on to comment:

*"...on a surprising number of occasions Second Sight felt unable to choose between a bare assertion on the part of the SPMR and the indications provided in the evidence trail. In none of the cases we sampled were Second Sight willing to conclude that the shortfall was due to the Horizon computer system causing those losses, although they did*

*speculate that the disproportionate appearance of power failures in the CQRs was likely to contribute to some extent. In general, Second Sight accepted that the most likely cause of shortfalls was operator error on the part of SPMRs and their staff. This accords with the conclusions in the Part Two Report.” (The Swift Review, 8 February 2016) [POL00006355].*

72 On 26 November 2014, I prepared a corresponding update for Alice Perkins [POL00149683] in advance of a trip she was making to a conference in Turkey, where she was likely to encounter Lord Arbuthnot. This briefing note was to inform Alice Perkins of the advice given to Paula Vennells not to accept the proposal to mediate all cases in the Scheme. This note recycled much of the content which was used in the advice note to Paula Vennells discussed above at paragraph 71. The note indicates, under the “*Suggested lines*” heading, that there had been some inappropriate and discourteous behaviour towards Paula Vennells by some of the attendees at the 17 November 2014 meeting. As described at paragraph 62 above, these notes were prepared in consultation with POL colleagues.

73 Following discussion with Alice Perkins on 25 November 2014 and the POL Board on 26 November 2014, Paula Vennells decided not to accede to the request from MPs that POL mediate all cases in the Scheme. Belinda Crowe had pre-emptively drafted a letter from Paula Vennells to Lord Arbuthnot to convey this message, which she circulated to POL colleagues on 21 November 2014. I circulated an amended version of the draft letter, along with the draft

advice for Paula Vennells discussed at paragraph 71 above, for comment from POL colleagues on 26 November 2014 [POL00168751], before sharing a version which had been reviewed by Tom Weisselberg KC with Gavin Lambert on 27 November 2014 [POL00124611]. The draft letter to Lord Arbuthnot explained that Second Sight and the JFSA were the “*principal drivers*” of the design of the Scheme, including the establishment of the Working Group and the recommendation for its independent Chairman. To agree to the presumption to mediate all cases prior to any consideration of their merits would deprive the Working Group of its key role in the Scheme. The draft letter also noted that “*no fault with the [Horizon] system has been identified in any of the now 114 cases that have been comprehensively reinvestigated by Post Office or as part of Second Sight’s general work*”. This statement reflected POL’s understanding of the cases that had been thoroughly reinvestigated through the Scheme and Second Sight’s findings recorded in their Interim Report. Sir Jonathan Swift later commented on the Scheme in the following terms:

*“We were impressed at the work carried out by POL. In many cases significant amounts of evidence were able to be collated. Having reviewed the CQRs, it was clear that very many of the SPMRs (for understandable reasons) were unable to give much by way of specific instances of concern, or anything other than vague or generic complaints”* (The Swift Review, 8 February 2016) [POL00006355].

- 74 At the time of preparing this letter, POL had also received advice from Tom Weisselberg KC (see paragraphs 40 to 42). While speaking to his clerk, I must



have mentioned this draft letter and, when he offered to share it with Tom Weisselberg KC for a quick view prior to its finalisation, I agreed. He proposed a number of amendments in tracked changes, which I then shared with Gavin Lambert (POL Chief of Staff), Paula Vennells, Chris Aujard (then POL General Counsel), Avene O'Farrell (Paula Vennells' personal assistant), and Mark Davies [POL00124610].

75 As anticipated, Alice Perkins did encounter Lord Arbuthnot at the conference they attended in Turkey. On 1 December 2014, she sent an email detailing her encounter to Paula Vennells, Belinda Crowe, Mark Davies, Chris Aujard and me [POL00116853]. I assume I was included in this email since I had been involved in preparing the briefing note for Alice Perkins ahead of her trip to Turkey.

76 On 3 December 2014, Belinda Crowe forwarded Alice Perkin's email to Tom Wechsler. In a subsequent email exchange between Tom Wechsler and I, Tom indicated that he was "*increasingly of the same view as Patrick*", which was that "*[Lord Arbuthnot] has more personal attachment to this than may immediately be apparent*". I believe that this refers to my understanding of Lord Arbuthnot's personal regret about a military Chinook helicopter crash, which occurred in the Mull of Kintyre in 1994. At the time, this crash was blamed on pilot error, but later it was suggested that there had been a cover-up and that it had been caused by a faulty onboard computer system. I understand that at the time of the crash Lord Arbuthnot was defence procurement minister, and he later



apologised for misleading MPs when he was in office after he had dismissed the doubts they had expressed about the Chinook's electronics.<sup>1</sup>

*Briefing for Jo Swinson, ahead of the Westminster Hall debate*

77 On 11 December 2014, I was asked by Richard Callard, who led the Post Office Shareholder team at what was then the Shareholder Executive (“**ShEx**”), to prepare background information for ShEx to use in a briefing for Jo Swinson, then the Parliamentary Under-Secretary of State for Employment Relations and Postal Affairs, ahead of a Parliamentary debate regarding Horizon on 17 December 2014 (“the **Westminster Hall debate**”) [UKGI00002627]. The briefing document took the form of a list of questions and associated information and answers covering the scope, operation, progress and results of the Scheme, which POL considered relevant to the Westminster Hall debate. I shared an early draft of this document with Belinda Crowe, Andrew Parsons, and Mark Underwood on 12 December 2014 [POL00150097]. My covering email indicates that it was to be discussed on a call shortly thereafter [POL00150096].

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<sup>1</sup> “*The Chinook cover-up continues: When new evidence is presented it is dismissed as irrelevant*”, Guardian, 30 June 2000 (<https://www.theguardian.com/comment/story/0,3604,338086,00.html>), “*New inquiry into the 1994 Mull of Kintyre Chinook crash announced*”, Guardian 8 September 2010 (<https://www.theguardian.com/uk/2010/sep/08/inquiry-mull-kintyre-chinook-crash>)

- 78 On 12 December 2014, I also shared the early draft with Richard Callard for comment [UKGI00002668]. He fed back that, *“the tone is right and there is a good balance of detail vs clarity”*.
- 79 On 14 December 2014 at 07:27, Belinda Crowe shared a version of the briefing document which included her comments. In her covering email she stated that, *“My comments [are] on Rod and Andy’s”*, indicating that the document had already been circulated amongst POL’s legal advisers who had commented on the draft [POL00040508]. Belinda Crowe also copied in Chris Aujard and Mark Davies, *“so they can see where we’ve got to”*. Her email also notes that *“Finance will have to sign off the figures”*, and she asks Andrew Parsons, *“could you and Jarnail please liaise with [sic] about getting a definitive position on the prosecution position”*. Jarnail Singh was a senior lawyer in POL’s criminal law team at the time, and was also a recipient of Belinda Crowe’s email. This exchange illustrates how input was sought from the relevant subject matter experts across POL’s business, including legal advisers (as I described in paragraph 62 above).
- 80 I responded to Belinda Crowe’s email at 07:34 and stated that the briefing document was approaching completion, *“subject to the point you make about needing a view on prosecutions and some general tidying up which I am doing now. I note Rod would like CK to have a look in the morning”*. I understand “CK” to be a reference to Cartwright King, who were POL’s external legal advisers on criminal law matters at the time.

- 81 At 11:01 Jarnail Singh emailed to provide input on various criminal law points, to inform the briefings then being preparing for BIS [POL00101857]. Later that day, at 11:17, Mark Underwood shared an updated version of the briefing document, titled "*Sparrow Question v13.doc*", on the same email chain. It appears that shortly before this, at 11:13, he had shared the same version of the briefing document with me and Belinda Crowe on a separate email chain, and at 11:19, I forwarded this to Richard Callard, with both Belinda Crowe and Mark Underwood in copy. [UKGI00002718][UKGI00002719].
- 82 On 14 December 2014, at 16:32 Richard Callard responded to my email of 11:19 to attach a clean and marked up version of the briefing document, called "*Sparrow Q and A 17<sup>th</sup> December v1.docx*" and "*Sparrow Q and A 17<sup>th</sup> December v1 (tracked).docx*" respectively [UKGI00002729] [UKGI00002730]. In his covering email Richard Callard indicated that he had made a few changes and highlighted some outstanding issues in the briefing document, and also requested comments from POL in respect of a speech which it appears he was preparing at the time for Jo Swinson to deliver in Parliament [UKGI00002728].
- 83 On 14 December 2014 at 20:35, Mark Underwood shared a version of the briefing document, called "*Sparrow Questions V15.docx*", with the large POL copy list, including Andrew Parsons [POL00040509]. His covering email stated that the attached document, "*includes small edits made by BIS*" [POL00040508].
- 84 On 15 December 2014 at 10:03, I emailed Richard Callard, with Belinda Crowe in copy, and attached a version of the briefing document called, "*Sparrow*

*Questions V17 FINAL.docx* [UKGI00002743]. In my email I stated that this briefing document was subject, *“to double checking of the criminal law points”*, and advised that *“we should have that in the next hour”* [UKGI00002742]. I believe this relates to the request from Belinda Crowe in her email of 14 December 2014 at 07:27, discussed in paragraph 79 above. Andrew Parsons and Jarnail Singh would have been responsible for checking any civil and criminal law points respectively, the latter likely consulting Cartwright King the external legal counsel advising on criminal matters. The briefing document covers criminal law issues at various points, for example, the Q&A on, *“Why did POL agree to incorporate convicted cases in to the Scheme”* and on, *“Why aren’t POL mediating criminal cases”*. I believe these (and any other criminal law questions) may have been the questions on which Belinda Crowe sought confirmation from Andrew Parsons and Jarnail Singh. I have never practised criminal law and I would not seek to substitute the understanding of someone who had relevant expertise with my own.

85 On 16 December 2014, Belinda Crowe and I met with Richard Callard to discuss different aspects of preparation for the Westminster Hall debate, and at 12:09 Richard Callard emailed us both with a list of actions and requests for information further to our meeting [POL00101909]. I responded at 13:13 to provide the information requested about costs paid by POL within the Scheme and the number of cases which POL had agreed to mediate. In respect of the action, *“to get in touch with Sir Anthony to request making the letter available to Parliament (and to share it with JA?)”*, I responded, *“Belinda is on the case*

– *email sent and follow up call soon*”. I believe this may refer to a letter from Sir Anthony Hooper to Jo Swinson, which he wrote either on his own initiative or upon request from the Minister, in which he provided his views as to how the Scheme was progressing [POL00102166]. My email also asked that, “*should Jo [Swinson] get sight of James Arbuthnot’s speech in advance, you could either share this with us or, if that’s not possible, share with us the broad thrust of it so we might put Jo in the best possible place to answer and [sic] helpfully and accurately as possible*”. My email to Richard Callard also discussed arrangements for me to meet with him the following day, and I stated, “*I do think it’s important I am there, if only to gauge atmospherics*”. I cannot recall attending Parliament for the Westminster Hall debate, although from this email it appears that I may have done so, or at least had the intention of doing so.

86 On 16 December 2014 at 13:21, Richard Callard requested that we include quotes from Second Sight’s July 2013 report to support, “*where we say there were no system wide problems with the system*”. I responded at 14:43 with the quote from Second Sight’s Interim Report which provided, “*We have so far found no evidence of a system wide (systemic) problems with the Horizon software.*”

87 On 16 December 2014 at 16:45, I emailed Mark Davies, Chris Aujard, Rodric Williams, Tom Wechsler, Melanie Corfield, Jane Hill and Ruth Barker to share the briefing document, called “*UPDATED – Horizon Q&A 16 December 2014.docx*” [POL00150316], and Jo Swinson’s speech, called “*UPDATED HORIZON Post Office Speech 16 December 2014.doc*” [POL00150315] for the

Westminster Hall debate. My cover email makes clear that both of these documents had by then been shared with Jo Swinson and I expressed thanks to everyone for their *“valuable input”* [POL00150314]. I did not write Jo Swinson’s speech. My understanding is that this was written by Richard Callard or his colleagues at BIS, and they would have drawn from the information that POL provided to them.

88 At 19:56 on 16 December 2014, Jo Swinson’s private secretary emailed Richard Callard further to a meeting between Jo Swinson and Lord Arbuthnot [POL00101944]. This email set out Lord Arbuthnot’s, *“main ‘asks’”*, and also confirmed that he, *“no longer plans to share his speech with us ahead of time”*. Richard Callard copied Belinda Crowe and I into his response at 20:54, in which he gave his provisional views and requested our input on how we might formulate a response to some of Lord Arbuthnot’s asks. It was consistent with my role at the time for Richard Callard to have copied me into this email, and for Belinda Crowe to subsequently task me with formulating some responses. Some of the requests from Lord Arbuthnot felt at the time to be disproportionate, for example he had asked for an independent review of the Scheme, which was itself an independent process which had not yet concluded, and my email of 21:08 and Mark Davies’ response at 21:29 reflects this view. For completeness my email states: *“Needless to say some of the ‘asks’ cannot seriously be entertained, surely?”*, and Mark Davies replies, *“agreed”*.

89 On 17 December 2014 at 08:36, I emailed Richard Callard to share a document called, *“Legally Privileged and Confidential – further lines for WHD.docx”*, in



answer to the various requests made the previous day [UKGI00002850]. I copied a number of internal colleagues into this email *“for the sake of expediency”*, these being Mark Davies, Belinda Crowe, Rodric Williams, Jarnail Singh, Mark Underwood, Chris Aujard, Tom Wechsler and Melanie Corfield, as well as Andrew Parsons. In my covering email, I stated, *“I would be particularly grateful for the views of Jarnail on the criminal aspects of this and Andy P to check I have done the Statute of Limitation bit justice.”* At 11:41 Jarnail Singh responded to share a marked-up version of the *“further lines”* document for Jo Swinson [POL00308923] [POL00040517]. This illustrates the approach taken, as described in paragraph 62, of consistently consulting colleagues with the relevant legal expertise where their specialist input was sought.

90 At 08:55 I emailed Richard Callard again, with the same copy list, to suggest how Jo Swinson might respond to any accusation from Lord Arbuthnot that there have been, or are likely to be, cases of wrongful conviction or miscarriages of justice. My suggestion was that the Minister should immediately respond to say that, “if he is in possession, or aware of the existence of, any evidence to support those allegations, he should immediately disclose this to the police.” It was a source of concern for POL that there might be evidence of wrongful convictions and the issue had been raised at various times in media reports, I believe. As far as I was aware, despite the allegations being made, no-one had come forward with any specific information or evidence to enable POL to follow up. Rodric Williams responded to my email at 09:28 to suggest that the Minister direct anyone with evidence of wrongful convictions towards



POL's legal team or to his office rather than the police. I then forwarded this suggestion onto Richard Callard, with the caveat that I was, "*not sure it matters too much*"

91 Following the Westminster Hall debate, I was involved with the task of preparing a document to collate and address all the accusations which had been made against POL by various parties, including during the Westminster Hall debate ("**POL's Response to the Westminster Hall debate**"). It appears as though Tom Wechsler initiated and was initially leading on this piece of work, as he shared a first draft by email on 8 January 2015 at 15:33 [POL00040790]. In his covering email, Tom Wechsler stated that this document, "*would be for the [sic] us to offer to the Minister to place in Parliament and for us to use with MPs etc / publicly*". I responded to Tom Wechsler at 12:09 and noted points which required technical advice (for example, branch account discrepancies) as well as where legal advice was required from Rodric Williams (in respect of the accusation that POL bring criminal cases even when the CPS had advised against it and on the statute of limitations). It appears as though this email followed a conversation I had with Tom Wechsler, and possibly Mark Davies, as I stated at the outset of my email that "*we spoke*".

92 On 8 January 2015 at 16:43, Angela van den Bogerd responded on the email chain with answers to some of the technical points I had raised in my email of 12:09. It appears as though I took over with the finessing of POL's Response to the Westminster Hall debate, as I circulated a "*slightly reworked version*" at 19:03 [POL00040790] [POL00040791]. My role was to bring the information

together, to signpost the document appropriately, and to ensure that it was presented clearly. As my role evolved at POL, my colleagues would increasingly involve me in these aspects of preparing external facing documents.

- 93 On 13 January 2015, I shared a draft of POL's Response to the Westminster Hall debate with Richard Callard [UKGI00002943]. As described at paragraph 62 above, any statements and assurances on matters beyond my knowledge or expertise or those that worked with me on the Scheme – including the integrity of Horizon and the safety of convictions – was derived from the information and advice provided by expert colleagues and advisors from across POL. For example, Paragraph 40 of this document stated that, *“To date no evidence has been identified by Post Office as part of its reinvestigation of each and every case, nor advanced by Second Sight or an individual Applicant, to suggest that the conviction of any Applicant to the Scheme is unsafe”* [UKGI00002944]. I believe this assurance came from POL's legal advisers whose role it was to support all aspects of the Scheme – this includes in-house lawyers, as well as external firms including Cartwright King and Bond Dickinson LLP. The Settlement Analysis reports, prepared by Bond Dickinson LLP following their review of cases specific documentation including the applicants' Case Questionnaire Response, the Post Office Investigation Report and Second Sight's Case Review Report, consistently relayed that there was no evidence either of flaws with the Horizon system or of convictions being unsafe. For example:

Scheme case number	Statements from Bond Dickinson Settlement Analysis
M046	There was <i>"No evidence of failure in Horizon or POL procedures"</i> and the Applicant <i>"Pleaded guilty and convicted of fraud. No new evidence to call the safety of the conviction into question"</i> [POL00040331].
M130	<i>"There is evidence that errors were made by staff and there is no evidence that Horizon was at fault"</i> . [POL00228329]
M067	There was <i>"No evidence of failure in Horizon"</i> and <i>"All indications point to the losses being a result of user error, mismanagement and/or theft. There is no evidence to suggest that the losses in the branch were caused by Horizon."</i> [POL00211412]
M003	There was <i>"No evidence of failure in Horizon or POL procedures"</i> and <i>"The Applicant was convicted of false accounting following a guilty plea"</i> [POL00061838].
M109	There was <i>"No evidence to suggest Horizon at fault. Applicant has accepted that he falsely inflated the cash on hand figures that meant identification of the cause of the loss is difficult/impossible"</i> [POL00089549].

M097	There was <i>"No evidence of failure in Horizon or POL procedures"</i> [POL00046011].
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- 94 Paragraph 41 of POL's Response to the Westminster Hall debate noted that, *"Post Office has written to everyone who has suggested that they have or have seen evidence that a conviction is unsafe and asked them to disclose that evidence so it can be acted on. To date no-one has provided that evidence."* The confirmation that no-one had provided any such evidence would have come from POL's legal team. I refer to the paragraphs on remote access at paragraph 133 to 177.

*Emails re options paper – 26 January 2015*

- 95 As mentioned at paragraph 47 above, on 26 January 2015, I shared an options paper with Paula Vennells, for her comment. I believe I would have drafted this document in consultation with POL colleagues, in the manner described in paragraph 62 above. As I made clear in the covering email when sharing the paper with Paula Vennells, it had already been circulated to other POL colleagues for comment [POL00117056] and I mentioned in my email to Tom Wechsler and Mark Davies on 27 January 2015 at 8:37am, that *"although I drafted the paper, it is reflective of views as a whole"*. As discussed in paragraphs 47, the email discussion involving Mark Davies and Tom Wechsler reflects the view then held, and expressed in the options paper, that Second Sight had, to some degree, lost its independence and was hostile to POL. I

believe that these concerns existed within POL before my arrival. At 15:12 on 27 January 2015 I shared the options paper with a wider distribution list of POL colleagues, ahead of a Project Sparrow meeting at 17:00 that day [POL00158192].

*Briefing Paula Vennells/Angela van den Bogerd before Business, Innovations and Skills Committee on 3 February 2015*

96 I helped prepared the briefing for Paula Vennells and Angela van den Bogerd's appearance at the Business, Innovations and Skills Select Committee on 3 February 2015. I would have been involved in this exercise because of my role on the Scheme and, having been a civil servant prior to joining POL, I may have had some insight into the process of appearing before a Select Committee which may have been helpful to the structure of the briefing. On 30 January 2015, I emailed Chris Aujard, Mark Davies, Tom Wechsler, Jane Hill, POL's parliamentary affairs officer, Melanie Corfield, Rodric Williams, and Belinda Crowe, and I appear to have shared my thoughts following a run through meeting the previous day with Paula Vennells and Angela van den Bogerd to discuss topics and questions which by might be asked by the Select Committee [POL00151000]. The circulation list for this email is reflective of the POL team who were in some way engaged in the preparation for the Select Committee, together with Paula Vennells, Angela van den Bogerd and Bond Dickinson LLP.

97 Again as I have explained, I was largely reliant on the information that was provided to me by advisers and subject matter experts from across the business about areas beyond my expertise, such as legal advice about the safety of

prosecutions and whether there were flaws in the Horizon system. It was in this context that I felt assured that the statements made in my email of 30 January 2015 about the lack of evidence of an unsafe conviction and the absence of evidence of a systemic flaw with Horizon in any of the cases were accurate. None of the CRRs, prepared by Second Sight, the reinvestigation reports, prepared by Angela van den Bogerd's team, or the advice on whether cases should be mediated, produced by Bond Dickinson LLP, that I had seen at the time suggested there was any evidence of an unsafe conviction in the Scheme. Similarly, none of these reports provided evidence of a systemic flaw with Horizon, and Second Sight had stated in their Interim Report that there was no evidence of a systemic flaw in Horizon.

*Assistance with preparation for 4 February 2015 meeting*

98 As discussed at paragraph 48, on 4 February 2015, I also helped prepare some slides for a meeting between Mark Davies, Paula Vennells and Alice Perkins to inform a decision they were taking regarding the future structure and operation of the Scheme.

**Engagement with MPs**

99 On occasion I was also asked to attend meetings with MPs about the Scheme in my capacity as one of its programme managers. For example, on 8 December 2014 Paula Vennells, Mark Davies and I attended a meeting with Oliver Letwin. He was one of the MPs in attendance at the meeting with Paula Vennells and Lord Arbuthnot on 17 November 2014. The purpose of this

meeting was to inform Mr Letwin about some of the issues we were encountering with cases in the Scheme. In many cases, some of which we discussed with Mr Letwin on an anonymised basis, there were clear explanations for the accountancy discrepancies, and they did not refer to issues with Horizon. I shared a brief note of this meeting with POL colleagues shortly afterwards [POL00101711]. This note reflects that we discussed the CRRs prepared by Second Sight and that these, "*were drafted in such a way as for the reader to come to the obvious and natural conclusion that the SPMR was at fault*" but which then went on to provide that "*mediation was nonetheless recommended*". Examples of this are provided at paragraph 37 above.

100 In my note of the meeting I refer to, "*sowing the seeds of doubt...over the reliability of all [Mr Letwin] is being told*" by Second Sight, JFSA, Lord Arbuthnot and the sub-postmasters. I recognise that this could be misconstrued, but it simply reflects POL's desire from the outset of this meeting to ensure that Mr Letwin was receiving a balanced, rather than partial, view of the situation. POL wanted to ensure that Mr Letwin understood the situation from POL's perspective, on the basis of our exposure to and experience of progressing cases through the Scheme.

101 POL offered to speak with MPs about the cases of any sub-postmasters within their constituency, on the basis that their constituent consented for us to do so given that we would be sharing details of their case and would otherwise be bound by confidentiality. The purpose of these meetings was to field any questions MPs had about their constituents' cases and to otherwise provide



them with an update as to their progress through the Scheme. It was in this context that on 21 July 2015 I attended meeting with Matt Warman MP. I attended this meeting in my capacity as a programme manager of the Scheme and on the basis that I was well placed to discuss the relevant case.

102 On 15 July 2015 Mark Davies and I attended a meeting with Andrew Bridgen and Kevan Jones, chaired by Baroness Neville-Rolfe. As Mark Davies recorded in his note of this meeting, the approach of Messrs Bridgen and Jones at this meeting was volatile and aggressive, and they refused our repeated offer to go through their constituents' individual cases so that they might have the benefit of the full facts [POL00318364].

103 On 8 September 2015 Mark Davies, Jane Hill and I attended a meeting with Iain Wright, Chair of the BIS Select Committee. I attended this meeting in my capacity as a subject matter expert in respect of the Scheme. I do not have a strong recollection of this meeting, but note that Mark Davies shared a summary of the key points discussed by email to Jane Hill and I afterwards [POL00153151], and I also circulated a more detailed note of the meeting on 9 September 2015 [POL00153164] [POL00153165].

104 I believe that POL sought this meeting in order to get a sense of whether there would be a follow-up Select Committee meeting following the meeting of 3 February 2015, and in light of the Panorama broadcast. Paragraphs 9 and 10 of the note of this meeting indicate that Mr Wright invited our candid views as to whether a Committee would be useful at that stage, and "*we advised him that an inquiry at this stage would certainly add heat, but shed no further light,*

*on this issue. That did not...preclude a useful session at a later stage* [POL00153165]. This view was on the basis that the Criminal Cases Review Commission (“**CCRC**”) was engaged, *“to examine the accusations being made in the criminal sphere and, on the civil side, we had 50 or so mediations to conduct between now and Christmas.”*

105 The summary note from Mark Davies reflects Mr Wright’s position in respect of whether to hold a further Select Committee, in that, *“he was undecided on whether to ask for a further session/inquiry: there were serious allegations about a very important public business: but equally he was not interested in simply providing ‘another day in court’”* [POL00153151]. This note also suggested that, when writing to Mr Wright as a follow-up to our meeting on 8 September 2015, *“we might even consider suggesting a hearing following CCRC but make point tha [sic] before then seems premature”*. As these notes from this meeting reflect, POL was not opposed to a Select Committee inquiry per se, but rather considered that the timing was premature given that the CCRC process should first run its course, and the mediations, which were then ongoing, should be held. Paragraph 14 of the note I circulated provides that we would keep him updated on progress with these processes, *“so that he might make an informed decision about the timing and nature of any inquiry he determines necessary”* [POL00153165].

106 Paragraph 6 of the note I circulated following this meeting provides that we discussed remote access in detail and, *“why what was being alleged did not (because it simply could not) happen.”* This assurance reflected our

understanding of the position of remote access at that time which I refer to in detail elsewhere in this statement. The note goes on to provide that we would write to Mr Wright to set out POL's rebuttals to the various accusations, including those featured in Panorama. This letter was sent to Mr Wright on 10 September 2015 [POL00026723].

- 107 On or around 11 September 2015, MPs tabled an Early Day Motion ("**EDM**") in the House of Commons about Horizon. I was involved in preparing and finalising a letter to be sent to the MPs who had sponsored the EDM, with input from various POL colleagues as described below. It was felt important to write to the MPs who had sponsored the EDM to ensure they had a more rounded understanding of the issues (as understood by POL at the time), including details of the Scheme, and to address the points cited in the EDM.
- 108 At 10:41 on 11 September 2015, Mark Davies emailed Melanie Corfield, Mark Underwood, Martine Munby (Head of internal communications), Rodric Williams and me with some comments and rebuttals in respect of the various points and allegations made in the EDM [POL00153243]. Having reviewed this email chain, it appears as though Mark Underwood initially prepared a draft letter to the EDM sponsors and circulated this at 15:38. Further to comments by Mark Davies, Mark Underwood amended the letter and then, on 14 September 2015, it appears that I came to be responsible for making any further amendments to the draft letter. Jane Hill, then POL Head of Public Affairs, was added to the email chain on 14 September 2015 and provided input on the draft

letter. My email to Jane Hill of 11:50 reflects that we looked to her for direction on the plan for how best to communicate the letter to the relevant MPs.

109 On 14 September 2015 at 12:13, I circulated the final draft of the letter to MPs [POL00153244]. This letter indicated that the EDM had called for a “*full independent judicial inquiry*”, and that this had reflected other calls for some form of public inquiry into POL’s handling of the Horizon issue. The draft letter to MPs stated POL’s view at the time that, “*it would be premature to establish any other inquiry who mandate includes a review of the criminal cases until such time as the CCRC has completed its vital work*”. This letter also noted that POL continued to offer meetings to MPs with one or more constituents in the Scheme in order to discuss their case(s) in full.

110 The letter also relays the findings of Second Sight’s July 2013 report that their investigation, “*found no evidence of system-wide issues with Horizon and its associated processes.*” The letter also stated that, “*No evidence has been presented to suggest that the Horizon system... does not work as it should*”. This reflect POL’s experience (described in paragraph 90 above) that no-one had come forward with any specific information or evidence to enable POL to follow up. As was consistent when preparing any external documents or correspondence, the information in this letter was drawn from appropriate sources of expertise from across POL.

111 To answer the Inquiry’s question 38, to the best of my knowledge, POL did not have a strategy for dealing with calls from MPs to set up an independent inquiry. There was, however, a strong sense, which was shared amongst the POL team,

that the suggestion of a public inquiry was premature at that stage. This was on the basis that there were steps being taken and processes then underway to address these issues which had not yet run their course, such as the referral to the CCRC and the ongoing mediation of cases which had been through the Scheme. These points were made in POL's letter to MPs who had sponsored the EDM (discussed at paragraph 109), and in our meeting with Mr Wright on 8 September 2015 when discussing a possible further committee (see paragraphs 103 to 105 above).

- 112 Later on, when Nick Read, then POL CEO, was told by Alex Chisholm, then Permanent Secretary at BEIS, that it would be sensible to conduct a non-statutory inquiry, I felt strongly that the inquiry should be placed on a statutory footing and explained why to Nick Read who agreed with me. POL continued to promote the shift of the inquiry onto a statutory footing to Paul Scully after he was appointed Parliamentary Under Secretary of State at BEIS.

*Correspondence on the case of Harjinder Singh Butoy*

- 113 I have been asked about correspondence relating to the case of Harjinder Singh Butoy. [POL00150875] refers to correspondence sent to Paula Vennells by Toby Perkins MP ("**Mr Perkins**") about his constituent Mr Harjinder Singh Butoy ("**Mr Butoy**"). I can see that Angela van den Bogerd and Belinda Crowe were asked to take the letter forward by Paula Vennell's office. Belinda Crowe's email of 24 December 2014 at 09:03 confirms that his case was not being considered under the Scheme and that he had been convicted in 2008. Angela van den Bogerd's reply on 24 December 2014 at 09:17 suggests that the Mr Perkins'

letter expresses concern about an unsafe conviction, in which case POL's position should be explained.

114 Angela van den Bogerd's email of 15 January 2015 19:55 explains her view that POL should respond to Mr Perkins explaining that the process to be followed was through the courts. As explained at paragraph 71, POL had received advice from Brian Altman KC that conviction cases should not be mediated in the Scheme. On 16 January 2015, Belinda Crowe emailed me to ask me to draft a response. I prepared a draft having considered the various email exchanges and I asked Jarnail Singh to confirm that its content was correct [POL00150875].

115 [POL00150876] contains the draft I prepared for Angela van den Bogerd. The draft includes the statement that: "*Post Office has not seen or been provided with any information to support a suggestion that Mr Butoy's conviction may, in any way be unsafe*". I believe this statement was made on the basis of POL's review of the prosecution file supplied by Cartwright King and was confirmed to be correct by Jarnail Singh and was approved by Angela van den Bogerd.

116 At all times during my employment at POL I have been, and remain, reliant on the information and expert advice provided to me by my colleagues and/or external advisers engaged by the business with the requisite locus and qualifications to provide the information or advice sought. My experience of professional life has been to trust my colleagues, their advice and judgement, and to rely on the information that they provide to me.



117 As far as I recall, nobody from POL's legal team, including its external advisers, raised anything that called into question the safety of the convictions of sub-postmasters and my understanding of the views of Angela van den Bogerd's team, Jarnail Singh's team as well as that of Cartwright King, was that there was no evidence of an unsafe conviction or evidence of a systematic flaw with Horizon in any of the cases in the Scheme. To the best of my knowledge, they had not come across anything that suggested there were any unsafe convictions more generally and my impression was that they took their responsibilities seriously. In addition, the default reliance on independent external legal advisors, with their own obligations and duties to the Court on all aspects of prosecutions added a further measure of confidence to what was communicated to me on such issues by colleagues.

#### **Role liaising with ShEx, UKGI and BIS**

118 In the context of my role as a programme manager for the Scheme I was also tasked with providing information about the Scheme to government stakeholders upon request. I had regular contact with Richard Callard via weekly and monthly emails. Richard Callard also received separate updates from POL's Board and he regularly caught up with Paula Vennells, Chris Aujard, and, Jane MacLeod.

119 I can see that on 11 December 2014, I was introduced to Richard Callard via email in the context of a request for briefing materials for Jo Swinson ahead of the Westminster Hall debate [UKGI00002627]. It appears from this email chain that Belinda Crowe had initially spoken with Peter Batten on 10 December



2014, who was the outgoing Assistant Director at ShEx, and then received a follow-up email from Richard Callard, who was working on the briefing with Peter Batten. Belinda Crowe then responded to Richard Callard's email, copying me in to introduce us, and from this point Richard Callard and I continued to liaise via email, and, as our email exchange suggests, via telephone. Prior to commencing my role at POL, I had been a civil servant, so I had some experience of working with government. It was not unusual for Belinda Crowe to task me with liaising with Richard Callard, and for me to act as a point of contact with POL's government stakeholders in respect of the Scheme.

120 Richard Callard sat on the POL Board with Paula Vennells and Alice Perkins; however, I was not involved in conversations at that level. Rather, my role was at the working level of sharing information and providing updates. Belinda Crowe, Tom Wechsler, Mark Underwood and I were the key points of contact with ShEX in respect of the Scheme and we would typically engage with either Richard Callard or his colleague Laura Thompson.

121 As described in paragraphs 77 to 90, I liaised with Richard Callard in context of the preparation of Jo Swinson ahead of the Westminster Hall debate and he was also involved in preparing POL's Response to the Westminster Hall debate, which was shared with ShEx in draft form on 13 January 2015 [UKGI00002943]. It was usual for POL to liaise with ShEx when updating Ministers or vice versa.

122 Having reviewed the documents provided to me by the Inquiry, I can see that, as a point of contact for ShEx, I was copied into an email from Laura Thompson on 2 April 2015, following their receipt of a letter from the CCRC regarding a number of applications from individuals alleging their convictions were unsafe [POL00151752] and given that this was a legal matter I responded to direct Laura Thompson to liaise with Rodric Williams.

### **Liaison with Ministers**

123 Following the closure of the Working Group, I continued to have a role liaising and otherwise assisting in POL's engagement with government stakeholders, including at times with the relevant Minister. An example of this is when on 6 July 2015, I shared with POL colleagues a letter which I had drafted to be sent by Paula Vennells in response to a letter she had received from Baroness Neville-Rolfe, dated 2 July 2015, in which POL had been invited to attend a meeting with the Minister and MPs, including Andrew Bridgen, to discuss matters relating to the Scheme and Horizon [POL00027164]. It was fairly typical of my role at the time that I should have been tasked with drafting this letter. My covering email, when sharing the draft letter with POL colleagues, indicated that Jane MacLeod had, "*seen and is happy with this letter*" [POL00152539]. This email also indicated that the POL team did not think it appropriate for Paula Vennells to attend the meeting with MPs proposed by Baroness Neville-Rolfe. As I recall, there had been a suggestion that Paula Vennells had been duplicitous at the Select Committee on 3 February 2015. In light of this, there were concerns that any meeting she attended risked not achieving POL's

objectives to resolve the issues. Instead, the draft letter proposed that Mark Davies and I attend the meeting at the Department. Mark Davies and I attended the meeting with Baroness Neville-Rolfe, Andrew Bridgen and Kevan Jones on 15 July 2015, discussed at paragraph 102 above.

124 As the draft letter makes clear, by this time POL was offering to mediate all cases in the Scheme, and had also offered every MP with a constituent in the Scheme the opportunity to discuss their case [POL00152540]. The draft letter notes that, *“in none of the cases [in the Scheme] has our computer system been shown to have caused the losses complained of and in none of the cases has any evidence emerged to suggest convictions are unsafe”*. This confirmation was derived from POL’s investigations and legal team. I am aware that advice had been sought specifically by POL’s legal team from Cartwright King and Brian Altman KC [POL00006583], which was also commented on by Sir Jonathan Swift in the Swift Review at paragraph 96. Moreover, Sir Jonathan Swift also said, *“We emphasise that none of the Second Sight reports identify systemic flaws in the Horizon system likely to have caused the losses incurred at Scheme branches...POL is entitled to note at this point in time that there is no evidence that the Horizon system – i.e. – the computer system – is responsible for the losses which have resulted in convictions”* (The Swift Review, paragraph 95). The draft letter also notes that POL was, *“under a duty to disclose any material which is capable of assisting a defence or undermining the prosecution, even after the prosecution has concluded”* and, *“it has complied with that duty and continues to do so”*. The confirmation of POL’s

compliance with this duty came from the legal team, who had (as mentioned) written to Scheme applicants asking them to come forward with any evidence.

## **Panorama**

125 In May 2015 POL was contacted by BBC journalists in respect of an episode of Panorama concerning the Horizon IT system and associated issues with postmasters. I was not typically involved in liaising with the media or journalists directly.

126 POL considered it important provide a background briefing to those working on the Panorama programme on the basis that it provided a rare opportunity to set out the approach it had taken to investigate and to attempt to resolve the issues complained of. On 9 June 2015 Mark Davies, Angela van den Bogerd and I met with two BBC journalists, Matt Bardo and Tim Robinson, to provide this briefing. I was involved in this briefing because of my role on the Scheme and hence my ability to provide a summary. As far as I am aware, there was no specific strategy for engaging with journalists other than to ensure that the reporting on this issue was fair and fully informed.

127 I began the briefing meeting by providing a background summary of the establishment of the Scheme and its operation. In the course of this, I stated that, *"in no case that we have come across have we found any evidence whatever that the Horizon system is responsible for the losses that occurred in branch"*. This statement was a reflection of the cases at the time which had been reinvestigated in the Scheme.

128 Angela van den Bogerd and I went on to explain the process by which discrepancies in branch accounts can be addressed by way of a transaction correction. When asked whether it was now or had ever been possible for anybody from POL or Fujitsu to interfere with transactions or transaction data on a branch terminal without the knowledge of the sub-postmaster, I stated that *“it is 100% true to say that we can’t change, alter or modify existing transaction data so the integrity is 100% preserved.”* I went on to say that there was process which had only ever been used once to overcome a technical error which could not be corrected by a transaction correction or a transaction acknowledgment, called a balancing transaction. This statement reflected my understanding and knowledge of remote access at the time. The information relayed to the journalists in respect of remote access and the technical possibilities for amending branch accounts was provided by Fujitsu, as described in paragraph 62. POL was in contact with Fujitsu to obtain their assistance when preparing for the briefing meeting [POL00316805]. The Panorama episode aired on 17 August 2015.

129 More generally, I have been involved with communicating with the press, but this has been more limited. I very rarely communicated with the press directly; I am sometimes asked to comment on statements prepared by POL’s communication team and others.

130 Following the broadcast of the BBC Panorama episode I helped draft another letter to Baroness Neville-Rolfe in early September 2015. I note in my email to Jane McCleod on 2 September at 22:16, that Baroness Neville-Rolfe was

concerned about the allegations made by Panorama, and BIS therefore commissioned a full rebuttal. It had then been reported to me by POL colleagues and Richard Callard that Baroness Neville-Rolfe was discomforted by an email she had received from Andrew Bridgen, Kevan Jones and Oliver Letwin requesting a meeting in respect of the “*very serious findings*” in the Panorama episode [POL00153064]. It was these episodes of discomfort and concern on the part of Baroness Neville-Rolfe, as reported to me by POL colleagues and BIS officials, that I referred to as “*wobbles*” in my email. It was therefore decided by Mark Davies, Mark Underwood, Melanie Corfield, Jane Hill and Rodric Williams and me that we should write to Baroness Neville-Rolfe directly to set out the steps that had been taken to address the ongoing concerns of the sub-postmasters, and to provide further information in respect of specific cases to balance against some of the allegations made in Panorama.

131 I shared a draft of this letter with POL colleagues on 3 September 2015, although there seems to be some discrepancy in the chronology of emails on the email chain which I attribute to the fact that Jane MacLeod was abroad and travelling, presumably in a different time zone, at the time she received this email and responded [POL00153064]. In my covering email, when I initially shared the draft letter to Baroness Neville-Rolfe, I noted that I had, “*sought to address the issue of the ‘public inquiry’ suggestion reasonably head on*”. In my subsequent email to Jane MacLeod, of 2 September 2015 at 22:16, I noted that “*the relative lack of challenge by Government of the call for a ‘public inquiry’ is...currently the most damaging aspect of the project and we feel it necessary*

*to begin the process of placing a marker down that this is a place that we, as an organisation, can't be taken to. The letter makes clear why".*

132 I do not think that the government's approach to oversight changed following Baroness Neville-Rolfe's appointment as the relevant Minister. The Horizon issue was evolving all the time, and the BBC Panorama broadcast in August 2015 would, in my view, inevitably have led whoever occupied the ministerial seat at the time to become more concerned and immediately engaged with this matter.

### **REMOTE ACCESS**

133 My understanding of the extent of remote access, what was and what was not possible to do through it, and the extent to which any such access would be visible to a sub-postmaster or anyone else, evolved substantially over time. My recollection of how this unfolded at different points in time is set out below.

134 I have reviewed [POL00091395] (email from Belinda Crowe, dated 20 November 2014, 14:22), [POL00149277] (email from me, dated 20 November 2014, 9:54 and chain), and [POL00149296] (email from me, dated 21 October 2018, 18:48) and can see that very shortly after I joined POL, the issue of remote access has arisen in the context of the Scheme. This is, I believe, the first time I came across the issue of remote access in relation to specific cases, although I may have been told that this was one of the points of contention as part of my introduction to the work more generally.



- 135 Belinda Crowe's email [POL00091395] suggests that the recipients of the email, including me, met earlier in the day and agreed that we needed to set out the position on remote access in more detail. Belinda Crowe said she would set up a meeting with Fujitsu and others. Her email also forwards on an email from James Davidson of Fujitsu (dated 17 April 2014), which includes Fujitsu's answers to a series of questions about remote access asked of him by my colleague Rodric Williams on 14 April 2014 before I joined POL. At the time, I was unaware of the context of Rodric Williams' 2014 email.
- 136 [POL00149277] is an email chain which starts with an email I sent to Melanie Corfield, Belinda Crowe and Tom Wechsler on 20 October 2014 at 9:52 asking to be copied into emails concerning remote access. Melanie Corfield was a member of POL's communication team.
- 137 [POL00149296] (email from me, dated 21 October 201, 18:48) sets out my response to Belinda Crowe's request for comments on an email she sent to Angela van den Bogerd and Andrew Parsons (and which I was copied into) about the text of an email she planned to send to Fujitsu in advance of a telephone call the following day. Belinda Crowe's email states that she would like to achieve: *"a common understanding of what is possible in relation to Horizon; whether POL has used the right terminology in the past; what POL should say in relation to cases in the Scheme; and, ensuring POL has a robust statement it could stand behind to "close the matter down."* [POL00091397] indicates that the meeting was cancelled but that James Davidson of Fujitsu emailed Belinda Crowe on 22 October 2014 at 14:29 which he considered, "sets

*out how Integrity in Horizon is assured and how this forms the basis for responding to the various challenges made.”*

- 138 In my response to Belinda Crowe, I said that I thought it was important to ask a question so that there was absolute clarity about governance structure and the processes through which requests for access must follow, setting out who at POL authorised the requests to Fujitsu. I also thought that it would be helpful for there to be a worked example to illustrate this, and to understand whether there was difference between Horizon online (the second version of Horizon) and its predecessor. I also thought that it would be sensible to ask for confirmation that remote access had not taken place in respect of the terminal at any branches in cases considered by the Scheme.
- 139 [POL00091397] indicates that on 23 October 2014 Belinda Crowe forwarded James Davidson’s email of 22 October 2014 at 14:29 on to me, Rodric William and Tom Wechsler, stating that she “*did not understand all of this*”, and that it raised further questions.
- 140 It appears from the documents [POL00149488] that Mark Underwood and I were tasked with trying to obtain straightforward answers from Fujitsu. [POL00149488] indicates that Mark Underwood and I met with Fujitsu on 6 November 2014. From the follow up email dated 7 November 2014 at 11:45, Mark Underwood and I were tasked with drawing up “*plain English questions*” on remote access – about what it is and what is not possible to do when *not* using a sub postmaster’s user ID.

141 It is clear from the email exchange between Mark Underwood and I on the morning of 7 November 2014 that our understanding of remote access following our meeting with Fujitsu was, to use Mark's words, "*that there is no functionality that allows FJ to edit, remove or manipulate a transaction remotely in any way. Any change takes the form of an insertion with distinct ID that is easily identifiable in the audit trail it leaves.*"

142 Mark Underwood's email to me on 11 November 2014 13:37 [POL00149488] suggests that Andrew Parsons (referred to as AP) prepared a paper which covered the scenarios that enable transactions to be added/injected into a branch account, leaving Mark and I to focus at a very high level on preparing questions in writing for Fujitsu on the audit trail linked to additions/injections. I cannot remember precisely when I read Andrew Parsons' draft paper, but I recall that the three scenarios were in branch; transaction acknowledgments and transaction corrections; and, balancing transactions. Our understanding was that if a transaction was added to a branch account, it would leave a distinct identifier, which could be searched for.

143 With reference to suggested questions to Belinda Crowe about the status of cases in the Scheme, having reviewed documents provided to me by POL, I can see that Mark Underwood emailed me on 20 November 2014 at 11:56 following a telephone call with James Davidson and reported that "*the auditors have searched the data and no 'remote access scar' is present and thus did not take place*" [POL00149598]. On 20 November 2014 at 10:49 Mark Underwood emailed Tom Wechsler. A further email from Mark Underwood to Tom Wechsler

(and copied to me) on 20 November 2014 at 10:47 notes that Fujitsu confirmed during a telephone call that they had downloaded branch data for the 150 Scheme cases and *“everything appears golden”* [POL00149578].

144 On 20 November 2014 10:47, Mark Underwood emailed Tom Wechsler, with me in copy, attaching a paper produced by Andrew Parsons' [POL00212049] together with a bulleted lists of points for public rebuttals about what could and could not be done in relation to remote access [POL00212048]. Mark Underwood's email indicates he planned to send his amendments to Andrew Parsons' to consider, following which the paper would have been sent to Fujitsu to answer the questions posed and confirm the processes described were correct. Andrew Parsons' responded on 25 November 2014 at 14:37 and suggested sending to Fujitsu, *“as they will pick up on technical points”* [POL00212720].

145 Mark Underwood's email of 26 November 2014 13:29 [POL00149674] indicates that our questions were sent to them reasonably soon afterwards – Mark Underwood's email of 26 November 2014 13:23 states that he spoke to James Davidson that morning about the papers that had been sent over.

146 At the time that I was engaged in trying to obtain answers from Fujitsu to questions concerning remote access, I did not have any reason to think they were being unhelpful, and they responded to our requests, albeit there was evidently some frustration within Fujitsu. [POL00149674] records James Davidson's frustration with statements made about Horizon by Second Sight, including consideration of legal action by Fujitsu against Second Sight. This is

reflected in my email to Tom Wechsler of 19 December 2014 at 07:26, in which I noted that we “*were somewhat disappointed by the efforts of Fujitsu to assist in plain English answers to the questions we prepared with [Bond Dickinson]’s help*” [POL00062410]. It did not appear to me at the time that this was the product of evasiveness or reluctance to help. In my email of 19 December 2014, I stated that the issue of remote access was “*one we can definitely close off, I am sure*” [POL00062410]. It appeared to me at the time, perhaps naively, that it should be possible for Fujitsu to answer the questions we asked of them in a straightforward way.

147 [POL00062410] records that remote access had been discussed in the Westminster Hall debate on 17 December 2014 and that Tom Wechsler felt that POL needed an “*agreed line*”.

148 I have reviewed POL’s response to the Westminster Hall debate [POL00040791] and paragraphs 34 – 36 which concern remote access. Tom Wechsler circulated a first draft on 8 January 2015 and I sent a re-worked draft on 9 January 2015 [POL00040790]. POL’s response was a collective effort and I am not sure who had the final sign-off in relation to whether or not balancing transactions should be referred to.

149 The issue of remote access was revisited again in the course of POL preparing its response to Second Sight’s Part Two Report. From the email chain of 8 April 2015, it appears that Mark Underwood liaised with Pete Newsome of Fujitsu on a call, and Pete Newsome then followed up to provide a step by step breakdown of the process by which Fujitsu could inject a “*balancing transaction*” into a

branch database [POL00041040]. This was previously understood to be possible, but Pete Newsome was providing more detail about the necessary process for this. As the subsequent email chain with Mark Underwood and Andrew Parsons demonstrates, this information then informed the content of POL's response to Second Sight's Part Two Report, then in preparation.

150 The email from Mark Underwood to James Davidson of Fujitsu on 7 April 2015 reflects that in their Part Two Report, Second Sight had sent two POL / Fujitsu documents to POL regarding a bug from 2010, known to cause a receipts and payments mismatch (also known as "*the 76 bug*"), which had arisen in a pilot, and indicated that POL / Fujitsu could alter branch data to resolve the bug [FUJ00081944]. The documents show that Mark Underwood immediately wrote to James Davidson of Fujitsu to seek an explanation. I asked Mark Underwood, Andrew Parsons and Pete Newsome of Fujitsu to co-ordinate so that POL could go back to Second Sight with something meaningful and accurate [POL00353224]. Mark Underwood then posed a series of further questions to Fujitsu in light of the information contained in the documents referred to in Second Sight's Part Two Report. In the course of an email chain between Mark Underwood and Pete Newsome of Fujitsu on 8 April 2015 at 15:51 [POL00021667], Pete Newsome indicated that the errors were resolved using a balancing transaction, a process POL was aware of. He stated, "*There is only one process Fujitsu can use which is the insertion of auditable additional transactions described in the document so the words below must have been a loose business description for a meeting with non-technical attendees.*"

[POL00314275]. Andrew Parsons' took forward the drafting and his draft response to Second Sight [POL00226072] indicates that POL responded on that basis, as well as highlighting that the issue had been disclosed to Second Sight in 2013. I then sent the final version to Ian Henderson.

151 These documents show the team trying to better understand what impact this had on remote access in the context of responding to Second Sight. It is also clear from the document that the team did not consider it from the point of view of disclosure in proceedings, which I believe POL would have undertaken before Mark Underwood or I had joined the business. It is also unlikely to have occurred to us since Second Sight were drawing our attention to documents POL had previously sent them and so it did not appear to be new information.

152 To the extent that I understood any alteration of branch data to be possible, my understanding was that this could only be achieved by injecting a new transaction into the system, rather than changing data or entries which were already in the system. I understood that existing data could not be changed, altered or deleted. Any new entry or transaction which was added to the system could only be done in limited circumstances, and would leave a non-user identifier such that it was clear that it did not originate from the user of that terminal, i.e. it would be identifiable as not having been caused by the sub-postmaster.

### **Remote Access – Project Zebra**



153 I believe my first awareness of the Project Zebra occurred when I was helping to collate material for Sir Jonathan Swift and Christopher Knight in the context of the Swift Review. I have reviewed a number of documents provided to me by POL and I can see from [POL00237265] that an email from Steve Allchorn dated 14 December 2015 records that I had a conversation with Jane MacLeod ahead of a planned meeting with Sir Jonathan Swift. I cannot now recall the details of my conversation with Jane MacLeod; however, I believe this was the first time I became aware of the existence of Project Zebra since I was copied into Steve Allchorn's email and later exchange with Deloitte's Mark Westbrook and Andrew Whitton, which referred to, "*Project Zebra Consolidated Report Draft Subject to Change 21/08/2014 18\_06*" and "*Project Zebra - Board Briefing 040614 v13 Final Draft.*"

154 On reviewing other documents provided to me by POL I can also see that on 23 October 2014 Belinda Crowe shared a Board Paper, dated 6 June 2014, with me which included a section titled 'Deloitte Report and Linklaters Advice', which appears to discuss the workstream which became Project Zebra [POL00027153]. This document was shared with me in the context of consideration of closing the Working Group in the Scheme, as discussed in paragraph 42 above, to make me aware that this had previously been considered. I do not recall noticing or engaging with the section in this Board paper regarding Deloitte's work.

155 I do not believe I was supplied with either the Project Zebra Consolidated Report or the Board Briefing and it appears from [POL00322386] and

[POL00322475] that Mark Underwood and Rodric Williams arranged for the Project Zebra documents – referred to as the Deloitte report in the email chain – to be delivered to Sir Jonathan Swift and Christopher Knight in Chambers. I am aware from my involvement in setting up the Swift Review that Sir Jonathan Swift met with Deloitte alongside other stakeholders but I was not present at those meetings.

156 Whilst preparing this witness statement and reviewing documents provided by POL, I have seen [POL00211254] for the first time, an email from Andrew Parsons' to Belinda Crowe and Rodric Williams, which refers to Andrew Parsons' note on Horizon access and states: *"This describes the position as I understand it based on the Deloitte report but this needs to go past FJ / Deloitte to confirm the position."* I note that Andrew Parsons' email responds to an email from Rodric Williams to Belinda Crowe and Andrew Parsons on 21 October 2014 12:48 in which Rodric Williams said, *"If this is the remote access point – Andy, what progress had been made with Deloitte."* It appears to me that there was another workstream that I was unaware of and I assume the reference to the Deloitte report concerns Project Zebra. I do not know why neither I or Mark Underwood were copied in and can only assume it was because a decision had been made that it was sensitive and details of it should not be widely shared.

157 I can also see from my review of documents supplied to me by POL that on 10 November 2014 16:44 Andrew Parsons emailed Belinda Crowe, Andy Holt and me (with Amy Eames and Rodric Williams in copy) stating that, *"I've also had*

*some more information from Deloitte that I have included in the note*" [POL00149483]. I have not located or accessed Andrew Parsons' note and I do not remember its content. I can now only assume that the information from Deloitte he refers to came from Project Zebra, but I did not know this at the time.

158 For completeness, while preparing my statement, I also reviewed [POL00125594] and [POL00129447], an email from Andrew Parsons to Rodric Williams and Mark Underwood sent on 9 March 2015 at 16:07, to which I was copied in, and which concerned a paragraph on remote access contained in a draft Scheme Report. Andrew Parsons' email forwarded on an email exchange between Rodric Williams and Martin Smith of Cartwright King dated 9 March 2015 at 12:12. It appears from the chain that Rodric Williams and Andrew Parsons then discussed the content of Martin Smith's email before Andrew Parsons sent across his views to the wider group at 16:07. I do not believe that I read Martin Smith's email since Andrew Parsons' email was addressed to Rodric Williams and Mark Underwood and they appear to have been taking forward the drafting of this paragraph. I can see that Martin Smith also raised a point made to him by Simon Clarke that the draft paragraph did not reflect aspects of the Deloitte Report which commented on balancing transactions and the absence of controls that would detect when an authorised user had sent "*a 'fake' basket into the digital signing process.*" Andrew Parsons' email to the wider group did not refer to the absence of controls re 'fake' baskets, but did discuss whether the draft paragraph should refer to balancing transactions.

159 In his 16:07 email Andrew Parsons' appears to have taken the view that the paragraph was accurate on the basis of conversations with Fujitsu confirming that a balancing transaction allowed Fujitsu to inject a new transaction but did not allow transaction data to be edited or removed. He pointed out that the paragraph of the Scheme Report was "*arguably incomplete*" since it only referred to transaction corrections and transaction acknowledgments as the method of addressing accounting errors. It appears that the team accepted Andrew Parsons' view and chose not to refer to balancing transactions. I do not believe I was involved in making the decision, but I would have been reassured by Andrew Parsons' view that the paragraph was accurate as well as by the previously reasoned position he refers to that the balancing transaction process was not mentioned because "*it was so rare that it is immaterial.*"

160 Having reviewed documents while preparing this statement, I believe that aspects of Deloitte's work – in particular, regarding balancing transactions – were within my knowledge at an earlier stage, but that I did not know they arose within the context of Project Zebra, which I was unaware of until the early stages of the Swift Review (paragraph 153 above). For completeness, I can also see from [POL00117518] that in the context of my collation of information for the work to be taken forward by the Swift Review, Rodric Williams provided a very brief outline of the background information concerning the instruction of Deloitte by the Board.

#### **Remote Access – Swift Review**

- 161 My understanding of remote access changed again when Sir Jonathan Swift delivered the report compiling his findings and conclusions from the Swift Review, dated 8 February 2016 (the “**Swift Review Report**”), to POL, which highlighted that Deloitte’s Board Briefing noted that database access privileges existed which would enable the deletion of a digitally signed basket, but which are restricted to authorised administrators at Fujitsu. Those privileges “*would enable a person to create or amend a basket and re-sign it with a ‘fake’ key, detectable if appropriately checked*” [POL00006355 at para 140], and Deloitte had not seen a way to prevent a person with the appropriate authorisation carrying out such an exercise in an unauthorised manner.
- 162 Sir Jonathan Swift also commented that Deloitte noted that administrators had the ability to delete data from the audit store which could allow, “*suitably authorised staff in Fujitsu to delete a sealed set of baskets and replace them with properly sealed baskets, although they would have to fake the digital signatures.*”
- 163 I understood from reading Sir Jonathan’s Swift’s report that Fujitsu accepted that Deloitte’s interpretation was technically correct, but emphasised the wide range of security measures in the software, hardware and environment which they said reduced risk of interference. Moreover, Fujitsu stressed – “*properly*” in Sir Jonathan Swift’s view – that there is no evidence that any such action occurred and that likelihood of all the security measuring being overcome was very small.

- 164 I tended to agree with Sir Jonathan Swift's view that: "*The fact that such activity is possible does not, of course, indicate that it has actually occurred*" and with his view that whilst it was theoretically possible, there was no evidence it occurred and it was inherently improbable.
- 165 Sir Jonathan Swift considered that an alternative would be that Fujitsu would use the functionality to correct system bugs without drawing them to the attention of POL or subpostmasters in order to avoid contractual penalties. After reading the Swift Review Report, I was aware that the public assurances that POL had given were incomplete and I felt that it was essential that POL should follow Sir Jonathan's Swift's recommendations that POL commission work to confirm the position insofar as possible and seek advice from Brian Altman KC in relation to disclosure of the Deloitte reports.
- 166 Sir Jonathan Swift considered that POL's Westminster Hall Response was incomplete because it did not refer to balancing transactions or Deloitte's observations about the audit store and 'fake' baskets. I was unaware of the latter at the time of my involvement with the preparation of POL's response. I was aware of balancing transactions; however my understanding was that POL had adopted the position that balancing transaction process was so rare as to be immaterial, and that the main way that accounting errors were carried out was through the transaction correction and transaction acknowledgment process. I believe that I was only aware of one case in which a balancing transaction had been used.



- 167 I explain above that my understanding of remote access evolved over the period of time covered by this witness statement. The early Group Litigation phase saw a significant evolution in my level of knowledge and understanding.
- 168 On 13 July 2016, I received an email from Andrew Parsons with a summary of the Deloitte Preliminary Report [POL00029990]. I recall reading this email and it being significant as it represented a real-time extension of my understanding of what was, and was not, possible for Fujitsu employees to do with respect to branch accounts.
- 169 The email explained that Deloitte identified that a small number of users, called super-users, did in fact possess the ability to delete and edit transactions in branch accounts although it appeared that this would leave an identifiable digital footprint. This ran counter to my and the wider POL business' understanding at that time that it was only possible to add or inject a new transaction into branch accounts. For example, if I put in £100 into the system instead of £1000, my understanding was that you could not change or fix this original transaction. Head Office would have to send me a new, separate transaction (a transaction correction) for £900 which I would accept to correct the mistake and remedy the difference.
- 170 This was the view I had also shared during the Panorama interview in June 2015. On the face of it, this email indicated that my knowledge and that of my colleagues (based on what we had previously been told by James Davison and others of Fujitsu) was materially inaccurate.



- 171 I do not know if others within POL had this knowledge prior to this Deloitte's report, but this email was the first time that I believe I was made aware of this information.
- 172 The email concludes with two actions which were to be taken forward by Bond Dickinson LLP.
- 173 The email chain from 21 July 2016 which consists of communication largely between legal teams (Rodric Williams and Andrew Parsons) and Mark Davies [POL00029998], shows that POL was trying to understand the situation as new information was being fed in to them.
- 174 When the new information emerged we realised that what we had understood and had shared publicly with respect to remote access was not 100% accurate. It was at this point that POL had to, as Andrew Parsons explains [POL00029998], review everything that had previously been said by POL in relation to this issue to establish the extent to which it needed changing in the light of the new information we were actively receiving. As reflected by Andrew Parsons in one of these emails, it was essential that POL deal with this issue "*candidly*", as Andrew put it, and volunteer a correction regardless of whether that put POL in a bad light.
- 175 Although I do not think I had any input in drafting the wording of the corrections and explanations offered by POL in the light of this new development, my understanding was that it would need to be done carefully and in consultation with Fujitsu. I recall that this was a very technical issue and there was a concern

that while making the language accessible, we still reflected the position accurately.

176 It was my view then, and continues to be, that POL's IT capability during this period was very limited. Our IT expertise was largely, if not entirely, external until Rob Houghton was brought into the organisation at which point our in-house IT function began to develop and grow to some degree. Until then, I believe that there was a significant imbalance in the capability of the POL customer and the Fujitsu supplier, leading to an over-reliance on the latter by the former for IT expertise. Anecdotally, at the relevant time, my observation was that the part of the office designated as the IT function was staffed, in the main, by Fujitsu contractors. By way of example, I note that James Davidson's email signature at [POL00091395] identifies him as working for both Fujitsu and POL.

177 At this stage or subsequent to it, while I was copied into some of the emails which discussed these important and material issues, I was not involved in formal discussions, decision-making, and drafting with respect to remote access issues. This would have been dealt with by internal and external legal teams and their IT counterparts.

#### **CRIMINAL CASES REVIEW COMMISSION**

178 I was aware that there had been an influx of referrals made to the CCRC in March 2015, but I had very little involvement in discussions related to this. I was briefly involved in an email chain with POL colleagues where we tried to

understand what had prompted these CCRC referrals [POL00063478]. We tried to identify if there was a particular group, or if the individuals who had referred their cases shared a common adviser, who we could engage with to try and understand their concerns and how we might help. I also liaised with ShEx in respect of this, and confirmed that Rodric Williams was the person best placed within POL to speak to about this matter [POL00151752]. Since this was a legal matter, I believe it would have been dealt with by Rodric Williams and POL's legal team.

### **THE SWIFT REVIEW**

179 Following the unsatisfactory conclusion of the Scheme and the end of Second Sight's work, POL was keen to satisfy itself that the steps it had taken in its attempts to understand and, where possible, resolve what lay at the heart of the complaints it had received were objectively appropriate and sufficient. I cannot recall whether ShEx or POL first had the idea of using the arrival of a new Chairman at Post Office to commission a piece of work to meet that objective. The idea was that the incoming Chairman was well placed to be tasked to undertake this work since he had, by definition, no prior interest in these matters and no pre-existing relationships with anyone involved and could therefore approach the exercise objectively and dispassionately. In the event, Sir Jonathan Swift and his junior, Christopher Knight, were retained to conduct a review of the matters raised and steps taken to resolve them. The 'Swift Review', as it has become known, was conducted for Tim Parker in a personal capacity, reporting back to the (then) Minister, Baroness Neville-Rolfe. Sir

Jonathan Swift and Christopher Knight were given unrestricted access to all the relevant information help by POL, as well as to Second Sight and others, in undertaking this work. The Swift Review reported its findings, many of which were complimentary about POL's actions, but some of which were not. He made eight recommendations for follow up work, some of which were more straightforward to discharge than others, but follow up work on each was begun shortly after his final report was presented to Tim Parker. Quite soon thereafter, legal proceedings were issued against POL by Alan Bates & Others. In-house and external lawyers for POL expressed the view that the commencement of legal proceedings would likely impact how POL would most prudently take forward the follow up work from the Swift Review which was still outstanding due to its complexity. Advice was sought from Leading Counsel (Anthony de Garr Robinson KC) who was of the firm view that the work that remained outstanding should be still taken forward but as part of POL's preparations for defending the litigation. His advice was proactively shared with Sir Jonathan Swift who indicated that he was content to proceed on that basis.

180 On 8 October 2015, on behalf of incoming Chairman, Tim Parker, POL instructed leading counsel Sir Jonathan Swift to carry out an independent review to determine whether any further action needed to be taken by POL to respond to the concerns about Horizon raised by individuals and MPs, including whether POL's reliance on Horizon had resulted in miscarriages of justice [POL00156617].

181 My recollection is that POL remained concerned about unresolved disputes following the closure of the Scheme, and wished to provide reassurance that it was doing all that it was reasonable to do to seek to resolve those disputes. Jane MacLeod or possibly me, felt that POL's incoming Chairman, Tim Parker, who was without any vested interests, could perform that role supported by external counsel, who was entirely independent of the team at POL. Tim Parker had no existing relationships within POL and it was felt that he could be completely impartial. As indicated above, it was felt important that this work be undertaken by Tim Parker in his personal capacity, in order to preserve its independence and integrity, free of the influence of any vested interests at POL, whether at Board level or otherwise. I can see from documents provided to me by POL that this appears to have been discussed with Baroness Neville-Rolfe in a meeting she attended with Jane MacLeod, at which Baroness Neville-Rolfe advised she would ask Tim Parker to review POL's position [POL00041135].

182 What became the Swift Review was formally triggered on 10 September 2015 when Baroness Neville-Rolfe, then Parliamentary Under Secretary of State at BIS, wrote to Tim Parker asking him to determine whether "*any further action is necessary*" by POL [POL00156617].

183 I was part of the POL team responsible for instructing Sir Jonathan Swift and Christopher Knight. The other members of the team included Jane MacLeod, in her capacity as General Counsel, alongside Rodric Williams and Mark Underwood. Rodric Williams, Mark Underwood and I reported to Jane MacLeod

and we had all been closely involved with the Scheme and the efforts undertaken by POL to try and resolve the issues with sub-postmasters.

**Emails re selecting counsel and the scope of the review**

184 I believed that Tim Parker should determine the terms of reference for the review, and I emphasised this to my colleagues in my email of 24 September 2015 [POL00065606]. I do not recall any dispute about the broad purpose of the Swift Review within POL, and there was none that I was aware of at the time.

185 On 25 September 2015, Jane MacLeod met with Tim Parker to discuss aspects of the exercise. Jane MacLeod's subsequent email to Tim Parker on 1 October 2015 [POL00027126], suggests she was asked to recommend leading barristers to conduct the review and that Tim Parker also asked her to provide draft wording to describe its scope.

186 On 30 September 2015, I provided Jane MacLeod with the biographies of three candidates for consideration for her to share with Tim Parker [POL00153300]. I also shared a draft covering letter for Jane MacLeod to send to Tim Parker, which included a draft form of words outlining the scope of what became the Swift Review [POL00153304]. It was drafted with input from Mark Underwood, and I intended it to be a starting point for Tim Parker to consider and develop as he felt appropriate, together with leading counsel: it was not intended as a final draft. This is reflected in my covering email to Jane MacLeod, where I noted, "*the letter sets out a starter for 10 on the question of scope but is explicit*

*in that it is offered purely as a straw man to be knocked down/amended by Tim on Counsel's advice*" [POL00153300]. I believe the draft text on the possible scope of the review reflects discussions with other members of the POL team as to what might encapsulate the exercise best. For example, at the time, Rodric Williams had been very busy and, as I noted in my email to Jane MacLeod [POL00153300], he had not had a chance to consider the draft text on scope of the review, although it had benefited from some exchanges with him.

187 On 1 October 2015, Jane MacLeod emailed Tim Parker with a different selection of leading counsel, using an amended version of my text, and including an amended version of the draft scope for the Swift Review [POL00027126].

#### **Preparation of instructions to counsel & settling scope**

188 I drafted the instructions to Sir Jonathan Swift [POL00156617], which were reviewed and approved by Jane MacLeod. Ordinarily this task would have fallen to Rodric Williams, but he did not have capacity, so I assisted instead. I would have received input from my immediate POL colleagues, including Rodric Williams, Jane MacLeod, Mark Underwood, and possibly more broadly from others, including Angela van den Bogerd, where specialist input was required. I imagine I also sought the input of Andrew Parsons at Bond Dickinson LLP.

189 The draft text about the scope of the Swift Review (paragraph 3 of the instructions) was again only included as a starting point to enable a wider



conversation about what the Swift Review was trying to achieve – it was not intended to be prescriptive. I can see that paragraph 4.1 of the instructions request counsel's advice "*on the scope of the Review and how this is framed*" [POL00156617]. Paragraphs 32 and 33 of the instructions also asked counsel to attend a meeting with Jane MacLeod on 8 October 2015, the purpose of which was, "*to settle the Review's scope and agree a process for conducting, concluding and reporting on the Review within the desired timeframe*".

190 The meeting on 8 October 2015 with Sir Jonathan Swift was attended by Jane MacLeod and Rodric Williams and possibly me, although I cannot recall for certain. The purpose of the meeting was to discuss and reflect on the written instructions and to consider the possible terms of reference for the Swift Review. On 9 October 2015, following the discussions of the previous day, Sir Jonathan Swift circulated a seven-point draft outline which he called, "*A starting point for the terms of reference*" [POL00102582].

191 On 10 October 2015, Jane MacLeod responded to Sir Jonathan Swift attaching a draft chronology of the Scheme, to assist with his background understanding of the issues, and confirming that a meeting has been scheduled for him with Tim Parker for 20 October 2015 [POL00104218]. The Scheme chronology document was prepared by Mark Underwood. I am not sure whether this was prepared specifically for Sir Jonathan Swift.

192 On 12 October 2015 Jane MacLeod emailed Sir Jonathan Swift with a preliminary response to the first five of the seven points he had listed for consideration as the terms of reference for the Swift Review [POL00104216].

The preliminary response under each of these points summarises how POL had addressed or responded to the issues raised by Sir Jonathan Swift as he considered the definition of the scope of his work. I do not recall contributing to the drafting of this email to Sir Jonathan Swift, although it is likely that I would have been involved in discussions about the issues which are reflected in it.

193 On 14 October 2015, Jane MacLeod emailed Sir Jonathan Swift informing him that a huge amount of information had been collated [POL00102604]. Jane MacLeod then shared an updated version of the Scheme chronology document [POL00130957] and asked Sir Jonathan Swift to indicate which documents and material he would particularly like sight of at that stage, so that we could prioritise sharing it with him. As stated above, Mark Underwood prepared the Scheme chronology and would also have been responsible for collating this material and, I think, sending it to Sir Jonathan Swift. I was not involved in this exercise.

194 On 15 October 2015, Jane MacLeod emailed Sir Jonathan Swift again [POL00162692], attaching a note with preliminary responses to the remaining points raised by Sir Jonathan Swift in his initial note on the possible terms of reference for the Swift Review [POL00162693]. I do not recall having any involvement in collating this response document but, again, I imagine I was involved in discussions about its content.

195 On 20 October 2015, Jane MacLeod met with Sir Jonathan Swift and Tim Parker to discuss the Swift Review. I did not attend this meeting. On 21 October

2015, Jane MacLeod shared a summary note of what had been discussed at this meeting with Rodric Williams, Mark Underwood and me [POL00102616].

196 Jane MacLeod's note of the meeting on 20 October 2015 sets out discussions of the areas of focus for Sir Jonathan Swift's investigation, as well as key people he would like to speak with, which included Lord Arbuthnot, Alan Bates and Second Sight. It also set out the key documents and information which Sir Jonathan Swift required immediately, which included copies of the CCRC requests, example prosecution reports with their supporting evidence (preferably those of the three cases referred to in Panorama), and documentation which describes the investigation process that POL went through under the Scheme. It is likely that members of my team would have coordinated the collation of these documents and arranged for them to reach Sir Jonathan Swift. One of the actions for POL was to set up a meeting with Christopher Knight, who was appointed as junior counsel on the Swift Review, to discuss how best to provide access to the required documents.

197 Mark Underwood, Jane MacLeod and I arranged to meet Christopher Knight on 27 October 2015 at POL's London headquarters at Finsbury Dials. Ahead of that meeting, I circulated an agenda which reflected the areas of discussion from the meeting with Sir Jonathan Swift and Tim Parker of 20 October 2015, including the four strands of the enquiries which counsel would undertake [POL00153365]. My covering email to Christopher Knight noted that the agenda was in draft only, and he should feel free to add to it as he saw fit [POL00153364].

198 On 28 October 2015 at 12:29, I emailed Christopher Knight with a summary of the discussion in our meeting the previous day, and attached a list of agreed actions [POL00102638] [POL00131182]. This summary note reflects our discussions with Christopher Knight with respect to how he and Sir Jonathan Swift might approach each of the four strands of the enquiries to be undertaken, which had been identified by Sir Jonathan Swift in his meeting with Tim Parker on 20 October 2015. This note also reflects comments by Jane MacLeod from the meeting with Christopher Knight on 27 October 2015 about the difficulty of positively proving that there were no bugs or flaws in the Horizon system that could have caused discrepancies in the branch accounts. This is what I refer to in my note of that meeting using the shorthand, "*an exercise in proving a negative*". Jane MacLeod commented that such an exercise would be further complicated by the age of the Horizon system because it would have been updated at various points and, therefore, any exercise seeking to prove this negative position (i.e. that there were no flaws or bugs with the Horizon system that could have led to discrepancies in branch accounts) would entail scouring every line of code in the entirety of the system, including prior iterations which may have since been updated.

199 The email summary of this meeting reflects that I would be the primary point of contact for Christopher Knight going forward, and that both Mark Underwood and Steve Allchorn would also be available to provide any information he or Sir Jonathan Swift might need. I believe that I probably introduced Chris Knight to Steve Allchorn in the office on the same day as our meeting. I asked him to

assist with the provision of material to counsel in the Swift Review. Together, Mark Underwood, Steve Allchorn and I we were responsible for ensuring that both Sir Jonathan Swift and Christopher Knight had everything they needed, and we responded to various requests they made for information and documents to enable them to undertake the Swift Review.

200 Following the meeting on 27 October 2015, I had an email exchange with Christopher Knight in which we discussed the status, and clarified the contents, of the various materials and information provided to him and Sir Jonathan Swift [POL00153392]. In this email exchange, we also agreed that it was a priority to arrange a demonstration of the operation of the Horizon system for him and Sir Jonathan Swift, in order for them to better understand the context of the review they were undertaking. I think, but cannot be sure, that this idea first came from Christopher Knight.

201 Sir Jonathan Swift interviewed a wide range of stakeholders during the course of his review, which he lists in the body of the Swift Review Report at paragraph 10.

202 On 30 October 2015, Jane MacLeod provided the first update to Tim Parker on the progress with the Swift Review [POL00102649]. I had provided Jane MacLeod with an initial draft of the update to Tim Parker, after first running this past Mark Underwood for his input [POL00153429] [POL00153430]. I believe that Jane MacLeod had agreed to provide Tim Parker updates in relation to Sir Jonathan's Swift's work on a fortnightly basis so that he could be satisfied that progress was being made and was made aware of any issues as they arose.

With reference to the following quote from this document: *“At this stage we propose that Jonathan will provide you with a legally privileged report...It is not our intention that this report would be made public, and we will therefore need to consider the best way for your findings to be presented in a way that can be made public”*, my understanding is that POL wanted to ensure that nothing was considered by Sir Jonathan Swift to be off-limits while nonetheless reserving POL’s legal position over his findings. While no detailed thought had been given as to how those findings might ultimately be made public (something POL would agree with Sir Jonathan Swift at the relevant time), I believe I am right in saying we probably envisaged a shortish, non-technical, document detailing the scope of the Swift Review, its principal findings, and next steps (if any). However, as I say, this was not considered in any detail at all.

203 On 10 November 2015, Sir Jonathan Swift and Christopher Knight attended a demonstration of the Horizon system at Finsbury Dials, POL’s headquarters, where we had a model Post Office, staffed by colleagues whose names I cannot recall. After this demonstration, I (along with Mark Underwood, I think) met with Sir Jonathan Swift and Christopher Knight and they provided us with an update on their progress, including their plans for meetings with key stakeholders, and made some further requests for information which they considered might be helpful to them as they carried on their work. This discussion is reflected in my email to counsel and the POL team on 12 November 2015 [POL00153634]. Christopher Knight responded to this email on the same day to request further information and to give his view on the sequencing of meetings that he and Sir



Jonathan Swift wanted to have with various key stakeholders, including Second Sight, Lord Arbuthnot and Sir Anthony Hooper [POL00153634].

204 Following my email to Counsel of 12 November 2015, Mark Underwood emailed Steve Allchorn and me with a list of actions, and included a reminder that we were due to provide Tim Parker with an update on the Swift Review the following day. At that stage, there was little to report as we were still in the early stages of work on the Swift Review. I recognised that Tim Parker was extremely busy, and thought that he might not appreciate a detailed account of the various procedural steps we were taking at the outset of the Swift Review, such a liaising with counsel about arranging meetings with stakeholders and providing them with information requested. At the time I was of the view that Tim Parker would be more interested in any substantive update on the Swift Review, rather than in a procedural update of the type which we were then in a position to provide. In my email of 13 November 2015 at 10:09 I asked Mark Underwood and Steve Allchorn for their views on whether they considered any report to Tim Parker would be necessary at that stage, and indicated that I would have deferred to Jane MacLeod as to whether any update was required [POL00153638].

### **Impact of potential postmaster litigation on the Swift Review**

205 On 19 November 2015, I was copied into an email from Jane MacLeod to Mark Davies, which forwarded an email from a journalist requesting comment on an announcement by the JFSA that they would be commencing litigation against POL. In her email, Jane MacLeod sought to canvass opinion on the risks and



potential liability arising from the litigation. On 20 November 2015, Rodric Williams responded to Jane MacLeod 's email with, in his words, "*a couple of preliminary thoughts*", and noted that "*We should seriously consider suspending Tim Parker's review...we should be very careful about generating through the TP review material which is disclosable in the civil action*". I did not have a view on this suggestion as I was, and am, not a litigator. However, I could see that the litigation would change the backdrop against which the Swift Review follow-up work was taking place and that this might well have implications for whether and how it was to be taken forward. However, this view was not based on any particular expertise in, or insights about, litigation or its attendant disclosure obligations about which I know very little.

206 Mark Underwood and I had regular update meetings at a working level with Christopher Knight to discuss the progress of the Swift Review, and how we might facilitate their ongoing work through, for example, the provision of information and/or arranging meetings with key stakeholders. Occasionally these meetings would also be attended by Sir Jonathan Swift and Jane MacLeod. One such review meeting took place on 2 December 2015, for which I circulated the agenda [POL00158278]. Item 4 on the agenda circulated for this meeting sought counsel's view on what impact, if any, the threatened postmaster litigation would have on the Swift Review, "*as of now*" and "*if [a] letter of action [is] received?*" [POL00158279]. I cannot recall what counsel advised about this item at the meeting. However, I suspect that counsel's advice, as reflected in later correspondence [POL00103324], was that the

litigation could have an impact because there would almost certainly be an overlap between the follow up work to the Swift Review and the matters to be litigated so if and when a letter of claim was received we should seek advice from whoever was then instructed to advise POL on the litigation. As discussed in paragraphs 221 to 226 below, a decision was later taken for work arising from the Swift Review to be addressed through equivalent work taken forward in response to the Group Litigation.

### **The final report and recommendations**

207 The findings and conclusions from the Swift Review were compiled in the Swift Review Report [POL00006355]. Sir Jonathan Swift made eight recommendations for further steps POL could take in respect of its response to the handling of the sub-postmasters' complaints about Horizon. POL produced a summary table of the recommendations from the Swift Review, which included a proposal for what action should be undertaken to address each recommendation [POL00103106].

208 Having reviewed Jane MacLeod's email to Tim Parker of 22 January 2016, I am reminded that Tim Parker received a first draft of the Swift Review Report in the week commencing 11 January 2016 when he indicated that he wished to accept all the recommendations in the report and take them forward where possible [POL00103110].

209 Jane MacLeod's email to Tim Parker noted that on 20 January 2016 a pre-brief meeting with BIS officials about the progress of the Swift Review had taken

place. I cannot remember whether or not I attended this meeting. Her email also noted that, at this pre-brief meeting, BIS officials had been advised that *“the [Swift] review is being conducted for [Tim Parker] personally”*. This reflects my understanding that the Swift Review was undertaken personally for Tim Parker, as discussed at paragraph 181 above, and therefore did not fall to be disclosed to the POL Board.

210 On 22 January 2016 Jane MacLeod spoke with Sir Jonathan Swift to discuss how POL should take forward the recommendations in the Swift Review Report. They had also discussed whether there were any limitations on the extent to which Tim Parker could brief the Minister on the Swift Review. This was to inform Tim Parker’s meeting with Baroness Neville-Rolfe on 26 January 2016 (see paragraph 211 below). Jane MacLeod emailed Tim Parker on 22 January 2016 with a summary of the discussion with Sir Jonathan Swift, which reflects his advice that any update to the Minister should be verbal to avoid the risk of it otherwise being disclosable under a freedom of information request [POL00103110]. Jane MacLeod attached an updated version of the table containing POL’s proposals to address the Swift Review’s recommendations, which had been agreed by Sir Jonathan Swift [POL00103111]. [POL00103110] indicates that Jane MacLeod forwarded this email and the attachment to Paula Vennells immediately after it was sent to Tim Parker.

211 POL also liaised with ShEx from time to time to provide updates on the progress with the Swift Review and its anticipated conclusions. For example, following Tim Parker’s meeting with Baroness Neville-Rolfe on 26 January 2016, I then

spoke with Laura Thompson, who had been present at the meeting. I can see from [POL00027116] that on 26 January 2016 I emailed the note of my discussion with Laura Thompson, in which she reported on the meeting between Tim Parker and Baroness Neville-Rolfe, to my POL colleagues. I was generally POL's point of contact at working level with ShEx/BIS in respect of the Swift Review, as I had been with the Scheme, and my main point of contact at SheX//BIS was Laura Thompson and sometimes Richard Callard. I do not believe that I communicated with MPs about the Swift Review.

212 On 5 February 2016, Jane MacLeod emailed Tim Parker setting out a summary of the actions being taken to address each of the recommendations from the Swift Review Report [POL00153884]. It appears that I, along with Rodric Williams and Mark Underwood, had shared information with Jane MacLeod which she had found helpful in composing her email.

213 My recollection is that recommendations one and two were progressed by Rodric Williams, who instructed Brian Altman KC. To address recommendation seven, Bond Dickinson were instructed to prepare a report to assess whether misleading advice was given to sub-postmasters by NBSC call handlers. This report was subsequently shared with Sir Jonathan Swift on 3 June 2016, who then confirmed by return email on 21 June 2016 that he was content that discharged this recommendation [POL00104091].

214 I was involved in preliminary discussions with Deloitte who were instructed to progress with recommendations three, four, five, and eight. My role in respect

of this is discussed at paragraphs 228 to 240 below in relation to Project Bramble.

215 On 19 February 2016, Mark Underwood emailed Sir Jonathan Swift to seek his views on a draft letter for Tim Parker to send to Baroness Neville-Rolfe to brief her on the outcome of the Swift Review, which included a high-level summary of its findings and of further work then being undertaken [POL00103131 & POL00103132]. I drafted the letter with input and assistance from POL colleagues (Mark Underwood's covering email makes it clear that the draft had been a collective effort), which was shared with Sir Jonathan Swift. I am not sure exactly why it would have fallen to me to draft this letter, although I was well placed to do so given that I had held a coordination role from the POL side in respect of the Swift Review throughout this exercise, so was familiar with its purpose, issues, findings and recommendations.

216 On 24 February 2016 Sir Jonathan Swift responded to Mark Underwood and shared a marked-up version of the draft letter, with his amendments in tracked change [POL00131715]. In his covering email, he made clear that his tracked changes were suggestions, and that POL should "*feel free to adopt/or not, as you consider appropriate*" [POL00103134]. It seems reasonable to infer that if Sir Jonathan Swift had attached great significance to any of his proposed amendments, he would have made this clear in his covering email.

217 In his marked-up version of the draft letter, Sir Jonathan Swift proposed that POL remove the following text:

*“However nothing in the materials we reviewed suggested that there is any evidence that the Horizon system was responsible for those losses which resulted in convictions. In addition, we have seen evidence that Post Office’s policy and practice in respect of disclosure of information were effective in ensuring that those facing prosecutions were not deprived of information or evidence which would have been helpful to them in their defence”.*

He proposed it should be replaced by the following text:

*“The Post Office has previously taken advice from solicitors and Leading Counsel expert in criminal law on the adequacy of the Post Office’s policy and practice on disclosure where it acts as prosecutor. Based on that I am satisfied that proper disclosure was made”.*

218 I understand that, by this proposed amendment, Sir Jonathan Swift was stating more precisely, in terms of his findings, that he was satisfied that POL had taken expert advice on disclosure, which provided the basis for being satisfied that proper disclosure was made. Had he seen evidence to suggest that Horizon was responsible for losses which resulted in convictions, then Sir Jonathan Swift would not have made this statement.

219 I have been asked to explain the reasons for why some of the wording proposed by Sir Jonathan Swift in his marked-up version of the draft letter to Baroness Neville-Rolfe was changed in the final version of the letter that was sent on 4 March 2016. I have reviewed documents which show that a version of the letter

which incorporated the proposed wording of Sir Jonathan Swift was sent to, and approved by, Tim Parker on 1 March 2016 [POL00103138] [POL00240197]. It appears that Rodric Williams subsequently amended the letter before it was sent. A version of the letter with Rodric Williams' amendments in tracked change, was shared with Jane MacLeod and I on 2 March 2016 [POL00240226] [POL00240227]. The final letter was reviewed and approved by Jane MacLeod. In any event, the wording included in the letter which was sent to Baroness Neville-Rolfe is consistent with the findings of the Swift Review Report, as stated in paragraph 95, which provides that "...POL is entitled to note at this point in time that there is no evidence that the Horizon system - i.e. the computer system - is responsible for the losses which have resulted in convictions".

220 Following receipt of the letter before claim POL sought advice from leading counsel on the question of what impact the postmaster litigation would have on the way in which the Swift Review was to be conducted. On 24 May 2016 Rodric Williams emailed Sir Jonathan Swift, with Christopher Knight, Jane MacLeod and me in copy, to provide an update on POL's progress with the eight recommendations made in the Swift Review Report [POL00103207]. In this email, Rodric Williams also sought advice on whether, in light of the sub-postmaster litigation, it was "*reasonable for POL to address any further steps it might reasonably take in respect of the SPMR cases through the proceedings, rather than in response to your report and recommendation?*". On 27 May 2016 Jane MacLeod spoke with Sir Jonathan Swift to ask his advice on this point.



Jane MacLeod emailed Tim Parker later that day to share Sir Jonathan Swift's advice that Anthony de Garr Robinson KC, the barrister retained to advise POL on its defence to the sub-postmaster proceedings, "*should first be requested to advise POL whether in light of the litigation, the various work teams [sic] should be continued, paused or re-defined*" [POL00168551].

### **The impact of the Group Litigation**

221 On 28 April 2016, the sub-postmasters' group litigation Claim was served on POL.

222 On 27 May 2016 Jane MacLeod sent an email to Tim Parker [POL00168551] which demonstrates clearly that POL was concerned about how best to take forward the work streams arising from the Swift Review, whilst being mindful of the impending litigation. My own view, at the time and now, is that POL was committed to carrying out the recommendations of the Swift Review.

223 Sir Jonathan Swift had suggested to POL that it seek advice from Anthony de Garr Robinson KC [POL00168551]. On 9 June 2016 Jane MacLeod attended a conference with Anthony de Garr Robinson KC to discuss the sub-postmaster litigation, during which he was asked for advice on whether the work being done for the purposes of the Swift Review should be continued. On 10 June 2016 Jane MacLeod emailed Tim Parker to convey Anthony de Garr Robinson KC's "*strong advice...that the work being undertaken under the aegis of your review should not continue in light of the litigation.*" [POL00168551]. The email

indicates that he felt the subject matter of the work should be continued and carried out in preparation for the litigation rather than as a standalone exercise.

224 A letter from Bond Dickinson LLP to POL, dated 21 June 2016, also confirmed the “*very strong advice*” of Anthony de Garr Robinson KC was “*that Mr Parker’s review should cease immediately*”, together with his advice that “*it would still be prudent for Post Office to implement the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 8<sup>th</sup> recommendations of Mr Swift...as appropriately adapted to meet the needs of the litigation*” [POL00022751]. The Bond Dickinson LLP letter also expanded on Anthony de Garr Robinson KC’s advice, stating that the work on implementing the Swift Review recommendations “*should be instructed and overseen exclusively by Post Office’s legal team...so as to maximise the prospect of asserting privilege over this work and protect against the risk that material related to these actions could be disclosed to the Claimants in the Group Action.*”

225 On 21 June 2016 Tim Parker wrote to Baroness Neville-Rolfe to confirm that he had “*instructed that the work undertaken pursuant to my review should now stop*”, on the basis of “*very strong advice from Leading Counsel*” that this work “*should come to an immediate end, and instead address the issues through the equivalent work taken forward in the litigation*” [POL00022776]. I had no reason to think that the steps taken on the advice of leading counsel were anything other than standard behaviour by a corporate entity in the face of litigation.

226 The decision to redirect work on the Swift Review recommendations was sense checked with Jonathan Swift KC. On 26 July 2016, Rodric Williams emailed Sir Jonathan Swift and Christopher Knight, attaching Bond Dickinson’s letter of 21

June 2016, to update them that following the advice of Anthony de Garr Robinson KC, *“the Chairman instructed that the work being undertaken in response to your recommendations should end, and instead be addressed through equivalent work taken forward in the Group Litigation.”* [POL00103324].

In this email, Rodric Williams asked whether this approach raised any issues.

Sir Jonathan Swift responded the same day to confirm that *“as we discussed [on 27 May 2016], counsel instructed on the litigation are much better pleased to make this type of judgement”*.

227 I held the view that POL should proactively disclose the Swift Review Report to the CCRC, as demonstrated by email to Mark Underwood, Rodric Williams and Jane MacLeod of 5 April 2016 [POL00153946].

### **DELOITTE PROJECT BRAMBLE**

228 Project Bramble was set up to help satisfy the recommendations of the Swift Review relating to suspense accounts, transaction logs review, balancing transactions, and audit store controls (recommendations three, four, five, and eight) [POL00153883].

229 POL instructed Deloitte to carry out the investigation and I am reminded by [POL00153883] that on 4 February 2016, I ran a meeting that led to the initiation of Project Bramble. I do not recall being specifically appointed to initiate the work; instead, it was a continuation of my work on the Swift Review.

The meeting was attended by me and my POL colleagues, Gary Hooton, Mark Underwood, as well as Rod Ismay (remotely, I believe). Jon Wear, Andrew

Whitton and Mark Westbrook attended from Deloitte. It took place before the finalisation of the Swift Review and I believe this was because we anticipated that Tim Parker would want POL to get on the front foot and make rapid progress with the recommendations made by Sir Jonathan Swift, which had already been provided to us in draft.

230 During the course of the meeting I believe that I would have explained the context of Project Bramble in light of the Swift Review Report and the Scheme. The agenda at [POL00153883] indicates that I emphasised that the whole exercise was legally privileged and related to matters of genuine sensitivity. It seemed to me that, since Sir Jonathan Swift had prepared and presented his report to Tim Parker on a privileged basis it followed that any follow-up work that flowed from it should also be undertaken on a privileged basis. There was no discussion about needing to protect the work; I believe it was taken as read. I did not question the fact that it needed to be privileged because there was a threat of litigation and no reason to think that asserting privilege was any way remarkable.

231 I cannot recall the specifics but I am confident that we would have received specific advice about treating the information sensitively; however, if we did I imagine it would have been given by our in-house legal team as well as Andrew Parsons. I do not believe that, either before or after the meeting, we thought about whether or not the output of Project Bramble would be published because it was intended to be an internal report which would contain information

connected to the operation of the Horizon system which would also be commercially sensitive.

232 I was keen to ensure that the recommendations were discharged expeditiously, and I believe I maintained a general interest in the progress of the report; however, after initiating Project Bramble, going forward I was not particularly engaged in the details for the reasons set out below. Instead, my colleague Mark Underwood assumed the role of internal point-person on the POL side in its interface with Deloitte.

233 I can see from the documents provided to me by the Inquiry that Deloitte in fact went on to prepare a number of draft reports, which include:

- Deloitte's Sparrow Interim Report dated 8 July 2016;
- Bramble Interim Report dated 27 July 2016;
- Bramble Draft Report dated 31 October 2016;
- Bramble Draft Report dated 1 September 2017;
- Bramble Draft Report dated 3 October 2017;
- Bramble Draft Report dated 15 December 2017; And
- Bramble Draft Report dated 19 January 2018

234 I do not know whether a final report was ever prepared.

235 At the time when Deloitte produced the Sparrow Interim Report dated 8 July 2016, I had been appointed as Deputy Corporate Service Director in the Corporate Services Group and the focus of my work changed, for instance I was helping Jane MacLeod integrate new teams within a larger function. While

I was no longer involved in a detailed way, I would have been aware of Project Bramble in the background, and I would have maintained some level of interest in it as I mention in paragraph 232 above.

236 By the time the Bramble Draft Report dated 1 September 2017 was produced, I had moved roles again to become Corporate Affairs Director. At this point, Project Bramble was no longer taking place within my function and, while I may have been vaguely aware that it was likely to be ongoing, I had no further involvement in it. I do not recollect it even coming up in the meetings I was by then attending.

237 At the time of the Bramble Draft Report dated 19 January 2018 was prepared, I would have been completely removed from Project Bramble, and I was unaware that it had gone on for so long.

238 I do not recall reading the reports or, if I did, I did not read them to a sufficient degree of granularity. The last memory I have of my understanding of the content of the Project Bramble reports was that the controls in relation to remote access and the management of the system were tight, if not technically perfect. I think I was broadly aware of the fact that whatever 'invisible' remote access was found to be technically possible could only be undertaken by Fujitsu staff with a real determination to overcome a multiplicity of technical hurdles and significant security controls. In the absence of any obviously compelling and/or rational motive for going to such lengths, it was not immediately apparent at the time that remote access by Fujitsu staff could credibly account for losses in multiple branches.

239 I did not consider whether any of the issues raised in the reports should be disclosed to convicted sub-postmasters or the claimants in the Group Litigation proceedings, not because of any lack of care or integrity on my part, but simply because the question would never have been put to me as someone who was unqualified to make any such determination and far removed from the litigation.

240 I did not give the reports or a briefing about the reports to anyone within the POL senior management, the POL Board, UKGI or BEIS because I only initiated Project Bramble and was no longer involved with it once I moved roles. However, I would have reported back to Jane MacLeod, Mark Westbrook (from Deloitte), Andrew Whitton, Rod Ismay and Andrew Parsons about setting up Project Bramble.

### **Freedom of Information**

241 On 7 October 2014, I emailed Rhiannon Kett of Bond Dickinson LLP about a FOIR that POL received [POL00101446]. Fujitsu had advised that disclosure would not prejudice their commercial interest, but I wanted to clarify whether there were grounds to use sections 43(2) and 31 of the FOIA. I am unable to recall precisely what the FOIR which prompted this email chain was, but judging from its content it was for Second Sight's interim report.

242 On 27 March 2015, POL received a FOIR from Scott Darlington. Mr Darlington requested a full copy of Second Sight's Part Two report. This report was long in the making, and there was heightened interest about it because some



participants in the Scheme wanted to wait until the report was published to decide how to conduct mediation.

243 On the same day, Andrew Parsons emailed and said that his initial reaction was that he did not think we should share the report with Mr Darlington [POL00151730]. He considered Mr Darlington was trying to circumvent the Scheme's processes.

244 I participated in the decision about how to handle Mr Darlington's FOIR and I believe that I sought/would have sought advice from internal lawyers about legitimate grounds under which it might be possible to withhold the report until such time as it had been through its final round of amendments and been finalised.

245 Tom Wechsler's view – explained in response to Andrew Parsons' email – was that it appeared Mr Darlington was trying to obtain a draft version of the report so he could compare it to a potentially amended final report, in order to identify any differences, and potentially contend that Second Sight has been "gagged", to use Tom Wechsler's words.

246 I do not recall what happened after this and am unsure if it led to anything, as the Part Two Report was published shortly after, on 9 April 2015.

247 At the relevant time, I did not lead on FOIR. However, when I worked more directly with Jane MacLeod as Deputy Corporate Services Director the team tasked with coordinating responses to FOIRs came under my wing. This required me to ensure that our processes for responding to FOIRs were working

effectively in accordance with the requirements of the legislation. I had a lot of experience working on freedom of information issues when I worked at the MOJ, which is why Tom Wechsler refers to me as a *"genuine expert in FoI"*. Tom Wechsler worked at the MOJ at the same time as me and was aware that I was heavily involved with preparations for the commencement of the FOIA on 1 January 2005.

## **THE GROUP LITIGATION**

### **Involvement in POL's conduct of the group litigation and the PLSG**

248 In June 2016, following my participation in the Scheme and Swift Review, I was asked to join the Postmaster Litigation Steering Group ("**PLSG**") in my capacity as a member of the Corporate Services Group.

249 My understanding of the PLSG was that it was intended to act as a working group to inform the key issues connected to the sub-postmasters' claim ("**the Claim**") in the early stages of the litigation, in order to assist POL's legal team take forward POL's response to the Claim. This was chiefly a legal exercise led by POL's internal legal team with external input from Andrew Parsons of Bond Dickinson LLP and Anthony de Garr Robinson KC. The group was asked for their views on a range of issues including, I think, various pre-litigation legal applications such as orders for costs though I do not remember the detail.

250 The external legal team, together with POL's legal team, had the greatest influence on the running of the group and the contributions made to it. The usual course of PLSG meetings was for Rodric Williams to circulate an agenda setting

out what the members of the PLSG needed to discuss and where input or advice was needed. For example, Bond Dickinson LLP would need to understand all aspects of our operations, from how we recruited, trained and supported postmasters; details of how some of our products worked; and, how our contract with suppliers, including Fujitsu, was structured and what provided. Bond Dickinson LLP was also responsible for drafting a 'one-pager', which consisted of briefing notes to inform the conversations and decisions (see email from Andrew Parsons on 13 July 2016 [POL00024988]).

251 Each member of the PLSG was a subject matter expert, selected to provide support and act as a gateway into the function of their POL business area, to enable the legal team to acquire specific knowledge that might assist in preparations for litigation [POL00025509]. As I recall, either Rodric Williams and/or Jane MacLeod determined the architecture of the PSLG. Tom Moran (General Manager) was appointed to Chair the PLSG because of his general seniority and understanding of how POL worked in practice; Rob Houghton was our IT expert; Angela van den Bogerd was looking at the support given to sub-postmasters and was well acquainted with the issues that the litigation would touch on; and Tom Wechsler had previously been involved with the Scheme and was now acting as the Chief of Staff to the CEO, Paula Vennells.

252 Because of the nature of the issues at the centre of the Claim – namely legal, IT, finance, and accounting issues – I was not a relevant subject expert, and therefore my involvement with the PLSG was limited. My recollection is that I did not make any significant or determinative contributions to the conduct of the

group and litigation strategy, beyond my previous involvement in the Scheme where I could offer an element of insight.

253 I had a very limited role in making drafting suggestions or otherwise reacting to PSLG documents. I may have discussed issues outlined in these documents in the course of colleague-to-colleague conversations.

254 The Terms of Reference of the group [page 2, POL00025509], when seen on paper look methodical and set; however, in practice and over time, they evolved and became increasingly run by external counsel.

255 As I lacked the relevant technical knowledge, I became even less involved in the PLSG's work over time because it became more about running a litigation exercise, and so there was very little I could offer or was needed for. My engagement with and input into the group remained tangential to my day to day role.

#### **Role and responsibilities in relation to the Group Litigation**

256 The Letter of Claim from Freeths dated 28 April 2016 [POL00025510 & POL00025511] was circulated to members of the PLSG in an email from Rodric Williams on 6 June 2016 [POL00025507] and it was apparent that all previous resolution efforts had not succeeded. I do not recall if I read the Letter of Claim in its totality or not: it was not expected that I would since litigation was not part of my day-to-day role. However, having seen the document [POL00023488] I can see that I provided some limited comments on POL's draft Letter of

Response to Tom Moran in response to Andrew Parsons' request to provide comments by the following PLSG meeting [POL00023490].

257 Around the time when POL's Letter of Response was being prepared there was some concern about whether new information relating to remote access had come to light. Work was undertaken to understand the extent to which this was consistent with what had previously been said publicly by POL on this issue. This is reflected in the email exchange between Jane MacLeod and Andrew Parsons of 29 July 2016 [POL00110482]. Although I was copied into this email exchange, I do appear to have engaged with it.

258 All of the significant decisions made with respect to the management of litigation and the strategy as a whole were accountable to the CEO and the Board. At the relevant time, Richard Callard of UKGI sat on the POL Board with Paula Vennells and Tim Parker, along with others. I was not involved in conversations at that level.

259 My own role was at a working level and included sharing information and providing updates about the ongoing Group Litigation upon request, although the non-lawyer contributions required from Corporate Services were extremely limited. While not formally part of either of our roles, Mark Underwood and I were also continued to act as points of contact for UKGI in respect of this aspect of POL's work and we typically engaged with either Laura Thompson or Richard Callard. My email to Jane MacLeod on 8 July 2016 [POL00024911], reflects that I liaised between Laura Thompson and POL, including Jane Hill, Head of Public Affairs, and Mike Granville, Head of Corporate Affairs.

### **Involvement in POL's general litigation strategy**

260 I am asked a series of questions about my involvement in POL's general litigation strategy, and I set out my responses immediately below.

261 I had limited if any formal input into the decisions taken with respect to POL's litigation strategy, including how it dealt with disclosure or the preparation of expert evidence within the context of the two trials, or the recusal application with respect to Justice Fraser.

262 For completeness, I do recall having informal conversations, colleague-to-colleague, as the decisions unfolded within the context of the two trials; however, I was not part of the decision-making process. These conversations consisted of updates and, later on, the sharing of views on what we believed, at the time, to be the surprising outcome of the Common Issues Trial which had not been predicted by POL or its legal teams, even as a worst-case scenario.

263 The Board led POL's legal strategy as well and took all material decisions including to seek the recusal of Justice Fraser.

264 Decision-making about disclosure and expert evidence fell within the remit of the external legal team (Bond Dickinson LLP and Anthony De Garr Robinson KC), Jane MacLeod and Rodric Williams. I don't recall having any involvement in these decisions.

265 I do not believe that these responsibilities in decision-making shifted over the course of the two trials.

## **Oversight and Disclosure**

266 My involvement with the group litigation, including the oversight of the drafting of POL's Generic Defence and Counterclaim (the "**Defence and Counterclaim**") remained limited and tangential because the conduct of litigation did not fall within my remit.

## **Involvement in the Defence and Counterclaim**

267 I was kept in the loop as a representative of the Corporate Services group within the PLSG, as the Defence and Counterclaim was being drafted, because of the of my earlier involvement with the Scheme. This mostly occurred through being copied into email correspondence between our internal and external legal teams, which included Jane MacLeod, Mark Underwood, Rodric Williams, and Andrew Parsons.

268 I do not recall if I read all the emails with respect to the Defence and Counterclaim. As this was a predominantly legal exercise with subject matter experts brought in as a when needed to plug the gaps in relevant POL company knowledge, it was not expected that I would review every email and attachment and provide my views since it was not a central part of my day-to-day role.

269 With respect to the drafting of the Defence and Counterclaim, my recollection is consistent with what is outlined in Jane MacLeod's email to Andrew Parsons on 14 July 2017 [POL00024627]. Having seen the documents provided to me by POL, I can see that I offered to review the draft Defence [POL00154156] and provided my comments. My email to Andrew Parsons on 13 July 2017



[POL00117755] reflects the scope and nature of the input that I would have offered.

270 I recall that there were PSLG meetings and briefings held with respect to the Defence and Counterclaim. I do not believe I attended the briefing of the General Executive by Jane MacLeod and Andrew Parsons, which is mentioned in an email from Jane MacLeod to Andrew Parsons on 14 July 2017 [POL00024627].

271 Whilst I had an understanding of some of the issues and pleadings outlined in the Defence and Counterclaim, and would have informally discussed them in the course of colleague-to-colleague conversations, I had a negligible role in its drafting and no role in the decision making as to what points POL raised in the Defence and Counterclaim.

**Involvement in decisions with respect to disclosure within the context of the trials**

272 My involvement in any discussions relating to disclosure in relation to the Group Litigation is set out below and was limited and did not extend to decision-making because any significant or determinative contributions to discussions and decisions would have been made by the executive and legal teams and those with expertise in IT, finance, and accounting.

273 I recall attending meetings in my capacity as a member of the PLSG where the Group Litigation and POL's strategy with respect to disclosure was discussed, however I would not have engaged in these discussions and, since it was not

my area of expertise I am unlikely to have listened closely to the details of the discussion.

274 I recall, for example, attending the meeting on 16 October 2017 where there was an update on POL's litigation strategy [POL00006431] which included some discussion around disclosure. However, I cannot recall very much of what was said, only that there was discussion around the high volume of disclosure that Freeths / the Claimants were requesting and how costly of an exercise it would have been for POL to comply. I do not believe that I would have been actively engaged in these discussions.

275 In relation to the specific aspects of disclosure I am asked about, my knowledge of Fujitsu's Known Error Log ("**KEL**") was and remains limited. I had a layman's understanding of what it was in so far as it had become part of the lexicon around the time of the Group Litigation and I would hear the term referred to in conversation around POL. In meetings, people with the relevant expertise would contribute to the discussion as and when these topics arose, but as my knowledge in this area was limited, I did not actively engage with or immerse myself in the detail. As such, I would not have been approached for my views on the subject. I did provide my comments on a draft public statement which dealt with issues of disclosure of KEL documents. The original text was drafted by Melanie Corfield, and after providing input to the best of my ability and knowledge, I passed it on to Ben Foat and Mark Davies for their final review. [POL00285929].

276 I cannot recall when I first heard about the KEL or who had told me about it. It likely was brought up during the course of a PLSG meeting, but I cannot say for sure. My understanding was that the KEL was a repository for identifying every day, non-impactful or significantly disruptive IT bugs, as and when someone came across an issue. My understanding at the time reflects what was stated at paragraphs 36 and 37 in the fourth witness statement of Andrew Parsons [POL00000444], that the KEL was more of a living document that was continuously updated and changed rather than a storage database, and that POL would not have had access to the KEL. I also understood that the KEL would not have held data on branch accounts or actual transaction data, but what I do not know is whether or not it held information which was relevant to branch accounts. I would not have had a role in determining its significance and therefore the decisions and details with respect to its disclosure.

277 My understanding of the PEAK database in terms of what it was and its significance, was less well developed than in relation to the KEL. I do not recall the PEAK database being discussed in the meetings I attended during that time and I do not recall having sight of the letter from Bond Dickinson LLP dated 28 November 2018 [POL00003363] until it was shared with my solicitors within the context of this Inquiry.

### **Common Issues trial**

278 In the context of my role as a programme manager of the Scheme, I was tasked with providing information about the Scheme to government stakeholders upon request. When the Group Litigation trials commenced, I continued in this role,

now as the Corporate Affairs Director, to act as a conduit between POL and government stakeholders on a range of topics including, at times, the litigation. Meetings, like the one referred to in my email to Jane MacLeod on 21 February 2018 [POL00154252], were held with POL's legal team to establish a practical way to keep the government stakeholders informed of the progress of the trials. The Draft Indicative Agenda attached to my email of 21 February 2018 [POL00154253] would be reflective of the type of information that was shared during these meetings.

279 As can be seen in the email exchange from 28 August 2018 [POL00024179], I would help Jane MacLeod facilitate the flow of information between POL's internal and external legal teams to key government stakeholders. Often this would happen through briefings of Paula Vennells who would then meet with ministers and / or the Permanent Secretary at the time, Alex Chisolm.

280 Because of the obvious issues around sharing privileged information, we had to strike a balance between the desire to be forthcoming to the stakeholders and adhering to the protocol of sharing confidential and privileged information in the context of active litigation. There was a lot of back-and-forth internally and also with the Department to establish the level of detail that could be shared. I was not involved in the drafting of the Information Sharing Protocol [UKGI00007924].

281 I believe the Group Litigation would have been one of a number of things on the agenda for discussion during briefings with the Minister and there would have been a limited amount of time to share updates. Jane MacLeod's email to

Alice Cookson on 24 August 2018 [POL00024179] reflects the level of detail about the Group Litigation which would have been shared.

282 Eventually POL's in-house legal team and UKGI would have been corresponding directly with the Department and there would have been no need for my continued involvement.

283 Apart from these duties, my attendance at PLSG meetings and being copied into correspondence, I was not involved in any other sub-committee or roles involving the Group Litigation. I very rarely attended Board meetings, the only two occasions which appear relevant in this context are the Postmaster Litigation Subcommittee meeting on 15 May 2018 [POL00006754] which, from memory, was the first, and more comprehensive outline of how the Group Litigation was going to be run, and a meeting at which the Swift Review was considered.

284 I recall hearing about the judgment of Justice Fraser which was critical of POL's conduct during the Common Issues trial. I was not involved in any formal discussions or decision-making with respect to POL's response to these criticisms.

285 From conversations with colleagues, I was aware of POL's decision to seek the recusal of Justice Fraser. Rodric Williams also updated me, Jane MacLeod, Angela van den Bogerd, Mark Davies, Mark Underwood, and others about the recusal application on the day it was being heard [POL00359910]. I broadly understood the process around it, again through general conversation with

colleagues. I knew that it was the professional judgement of POL's external lawyers that POL should seek recusal as well as an appeal because Justice Fraser's judgment was so far outside the ballpark of expected outcomes and was not expressed in neutral terms. I understood that POL wanted to satisfy itself before taking such a step and make sure that it was on solid ground by seeking advice from our external legal team.

286 I had no other involvement with the preparation, strategy, discussions, and decision-making in the context of the Common Issues trial.

### **Rapid Response Team**

287 The purpose of the Rapid Response Team ("**RRT**") was to ensure that the business side of POL was prepared for the outcomes of the judgement of the two trials from an operational, commercial, and reputational standpoint, and that the appropriate steps would be taken after the judgements were handed down.

288 I do not recall very much about the RRT but I believe that I was tasked with maintaining the government stakeholder interface when and where it might be necessary.

289 During the Horizon Issues trial, I recall that there was concern within POL that, amongst all the possible outcomes, Horizon might be found not to be fit for purpose. The downstream commercial implications of a judgment of this kind would have been significant – for example, it would have affected customers, corporate clients, those contracted for business purposes, all for whom we would be in potential breach of contract. There was therefore a possibility that

there would be some business interruption after the judgments were handed down, given that POL had approximately 12 -15 million people coming through its doors. This was something POL had to take seriously.

### **Horizon Issues trial**

290 During the course of the Horizon Issues trial, I continued to attend PLSG meetings and was copied into correspondence. However, my involvement was tangential at best because of my lack of expertise and knowledge concerning the key issues.

291 I did continue to assist with communicating updates to government and parliamentary stakeholders as and when needed, however the information that was shared would have been points that were discussed amongst and agreed upon by our internal and external legal teams. I recall, for example, drafting a letter to Members of Parliament updating and reassuring them of POL's position and process in the Horizon Issues trial [POL00023629]. This letter was drafted with the benefit of the advance judgment and with possible "*comms points*" provided by Andrew Parsons in his email to me and Mark Underwood on 29 November 2019 [POL00022837].

292 I would have likely read through parts of the expert reports of Jason Coyne and / or Robert Worden on the Horizon IT System to gain a general impression of the contrast between the two, but would not have done so in great detail.

293 I had no other involvement with the preparation, strategy, discussions, and decision-making in the context of the Horizon Issues trial.



**GENERAL REFLECTIONS**

294 I have been asked to reflect on my time at POL and to set out whether, with the benefit of hindsight, I might have handled certain aspects of my work in relation to the matters being considered by the Inquiry differently. As I hope to have made clear in my statement, of the three particular phases of activity I am asked to consider in particular, I played a significant role in only one: *"How POL handled challenges to the integrity of Horizon by SPMs, Members of Parliament, journalists and members of the public"*. In that regard, I think the work I was engaged in was conducted in good faith and involved me, and others at POL, doing a significant number of sensible and reasonable things as we attempted to understand and to resolve the complaints and disputes brought forward as part of the Scheme. That in no way diminishes or detracts from the unequivocal and genuine sense of regret I feel for the distress, loss, and suffering felt by those affected in general, and by those wrongly prosecuted in particular. I therefore join myself to the apology POL has quite rightly made for its failings during this period. It is, naturally, hard to see through this darkest of chapters in the organisation's history. Nonetheless, I continue to believe in its importance in society and I know just how attached people are to their local community post office, as well as to the postmasters and postmistresses helping them behind the counters. My hope is that this Inquiry, combined with the rapid overturning of wrongful convictions and the speedier delivery of redress to all those affected, will bring us closer to the point at which the Post

Office can once again be identified as the force for good many of us considered it to be, rightly I think, for so long.

**Statement of Truth**

I believe the content of this statement to be true.

Signed: .. **GRO** .....

Dated: .. *11.04.2024* .....

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<b><u>No.</u></b>	<b><u>URN</u></b>	<b><u>Document Description</u></b>	<b><u>Control Number</u></b>
1	POL00035285	Draft Post Office Mediation Scheme, Second Sight Case Review Report for Applicant Margaret Bateman. (M020)	POL-0032220
2	POL00040448	Post Office Mediation Scheme DRAFT Second Sight - Case Review Report (Pauline THOMSON)	POL-0036930
3	POL00040446	Post Office Mediation Scheme DRAFT Second Sight - Case Review Report (Rubina SHAHEEN)	POL-0036928
4	POL00035026	Draft - Post Office Mediation Scheme - Second Sight - Case Review Report on Wendy Buffrey, Case Reference: M041	POL-0031961
5	POL00149601	Instructions to Leading Counsel to advise in	POL-BSFF-0008721

		Conference In the matter of POL complaints and Mediation Scheme	
6	POL00116814	Email to Chris Aujard, Rodric Williams, Mark R Davies and others from Patrick Bourke Re: Scheme - Con with Counsel	POL-0114611
7	POL00149688	Email from Patrick Bourke to Rodric Williams re: Judicial Review.	POL-BSFF-0008806
8	POL00307631	Email from Belinda Crowe to Patrick Bourke, Tom Wechsler CC: Belinda Crowe RE: "What if .." a JR question	POL-BSFF-0145681
9	POL00307633	Email from Belinda Crowe to Patrick Bourke, Tom Wechsler and Belinda Crowe RE: JR issues	POL-BSFF-0145683

10	POL00027369	Post Office Ltd Board Sub Committee - Initial Complaints Review and Mediation Scheme: The way forward	POL-0024010
11	POL00027153	Post Office Ltd Board - Initial Complaints Review and Mediation Scheme: Sub Committee Recommendation, prepared by Chris Aujard and Mark Davies	POL-0023794
12	POL00149685	Email from Patrick Bourke to Tom Wechsler RE: He was sat next to me.	POL-BSFF-0008803
13	POL00006575	Sparrow Sub-Committee Minutes 12 Jan 2015	POL-0017849
14	POL00117056	Email from Patrick Bourke to Tom Wechsler and Mark R Davies with email from Paula Vennels forwarded. Relates to response to Second Sight	POL-0117890

		Report and possibility of closing the scheme.	
15	POL00102065	January Options v.4 Mediation Scheme and BBC	POL-0101648
16	POL00130853	Post Office - Risks and Second Sight Report	POL-0120752
17	POL00102109	Email from Patrick Bourke to Mark R Davies and Belinda Crowe; re: Next steps	POL-0101692
18	POL00022352	Email from Patrick Bourke to Andrew Parsons, Chris Aujard and others regarding Second Sight - Contractual issues	POL-0018831
19	POL00021728	RE, Second Sight - contractual issues	POL-0018207
20	POL00006364	Bond Dickinson Note - Termination of Second Sight	POL-0017632
21	POL00223073	Email from Tom Wechsler To: Melanie Corfield, Patrick	POL-BSFF-0061136



		Bourke, Chris Aujard and others re FW: Sparrow paper for the Board - Action required	
22	POL00102254	Post Office LTD Board Project Sparrow - Update and Options Report, 2015	POL-0101837
23	POL00040938	Email chain from Andrew Parsons to Belinda Crowe, Amanda A Brown, Rodric Williams and others re Second Sight Part two and the workplan for the meeting tomorrow with second sight	POL-0037420
24	POL00040952	Email sent from Jane MacLeod to Patrick Bourke and others re: Responding to Second sight part 2	POL-0037434
25	POL00040953	Draft Letter to Second Sight (Ian) from Jane Macleod re:	POL-0037435

		Second Sights Briefing Report - part 2	
26	POL00041013	Email from Patrick Bourke to Andrew Parsons re: Draft response to second sight part 2 report of 11 March 2015 - 260315 - clean doc	POL-0037495
27	POL00041014	Reply of Post Office Limited to Second Sight's Briefing Report – Part Two (Draft)	POL-0037496
28	POL00041057	Email sent from Andrew Parsons to Patrick Bourke and others re: Comparison of POL reply	POL-0037539
29	FUJ00087144	Email chain from Pete Newsome to: Mark Underwoo1, Harvey Michael, Kevin Lenihan  CC: Patrick Bourke, Andrew RE: Second Sight's	POINQ0093315F

		final Part Two Report - your expertise required	
30	POL00226090	Letter from Patrick to Ian Henderson RE: Draft response to SS	POL-BSFF-0064153
31	POL00041059	Draft Complaint Review and Mediation Scheme Reply of Post Office Limited to Second Sight's Briefing Report – Part Two	POL-0037541
32	POL00040508	Email from Mark Underwood to Patrick Bourke, Belinda Crowe, Parsons Andrew, Sparrow Questions	POL-0036990
33	POL00040288	Briefing for Chief Executive	POL-0036770
34	POL00116788	Letter to James Arbuthnot MP from Paula Vennells RE: Complaint and Mediation Scheme.	POL-0117653
35	POL00211585	Email from Patrick Bourke to Belinda Crowe and Tom	POL-BSFF-0049648

		Wechsler re: Draft Letter CEO - JA - 291014.docx	
36	POL00116790	Steering Brief, Aims and Approach	POL-0117655
37	POL00116787	Email from Patrick Bourke to Belinda Crowe, Mark R Davies and others - Re: CEO Meeting with MPs - 17/11/14 - draft briefing	POL-0117652
38	POL00149683	Project Sparrow note	POL-BSFF-0008801
39	POL00308179	Email from Patrick Bourke to Mark R Davie - Re: Paula Notes	POL-BSFF-0146229
40	POL00308180	Note from Paula Vennells: Update for Board/Alice	POL-BSFF-0146230
41	POL00149669	Draft Advice reply to James Arbuthnot written by Patrick Bourke	POL-BSFF-0008787
42	POL00149668	Email chain from Mark Underwood to Patrick	POL-BSFF-0008786

		Bourke and Tom Wechsler re DRAFT ADVICE - PV - JA.docx.	
43	POL00006368	Advice to POL on suggested approach to criminal case mediation, by Mr Altman QC	POL-0017636
44	POL00209031	Email from Belinda Crowe to Patrick Bourke RE: Escalation points for WG [BD-4A.FID20472253]	POL-BSFF-0047094
45	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
46	POL00168751	Email from Mark R Davies to Patrick Bourke, Chris Aujard, Melanie Corfield re:  Draft Advice and Letter from PV to JA	POL-0164048

47	POL00124611	Letter regarding Draft Letter from CEO to James Arbuthnot MP	POL-0130433
48	POL00124610	Email from Patrick Bourke to Gavin Lambert and Paula Vennells, cc'd to others, regarding FW: Draft Letter - letter not attached	POL-0130432
49	POL00116853	Email from Patrick Bourke to Tom Wechsler and others - Re: JA	POL-0117712
50	UKGI00002627	Email from Richard Callard to Patrick Bourke RE: Sparrow Questions.	UKGI013441-001
51	POL00150097	Sparrow Questions for Parliamentary Debate the 17th December 2014	POL-BSFF-0009215
52	POL00150096	Email from Patrick Bourke to Belinda Crowe, Andrew Parsons, Mark Underwood re Q&A so far.	POL-BSFF-0009214

53	UKGI00002668	Email from Richard Callard to Patrick Bourke cc Belinda Crowe re Draft Q&A	UKGI013482-001
54	POL00101857	Email Chain from Melanie Corfield to Jarnail Singh, Patrick Bourke, Belinda Crowe and Others re Additional Briefing for BIS - Subject to LPP	POL-0101440
55	UKGI00002718	Email thread from Patrick Bourke to Richard Callard cc Mark Underwood and Belinda Crowe RE: FW: Sparrow Questions	UKGI013532-001
56	UKGI00002719	Sparrow Questions for Parliamentary Debate 17th December 2014	UKGI013533-001
57	UKGI00002729	Horizon Questions for Parliamentary Debate 17th December 2014.	UKGI013543-001



58	UKGI00002730	Email from Rodric Williams to Helen Lambert, Jane MacLeod, cc: Elizabeth O'Neill and others re: Litigation and Appointment - next steps	UKGI013544-001
59	UKGI00002728	Email chain from Richard Callard to Patrick Bourke cc Belinda Crowe and Mark Underwood Re: Sparrow Q&A	UKGI013542-001
60	POL00040509	Question Sheet on Horizon for Parliamentary Debate 17th December 2014	POL-0036991
61	UKGI00002743	Information Sharing Protocol - Group Litigation	UKGI013557-001
62	UKGI00002742	Email from Patrick Bourke to Richard Callard, CC Belinda Crowe Re: Q&A	UKGI013556-001

63	POL00101909	Email from Patrick Bourke to Richard Callard RE. Sparrow Actions	POL-0101492
64	POL00102166	Letter from Mr Hooper to Ms Swinson re Initial Complaint Review and Mediation Scheme	POL-0101749
65	POL00150316	Horizon Questions for Parliamentary debate 17 December 2014	POL-BSFF-0009434
66	POL00150315	Westminster Hall debate: Sub postmaster Mediation Scheme, James Arbuthnot MP. Speech	POL-BSFF-0009433
67	POL00150314	Email from Patrick Bourke to Mark R Davies, Chris Aujard, Rodric Williams and others re Westminster Hall Debate - Docs with Minister - for information ONLY.	POL-BSFF-0009432
68	POL00101944	Email from Mark R Davies to Patrick Bourke, cc'd Belinda Crowe, Chris Aujard and	POL-0101527

		others re: Jo's conversations with James Arbuthnot- actions coming out	
69	UKGI00002850	Email from Patrick Bourke to Richard Callard re. FW: Legally Privileged and Confidential - further lines for WHD	UKGI013664-001
70	POL00308923	Email chain from Jarnail Singh to Patrick Bourke re: FW: Legally Privileged and Confidential - further lines for WHD.docx	POL-BSFF-0146973
71	POL00040517	Report on Further lines for Jo Swinson MP – Westminster Hall Debate	POL-0036999
72	POL00040790	Email from Patrick Bourke to Angela Van -Den-Bogerd, Belinda Crowe, Tom Wechsler and others, re the dossier	POL-0037272

73	POL00040791	POST OFFICE RESPONSE TO WESTMINSTER HALL DEBATE COMPLAINT AND MEDIATION SCHEME	POL-0037273
74	UKGI00002943	Email from Patrick Bourke to Richard Callard cc: Belinda Crowe Re: Draft Dossier Following WHD	UKGI013757-001
75	UKGI00002944	Post Office Response to Westminster Hall Debate, Complaint and Mediation Scheme	UKGI013758-001
76	POL00040331	Initial Complaint Review and Mediation Scheme Settlement Analysis	POL-0036813
77	POL00228329	Initial Complaint review and Mediation Scheme Settlement analysis for Revti Raman Bhanote re case reference M130	POL-BSFF-0066392

78	POL00211412	Initial Complaint review and mediation scheme settlement analysis	POL-BSFF-0049475
79	POL00061838	Initial Complaint Review And Mediation Scheme Settlement Analysis - legal advice	POL-0058317
80	POL00089549	Bond Dickinson Initial Complaint Review and Mediation Scheme Settlement Analysis - Claim No. M109. Grant Alllen from Winsford Branch	POL-0086524
81	POL00046011	Initial complaint review and mediation scheme settlement analysis - Janet Skinner	POL-0042490
82	POL00158192	Email chain from Patrick Bourke to Avene O'Farrell, Chris Aujard, Tom Wechsler	POL-0146644

		and others re: RE: 5pm Sparrow meeting	
83	POL00151000	Email from Patrick Bourke to Chris Aujard, Mark R Davies, Tom Wechslen and others re: Select Committee and Future of Sparrow	POL-BSFF-0010112
84	POL00101711	Email from Patrick Bourne to Paula Vennells and Mark R Davies re: Meeting with Oliver Letwin	POL-0101294
85	POL00318364	Fwd: MP meeting	POL-BSFF-0156414
86	POL00153151	Email chain from Mark Davies to Patrick Bourke and Jane Hill re: Meeting - key points	POL-BSFF-0012263
87	POL00153164	Email from Patrick Bourke to Mark Davies and Jane Hill re: Meeting with Ian Wright MP - 8 September 2015	POL-BSFF-0012276

88	POL00153165	Notes of meeting between Iain Wright MP, Mark Davies, Jane Hill and Patrick Bourke	POL-BSFF-0012277
89	POL00026723	Letter from Mark Davies to Ian Wright, RE: Post Office Complaint and Mediation Scheme	POL-0023364
90	POL00153243	Email from Patrick Bourke to Jane Hill, Mark R Davies, Mark Underwood and others re EDM	POL-BSFF- 0012355
91	POL00153244	Letter from Mark Davies to an MP re Post Office Complaint and Mediation Scheme	POL-BSFF-0012356
92	POL00150875	Email from Patrick Bourke to Jarnail Singh, Belinda Crowe, Rodric Williams and others re PV 1989 - Mr. Harjinder Singh Butoy - FAD 453340 - Hasland (Horizon)	POL-BSFF-0009987



93	POL00150876	Letter from AVDB to Mr. Perkins re Mr. Harjinder Singh Butoy	POL-BSFF-0009988
94	POL00151752	Email from Laura Thompson to Patrick Bourke re Letter from Criminal Cases Review Commission	POL-BSFF-0010864
95	POL00027164	Letter from Baroness Neville-Rolfe DBE CMG to Paula Vennells re: invitation to meeting	POL-0023805
96	POL00152539	Email from Patrick Bourke to Tom Wechsler cc Mark R Davies, Jane MacLeod, Mark Underwood and others RE: Sparrow - PV to BNR	POL-BSFF-0011651
97	POL00152540	Draft Letter to BNR from Paula Vennells RE: Post Office Complaint and Mediation Scheme	POL-BSFF-0011652

98	POL00006583	Interim Review of CK Processes by Brian Altman QC	POL-0017668
99	POL00316805	Email from Lesley J Sewell to Mark R Davies Re: Panorama	POL-BSFF-0154855
100	POL00153064	Email from Patrick Bourke to Jane MacLeod, Mark R Davies, Mark Underwood and others re BNR letter draft	POL-BSFF-0012176
101	POL00091395	Email from Belinda Crowe to Tom Wechsler, Melanie Corfield, Patrick Bourke and others, re Strictly Private & Confidential - Subject to Privilege Arising from M008 Rivenhall	POL-0090417
102	POL00149277	Email from Patrick Bourke to Melanie Corfield, Belinda Crowe and Tom Wechsler re Remote access - reactive	POL-BSFF-0008397

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103	POL00149296	Email from Patrick Bourke to Belinda Crowe, Angela Van-Den-Bogerd, Andrew Parsons re Horizon access	POL-BSFF- 0008416
104	POL00091397	Email from Belinda Crowe to Patrick Bourke, Tom Wechsler, Rodric Williams and others re Notes for the 1600 meeting	POL-0090419
105	POL00149488	Email chain from Patrick Bourke to Mark Underwood re: Horizon questions	POL-BSFF-0008608
106	POL00149598	Email chain including Mark Underwood (POL); Patrick Bourke (POL); Tom Wechsler (POL) & others Re: Remote Access Question Raised	POL-BSFF-0008718

107	POL00149578	Email from Mark Underwood (POL) to Tom Wechsler (POL); Patrick Bourke (POL) Re: Remote access and papers and plans	POL-BSFF-0008698
108	POL00212049	Draft Initial Complaint Review and Mediation Scheme, Horizon Data	POL-BSFF-0050112
109	POL00212048	Email from Andrew Parsons to Belinda Crowe, Patrick Bourke, Andy Holt and others Re: Remote access [BD-4A.FID20472253]	POL-BSFF-0050111
110	POL00212720	Initial complaint review and mediation scheme horizon data.	POL-BSFF-0050783
111	POL00149674	Email chain from Patrick Bourke to Mark Underwood, Belinda Crowe, Tom Wechsler and others re FJ Remote Access	POL-BSFF-0008792

		conversation with James Davidson	
112	POL00062410	Email from Patrick Bourke to Mark David and others re Hansard Materials for Yesterday's Debate	POL-0058889
113	POL00041040	Email from Andrew Parsons to Patrick Bourke and others re: Questions for the call concerning the draft response to second sights report	POL-0037522
114	FUJ00081944	Email from Mark Underwood to Kevin Lenihan and others re: Second Sight Assertions About Editing Data. URGENT.	POINQ0088115F
115	POL00353224	FW: URGENT ACTION: Second Sight assertions about editing data. URGENT	POL-BSFF-0178945

116	POL00021667	Email from Mark Underwood to Pete Newsome and Michael Harvey RE: Questions from the Call	POL-0018146
117	POL00314275	Email chain from Pete Newsome to Mark Underwood cc Andrew Parsons, Patrick Bourke, Harvey Michael RE: Remote access paper	POL-BSFF-0152325
118	POL00226072	Draft response to SS	POL-BSFF-0064135
119	POL00237265	Email from Mark Westbrook to Steve Allchorn, Andrew Whitton CC: Jane MacLeod and Others RE: Jane & Patrick Discussion Pre QC Meeting	POL-BSFF-0075328
120	POL00322386	Email from Rodric Williams to Christopher Knight CC'ing Jonathan Swift, Mark Underwood and others RE: POL Chairman's Review of	POL-BSFF-0160436

		further information relating to the Complaint R3review and Mediation Scheme	
121	POL00322475	Email from Mark Underwood1 to Rodric Williams, CC Patrick Bourke re: Chairman's Review - Further Information - SUBJECT TO LEGAL PRIVILEGE	POL-BSFF-0160525
122	POL00211254	Email from Andrew Parsons to Rodric Williams, Belinda Crowe re: Horizon Access [BD-4A.FID20472253]	POL-BSFF-0049317
123	POL00149483	Email from Mark Underwood1 to Patrick Bourke RE: Remote access [BD-4A.FID20472253]	POL-BSFF-0008603
124	POL00125594	Email from Chris Aujard to Jane MacLeod, cc to Belinda Crowe, Rodric Williams and others Re: Sparrow -	POL-0131264



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125	POL00129447	Email chain from Andrew Parsons to Rodric Williams, Mark Underwood, cc Belinda Crow and others - Re: Mediation Scheme Report [BD-4A.FID26231777]	POL-0135023
126	POL00117518	Email from Rodric Williams to Patrick Bourke cc Mark Underwood re: Actions to Address Technical Challenges to Horizon	POL-0115135
127	POL00029990	Email from Andrew Parsons to Jane MacLeod and Rodric Williams and Patrick Bourke Re: Deloitte Preliminary Report	POL-0026472
128	POL00029998	Email from Andrew Parsons to Mark R Davies and others	POL-0026480

		Re: remote access wording - subject to litigation privilege	
129	POL00063478	Susan Rudkin case study: Email from Patrick Bourke to Jane MacLeod, Tom Weschler, Melanie Corfield, and others Re: CCRC Letters	POL-0059957
130	POL00156617	Instructions to Jonathan Swift QC to Advise in Consultation on 8 October 2015	POL-0145682
131	POL00041135	Letter from General Counsel POL to Baroness Neville- Rolfe RE : Post Office Complaint and Mediation Scheme	POL-0037617
132	POL00065606	Email from Patrick Bourke to Rodric Williams and Jane MacLeod re Draft Speaking	POL-0062085

		Notes for meeting with Tim Parker - Complaint Review	
133	POL00027126	Email from Jane Macleod to Paula Vennells RE FW Project sparrow	POL-0023767
134	POL00153300	Email from Patrick Bourke to Jane MacLeod, Rodric Williams and Mark Underwood1 Re: Draft to Tim parker	POL-BSFF-0012412
135	POL00153304	Letter from Jane MacLeod to Tim Parker re Project Sparrow - Barrister recommendations	POL-BSFF-0012416
136	POL00102582	A starting point for the Terms of Reference	POL-0102165
137	POL00104218	Email chain from Jane MacLeod to Jonathan Swift re: FW; Draft terms of reference	POL-0103801

138	POL00104216	Email chain Jonathan Swift to Jane MacLeod re: Draft terms of reference	POL-0103799
139	POL00102604	Email from Jane MacLeod to Jonathan Swift, Mark Underwood and others re: Post Office: note to accompany the updated and attached chronology	POL-0102187
140	POL00130957	Mediation Scheme Chronology	POL-0120801
141	POL00162692	Email from Jane MacLeod to Jonathan Swift, cc'ing Rodric Williams, Patrick Bourke and another re: Post Office - response to questions 6 & 7 of ToR	POL-0151082
142	POL00162693	POL answers to JSQC Questions 6 and 7	POL-0151083
143	POL00102616	Email from Jane MacLeod to Patrick Bourke, Rodric	POL-0102199

		Williams and Mark Underwood re: Sparrow - download from my meeting with Tim Parker and Jonathan Swift	
144	POL00153365	Draft Agenda for Meeting with Chris Knight (11KBW)	POL-BSFF-0012477
145	POL00153364	Email from Patrick Bourke to Christopher Knight, Mark Underwood and Jane MacLeod re The Post Office	POL-BSFF-0012476
146	POL00102638	Email from Patrick Bourke to Melanie Corfield cc: Mark Underwood re: FW: Post Office Matter	POL-0102221
147	POL00131182	Action Points from the Meeting with Chris Knight, 11KBW - 27 October 2015	POL-0121026
148	POL00153392	Email from Patrick Bourke to Christopher Knight, Jonathan Swift and cc'd	POL-BSFF-0012504

		Jane MacLeod and others re: RE: Post Office Matter	
149	POL00102649	Email from Jane MacLeod to Tim Parker re: Post Office - Investigation update	POL-0102232
150	POL00153429	Email trail from Mark Underwood to Patrick Bourke re: What about this ?	POL-BSFF-0012541
151	POL00153430	Email trail from Patrick Bourke to Jane MacLeod re: Update to Tim ?	POL-BSFF-0012542
152	POL00153634	Email from Christopher Knight to Patrick Bourke, Jonathan Swift, Jane MacLeod and others re Post Office Matter	POL-BSFF-0012746
153	POL00153638	Email from Mark Underwood to Patrick Bourke and Steve Allchorn re Post Office Matter	POL-BSFF-0012750

154	POL00158278	Email from Patrick Bourke to Christopher Knight, Jonathan Swift and cc;d Jane MacLeod and others re: Post Office - Telephone Conference	POL-0146569
155	POL00158279	Agenda re: Tim Parker Review - Telephone Conference 2 December 2015	POL-0146570
156	POL00103324	Email from Jonathan Swift to Rodric Williams, re: Post Office Limited - Update and Request for Further Advice.	POL-0102907
157	POL00103106	Recommendations and Proposals	POL-0102689
158	POL00103110	Email from Jane MacLeod to Paula Vennells, Mark Underwood, Rodric Williams and others re: FW:	POL-0102693



		Chairman's review - with attachment	
159	POL00103111	Annex A: POLs proposals for addressing the Report's recommendations, as agreed with Jonathan Swift QC	POL-0102694
160	POL00027116	Email from Tom Wechsler to Paula Vennells re TP/BNR - Phone call with BIS which included discussion about Sparrow	POL-0023757
161	POL00153884	Email chain from Jane MacLeod to Patrick Bourke, Rodric Williams, Mark Underwood1 and others Re: Sparrow	POL-BSFF-0012994
162	POL00104091	Email from Jonathan Swift to Mark Underwood, Christopher Knight, Patrick Bourke and others re: Private & Confidential -	POL-0103674

		Subject to Legal Privilege, Findings in relation to Recommendation Number 7	
163	POL00103131	Email from Mark Underwood to Jonathan Swift, Christopher Knight, Jane MacLeod and others re: A letter drafted for Tim Parker to send to the Minister, briefing her on the outcome of your enquiry to date	POL-0102714
164	POL00103132	Draft Letter from Mr Tim Parker to Baroness Neville- Rolfe re: Project Sparrow	POL-0102715
165	POL00131715	Draft Letter from Tim Parker to Baroness Neville Rolfe	POL-0121501
166	POL00103134	Email from Jonathan Swift to Mark Underwood, Christopher Knight, Jane MacLeod and others; re: A letter drafted for Tim Parker to send to the Minister,	POL-0102717

		briefing her on the outcome of your enquiry to date	
167	POL00103138	Email from Patrick Bourke to Jane MacLeod re Post Office - Chairman's Enquiry	POL-0102721
168	POL00240197	Draft letter from Chairman to Minister re Project Sparrow	POL-BSFF-0078260
169	POL00240226	Email chain from Mark Underwood to Rodric Williams cc Jane MacLeod Patrick Bourke RE: Post Office - Chairman's Enquiry	POL-BSFF-0078289
170	POL00240227	Draft letter re Project Sparrow	POL-BSFF-0078290
171	POL00103207	Email from Patrick Bourke to Jane MacLeod, RE: FW: Post Office Ltd- Update and Request for Further Advice	POL-0102790
172	POL00168551	Email from Jane MacLeod to Rodric Williams, Patrick	POL-0163848

		Bourke, Mark Underwood RE: Chairman's review	
173	POL00022751	Letter from Bond Dickinson LLP to POL RE: advice given on 9 June 2016 in Bates v POL litigation	POL-0019230
174	POL00022776	Letter from Tim Parker to Baroness Neville-Rolfe re update on handling postmaster's complaints	POL-0019255
175	POL00153946	Email chain from Patrick Bourke to Mark Underwood Rodric Williams Jane MacLeod RE: Sparrow Update - CCRC and Brian Altman QC	POL-BSFF-0013054
176	POL00153883	Project Sparrow - Chairman's Report Recommendations	POL-BSFF-0012993
177	POL00101446	Email from Rhiannon Kett to Patrick Bourke, cc'd Andrew	POL-0101029

		Parsons, Belinda Crowe re: 29517413_1 Legally privileged, FOIA Request - BBC leaked report - section 31 [BD.MSG	
178	POL00151730	Email from Patrick Bourke to Belinda Crowe re Freedom of Information request - Second Sight report - New Freedom of Information Request	POL-BSFF-0010842
179	POL00024988	Email from Andrew Parsons to Rodric Williams, Thomas P Moran, Andela Van-Den- Bogerd and others RE: Postmaster Litigation Steering Group - Confidential and Subject to Legal Privilege	POL-0021467
180	POL00025509	Draft Postmaster Litigation Steering Group Meeting	POL-0021988

		Terms of Reference and Membership	
181	POL00025510	Bates & Others v POL Claim Form, Claim no HQ16X01238	POL-0021989
182	POL00025511	Letter from Freeths to Rodric Williams (POL Solicitor) re: Bates & Others v Post Office Limited Group Action Letter pursuant to the practice direction on pre-action conduct	POL-0021990
183	POL00025507	Email from Rodric Williams to POL employees re Postmaster Litigation Steering Group Meeting on 7 June 2016	POL-0021986
184	POL00023488	RE, Draft Letter of Response - Confidential and Subject to Legal Priv.MSG	POL-0019967

185	POL00023490	Email from Thomas Moran to Andrew Parsons and others re: Draft Letter of Response	POL-0019969
186	POL00110482	Email from Jane MacLeod to Rob Houghton. CC'd - Rodric Williams RE: wording of Letter of response	POL-0108217
187	POL00024911	Email sent from Jane MacLeod to Patrick Bourke and others cc'd re: Tim/Minister	POL-0021390
188	POL00024627	Email from Jane MacLeod to Andrew Parsons re: PLSG meeting on Wednesday 24 May 2017 @12 in Tonbridge (1.11)	POL-0021106
189	POL00154156	Email from Patrick Bourke to Andrew Parsons, Amy Prime and Rodric Williams RE: PLSG meeting on	POL-BSFF-0013261

		Wednesday 24 May 2017 @ 12 in Tonbridge (1.11)	
190	POL00117755	Email from Patrick Bourke to Andrew Parsons, Amy Prime and Rodric Williams RE: PLSG meeting on Wednesday 24 May 2017 @ 12 in Tonbridge (1.11)	POL-0114692
191	POL00006431	Noting paper - Update on Litigation Strategy	POL-0017736
192	POL00285929	RE: Letter to Freeths and Court - KEL disclosure	POL-BSFF-0123992
193	POL00000444	4th Witness Statement of Andrew Paul Parsons (Womble Bond Dickinson), Solicitor to POL	VIS00001458
194	POL00003363	Letter from Andrew Parsons to James Hartley and Imogen Randall re: Post Office Group Litigation -	VIS00004377



		Horizon Issues Trial: Expert Reports	
195	POL00154252	Email from Patrick Bourke to Jane MacLeod, Rodric Williams and cc'ing Mark Underwood1 RE: Indicative agenda for sparrow meeting	POL-BSFF-0013351
196	POL00154253	Sparrow meeting - Draft Indicative Agenda	POL-BSFF- 0013352
197	POL00024179	Email chain between Andrew Parsons, Jane MacLeod, Patrick Bourke and others Re: Litigation.	POL-0020658
198	UKGI00007924	Information Sharing Protocol - Group Litigation	UKGI018737-001
199	POL00006754	Meeting Minutes of the Postmaster Litigation Subcommittee of POL	POL-0018012
200	POL00359910	Re: Group Litigation Update - SUBJECT TO LEGAL	POL-BSFF-0185631

		PRIVILEGE - DO NOT FORWARD	
201	POL00023629	GLO Communications - Horizon Issues Trial - Letter to MPs (Patrick Bourke) Draft version	POL-0020108
202	POL00022837	Email from Andrew Parsons to Patrick Bourke, Mark Underwood, Ben Foat and others, RE Adverse common points in the HIT judgement	POL-0019316