

Witness Name: Patrick Bourke

Statement No: WITN09830200

Dated: 2 May 2024

## POST OFFICE HORIZON IT INQUIRY

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### SECOND WITNESS STATEMENT OF PATRICK BOURKE

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I, Patrick Bourke, will say as follows:

- 1 This second witness statement (the “**Second Witness Statement**”) is made in order to amend my first witness statement, dated 11 April 2024, (the “**First Witness Statement**”).
- 2 At paragraph 134 of my First Witness Statement there is a transcription error: the year of the email I describe [POL00149296] is 2014 and not 2018.
- 3 At paragraph 144 of my First Witness Statement, I refer to an email dated 20 November 2014 10:47, from Mark Underwood to Tom Wechsler, with me in copy, attaching a paper produced by Andrew Parsons and a bulleted lists of points for public rebuttals, exhibiting a version of Andrew Parsons’ paper and its covering email [POL00212048] and [POL00212049] respectively. I now exhibit to this Second Witness Statement the version of Andrew Parsons’ paper [POL00149579] and the bulleted list [POL00149580] which were attached to

the email of 20 November 2014 10:47. At paragraph 144, I also refer to and quote from an email from Andrew Parsons of 25 November 2014 at 14:37, which I now exhibit to this Second Witness Statement [POL00149655].

4 At paragraph 157 of my First Witness Statement I refer to an email dated 10 November 2014 16:44 from Andrew Parsons which states: *"I've also had some more information from Deloitte that I have included in the note"* [POL00149483] but I had not located nor could I recall the note. I have since realised that the note referred to in [POL00149483] is a version of the note I refer to at paragraph 144, and which I exhibit to paragraph 3 of this Second Witness Statement [POL00149579].

5 References to Second Sight's Part Two Report at paragraphs 52, 54, 57 of my First Witness Statement all refer to the draft Part Two Report.

6 I also exhibit two reviews of the mediation service element of the Complaints and Mediation Scheme (the "**Scheme**") produced by John Munton, Director of Dispute Resolution Services at the Centre for Alternative Dispute Resolution ("**CEDR**") [POL00158207] [POL00078426]. The reviews – dated 24 February 2015 and 31 July 2015 – were a requirement of CEDR's contract to provide the mediation element of the Scheme, as it was felt important by a number of stakeholders, including POL, that there should be ongoing monitoring of the Scheme by CEDR because of their independence. The reviews were prepared by Mr Munton to assist the parties to the Scheme. He made a number of observations in his reviews:

- a) “On a number of the mediations that have taken place so far the subpostmaster has not fully comprehended the nature of mediation as a process and they have also been influenced by the wider campaign asserting the failings of the Horizon system. They have, therefore, sometimes attended with the expectation that they are going into a compensation process rather than a facilitated dialogue with the Post Office in which claims made by either party do require some prior notification, explanation and evidential validation.” (page 3, 31 July 2015 Review)
- b) “POL at considerable effort and expense attended a full day’s mediation and made a reasonable settlement offer in the circumstances. [The subpostmasters] requests were not realistic and [the applicant] continued to believe ....was not guilty of false accounting, despite the weight of evidence’ Mediator report extract (page 3, 31 July 2015 Review)
- c) “[The subpostmasters] expectations set by the mediation scheme steering committee were that the mediation scheme was a compensation scheme” Mediator report extract (page 4, 31 July 2015 Review)
- d) “Mr ... had highly unrealistic expectations of compensation ... this was largely created by his adviser” Mediator report extract (page 4, 31 July 2015 Review)

- e) “Having spoken to all of the mediators used so far there is a consensus that perhaps some of the cases referred to mediation under the Scheme would not have made it to that stage within a litigation process given the uncertainty over the issues and lack of evidence available.” (page 4, 31 July 2015 Review)
  
- f) “Claim appeared to relate to alleged losses but on the day the termination of an agency agreement was apparently the key issue and this did not appear to have been articulated before.” Mediator report extract (page 4, 31 July 2015 Review)
  
- g) “The basis and amount of ... claim was not clear. ... had not adduced any evidence in support of... claim.” Mediator report extract (page 4, 31 July 2015 Review)
  
- h) “Mediator reports in this Scheme suggest that subpostmaster expectations of entering a compensation dialogue are frequently at variance with the Post Office representatives’ approach of seeking credible evidence to justify claims before seeing a need to make negotiation offers.” (page 4, 31 July 2015 Review)
  
- i) “In terms of the mediations themselves it is clear from the reports that the Post Office has a willingness to explore the options, express empathy and

have constructive dialogue with the subpostmasters.” (page 6, 31 July 2015 Review)

j) “Mediation... has led to practical agreed outcomes in almost half of the cases so far conducted.” (page 7, 31 July 2015 Review)

7 Schedule 1 sets out the amendments to the Index of the Witness Statement, at page 148 of the Witness Statement, following receipt of URN, Document Descriptions and Control Number from the Inquiry.

### Schedule 1

No.	URN	Document Description	Control Number
108	<u>POL00212049</u> <u>POL00149579</u>	<del>Draft Initial Complaint Review and Mediation Scheme, Horizon Data</del> <u>Initial Complaint review and Mediation Scheme - Horizon data:</u> <u>Generic response to Second sight question re Remote Access.</u>	<u>POL-BSFF-0050112</u> <u>POL-BSFF-0008699</u>
109	<u>POL00212048</u> <u>POL00149580</u>	<del>Email from Andrew Parsons to Belinda Crowe, Patrick Bourke, Andy Holt and others Re: Remote access [BD-4A.FID20472253]</del>	<u>POL-BSFF-0050111</u> <u>POL-BSFF-0008700</u>

		<u>Answers to Questions regarding POL and FUJ Remote Access.</u>	
110	<u>POL00212720</u>  <u>POL00149655</u>	<del>Initial complaint review and mediation scheme horizon data.</del>  <u>Email chain including Mark Underwood (POL); Andrew Parsons (WBD); Tom Wechsler (POL) &amp; Others Re: Remote access by Fujitsu.</u>	<u>POL-BSFF-0050783</u>  <u>POL-BSFF-0008773</u>

**Statement of Truth**

I believe the content of this statement to be true

**Signed:** **GRO**

**Dated:** *2 MAY 2024*

**Index to Second Witness Statement of Patrick Bourke**

<b><u>No.</u></b>	<b><u>URN</u></b>	<b><u>Document Description</u></b>	<b><u>Control Number</u></b>
1.	POL00149296	Email from Patrick Bourke to Belinda Crowe, Angela Van-Den-Bogerd, Andrew Parsons re Horizon access	POL-BSFF- 0008416
2.	POL00212048	Email from Andrew Parsons to Belinda Crowe, Patrick Bourke, Andy Holt and others Re: Remote access [BD-4A.FID20472253]	POL-BSFF-0050111
3.	POL00212049	Draft Initial Complaint Review and Mediation Scheme, Horizon Data	POL-BSFF-0050112
4.	POL00149579	Initial Complaint review and Mediation Scheme - Horizon data: Generic response to Second sight question re Remote Access.	POL-BSFF-0008699
5.	POL00149580	Answers to Questions regarding POL and FUJ Remote Access.	POL-BSFF-0008700
6.	POL00149655	Email chain including Mark Underwood (POL); Andrew Parsons (WBD); Tom Wechsler (POL) & Others Re: Remote access by Fujitsu	POL-BSFF-0008773
7.	POL00149483	Email from Mark Underwood1 to Patrick Bourke RE: Remote access [BD-4A.FID20472253]	POL-BSFF-0008603
8.	POL00149579	Initial Complaint review and Mediation Scheme - Horizon data: Generic response to Second sight question re Remote Access.	POL-BSFF-0008699
9.	POL00158207	Letter from John Munton to Post Office Mediation Complaint Review Working Group Secretariat re: POST	POL-0146649



		Office Mediation Complaint Review Scheme	
10.	POL00078426	CEDR Review Letter. Letter from John Munton to Patrick Bourke RE: PO mediation Complaint Review Scheme - Review 2	POL-0074989