

Telecon IRH RJW BC AP re part 2 August 11, 2014

BELINDA CROWE: Thank you for signing in. I wanted to have -- I thought it would be a good idea to have a conference call, and this is possibly in advance of a meeting where we probably should sit down with Angela to go through part 2, but I wanted to set out to you where I'm coming from in relation to this.

So, first off, I am doing this with a Post Office hat on.

IAN HENDERSON: Okay.

BELINDA CROWE: Just so that you are absolutely clear.

And the reason that I'm doing it is, as you know, [GRO] although one of the reasons it's taking a bit of time to get back to you on this is that I did contact him about this in [GRO] and tracked him down on [GRO] doing so. So I just want to be clear that in Chris's absence someone has to pick this up for him, so that's what I'm doing.

IAN HENDERSON: Belinda, what I would say, and I know you and I have got slightly different recollections, but the working group -- what the working group had in mind was that, sort of, almost as a courtesy to Post Office and JFSA, we would give a very short period of preliminary exposure to give you an opportunity to correct any factual errors. So what we had in mind was, you know, the number of branches or, you know -- or something like that, not any comments of any substance which we would expect to see made in the more -- in the formal sort of exposure of the document, which is -- which is Phase 2.

So that's point 1. The other thing is, whilst obviously we're always very happy to talk to you

guys, because of the potential importance of part 2, I think it's absolutely vital that we have an audit trail of exactly what comments are made and -- and clearly, you know, what our updated report looks like having, sort of, considered those comments.

So whilst I'm happy to have this call, I don't want it in any way to be a substitute for a formal response from the Post Office.

BELINDA CROWE: I've got no problem with that, Ian, at all. The only process point with which I disagreed, and that is a distinct recollection, indeed one of Tony's -- so when you sit down and talk about it, is that there is a con -- there was supposed to be a conversation about it prior to going out to the working group.

Now, that conversation which you had with Andy and Angela was not on the detail of this report because Post Office --

IAN HENDERSON: No, I don't think it's been provided -- I agree.

BELINDA CROWE: So, to me, a sit-down conversation is still to happen. And so I agree with you about an audit trail, got no problem with that at all, but the sit-down conversation as -- well, I've got Andy here in any event but I've also spoken to Angela -- was primarily around four questions that you had asked us, because Post Office hadn't had a chance to look at the -- look at the report. So it wasn't on the -- on the report.

So that is -- to me, that is a process, a part of the process that has been missed and Post Office's view is we would like that to happen.

Post Office is very, very happy to set out in writing exactly what its comments are, but there's a bit that hasn't happened that should have happened.

IAN HENDERSON: Okay, maybe we've got slightly different, sort of, recollections. Certainly the intention of our meeting with Andy and Angela was to discuss those four questions and incorporate your responses into the report.

I don't recall Tony asking us to then have a second meeting to discuss the -- you know, how we dealt with those four questions in -- in the report. So I feel, and I welcome Ron's comments in a minute, that we actually have done what Tony asked us to do, which was sit down and meet with you in order to get, you know, answers to those four questions.

RON WARMINGTON: Well, Ian, thanks for that.

Well, its Elephant Warmington here. I don't forget these things. My recollection of this was it was Tony's suggestion that we had a sit-down. One thing that was not clear to me is whether, and if not why not, we would have that sit-down meeting with Post Office and not with -- with Alan present. What --

BELINDA CROWE: Sorry, Ron, just so -- the original notes that went out --

RON WARMINGTON: Yeah.

BELINDA CROWE: Sorry, Alan did -- sorry, Tony did say to Alan --

RON WARMINGTON: Yeah.

BELINDA CROWE: -- it would be good if you could join if you want to.

RON WARMINGTON: Ah, **right**.

BELINDA CROWE: And Alan said he didn't know that he would either be able to or it was --

RON WARMINGTON: Oh, that was it?

BELINDA CROWE: Sorry.

RON WARMINGTON: That makes sense. Yes, that's --

BELINDA CROWE: And so there's no problem with that at all.

RON WARMINGTON: Right, that's good. So what we did then, and this will, I'm sure, be what everybody else recalls, we said there were four. In the end there were five issues that I put in my 29 July email, which was the day before the meeting, where we said, look, yeah, there were questions, they're in various states of answer, but these were always intended to be the most -- among the most -- the items in the part 2 report that were most in need of debate. And were very serious issues.

So it was always meant to be a big chunk of the part 2 issues but I quite -- totally agree that we did not put on the table the full part 2 report at that point.

BELINDA CROWE: Okay. So -- so we may have different views of the process but -- but regardless of that, I would still like to -- I'd still like to have the conversation and -- but has your report then changed in light of the discussion with Andy and Angela?

IAN HENDERSON: Yes, and we told you in the meeting that it was going to change and that we already had some changes sort of in the pipeline that would also be incorporated. So the version I sent --

BELINDA CROWE: Are those the ones -- sorry, are those the ones that -- so, at the meeting with Andy and Angela, what you said was that you would make some amendments to the report and get them out by the Thursday evening. We got that -- I got that from you, Ian, on 5th August.

IAN HENDERSON: Yes.

BELINDA CROWE: So is that your latest version?

IAN HENDERSON: Yes.

BELINDA CROWE: Okay. So some of the issues that you discussed with Andy and Angela aren't actually in the second (unclear)?

IAN HENDERSON: No, they are. To the extent that we felt it was appropriate to reflect the comments made in the meeting.

BELINDA CROWE: Okay. And does that also include the -- that also includes the briefing, the written briefing, that Post Office has given you?

RON WARMINGTON: Yes.

BELINDA CROWE: Because I think in terms of pensions and allowances.

RON WARMINGTON: Yes.

BELINDA CROWE: Which is not -- which is not reflected in here.

IAN HENDERSON: I'm just trying to remember --

RON WARMINGTON: Yeah, I know the situation on this, Ian.

The answer is: yes, we did get the paper, which largely says, on pensions and allowances, largely it says -- or includes in it remarks along the lines of, look, you wanted to know why these things were -- failed. One of the primary reasons they failed is because we were reliant on old people that died or -- or, you know, weren't able to come to court.

Have we reflected all of that in the current version of part 2? Not completely, because we are not -- we are -- and as we have undoubtedly -- I've got it next to me, I don't even have to look at it to know this, we will have said that investigations on this matter are continuing, as indeed they are, because

we've got a load of cases that we haven't looked into yet that deal with pensions and allowances issues.

IAN HENDERSON: And Ron, that's -- more importantly also, in the meeting, Angela and possibly Andy as well agreed that they were going to go away and look at probably the legal files and establish what gave rise to the launching of the prosecutions, sort of, relating to pensions and allowances, and my question -- my specific question was, you know, was it intelligence-led? Was it a tip-off from some particular sort of source?

We need to, sort of, understand the background to it, and that was one of the things that was also, sort of -- we felt, sort of, missing in terms of the overall context.

RON WARMINGTON: So -- so although -- Andy, although --

ANDY: Sorry, sorry, can I just correct that, because I don't think that was one of the questions, in fact, because that question is addressed in the DNA notes, and so we would not have taken that one away, because we had already addressed it.

IAN HENDERSON: Okay. All I'm saying is that I raised it in the meeting and my understanding was that Angela was going to look into that but, you know --

ANDY: We left it that you guys would go away and re-review the P & A note and come back with any questions, and we haven't had any follow-up questions.

IAN HENDERSON: All right. Well, we've obviously got a slightly different understanding, which perhaps just reinforces why it's so important to, you know, maybe rely on, sort of, you know, documents rather than meetings with differing recollections.

RON WARMINGTON: And Andy, you know, the key phrase in 13.2 is "and we have asked Post Office to help us gain a deeper understanding of the cases that were

investigated", blah, blah, blah, and -- and of course we, in response to receiving the 7-pager, said to ourselves -- and said: do we actually say there -- and they have since come in with, you know, a 7-page report or whatever that says some stuff. Frankly, we looked at that and decided not to. Now --

BELINDA CROWE: Sorry, Ron.

RON WARMINGTON: Yes.

BELINDA CROWE: Can I -- if I can just stress here, every time Second Sight asks a question, a considerable amount of work goes into trying to address that question very specifically and (unclear) input into that. So it's not a question of said some stuff, it's a question of trying to give Second Sight our specific questions that they have asked, because this is -- you know, these are not matters that we take lightly at all.

So can I -- regardless of the process and accepting the need to have a proper audit trail, which I entirely am sympathetic of, the reason that I wanted to call was to set out what the Post Office's concerns are about the part 2 report and see if we can come to a way, with a properly audited trail, of addressing those, should you so choose.

Now, it's my understanding that part 2, like part 1, is -- the reason for its existence is to assist applicants during the mediation process.

IAN HENDERSON: Sorry to interrupt, I just want to make sure that what you're proposing is consistent with what the working group asked us to do, which was, you know, either a 24 or a 48-hour quick exposure to give both sides the opportunity to correct any factual errors prior to the more detailed exposure where we would be inviting sort of comments of substance.

It just strikes me that what you seem to be

proposing now falls more into the latter category rather than, you know, the former.

BELINDA CROWE: That may or may not be correct, Ian, and we may or may not have a differing understanding of what the task was, but surely what we're all concerned about is creating a document that expresses(?) the applicant. What I'd like to do is to have a conversation so that you are aware of Post Office's (unclear), and they are considerable, and that we seek if we can to address those, in an absolutely transparent way, but factual -- it's, like, factual inaccuracies are both in terms of facts that are in the report and also facts omission, and in the view of the Post Office there's a lot of information that is missing from this which, in the view of the Post Office, will not be helpful in terms of helping the mediator, and what I want to do is to surface(?) some of those concerns with you now -- no, we can surface it before the working group but there might be a way that we can address that in a way that is satisfactory to you before it comes to the working group discussion about whether or not this document does actually assist the applicant.

IAN HENDERSON: In commenting on that, there's two immediate, sort of -- sort of, thoughts.

Firstly, I think I would regard what you're describing as factual omissions as more properly falling into the category of substantive, sort of, comments on the report rather than corrections to, you know, numerical or other facts contained in the report.

You know, if we've got 60 days when it should be 42 days or the other way round, that's what we intended will be a very quick first exposure.

So my first question is: are you going to, sort of, respond to that? And if the answer is no, what we will do is quickly move to the more formal stage, where we will be inviting that more substantive

comment in accordance with the instructions or recommendations from the working group.

BELINDA CROWE: And the answer to that is yes, we will respond, but I would still appreciate the conversation around whether or not this report actually helps the applicant and whether or not there's anything more Post Office needs to be doing, apart from asking the specific question -- asking the specific questions, some of which are new. But there's some broader issues here which -- to be honest, there are issues that I don't necessarily feel should be exposed to you first into the -- first in relation to the working group, and that is -- and if you want me to deal in specifics, that is there are a number of areas in the report, four that I counted up, where it says "enquiries are continuing".

Now, there are two issues as far as I am concerned. One is whether or not that assist the applicants. And the other is, Second Sight has been investigating these issues since 2012 and one of the concerns in the Post Office is that is a long time still to have enquiries continuing.

IAN HENDERSON: I agree, but it shouldn't be any surprise because, you know, from a long time ago we said that both part 1 and part 2 would be living documents that would be updated as we received further CQRs and POIRs. So I'm a bit surprised that you're raising that as a comment or an observation at this stage, because the working group certainly has been well aware of that and has been supportive of that approach.

BELINDA CROWE: And I don't -- and -- and I absolutely accept that, that these are going to be living documents, but there are some issues that were dealt with in the spot reviews.

RON WARMINGTON: Belinda, one of -- one of the issues that was dealt with in the spot reviews, and there are many, one of them was the fundamental issue raised by Rudkin, the famous Bracknell event, on which we asked two years ago nearly now for access

to emails, which have never turned up. So --

BELINDA CROWE: Excuse me Ron -- Ian, you might have been the recipient of this but my understanding was that a huge number of emails were provided to you.

RON WARMINGTON: Yeah, but they weren't --

IAN HENDERSON: That's correct, but not from the right period.

RON WARMINGTON: They weren't the right period.

IAN HENDERSON: And I've sent two emails to, sort of, Post Office reminding Post Office of that and we've never had a response.

RON WARMINGTON: I mean, that's just one of the issues.

BELINDA CROWE: Sorry, can I -- can I just -- on the matter of Rudkin --

RON WARMINGTON: Yeah.

BELINDA CROWE: -- why are you making a comment in your -- so the bit that was left hanging was whether or not there is evidence of the subpostmaster -- because I remember when queried in relation to Rudkin, as I understand it, about transactions, it was whether or not he overheard something --

RON WARMINGTON: No, he didn't -- it wasn't it was overheard, he was told something, yeah. He says.

BELINDA CROWE: Whether or not he was, Rudkin claims that he was.

RON WARMINGTON: Yeah.

BELINDA CROWE: And the bit that was outstanding was that the person who Rudkin is -- maintained that he was going to meet.

RON WARMINGTON: Mr Rolf, yes.

BELINDA CROWE: Couldn't remember.

RON WARMINGTON: Meeting him?

IAN HENDERSON: Belinda, that's only one aspect of it. What had been agreed was that we would be provided with the entire email records for the Post Office team that potentially would have had some contact with whatever was going on in the basement in 2008. We've been told that technically it's available but for some reason we've never, you know, progressed much beyond that point.

BELINDA CROWE: So, Ian, there is an answer to that question, and that is: you have been provided with a significant amount of email traffic. However, there is --

RON WARMINGTON: Of the wrong date.

BELINDA CROWE: -- an issue about the extent to which it is appropriate for us to send -- wade through people's in-boxes which potentially contains all sorts of information that Second Sight has no right to have access to, so that would be personal information, but in no way associated with this. So what Post Office has said is that if you -- if you ask us a question, we will give you the answer, but what we can't do is -- we've provided lots and lots of information, but what we can't do is to enable you to -- to trawl through masses and masses and masses of extraneous emails. I mean, that's just not appropriate. That's a fishing expedition.

IAN HENDERSON: Belinda, I mean, we have addressed that, sort of, previously. I mean, firstly, your chief executive assured us that anything that we asked for would be provided, and we've specifically discussed emails with -- with Paula.

The emails that had previously been provided, yes, were the entire sort of mailbox for half a dozen or so, sort of, individuals for an entire

year. It was agreed, in some detail, the procedures that we would follow in order to properly protect the privacy rights of individuals, and everybody at the time was happy with that. The only thing that hasn't been provided is the emails for the relevant, sort of, year in question.

So actually we had previously agreed the principle that, yes, we could have it and (b) the approach that we were taking that would protect the privacy rights of individuals.

RON WARMINGTON: Which, by the way, Belinda, is certainly not something we haven't dealt with, like, 150 times before on other cases.

BELINDA CROWE: Okay.

RON WARMINGTON: So we're used to dealing with this globally. You know, for example, in Scandinavian countries there are really tight --

IAN HENDERSON: Ron, let's just stick to the specifics --

RON WARMINGTON: Yeah, but, I mean, the fact is, Belinda --

BELINDA CROWE: I will --

RON WARMINGTON: -- when you refer to large amounts of data being provided, it's irrelevant because the data that was provided was not the data that we were seeking.

BELINDA CROWE: So I will respond to you in writing on that point.

IAN HENDERSON: It would be helpful to know, you know, even now, whether or not we're going to get what we've -- what we've asked for, because that will ultimately be reflected either in a part 2 report or somewhere else.

ANDY: Ian, sorry, I'm not aware of the history on this

particular topic, but just for my benefit can you let me know what you're looking for in those emails? What's -- what's --

IAN HENDERSON: What we're looking for -- what has been agreed was that we would be provided with the entire email box for a list of named individuals for calendar year 2008 --

BELINDA CROWE: What are you looking for, Ian?

ANDY: In those emails, yeah.

I mean, what I'm trying to get to is -- is that -- whether you are aiming for a particular target, whether there's a way we can help you get to that particular target.

IAN HENDERSON: Yeah, the way you can help, Andy, is giving us the emails. We have agreed that we will do the searching, we will, you know, decide what search terms are appropriate. We are not prepared to be sort of limited in terms of the searches that we carry out, and all of that has previously been agreed.

ANDY: That wasn't what I was proposing. Again, what is it that -- what I don't understand is how these emails are going help. I'm not trying to be facetious and difficult in any way. I genuinely don't, I -- and I wasn't in the history, I do not know what you're looking for, I don't know how these emails --

IAN HENDERSON: We're looking for evidence of, really, sort of two or three things. Firstly, was there this, you know, alleged secret unit operating in the basement of the Fujitsu office in Bracknell? And, secondly, did they have in some way the ability to alter transaction records at branch level --

RON WARMINGTON: Or stock levels.

IAN HENDERSON: -- directly, without the knowledge or

authorisation of the subpostmaster.

ANDY: That's useful. Let us take that away and we'll respond to you in writing on it.

IAN HENDERSON: Okay. But none of that is new. I mean, we've been asking that question for well over a year now.

ANDY: And I don't know the history so I can't comment but I know where you are aiming with it now, so we can deal with that.

IAN HENDERSON: But Belinda, just stepping back briefly, you said that we will be provided with comments on the factual sort of inaccuracies of the 5th August, sort of, draft. What's the timetable on that?

BELINDA CROWE: So there was some questions that had not been raised with us before that we're looking at. I would hope to be able to get you something within the next few days, but it's -- on some questions that are new to us, it might take us a little bit longer. I'm saying within the next couple of days.

But that won't stop me wanting to have a conversation with you, because I would still like to have an opportunity to set out what my concerns are on this.

IAN HENDERSON: Okay. It's just when we spoke last week you were hoping to get something to us either by close of play Friday or sort of early yesterday or whenever it was, or even -- yes.

BELINDA CROWE: I was. I was. And what you'll understand, Ian, I'm sure, is that we have been presented with a report we have not previously seen. It's light on evidence and fact, and what we're having to do is quite a lot of work to try and answer some of those points.

IAN HENDERSON: Okay.

BELINDA CROWE: And we will do our utmost to get you the comments. I realise that it's quite difficult in terms of the timing of this, but I would like to remind you that this was a report that you said could be viewed -- that you had said would be ready on 26 March. And you'll remember, I'm sure, our conversations about this, because you put it on the agenda for the MPs' meeting back in March and said to the MPs that it would be ready by 26 March. So it's been a long time in the preparation and Post Office wants to be -- to make sure that it addresses as many of the points as it possibly can.

What's important is getting this right.

IAN HENDERSON: Right, which is why we were giving you the opportunity to go for a quick response. We're talking about 24 pages. I think what we hoped was that somebody, you know, with quite a lot of experience could probably read that in, I don't know, an hour or something like that and relatively quickly, you know, just address whatever sort of factual errors have -- have been made. What you're describing sounds much more like the more substantive sort of response which is -- which is Phase 2.

ANDY: I think -- I think the challenge we have is -- I think two are entwined, it's quite difficult to separate one from the other actually in going through it. What one person may call a factual error another will call a point of substance, so I don't think there's a clear divide as to what we're struggling with.

RON WARMINGTON: Yes, I mean --

IAN HENDERSON: Well, we're only a couple of days away.

RON WARMINGTON: Belinda, you were right in saying that there are four points in the report -- and I'm surprised there are as few as that, frankly -- where we said enquiries --

BELINDA CROWE: No, sorry, Ron, what I am saying is there are four points in the report --

RON WARMINGTON: Yeah.

BELINDA CROWE: -- where it says "enquiries into this are still continuing", and one of our concerns is: how could it help the applicant to have that in there? So in relation to pensions and allowances, if I take that example --

RON WARMINGTON: Yeah.

BELINDA CROWE: -- we have N002, she has a copy of her report in draft. She is waiting -- so she has her pack. She is waiting for part 2 because -- because what you said was that your report needs to be read in conjunction with part 2, and she is a pensions and allowance case, and it simply says in the report that enquiries are continuing. So where it says that, I'm not sure how that helps the applicant.

RON WARMINGTON: Well, it may not help the applicant at this stage. It may not. If it is sufficiently open-ended at this stage it is just a place marker that says that the matter is not resolved yet on this point.

And, frankly, you know, we are looking at all of the cases -- I think 15 -- where pensions and allowances issues have been raised. The only way we can accelerate this process of concluding that paragraph is to take this 6 and a half pages that has been produced and study that in the context of all the cases on which we have received the CQR and POIR among those 15 and all those that we haven't, and only when we've concluded that will we actually get to the truth, and even then -- you know, Ian's earlier mentioned question of, well, what -- you know, how did all this start off and how was this triggered exactly?

BELINDA CROWE: Sorry, excuse me -- excuse me, Ron, so we don't get into the detail of that, we've answered

that. You asked the question about whether or not there was a particular issue that cuts across all of this, and -- and what the response said -- and I know what it said because I was the one that co-ordinated the putting it together -- is there wasn't.

But my question remains: what -- if N002 (unclear) so if Joy goes into mediation with a report that says enquiries are continuing, how does that help the mediation of her case?

IAN HENDERSON: Well, I think the short answer is that that is just one out of a number of -- of issues. We don't know when that mediation is going to actually occur. It's entirely possible we may have an updated report by that point.

BELINDA CROWE: So -- okay. And so what we would -- what we would do then is just, in advance of mediations, send the latest version of the report.

RON WARMINGTON: Well, what you have to -- what we have to understand, without -- and I am deeply resisting the temptation to get down into the weeds -- on the Joy Taylor case, among others, what happened in that case is that the evidence that was going to go into trial and was presented included all sorts of reference to data relating to other branches that weren't even the branch in question. Now, that has only -- that was -- that triggered in the CQR a challenge from, in this case, Howe+Co, that said: it doesn't make any sense; why are you raising all this stuff rage to other branches?

Then Angela, in dealing with it thoroughly, came back and said, "Yeah, actually that wasn't meant to be there, it's just that we printed out stuff -- or stuff had been printed out -- reports had been printed out that included a lot of extraneous data." Okay?

Now, that work had not been done until the POIR effort was carried out and, therefore, it's

unsurprising that, in terms of the applicant and her professional adviser, understanding what all this stuff was all about was absent. They didn't know what it was all about because there was a (unclear) in there that was irrelevant to the case, and -- and they leapt on that and said --

BELINDA CROWE: -- issues, one is a bit of the (unclear) case, which is a Howe+Co case --

RON WARMINGTON: Okay, but one of the others --

BELINDA CROWE: (Unclear) is that might be specific to this -- to that -- that particular case --

RON WARMINGTON: Yes.

BELINDA CROWE: -- but it doesn't -- it doesn't detract from my basic issue, and that is -- what we have said to this applicant is she needs part 2 and to read that in conjunction with her case, and part 2 just said investigations are continuing --

RON WARMINGTON: Yes, but what -- what's the alternative, Belinda? The alternative is either to remove that section completely or not issue part 2 at this stage or to take her report back and say, "No, you don't need to look at that section", or --

ANDY: Or deal with the P & A issue in PRR on the Joy Taylor case.

RON WARMINGTON: Or deal with it on a case-by-case basis, just in that one. Yeah.

ANDY: And I think -- I think that's one of the, sort of, overarching points we had around this, is that the purpose of the part 2 report is assist the applicants, and we envisaged that there would be these thematic issues where you have a single issue impacting on multiple applicants. But I think there's a number of topics within the briefing report, and at present P & A is one of them, where there doesn't seem to be a thematic issue there at

all, actually, it seems to be a collection of individual points (unclear) on a case-by-case basis.

RON WARMINGTON: But, Andy, this -- this is just man-to-man stuff. Look, you know, you're a reasonable guy and all the people round these telephones are reasonable people. The bottom line on this material is that, you know, people like Ian and I have dealt with cases like this for decades and, ordinarily, foremost in the evidential material heap would be computer evidence pointing at the frequency of occurrence of reintroduction. It would say: last year across the entire network eleven and half thousand branches, there were 4,912 reintroductions, and guess what, 4,900 of them occurred in one branch, and guess what, 4,899 were carried out by one person. That sort of --

BELINDA CROWE: Excuse me, Ron, isn't that -- so, sorry, I thought that's what you were doing.

RON WARMINGTON: Pardon? Sorry?

BELINDA CROWE: So -- so when you first came in to look at Horizon-associated issues, the whole idea of the exercise was for you to identify these (unclear). Are you saying -- because Post Office would be very happy to do this, and what Post Office is going to have to do is to do just that, because if this report goes to the mediators as drafted in the absence of what Post Office said and what evidence Second Sight has found to show that that is wrong, then that -- that will be part of a standard pack that Post Office will have to give to the mediator. I really don't see that -- how that helps. Which is why Post Office and Second Sight really needs to be addressing those -- those points.

RON WARMINGTON: Well, first of all --

IAN HENDERSON: Belinda, just standing back a bit, I mean, you are putting that proposition, really, to the wrong people. It is Tony more than anybody else who has been cracking the whip and saying, "Get it

out, get it out, get it out", and that's what we're trying to do. It's not, you know, a decision that was made unilaterally by Second Sight.

Tony knows that there will be omissions, he knows that there will be sections that say, you know, enquiries are continuing. But we're not the decision-making body relating to this. We are just trying to execute an instruction, if I can put it that way, that was given to us by the working group.

BELINDA CROWE: But, Ian, that instruction emanated from the fact that Second Sight said that this report was necessary.

IAN HENDERSON: Yes?

BELINDA CROWE: And so Tony then said -- but let's not banter words about what Tony may or may not have said or meant, but the instruction from the working group was then: well, then, you need to get on and produce it.

IAN HENDERSON: Yes, which is what we've done.

RON WARMINGTON: Actually, Ian -- Ian, Belinda, this -- this wasn't the point that I was trying to make, and obviously I didn't make it very thoroughly. Apologies.

The point that I was making is that -- not that this information and data about frequency of occurrence and so on would -- should be obtained now, and if so by Angela or by us, that isn't the point I'm making at all. The point I'm making is, having brought these sort of cases myself, you would expect that material to have been in the material on file at the time that the charges were made; in other words, how did we arrive at the certainty that these people had carried out this theft when they're saying that -- obviously they're saying they didn't and the evidential material that we have seen in every case so far that we've looked at -- and we haven't looked at all of them -- is -- to say it's

weak is a raging understatement. It is just -- it's just incomplete.

BELINDA CROWE: So in response to that, what I would say is that you are not lawyers and criminal matters are outside the scope of this.

RON WARMINGTON: Yes, but it's -- I'm not looking at it as a barrister, I'm looking at it from the viewpoint of what was it that caused the loss and who brought it about, and there's -- it is obviously relevant to us to make the determination of whether we think it is on the balance of probabilities more likely than the individual stole the money than that they -- which is what was they were charged with up and until the time the cases were pulled -- as opposed to it being more likely that these were either accidentally entered or, in fact, entered by some in some the branch, which was what was being suggested, and that was -- that argument was quite powerfully supported by the fact that other branch material was included in the evidence pack.

So, you know, we're not trying -- we didn't jump out of bed and say, "Let's see if we can make life difficult for Post Office", we're saying that the evidence itself on these cases is so bad and confusing that it is -- first of all, it's little surprise that we're getting so much ferocity on the incoming CQRs, but it's also little surprise that none of the cases ever got to prosecution, or if they did, they failed.

BELINDA CROWE: Sorry, Ron, just so that we are clear --

RON WARMINGTON: Yes.

BELINDA CROWE: -- that is a case-specific issue.

RON WARMINGTON: Oh, it's case-specific across quite a few of the cases we've looked at.

BELINDA CROWE: How many?

RON WARMINGTON: It is the fact that we saw this same generic story repeated in at least four occasions so far, and we've got 15 on the books, that caused us to trigger the question in the first place.

In fact, I listed 15 in my email and re-listed it on 29 June email. So we've specifically drawn Post Office's attention to the individual cases, and what I've got is a 6 and a half page kind of general response to the issue, which is a very good document -- make no mistake, it's a superb document -- but that doesn't, of course, give me the answers, yet, to every case where this has come up.

ANDY: (Unclear) at least every case, it's a -- you know, that document that was produced on P & A fraud was a general overarching document and then that has to be --

RON WARMINGTON: Which is fine, Andy.

ANDY: -- applied down into the individual circumstances of the cases.

RON WARMINGTON: Correct, and we're -- we will --

ANDY: Likewise --

RON WARMINGTON: Yes.

ANDY: -- the individual findings of the cases and you draw up information to create general themes. I think where we're -- I think where we're struggling with is, is there at the moment any general overarching theme relating, for example, to P & A cases? And if not, then why are we putting it in the part 2 report? It may well be that at the outset we go, well, look, 15 cases of P & A, they look very similar to (unclear) by those 15 different (unclear) a reason for whatever problems occurred.

RON WARMINGTON: Yes.

ANDY: And this report wouldn't be the appropriate place

to, sort of, do a recitation of those 15 different individual circumstances. It's only if we've got a general -- a general topic that goes through a number of cases that warrant going in here. I guess the concern from our point of view is that if you are Joy Taylor and you pick up this report, do you then think that there is a general theme that's going to affect your case when, in fact, there isn't? Because at the moment I can't see that there is that common thread running through the P & A cases. Actually I think we've only done one P & A case, which is the Joy Taylor case.

IAN HENDERSON: Andy, that's a perfectly valid point for you to make, but it falls more within either the substantive comments that you want to make on the report or perhaps a sort of a question that you want to put back to the working group and to have a debate on whether or not there is any benefit in issuing the part 2 report at this stage.

BELINDA CROWE: So I think there is sense in it. I mean, you know, this -- the purpose of this call is to see if there is any possibility of working together in order to get this into a position that helps the applicant. So, Ron, you have said that it may not help the applicant in relation to the specific cases because enquiries are continuing, but there's no alternative to that because there is pressure to (unclear) to get the part 2 --

RON WARMINGTON: No, I didn't -- I didn't say that.

I said -- I said that -- the original concept was not that it would be helpful to the applicant or that it would be helpful to Post Office but rather that it would be helpful to the mediator in getting a grasp of what the issues were. That was the original purpose. That's why we originally had called it the mediator briefing report.

Now, the point --

BELINDA CROWE: Ron, you said specifically that it may

not be helpful to the applicant.

RON WARMINGTON: Correct --

BELINDA CROWE: It's got to be helpful to the applicant --

RON WARMINGTON: -- I did say that.

BELINDA CROWE: -- as well as the mediator hasn't it?

RON WARMINGTON: No. Why?

BELINDA CROWE: Well, I'm not asking for this to be helpful to Post Office. To be absolutely clear, it is perfectly acceptable for Second Sight to produce evidence which refutes something that Post Office has said.

RON WARMINGTON: Yeah.

BELINDA CROWE: But what is not clear from this is what Post Office has said, despite the fact that Post Office had attempted to answer all of your questions, and it doesn't say then what cases you had looked at and what the evidence is which causes you to take a different view.

RON WARMINGTON: Okay. Belinda, I tell you what -- how we can characterise this discussion. It is the antithesis of what I was assured by the chief exec and chairman, which is -- our work, we pledge to you -- because I said I wouldn't take on the job unless they agreed to this -- is to seek the truth as to what has happened. All right? The characteristics of the conversations we are having are one of litigants, one against the other, trying to defend their case. It's perfectly acceptable and perfectly normal. But a search for the truth would have been far less an effort to protect the organisation from an attack but more a sort of volunteering of what the entire background was. We've looked at all the cases, this is what we found they did, this is where we went right, this is where

we went wrong. And, you know, that isn't what we've got here. We're in an antagonistic situation, frankly, and you are asking us to pose questions, and they will be carefully answered, rather than what I was assured, which is that we would research the situation and tell you what we've discovered.

BELINDA CROWE: And that --

RON WARMINGTON: Without you having to ask individual, carefully worded questions which we will very carefully answer.

BELINDA CROWE: So, sorry, the -- so if we come back to what Ian has just said he thought the working group asked, it was for Second Sight to ask the questions of Post Office that it wanted the answer to. So that's what the working group said. So Second Sight is asking those questions and Post Office is answering them. It is not about -- this is not antagonistic. It's not about not getting to the -- not getting to the truth of a particular case, and -- but I think it's just -- so it's not impeding you in any way, it's just trying to come up with something that is helpful to the applicant. But what you haven't provided is evidence that would have allowed Post Office even to get into that situation. And so -- and so I suppose the point, as far as I'm concerned, is you are perfectly at liberty to disagree with anything that Post Office has said or shown you, but the Post Office needs to see what the evidence for that is, as do the applicants to the court(?).

IAN HENDERSON: Belinda, those are all perfectly legitimate points for Post Office to make but really they fall more into the -- sort of the category of substantive, sort of, comments, which is the next stage in this process. What you seem to be seeking to do at the moment is very substantially, you know, move the -- sort of, the goal posts.

We have been totally transparent about the steps leading up to the finalisation of part 2. We've

discussed it at the working group on a number of occasions. Yes, we did have this face-to-face meeting on four/five, sort of, questions. It's really very late in the day to start raising fundamental, sort of, questions about whether or not, you know, this is going to be of benefit to applicants that are we doing the right thing.

ANDY: Just (unclear), Ian, is we understood, rightly or wrongly, that -- originally this was called a thematic issue or that it was to draw up thematic issues to assist the applicant, and what we're saying is that a number of the topics within the (unclear). So we're not trying to change the objective, we're not moving the goal posts, we're simply saying that that was the objective set at the beginning and we're questioning and asking: is there a way that we can get the report better that actually hits those (unclear). At the moment, on a few of the (unclear) -- few sections, it is missing the mark. It's not adding anything. There's no value in it, most of the sections, and the P & A section is a disaster.

IAN HENDERSON: But, Andy, make those points when we get to the substantive sort of comment period, and when you're -- you know, very seriously, sort of, looked at those. And yes, we probably would be prepared to, sort of, sit down and have a -- you know, a face-to-face, sort of, discussion on those. But we want to get to that point -- you know, to use Tony's phrase, can we move this forward?

ANDY: (Unclear) need to find -- why can't we have the discussion now? It's going to happen --

RON WARMINGTON: Well, Andy, Andy, you're taking the now well aired but not resolved yet pensions and allowances issue, you know, we know that -- we know both the Joy Taylor, the Nalik(?) case and the famous Downey(?) and all that stuff, we know that -- or we've got one or two others that have gone in, so we can -- we can look at those, and others that are yet to come in, in terms of both the CQR and the --

more seriously, the POIR. We've got to be able to -- if you want to help the applicants, what the applicants need is an answer to the fundamental question: why was I accused of theft, dragged away -- in one case literally -- in handcuffs, and my life was trashed?

BELINDA CROWE: Ron, can we just keep the language not emotional, please.

RON WARMINGTON: I'm saying this is what they are asking. I'm relaying with -- through the -- a buffer of improving and reducing the language from some of what's been said to us to something that's quite calm.

They're saying: you know, my life was then thrashed, I was told this was being investigated. In many cases months, sometimes a year later, on the courtroom steps, the threat to the charge was dropped, the entire prosecution was dropped, and I don't know why. They just told me it was dropped. But in the meantime I'd gone bust and I've lost, you know, my livelihood.

ANDY: This is one of the challenges we have in --

RON WARMINGTON: Yeah, and now, you know, we -- if you want to be helpful, we help them answer that question.

ANDY: -- in there is a number of -- a number of legal issues around -- around the contract and the process of (unclear) contracts --

RON WARMINGTON: Yeah.

ANDY: -- the contractual obligations that have been missed, prosecution processes. There's -- there's a number of quite technical (unclear) legal issues there, which is --

RON WARMINGTON: And some of those are off --

ANDY: -- it's dangerous to --

RON WARMINGTON: -- some of those are off piste for us. I perfectly understand that, Andy. But I've had a conversation with --

ANDY: -- as you can imagine why you terminate someone's contract is a very case-specific (unclear) the reason you will stop the prosecution.

RON WARMINGTON: Yes.

ANDY: You know, and we would -- as I say, we will address it on a case-by-case basis, but can you go back to the point is there a genuine overarching issue here that needs to come out in the report?

RON WARMINGTON: Yes, exactly.

ANDY: Yes.

BELINDA CROWE: So I think -- so this is not an attempt to get you to anything out of the report. Absolutely. And it's not an attempt --

RON WARMINGTON: Yeah, right.

BELINDA CROWE: -- to fetter your findings in any way, it's an attempt to assist in making this as useful a document as it can be, bearing in mind where we are in the process, but --

RON WARMINGTON: Right, Belinda, thank you for that. We understand that. But let me get the sort of objective clear. We, as investigators, are driven by one objective above all else, in fact overrides everything, and that is to get truth. And we report the truth.

I don't care whether it helps the applicant, the mediator, Post Office, Alan Bates, Uncle bloody Tom Cobley. I don't care who it helps. Our job is to report what we have found and put it as fairly and precisely as we can, being the truth.

Now, I have no objective to help the applicants on this or, for that matter, really, the mediators. The purpose of this is to cover the points that have been raised by, you know, several people -- and, sort of, several in our mind means, like, ten or more, which is why we were on the borderline when it came to motor vehicle licence issues, on which very few people have complained. But the point is to try and get to the truth of what's happening. And where we don't yet know, as on some of these issues that are -- have got the four -- you know, the four items -- the enquiries are continuing, which includes ATMs of course, we -- you know, the alternative is to not put anything in there at all. And we do not think that is the truth. The truth is enquiries are continuing.

BELINDA CROWE: So on the question of what the report is for, that -- as far as I'm concerned, that's an issue for the working group, because I can't answer that. I have a view and I think it's to assist the applicant and mediator. You clearly have a different view.

The -- I think the -- getting to the truth is an interesting point, but I'm not sure that actually --

RON WARMINGTON: Interesting?

BELINDA CROWE: -- the lack of facts and evidence and the lack of findings in here actually takes us very much further. So that's, in part, my concern.

There are a number of areas where Second Sight has said many subpostmasters -- so we can deal with -- with questions about -- what we're talking about here is -- is a number of applicants and a number of applicants within the -- within the scheme, as opposed to subpostmasters -- well, not all of them are existing subpostmasters, but I think that's probably a (unclear) of detail -- have raised these issues with us, but there's no indication of whether or not they have been investigated, whether or not

they have been fully reviewed and, therefore, from the point of view of the applicants reading this, they may feel that the issues are far more widespread than they really are and, again, with my "Does this help the applicant?" distinction, I wonder whether or not it is --

RON WARMINGTON: I don't care if it helps.

BELINDA CROWE: -- because it's not currently clear to me actually what the findings are.

IAN HENDERSON: But, Belinda, again, all valid points, very happy to, sort of, consider those when we get to the substantive comment phase, but, you know, what we're trying to do is move this forward in accordance with the instructions from the working group. And we're happy to be flexible in terms of that but, I mean, what we had in mind was: receive your comments on simple sort of factual errors, we will then update the report, issue it -- re-issue it and invite comments from both you and JFSA. And we want to be -- we need to be very careful that we're not seen to be preferring one against the other.

So, you know, that's another potential issue regarding, sort of --

ANDY: No, no, no, no, no, sorry, can I jump in there. That is a terrible statement to make. You must in some cases prefer one against the other. Your job is to assess the relative strength of the comments and go with whichever one you think is correct. And if you believe that one party is correct, you should go with it. There should be no preference as to where the comments come from, you should make decisions based on facts there.

IAN HENDERSON: Andy, I agree. What I meant by preferring one against the other is, for example, agreeing to a face-to-face meeting. Now, you know, you will be aware that there have been a number of, sort of, tribunals and -- and other similar sort of bodies that have come unstuck for exactly that

reason.

ANDY: Yeah, you --

RON WARMINGTON: Andy, I understood what Ian meant, that he was not --

ANDY: Maybe I misunderstood him.

RON WARMINGTON: Yeah, he was not talking to the substance, it was in terms of the process, that we've got to be even-handed in terms of listening with both ears for the same amount of time to both parties and then making our decision. We understand that completely, Andy. But thank you for pointing it out.

BELINDA CROWE: So there is no difficulty with Alan attending a meeting and that was -- so -- so Tony suggested to you that you invited him along, and I understand it was an open invitation to him.

IAN HENDERSON: Yes.

BELINDA CROWE: And that's a very sensible way to proceed, in my view. So it's not a question of preferring one against the other.

And also, you know, I understand your process, Ian, but there are, in the view of the Post Office, in the view of Post Office, a number of issues that, as Andy said previously, are inextricably linked. It's quite difficult just to say, "Oh, well, you said five and we think it's six", because in actual fact it's more substantive than that.

And also there are a number of issues that -- there are two issues specifically that are just out of scope. The issue of the contract is not within scope. It's not (unclear) an associated issue. It's only relevant to the extent that it provides the benchmark against which the actions of the Post Office and applicant should be assessed.

IAN HENDERSON: But, again, Belinda, that's a substantive point which Post Office is perfectly entitled to make. When we get to that stage --

RON WARMINGTON: That's a trap.

IAN HENDERSON: -- we will consider it and we will update our report, you know --

RON WARMINGTON: Put that in writing and see what happens.

IAN HENDERSON: -- as we see fit.

I mean, what we want to do is just move this forward as quickly as possible, ideally following the -- sort of the linear process that we have been asked to do by the working group.

BELINDA CROWE: Which was to sit down with Post Office.

IAN HENDERSON: Which we have already done.

BELINDA CROWE: Yes, but not to discuss the report, because the Post Office didn't have sight of it, so it's -- and it was our right --

IAN HENDERSON: That was not the requirement, Belinda.

Belinda, the requirement was to discuss the outstanding questions that had been on the table for some months and it was an attempt I think by Tony to, you know, bring closure to those outstanding items which were perceived as holding up the report.

ANDY: So what you're saying, Ian, and not going to go through the history, but what you're saying is now is not the right time for Post Office to make comments on what you call substance and you won't take those comments at this time?

IAN HENDERSON: Well, what I would like to do is move to the next -- I mean, we have -- we have gone public to the extent of, you know, agreeing with the working

group what process we will follow. We're already behind that sort of timetable, you know, which disappoints me, but it's maybe not a big surprise bearing in mind the complexity of the issues and so on.

What I'd like to do is very quickly, or as quickly as possible, receive what I am still calling your factual comments. We will then issue an updated version take account of those comments. That is when both yourselves and JFSA will have an opportunity to make substantive sort of comments and we will then move towards finalising the report.

What we had envisaged is that all of those comments would be in writing for the reasons that we've touched on. We are certainly not ruling out the possibility of a face-to-face sort of meeting, and I think that's something that we would like to think about, sort of, offline. But I'm certainly not rejecting it.

RON WARMINGTON: No, exactly.

ANDY: That sounds fair. However, just to be clear then, you're saying that you won't take substantive comments from us at this stage?

RON WARMINGTON: Well, not on the phone, Andy, will we, obviously? Matters of huge principle, like whether the contract -- the comments on the contract are out of scope are very minor. They have been on the thematic spreadsheet as T16 for the last two years. That is something that -- clearly we're not going to remove it based on a phone call. Why would we?

IAN HENDERSON: I don't know if this helps. I mean, if we want to call it something else, you know, rather than "factual comments", if you want to call it, say, "preliminary comments" or something like that, we would be happy -- you know, we would be prepared to accept that. All we want is something to happen that enables us to at least move to the next stage with an updated report and we can then sort of feel that at least we've delivered on our part of the

bargain rather than it all falling into a rather --
I don't want call it a black hole but a rather
unclear pot in terms of what the status is and
what's happening and -- and so on.

RON WARMINGTON: Belinda, what was the second out of
scope issue that you alluded to? You said there
were two.

BELINDA CROWE: Criminal matters.

RON WARMINGTON: Pardon?

BELINDA CROWE: Criminal --

RON WARMINGTON: Oh, criminal. Oh, criminal. Yeah,
okay, okay, okay.

IAN HENDERSON: On that point, what we're differentiating
between is the criminal process, or even the
prosecution sort of process, and the underlying,
sort of, evidence. It's a bit like, you know, the
concept that there is no property in a witness. We
are looking at the underlying, sort of, evidence
that can, of course, be used by either party for
a variety of, sort of, purposes, and we are most
definitely, sort of, commenting on that, sort of,
evidence. What we are not doing is trying to, sort
of, put ourselves in place of, you know, the courts
or even the decision-maker within Post Office, you
know, relating to the decision to prosecute. We are
focusing primarily -- exclusively on the underlying,
sort of, evidence and forming views based on that.

ANDY: That's unfair, Ian, on that line then. I don't
really see where section 22 would fit which is
a question on -- which is a whole section dedicated
to the investigation process but perhaps we can
(unclear) seems to out of scope on that --

IAN HENDERSON: Well, again, happy to, you know, have
a dialogue sort of on that.

BELINDA CROWE: So can I just ask you a general question.

In these areas where you are -- not a comment on the report but in these areas where you are commenting on legal matters, are you taking legal advice?

IAN HENDERSON: No.

BELINDA CROWE: Right. Okay.

IAN HENDERSON: We're attempting to comment on the evidence. I mean, you may be characterising them as sort of legal sort of matters --

BELINDA CROWE: So the subpostmasters' contract and the balance of risk is entirely a legal matter but not only it's legal, but it's commercially legal.

IAN HENDERSON: Well, I certainly agree that it's a commercial sort of matter but it's an issue that has been raised by a number, in fact quite a significant number, of SPMRs.

And why do you think that is out of scope?

BELINDA CROWE: Because the matter of -- and Chris has made this point to you on numerous occasions and you may or may not agree with it. But the contractual relationship between the Post Office and an agent is based on -- a relationship between a principal and the agent is a legal matter. The contract, as you say, is quite long. It's a balanced legal document and just to pick out various bits of it and comment on it seems to me to be not a legal approach and nor does it contain any analysis as to why the apportionment of obligations which are on both parties are not appropriate or unlawful.

IAN HENDERSON: Well, if I can answer that question in a slightly sort of different way. I mean, the way that is the first sort of came up as raised by a number of subpostmasters was actually, "I've never seen the contract". You know, I signed a four-page sort of document and that was the most that I was ever sort of provided with. Now, we know what Post Office's position on that is but that, you know, is the

information being provided to us by a large number of SPRs. So that, I think, I hope you would agree, is a perfectly legitimate sort of issue, you know, to deal with in our part 2 report.

ANDY: That's a fair point, Ian. Again, I don't know whether that's a general issue. It seems to be on a case-by-case basis whether they signed the contract or not. I think we have to be very -- this is the risk of straying into the legal field here, is that -- I'm sorry, this is with my lawyer(?) hat which I try not to do. But because it's a principal/agency relationship, it actually doesn't really matter whether they sign the contract not because most of the principals are defined by the common law anyway and, in a sense, the postmaster contract simply codifies all those rules. This is the problem if we start going down this rabbit hole, there are layers upon layers of legal arguments.

RON WARMINGTON: Yeah. Andy, one of the sections of course we address is the famous section dealing with the -- in which instances the POID (the Post Office Investigation Department) is deployed, which ties together both the first and last sections of the report, both of which you're challenging.

The point that we made there, and it has been made multiple to us by, in some cases, some of the more experienced and sophisticated applicants, particularly those that have -- you know, we've got airline pilots, chartered accountants among the population of 150 -- particularly those that have worked in big companies that had in their own mind an expectation of an availability of an investigation support function which, under the contract, which they had not seen, was never to be made available. Now, is that not relevant to the cases? They think it is.

ANDY: I think there is room in the part 2 report to (unclear) about the various parts of the contract and some (unclear) --

RON WARMINGTON: Yeah.

ANDY: -- I'm not trying to -- you know, in our experience, having read the CQRs, the cases change their focus on the following bits of the subpostmasters' contract (unclear) your point.

RON WARMINGTON: Yeah, yeah.

ANDY: Then it's going to go on then to commenting about and this is fair or not reasonable or not lawful or not, because I think we're in a dangerous ground there, especially because -- and this is probably self-preservation for you guys -- is that you might find some of the applicants then start taking that as scripture and relying on what you said as legal advice and that's -- well, you don't want to go there.

So that's why we just -- there's a line to be drawn and these are the legal provisions that are engaged in the matters we've seen in a neutral fashion. It's a step further we can go back to but then you're dealing with a Horizon Issues, you're actually doing a legal analysis which (unclear) for reasons we've already gone through.

IAN HENDERSON: Again, all fair points, Andy, and we're happy to take them on board, you know, if you make them a part of the substantive comments.

ANDY: Sorry, I'm unclear. I said when do you want them because, you know --

IAN HENDERSON: Well, if we're moving away from the quick response on factual sort of errors, are you inclined to move towards what I've described as, you know, preliminary headline sort of comments just to help us sort of move forward to exposing an updated report for more formal sort of comments? Then obviously the sooner we get to that point, you know, the happier I can imagine everybody will be.

BELINDA CROWE: So what we will do is let you have our

comments in response to the request of this --

IAN HENDERSON: Yes.

BELINDA CROWE: If we stray into matters that you consider to be substantive that we consider them to be (unclear) because our comments would be -- our comments, they will be preliminary comments, to take your term, Ian, and you will have them -- we will attempt to get them to you within the next couple of days.

IAN HENDERSON: Very happy with that, Belinda. Thank you.

BELINDA CROWE: Okay. The points that I just want to make sure that I'm not leaving this call without you being clear on the point that our concern is that, as drafted at the moment, this falls short of what we think is helpful for the applicants and therefore what we were expecting, and that was reason that we wanted to have the -- that was the reason that we wanted to have the call because what we didn't want to do was to send some comments and then afterwards, in a conversation with the working group, make those points. I wanted to have that conversation with you, and also just make the point that there are a number of issues, absolutely accepting what you say, Ian, about the fact that you haven't finished doing all of this work yet, there are a number of issues that had been previously dealt with and, in view of the that Second Sight have been engaged for a considerable period of time and has been paid a considerable amount of money, there are some areas where we would expected your thinking and your evidence and your investigations to be more advanced than they are.

IAN HENDERSON: Fine. And, again, perfectly legitimate points to make and, you know, we will try to address them.

RON WARMINGTON: One final point, Belinda. When you say, and you've used the phrase a lot in this telephone

call, really coming from the position of is this helpful to the applicant, I think I'm clear on whether you are distinguishing between the entirety of the document, which is I would hope helpful to somebody but I haven't -- we haven't put a big label in front of our desk saying with regard to every sentence: "is this particular sentence helpful to the applicant?" Have we done that? No. Would we propose to do that? No.

Again, our purpose is to summarise where we are on each of the -- certainly the thematic issues, with the exception of the thematic issues which we have seen lots of comments on but which we are regarding as out of scope and one of those hasn't even been mentioned yet. One is the criminal matters, criminal prosecution process issue, and the other is the several number of comments have been made about what people are clearly referring to as the sort of black ops team of peculiar practice in terms of the selling of their branches. Pardon?

BELINDA CROWE: Sorry, that's the Rudkin case.

RON WARMINGTON: No, no, no, that's a separate black ops matter. That was where people are saying there was some skullduggery going on in connection with the closure of my branch and doing me out of my compensation payment. Now, we have not dealt --

ANDY: That is out of scope, isn't it?

BELINDA CROWE: That is absolutely out of -- absolutely out of scope.

RON WARMINGTON: Of course it is, and that's why it's not in the report.

BELINDA CROWE: I think the -- I think what would be helpful is to understand, but we will make this point in writing is --

RON WARMINGTON: By the way, sorry, in that I readily agreed to it being out of scope, that does conflict

with the mission which was that we were to investigate every issue raised by the applicants and --

IAN HENDERSON: And, Ron, probably more important is what comes after that with a view to achieving, sort of, closure, you know, between applicants and the Post Office. So I think we need to be very careful about overusing out of scope --

RON WARMINGTON: Yes.

IAN HENDERSON: -- sort of, concerns because we're potentially sort of shooting ourselves in the foot.

RON WARMINGTON: Yes.

BELINDA CROWE: So I think my understanding was that it was the mediation that was supposed to achieve closure. If the mediation doesn't achieve closure, then if there is an issue to be decided but also I think one of the reasons that there is a (unclear) here, and it's an important one too, that if there are areas that are areas that Second Sight are not qualified to investigate, then that might be an issue that Post Office needs to consider, but Post Office needs to consider how those matters are investigated because -- you know, had the (unclear) seen to look at criminal process and procedure, then, with the best will in the world, I'm not sure the Post Office would have engaged a firm of forensic accountants to do that, likewise, with the contract and anything else that might be potentially out of scope.

So this was -- this whole thing came about as a result of subpostmasters considering that there was a problem with Horizon. The Horizon and associated issues that we've defined, you defined it with input from the Post Office, and that was the definition in your interim report. The application form specifically requires you to say whether or not the issues they are raising are Horizon-related issues and so, if there are any issues that are

outside of that, then Post Office, I am sure, would be very happy to look at them and consider them. But they do not fall within the scope of this which is one of the reasons why Horizon was specifically mentioned on the application form, to ensure that the subsequent investigation remained within scope. Otherwise, it would have been "is there anything about the Post Office that you would like to complain about?" but it wasn't.

IAN HENDERSON: Belinda, I mean, this is probably no more than an observation at this stage. It does seem very late in the day to start raising out of scope sort of issues bearing in mind the number of meetings that we've had; the number of sort of draft reports; you know, the CQRs that have been sort of reviewed. You know, I don't recall anyone raising in a substantive way, you know, this applicant is touching on issues that are out of scope. What we consistently have been asked to do is take the CQR and deal with it. In the formal appointment letter, yes, there were -- there was at least one matter that was specifically identified as being out of scope and that was in a criminal prosecution, and so on.

But it's the first time, as far as I can recall, that there has been any serious attempt to extend out of scope to include all these other topics.

BELINDA CROWE: I think this has never come up before, Ian, because the scheme was set up to investigate allegations related to Horizon and associated issues.

IAN HENDERSON: But if you think back to some of the face-to-face meetings, you know, we spent a lot of time sort of talking about the contract, whether or not people sort of, you know, sort of received that, whether or not there was investigative support being sort of provided, and so on. Nobody has previously sort of cried foul in relation to any of those sort of discussions and even suggested that we shouldn't be looking into those matters.

ANDY: We're not crying foul now. We're (unclear) raised a inside the scope and just too many additional signed the contract (unclear).

IAN HENDERSON: Yes.

ANDY: It's the questions around (unclear) community closure programme, the lawfulness or not or reasonableness of the contract and the prosecution process are the three key areas which we say are out of scope. As far as I'm aware, I don't think we've ever discussed those in a detailed working group. Yes, they have been raised in some of the CQRs, but they've also been raised on a sort of whole host of (unclear) in scope, and your CRRs have, quite rightly I think, stayed off those out-of-scope issues so far. I think the reason we're raising it now is this is the first time out-of-scope issues have appeared in the report because a few of them are in the part 2 report and that's the only reason.

RON WARMINGTON: I mean, Andy, you can believe that we, as a team in Second Sight, have agonised over some of this stuff, you know, really seriously trying to get to the right course of action and, yes, there will be one or two mediators who will be puzzled when faced with an applicant screaming blue murder about the black ops closure of his lovely beloved branch and we said, "Well, what's Second Sight got to be about that?" The answer is nothing. We didn't even mention it.

ANDY: That's fine because potentially, Ron, what we're saying is the (unclear) burden on us --

RON WARMINGTON: Yes.

ANDY: -- because ultimately it would be slightly foolish of Post Office to go into a mediation unprepared for an EQA like the one you just had.

RON WARMINGTON: Yes, exactly.

ANDY: You could hold the mediation below the waterline before you can --

RON WARMINGTON: Exactly.

ANDY: -- leave that one with us, we'll deal with it.

RON WARMINGTON: Exactly, and equally -- and Belinda and I have had this conversation before, it predates the involvement of any of you, and that is that I'm crystal clear about job 1, if you like, pre-dating the mediation scheme entirely which was that the MPs, in hiring us, shortlisted firms they said they wanted -- you know, they were looking for firms that had dealt with matters where people had been wrongly accused.

They said that their primary concern -- and this was voiced principally by James Arbuthnot but echoed by others like Letwin and Andrew Bridgen, Mike Wood and others. Their communication with us was: the most important thing that we want to find out is have there been any miscarriages of justice. Now, obviously one can take that to mean in civil cases or criminal, and we have made it abundantly clear that we are accountants, not lawyers, and that we would consider it contemptuous of the court process of England to say, "Well, Ian Henderson thinks this was a wrongful prosecution". There's no way we're going to do that. We would be -- we're too modest to do that.

IAN HENDERSON: Ron, just to --

RON WARMINGTON: And we're not qualified to do that.

IAN HENDERSON: -- you're potentially muddling job 1 with --

RON WARMINGTON: Yes, I am but I want -- exactly. I'm not muddling it but, yes, I'm potentially muddling it, Ian, because it must be clear to you that we have clarified in our own minds the serious distinction between the part 1 job or, sorry, the

job 1 and the mediation job where it is not relevant and it is out of scope.

BELINDA CROWE: So, Ron, what you said to me was that job 1 was in the cupboard. MPs haven't engaged you. Let's be clear on that.

RON WARMINGTON: Pardon?

BELINDA CROWE: You have not been engaged by MPs.

RON WARMINGTON: No, I know. Exactly. We were interviewed by MPs and Post Office.

BELINDA CROWE: You have said in the cupboard. As I said to you, if you are doing any additional work that is outside of that letter of engagement, then Post Office do need to have visibility of that, unless you're charging somebody else for it.

RON WARMINGTON: No, we're not charging anybody else for it. In using the analogy I did, I said that hat is in the wardrobe and is gathering dust. But, you know, clearly, as we go through in juggling and taking decisions on what is in scope and out of scope in regard to the mediation job, we can't forget the other hat that's in the cupboard. That's all.

BELINDA CROWE: So -- and I think my point in relation to that is there has to be -- we talked about transparency and there has to be transparency in relation to that. What you said to me, Ron (because I don't forget much either), what you said to me was that what you were doing for MPs was in the cupboard, but also there were things that you that were said in meetings between -- meetings with you and them and meetings that Post Office didn't attend. Now, Post Office needs to have transparency of whether or not you are doing anything else and, if you are, whether or not you're charging the Post Office for it. That's my only point. If you do start to have an issue where hat 1 comes out of the cupboard --

RON WARMINGTON: Yes.

BELINDA CROWE: -- then Post Office needs to be aware of that and also, if there is any lack of clarification about what that actually involves, and whether or not that involves you -- Post Office did not engage you to look at criminal matters.

RON WARMINGTON: Yes.

BELINDA CROWE: And so if you start to look at those things, then we do need to have a conversation about whether or not that is appropriate and whether or not you're doing that for Post Office or you're doing that for somebody else. So I think we can park that one for the moment.

RON WARMINGTON: Well, the fact is that until the mediation scheme was launched, Belinda, the work that we were doing was job 1 and Post Office was paying for it because my understanding is it had been instructed to do so by the minister.

ANDY: Yes, and we referred to the scheme.

RON WARMINGTON: Correct, and that point we took --

IAN HENDERSON: Belinda, I'm very sorry -- it's Ian -- I did tell you that I would have to leave roundabout now.

BELINDA CROWE: You did.

IAN HENDERSON: I've got another appointment.

BELINDA CROWE: You did, and I'm sorry that we've kept you so long, Ian. We will -- just so for absolute transparency and clarity, Post Office will send you its preliminary comments within the next couple of days and, if they are beyond what you consider in terms of the process that you're thinking of, beyond factual, then they are there and on the table as part of the next stage of the process in terms of

the way that you describe it, Ian. Does that work?

IAN HENDERSON: That's helpful, Belinda, and I'm happy to proceed on that basis.

BELINDA CROWE: Okay. So everything that we have discussed will come to you, either by way of our preliminary comments -- so there's no question about this being not transparent. It will come to you by way of our preliminary comments and any subsequent comments that we make. So you don't -- don't feel that you need to do anything in terms of -- you know, we will set this out in writing -- there's absolutely no problem with that -- so you don't feel in any way compromised. Is that okay?

IAN HENDERSON: Yes. Happy with that, Belinda. Thank you very much.

BELINDA CROWE: Okay. Excellent. Sorry that's taken rather longer than I would have hoped but we will do that.

IAN HENDERSON: Great.

RON WARMINGTON: Superb.

BELINDA CROWE: Okay.

RON WARMINGTON: Okay.

BELINDA CROWE: Thank you very much.

ANDY: Thanks everyone.

RON WARMINGTON: Thank you. Bye.

(Recording ends)