

Tuesday, 14 May 2024

1  
2 (9.44 am)  
3 **MR BLAKE:** Good morning, sir, can you see and hear me?  
4 **SIR WYN WILLIAMS:** Yes, I can, thank you.  
5 **MR BLAKE:** Thank you very much. This morning we're going to  
6 hear from Mr Davies.  
7 **MARK RICHARD HANSELL DAVIES (affirmed)**  
8 **Questioned by MR BLAKE**  
9 **MR BLAKE:** Thank you very much can you state your full name,  
10 please.  
11 **A.** My name is Mark Richard Hansell Davies.  
12 **Q.** Thank you very much, Mr Davies. In front of you, you  
13 should have a witness statement in a bundle. Can I ask  
14 you to turn to the first page, is it dated 10 April  
15 2024?  
16 **A.** It is.  
17 **Q.** If I could ask you to turn to the signature page, that's  
18 page 52; is that your signature?  
19 **A.** It is.  
20 **Q.** Is that statement true to the best of your knowledge and  
21 belief?  
22 **A.** It is. I have two amendments, if I'm able to draw the  
23 Inquiry's attention to them.  
24 **Q.** Absolutely.  
25 **A.** In paragraph 55 -- apologies, 56, I refer to a document,  
1

1 Vennells as CEO and supported by the Executive."  
2 Over the page, please, to paragraph 17:  
3 "The decision to open up the business to external  
4 scrutiny, and subsequently to seek to mediate cases,  
5 were the actions of a business which took its  
6 responsibilities to its people very seriously. These  
7 initiatives, and others, were led with, in my opinion,  
8 integrity and care by Ms Vennells and with the support  
9 of the Board."  
10 Paragraph 27, page 9:  
11 "In my view, the Board and Executive were diligent  
12 and effective in dealing with the issues relating to  
13 Horizon."  
14 Paragraph 35, please, at page 13 the final sentence  
15 there on that page, if we could scroll down, please, it  
16 says as follows:  
17 "Any concern that the system did not work properly  
18 was taken extremely seriously for the very reason that  
19 it was so fundamental to so many people."  
20 Paragraph 57, please, at page 21:  
21 "The culture being developed in the business by  
22 Ms Vennells and Alice Perkins was around three values --  
23 care, commitment and challenge -- and there was serious  
24 intent behind these words."  
25 If we scroll down, please, to paragraph 60. At the

3

1 "This document is an email chain between myself and  
2 senior board members", that should read "colleagues" not  
3 "senior board members", and it then says, "discusses  
4 media coverage around Horizon issues and SS's Part Two  
5 Report" that should be "SS's Interim report".  
6 **Q.** Thank you.  
7 **A.** Then in paragraph 117, there's a sentence which reads  
8 "All criminal cases have been reviewed by external legal  
9 teams", and I recall, having seen Brian Altman KC's  
10 evidence, that, of course, his -- the review which led  
11 from his review was going back to 2010.  
12 **Q.** Thank you very much. That witness statement has the URN  
13 WITN09860100. And will be published on the Inquiry's  
14 website shortly.  
15 Sticking with your witness statement, please, could  
16 we have that up on screen and turn to page 5. I'm just  
17 going to go through a few passages. Page 5,  
18 paragraph 14. Thank you. The bottom half of that  
19 paragraph says as follows, it says:  
20 "While much has been written and said about my [Post  
21 Office] colleagues, I wish to pay tribute to those with  
22 whom I worked in communications, who were professional  
23 at all times. I have no doubt we could have done more,  
24 but I am proud of the steps taken to seek to change to  
25 a more open culture, a mission which was led by Paula  
2

1 bottom of that paragraph, you say:  
2 "Angela van den Bogerd was key to this work and  
3 an energetic advocate of delivering commitments to  
4 continuous improvement, such as through the Branch User  
5 Forum, improvement programme and the Post Office  
6 Advisory Council."  
7 Paragraph 88, please, on page 32. You say there:  
8 "As noted above, [the Post Office] had at the time  
9 a Press Office Team which would lead on all press  
10 inquiries, reporting to me. They were a high performing  
11 and high quality team."  
12 If we could move towards the end, please, page 51,  
13 paragraph 145, you address, in turn, each of the senior  
14 members of the team. At 145, you say about Ms Vennells:  
15 "The leader I knew was one who that deep integrity  
16 and who was guided by deeply held personal values. She  
17 seemed to me to place these values at the forefront of  
18 her consideration of these issues. She was sincere in  
19 the efforts she led to try to reach conclusions. It was  
20 her and Alice Perkins, as Chair, who insisted on the  
21 business investigating in detail."  
22 147, about Alice Perkins, you say:  
23 "Alice Perkins as Chair of Post Office also, it  
24 seemed to me, wished only to find a way to resolve these  
25 issues appropriately and sought to do so tenaciously and  
4

4

1 with great care and an eye for detail."  
 2 Paragraph 148, please. You say:  
 3 "I would also like to mention Angela van den Bogerd.  
 4 I found her to be incredibly committed to public service  
 5 and to the Post Office. She was detailed, thorough and  
 6 empathetic. She was also, it seemed to me, committed to  
 7 getting to the truth, hampered by [a] lack of the  
 8 information we now have to hand."  
 9 Is it fair to summarise your evidence in those  
 10 paragraphs that I've read out as painting a picture of  
 11 a Communications Team and a Senior Leadership Team that  
 12 was committed to opening up to challenge?  
 13 **A.** Yes, that's fair.  
 14 **Q.** Can we please turn to POL00380985. It's an email that  
 15 the Inquiry has seen before, dated 2 July 2013.  
 16 **SIR WYN WILLIAMS:** It hasn't reached my screen yet,  
 17 Mr Blake. Oh sorry, it's about to, I think.  
 18 **MR BLAKE:** Thank you. This is the email from Paula Vennells  
 19 to yourself and others, in answer to the question:  
 20 "What is a non-emotive word for computer bugs,  
 21 glitches, defects that happen as a matter of course?"  
 22 Her answer is, from her husband:  
 23 "Exception or anomaly. You can also say conditional  
 24 exception/anomaly which only manifests itself under  
 25 unforeseen circumstances ...  
 5

1 2013. The bottom of page 1, please. An email from  
 2 yourself to Martin Edwards "Re: PV & AP brief"; who was  
 3 AP?  
 4 **A.** Sorry could you just repeat the question?  
 5 **Q.** Who was "AP"?  
 6 **A.** Sorry, apologies, Alice Perkins.  
 7 **Q.** So there's a brief for Paula Vennells and Alice Perkins.  
 8 It says:  
 9 "The speaking note needs to be firmer -- we want to  
 10 make clear our position and underline our view that no  
 11 evidence to support the systemic failures."  
 12 If we go over the page, please, to page 2, the fifth  
 13 paragraph, you say as follows:  
 14 "We shouldn't call the user group a 'Horizon' user  
 15 group -- makes it appear that we are acknowledging issue  
 16 with Horizon -- branch management user group?"  
 17 Was the suggestion of removing the word "Horizon"  
 18 from the user group part of a culture that was open to  
 19 challenge at the Post Office?  
 20 **A.** No, I think what's happening in this email is this is  
 21 after the Second Sight Interim Report, which found no  
 22 evidence of systemic issues and we -- but very serious  
 23 issues around the way in which training and support  
 24 was -- well, not being delivered to postmasters. So  
 25 I think that's why we thought, given that this was  
 7

1 "Does that help?"  
 2 Your response was:  
 3 "I like exception [very] much."  
 4 Was renaming "bugs" part of a culture that was open  
 5 to challenge at the Post Office?  
 6 **A.** No, I mean, the background to this email was that we  
 7 were concerned, in fact, that "bugs" sounded like too  
 8 sort of slangy a word, and we wanted to be really  
 9 serious about how we approached these issues, and the  
 10 reality of Paula Vennells talking to her husband, who  
 11 I believe works in that industry, was that she had  
 12 thought it would be worth asking him what his view might  
 13 be, did so, and I thought that "exception" had the due  
 14 seriousness about it.  
 15 **Q.** Mr Davies "what is a non-emotive word for computer  
 16 bugs"; it doesn't say, "What is a non-slangy word", does  
 17 it?  
 18 **A.** No, it doesn't.  
 19 **Q.** The suggestion there is that you're looking for a word  
 20 that doesn't evoke emotions?  
 21 **A.** I think I read the email as around, you know, how could  
 22 we find a more appropriate way to describe bugs or  
 23 glitches or defects in a way that was in line with  
 24 a sort of IT industry way of speaking.  
 25 **Q.** Can we please look at POL00297030, same day, 2 July  
 6

1 a wider issue than the computer system at that time and  
 2 in the context of that time, "branch management user  
 3 group" felt to me -- and I think it eventually was  
 4 called the Branch User Forum, but I may have recalled  
 5 that incorrectly -- but that seemed to be a more  
 6 accurate description of what we were seeking to do.  
 7 **Q.** "... makes it appear we are acknowledging issue with  
 8 Horizon."  
 9 Aren't you removing that word to avoid the  
 10 suggestion that there is an issue with Horizon?  
 11 **A.** Well, at the time it was very clear to us that there  
 12 wasn't an issue with Horizon because the Second Sight  
 13 Report had said that there were no systemic issues and  
 14 we wanted to be really clear that what we were talking  
 15 about was a very deeply held commitment to improving the  
 16 way in which we supported postmasters and all of those  
 17 people who used the Post Office system.  
 18 **Q.** Can we turn to POL00162068. We're now on 23 September  
 19 2013, same year. Can we please turn to the bottom of  
 20 page 4, please. This the email we've seen from Alan  
 21 Bates to Paula Vennells, Susan Crichton, Angela van den  
 22 Bogerd and others, and he said:  
 23 "This afternoon I received followed email, it is  
 24 a prime example of the thuggery being exerted on  
 25 defenceless subpostmasters (as [the Post Office] deny  
 8

1 legal representation) by arrogant and uncontrolled Post  
2 Office personnel."

3 He forwards the email that says:

4 "Hello Alan

5 "I am writing on behalf of my son-in-law Martin  
6 Griffiths who has recently been in touch with you about  
7 the treatment doled out to him by the hierarchy at the  
8 crown office in Chester."

9 If we scroll down, please, it says:

10 "This morning he drove off to work, got out of his  
11 car and walked in front of a bus.

12 "He is dangerously ill in hospital at Liverpool, the  
13 Post Office had driven him to suicide.

14 "All the family are [in] hospital, I am alone  
15 waiting by the phone for further news of him.

16 "I would urge you to publicise this, another  
17 incident that has been caused by the Bully Boys at the  
18 crown office."

19 If we turn to the top of page 4, please, bottom of  
20 page 3, there is an email from yourself in response, and  
21 you say:

22 "Thanks -- Susan, given the potential media element  
23 please can we line up a specialist media lawyer in case  
24 we need urgent advice this evening?"

25 Was instructing a "specialist media lawyer", when  
9

1 Q. Were you aware of those guidelines?

2 A. I was aware of them but not to a very detailed degree,  
3 which is why I wanted to have some more advice on it.

4 Q. Are they complicated?

5 A. They're not complicated, no, but I think it's -- it was  
6 the right thing to do, from a -- in terms of my role, it  
7 was the right thing to do to potentially line up  
8 specialist advice.

9 Q. Can we look at POL00101361, please. We're now into  
10 2014, 11 September 2014. Can we turn to page 3, please.  
11 There is an email from a postmaster, Bryan Hewson,  
12 referring to a report on BBC Radio 4:

13 "Post Office's Horizon computer system  
14 subpostmasters having lost their positions and  
15 'including a handful who were imprisoned'.

16 "Tuesday evening.

17 "Scoured [the Post Office] website for official  
18 statement -- couldn't find it -- I must have missed it  
19 Media pages -- the press release must be there --  
20 nothing listed -- started to think I had imagined the  
21 news on the radio."

22 "Wednesday ...

23 "'Warm-up' consisted of hearing staff talking of  
24 seeing local TV news [regarding] Post Office Horizon,  
25 innocence, jailed, lost businesses.

11

1 Martin Griffiths, at that point, was dangerously ill in  
2 hospital, part of a culture that was open to challenge  
3 at the Post Office?

4 A. This was a deeply tragic and terrible case and everybody  
5 at the Post Office, when we read that email, was deeply,  
6 deeply shocked and a number of conversations took  
7 outside of email about it and, obviously, the natural  
8 human instinct of every single person who heard about  
9 that story was to be deeply, deeply shocked. In terms  
10 of specialist media lawyer, my role within the Post  
11 Office was to be the Communications Director, and there  
12 was a very strong likelihood of communications media  
13 coverage in relation to this tragic case, and I was very  
14 conscious of the media guidance that exist around the  
15 reporting of suicide or -- as it appeared in this  
16 case -- attempted suicide and wanted to make sure we had  
17 somebody on hand who would give us some guidance about  
18 those matters.

19 Q. Was lining up a specialist media lawyer really intended  
20 just to deal with the way that Mr Griffiths is  
21 described: the suicide issue? Was it not protecting the  
22 Post Office from negative publicity?

23 A. My thinking in lining up the specialist lawyer was  
24 around the point around the guidelines in terms of  
25 reporting suicide.

10

1 "My staff were in a state of shock and disbelief and  
2 anger at how people like them and their friends could  
3 have been accused of theft, lost their homes or even  
4 worse sent to prison.

5 "I was half prepared to meet my staff's reaction.  
6 I gave reassurance as best I could:

7 "New management at the top [Paula Vennells]

8 "New policies of openness, transparency & honesty  
9 working together across the whole organisation, as per  
10 last Forum meeting in London.

11 "Wednesday night.

12 "Scoured [the Post Office] website for another  
13 hour -- no statement found ... my best efforts.

14 "Why was this handled this way?

15 "To ensure the stated policy of openness  
16 transparency etc is fully implemented as designed,  
17 ie nice sounding words that will never permeate even  
18 within Head Office/Support Centre London?

19 "Why was there not a Memoview as a minimum means of  
20 communicating simultaneous with the Press briefings?

21 "As Michael knows Angela, in the last few weeks  
22 I have been trying to support branches with Mail's  
23 coaching. Please do not underestimate the blow to  
24 counter staff's and branch owner's morale of the 'news'  
25 broadcast on Tuesday.

12

1 "I intend bringing this matter up under [any other  
2 business] at today's meeting and am hoping this note  
3 will allow time for an appropriate answer to be given."

4 Page 2, please, it's an email from yourself to  
5 Angela van den Bogerd and others, at the bottom of the  
6 page, please, and you say:

7 "I will email Bryan. I appreciate the point but  
8 I am not prepared to make a decision based on feedback  
9 from one source. If we had pushed messaging out,  
10 thousands of people who didn't hear the coverage would  
11 have been alarmed and worried and I don't believe that  
12 doing that would be in anyone's interests."

13 Was not addressing a BBC Radio 4 story about  
14 imprisoned subpostmasters part of a culture that was  
15 open to challenge at the Post Office?

16 **A.** This was one case of where there had been media coverage  
17 around these issues and it was always a very fine  
18 judgement as to whether to effectively do a piece of  
19 communications, internal communications, to the whole  
20 Network, which was around 11,000 branches and  
21 30,000/40,000 people, when, in fact, it was a piece of  
22 coverage that was a one-off. I think, you know, I may  
23 have got that one wrong and I do remember ringing Bryan  
24 Hewson about it and talking him through it. I think, as  
25 I say, they were very difficult lines to get right.

13

1 second half of the page, please, an email from yourself.

2 "Dear all

3 "This note is designed, following a [group  
4 executive] discussion today, to set out why we are not  
5 proposing to put up an interview for Panorama on  
6 Horizon."

7 We will come back to the substance of this document  
8 but, if we scroll up, there's a response from Paula  
9 Vennells. She says:

10 "I agree completely -- I have no wish to give any  
11 legitimacy to Panorama and our statement should make  
12 that clear. Where we can give an objective view, eg in  
13 other media then fine."

14 Was that part of a culture that was open to  
15 challenge at the Post Office? Not putting up somebody  
16 for interview on Panorama?

17 **A.** Again, this was a very fine line. We had initially  
18 planned to put an interviewee up for the Panorama  
19 programme but ultimately decided not to because the  
20 programme was clear that it intended to go into  
21 individual cases and we weren't prepared to do that at  
22 the time, largely because those cases were being looked  
23 at by the CCRC.

24 **Q.** POL00174418, 18 August 2015. This is after the Panorama  
25 programme. If we scroll down to the bottom. There is

15

1 What we did make sure was that all of our field  
2 teams and everybody in the NBSC, the business centre  
3 that -- the helpline effectively, that was set up to  
4 support postmasters, had lines, had had positions to  
5 take, if those issues were raised with us and I think,  
6 as I say in a separate email there, we hadn't had a huge  
7 amount of questions about the issue, but I accept it's  
8 a fine line and I accept I might have got that one  
9 wrong.

10 **Q.** Thousands of people who didn't hear the coverage would  
11 now hear it, if you had made a statement, wouldn't they?

12 **A.** Well, yes, and the reason, because, of course, this is  
13 2014, where we're acting in good faith on the basis that  
14 we don't believe there are systemic issues with Horizon,  
15 where we have 50,000 people using the system every day,  
16 and we have a number to clients and not to mention of  
17 course the millions of customers who came to the Post  
18 Office, and one of the considerations was not creating  
19 something which would lead to people being concerned  
20 about their Post Office business in whatever form that  
21 took. Obviously, that's the context in which we were  
22 operating at the time, where we weren't -- where we  
23 didn't believe there were systemic issues with the  
24 system.

25 **Q.** POL00162598, please. We're now in 10 August 2015,

14

1 an email to you from you Elena Nistor. Were you aware  
2 she was the internal Audit Manager at the Post Office?

3 **A.** Mm.

4 **Q.** Yes? She says:

5 "Hi Mark,

6 "The programme last evening was indeed damaging and  
7 I think highlights again the questions about the Horizon  
8 systems and if it is true there were bugs within the  
9 system?"

10 "I know our external auditor raised couple of years  
11 some issues regarding the change management process for  
12 Horizon.

13 "Would you have time for a 15-minute chat this week  
14 at any point ..."

15 Your response:

16 "Hi Elena

17 "Thanks for this. It's certainly the case that in  
18 the cases referred to us, there has been no evidence at  
19 all of Horizon being the reason for any losses in  
20 branch. Indeed losses have been clearly the result of  
21 individual action."

22 No evidence at all; clearly the result of individual  
23 action: was that part of a culture that was open to  
24 challenge at the Post Office?

25 **A.** It was the position as we understood it at the time,

16

1 following the Second Sight Report.

2 **Q.** What we have seen here from 2013 onwards is, year after  
3 year, the same mantra. As director of communications,  
4 were you responsible for pursuing that mantra?

5 **A.** Not at all. In fact, we did number of things that were  
6 very open. For instance, you referred to Panorama, we  
7 did a two-hour briefing for Panorama journalists on the  
8 record with myself and Angela van den Bogerd and other  
9 colleagues as well. When the Second Sight Report was  
10 published in 2013, we published it on our website, with  
11 a press release. I went on the Today Programme in,  
12 I think, 2014, apologies if that's not the correct date.  
13 It was always a final balance and the role of  
14 a Communications Director is to find that balance, and  
15 sometimes we got it right, sometimes we got it wrong.  
16 But certainly our intention, throughout, was to be as  
17 open as possible on these issues.

18 **Q.** Renaming bugs; removing the word "Horizon"; not giving  
19 interviews, evidenced over number of years: do you  
20 really think that is evidence of a culture of openness  
21 at the Post Office?

22 **A.** I think when balanced with some of the other things we  
23 did that I just mentioned, I think it -- I'm certainly  
24 not saying it was the perfect approach to  
25 communications, for sure. I have made many mistakes,

17

1 Paragraph 113, please, page 40. You say there:  
2 "It was clear to me that the programme would be very  
3 damaging to [the Post Office's] reputation because it  
4 would be extremely difficult to ensure balance and  
5 impartiality."  
6 This is a witness statement that you have written  
7 this year. Weren't they -- Mr Wallis, Panorama -- the  
8 ones who actually got it right?

9 **A.** Obviously, we now know a huge amount more than we did  
10 back then about the Horizon system and I would actually  
11 just like to say how very, very, sorry I am that this  
12 issue has caused so much pain and anguish to so many  
13 people over so many years, and particularly sorry that  
14 I and Communications have played a part in prolonging  
15 that pain and anguish. When we were operating in  
16 relation to Panorama and Mr Wallis and other journalists  
17 who approached us on these issues, we always acted on  
18 good faith, based on the information we had at the time.

19 **Q.** That wasn't the question I was asking. The question  
20 I was asking was: weren't they the ones who got it  
21 right?

22 **A.** As I said, we now know from the court judgments of  
23 Lord Justice Fraser that the situation was far more  
24 difficult than we ever thought, so yes.

25 **Q.** Throughout your witness statement, you refer to

19

1 just as we all have, but I do think that we did our  
2 very, very best to be open and transparent on these  
3 issues.

4 **Q.** Let's go back to your witness statement, please,  
5 page 10, paragraph 28. You say:  
6 "In relation to my role specifically, what we could  
7 not accept -- in the context of what we knew at the  
8 time -- was inaccurate media coverage which damaged  
9 customer and postmaster confidence in a key delivery  
10 system."  
11 Moving on, please, to paragraph 94, that's page 34,  
12 you say there:  
13 "Given the lack of interest from the vast majority  
14 of journalists, and the apparent lack of impartiality on  
15 the part of some of those covering the issue, we  
16 believed we were acting in good faith and appropriately  
17 based on the context of what we knew at the time."  
18 Paragraph 108, please, page 39. You say there about  
19 Nick Wallis:  
20 "Mr Wallis is a journalist who has covered these  
21 issues for many years and has been clear in his view  
22 that Post Office was in the wrong -- that is his right,  
23 of course, but it naturally influenced the way we  
24 engaged with him, though we were always -- I believe --  
25 helpful and courteous."

18

1 "inaccurate media coverage", "lack of impartiality",  
2 "difficult to ensure balance and impartiality". Where  
3 do you acknowledge that, in fact, those who you are  
4 complaining about got it right?

5 **A.** I don't think I did acknowledge that in the statement.

6 **Q.** Can we please have a look at POL00173770. Can we turn  
7 to the second page, please, the bottom of the second  
8 page, an email not yet sent to you but it is in due  
9 course forwarded to you:  
10 "Hi both -- Matt has been contacted by a producer at  
11 BBC Panorama [this is the 2013 programme] which is  
12 considering running a programme on the Horizon/Justice  
13 for Subpostmasters issue.  
14 "To inform their decision on whether to run with the  
15 programme or not, he's keen to talk to someone at the  
16 NFSP in more detail about our take on the issue and  
17 about our experience of Horizon more broadly."  
18 So they have contact with the NFSP. If we scroll  
19 above, we can see eventually, at page 1, it's sent to  
20 you. Halfway down the page, please, and you say:  
21 "This was never funny but is now beyond a joke!  
22 "We really need Portland ..."  
23 That's Portland Communications, is it?

24 **A.** That's correct.

25 **Q.** "... to earn their money now with some innovative and

20

1 interesting ways of getting us back on the front foot.

2 I am not sure what we've had from them.

3 "We need some other voices in this, the journalism  
4 is appalling."

5 Could we please look at POL00101345. The email in  
6 the middle of the page is from yourself to Paula  
7 Vennells. Five paragraphs down, you say as follows:

8 "To your point regarding your fellow commuters there  
9 is this, I think: the media reports were skewed to  
10 present the picture the journalists wished to present --  
11 that of the corporate beast trampling on the downtrodden  
12 subpostmaster. This kind of campaigning journalism is  
13 always likely to capture sympathy and it's why they do  
14 it that way. For the reasons set out above it wouldn't  
15 be in our interests to get into a detailed debate on the  
16 report.

17 "The problem we have is that journalists with  
18 an agenda are always going to believe Second Sight ahead  
19 of us."

20 Can we please look at POL00101629. 5 December 2014.  
21 If we scroll down to the bottom of page 3, please:

22 "... Nick Wallis called regarding an interview with  
23 Paula on Horizon for BBC News/One Show. They would like  
24 to do this tomorrow or over the weekend.

25 "Basically, they have got wind of a letter that

21

1 "Read the chain from the bottom including the Nick  
2 Wallis call note. Sounds like [Members of Parliament]  
3 might do something as a collective shortly. If that  
4 happens we need to think again about whether to agree to  
5 an interview -- me, not Paula. Otherwise it could end  
6 up back in Parliament.

7 "I pretty much agree with Mel's view here, but we  
8 might need to be ready to change approach."

9 Then the response from Belinda Crowe is:

10 "Can we speak at some point about this on Monday?"

11 Then you send an email, your response to her. You  
12 say:

13 "I called. I've just seen [Nick Wallis'] latest  
14 email. I am tempted to offer an interview in which we  
15 simply say in response to questions:

16 "'The BBC is asking us to break the confidentiality  
17 of a mediation scheme, the workings of which were agreed  
18 by all parties. This is an intolerable position. We  
19 have gone over and above the responsibilities we have as  
20 a business. In two and a half years there has been no  
21 evidence etc ...'

22 "If I stick to that line, what is the proposal with  
23 doing an interview? I appreciate you may think I am  
24 sliding but I can't sit and take this garbage much  
25 more."

23

1 Paula sent to a number of MPs regarding [the Post  
2 Office's] position on the mediation system. The MPs are  
3 expected to release a response over the coming days  
4 which will bring a large degree of information on scheme  
5 into the public domain. He hasn't seen the letter but  
6 hopes to by the time the interview takes place. The  
7 interview will question the integrity of the system and  
8 the claims of the [subpostmasters] involved."

9 If we scroll up, please. There's an email from  
10 Melanie Corfield on page 2 to yourself and also to Ruth  
11 Barker. About 4 paragraphs down, she says as follows,  
12 she says:

13 "We can go back to Nick to reiterate previous points  
14 we have made about confidentiality of scheme,  
15 inappropriateness of interview but offer statement along  
16 the lines pasted below? After all he is essentially  
17 asking Paula to respond to something that hasn't even  
18 happened yet (ie the response to her letter!). While  
19 Nick is still fishing around we need to avoid giving him  
20 anything new? Happy to discuss. I am in a meeting this  
21 [afternoon] and I know you are involved in another  
22 issue. I have to leave promptly tonight for  
23 a commitment but around in the morning."

24 You respond, in fact, you forward it to Belinda  
25 Crowe, the bottom email, thank you, and you say:

22

1 Turning, please, to POL00102062, 23 January 2015, if  
2 we scroll down, please. You've written an email, it's  
3 a note, and you say:

4 "I've written the below for no reason other than it  
5 made me feel better."

6 We will come back to this email but you say as  
7 follows:

8 "It's fascinating to be part of a conspiracy. To be  
9 at the heart of a corporate cover up. But frustrating  
10 too, when the reality is a hard story to tell, and some  
11 distance from the picture painted by a determined band  
12 of adversaries.

13 "In our case, we are up against a campaign group,  
14 a few journalists (mainly from the BBC) and some MPs.  
15 And you have to hand it to them: they know what they are  
16 doing in terms of mounting a campaign. It's just  
17 that --whisper it quietly -- all is not what it seems."

18 One final email, before I get to the question.  
19 POL00111699, much later on, 21 February 2019, an email  
20 from yourself to Paula Vennells and others. You say as  
21 follows:

22 "Our external communications strategy on this is to  
23 minimise negative coverage by holding the robust line we  
24 have deployed throughout. In doing so we have thus far  
25 succeeded in minimising coverage in the mainstream

24

1 media. Throughout the trial we have been measuring  
2 sentiment among external audiences -- the trial has had  
3 no discernible impact in terms of increasing external  
4 interest in this issue.

5 "There are a group of journalists who have staked  
6 their professional reputations on campaigning on behalf  
7 of those who have now taken us to court. They -- and  
8 one in particular -- drive most of the periodic  
9 increases in external coverage. We have sought to  
10 engage with this group but there is an unwillingness to  
11 engage with our side of the story. That is regrettable,  
12 of course."

13 You then say:

14 "Private Eye has also featured the issue regularly,  
15 claiming Post Office has knowingly covered up evidence  
16 of what it calls the 'deep dodgy' Horizon system. We  
17 believe the content in Private Eye is almost certainly  
18 provided to it by one of the 'campaigning' journalists  
19 who have staked their reputation on proving that Post  
20 Office has conspired to see otherwise innocent people  
21 jailed or penalised.

22 "By holding our line and not giving the story  
23 further oxygen, we prevent the issue going the channels  
24 above and while of course it is uncomfortable when we  
25 face negative coverage it has never reached the stage of

25

1 Q. Were you absolutely blinkered --

2 A. No.

3 Q. -- at this time? Who is the one journalist who is  
4 mentioned in this email?

5 A. That would be Mr Nick Wallis.

6 Q. Did you at any time think, actually, there might be  
7 something in what he's saying?

8 A. Of course. As I've said, I asked myself the question  
9 many, many times and I regret that I didn't ask more  
10 questions. I wish I'd pushed harder, I wish that I'd  
11 been perhaps as hard on and as assertive with our  
12 supplier as I was with Panorama and with journalists at  
13 times, for sure. Of course, I've asked myself those  
14 questions many, many times and will continue to do so.  
15 I have a huge amount of regret over this issue and will  
16 always have that regret.

17 Q. Looking at those later emails that I've shown you, the  
18 emails addressing journalists, attacking journalists,  
19 were they part of a culture of openness?

20 A. I think it's unfair to take a few emails as symptomatic  
21 of what the broader environment that we -- that I led in  
22 the Communications Team at the Post Office. I've always  
23 been hugely committed to openness and transparency with  
24 journalists. I was a journalist myself for 14 years.  
25 I've got a huge amount of respect for journalists and

27

1 a media onslaught as seen on other such issues facing  
2 organisations such as ours."

3 Email, after email, after email, blaming the  
4 journalists, isn't it?

5 A. Well, with the benefit of hindsight, they absolutely --  
6 some of them look ludicrous, I agree.

7 Q. Had you ever asked yourself "Might we, in fact, be the  
8 baddies"?

9 A. I have asked myself that question; I've asked myself  
10 many, many questions over this issue many, many, many  
11 times, over the course of the last few months, over the  
12 course of the last few years and throughout the whole  
13 period I was dealing with these issues. We really  
14 believed that we were doing the right things. We'd  
15 appointed Second Sight to lead an investigation, which  
16 we thought was the right thing to do. We then create  
17 a mediation scheme because we wanted to give people the  
18 opportunity to raise the issues that they had. We  
19 advertised for people to come forward to the scheme, the  
20 Mediation Scheme, using our communications channels to  
21 do so. You know, we held a two-hour briefing with  
22 Panorama. We published a press release, et cetera,  
23 et cetera.

24 We'd really tried and the context is that we really  
25 believed that we'd tried to do the right things.

26

1 journalism. On this particular issue, absolutely, I was  
2 assertive. As I say, I regret that I was as assertive  
3 as I was but, ultimately, I'm not a technical expert,  
4 I'm not a legal expert. I had to operate based on -- in  
5 good faith, on the information that I had to hand at the  
6 time and did so in that way.

7 Q. They're not just a few emails, are they, though, because  
8 the emails that I've shown you are over several years:  
9 emails from 2013, emails from 2014, emails from 2015.  
10 Emails from before the Second Sight Interim Report,  
11 emails from after the Interim Report, and they all have  
12 a very similar line about them, don't they?

13 A. They have a very line in the sense that we felt that the  
14 actions that we were taking, the appointment of Second  
15 Sight, the setting up of the Mediation Scheme, the  
16 openness that we showed to Panorama in the initial  
17 stages of our engagement with Panorama, we felt that  
18 those issues were not being fully recognised. For  
19 instance, with Panorama, we felt that it would have been  
20 helpful if they'd have spoken to the National Federation  
21 of SubPostmasters, who represent -- represented 6,000  
22 postmasters at the time and who, I think as the Inquiry  
23 is aware, didn't, at the time, didn't have any concerns  
24 about the Horizon system, and it felt as though the  
25 journalists had an agenda and that that agenda was to

28

1 say that the Post Office was in the wrong. Obviously,  
2 context and hindsight tells us that we were in the wrong  
3 and I deeply regret that that's the situation.

4 **Q.** Do you think that the Post Office did enough  
5 investigating of its own to look into the problems with  
6 Horizon?

7 **A.** Well, self-evidently, I don't think enough investigation  
8 went into it. It's not really a question for me as  
9 Communications Director.

10 **Q.** But you were communicating that very message, weren't  
11 you, that Horizon was robust, nothing to see here.  
12 Surely you can have an opinion as to whether the Post  
13 Office carried out enough investigations and, frankly,  
14 whether you personally looked into matters enough?

15 **A.** No, well, I mean, clearly not enough investigation went  
16 on, because issues have emerged in the course of the  
17 last few years that have shown that Horizon was far  
18 more -- had far more faults, far more bugs in it than we  
19 ever realised and ever understood at the time. So,  
20 absolutely, for whatever reason the correct levels of  
21 investigation didn't take place. I agree with that. Do  
22 I -- as I said, I regret deeply that I didn't do more to  
23 question internally. I always insisted that our  
24 Communications Team, we weren't just effectively  
25 a postbox for information. If colleagues told us

29

1 but I can't possibly recall whether I did or not.

2 **Q.** So:  
3 "... using Alwen to enable [Cartwright King] to say  
4 something to the judge regarding the bugs [Post Office]  
5 have found and disclosed ([the Post Office] have found  
6 them, not [Second Sight] -- that's an important PR  
7 point) ..."

8 To what extent is a PR point relevant to a Crown  
9 Court judge?

10 **A.** Well, that would be a question for -- sorry, who is this  
11 email from?

12 **Q.** It's from Hugh Flemington?

13 **A.** That would be a question for Mr Flemington. I would  
14 place a Crown Court judge very high above a PR point.

15 **Q.** "... and fact that a [Second Sight] Interim Report may  
16 be coming out before the MPs summer recess (16 July) to  
17 offer judge the chance to adjourn the case. That just  
18 makes us look open and transparent and seems the prudent  
19 thing to do."

20 Number 2:

21 "Mark D -- could we prepare an 'on the offensive'  
22 [communications] statement to go out on Monday -- and we  
23 send out letters to relevant affected [subpostmasters/  
24 ex-subpostmasters] of the 14 bug on Monday too?"

25 Now, this is something that we've seen with other

31

1 something, we would scrutinise it and push back. I wish  
2 we'd pushed back harder, I wish I'd pushed back harder.

3 **Q.** I'm going to move on to the topic of Second Sight. Can  
4 we begin with POL00164510. This is an email from Hugh  
5 Flemington to Alwen Lyons, you, Rodric Williams, Jarnail  
6 Singh and Lesley Sewell:

7 "1. We have a new criminal case starting in [that's  
8 Birmingham] next Monday [and that's a matter we have  
9 seen with other witnesses]. Jarnail to get [Cartwright  
10 King] up to speed using Alwen to enable [Cartwright  
11 King] to say something to the judge regarding bugs [the  
12 Post Office] have found and disclosed ([the Post Office]  
13 have found them, not [Second Sight] -- that's  
14 an important PR point) ..."

15 Just pausing there, and we'll see it often repeated  
16 that Post Office had found the bugs, were you aware, as  
17 to whether it was Gareth Jenkins or the Post Office who  
18 had notified Second Sight about bugs in Horizon?

19 **A.** I may have been aware. I don't recall.

20 **Q.** Do you ever recall asking anybody whether it was correct  
21 that the Post Office found the bugs and notified Second  
22 Sight?

23 **A.** I recall that I was told that Post Office had found the  
24 bugs and told Second Sight. I don't recall whether  
25 I questioned that or not. I would like to think I did

30

1 witnesses: there were these two bugs, what were referred  
2 to there as the 64 and the 14 bugs and there are letters  
3 that are going out to affected subpostmasters; do you  
4 recall that issue?

5 **A.** I recall the issue in relation to the Second Sight  
6 Interim Report. I don't, in all honesty, recall this  
7 specific -- I mean, I've seen this email since it was  
8 disclosed, obviously but I didn't -- when I saw it this  
9 time, it didn't ring a bell.

10 **Q.** It says:

11 "Mark D -- could we prepare an 'on the offensive'  
12 [communications] statement ..."

13 Do you think it was appropriate to prepare an "on  
14 the offensive" communications statement when the Post  
15 Office was notifying subpostmasters or former  
16 subpostmasters of those two bugs?

17 **A.** As I say, I don't recall this email. I don't find this  
18 language particularly -- I'm not keen on that.

19 **Q.** What would you have understood "on the offensive" to  
20 have meant?

21 **A.** Well, I suspect he's suggesting that we do a proactive  
22 press release of some kind to set out these issues but  
23 I honestly don't recall what actually happened as  
24 a result of this email.

25 **Q.** "This comms statement to include:

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1 "[The Post Office] found the bugs and told [Second  
 2 Sight] (ie [Second Sight] didn't find them).  
 3 "[The Post Office] are being open about them.  
 4 "Get [Fujitsu] to confirm bugs don't affect the  
 5 transaction data."  
 6 There's then a Board meeting, a couple of days  
 7 later. Can we please look at POL00021515. We may see  
 8 other Board minutes. You're down in attendance. Were  
 9 you regularly in attendance at Board meetings?  
 10 **A.** I attended Board meetings on a fairly regular basis but  
 11 not routinely.  
 12 **Q.** Who invited you to those Board meetings generally?  
 13 **A.** I would generally be invited, well, by the Chair, but  
 14 Paula would have passed on the request.  
 15 **Q.** Did you have a personal relationship with the Chair?  
 16 **A.** I think, as is known to the Inquiry, I worked for a time  
 17 for the Chair's husband.  
 18 **Q.** That was Jack Straw?  
 19 **A.** That's correct.  
 20 **Q.** Was she your link to the Post Office: did you join  
 21 because of her or ...?  
 22 **A.** I heard about the vacancy at the Post Office and  
 23 applied. I went through a rigorous recruitment process,  
 24 which involved, I think, two or possibly three  
 25 assessment interviews plus an assessment day. I'd

1 **A.** No.  
 2 **Q.** If we scroll down, please, there is a section on  
 3 Horizon. I'm just going to read a couple of paragraphs  
 4 from that:  
 5 "(a) The CEO apologised for the short notice in  
 6 keeping the Board update but explained that issues had  
 7 arisen over the last couple of days. She gave an update  
 8 on the Horizon review which was being undertaken by  
 9 Second Sight and their Interim Report which was to be  
 10 presented at a meeting of MPs on 8 July. The  
 11 investigation to date had found no systemic issues with  
 12 the Horizon computer system but had highlighted areas  
 13 for improvement in support areas such as training.  
 14 "The CEO explained that the Horizon, like any large  
 15 computer system, would occasionally have anomalies and  
 16 two were known of over recent years. The business had  
 17 dealt with these anomalies to ensure no subpostmaster  
 18 was out of pocket and these anomalies had not affected  
 19 any of the cases which Second Sight had reviewed.  
 20 Second Sight had been told of these anomalies and they  
 21 would include them in their report."

22 Over the page, please:

23 "The CEO was concerned that the report from the  
 24 independent forensic accountants was not as factual as  
 25 expected and could lead to loose language at the MP

1 certainly heard about the vacancy through my connection  
 2 but --  
 3 **Q.** Which connection, sorry?  
 4 **A.** Through the fact that I'd previously worked for Jack  
 5 Straw.  
 6 **Q.** Who told you about the vacancy?  
 7 **A.** I don't recall.  
 8 **Q.** How do you recall that you'd heard about it through that  
 9 connection?  
 10 **A.** I think it was -- I was approached. I honestly can't  
 11 remember, Mr Blake. I think I was either approached by  
 12 a headhunter, potentially, or it could have been that it  
 13 was mentioned to me by Mr Straw. I honestly can't  
 14 recall.  
 15 **Q.** If it was through the connection then it wouldn't have  
 16 been a headhunter, would it?  
 17 **A.** I think -- well, obviously, the headhunter -- if it was  
 18 a headhunter, and I genuinely can't recall, they would  
 19 have recalled that I'd worked -- or they would have  
 20 known that I'd worked for Jack Straw and that Alice  
 21 Perkins was the Chair of Post Office.  
 22 **Q.** Returning to these minutes, at this particular meeting,  
 23 is there a lawyer present?  
 24 **A.** No.  
 25 **Q.** Do you recognise any IT specialists present?

1 meeting.  
 2 "The Board asked the Business to challenge Second  
 3 Sight to ensure changes were made to the report where  
 4 possible and asked the Business to prepare their  
 5 communication to combat any inaccuracies."  
 6 We have there:  
 7 "Action:  
 8 "CEO/Mark Davies."  
 9 Why were you personally tasked with changing the  
 10 report of an independent investigation?  
 11 **A.** I don't think I was. I think the action that refers  
 12 there in (d) is to the business to prepare their  
 13 communication to combat any inaccuracies. I don't  
 14 believe that -- and I certainly didn't take it that  
 15 I was being asked to challenge Second Sight to ensure  
 16 changes were made to the report --  
 17 **Q.** Do you recall seeing any copies of the report before it  
 18 was published?  
 19 **A.** I don't recall. I don't recall.  
 20 **Q.** Do you recall making any proposals to change a draft of  
 21 the report?  
 22 **A.** I'm as certain as I can be that I didn't.  
 23 **Q.** Do you think it is unusual, given that the context, that  
 24 the only two named people for action here are you and  
 25 the CEO?

1 A. Is it possible to just scroll back to who was in  
2 attendance at the meeting, Mr Blake, if possible?  
3 Q. Yes.  
4 A. I'm surprised, looking at that list of attendees, that  
5 Susan Crichton wasn't there at the time because my  
6 understanding or my recollection is that she sort of  
7 held the relationship with Second Sight at that time.  
8 So I'm surprised that she's not listed as being present.  
9 Q. Do you recall the relationship with Susan Crichton and  
10 the Board at this time?  
11 A. No, I don't.  
12 Q. Are you aware of any reason why she might not have been  
13 present at the Board?  
14 A. I'm not, no.  
15 Q. Have you heard any suggestions relating to why she might  
16 not have been at the board?  
17 A. No.  
18 Q. Can we please look at POL00296941. This is a draft  
19 briefing to Paula Vennells of 1 July, so the same day.  
20 Is this a document you recall?  
21 A. Only since I've seen it disclosed for the Inquiry.  
22 I may have seen it when it was first produced but  
23 I cannot recall if I did or not.  
24 Q. If we scroll over the page, it's a briefing on the  
25 Second Sight review, Interim Report. Is it likely that

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1 a press release to go on the same day as the Second  
2 Sight Report being published.  
3 Q. Rebuttal and tactics sound very much like the plan was  
4 to rubbish Second Sight's findings?  
5 A. That's absolutely not correct.  
6 Q. If we scroll down, please, we have "Key Messages". It  
7 says for you to "review and amend as necessary", so it's  
8 likely that this did land on your desk?  
9 A. Oh, very likely, yeah.  
10 Q. "With respect to the 62 Branch and 14 Branch anomalies",  
11 points to be made are, for example:  
12 "We found the anomalies ...  
13 "The anomalies were detected, resolved, and we  
14 communicated the problem to subpostmasters."  
15 Do you recall who was responsible for developing  
16 these points?  
17 A. Well, my team would have been -- I and my team would  
18 have been responsible for developing the -- a press  
19 release based on the report, but not -- so where it says  
20 there, "With respect to the 62 Branch and 14 Branch  
21 anomalies", we would have been asked to take these  
22 points into consideration as we developed a press  
23 approach, a press release, which I think was then --  
24 well, I know was then developed. Obviously, that  
25 wouldn't be done in isolation of the wider business, as

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1 you would have seen this at the time?  
2 A. I think it's likely.  
3 Q. Could we please turn to page 6, bottom of page 6 into  
4 page 7 is the "Forward Strategy":  
5 "Plan A: Meet [James Arbuthnot] and try to persuade  
6 him to postpone his meeting with Second Sight on  
7 Tuesday, 9 July.  
8 "If not successful, Plan B: We are preparing a full  
9 communications strategy and will consider rebuttal and  
10 tactics in line with an approach aimed to minimise  
11 reputational impact to Post Office Limited."  
12 Do you recall there being this Plan B?  
13 A. Absolutely, in terms of the Second Sight Report, as with  
14 any major report, which would have had external focus,  
15 I would have been asked to come up with a -- to work  
16 with my team to produce a communications strategy and  
17 I think that's -- you know, that's not unusual at all.  
18 Q. It certainly reads as though Plan B is to go against  
19 Second Sight; do you agree with that?  
20 A. No, I don't agree with that. On the contrary, actually,  
21 I do recall at the time I was extremely keen that we  
22 were very open about the Second Sight Report. I can't  
23 say whether it was my idea that we published the Second  
24 Sight Report externally but I certainly was very  
25 supportive of that, as I was supportive of issuing

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1 no piece of communications ever was done in isolation of  
2 the wider business; it would have been a collaborative  
3 approach across the business, including obviously Legal,  
4 IT, Network, Security, et cetera, et cetera, and I'd  
5 imagine, in this case, although obviously it's --  
6 I think it's 11 years ago, I imagine Fujitsu -- we would  
7 have liaised with the Fujitsu Press Office as well,  
8 which we did as a matter of course on these matters too.  
9 Q. Can you assist us with that? You say as a matter of  
10 course. So you had a counter part at Fujitsu that you  
11 liaised with?  
12 A. Yeah, of course. So the Post Office -- it might help  
13 the Inquiry if I just set out briefly what the Post  
14 Office Communications Team comprised of. I mean, it  
15 comprised of a Press Office of, I think, four or five  
16 press officers, a Stakeholder Management Team, who  
17 worked with MPs and councillors and other stakeholders,  
18 an Internal Communications Team which, obviously, was  
19 responsible for internal communications with our  
20 colleagues, our employed colleagues but also our  
21 franchised colleagues and the postmaster community as  
22 well, and then the people who put together the website  
23 and other elements too.  
24 So whenever a report such as this one -- and there  
25 were many reports and press initiatives during the time

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1 I was at the Post Office -- were developed, they would  
 2 effectively come to us -- whichever part of the business  
 3 was leading on the issue, would come to us and say, "We  
 4 need a press strategy, a media strategy and an internal  
 5 communications strategy for it, as well". So we would  
 6 then work with whichever part of the business that was  
 7 to put together the relevant materials. So it might be  
 8 a press release, it might be an internal communications  
 9 piece and I think, for the Second Sight Report, or from  
 10 my recollection, is, and I'm sure it's the case, that we  
 11 produced a press release but we'd have also produced  
 12 internal communications materials as well, to talk to  
 13 the business to tell the story of what was happening in  
 14 relation to the Second Sight Report.

15 Sorry, does that help?

16 **Q.** Well, Mr Davies, the impression that you're giving is  
 17 certainly one where you were just effectively carrying  
 18 out the orders of others within the business but we saw  
 19 at the Board that you were, actually, specifically  
 20 tasked with the response, weren't you, at Board level?

21 **A.** Specifically tasked with the response in terms of  
 22 creating the communications package, absolutely. I --

23 **Q.** So it wasn't just a press release. It wasn't  
 24 anything -- part of your usual day-to-day work. This  
 25 was a Board level direction for you to personally direct

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1 technical matters would go via my Press Office, our  
 2 Press Office, the Communications Press Office,  
 3 absolutely. I didn't get involved in dealing with  
 4 technical questions myself. But any technical questions  
 5 that were being fed to Fujitsu would also be fed through  
 6 the IT Team as well. So it was a collaborative  
 7 approach. There wasn't a sort of separate set of people  
 8 asking questions and then another set of people asking  
 9 questions, if that makes sense.

10 **Q.** Given that you were responsible for the strategy, why do  
 11 you say that you weren't getting involved with the  
 12 technical matters? Wasn't that quite an important part  
 13 of your job?

14 **A.** Well, essentially, we would be -- the Second Sight  
 15 Report would be presented to us and we would then take  
 16 that report and then build out a press release from the  
 17 report, and then, in doing so, liaise with other  
 18 colleagues within the Post Office and also with Fujitsu.  
 19 So we wouldn't be taking raw material ourselves and  
 20 creating material ourselves; we would be building out  
 21 from the existing report.

22 **Q.** Can we look at POL00029627. This is the very next day,  
 23 and it's a later draft of the same briefing note. Can  
 24 we look at page 6, please, the bottom of page 6 into  
 25 page 7. So we see at the very bottom the forward

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1 the response to the Second Sight Interim Report?

2 **A.** I think it's really important to say that the media  
 3 response, so the creating a press release, creating  
 4 an internal communications messaging, I think to go back  
 5 to the Board meeting. It is absolutely not the case  
 6 that I was tasked with trying to persuade Second Sight  
 7 to change their report. That did not happen. What did  
 8 happen was I was tasked with creating a press media  
 9 communications response, absolutely.

10 **Q.** You were mentioning Fujitsu. Who did you liaise with at  
 11 Fujitsu?

12 **A.** I don't recall -- sorry, you did ask me that question,  
 13 apologies. I don't recall specific names and most of  
 14 the communication between my team, the Press Office  
 15 Team, would have been directly between my Press Office  
 16 Team and the Fujitsu Press Office team and, obviously,  
 17 Fujitsu like any other organisation, like the Post  
 18 Office, has its own media team.

19 **Q.** Did you have somebody you could pick up the phone to at  
 20 Fujitsu?

21 **A.** I don't recall names but I dealt with the Director of  
 22 Communications, I think it was, at the time. I don't  
 23 recall names, though, apologies.

24 **Q.** Would you feed them technical questions, for example?

25 **A.** No, I mean, most of the sort of day-to-day questions on

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1 strategy the wording has slightly changed there because  
 2 Plan A, it now says, "This is unlikely to be  
 3 successful". So by the day after the board meeting, it  
 4 seems as though the likely scenario is that you're going  
 5 to have to prepare a full communications strategy. Do  
 6 you recall that?

7 **A.** I really don't recall the interplay between the meeting  
 8 with Lord Arbuthnot, as he is now, and the  
 9 communications strategy. I don't recall those two  
 10 things being connected. I think our intention always  
 11 was that we would publish the Second Sight Report.

12 **Q.** Do you think it may be surprising that, by that stage,  
 13 your plan was to rebut and develop tactics in respect of  
 14 a firm of independent investigators that had been  
 15 instructed by the Post Office to carry out  
 16 an independent investigation?

17 **A.** No, because rebuttal and tactics would refer to what  
 18 questions we might receive off the back of the Second  
 19 Sight Report, so we would receive questions relating to  
 20 the report. So we would therefore have -- and where it  
 21 says, "Rebuttal" that effectively means a Q&A, a set of  
 22 question and answers that we would expect to be asked by  
 23 journalists or others. "Tactics" is really about  
 24 whether we would do TV interviews about it? Would we do  
 25 radio interviews about it? Would we put out an internal

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1 communications plan? Would we contact MPs, other than  
2 Lord Arbutnot? Those sort of considerations. So it  
3 doesn't strike me as surprising.

4 **Q.** Aiming to minimise reputational impact on Post Office in  
5 respect of an independent report -- I'll go back to the  
6 questions that I was asking first today, which is: do  
7 you think that was part of a culture of openness?

8 **A.** I think that managing reputational risk for any large  
9 organisation, such as Post Office, is a fundamental part  
10 of a Communications Team, along with facilitating  
11 responses, along with informing key audiences about new  
12 products, about the performance of the business,  
13 et cetera, et cetera. Minimising reputational risk is  
14 part and parcel of communications -- the communications  
15 profession.

16 **MR BLAKE:** Thank you, sir. That might be an appropriate  
17 time to take our morning break.

18 **SIR WYN WILLIAMS:** Yes, by all means.

19 **MR BLAKE:** Thank you very much.

20 **SIR WYN WILLIAMS:** Let me just check.

21 **MR BLAKE:** I think 11.05.

22 **SIR WYN WILLIAMS:** Yes, 11.05.

23 (10.52 am)

(A short break)

24 (11.05 am)

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1 chaired by Post Office Chief Information Officer Lesley  
2 Sewell."

3 Just pausing there, is that User Forum the forum  
4 that was originally going to be described as the Horizon  
5 Forum?

6 **A.** I think so.

7 **Q.** It then says:

8 "During the course of the Second Sight Review, the  
9 Post Office -- assisted by its supplier Fujitsu -- has  
10 engaged with Second Sight to provide evidence around the  
11 use of the Horizon system.

12 "This included details of where accounting shortages  
13 or overpayments have occurred as a result of minor  
14 issues in the system. This amounted to two sets of  
15 transactions -- one impacting 62 of the Post Office's  
16 11,800 branches between March and October 2010 and the  
17 other affecting 14 branches due to an anomaly with  
18 accounting entries for 2010/11 being incorrectly  
19 reproduced in 2011/12 and 2012/13 ...

20 "The accounting anomalies in these cases were picked  
21 up by the Horizon system, Post Office proactively  
22 informed subpostmasters and any losses -- however  
23 minor -- were reversed."

24 You then have an announcement from Lesley Sewell, it  
25 says:

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1 **MR BLAKE:** Thank you, sir.

2 Can we please turn to POL00189880. We're on the  
3 same day, 2 July 2013, and you have drafted a statement,  
4 and you are seeking comments from various people. Could  
5 we please look at the statement, it's POL00189881. I'm  
6 just going to read to you from the statement quite a lot  
7 of text that I will go through. It starts:

8 "DRAFT Post Office statement on Horizon system.

9 "An interim review into concerns around the computer  
10 system used in the Post Office branches has concluded  
11 that there are no systemic issues in relation to the  
12 system, the Post Office has announced.

13 "The review -- undertaken independently by Second  
14 Sight Support Services Limited in consultation with the  
15 Post Office, James Arbutnot MP and Justice for  
16 Subpostmasters Alliance -- addressed four cases raised  
17 by MPs.

18 "It found no evidence of any systemic failures in  
19 the system. The Post Office now plans to invite the  
20 JFSA to work with it and Second Sight to complete its  
21 review of [further] cases ..."

22 If we scroll down, please. It says:

23 "As a result, Post Office Limited plans to create  
24 a User Forum to explore these issues with the JFSA and  
25 other interested parties. The User Forum will be

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1 "Lesley Sewell said: 'We are grateful to James  
2 Arbutnot MP for his support for the Second Sight  
3 Review, and to Second Sight themselves for their work.

4 "'The Post Office takes its responsibilities --  
5 whether to customers, subpostmasters, staff or  
6 taxpayers -- very seriously and it is right that we took  
7 the steps to ensure that claims about the Horizon system  
8 were reviewed.

9 "Having done so, Second Sight has confirmed that  
10 there are no systemic issues in the computer system. We  
11 will of course continue to work with them, and with the  
12 JFSA, to examine other cases put to us", and it  
13 continues.

14 At the time you drafted this statement, had you read  
15 the Second Sight Report?

16 **A.** I'm sure I had, yes.

17 **Q.** Can we please turn to page 1 of this document and also  
18 bring on to screen alongside it the Second Sight Interim  
19 Report, and that is POL00099063. So we now have on the  
20 left-hand side the Second Sight Report. Can we please  
21 turn to page 5 on the left-hand side, page 5 of the  
22 Interim Report.

23 Thank you very much. If we could scroll down to 6,  
24 thank you:

25 "Did defects in Horizon cause some of the losses for

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1 which subpostmasters or their staff were blamed?"

2 It says:

3 "There is still much work to be done on the cases  
4 Second Sight has been asked to investigate. We have  
5 concluded in one of the four spot reviews [so a quarter  
6 of the reviews carried out] covered by this Interim  
7 Report that, although the Horizon system operated as  
8 designed, the lack of timely, accurate and complete  
9 information presented to the subpostmaster was  
10 a significant factor in his failing to follow the  
11 correct procedure.

12 "In that incident, shortcomings in the branch's  
13 primary and fallback telecommunications equipment  
14 exposed a weakness that led to a poor counter-level  
15 experience both for the [subpostmaster] and his  
16 customer."

17 It then refers to another spot review and then at  
18 6.4 it says:

19 "In the course of our extensive discussions with  
20 [the Post Office] over the last 12 months, [the Post  
21 Office] has disclosed to Second Sight that, in 2011 and  
22 2012, it had discovered 'defects' in Horizon Online that  
23 had impacted 76 branches."

24 Over the page, please. Thank you.

25 It says:

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1 defect or 'bug' in the Horizon software."

2 Now, on the right-hand side, can we please scroll  
3 down to the passage that begins with "This included  
4 details". Thank you.

5 In your draft press release, after having read the  
6 Second Sight Report, you say as follows:

7 "There included details of where accounting  
8 shortages or overpayments have occurred as a result of  
9 minor issues in the system. This amounted to two sets  
10 of transactions ... "

11 You say:

12 "In the first of these cases, 17 subpostmasters were  
13 ... affected -- and later reimbursed ...

14 "In the second set of cases, the total impact was  
15 xxx.

16 "The accounting anomalies in these cases were picked  
17 up by the Horizon system, Post Office proactively  
18 informed the subpostmasters and any losses -- however  
19 minor -- were reversed."

20 Is that correct?

21 **A.** It would seem that that's not correct, in that draft  
22 press statement.

23 **Q.** Because they weren't picked up, in some cases, for  
24 a significant period of time?

25 **A.** It appears that that statement has, to some degree, sort

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1 "The first defect, referred to as the 'Receipts and

2 Payments Mismatch Problem' impacted 62 branches. It was  
3 discovered in September 2010 as a result of Fujitsu's  
4 monitoring of system events ... The aggregate of the  
5 discrepancies arising from the system was £9,029 ...

6 "The second defect, referred to as the 'Local  
7 Suspense Account Problem', affected 14 branches and  
8 generated discrepancies totalling £4,486 ..."

9 Then it says this, at 6.7 onwards:

10 "[The Post Office] was unaware of the second defect  
11 until a year after its first occurrence in 2011, it  
12 reoccurred and an unexplained shortfall was reported by  
13 a [subpostmaster].

14 "[The Post Office's] initial investigations in 2012  
15 failed to reveal the system defect and, because of the  
16 cause could not be identified, the amount was written  
17 off. Fujitsu looked into the matter in early 2013 and  
18 discovered, and then corrected, the defect.

19 "It seems, however, that the shortfalls and  
20 surpluses that occurred at the first occurrence (in  
21 2011) resulted in branches being asked to make good  
22 incorrect [accounts].

23 "[The Post Office] has informed us that it has  
24 disclosed, in witness statements and English courts,  
25 information about one other subsequently-corrected

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1 of, you know, collapsed a load of different elements  
2 into one, and yeah, it would appear to be inaccurate,  
3 that.

4 **Q.** There's also no mention there of the additional bug, is  
5 there?

6 **A.** No.

7 **Q.** On the left-hand side, if we scroll down to frequently  
8 reported issues, they set out at 7.2:

9 "The following issues have been reported to us by  
10 multiple subpostmasters as being of particular concern  
11 about the Horizon system:

12 "A multi-product system that is far more complex and  
13 demanding than, for example, that found in a typical  
14 high street bank;

15 "Multiple transactional interfaces ...

16 "Unreliable hardware leading to printer failures,  
17 screen misalignment ... and failed communications links;

18 "The complexity of end of Trading Period processes  
19 ...

20 "Inexperienced trainers and gaps in training  
21 coverage;

22 "The lack of some form of onsite supervision and  
23 quality control ...

24 "The receipt of centrally input, overnight  
25 'corrections' and other changes allegedly not input by

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1 subpostmasters or their staff;  
 2 "Inadequate Helpdesk support, with responses that  
 3 are 'script based' and sometimes cause further or  
 4 greater problems;  
 5 "[Post Office] Investigation and Audit Teams that  
 6 have an asset recovery or prosecution bias and fail to  
 7 seek the root cause of reported problems;  
 8 "A contract between subpostmasters and the Post  
 9 Office that transfers almost all of the commercial risk  
 10 to the subpostmasters, but with decreasing support being  
 11 provided. In its risk/review decision making, [the Post  
 12 Office] benefits from any savings, while subpostmasters  
 13 may suffer increased risk."  
 14 Are those concerns of Second Sight reflected in the  
 15 draft announcement that I have just taken you to on the  
 16 right-hand side?  
 17 **A.** They're only reflected in the sense that we highlight  
 18 the need for improvement in terms of training and  
 19 support, et cetera, et cetera, and the response to be to  
 20 create the user forum to look into those issues and  
 21 others and, of course, I suppose the other thing I'd say  
 22 is that we also intended, and did, publish the entire  
 23 Second Sight Report. So all of those things, as set  
 24 out, were on the record, on the public record.  
 25 And, by its nature -- sorry to continue -- by its  
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1 please, to paragraph 8 on page 8. Left-hand side,  
 2 "preliminary Conclusions" -- so a big header  
 3 "Preliminary Conclusions":  
 4 "This is an Interim Report and there is much work  
 5 still to be done. Any conclusions reached at this point  
 6 will need to be updated in the light of new information  
 7 that arises as the investigation continues.  
 8 "Our preliminary conclusions are:  
 9 "(a) We have so far found no evidence of system wide  
 10 (systemic) problems with the Horizon software ..."  
 11 If we look at the right-hand side and scroll up to  
 12 the top of that page, please, you will recall, I read it  
 13 out, it says:  
 14 "An interim review into concerns around the computer  
 15 system used in Post Office branches has concluded that  
 16 there are no systemic issues in relation to the system  
 17 ..."  
 18 Then it says in the third paragraph:  
 19 "It found no evidence of any systemic failures in  
 20 the system."  
 21 Does your proposed statement say anywhere that there  
 22 was much work still to be done?  
 23 **A.** No. I say Second Sight has called on the Post Office to  
 24 examine its information technology training support, but  
 25 no.  
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1 nature the press release was a summary, if you like, of  
 2 the overall report.  
 3 **Q.** You've already accepted it was an inaccurate summary in  
 4 relation to bugs, errors and defects in the system?  
 5 **A.** Yeah, I hope that that's a -- that's a draft press  
 6 statement. I obviously haven't seen the final press  
 7 statement. I don't recall it. I hope those anomalies,  
 8 those mistakes, would have been picked up. If they  
 9 weren't, then that's a matter of really grave respect,  
 10 as opposed to --  
 11 **Q.** Your evidence was that you drafted it having read the  
 12 report that is on the left-hand side of our screen.  
 13 **A.** Yeah.  
 14 **Q.** It's pretty clear that you are putting a very positive  
 15 spin on the Second Sight Report, aren't you?  
 16 **A.** I think it's a summary of the report.  
 17 **Q.** Well, it's not a summary; it's an inaccurate summary,  
 18 of, the Report, isn't it?  
 19 **A.** Well, there are points in there that I would, if I was  
 20 writing it again, I would be absolutely much clearer  
 21 about, yeah.  
 22 **Q.** Not clearer. There are points in there that are just  
 23 wrong, aren't there?  
 24 **A.** Yes.  
 25 **Q.** If we stick to the left-hand side and scroll down,  
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1 **Q.** Does it say anywhere that the conclusions are  
 2 preliminary?  
 3 **A.** No. It describes it as an interim review, but no.  
 4 **Q.** Does it say anywhere that the suspense account problem  
 5 took years to correct?  
 6 **A.** No.  
 7 **Q.** Does it say anywhere that there was a third bug in the  
 8 system that was identified?  
 9 **A.** No.  
 10 **Q.** Is the word "defect" or "bug" used anywhere in your  
 11 statement?  
 12 **A.** Sorry, I don't recall how we referred to them, if it's  
 13 possible to scroll down?  
 14 **Q.** Absolutely.  
 15 **A.** I presume not but ...  
 16 **Q.** I mean, for example:  
 17 "This included details of where accounting shortages  
 18 or overpayments had occurred as a result of minor issues  
 19 in the system. This amounted to two sets of  
 20 transactions ..."  
 21 I mean, do you think that your draft statement that  
 22 was drafted after reading the Second Sight Report was in  
 23 any way an accurate reflection of what Second Sight had  
 24 found?  
 25 **A.** I think if I was writing it again, I would write it  
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1 more -- I would be more -- I would be clearer.  
 2 **Q.** Is that because you would now be more ethical than you  
 3 were at the time?  
 4 **A.** No.  
 5 **Q.** You have entirely removed the sting from the report,  
 6 haven't you?  
 7 **A.** No, I don't believe so and I think, again, I'd say that,  
 8 because we were publishing the report itself, in its  
 9 entirety, I think it's reasonable to say that the report  
 10 would therefore be in the public domain.  
 11 **Q.** You were working for a company that was wholly owned by  
 12 the Government. Did you think that it was appropriate  
 13 in those circumstances to spin the report in this way?  
 14 **A.** I reject the word "spin". I wasn't seeking to spin.  
 15 I don't recall whether this is the final press release  
 16 that we issued. I don't know what processes it went  
 17 through after this point and it probably went through  
 18 a number of different colleagues. I was seeking,  
 19 probably too hurriedly, to put together a summary of the  
 20 report but absolutely doing so in the full and certain  
 21 knowledge that we would be publishing the full report.  
 22 So it would be there for the public and others to  
 23 make -- to draw their conclusions.  
 24 **Q.** Mr Davies, I won't use the word "spin". Did you think  
 25 it was appropriate to lie, the way that you have on the

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1 evidence to support systemic failures."  
 2 If we scroll down, please, you say:  
 3 "On training, we need to be very careful about  
 4 language -- the current version is too loose -- this is  
 5 your point about not leaving any glimmer which suggests  
 6 that cases might need to be reopened. So we need to  
 7 acknowledge that training can always be improved (rather  
 8 than our training must be improved -- important  
 9 difference) and need to follow that with further  
 10 statement that there is no evidence of systemic  
 11 failures.  
 12 "The brief needs to make clear that none of the 14  
 13 or the 62 impact on the spot reviews in the Interim  
 14 Report and are therefore not relevant to the Interim  
 15 Report."  
 16 This the passage I took you to earlier:  
 17 "We shouldn't call the user group a 'Horizon' user  
 18 group -- makes it appear as we are acknowledging user  
 19 issue with Horizon -- branch management user group?"  
 20 You then say a bit further down:  
 21 "It may be worth setting out three overall 'rocks'  
 22 for the two of them to return to:  
 23 "[1] there is no evidence in the Interim Report to  
 24 support any suggestion of systemic failures.  
 25 "[2] this is a system which deals with six million

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1 right-hand side, in the press release?  
 2 **A.** I think -- I don't believe that I've lied there.  
 3 **Q.** Do you think, working for a company that was wholly  
 4 owned by the Government, that that is an appropriate  
 5 press release to have drafted, having read the report on  
 6 the left-hand side?  
 7 **A.** I think if I'm guilty of anything there, it's of being  
 8 sloppy. I've never lied in my entire career and  
 9 I certainly didn't lie at any point during this -- over  
 10 this issue either.  
 11 **Q.** Can we please return to an email we looked at this  
 12 morning, it was POL00297030, and if we look at page 3,  
 13 please. If we scroll down, we can see that Susan  
 14 Crichton has sent around a brief of Paula Vennells and  
 15 Alice Perkins, 2 July 2013. So the same day.  
 16 If we scroll up, please, it's a brief for a meeting  
 17 between Alice Perkins and Paula Vennells and  
 18 Lord Arbuthnot that has been produced by Alwen Lyons and  
 19 Susan Crichton, just prior to the release of the Second  
 20 Sight Report.  
 21 If we scroll up, please, to the bottom of page 1, so  
 22 this is an email from you -- I took you to it this  
 23 morning -- where you say:  
 24 "The speaking note needs to be firmer -- we want to  
 25 make clear our position and underline our view that no

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1 transactions a day or more than 40 million a week, and  
 2 is used by more than 50,000 people every day.  
 3 "[3] we must be satisfied that when the report is  
 4 released it truly reflects the position -- the Post  
 5 Office business is too important to do many people for  
 6 either to be questioned unfairly.  
 7 "Another point which needs bringing out is the  
 8 public money point. We do have a duty to protect public  
 9 money and where there's wrongdoing, we must act. It  
 10 would be entirely wrong if we did not. We want to  
 11 support our people and we will make sure that we do  
 12 everything we can to improve training and support in  
 13 order to ensure that their stewardship of public funds  
 14 questioned be questioned."  
 15 This is more than just drafting of a press release,  
 16 isn't it? You are here carrying out the task that was  
 17 proposed at the Board meeting, to take forward the  
 18 entire strategy with regards to the response to the  
 19 Second Sight Interim Report?  
 20 **A.** Can I clarify, this email is related to the speaking  
 21 note for Lord Arbuthnot; is that right?  
 22 **Q.** Yes.  
 23 **A.** So it's not in relation to the press release?  
 24 **Q.** No. Well, it's the same day and it follows the Board  
 25 meeting the day before, where you've been tasked with,

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1 you say, a communications response.

2 **A.** Mm.

3 **Q.** But it does very much seem as though, by 2 July, you  
4 were getting involved in the company's response?

5 **A.** Oh, I mean --

6 **Q.** You weren't simply issuing press releases; you were  
7 actually involved in developing a strategy for the  
8 company and developing here "rocks" to return to.

9 **A.** Mm. I mean, the company's position would be the  
10 position as set out in the press release. They weren't  
11 separate pieces of work. So --

12 **Q.** So the press release would lead the company's position?

13 **A.** It would.

14 **Q.** Do you think that was appropriate?

15 **A.** Well, that draft -- I haven't seen the final press  
16 release that was issued. I would, you know, if that  
17 draft release that we've seen was the final release,  
18 then clearly not and I take full responsibility for  
19 that. But, in terms of the sort of broader company  
20 position, as set out here, there was no evidence in the  
21 Interim Report to support any suggestion of systemic  
22 failures and we were operating at the time with no  
23 indications at all from the 6 million transactions every  
24 day and the 50,000 people using it that there was  
25 an issue with the system, and it was really important --

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1 separately from the rest of the business and it  
2 certainly didn't at the Post Office. I'm putting my two  
3 penn'orth in here, if you like. I can't recall where we  
4 ended up with the final press release but it's certainly  
5 the case that, obviously, you know, communications was  
6 an influential part of a wider company structure, of  
7 course, which included IT, Network and, obviously, the  
8 CEO and others as well.

9 **Q.** You see there's not very much involvement in the IT Team  
10 in these kinds of messages, is there? That might have  
11 been useful but it's the --

12 **A.** Well, I think --

13 **Q.** -- Communications Team developing the rocks.

14 **A.** Apologies, I didn't mean to interrupt. I think the IT  
15 Team would have absolutely been involved in developing  
16 the position. I think Lesley -- Lesley Sewell -- was on  
17 that initial draft press statement and, obviously,  
18 I would never want a Communications Team to put out  
19 information that was incorrect from an IT perspective.

20 **Q.** Can we please turn to POL00190546, starting at page 2.  
21 You are there sending internally a draft letter to James  
22 Arbuthnot:

23 "... following the meeting this morning. Alwen is  
24 writing up her notes so we may flesh it out further, but  
25 grateful for immediate thoughts and amendments please."

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1 really, really important -- that, you know, for  
2 a business as important as the Post Office to so many  
3 millions of people -- so many millions of customers but,  
4 obviously, also clients, as well, not to mention  
5 postmasters, that we were absolutely clear about our  
6 view at the time about the Horizon system, which leads  
7 to the public money point as well, and I think those  
8 four rocks are reasonable and justified in the context  
9 of what the report had told us.

10 **Q.** Mr Davies, shouldn't a company sit down, develop its  
11 strategy and then the Communications Team communicate  
12 that? What's happening here is the Communications Team  
13 are developing the corporate strategy. In fact, the  
14 Head of the Communications Team is developing the rocks  
15 to rely upon, aren't you?

16 **A.** No, that's not the case at all. It's not how  
17 Communications Teams operate and certainly not in my  
18 experience anyway. Obviously, the Communications Team  
19 has a significant part to play in the development of the  
20 position that the company would take externally and, of  
21 course, responsibility for issuing press releases for  
22 developing press releases and for making suggestions and  
23 strategic and tactical elements of any external  
24 communication is obviously a fundamental part of the  
25 Communications Team. That doesn't mean that it operates

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1 Were you present at that meeting with James  
2 Arbuthnot?

3 **A.** I don't recall. I did attend at least one meeting,  
4 I think, with Lord Arbuthnot, but I don't know if it's  
5 this specific one.

6 **Q.** If we scroll up, please, to the bottom of page 1, Susan  
7 Crichton has provided some comments. If we scroll up to  
8 the very top, you say as follows:

9 "Thanks for all the comments on the letter. I have  
10 attached a third draft which I hope is final. It has  
11 added an important section on the exceptions which  
12 I need clearing and comments from all those copied,  
13 tonight or first thing tomorrow if possible please (and  
14 sorry)."

15 "Exceptions": is that bugs?

16 **A.** Yes.

17 **Q.** Who did you expect on that copy list to be the person to  
18 help you clear the section on exceptions?

19 **A.** Well, Lesley Sewell is -- was the CIO at the time. That  
20 would be -- she'd be the person that I'd expect there,  
21 yeah.

22 **Q.** Can we please turn to POL00190547 and this is the draft  
23 letter that is attached to this email, to  
24 Lord Arbuthnot:

25 "Thank you for your time yesterday. I felt it was

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1 a very useful meeting and thought it would be helpful to  
2 follow it up by putting together this note of the key  
3 points."

4 Scrolling down, there's a section on "The Second  
5 Sight review and next steps":

6 "As you know, the draft report we expect to receive  
7 on Friday represents the conclusion of the interim  
8 review by Second Sight into four specific cases. We  
9 will of course take on board its findings where it is  
10 possible to do so. In particular, we are keen to work  
11 even more collaboratively with the [Justice for  
12 Subpostmasters Alliance] to conclude the Second Sight  
13 review. We believe this is critically important."

14 Just pausing there, do you think that was an honest  
15 reflection of the company's position at that time?

16 **A.** In the sense of wishing to work collaboratively with the  
17 JFSA and others to conclude the Second Sight review?

18 **Q.** Yes.

19 **A.** Yes, I do.

20 **Q.** If we go over the page, we have the section on  
21 "Exceptions", otherwise known as bugs:

22 "We discussed the small number of exceptions or  
23 anomalies ..."

24 I mean, the very first document I took you to was  
25 the email from Paula Vennells who had spoken to her

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1 this is fair.

2 **Q.** We then, if we scroll down, get to a section on remote  
3 access, "Access to live data"; did you draft this  
4 section?

5 **A.** I can't recall if I drafted that section or not.

6 **Q.** Reading the words there, is it likely that you draft  
7 that section?

8 **A.** I think it's unlikely.

9 **Q.** You sent around the first draft letter to James  
10 Arbuthnot following the meeting. This is a draft of  
11 that letter. Why do you think it's unlikely that you  
12 drafted that section?

13 **A.** I suspect that, in drafting the letter, I've probably  
14 talked to colleagues in the IT Team to -- on this  
15 specific issue around access to live data and  
16 incorporated their response on this particular issue  
17 around remote access into it.

18 **Q.** So, in fact, is your evidence that you are likely to  
19 have drafted it but just with input from others?

20 **A.** Yes.

21 **Q.** You say:

22 "Finally, during our meeting you also asked us about  
23 an email which has been brought to your attention having  
24 come up during the Second Sight review. I have looked  
25 into this and can provide you for the following on this

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1 husband, who suggested the terms "exceptions" or  
2 "anomalies"?

3 **A.** Mm.

4 **Q.** That's that language now incorporated into your  
5 corporate documents and draft letters?

6 **A.** Mm.

7 **Q.** Do you recall doing that intentionally?

8 **A.** I don't recall doing it intentionally. Clearly, I've --  
9 I have done.

10 **Q.** "... small number of exceptions or anomalies which Post  
11 Office had brought to the attention of Second Sight  
12 during its review and which had been dealt with in the  
13 appropriate way, namely that they were picked up by the  
14 Horizon computer system, corrected and subpostmasters  
15 were contacted where it was relevant to do so."

16 Was that right?

17 **A.** I think that's correct.

18 **Q.** I mean, we saw earlier how long it took to correct those  
19 issues.

20 **A.** Mm.

21 **Q.** Do you think that is -- again, I know you object to the  
22 word "spin" but do you think that is a full and frank  
23 description or summary of what happened?

24 **A.** Oh, I think this is a summary of a meeting with  
25 Lord Arbuthnot. In the context of a summary, I think

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1 issue.

2 "The email Ms Read to Second Sight alongside many  
3 others after they requested email access to the system  
4 testing team based in Bracknell.

5 "The email in question was sent by a junior Business  
6 Analyst ... to a wide distribution list, including some  
7 members of the test team. [It] contained the following  
8 words:

9 "Although it is rarely done it is possible to  
10 journal from branch cash accounts. There are also  
11 [Product and Branch Accounting] concerns about how this  
12 would be perceived and how disputes would be resolved'.

13 "Second Sight have asked us whether this indicates  
14 that the Bracknell team had access to live data. This  
15 is not the case."

16 If we scroll down, it says:

17 "It is not possible to automatically send accounting  
18 updates from the POLSAP system to the Horizon system.  
19 If changes do need to be made, this can only take place  
20 with the agreement and acceptance of any change by the  
21 relevant subpostmasters (what we call the transaction  
22 correction process). In the case discussed in the  
23 email, there was no change in the subpostmasters cash  
24 position, therefore no [transaction correction] would  
25 have been required."

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1 Who do you think provided you with this information?  
 2 **A.** I can't recall. Apologies.  
 3 **Q.** Are you able to assist with which department provided  
 4 you with that information?  
 5 **A.** Well, it would have been from within the IT Team. So,  
 6 I mean, I think Lesley Sewell's team would have been the  
 7 team that would have input into that part of this -- of  
 8 what is a draft letter for, I assume, for Paula to send  
 9 to Lord Arbuthnot.  
 10 **Q.** Did you yourself carry out any investigations or  
 11 enquiries, further than asking the IT Team?  
 12 **A.** Well, insofar as I asked the IT Team for their position  
 13 in response to that section in italics on the page,  
 14 I mean, they were the -- you know, I have asked the  
 15 question of a technical team in response to that  
 16 specific question around Product and Branch Accounting  
 17 concerns, and that's the response I have received, and  
 18 I'm not a technical expert; I'm a communications expert,  
 19 and so I had to rely on what I was told.  
 20 **Q.** Can we please look at POL00115973, please. We are now  
 21 on 6 July 2013, if we scroll down, perhaps we can start  
 22 on the bottom of page 3. Saturday, 6 July, you're  
 23 emailing Paula Vennells and you say:  
 24 "Hi Paula  
 25 "I think this points to the need for our package of  
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1 "3. A review by a Mike O'Connor or Patrick Burns  
 2 figure to consider potential independent levers which  
 3 could be developed to give [subpostmasters] a means of  
 4 independent adjudication or (non-statutory) ombudsman."  
 5 Then you say this:  
 6 "This package, it feels to me, covers all bases. If  
 7 it looks ahead to fix internal issues and create  
 8 independent balancing view, but it also completes the  
 9 review and has the potential for doing so with [Second  
 10 Sight] playing a different, or no, role.  
 11 "It is also a compelling package for media, which  
 12 handled carefully, could contain the story."  
 13 It seems there that what you're doing is making  
 14 proposals to take matters forward for the company to  
 15 contain the story. You're making substantive proposals  
 16 for the conduct of the Second Sight or post-second Sight  
 17 way forward.  
 18 **A.** I'm absolutely making proposals. The Second Sight  
 19 Report contained some really disturbing elements in  
 20 terms of the way in which postmasters had been treated,  
 21 in terms of training and support, and there was a huge  
 22 amount of concern within the business about that and  
 23 a huge amount of concern and desire to try to fix it, to  
 24 try to change the way in which we operated as  
 25 a business, and so what I'm doing there is actually  
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1 measures to include two and possibly three new  
 2 initiatives:  
 3 "1. A Branch User Forum -- for existing users to  
 4 share views, discuss issues, examine processes etc.  
 5 Chaired by ExCo reporting to ExCo. But this doesn't  
 6 cover historic issues (ie the JFSA and MP cases) so we  
 7 could also have (2)."  
 8 (2) is:  
 9 "A working party, to use Alan's phrase, to complete  
 10 the MP and [Justice for Subpostmaster Alliance] cases.  
 11 This could 'take over' the Second Sight review (perhaps  
 12 involving them but perhaps not as they have effectively  
 13 'cleared' Horizon, the remit of their Inquiry)."  
 14 Just pausing there: did you really think the Second  
 15 Sight Interim Report had effectively cleared Horizon?  
 16 **A.** It's a very broad summary of what they found.  
 17 **Q.** It's a wrong summary of what they found, isn't it?  
 18 **A.** Well, their preliminary findings were that there were no  
 19 systemic issues with Horizon and I think --  
 20 **Q.** Does that clear Horizon?  
 21 **A.** I think that's probably why I've put it in inverted  
 22 commas in an email.  
 23 **Q.** "This would involve the JFSA and us working  
 24 collaboratively on the remaining cases."  
 25 If we scroll down, please, thank you.  
 70

1 putting forward proposals for starting to deal with that  
 2 and there was ongoing discussions within the business  
 3 about how we might address those things.  
 4 Is it possible to scroll back up to the two points  
 5 above?  
 6 **Q.** Yes.  
 7 **A.** So, you know, yes, absolutely, a Branch User Forum to  
 8 look at some of the issues that had been highlighted by  
 9 Second Sight, and that was set up. A working party, to  
 10 use Alan's phrase, well, I think in a way what happened  
 11 there was that we created the Mediation Scheme. And  
 12 then, on the third point, if it's possible to scroll  
 13 down, a review. Well, I guess that covers the -- it's  
 14 sort of covered by the Mediation Scheme as well and we  
 15 were looking at whether -- and it was one of the things  
 16 I thought might be of interest -- was whether we created  
 17 some kind of ombudsman for the Post Office in order to  
 18 look at cases where issues had come up. And I think  
 19 it's entirely appropriate for me, as a member of the  
 20 executive of the Post Office, to put forward suggestions  
 21 and proposals for taking things forward.  
 22 In relation to Second Sight, whether they played  
 23 a different or no role, it was clear, once the report  
 24 was published and the Post Office Minister made  
 25 a statement in Parliament, that she was very clear that  
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1 Second Sight should continue and so I think that became  
 2 an academic point.  
 3 "It is also a compelling package for media", well,  
 4 that is true. You know, it showed -- that doesn't mean  
 5 it's been created in order to satisfy a media demand but  
 6 it is a compelling package in the sense that it shows  
 7 the business doing the right thing or seeking to do the  
 8 right things off the back of the Second Sight Report.  
 9 **Q.** It looks very much as though what you are creating here  
 10 is effectively a PR package; would you accept that?  
 11 **A.** Not at all, no. Not a PR package, it was an attempt to  
 12 resolve the issues that had been raised by Second Sight.  
 13 **Q.** It seems to be a package, that penultimate paragraph,  
 14 where it doesn't involve Second Sight, that, in fact,  
 15 you're now seeking to move away from Second Sight?  
 16 **A.** There was a -- well, it's not a question of whether  
 17 I was looking to move away from Second Sight. There was  
 18 discussion within the business about, "Well, what do we  
 19 do now second Sight has reported? Do we continue?"  
 20 But, as I say, once the report was published and there  
 21 was a statement in Parliament about it and the Post  
 22 Office Minister then made it very, very clear that she  
 23 wished Second Sight to continue, it, for me, became  
 24 an academic point because there was no way that we would  
 25 want to continue, in my view, with any kind of scheme,

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1 prosecuted by the Post Office?  
 2 **A.** Well, of course. If there was a claim of a miscarriage  
 3 of justice, of course I was concerned, yes.  
 4 **Q.** Can we scroll up, please, to the bottom of page 2. We  
 5 have a response from Martin Edwards, who is the Chief of  
 6 Staff to Paula Vennells. He says:  
 7 "Hmm, the boundaries between these groups are  
 8 getting quite blurred and confusing (at least in my  
 9 mind!)."  
 10 He then says, at the bottom there:  
 11 "We also need to think about how the review of past  
 12 cases by our external lawyers plays into the messaging  
 13 (if at all). Certainly not something we would put in  
 14 our proactive media statement I would have thought, but  
 15 would we refer to this in meetings as an avenue if  
 16 pushed by MPs or JFSA?"  
 17 There is then a detailed follow-up from Paula  
 18 Vennells, if we scroll up to page 1, please. This is  
 19 all happening very late at night. She is responding at  
 20 10.46 on 6 July, and she says as follows:  
 21 "I think we have the following which is a variant  
 22 ..."  
 23 She works off your three suggestions but she adds  
 24 some more:  
 25 "1) A working party over the next three/four months

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1 and, of course, what happened out of these discussions,  
 2 and I'm not taking credit for what happened from these  
 3 discussions -- from this email, which then led to the  
 4 creation of the Mediation Scheme, did involve Second  
 5 Sight. So it was not PR package at all; it was  
 6 a package aimed at delivering and addressing the issues  
 7 that had been raised by Second Sight.  
 8 **Q.** It may be suggested that this is effectively  
 9 a communications plan or scheme that's dressed up to  
 10 look like it's assisting subpostmasters.  
 11 **A.** Well, the outcome was the creation of the Mediation  
 12 Scheme and I don't think the Mediation Scheme was  
 13 anything like the way you describe it.  
 14 **Q.** Were you concerned about the fate of those who had been  
 15 prosecuted by the Post Office?  
 16 **A.** There was obviously a debate within the Mediation Scheme  
 17 about whether the Mediation Scheme could look at the  
 18 criminal -- the cases that had been through the courts  
 19 and it was clear that mediation wasn't something that  
 20 could reverse criminal conviction. Obviously, that then  
 21 played out over the course of the next couple of years.  
 22 **Q.** Mr Davies, if I could stop you there --  
 23 **A.** Apologies.  
 24 **Q.** -- I'm asking about this particular point in time: were  
 25 you concerned about the fate of those who had been

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1 this comprises [the Post Office] working collaboratively  
 2 with the JFSA ..."  
 3 Then if we scroll down, she has there:  
 4 "Thirdly, our external lawyers review all  
 5 prosecutions in the past 12/18 months since [the Post  
 6 Office] has been independent of [Royal Mail] in light of  
 7 the [Second Sight] findings. The [Justice for  
 8 Subpostmasters Alliance/the Post Office] working group  
 9 reviews the findings.  
 10 "(Why would they not review all cases of false  
 11 accounting, eg over the last 5-10 years, especially  
 12 where the amounts have been 'small'? I assume 'large'  
 13 amounts would be less likely to get away with saying  
 14 they were muddle-headed and not helped? But could we  
 15 review all? It is the false accounting charge [James  
 16 Arbutnot] was most concerned about.)"  
 17 Over the page, please, (2) is setting up the review,  
 18 the kind of review you talked about.  
 19 (3), the future introduction of an ongoing branch  
 20 user group. Then she says as follows, a fourth:  
 21 "A statement that although the system has proved to  
 22 have no systemic issues, and our training, support  
 23 processes and helplines have worked for most of the  
 24 50-60,000 colleagues over the past decade, we are  
 25 nonetheless genuinely sorry that some of our

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1 subpostmasters who were struggling did not feel that we  
2 offered them sufficient help and support when they  
3 needed it and that we are grateful to the [Justice for  
4 Subpostmasters Alliance] and [James Arbuthnot] for  
5 highlighting the issues. Many are historic and already  
6 improved but we are always open to new ways to improve  
7 how we do business to ensure the [Post Office] stays as  
8 trusted and effective in its communities as it ever was.

9 "Last thought: if we can draft this into something  
10 I could send to Alan Bates 'in confidence', it would get  
11 us to a better place in agreeing the press statement and  
12 way through with [James Arbuthnot] on Monday. Could  
13 Martin try and corral views into a draft by Sunday early  
14 [evening]? The more I speak with him the better I feel  
15 it would be.

16 "Susan, would we ever ask the lawyers to consider  
17 reviewing past prosecutions? Is that what we are  
18 talking about in 1) above but simply not using the  
19 terms? If not, why would it be different? Of our 500  
20 prosecutions, how many are false accounting? (For  
21 clarity these are open questions -- just want to know  
22 the answers, not an indication that I want us to do  
23 so.)"

24 If we scroll up, please, to the very first email in  
25 the chain, it's an email from yourself to Martin Edwards

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1 but the idea of reviewing criminal cases certainly  
2 wasn't something that I thought was a bad idea;  
3 I thought it was an extremely good idea.

4 **Q.** Can I ask you to have a look at that email below, if we  
5 scroll down. Just have a look at that email and if you  
6 could let us know what it is that you thought was going  
7 way too far.

8 **A.** I can't recall what I felt was going way too far and nor  
9 can I recall what the purpose of this -- and you may be  
10 able to remind me -- what the purpose of this particular  
11 discussion is. Is this around a media release or the  
12 letter to James Arbuthnot? I'm not totally clear.  
13 I think it's a general discussion about the steps that  
14 we might want to take as a result of the Second Sight  
15 Report.

16 **Q.** We can turn to page 4.

17 **A.** Sure.

18 **Q.** There's an email from Paula Vennells to Alan Bates about  
19 the way forward, 6 July. She says:

20 "Alan, thank you for the note. Yes, I thought the  
21 meeting with James was positive too. My main concern is  
22 still how we manage the publicity, to avoid -- as you  
23 said -- it 'going ballistic'.

24 "We had a useful conversation regarding a statement  
25 from James with quotes from you and me ..."

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1 at 11.39 pm. So, having read that -- email from Paula  
2 Vennells was 10.46 -- you say:

3 "Hi

4 "Mind if I try to draft this? Feel I need to keep  
5 a line through the media handling -- and to be honest we  
6 are in danger here of going way too far."

7 It seems very much from this email that you are  
8 trying to direct the response to the issues raised by  
9 Second Sight and that you, in fact, are trying to  
10 formulate an approach that was less than that that was  
11 wanted by Paula Vennells; is that right?

12 **A.** No, I don't think that's right. I mean, I'm talking to  
13 Martin, who was obviously her Chief of Staff, on this,  
14 and Martin -- I'm not sure what Martin said in response  
15 but, certainly, we worked together very, very closely on  
16 all of these matters. So, no, it wasn't the nature of  
17 the way in which we worked together that certain people  
18 would seek to try to direct the way in which matters  
19 were handled at all.

20 **Q.** Paula Vennells was there suggesting that "our external  
21 lawyers review all prosecutions in the past 12/18  
22 months". And your response to that email is that "We  
23 are in danger here of going way too far". What did you  
24 mean by going way too far?

25 **A.** Well, I don't recall what I meant by that 11 years on,

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1 So it's developing a response to that meeting  
2 following the meeting with James Arbuthnot and Alan  
3 Bates.

4 **A.** Thank you. That's -- thank you.

5 **Q.** Does that assist you with identifying how it was that  
6 you were concerned that you were going too far or the  
7 Post Office was going too far?

8 **A.** I genuinely don't recall where I feel that that's going  
9 would too far.

10 **Q.** The Second Sight Report was then finalised on 8 July  
11 2013. Can we please now turn to POL00191689. We are on  
12 11 July. If we could scroll down, please. There's  
13 an email from you, it seems to yourself. Is it likely  
14 that you were just saving it or could you have been  
15 sending it to a wider audience that were bcc'd in, or?

16 **A.** I don't recall, I suspect from the email above that  
17 Susan had asked me for a summary of how the Second Sight  
18 Report had been received in terms of the media, and I've  
19 probably written an email to do that and then sent it to  
20 myself. I'm not entirely sure why I --

21 **Q.** It looks as though they were different email  
22 addresses --

23 **A.** It may have been that they were on my personal email and  
24 then sent it to myself, yeah.

25 **Q.** "Horizon report -- media and Parliamentary report

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1 "Our strategy in relation to media coverage was to  
 2 seek to contain coverage to those outlets which have  
 3 followed the issue for some time. Supported by  
 4 an external agency, Portland Communications, we were  
 5 successful in doing so. This meant some high profile  
 6 coverage on the BBC News at 10 on Monday and on  
 7 Radio 4's Today Programme, but beyond this, and a small  
 8 piece in Metro, there was no other mainstream media  
 9 coverage of the report. The news cycle in relation to  
 10 the report lasted little over 12 hours ... This is  
 11 highly satisfactory, all the more so as no national  
 12 newspapers followed up on the story (though we are  
 13 currently dealing with a Telegraph enquiry).

14 "We decided not to accept interview requests from  
 15 the BBC on the basis that doing so could give  
 16 broadcasters a new line on which to run the story."

17 I will return, again, to, that question I asked you  
 18 this morning: do you think that that is part of an open  
 19 culture?

20 **A.** I think it's very much part of a communications  
 21 Directorate's responsibilities. There's a number of  
 22 elements to what the communications profession is about,  
 23 informing facilitating, but also minimising reputational  
 24 risk, and one of the issues, as I said before, we were  
 25 super -- extremely concerned about was the potential

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1 case studies of those who believe they have been wrongly  
 2 disciplined/convicted. We have worked hard this week to  
 3 get our message across, including a pledge to meet with  
 4 any subpostmaster who feels they have been poorly  
 5 treated, but I do expect there will be negative comment.  
 6 Specifically we are being asked to apologise to  
 7 subpostmasters: without a final report, I judge that  
 8 this would not be the right course of action."

9 Why would it have to wait for a final report to  
 10 apologise to subpostmasters?

11 **A.** Well, I think -- and there's another email, I think,  
 12 that you may come on to where we talk about whether or  
 13 not to issue a blanket apology, and I think that's the  
 14 answer to the question, in a sense, is that, at this  
 15 point in time, in July 2013, we're in a situation where  
 16 we believe the system is working well and effectively,  
 17 and, yes, people are making complaints about it. We are  
 18 offering to meet with anyone who feels that they've been  
 19 poorly treated and I think that was the right thing,  
 20 absolutely the right thing, to do. But to issue  
 21 a blanket apology, based on what the evidence was at the  
 22 time, wouldn't have been the right course of action.

23 **Q.** So were you, as the Communications Director, on 12 July  
 24 2013, advising Paula Vennells, the Chief Executive that  
 25 she should not apologise to subpostmasters?

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1 damage that stories around the system being faulty could  
 2 cause to customers, to postmasters, to clients, and so  
 3 minimising negative media coverage of the report was  
 4 part of what my job was about.

5 **Q.** "We were also proactive in challenging inaccuracies and  
 6 contacted the BBC Legal Team through our external  
 7 lawyers to register concerns over misleading headlines.  
 8 This was successful in changing headlines and  
 9 rebalancing coverage."

10 Do you think that it was appropriate for the BBC  
 11 Legal Team to be contacted by your external lawyers in  
 12 order to change headlines?

13 **A.** Where headlines were misleading, absolutely, yes.

14 **Q.** Can we please turn to POL00161960, 12 July. If we  
 15 scroll down, please -- sorry, scroll up slightly.  
 16 12 July 2013, it's an email from you to Paula Vennells  
 17 and you're proposing, I think, a line:

18 "How about:

19 "As you know, the report into Horizon was published  
 20 on Monday. While there was significant coverage on the  
 21 BBC, the news cycle for the issue last little over  
 22 12 hours and there was little other coverage. We have,  
 23 however, been contacted by the Telegraph which is  
 24 planning a follow up piece.

25 "We expect this article to be significant, featuring

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1 **A.** That's what -- yes.

2 **Q.** It says "without a final report". I mean, was it your  
 3 view at that time that you might be able to influence  
 4 the report to water down Second Sight's findings,  
 5 perhaps to limit their involvement to reduce the amount  
 6 of information that Post Office provided them, so it  
 7 might mean that an apology wasn't necessary?

8 **A.** Not remotely.

9 **Q.** From that point on, was there any genuine attempt to  
 10 actually assist Second Sight?

11 **A.** Absolutely, as far as I know. I mean, I didn't have  
 12 dealings directly with Second Sight but my understanding  
 13 always was that we sought to be cooperative and support  
 14 Second Sight's work.

15 **Q.** I'm going to take you to two documents before we break  
 16 for our second break of the morning. Can we look at  
 17 POL00192075, 15 July 2013:

18 "I have been reflecting on our conversation on  
 19 Friday around Horizon."

20 This to Paula Vennells:

21 "The danger in reputational terms is that the issue  
 22 rumbles on without conclusion both before and after the  
 23 'final' Second Sight Report. This could really damage  
 24 the business and hamper NT."

25 NT?

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1 A. Network Transformation.

2 Q. Thank you:

3 "We need somehow to take the sting out of it, in  
4 advance of the report."

5 So Second Sight haven't yet reported but you want to  
6 take the sting out of what might become their final  
7 report:

8 "We are taking the right steps in looking to the  
9 future (with the Working Group, User Forum and  
10 independent adjudicator).

11 "But none of those will go far enough to address the  
12 damage which some believe they have suffered. These  
13 cases will continue and the noise will be louder as the  
14 [Second Sight] process concludes ...

15 "So I wonder whether something like the following  
16 would work:

17 "We create an independent panel to oversee cases  
18 where a subpostmaster feels lack of training or support  
19 contributed to an issue ...

20 "We proactively invite people to submit their cases  
21 to the panel ...

22 "The panel is chaired by a QC or perhaps a former  
23 MP/peer.

24 "It hears evidence from a [subpostmaster] and [the  
25 Post Office] on the training and support elements and

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1 Minister.

2 Q. You have emailed that document again to a wider group.  
3 Could we please look at POL00192329. If we start on  
4 page 3, at the bottom of page 3, Susan Crichton is  
5 emailing Andrew Parsons and says:

6 "Andy, our Comms Director at [the Post Office], Mark  
7 Davies, is keen to explore the concept of mediation  
8 (I will send you his thoughts separately) who is the  
9 bets person at [Bond Dickinson] to discuss this with and  
10 when could we do it?"

11 If we scroll up, we can see, on the first page,  
12 you've resent the email that I just read you to Susan  
13 Crichton, Andrew Parsons and a team of lawyers.

14 It does seem as though key planks of the Post Office  
15 policy were being driven by your communications  
16 objectives; would you agree with that?

17 A. No, I wouldn't agree with that. It was being driven by  
18 a desire to take action based on the Second Sight  
19 Report. I'd had some experience of seeing mediation in  
20 a previous role, when working in Government, and thought  
21 that, potentially, mediation might be a way forward in  
22 this instance, and that's why I suggested it, and  
23 I think, as a member of the executive, it was entirely  
24 reasonable for me to do so.

25 Q. If we look down, scrolling down on that email, it looks

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1 reaches a 'judgement'.

2 "Evidence is made public.

3 "We allocate funding to compensate in cases where  
4 training and support judged to have fallen short ..."

5 It looks there as though you are now trying to  
6 direct things away from Second Sight and their  
7 investigation and to, instead, focus on the training and  
8 support?

9 A. Not at all, no. I think this was a genuine suggestion  
10 for an approach that we could take to try to address the  
11 issues that were being raised with us. As I said, the  
12 statement in the House of Commons that was made, I think  
13 on the day that the Second Sight Report was published,  
14 in which the Post Office Minister, Jo Swinson, said that  
15 she was extremely keen that Second Sight continued, for  
16 me, that made that position academic, which is why  
17 I think I don't refer to Second Sight here because  
18 I think whatever anybody in the business wanted or  
19 didn't want at that point, a commitment from the  
20 Minister in the House of Commons was really, really  
21 important. So I think, you know, as I say, these cases  
22 will continue and the knowledge will be louder as the  
23 Second Sight process concludes, and I don't think there  
24 was any remote possibility that Second Sight wouldn't be  
25 involved further, following that commitment from the

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1 very much as though you've decided that the message here  
2 on in would focus on the lack of training or support  
3 rather than the Horizon system; do you agree with that?

4 A. No, I don't agree with that because, obviously, Second  
5 Sight were continuing with their work on the system, but  
6 the lack of training and support that they raised was  
7 deeply, deeply shocking. I remember vividly talking to  
8 Paula Vennells about it when on the train home from work  
9 one day, and it was really, really shocking. She talked  
10 about the need for some kind of reconciliation process  
11 and I thought she was absolutely right about that  
12 because it was just not the kind of business that we  
13 were seeking to be. So that's where that thought came  
14 from. You know, obviously communications was my  
15 day-to-day, my bread and butter, but I was a member of  
16 the Executive with responsibility for the broader  
17 direction of the organisation and this was an idea that  
18 I put forward.

19 Q. So Second Sight's findings in relation to training and  
20 support were shocking, were they?

21 A. They were.

22 Q. Were they so shocking that you included them in detail  
23 in the press release that followed the Second Sight  
24 Interim Report?

25 A. We published the report and they were clear in there,

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1 and it was clear in the press release that we said that  
2 we were -- they'd identified that training and support  
3 wasn't adequate and we, of course, took the decision to  
4 publish their report so it was there on the public  
5 record.

6 **Q.** Did you properly convey the shock that you and Paula  
7 Vennells had in relation to the Second Sight Interim  
8 Report's findings in that press release?

9 **A.** With hindsight, no.

10 **MR BLAKE:** Sir, that might be an appropriate moment for us  
11 to take our second morning break.

12 **SIR WYN WILLIAMS:** Yes, by all means. What time shall we --

13 **MR BLAKE:** Can we be back at 12.20, please.

14 **SIR WYN WILLIAMS:** Fine. Thank you.

15 (12.07 pm)

(A short break)

17 (12.20 pm)

18 **MR BLAKE:** Thank you, sir, can you see and hear me?

19 **SIR WYN WILLIAMS:** Yes, I can, thank you.

20 **MR BLAKE:** Thank you.

21 Mr Davies, we're going to move now to 2015. Could  
22 we please look at POL00150869. This is 23 January 2015,  
23 if we scroll down, an email from you to a number of  
24 people within the Post Office. You say as follows:

25 "All

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1 **Q.** So were you, as at 2015, still committed to supporting  
2 Second Sight and their investigation?

3 **A.** We were absolutely committed to trying to find whether  
4 there were systemic issues with the system and to  
5 support Second Sight in doing their independent  
6 investigations of all of the cases and their role within  
7 the Mediation Scheme, for sure, yeah.

8 **Q.** That sounds like a very careful answer to the question.  
9 Were you committed to supporting Second Sight in  
10 carrying out their investigation?

11 **A.** I personally had no reason not to be supporting them,  
12 no.

13 **Q.** Let's go back to a document that we saw earlier this  
14 morning, POL00102062, 23 January, and it's -- if we  
15 scroll down -- your feelings as at 23 January:

16 "It's fascinating to be part of a conspiracy. To be  
17 at the heart of a corporate cover up. But frustrating  
18 too, when the reality is a hard story to tell, and some  
19 distance from the picture painted by a determined band  
20 of adversaries.

21 "In our case, we are up against a campaign group,  
22 a few journalists (mainly from the BBC) and some MPs.  
23 And you have to hand it to them: they know what they are  
24 doing in terms of mounting a campaign. It's just  
25 that -- whisper it quietly -- all is not what it seems.

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1 "I have been thinking about the question we will get  
2 about why we won't let [Second Sight] look at  
3 everything -- to which the obvious answer is there is no  
4 evidence of a problem -- and how can we demonstrate no  
5 evidence of a problem."

6 Then you say, "Could we get details of", and you set  
7 out various things to look at.

8 You said before that you were committed to the  
9 Second Sight investigation and their final report. It  
10 does seem there as though you are trying to justify not  
11 letting your independent investigators make up their own  
12 minds as to what they should see; do you agree with  
13 that?

14 **A.** I think there were elements that I was being advised  
15 that we wouldn't want Second Sight to have access to,  
16 and I was concerned about that because, obviously, to  
17 your very point, it appears that we're not therefore  
18 giving them access to everything and so, I think, I was  
19 just trying to look -- to think of ways in which we  
20 could address that issue.

21 **Q.** Who are you saying advised you that Second Sight  
22 shouldn't look at everything?

23 **A.** Well, I don't recall, I just don't recall the -- don't  
24 really recall the background to this email, if I'm very  
25 honest.

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1 "Yes there has been a Parliamentary debate. True,  
2 earnest journalists have presented breathless exposes on  
3 TV and radio. And indeed, the campaign group are  
4 nothing if not determined.

5 "But, you know, we've looked and we've looked. And  
6 looked again. We've had legal teams look. We've turned  
7 ourselves inside out trying to see if somehow, somewhere  
8 we've got things fundamentally wrong. We've questioned  
9 ourselves, prepared and open-minded to find scandal,  
10 error, systemic failure. I sometimes wish we had: it  
11 would all be water under the bridge by now.

12 "The issue is our computer system, the one we use to  
13 record six million transactions every day. Around 140  
14 people think that it -- or the associated processes  
15 around it -- have caused them to experience financial  
16 loss in their branch.

17 "Bear in mind that almost half a million people have  
18 used the system since we introduced it more than  
19 a decade ago. Without problems (and we know that  
20 because if there were problems our subpostmasters, and  
21 the Federation which represents them, are rightly quick  
22 to tell us when we get things wrong).

23 "But we take the complaints we've had seriously, so  
24 we set up an inquiry. When that found no systemic  
25 problems, but suggested that our training and support

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1 had failed at times, we set up a Mediation Scheme to  
2 give people with complaints a chance to highlight  
3 issues. We invited people to come forward and xxx did  
4 so we then paid for them to get professional advice on  
5 making their case.

6 "Each of those cases has been reinvestigated,  
7 a minority ... to be exact, were cases where people had  
8 been convicted.

9 "In some of the cases we have taken part in  
10 mediation, and in some we reached an agreement: admitted  
11 that in training and support we didn't do enough.

12 "But in others we are standing firm. I've read many  
13 of the investigations. And we are right to stand firm.  
14 I'm sorry if that sounds unpleasant but it is just, I am  
15 afraid, the right thing to do.

16 "Of course it is really sat when people have faced  
17 challenges in their lives. Some of those with  
18 complaints have letters homes, gone bankrupt. But it  
19 doesn't follow that the Post Office is responsible for  
20 those situations. As one complainant acknowledged in  
21 a letter he sent us for publication following  
22 conviction, urging others not to do what he did. He's  
23 since changed his position and blames the losses he  
24 faced on our system.

25 "I can't, though, provide more details. Each case  
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1 **Q.** So that's 23 January, and your view there was that the  
2 Post Office was alleged to be part of a conspiracy and  
3 that they were a determined band of adversaries set  
4 against it. Was Second Sight at that time part of the  
5 determined band of adversaries?

6 **A.** I don't think so no.

7 **Q.** Could we please turn to POL00117054.

8 If we scroll down, please, on that first page, you  
9 have an email from yourself to Paula Vennells,  
10 26 January, so a couple of days later. You say:

11 "Hi Paula

12 "I hope you don't think I'm being too strong here,  
13 but I think Patrick's description of Second Sight is  
14 about right given their behaviour in recent weeks. They  
15 are, I am sure, colluding with JFSA rather than acting  
16 as independent players. I've never come across anything  
17 quite like this and I have challenged the team but,  
18 having done so, I'm now certain of it. Quite why this  
19 is the case I am not sure: perhaps their heads have been  
20 filled with the notoriety/attention they are getting,  
21 but I'm afraid to say that there is coalition  
22 campaigning against us, and they are part of it."

23 Would you like to revisit for the answer you gave me  
24 a moment ago?

25 **A.** Yes, thank you, I appreciate you -- thank you for  
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1 is confidential -- not a unilateral decision but  
2 an agreed position with those representing the  
3 individuals who have brought cases.

4 "This amounts, according to some of those who are as  
5 certain as they can be of our culpability, to secrecy.  
6 Despite our having shared literally thousands of pages  
7 of details of each case. None of which, by the way, has  
8 suggested any systemic problem.

9 "That hasn't stopped MPs and journalists presenting  
10 the picture as they see it. That is their right, of  
11 course. It's just that it is only part of the picture.  
12 And the missing bits tell a very different story.

13 "A story, as I said at the beginning that, because  
14 we are doing the right thing, we can't tell. Which is  
15 hard.

16 "But that's how it is at the heart of this corporate  
17 cover up."

18 What was the purpose behind writing this?

19 **A.** I don't recall. I think I -- it was an email that  
20 I wrote, I think potentially thinking maybe we could  
21 publish it or seek to publish it somewhere. I mean,  
22 obviously it looks absurd and ludicrous in the context  
23 of what we now know. I don't think it ever was  
24 published anywhere else. I'm not sure what my  
25 colleagues thought about it.  
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1 bringing that to my attention and the dates, absolutely  
2 right, and that does underline a concern that we started  
3 to have around Second Sight as to whether they were  
4 effectively working as independently as they should have  
5 been.

6 **Q.** Those are strong words that follow a very strongly  
7 worded think piece in that email that we've seen.

8 Do you think your memory has played tricks on you  
9 a little bit in terms of your recollection of the  
10 approach to Second Sight?

11 **A.** Sorry, can you --

12 **Q.** Well, it looks very much like, by January 2015, the Post  
13 Office did not consider Second Sight to be  
14 an appropriate body to be investigating them?

15 **A.** Oh, I think you're right and I haven't, in terms of the  
16 previous email -- which I think you said was  
17 24 January --

18 **Q.** 23rd?

19 **A.** -- absolutely, my recollection there has been incorrect.  
20 I absolutely did have those concerns in January 2015.

21 **Q.** Paula Vennells responds in the email above saying:

22 "How many often the [Second Sight] reports have you  
23 personally read?"

24 It looks as though that's a reference not to the  
25 Interim Report but, in fact, to what we know as the CRR  
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1 reports.

2 **A.** Mm.

3 **Q.** We can't find a response to that email on file. Are you  
4 able to assist us with whether you responded and, if so,  
5 how many of the reports you had personally read?

6 **A.** I don't recall if I responded directly to that email.  
7 I did read a significant number. I couldn't give you  
8 a -- it would be wrong to guess at a number but I read  
9 a number of them, yes.

10 **Q.** At that point in time, what did you understand  
11 Ms Vennells's opinion on Second Sight to have been?

12 **A.** I can't recall.

13 **Q.** Was the view that you shared below one that was commonly  
14 held within the senior leadership of the Post Office?

15 **A.** There was definitely a concern, yes.

16 **Q.** Did any particular individuals strike you as being  
17 particularly prominent in that concern?

18 **A.** I don't recall, particularly.

19 **Q.** I want to now move on to a number of specific broadcasts  
20 and the Post Office's response to those broadcasts,  
21 starting with the BBC coverage of the Second Sight  
22 Report in September 2014. Could we, please, look at  
23 POL00101329. If we look at the bottom of the page it's  
24 an email from 9 September 2014 from you -- sorry, if we  
25 could -- yes, that's fine:

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1 **A.** I don't recall the specific instance but, I mean, in the  
2 case of a Radio 5 report, we would have been in touch  
3 with their Newsgathering department, the news desk,  
4 essentially, at BBC Radio 5 Live.

5 **Q.** When you say "we", is it likely that would have been you  
6 personally or somebody else?

7 **A.** Apologies, it would be likely one of my Press Office  
8 team.

9 **Q.** Do you recall the robust conversations that were had on  
10 this occasion?

11 **A.** I don't recall this particular instance. It may be that  
12 there are other emails that will help to remind me.

13 **Q.** There's another email on the same day. Let's look at  
14 POL00101337. It's the bottom of the first page, please.  
15 It's an email from you to -- is that the Communications  
16 Team or the Press Team?

17 **A.** It's -- yes, it's -- well, it's -- and Legal. So Press  
18 Team, Nina, Ruth, Melanie, David Oliver was, I think,  
19 a programme manager on the Mediation Scheme, Chris  
20 Aujard was General Counsel and Jessica and Piero were  
21 both from the Legal Team.

22 **Q.** You say as follows:  
23 "Hi  
24 "Please specifically challenge suggestion that we  
25 'acknowledge' there were faults with Horizon -- this is

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1 "Dear all

2 "Further to my note on Friday, a report on the leak  
3 has been broadcast within the last few minutes on BBC  
4 Radio 4. It is inaccurate and clearly will be  
5 challenging these inaccuracies.

6 "We will circulate a fuller update."

7 So this is the leak of the Second Sight Interim  
8 Report, is it?

9 **A.** No, because we published the Second Sight Report and  
10 that was in 2013.

11 **Q.** Yes, this is 2014; so what was the leak?

12 **A.** I don't recall.

13 **Q.** If we scroll up --

14 **A.** Sorry to interrupt. If -- yes, in fact, if you scroll  
15 down, I think he talks about part two "Further to Chris'  
16 update [so this is me] about Second Sight's 'Part Two'",  
17 so presumably their Part Two report.

18 **Q.** Yes, the leak of the Part Two Report. Could we scroll  
19 up to -- there's a further email from yourself, it says:  
20 "Dear all  
21 "The report has also been carried on Radio 5. We  
22 are having robust conversations with the BBC on accuracy  
23 issues, and holding on our lines."  
24 Who would you have been having robust conversations  
25 with at the BBC?

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1 straightforwardly inaccurate as below."

2 This is the form of words:  
3 "It wasn't dishonesty by people like Noel, so the  
4 Post Office at least in this independent report that  
5 they commissioned, acknowledging here that these, around  
6 100, 150 subpostmasters who are now pursuing claims  
7 against the Post Office may not have been at fault."  
8 So that's a transcription from the Radio 4 broadcast  
9 and you are asking your team to challenge the suggestion  
10 that the Post Office acknowledge that there were faults  
11 with Horizon.

12 **A.** No, I'm asking them to acknowledge that, where they say  
13 the Post Office is acknowledging here that these 150  
14 subpostmasters may not have been at fault, and that  
15 wasn't what the report had said.

16 **Q.** Well, it says, "So the Post Office at least in this  
17 independent report that they commissioned, acknowledging  
18 here that these postmasters who are now pursuing claims  
19 may not have been at fault"; is that wrong?

20 **A.** Yes, the Post Office wasn't, at that point,  
21 acknowledging that those around 150 subpostmasters may  
22 not have been at fault.

23 **Q.** Was the independent report that they commissioned  
24 acknowledging that those who are complaining may not  
25 have been at fault, in the second report by Second

100

1 Sight?

2 **A.** I don't recall whether the Second Sight Part Two Report

3 said that but, certainly, we weren't acknowledging that

4 at that point.

5 **Q.** Another report of the same day POL00101365, please. If

6 we scroll down there's an email from yourself to Paula

7 Vennells, and you say:

8 "Hi Paula

9 "The coverage is essentially accepting that we now

10 accept through the report that there are issues with

11 Horizon. It is sloppy journalism in the extreme.

12 I have spoken direct to the journalist to (robustly)

13 correct the impression he is creating and we are also

14 talking to BBC Newsgathering. I've had a huddle with

15 Chris and the lawyers and we hold that in our back

16 pocket as potential action if coverage doesn't change."

17 Did you really think that the Second Sight second

18 report didn't suggest that there were issues with

19 Horizon?

20 **A.** Not systemic issues.

21 **Q.** Was there an allegation within that quote that we just

22 saw before about systemic issues, is anybody dealing

23 here with the question of systemic issues?

24 **A.** I think that previous quote was saying that we

25 acknowledge that the 100/150 subpostmasters may not have

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1 of the -- there simply wasn't the evidence to support

2 that there was a systemic -- there were systemic issues

3 with Horizon.

4 **Q.** Who is --

5 **A.** As far as we could see --

6 **Q.** -- suggesting there are systemic issues with Horizon?

7 **A.** The coverage from most of the journalism that we had was

8 saying that the Horizon system was, quotes, "dodgy" and

9 could have been leading to losses in branch and we

10 simply didn't, at that time, have the evidence to

11 support that, other than --

12 **Q.** It could lead to losses in branch, couldn't it?

13 **A.** I beg your pardon?

14 **Q.** It could lead to losses in branch. You knew that much,

15 didn't you?

16 **A.** We knew and we'd identified those two or the Second

17 Sight Report had identified those particular issues,

18 beyond that, we were faced with a system that seemed to

19 be working very well, with 50,000 people using it every

20 day processing thousands of millions of transactions

21 every year and the NFSP, the Federation of

22 SubPostmasters, assuring us that, from their point of

23 view, that -- they weren't slow in complaining when

24 there were issues that they wanted to complain about.

25 **Q.** Mr Davies, these are lines are repeated in year, after

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1 been at fault and, at that point, we weren't

2 acknowledging that.

3 **Q.** In your email here, "The coverage is essentially

4 suggesting that we now accept through the report that

5 there are issues with Horizon". How is accepting that

6 there are issues with Horizon sloppy journalism in the

7 extreme? They were right, weren't they?

8 **A.** They were. There were the issues that were published in

9 the Second Sight Report but, in terms of systemic

10 issues, which was the allegation at the time made

11 against the Post Office that, at the time, we didn't

12 have evidence to support, I think that was -- that was

13 a fair position to set out.

14 **Q.** Mr Davies, you're clinging to the word "systemic", and

15 we see that in a number of emails: "No systemic

16 problems, no systemic problems".

17 Do you think you clung too closely to the word

18 "systemic" when, quite plainly, Second Sight were saying

19 that there were issues with Horizon?

20 **A.** I don't think so because I'm not a technical expert and

21 I'm not a legal expert, and every conversation that

22 I had within the Post Office throughout the time I was

23 at the Post Office suggested to me that there were no

24 systemic issues and so, all of the conversations I had

25 with my colleagues in the IT Team and elsewhere, and all

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1 year, after year, that the Inquiry has seen in document,

2 after document, after document. Why can't you, in

3 September 2014, simply accept that Second Sight had

4 identified issues with Horizon -- and you still don't

5 seem to be able to accept that today?

6 **A.** I obviously, in hindsight, I accept that there were

7 issues with Horizon and I deeply regret that we spent so

8 long saying -- delivering lines that turned out to be

9 incorrect. That pains me grievously that we were in

10 that position. I've never went into my job in any

11 particular form as a journalist or in the years that

12 I've been a Communications Director, ever sought to

13 mislead, ever sought to not tell the truth to

14 journalists. So I was saying what I believed to be the

15 situation in good faith at all times.

16 **Q.** But you repeated today a number of times "systemic

17 issues". All that you are raising here is that the

18 coverage is essentially suggesting that there are issues

19 with Horizon. Why couldn't the Post Office accept that

20 there were issues with Horizon?

21 **A.** I think you have to see this email in the context of

22 that specific quote that we talked about in the previous

23 email, where the journalist had said that the Post

24 Office was acknowledging that we may have been at fault

25 in relation to 100 to 150 cases and, of course, at that

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1 time, the Mediation Scheme was ongoing and we were  
 2 seeking to work through cases, through the Mediation  
 3 Scheme. And we'd entered into a process of  
 4 confidentiality with people as well. So, to our minds,  
 5 we were continuing with the investigation, and we were  
 6 continuing to work towards finding the truth, getting to  
 7 the truth.

8 **Q.** Let's go back to the quote. It's POL00101337, page 2.  
 9 This is a direct transcription from BBC Radio 4, second  
 10 page, please:

11 "It wasn't dishonesty by people like Noel, so the  
 12 Post Office at least in their independent report that  
 13 they commissioned, acknowledging here that these, around  
 14 100, 150 subpostmasters who are now pursuing claims  
 15 against the Post Office may not have been at fault."  
 16 What is wrong with that?

17 **A.** I think my reading of it at the time was that the  
 18 statement was saying that the Post Office was  
 19 acknowledging that around 100 to 150 postmasters had had  
 20 a strong case to suggest that we were at fault and that  
 21 wasn't the position at the time. Clearly, with  
 22 hindsight, everything has changed, and the context is  
 23 really, really important but that's certainly how I --

24 **Q.** Why does it need hindsight to read the words that are  
 25 there on the page, that simply says "may not have been  
 105

1 may not have been at fault?

2 **A.** I don't recall, sir, whether that report specifically  
 3 made that point. The point --

4 **SIR WYN WILLIAMS:** Well, that's what this extract appears to  
 5 be saying, doesn't it? Because it wasn't saying, in  
 6 fact, the Post Office, in its own document, had made  
 7 this acknowledgement, because it says that "the Post  
 8 Office, at least in this independent report that they  
 9 commissioned, acknowledged". There's a big difference.

10 In effect, I am repeating Mr Blake's question to  
 11 you: what was inaccurate about it, if indeed the report  
 12 suggested that 100 to 150 subpostmasters were pursuing  
 13 a claim on the basis that they may not have been at  
 14 fault?

15 **A.** My reading, sir, at the time of this particular  
 16 transcript was that it was suggesting that the Post  
 17 Office acknowledging here that these claims may not --  
 18 these subpostmasters may not have been at fault.

19 **SIR WYN WILLIAMS:** Well, we can all, I'm sure -- and I don't  
 20 mean this as a criticism of you at the moment -- read  
 21 words in slightly different ways, but, to my way of  
 22 thinking, it is simply saying that, in an independent  
 23 report which the Post Office has commissioned, they, if  
 24 you like, the Post Office, may be acknowledging,  
 25 et cetera, all right? But it's making it clear, surely,  
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1 at fault"; that was right, wasn't it?

2 **A.** Not at that point.

3 **Q.** They may not have been at fault. May. It's a pretty  
 4 low threshold, wasn't it?

5 **A.** I think the point we were objecting to, which I think  
 6 the journalist accepted in the end, was that the Post  
 7 Office was acknowledging, at this point, that around 100  
 8 to 150 subpostmasters may have had a case and they were  
 9 pursuing those particular claims at the time.

10 **Q.** I'll move on to POL00 --

11 **SIR WYN WILLIAMS:** Before you do, Mr Blake, let me  
 12 understand this. We are here talking, are we, not about  
 13 the Interim Report of July 2013 but something that came  
 14 after it? When the words "independent report" are being  
 15 used, that isn't a reference back to the 2013 report?  
 16 It can't be because there was no mention of 100 or 150  
 17 subpostmasters in that? So this is something that came  
 18 after it. Have I got that right?

19 **A.** Yes, sir.

20 **SIR WYN WILLIAMS:** Right. So is it the second report  
 21 written by Second Sight or what?

22 **A.** It's the second report, sir, yes.

23 **SIR WYN WILLIAMS:** Right. In that second report, did Second  
 24 Sight say that 100 to 150 subpostmasters are pursuing  
 25 claims against the Post Office on the basis that they  
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1 that it's coming from an independent report and quoting  
 2 from it?

3 **A.** I think that's fair, sir.

4 **SIR WYN WILLIAMS:** All right. Thank you.

5 **MR BLAKE:** Can we please turn to POL00117183, 7 March 2015.  
 6 If we scroll down we can see you have sent a number of  
 7 documents to that distribution list. If we go up,  
 8 there's a response from Angela van den Bogerd. I think  
 9 the documents, essentially, announce the end of the  
 10 Working Group and the completion of the Second Sight  
 11 investigations. She responds to you and she says:  
 12 "I have seen Jane's comments already and have  
 13 nothing further to add on the two letters."  
 14 That's a letter to Jo Swinson to Adrian Bailey,  
 15 Members of Parliament:  
 16 "However, I do have on the press statement and my  
 17 suggested changes are in red. These might not be the  
 18 right words but I want to indicate that we haven't  
 19 simply gone through the motions rather we have done so  
 20 with our eyes wide open."  
 21 Then there's a quote:  
 22 ""This has been an exhaustive and informative  
 23 process which has established that there are no  
 24 system-wide problems with our computer system and  
 25 associated processes. We will now look to resolve the  
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1 final outstanding cases as quickly as possible'."

2 Was that correct?

3 **A.** The quote from Angela?

4 **Q.** Yes.

5 **A.** I think so, yes. I mean, this, I think, is a report

6 that the Post Office itself published in March 2015.

7 **Q.** Had it established that there were no system-wide

8 problems, the second of the Second Sight Reports?

9 **A.** That was certainly the view within the business, yes.

10 **Q.** But was it correct?

11 **A.** To the best of my knowledge, it was correct at the time.

12 **Q.** Moving on to the Panorama programme in 2015 and the

13 Andrew Bridgen debate in Parliament, also around the

14 same time, could we please look at POL00117433. This is

15 an email from you to Alwen Lyons. You attach a note

16 below on the BBC Panorama and the Post Office. Is this

17 an internal note, yes?

18 **A.** Yes, I think this was probably intended for the Board,

19 if -- yeah, because I've sent it to Alwen, who was

20 Company Secretary, I think it was intended for her to

21 send to the Board so that they were in the picture.

22 **Q.** "I wanted to let you know that next week we expect

23 further adverse media coverage (and a debate in

24 Parliament) in relation to the Post Office and our

25 Horizon computer system.

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1 cooperate fully with any requests made of us: what we

2 won't do is indulge in a public debate while that review

3 is being conducted."

4 Those two final paragraphs that I've read to you,

5 were they an accurate reflection of the picture?

6 **A.** The two -- beginning with "Not currently planning" --

7 **Q.** So were you not currently planning to appear on the

8 Panorama programme, simply because it was focused on the

9 cases and because of the criminal cases review?

10 **A.** We'd initially considered appearing and we had started

11 to make arrangements to do so, but it became -- and we

12 had a two-hour briefing, as this note suggests, with the

13 Panorama journalists where we very openly answered

14 obviously any question that they had. It became quite

15 clear after that briefing that they particularly were

16 going to focus on individual cases, and we strongly felt

17 that -- I felt, and others in the organisation as well,

18 felt that because the CCRC was involved and because of

19 the confidentiality process that we'd agreed to through

20 the Mediation Scheme, that it would be wrong to have

21 a debate about individual cases on the TV rather than in

22 the appropriate place.

23 **Q.** We saw in 2013 emails from you saying that "We don't

24 want to appear on the Panorama programme because we

25 don't want to give it material", effectively --

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1 "The BBC plans a Panorama programme on 29 June while

2 Andrew Bridgen MP has secured a short debate in the

3 House of Commons on the same day."

4 It says:

5 "We expect allegations to be made which suggest that

6 we pressure people to plead guilty to criminal charges,

7 have not provided appropriate information to

8 investigators, have the ability to remotely access and

9 alter branch accounts and have not investigated whether

10 Horizon could be to blame for losses in branch accounts.

11 "We are engaging vigorously with Panorama. We

12 provided a two-hour briefing earlier this month. It has

13 become clear, however, that they plan to continue to

14 make damaging allegations based on individual claims,

15 and have interviewed Second Sight in doing so."

16 It says:

17 "We are not currently planning to appear on the

18 Panorama programme. This is because it plans to focus

19 on three individual cases and we do not believe it is

20 right to break the confidentiality we agreed when we set

21 up the Mediation Scheme.

22 "It is also the case that those featured in the

23 programme have asked the Criminal Cases Review

24 Commission, an independent body, to examine their

25 prosecution case. That is their right and we will

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1 **A.** Yeah.

2 **Q.** -- to assist it in taking further lines to take. Was

3 that part of your thinking on this occasion?

4 **A.** Sorry, can you repeat the question?

5 **Q.** We saw earlier today an email from 2013, I think it was,

6 that suggested that you shouldn't appear on Panorama

7 back then because to do so would give them material?

8 **A.** Yes, I think that was a separate -- so in 2013 they'd

9 made a tentative, I think, enquiry, actually through the

10 NFSP, as to whether they might make a -- suggesting that

11 they might make a programme about these issues. I've

12 never really connected the 2013 email with the actual

13 Panorama programme that went out in 2015. The decision

14 to not appear on the programme was taken for the reasons

15 that I've set out there, that we didn't want to discuss

16 individual cases and it would have been -- we felt it

17 would have been inappropriate to do so. I felt it would

18 have been inappropriate and I think that was a view

19 shared across the business.

20 **Q.** Was it not part of your media strategy, though, to not

21 put somebody up for interview if it could help prevent

22 the story from becoming a story?

23 **A.** It's certainly a consideration.

24 **Q.** Is that reflected in this note?

25 **A.** It doesn't appear to be reflected in the note, but

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1 I think it would be widely understood to be  
 2 a consideration, yeah.

3 **Q.** Can we turn to POL00174380, 5 August 2015. This is from  
 4 you to yourself but it may be a group email that you've  
 5 hidden the addresses from, perhaps:

6 "You will remember that I was in touch a couple of  
 7 months ago about a programme being planned by the BBC's  
 8 Panorama programme, (not to be confused with Signed,  
 9 Sealed and Delivered documentary which I am sure you  
 10 will all be tuning in for at 9.00 pm on BBC2 this  
 11 evening!) on the Horizon system.

12 "I wanted to drop you a quick line to let you know  
 13 that -- regrettably -- Panorama has returned to the  
 14 subject and plans a programme on 17 August. This will  
 15 clearly contain damaging yet unsubstantiated allegations  
 16 about the Post Office.

17 "The Communications Team continues to engage  
 18 robustly with Panorama and we will do everything we can  
 19 to protect our business and its reputation."

20 Could I please turn to POL00162652. If we please  
 21 turn to page 4., I believe a subpostmaster emailed in  
 22 regarding the BBC broadcast on 19 August 2015 and we  
 23 have here your response. You say:

24 "Dear Amjed

25 "Thank you for your email about the BBC programme  
 113

1 programme?

2 "Also the BBC said that the Post Office has their  
 3 own laws regarding punishment?"

4 If we scroll up you respond, you say:

5 "Hi Amjed

6 I think Angela is going to call you but just to  
 7 reassure, the BBC has not seen all the evidence in the  
 8 cases it featured. We don't have our own laws -- we  
 9 have to meet the very high standards of the courts and  
 10 we prosecute very rarely."

11 He follows up again, at the bottom of page 2 and  
 12 says:

13 "Yeah but I don't understand why the Post Office  
 14 doesn't come forward and give their evidence or are they  
 15 hiding something?"

16 "I am going to call Angela [tomorrow] morning and  
 17 have a talk."

18 If you scroll up, you say:

19 "Good idea Amjed. I can assure you we try really  
 20 hard to get our position across! But we can't talk  
 21 about individual cases publicly. This is the statement  
 22 we issued ...

23 "I [do] hope you have a good conversation ... "

24 Do you think take that that was a fair reflection by  
 25 the Post Office on the Panorama broadcast? Somebody who  
 115

1 which was broadcast on Monday night.

2 "I am really sorry that it concerned you so much.  
 3 I also understand that. It painted a very worrying  
 4 picture.

5 "I would like to reassure you on a few points.  
 6 "Firstly, the programme was very one sided ...  
 7 "Secondly, I can assure you that the allegations  
 8 made are untrue. The Horizon system is efficient and  
 9 effective while the business takes its approach to  
 10 prosecutions seriously: we do prosecute where there is  
 11 evidence of wrongdoing but we never prosecute anyone for  
 12 making innocent mistakes.

13 "There is no evidence in the cases featured on  
 14 Panorama of issues in the Horizon system being to  
 15 blame."

16 Do you think it was right to send such a strongly  
 17 worded response describing the allegations as "untrue"?

18 **A.** I don't think I say anything there that we didn't say in  
 19 our statement to the programme.

20 **Q.** If we scroll up, he responds on page 3, he says:

21 "Yeah I understand what [you're] saying but if the  
 22 BBC [are] saying that innocent people [are] getting  
 23 prosecuted then that scarce the living daylight out of  
 24 me.

25 "They must have some evidence to broadcast the  
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1 was clearly concerned about the implications and you  
 2 have said, as I say, in strong terms "I can assure you  
 3 allegations made are untrue, there is no evidence of  
 4 cases featured in Panorama of issues in the Horizon  
 5 system being to blame".

6 Do you think the Post Office looked into that  
 7 sufficiently before producing rebuttals such as that  
 8 one?

9 **A.** I do, I mean, I'm reflecting to Amjed the statement  
 10 that's linked there, that we gave to Panorama -- our  
 11 response to the Panorama programme, and I don't know if  
 12 he spoke to Angela, I hope he did. I think it was  
 13 a fair reflection of the position, as we understood it  
 14 at the time, in the context of what we understood at the  
 15 time.

16 **Q.** One more document before we break for lunch. It's  
 17 POL00162672, 16 September 2015. Who are the recipients  
 18 here?

19 **A.** This would be Paul and Jonathan, who were the -- they  
 20 were responsible for the website, the internal website,  
 21 and also a document called In The Loop, which was a kind  
 22 of internal news document that we used to send out  
 23 regularly and we would occasionally send out one-offs,  
 24 and Alana Renner was Deputy Communications Director.

25 **Q.** You say:  
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1 "Hi  
 2 "Please can we schedule the note below for  
 3 a convenient moment over the next few days for an In The  
 4 Loop?"  
 5 So this to communicate to everybody who works at the  
 6 Post Office or ...?  
 7 **A.** Senior managers.  
 8 **Q.** Senior management:  
 9 "You will recall that in August, the BBC broadcast  
 10 a Panorama programme in which very serious allegations  
 11 were made about the actions of the Post Office.  
 12 "In short, it was alleged that some postmasters were  
 13 prosecuted over losses in branch when in fact there was  
 14 no evidence to support such action. The suggestion was  
 15 that the losses were caused by flaws in the Horizon  
 16 system (despite the absence of any evidence to support  
 17 this allegation in the cases referred to).  
 18 "We made clear at the time that these allegations  
 19 were not true and that the programme was highly  
 20 misleading. We also had some grave concerns about the  
 21 way in which the programme was prepared and whether our  
 22 position was properly reflected, given the BBC's duty to  
 23 ensure coverage is fair and balanced.  
 24 "I wanted to let you know that this week we have  
 25 submitted a formal complaint to the BBC about the  
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1 **SIR WYN WILLIAMS:** Yes, I can, thank you.  
 2 **MR BLAKE:** Thank you very much.  
 3 Moving on to a new subject and that is advising in  
 4 respect of the Group Litigation. Can we begin, please,  
 5 with POL00162572, the bottom of the first page. This is  
 6 6 August 2015. It is just before the 2015 Panorama  
 7 programme. It seems as though you're circulating to  
 8 Melanie Corfield and Mark Underwood a draft letter to  
 9 Alan Bates, and you say:  
 10 "Hi  
 11 "What do you reckon? Would this work? I must say  
 12 I am quite taken with it."  
 13 The letter begins:  
 14 "As you know, a Panorama programme is due to air on  
 15 Monday in relation to the Post Office and the Horizon  
 16 system. At the same time we are writing to applicants  
 17 in the Mediation Scheme to urge them to engage with us  
 18 to arrange a time for mediation to take place.  
 19 "I know the [Justice for Subpostmasters Alliance] is  
 20 urging applicants not to take part in mediation. That  
 21 is your right, of course, and you have your reasons for  
 22 taking this position."  
 23 Just pausing there, that's a phrase we see in quite  
 24 a lot of your emails, or press releases or drafts. We  
 25 see "that is your right, of course". Is that  
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1 Panorama programme. This followed a meeting I held with  
 2 the BBC's director of news and current affairs and the  
 3 editor of the Panorama programme.  
 4 "Please let your teams know about this: it is  
 5 important that colleagues across the business are aware  
 6 that we are highly active in seeking to defend the  
 7 business's reputation in the face of these  
 8 unsubstantiated allegations."  
 9 We have, by that point, had the Second Sight Interim  
 10 Report and the Second Sight Second Report. Do you think  
 11 that you looked into and enquired about the issues with  
 12 Horizon sufficiently and reflected sufficiently in order  
 13 to so strongly rebut the BBC Panorama broadcast?  
 14 **A.** I do, yes.  
 15 **MR BLAKE:** Thank you, sir. That might be an appropriate  
 16 moment for lunch.  
 17 **SIR WYN WILLIAMS:** All right. What time shall we start up  
 18 again?  
 19 **MR BLAKE:** Can we come back at 2.00, please?  
 20 **SIR WYN WILLIAMS:** Yes, fine.  
 21 **MR BLAKE:** Thank you.  
 22 (1.01 pm)  
 23 (The Short Adjournment)  
 24 (2.00 pm)  
 25 **MR BLAKE:** Good afternoon, sir. Can you see and hear me?  
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1 an equivalent of you saying, "You're wrong, we don't  
 2 agree"?  
 3 **A.** No, it's not saying that at all. It's saying everyone  
 4 has their right to take their position as they see fit.  
 5 **Q.** You then continue:  
 6 "I wanted, however, to write to you to urge you to  
 7 reconsider the position", and you set out various  
 8 reasons.  
 9 If we scroll up to the top, Mark Underwood responds  
 10 as follows, he says:  
 11 "My biggest concern is that this 'recognises' the  
 12 [Justice for Subpostmasters Alliance] and since closing  
 13 of the [Working Group] ..."  
 14 "WG", is that Working Group?  
 15 **A.** Yes.  
 16 **Q.** "... we have made a conscious decision to try to avoid  
 17 recognising them and their power to seemingly  
 18 orchestrate applicants' decisions."  
 19 Were you aware of that conscious decision to try and  
 20 avoid recognising the JFSA?  
 21 **A.** I don't really recall.  
 22 **Q.** "Whatever we have sent in the past has been manipulated  
 23 and has been the springboard for conspiracy theories so  
 24 at the moment I would be minded not to send the letter  
 25 to JFSA, especially as [Alan Bates] will, as  
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1 a disengaged applicant, will be receiving his own letter  
 2 anyway which covers a lot of the similar points. My  
 3 other thought is that we did end up sending it, I think  
 4 sending it to all applicants would be dangerous as not  
 5 all would be represented by the JFSA and it would  
 6 promote JFSA to them."  
 7 Can you recall, as at August 2015, a concern about  
 8 recognising the JFSA and about sending potential  
 9 applicants their way?  
 10 **A.** I don't really recall that, I'm afraid, I'm sorry.  
 11 **Q.** Moving on. POL00025509. We're now in June 2016, and  
 12 this is the terms of reference for the Postmaster  
 13 Litigation Steering Group. It explains there that, at  
 14 1.2:  
 15 "The Postmaster Litigation Steering Group is  
 16 established to coordinate Post Office's approach and  
 17 response to the Claim, and therefore brings together  
 18 representatives from affected teams in the business as  
 19 set out below ..."  
 20 Can you recall whose idea the Postmaster Litigation  
 21 Steering Group was?  
 22 **A.** I can't recall whose idea it was.  
 23 **Q.** Do you know how often it met?  
 24 **A.** I think it met -- it's the one chaired by General  
 25 Manager Network?

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1 ""Treat this as my broad 'yes that is okay'.  
 2 "I'm still wading through the treacle of this mad  
 3 judgment. I don't understand what he thought he was  
 4 doing or what he thought he was supposed to be doing.  
 5 The constant repetition of the mantra that he wasn't  
 6 deciding anything outside of the common issues is hardly  
 7 credible. I've yet to get to the many other matters but  
 8 I can see from Gideon's note and from the various quotes  
 9 that it just gets worse."  
 10 Then she says as follows:  
 11 "I have discussed stakeholder and comms issues with  
 12 both Mark and Patrick. They both acknowledge that this  
 13 will be difficult to manage and will cause significant  
 14 noise in more than one quarter, however, they are both  
 15 supportive of a strategy that delivers the best legal  
 16 outcome for Post Office."  
 17 What do you recall of the conversation you had with  
 18 Jane MacLeod?  
 19 **A.** Well, my recollection is largely, as effectively set out  
 20 here, in that she updated me on the potential proposal  
 21 to apply for recusal and asked me for my view as to how  
 22 that would -- what sort of reaction that might provoke  
 23 in external communications terms, so in terms of the  
 24 media or, indeed, wider stakeholders, MPs, et cetera,  
 25 et cetera.

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1 **Q.** Can we scroll down?  
 2 **A.** Yeah, I think -- so Tom Moran chaired it. So I think  
 3 maybe -- I can't really recall but I think it probably  
 4 met weekly or at least fortnightly.  
 5 **Q.** Is this the body through which significant matters in  
 6 the litigation would be discussed and strategy  
 7 discussed?  
 8 **A.** It was certainly the sort of coordinating group, if you  
 9 like, that would come to together to assess what was,  
 10 you know, the latest developments, et cetera, et cetera.  
 11 **Q.** I want to look now specifically at the recusal  
 12 application. Could we please turn to POL00157065.  
 13 So this is going on quite a bit in time, we're now  
 14 on 17 March 2019. Jane MacLeod emails Alisdair Cameron,  
 15 as follows, she says:  
 16 "Al  
 17 "I have ready to send to the Board the following ...  
 18 "Draft paper from me ... which recommends the  
 19 recusal application and retaining counsel on the basis  
 20 I proposed to you yesterday.  
 21 "Lord Neuberger's preliminary advice.  
 22 "Advice from [Womble Bond Dickinson] ..."  
 23 It says:  
 24 "Lord Grabiner has commented this afternoon (not to  
 25 be repeated):

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1 **Q.** Can you recall what her personal view was?  
 2 **A.** I can't recall her personal view, no.  
 3 **Q.** Why do you think it was that the Communications  
 4 Director, you, would be involved in the decision as to  
 5 whether to seek the recusal of a judge or not?  
 6 **A.** I think it's not really a question of whether I was  
 7 involved in the decision; I think it was a question as  
 8 to whether -- as to the business assessing what the  
 9 potential reaction externally, in media terms and MP  
 10 terms and other stakeholder terms, might be, as part of  
 11 a process of reaching a decision a very -- clearly very  
 12 difficult and challenging finely balanced decision.  
 13 **Q.** Can we turn to POL00021563, please. This seems to be  
 14 a Board meeting. Was it unusual to have these attendees  
 15 at this particular -- at the board meeting?  
 16 **A.** Sorry, unusual to have?  
 17 **Q.** We see a number of attendees from Norton Rose, we see --  
 18 **A.** Sure, sure.  
 19 **Q.** -- Jane MacLeod attending as well. Do you recall this  
 20 being a particularly noteworthy meeting at all?  
 21 **A.** I recall that it was -- I think it was a -- effectively  
 22 a special meeting to consider the recusal question.  
 23 **Q.** If we scroll down, please, we have a summary of the  
 24 discussion with Lord Grabiner, and we have Jane MacLeod  
 25 there reporting about the call that had been held, that:

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1 "[He] had reviewed the Common Issues Judgment and  
2 understood how it impacted on the current and  
3 prospective trials. He noted that the judge had  
4 received several warnings about allowing inadmissible  
5 materials but had chosen to do so and as such had  
6 behaved improperly and was wrong as to the law. It was  
7 an unusual case which was unusual procedurally."

8 If we go over to page 4, please, about halfway down,  
9 it says there:

10 "Mark Davies' view was sought from a communications  
11 and stakeholder perspective."

12 Who did you see as the stakeholders?

13 **A.** Well, it would be the -- I suppose all of the people  
14 involved in this issue from the JFSA through to MPs and  
15 peers, others, but obviously the broader media, as well.  
16 I think it was, you know, a general question as to how  
17 this decision would effectively land, if you like, in  
18 those different quarters. So I gave my view, which  
19 I think, notwithstanding it was likely to generate some  
20 adverse publicity, but, obviously, it wasn't a decision  
21 that should be taken based on, you know, how it would be  
22 received in the media or among stakeholders.

23 **Q.** Were you often called upon to give a stakeholder  
24 perspective?

25 **A.** Yes, it was part of my job.

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1 a very finely balanced decision and there was no  
2 question that such a significant step would have caused  
3 a significant amount of media and other interest, and  
4 a part of that would be a stakeholder reaction from  
5 within the subpostmaster community that would  
6 undoubtedly be concerned, at the very least, about such  
7 a decision.

8 **Q.** Protecting the business long term, presumably also  
9 included protecting the interests of subpostmasters?

10 **A.** Absolutely.

11 **Q.** Was that something you communicated to the Board?

12 **A.** I can't recall the conversation.

13 **Q.** If we turn over the page, we can see that:

14 "After careful consideration of all the arguments,  
15 each Director present and participating in the decision,  
16 supported a resolution of the Board that an application  
17 should be sought for the judge to recuse himself from  
18 the case ..."

19 Can we please look at POL00359871. If we look at  
20 the bottom email, please. Can you assist us, was this  
21 an announcement of some sort that you were drafting?

22 **A.** So this looks like we'd been asked to make a -- to draft  
23 a statement on the decision that the Board had reached  
24 to recuse, to -- sorry, to seek application to recuse.

25 **Q.** You say:

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1 **Q.** Do you count subpostmasters as stakeholders?

2 **A.** Yes. I mean, both in terms of the NFSP, so the  
3 representative body, the JFSA, so individual  
4 subpostmasters themselves. Obviously there were  
5 different sorts of different groups of postmasters.  
6 There was obviously the Crown branches that we owned or  
7 the Post Office owns, there was the large main Post  
8 Office branches, there were the local branches. So,  
9 absolutely yes.

10 **Q.** It might be suggested that the decision to seek the  
11 recusal of the judge was quite an aggressive litigation  
12 tactic. Can you see how, if the stakeholders were  
13 subpostmasters, it might actually be in their interests  
14 not to take such a tactic?

15 **A.** Not to take recusal?

16 **Q.** Yes, as in might it have been in some stakeholders'  
17 interests not to have approached the litigation in that  
18 way?

19 **A.** Absolutely.

20 **Q.** Did you make that clear?

21 **A.** Absolutely.

22 **Q.** So you explained to the Board on this occasion that they  
23 might want to consider the interests of subpostmasters?

24 **A.** Well, I mean, I don't recall the conversation, I really  
25 don't. I do remember that it was, you know, obviously

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1 "We have reflected in great depth on the long and  
2 detailed judgment from the first trial. After serious  
3 consideration and following advice from external legal  
4 counsel not previously engaged on these issues, we have  
5 decided to seek leave to appeal the findings.

6 "Furthermore, we will today also be making  
7 an application for the sitting judge to be recused from  
8 the ongoing and upcoming trials. We are acutely aware  
9 of the significance of this application, but (based on  
10 the [evidence] we have received) we have serious  
11 reservations about the judge's ability to remain  
12 impartial in ongoing and future Post Office hearings.

13 "We do not take this action lightly. However we  
14 passionately and firmly believe that this application is  
15 in the best interests of Post Office customers,  
16 postmasters and their staff and the communities who rely  
17 on our network and services every single day.

18 "We will take urgent steps to address the criticisms  
19 made in the judgment about aspects of the Post Office's  
20 practices and behaviour but have confidence in our  
21 position and defence of this group litigation."

22 If we scroll up, please, Patrick Bourke responds and  
23 says:

24 "I think this is much better -- preserves the tone,  
25 but much shorter. Two immediate observations -- can we

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1 reintroduce the fact that we are making operational  
2 changes following the judgment, so we can't be accused  
3 of burying our head in the sand; and I might be tempted  
4 not to use the word 'passionately', not because  
5 I disagree with the sentiment, but because I wonder  
6 whether, again, someone might say this is an emotional  
7 reach which just goes to show how incapable we are of  
8 being objective and open to the possibility of our being  
9 wrong ... or some such."

10 Can you recall how high up within the organisation  
11 this particular press release or statement went?

12 **A.** Well, it wouldn't have been signed off without it going,  
13 I imagine, certainly to the Executive, to the Group  
14 Executive and probably to the Board as well.

15 **Q.** Can we turn to POL00269602. You have, by this stage, if  
16 we turn over to the second page, I think, circulated the  
17 draft.

18 **A.** Yeah.

19 **Q.** This is 21 March, 9.43 am to Jane MacLeod, and you say:

20 "As the application for recusal will be made this  
21 morning and likely to be public by lunchtime, we have  
22 prepared the statement below with input from Portland  
23 and Legal Team."

24 How often would you involve Portland Communications?

25 **A.** Well, over the course of the period I was at the Post  
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1 Executive, I think, or perhaps -- I can't quite recall  
2 but Paula Vennells was -- had either left by that point  
3 or was away because of family -- for family reasons.

4 So Alisdair was the acting CEO, so it's possible  
5 that she removed him just to ease his inbox while we  
6 made final changes before we then went to him with the  
7 final proposal.

8 **Q.** We scroll down she has struck through the following, it  
9 says:

10 "We will continue to make operational and other  
11 improvements, including those raised by the judgment, in  
12 the interests of our customers and postmasters."

13 She struck through as follows:

14 "... including those raised by the judgment. The  
15 applications we will be making [have made] reflects,  
16 however, our overall confidence in the legal position  
17 relating to our defence of this Group Litigation."

18 Then she has also struck through below. Were you  
19 aware of any concern on her part about the confidence in  
20 the legal position?

21 **A.** Not that I recall, no.

22 **Q.** I want to move now to the Horizon Issues judgment. Can  
23 we please turn to POL00281725. We're now on 28 August  
24 2019. If we could have a look at the bottom email,  
25 Melanie Corfield emails, there's a zip file of documents

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1 Office, it would depend whether they were working for us  
2 at that particular time. They were a public affairs  
3 communications agency who, I think, had been brought in  
4 to work with us on this particular issue at this  
5 particular time. They'd been -- worked for us  
6 previously on different briefs and as had other public  
7 affairs organisations. But, obviously, on a statement  
8 as important as this one, we would absolutely get their  
9 view on it.

10 **Q.** You say:

11 "I would like to send to the board and BEIS/UKGI for  
12 information and we will also prepare internal and  
13 stakeholder communications."

14 Then Jane MacLeod responds on the first page, if we  
15 scroll up, she says:

16 "Try this ... (AI off copy)."

17 Can you recall why Alisdair Cameron was removed from  
18 the copy?

19 **A.** I can't recall, no. I mean, I think -- and I think

20 I recall that Jane and I spoke about obviously needing  
21 to have a statement prepared for this announcement and  
22 I'm pretty sure we spoke either that day or the previous  
23 day very early in the morning, which was then the basis  
24 of the statement that she has then amended here.

25 Mr Cameron, at the time, was the Interim Chief

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1 for the recipients to look at. I'll come back to the  
2 top email, I just want to take you to a couple of the  
3 underlying documents. Can we please look at  
4 POL00023606. This is one of the attachments, this is  
5 number 5. There are, as I say, a large number. Were  
6 you involved in the drafting of this?

7 **A.** No.

8 **Q.** Who would have been involved in the drafting?

9 **A.** Melanie led on the drafting. This was preparatory work  
10 for a judgment, so, obviously, at this point, we didn't  
11 know what the judgment would say but it was work we  
12 would do as a matter of course, really, to prepare for  
13 judgments or -- judgments or indeed any kind of event  
14 that was about to take place that affected the Post  
15 Office. We'd obviously prepare, have pre-prepared  
16 material.

17 **Q.** Were you Melanie Corfield's manager, supervisor?

18 **A.** I wasn't her direct manager but she was part of my team,  
19 absolutely, yeah.

20 **Q.** It looks as though there is a call script being prepared  
21 for you or it says, "Mark Davies [to be confirmed]"?

22 **A.** Yeah.

23 **Q.** If we go over the page, please, one of the points to  
24 make, it says:

25 "We should be reassured that the view of both

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1 independent expert witnesses who gave evidence in the  
2 litigation is that all the indications are that Horizon  
3 is robust, comparing well with similar systems across  
4 retail and financial service sectors which have to be  
5 highly reliable."

6 There's another attachment. Can we please turn to  
7 POL00023623. In very similar terms, there's a video  
8 script. It says, "Delivered by Mark Davies [to be  
9 confirmed]".

10 Were you going to be on camera making a statement or  
11 what is this for?

12 **A.** Well, again, this is preparatory work for the judgment.  
13 We didn't know when the judgment would be handed down so  
14 these scripts, pieces of communications were being  
15 prepared in anticipation of the judgment being handed  
16 down and, of course, would be revised and amended,  
17 subject to, of course, the finding, which, of course,  
18 self-evidently at the time, we didn't know the what  
19 judgment would be. So I think the "Delivered by Mark  
20 Davies TBC" is a possibility that I might have done that  
21 video but it's entirely possible that somebody else  
22 might have done it.

23 **Q.** The second bullet point says:

24 "The judgment raises a number of issues [and  
25 criticisms] but what I want to do straight away is

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1 I mean, Andrew Parsons is right to raise these issues.

2 **Q.** Did they come as a surprise to you?

3 **A.** Not at all. I mean these were preparatory -- as I say,  
4 documents that were being prepared in advance of any  
5 announcement so we had to think through well, what sorts  
6 of materials will we need for that judgment? So they  
7 would be prepared as drafts but then, obviously, once  
8 the judgment had come in, would be revised extensively  
9 to be in line with that judgment, effectively ripped up  
10 and started again. So Andrew was -- Andrew's quest --  
11 Andrew's point about the one repeating message -- "If  
12 the judge finds that Horizon is not robust, then he will  
13 likely find a reason to sidestep or disavow the expert  
14 evidence, in those circumstances I'm not sure this comms  
15 message will hold water" -- he's completely right about  
16 that and Melanie and all of those who were preparing  
17 this package would have been similarly aware but were  
18 working based on what they understood at the time.

19 **Q.** Was Mr Parsons quite involved during the litigation, in  
20 feeding into these communications messages?

21 **A.** We always sought to make sure that -- because  
22 communications messages are not just produced by the  
23 Communications Team; they're produced by Communications  
24 Team and then in collaboration with other teams across  
25 the organisation and Mr Parsons was -- and external

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1 reassure you about that we can have confidence in the  
2 overall robustness of Horizon and that it compares well  
3 with systems used by other retail and financial services  
4 companies each day. Both independent experts, for Post  
5 Office and the claimants in the case, on opposite sides  
6 of the litigation, confirmed this."

7 Then if we go back to the email we were looking at  
8 before, that's POL00281725, we have comments to Melanie  
9 Corfield from Andrew Parsons, the lawyer at Womble Bond  
10 Dickinson, and he says as follows, he says:

11 "The one repeating message throughout the documents  
12 is that Horizon is robust because both experts say so.  
13 This is correct as at today, but if the judge finds that  
14 Horizon is not robust then he will likely have found  
15 a reason to sidestep or disavow the expert evidence. In  
16 those circumstances then I'm not sure this comms message  
17 will hold water. It may be worth working up an  
18 alternative comms package on the basis that the Judge  
19 throws out the expert's views."

20 Just pausing there, as at 28 August 2019, was it  
21 unclear within your team that -- were you not aware,  
22 within your team, should I say, that a possibility was  
23 that the judge could actually find that Horizon was not  
24 robust?

25 **A.** Oh, of course. I mean, it was entirely possible.

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1 organisations as well, and Mr Parsons was part of that  
2 broader group of people dealing with the litigation.  
3 So, you know, he's right to raise the point but it would  
4 have been a point that we would have all said, "Well,  
5 yes, that's right Andrew, we totally hear what you say",  
6 because we're not just going to put out what we want to  
7 put out, we're going to see what the judgment says and,  
8 of course, the judgment would have said something very  
9 different. We would have torn up those materials and  
10 started again.

11 **Q.** We see also a further comment on the paragraph below.

12 **A.** I beg your pardon, sorry?

13 **Q.** We see a further piece of advice on the third paragraph  
14 on the page as well.

15 **A.** Mm.

16 **Q.** I want to move on to issues of non-disclosure in the  
17 litigation. Could we please look at POL00112596. This  
18 is an email halfway down from Ben Foat on 2 October  
19 2019. He emails Nick Read, Alisdair Cameron and you.  
20 He says:

21 "A disclosure issue has arisen in respect of the  
22 [Group Litigation Order] Horizon trial for you to be  
23 aware. It appears that Post Office failed to disclose  
24 potentially relevant documents in those proceedings.  
25 You will recall that we are currently awaiting the

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1 Court's judgment in respect of those proceedings."  
 2 If we look at the top of the page, you say that you  
 3 will brief the Comms Team as discussed. Do you recall  
 4 this issue?  
 5 **A.** I absolutely recall the email from Ben and it was  
 6 obviously a -- I think there's another email that's been  
 7 disclosed from Alisdair Cameron, which I think captures  
 8 very --  
 9 **Q.** Let's have a look at that, shall we? It's POL00112591  
 10 and this is Alisdair Cameron's response. He says:  
 11 "Ben I read this with real distress, it is  
 12 horrendous. Of course we must tell the court  
 13 immediately now we know. The narrative should be very  
 14 clear that Fujitsu told us one thing and have now told  
 15 us something else and we have at all times told the  
 16 court what we believe to be true."  
 17 He says:  
 18 "Fir FJ [I think that might be 'For Fujitsu'] we  
 19 have time to make decisions but this is the third time  
 20 they have misled us or changed stories and I think we  
 21 have to follow that logic. So, what is the appropriate  
 22 response? Do we need to insist that a third party  
 23 review and test their evidence?"  
 24 In your witness statement you have been very  
 25 complimentary about Paula Vennells, about Angela van den  
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1 requirement for these transactions to be accepted by  
 2 subpostmasters ... Whilst an audit trail is asserted to  
 3 be in place over these functions, evidence of testing of  
 4 these features is not available ..."  
 5 Third bullet point says:  
 6 "For 'balancing transactions' ... we did not  
 7 identify controls to routine any monitor all centrally  
 8 initiated transactions to verify that they are all  
 9 initiated and actioned through known and governed  
 10 processes or controls ..."  
 11 The final bullet point:  
 12 "Controls that would detect when a person with  
 13 authorised privileged access used such access to send  
 14 a 'fake' basket into the digital signing process could  
 15 not be evidenced to exist."  
 16 You say that you were aware of the report in broad  
 17 terms. Can you recall when you first discussed the  
 18 report with anybody?  
 19 **A.** No, I can't recall that.  
 20 **Q.** Were you aware of the significance of the report?  
 21 **A.** No I wasn't. I don't think I ever saw this report and,  
 22 certainly, this is -- obviously I saw it when it was  
 23 disclosed to me but I didn't see it at the time.  
 24 **Q.** Could we please look at POL00308968. I'm going to look  
 25 at a series of emails discussing the issue of remote  
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1 Bogerd, about Alice Perkins. I don't believe that there  
 2 is a mention in complimentary terms about Alisdair  
 3 Cameron. The openness that you have been discussing  
 4 seems evident in this 2019 email. Why haven't you  
 5 praised Alisdair Cameron in the same way?  
 6 **A.** There's no particular reason for that. He captures in  
 7 this email extremely well the sense of distress and  
 8 anger that there was when we got that email from Ben.  
 9 I worked closely with Alisdair, a huge amount of  
 10 admiration for him.  
 11 **Q.** I'm going to move on to the topic of remote access now.  
 12 Could we please begin with POL00028062, and this the  
 13 Deloitte report of 23 May 2014. It's page 31 I'd like  
 14 to look at. When did you first become aware of this  
 15 report?  
 16 **A.** I don't think I've ever seen this report but I was aware  
 17 of Deloitte obviously having done the work, I guess  
 18 probably around the -- I don't know exactly when. I'd  
 19 be guessing.  
 20 **Q.** Okay. If we scroll down we can see some passages from  
 21 the report. The Inquiry has seen these number of times,  
 22 I will speed through them. The first is:  
 23 "A method for posting 'balancing transactions' was  
 24 observed from technical documentation which allows for  
 25 posting of additional transactions centrally without the  
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1 access. This one is from Melanie Corfield to you in  
 2 December 2014, so the same year as that report. She is  
 3 sending an email regarding various comms lines. Then if  
 4 we look halfway down, there's a section on remote  
 5 access. She says:  
 6 "I am working on the dismissal of the 'remote access  
 7 conspiracy' theory. It is so totally loony and need  
 8 right words to explain that."  
 9 Was that a view that was shared within your team,  
 10 that the remote access issue is a loony conspiracy  
 11 theory?  
 12 **A.** They're not the words I would have used.  
 13 **Q.** Did you respond and say, "It's not a loony conspiracy  
 14 theory"?  
 15 **A.** I don't think so, no. I mean, I think we -- as  
 16 I understood it, remote access in whatever form had been  
 17 used in a very limited amount -- I think maybe one case  
 18 and so, in a sense, we -- where we were being told or  
 19 believed -- people believed that the Horizon system  
 20 didn't work as it should do and that money was being  
 21 lost through -- in branches as a result, it didn't seem  
 22 to make much sense that remote access would be the cause  
 23 of that. We were unclear who would be seeking remote  
 24 access to branch data and why they would be moving money  
 25 around using that, so it seemed unlikely.  
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1 We were told there was a basement facility at the  
 2 Bracknell headquarters of Fujitsu, where men in plain  
 3 clothes were accessing the system and moving money  
 4 around, and it all felt -- it didn't feel like the kind  
 5 of organisation that we knew we were part of.  
 6 **Q.** We've seen various emails from yourself talking about  
 7 conspiracy theories in very similar terms to the words  
 8 used there. Was there a culture in your department that  
 9 made it okay for those who worked under you to refer to  
 10 these kinds of issues as totally loony?  
 11 **A.** No, there wasn't.  
 12 **Q.** Can we please look at POL00162285. It's an email of  
 13 30 January 2015, very early in the morning 7.29 in the  
 14 morning, from Paula Vennells regarding the upcoming  
 15 appearance at the Select Committee.  
 16 "Dear both, your help please in answers and phrasing  
 17 those answers, in prep for the [Select Committee]:  
 18 "1) 'is it possible to access the system remotely?  
 19 We are told it is'.  
 20 "What is the true answer? I hope it is that we know  
 21 this is not possible and that we are able to explain why  
 22 that is. I need to say no it is not possible and that  
 23 we are sure of this because of xxx and that we know this  
 24 because we have had the system assured."  
 25 Did those words stick out for you at all?  
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1 would use from time to time. She obviously, when she  
 2 was doing a Select Committee or some other kind of  
 3 interview she would often say: what are my three rocks?  
 4 What are the three key facts in this particular issue?  
 5 So it was a phrase she used regularly in all sorts of  
 6 contexts.  
 7 **Q.** Can we turn to POL00150992. We're still in the early  
 8 hours. It's the top email, Lesley Sewell -- it's not  
 9 sent to you but we'll see in due course what happens.  
 10 Lesley Sewell says:  
 11 "Julie/Dave ..."  
 12 Who are Julie George and Dave Hulbert?  
 13 **A.** As far as I recall, they were colleagues of Lesley's in  
 14 the IT Team.  
 15 **Q.** Lesley says:  
 16 "I need some help with both of these.  
 17 "Julie: the first is for you. This really is in the  
 18 back of the Deloitte review."  
 19 Now, looking at that now, do you understand that to  
 20 be a reference to the Deloitte report we just looked at?  
 21 **A.** Yeah.  
 22 **Q.** She says:  
 23 "This is fairly urgent as Paula is preparing for  
 24 Select Committee next week."  
 25 Was there a conversation between Lesley Sewell and  
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1 **A.** They stick out in the sense that Paula was seeking to  
 2 get absolutely to the bottom of whether or not remote  
 3 access was possible or not because she needed to be able  
 4 to explain exactly what the position was.  
 5 **Q.** It might be suggested that the words there "I need to  
 6 say no it isn't", was, in fact, an instruction to look  
 7 for material that tended to go against remote access?  
 8 **A.** That's categorically not the case.  
 9 **Q.** "2) 'you have said that this is such a vital system to  
 10 the Post Office, what testing do you do and how often?  
 11 When was the last time?'"  
 12 So there are two separate questions: one on remote  
 13 access and the second on testing. It says:  
 14 "Lesley, I need the facts on these -- I know we have  
 15 discussed before but I haven't got the answer front of  
 16 mind -- too many facts to hold in my head! But this is  
 17 an important one and I want to be sure I do have it.  
 18 And then Mark, to phrase the facts into answers, plus  
 19 a line to take the conversation back up a level -- ie to  
 20 one of our narrative boxes/rocks."  
 21 That's the reference to rocks. Do you recall I took  
 22 you very early on to an email in which you outlined  
 23 three rocks? It certainly looks like Paula Vennells  
 24 there is referring to the rocks that you developed.  
 25 **A.** No, not those rocks. "Rocks" was a phrase that Paula  
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1 yourself about the Deloitte review at this stage?  
 2 **A.** I can't recall with any certainty. It's entirely  
 3 possible but I can't recall. I had many conversations  
 4 with Lesley.  
 5 **Q.** POL00386587. We're moving from 7.35 to 8.11 in the  
 6 morning. Lots of activity first thing. If we look at  
 7 the top email -- thank you -- so from Melanie Corfield  
 8 to you and Jane Hill. She says:  
 9 "Thanks Mark. We are already well covered on (1) --  
 10 it's in the existing brief (remote access IS possible  
 11 but we have strong line on conditions for that)."  
 12 Do you recall that the initial response from your  
 13 team, Melanie Corfield in your team, was that remote  
 14 access is possible?  
 15 **A.** In certain circumstances, yes. Yeah.  
 16 **Q.** POL00162287. 8.29 in the morning, halfway down -- thank  
 17 you -- we have Lesley Sewell emailing you and saying:  
 18 "I've got my guys pulling something together, then  
 19 we should catch up."  
 20 You see that's why I asked about the Deloitte report  
 21 because Lesley Sewell has, straight after receiving the  
 22 email from Paula Vennells, referred to it being in the  
 23 Deloitte report. Then it seems as though there was  
 24 a proposed catch-up. Do you recall whether there was or  
 25 wasn't a catch-up around that time?  
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1 A. I don't recall, I'm sorry.  
 2 Q. If we scroll up to the top, we have an email from you  
 3 saying:  
 4 "Hi  
 5 "Ta. There are lines already which Mel can send  
 6 you -- then we should review."  
 7 Again, suggestive that there was some sort of  
 8 collaboration --  
 9 A. Yeah.  
 10 Q. -- I don't mean that in a negative way but between you  
 11 and Lesley Sewell?  
 12 A. So no, it would be a case that the lines that Mel had  
 13 referred to on the previous email, which we already had  
 14 on this issue, making sure that those lines were still  
 15 correct, based on what Lesley and her team would -- the  
 16 work that they would do.  
 17 Q. If there were something significant like we've just seen  
 18 in the Deloitte report, would you have expected Lesley  
 19 Sewell to have brought it to your attention?  
 20 A. Yes.  
 21 Q. Can you recall having any conversation about it?  
 22 A. Beg your pardon?  
 23 Q. Can you recall having any conversation?  
 24 A. I can't. I can't recall the conversation with Lesley on  
 25 this subject. I mean, I'm sure I had many conversations

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1 Q. If we scroll up, there's an email -- it's that email at  
 2 the top, so if we could scroll slightly further up --  
 3 an email again from Dave King to Julie George, and he  
 4 says as follows:  
 5 "There is no remote access to the terminals in  
 6 branches. The only access channel is through the  
 7 support network for software updates etc. There is  
 8 nothing stored on the terminal all transactions are  
 9 committed at the data centre. It is not possible to  
 10 instantiate a remote desktop session on a terminal and  
 11 undertake transactions as if it were being done at that  
 12 terminal."  
 13 So that seems to be confirmation that you won't see,  
 14 for example, a cursor moving or anything along those  
 15 lines; do you understand that?  
 16 A. I think so, yeah.  
 17 Q. Then if we scroll up on that page, we can see that  
 18 Lesley Sewell forwards that to you on 30 January. She  
 19 says:  
 20 "Mark  
 21 "Please see below."  
 22 Then if we scroll up, please, we see your response  
 23 as follows. You say:  
 24 "Hi  
 25 "I'm still really confused about this -- Dave says

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1 with her on the subject but I don't recall a specific  
 2 one on that day.  
 3 Q. Could we please look at POL00031538, page 3. It's  
 4 an email from Dave King at the bottom, the Senior  
 5 Technical Assurance Manager; do you recall Mr King?  
 6 A. No.  
 7 Q. He says:  
 8 "Julie, I have answered as best I can but  
 9 I understand that Kevin Lenihan is also getting the  
 10 information from Fujitsu (I do know these have been  
 11 answered for the lawyers and Deloitte when they were  
 12 looking at this);"  
 13 So again, another reference to Deloitte there. It  
 14 says:  
 15 "The system has remote access only for Fujitsu  
 16 support personnel through a support gateway against  
 17 which all activity is monitored.  
 18 "All transactions are written to an immutable audit  
 19 trail at the point of completion and it is from this  
 20 store that any evidential information is obtained."  
 21 So that looks like confirmation that remote access  
 22 is possible for Fujitsu support personnel?  
 23 A. Mm-hm.  
 24 Q. Do you agree with that?  
 25 A. I do.

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1 below:  
 2 "There is no remote access to the terminals in  
 3 branches.  
 4 "The only access channel is through the support  
 5 network for software updates. There is nothing stored  
 6 on the terminal all transactions are committed at the  
 7 data centre. It is not possible to instantiate a remote  
 8 desktop session on a terminal and undertake transactions  
 9 as if it were being done at that terminal.  
 10 "This seems to conflict with our lines where it says  
 11 that 'it is possible to add to transactions to make  
 12 a correction'.  
 13 "We need (obviously) to be absolutely certain on all  
 14 this. Help!"  
 15 If we scroll above we have response from Julie  
 16 George which says:  
 17 "As I understand it ... Kevin Lenihan is pulling  
 18 this all together for Melanie to make sure there is only  
 19 one version and one comms route."  
 20 Could we please turn to POL00151050. It's the third  
 21 page, please. Thank you. The third page. It's  
 22 an email from Mark Underwood at 3.50 pm, and he is  
 23 emailing, is that James Davidson and Kevin Lenihan, and  
 24 he says:  
 25 "Hi Kevin my proposed answer to the first question

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1 below (it can be sent in its entirety to Mel and she can  
 2 pick and choose). Though this will need to be signed  
 3 off by James as accurate."  
 4 Then if we scroll down:  
 5 "In terms of [Question] 1  
 6 "This question often phrased by applicants and  
 7 Second Sight is:  
 8 "Can Post Office remotely access Horizon?"  
 9 "Phrasing the question this way does not address the  
 10 issue that is of concern to Second Sight."  
 11 This seems to be a stock answer that was prepared  
 12 for the Second Sight Report; is that correct?  
 13 **A.** I think that's correct. That looks correct, from  
 14 looking at these.  
 15 **Q.** "... issue that is of concern to Second Sight and  
 16 applicants. It refers generically to 'Horizon' but more  
 17 particularly is about the transaction data recorded by  
 18 Horizon. Also the word 'access' means the ability to  
 19 read transaction data without editing it -- Post  
 20 Office/Fujitsu has always been able to access  
 21 transaction data, however it is the alleged capacity of  
 22 Post Office/Fujitsu to edit transaction data that  
 23 appears to be of concern. Finally, it has always been  
 24 known that Post Office can post additional correcting  
 25 transactions to a branch's accounts but only in ways

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1 send:  
 2 "Having looked again at the request from Paula, it  
 3 appears that the fundamentals around this question  
 4 (remote access) are not understood. I suggest that  
 5 Paula is briefed along the lines of the following.  
 6 "1) No transaction data is held locally in any  
 7 branch.  
 8 "2) Subpostmasters directly manage user access and  
 9 password setting locally ...  
 10 "3) Once a transaction has been completed, there is  
 11 no functionality (by design) for transactions to be  
 12 edited or amended. Each transaction is given a unique  
 13 number and 'wrapped' in a digital encryption seal to  
 14 protect its integrity. All transactions are then posted  
 15 to a secure and segregated audit server.  
 16 "4) On approval, there is the functionality to add  
 17 additional transactions which will be visible and have  
 18 a unique identifier in the audit trail. This is  
 19 extremely rare and only been used once since Go Live of  
 20 the system in 2010 (March 2010).  
 21 "5) Support staff have the ability to review event  
 22 logs and monitor, in real time, the availability of the  
 23 system infrastructure as part of standard management  
 24 process.  
 25 "6) Overall system access is tightly controlled via

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1 that are visible to subpostmasters. It is the potential  
 2 for any hidden method of editing data that is of  
 3 concern."  
 4 Another question:  
 5 "Can Post Office or Fujitsu edit transaction data  
 6 without the knowledge of a subpostmaster?  
 7 "Post Office confirms that neither it nor Fujitsu  
 8 can edit transaction data without the knowledge of  
 9 a subpostmaster.  
 10 "There is no functionality in Horizon for either  
 11 branch, Post Office or Fujitsu to edit, manipulate or  
 12 remove a transaction once it has been recorded in  
 13 a branch's accounts."  
 14 So it looks as though that actually pre-dates the  
 15 other information that we've seen, because that is, as  
 16 we've discussed, a response to applicants and Second  
 17 Sight.  
 18 **A.** Mm.  
 19 **Q.** If we stick with this email chain and go to page 1,  
 20 please. If we scroll down, there's another response  
 21 from James Davidson, who's actually, I think, from  
 22 Fujitsu, the Post Office Account. He says as follows:  
 23 "I have just seen this as was working in another  
 24 mail to you which I have posted below."  
 25 He posts the original draft that he was going to

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1 industry standard 'role based access' protocols and  
 2 assured independently", et cetera.  
 3 Could we please turn to POL00151049. That email is  
 4 then forwarded to you by Lesley Sewell, at 5.28 pm on  
 5 30 January. Can you see, if we scroll down, we can see  
 6 that email; do you agree with that?  
 7 **A.** Sorry, yes.  
 8 **Q.** Can we turn to POL00029812. This is an email from  
 9 Melanie Corfield just over an hour after confirmation  
 10 had been provided that it was possible. If we scroll  
 11 down, we can see we're there at 6.17:  
 12 "Thanks again to everyone. This all provides the  
 13 reassurance needed for Paula in my view [regarding] any  
 14 [questions] that come up on this. If we get more  
 15 queries on any aspect I will let you know."  
 16 By the end of January 2015, was it all a little bit  
 17 muddled at the Post Office, with regards to remote  
 18 access?  
 19 **A.** I don't think so.  
 20 **Q.** What do you think the position was?  
 21 **A.** That remote access was potentially possible in certain  
 22 circumstances.  
 23 **Q.** Could we please turn to POL00029849. This is Second  
 24 Sight's Part Two Report of 9 April 2015. Could we  
 25 please turn to page 30. So we were looking at January

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1 2015 before, we're now in April 2015. Halfway down the  
 2 page, this is a section on "Transactions not entered by  
 3 the subpostmaster or their staff". 14.4 says:  
 4 "One applicant to the scheme had given evidence  
 5 relating to the facility in the Bracknell office ..."  
 6 They say at 14.5:  
 7 "Our review of those files has been inconclusive,  
 8 possibly due to just one month of data being provided,  
 9 rather than the 12 months requested. We believe that it  
 10 is essential to examine contemporaneous documents from  
 11 the relevant time, in order to form a reliable, evidence  
 12 based, conclusion on this important aspect.  
 13 "Several applicants have stated that they believe  
 14 (or suspect) that their branch terminals have been, or  
 15 can be, accessed remotely or that their branch data can  
 16 be amended without their knowledge or approval. Post  
 17 Office have denied that it is possible to:  
 18 "amend branch data remotely."  
 19 If we scroll down, please, to 14.10, they say:  
 20 "In our Interim Report we referred to a software bug  
 21 in Horizon that had impacted a small number of branches.  
 22 We have recently discovered two further documents that  
 23 describe in more detail how the Post Office handled this  
 24 issue. In both of these documents a process is  
 25 described that involves directly altering branch data.

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1 that it was possible in certain circumstances to access  
 2 the data remotely. It seems as though on 9 April 2015  
 3 it was certainly unclear to Second Sight and they didn't  
 4 feel they had received enough information from the Post  
 5 Office; do you agree with that?  
 6 **A.** I think this is Second Sight's Part Two Report, I think  
 7 I'm right in saying.  
 8 **Q.** Yes.  
 9 **A.** And I think I'm also right in saying that Post Office,  
 10 shortly after this report, we did a full response to the  
 11 Second Sight Part Two Report, which maybe you're going  
 12 to take me to. We're obviously in some very deep  
 13 technical territory here. I'd really be keen to see  
 14 what the Post Office's response had been in its response  
 15 to this particular part of the Second Sight Report.  
 16 **Q.** But the response that you gave me before was quite  
 17 simple, quite straightforward, quite clear to understand  
 18 that it was possible in certain circumstances. We have  
 19 here a question mark being raised by Second Sight and  
 20 I want to take you now to a response that you gave to  
 21 the Panorama programme in the same year, in June 2015.  
 22 Can we please look at POL00317548. It's page 10,  
 23 please. Sorry, if we could start at the bottom of  
 24 page 9. So we have an email here from you, 16 June  
 25 2015. So two months after that Second Sight Report.

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1 The fix for this error reported in the document named  
 2 'Correcting Accounts for "Lost" Discrepancies', created  
 3 by a senior engineer at Fujitsu in September 2010 ..."  
 4 It says:  
 5 "The data can be corrected by adjusting the  
 6 appropriate Opening figures and BTS data that relates to  
 7 the current TP. This will result in the discrepancy  
 8 needing to be processed when rolling over into the next  
 9 [trading period].  
 10 "I propose that if we are to do this then we take  
 11 a copy of the data for one branch and check out the  
 12 proposed changes on a test system and then roll over the  
 13 branch on the test system to ensure that the discrepancy  
 14 is handled correctly before we attempt to correct live  
 15 data."  
 16 Then it says at 14.11:  
 17 "This document refers to correcting live data,  
 18 a procedure that Post Office has denied was possible.  
 19 Of potential significance is the fact that this was not  
 20 just an internal document made available to a small  
 21 number of Fujitsu employees, as the copy we were  
 22 provided with was printed out by the head of Post  
 23 Office's legal prosecution team in October 2010."  
 24 So you've said that, looking at those earlier  
 25 emails, it was sufficiently clear to the Post Office

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1 Matthew Bardo and Connor Spackman, who were they?  
 2 **A.** They were Panorama researchers/reporters.  
 3 **Q.** "Many thanks for your email of late Friday afternoon and  
 4 for the further detail it provides in terms of the  
 5 ground you wish to cover in your programme, and for  
 6 Matt's follow-up. My apologies for getting back to you  
 7 slightly later than I had planned.  
 8 "As you know, I remain puzzled and concerned that  
 9 the BBC did not see fit to raise the majority of these  
 10 issues and the very serious allegations within them with  
 11 us when we met your colleagues at our offices last  
 12 Tuesday."  
 13 You then go on to address a number of matters. If  
 14 we could scroll down, and onto page 11:  
 15 "As we made clear in the lengthy session we had with  
 16 your colleagues last Tuesday, we are not prepared to  
 17 engage in a public debate about cases."  
 18 If we scroll down, it says:  
 19 "It follows that I will not be addressing each and  
 20 every point raised in your email. Happy, I am happy to  
 21 respond more thematically as follows ..."  
 22 You address issues such as prosecutions, if we  
 23 scroll down you address Horizon, and it is here and over  
 24 the page that I'd like to take you to. You say as  
 25 follows:

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1 "Post Office cannot edit, amend or otherwise alter  
2 branch data remotely; it can add a transaction to  
3 a branch account -- this is, naturally, subject to  
4 rigorous authorisation protocols and carries a unique  
5 identifier code rendering it immediately distinguishable  
6 from any other transaction."

7 Were these your words?

8 **A.** This would have been -- this email would have been --  
9 obviously, it's my words, it's my email. We would have  
10 put it together as a team and with IT as well.

11 **Q.** The words used there are "Post Office cannot edit, amend  
12 or otherwise alter branch data".

13 Were those words chosen carefully?

14 **A.** All the words were chosen carefully.

15 **Q.** Were they chosen intentionally because you knew that  
16 Fujitsu could edit, amend or otherwise alter?

17 **A.** No.

18 **Q.** How can you be so confident in that?

19 **A.** Because there may be errors in this email but I know  
20 that I never set out to intentionally mislead at any  
21 point in my career at Post Office or indeed any point in  
22 my career ever. So that's why I can be confident. Now  
23 if there's a mistake in this email, I can only apologise  
24 for it.

25 **Q.** Responding to Panorama, after the Second Sight's Part

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1 "We believe, given the above methods open to the  
2 Post Office to deal with errors in a branch's accounts,  
3 the use of this access to amend a branch's accounts  
4 would be rare however Post Office is making enquiries  
5 adds to whether it has ever happened."

6 Your response is at the top of the email:

7 "All

8 "Assuming Rob's additions are the underlined  
9 elements, I'm not keen on the final sentence."

10 So it looks as though you weren't keen on providing  
11 the claimants in the litigation with a sentence that, if  
12 we scroll down, read as is highlighted there. Do you  
13 recall not being keen on that final sentence?

14 **A.** I don't recall that, no. I don't recall that. I think,  
15 reading the sentence, it just looks a bit unclear.

16 I think I'd want it to be much clearer. But I don't  
17 recall.

18 **Q.** You weren't a lawyer?

19 **A.** No.

20 **Q.** Was it unusual for the Communications and Corporate  
21 Affairs Director to be commenting so carefully on  
22 wording that was going, please, used in either a legal  
23 correspondence or legal pleading?

24 **A.** I don't think it was inappropriate.

25 **Q.** Do you think you were qualified in respect of remote

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1 Two Report, when they had raised concerns about it,  
2 wouldn't you want to be 100 per cent sure that every  
3 single word on remote access was very carefully used?

4 **A.** I would, yeah.

5 **Q.** Do you think that there was a failing here?

6 **A.** I'd like to see the statement that we issued to Panorama  
7 in advance of the programme. This is not that. This is  
8 an email to the researchers. I'd be keen to see what we  
9 said in that statement. I hope that we were absolutely  
10 correct in what we said in that statement but we  
11 certainly didn't intend to mislead if we did.

12 **Q.** I want to now return to 2016. Could we please look at  
13 POL00029994, please. We're still on the topic of remote  
14 access. At the bottom email, we can see 21 July 2016  
15 from Mr Parsons, he says:

16 "All

17 "Please find attached the proposed wording on the  
18 remote access issue -- for discussion on our call at  
19 6.00 pm today."

20 Do you recall being involved in the issue of the  
21 wording of remote access for the Group Litigation?

22 **A.** I do.

23 **Q.** If we scroll up, please. Rob Houghton has reworded the  
24 statement, and I'll read to you the final sentence. It  
25 says:

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1 access to provide such opinions?

2 **A.** Not in the technical sense, no, absolutely not.

3 **Q.** Do you think you had carried out enough investigations  
4 into the matters that, as we saw in that earlier email,  
5 you were slightly confused by?

6 **A.** I wish I'd carried out more. I wish I'd asked more  
7 questions about remote access. I wish I'd got more into  
8 the detail of it.

9 **Q.** Do you think you should have got more into it when  
10 confronted by Panorama?

11 **A.** As I say, I think I've just answered the question.

12 **Q.** Can we please turn to POL00029998. If we scroll down,  
13 please. There's still discussion about draft forms of  
14 words, and you say as follows:

15 "Would it help to include 'whether this particular  
16 form of access' in final sentence which emphasises that  
17 we've never actually been asked about super users but  
18 are going over and beyond to establish [the] position?"

19 If we scroll up above, we can see the form of words  
20 that you are commenting on. It's an email from Andrew  
21 Parsons. He says:

22 "Mark -- I am happy with your suggestion."

23 We can see it there. So we have:

24 "Database and server access and edit permissions is  
25 provided, within strict controls, to a small, controlled

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1 number of specialist Fujitsu personnel. The use of  
2 these permissions is logged but rare. Enquiries are  
3 continuing as to whether this particular form of access  
4 could be used to affect a branch's accounts, and if so,  
5 whether this has happened."

6 Is it odd that you, the Communications Director, was  
7 having such a direct role in formulating words that were  
8 going to be used in litigation relating to remote  
9 access?

10 **A.** I don't think it was odd and I think, if anyone had any  
11 concerns, they would have been raised with me but, no,  
12 I don't think it was odd.

13 **Q.** If we scroll down on that page, you say, in respect of  
14 the issue of a superuser, "emphasises that we've never  
15 actually been asked about super users but are going over  
16 and beyond". I mean, is that right? Wasn't superuser  
17 something that was very much an issue for a number of  
18 years?

19 **A.** I'm afraid I don't recall.

20 **Q.** Can we please turn to POL00030002. There are various  
21 email threads -- there are two email threads. Can we  
22 please start page 3 of this thread. If we scroll down  
23 there's an email from Andrew Parsons to you. He says:

24 "In response to your question in the other email  
25 thread about seeing everything we have said about  
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1 approving this text (eg Deloitte, [Fujitsu]) if this is  
2 necessary."

3 Again, another reference there to Deloitte.

4 If we look at the top, a response from Andrew  
5 Parsons. He says:

6 "I think we have agreed the wording on the Post  
7 Office side. Tony has already signed off. I've sent  
8 the wording to both [Fujitsu] and Deloitte and asked for  
9 comments by [close of business] tomorrow."

10 If we scroll up to the first page, Mark Underwood  
11 says:

12 "I have been through the scheme chronology and  
13 reviewed the statements made by Post Office [regarding]  
14 remote access. Please find attached what I feel are the  
15 key statements made publicly."

16 Jane MacLeod then responds and she says:

17 "Thanks Mark this is helpful (ish!).

18 "To all on this email chain, please do not forward  
19 this email to anyone else as it is critical that we  
20 maintain privilege around it.

21 "Given the statements that Mark has collated, can we  
22 please reference the advice from Fujitsu that we have  
23 relied on in making these statements (for example did we  
24 show [Fujitsu] the drafts of these before making them  
25 etc?), as clearly there is a gap between these and what  
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1 'remote access', we don't have a central log of  
2 everything [the Post Office] has said on remote access.  
3 However, the language used in the email reference below  
4 (attached again) is reflected of the language used by  
5 [the Post Office] towards the end of the scheme."

6 If we scroll up, please. We have an email from you  
7 at the top, and you say:

8 "I am stuck with a live issue at present. My  
9 uneasiness on this issue is why we can't give a firmer  
10 position on the super user point before we reply?

11 "I suspect I know the answer but the current wording  
12 leaves us vulnerable and we would need to look at what  
13 we have said publicly ... before we commit the  
14 position."

15 What did you mean by "I suspect I know the answer"?

16 **A.** I don't know. I mean, I think this email is about me  
17 wanting to make sure we are absolutely firm in telling  
18 the truth.

19 **Q.** It looks as though you are concerned that the answer  
20 might be bad for the Post Office?

21 **A.** No, I don't think so.

22 **Q.** If we scroll up, please. We have there an email from  
23 Thomas Moran to Mark Underwood, you're copied in. He  
24 says:

25 "Mark/Andy. Please can you set out the timeline for  
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1 we now understand may be the case.

2 "Andy, once this is available will you please  
3 consider whether this affects the legal risk and  
4 approach? Mark D (and others) -- we need to consider  
5 the positioning around the current wording in light of  
6 these statements."

7 Did that raise any concerns with you?

8 **A.** I am sure it did. I don't recall -- I mean, obviously,  
9 I've seen the email since it was disclosed but I think  
10 it underlined to me that we were seeking to make sure  
11 that we were getting the right position, the correct  
12 position, before the courts and that, if we'd made  
13 mistakes, errors in the past, we would correct them  
14 because that was the intention.

15 **Q.** Could we scroll up, please. What did you understand by  
16 that first sentence:

17 "To all on the email chain, please do not forward  
18 this email to anyone else as it is critical that we  
19 maintain privilege around it."

20 Was there a concern on Jane MacLeod's perspective  
21 that this could be bad for Post Office in the  
22 litigation?

23 **A.** I think you'd have to ask Jane MacLeod that.

24 **Q.** We have here an email from you saying:

25 "I am away as of tonight so perhaps we should speak  
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1 this afternoon?"

2 Do you recall speaking to Jane MacLeod about it?

3 **A.** I spoke to Jane almost every day so I don't recall that  
4 particular conversation.

5 **Q.** What do you recall of her concerns, if any, in relation  
6 to this issue?

7 **A.** Like everyone I worked with at the Post Office, she was  
8 very, very determined that we told the truth, that we  
9 were accurate in what we told -- certainly, what we told  
10 to the courts and what we told to the media.

11 **Q.** Could we please look at POL00245978. We're now in  
12 November 2016. The bottom email is an email from Andrew  
13 Parsons. I don't think you're copied in at that stage.  
14 It reads as follows, it says:

15 "The key substantive area is section 9 on remote  
16 access (in particular, Rob, I'd be really grateful if  
17 you could review this section).

18 "Following feedback from Deloitte, we cannot  
19 definitively say that [Post Office] (as distinct from  
20 [Fujitsu]), never had the ability to change Horizon data  
21 because Deloitte and the current staff at [Fujitsu] just  
22 don't have enough knowledge of Old Horizon to confirm  
23 this."

24 So it looks as though, in fact, even that earlier  
25 statement that was given to Panorama was now proving to

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1 "My overall conclusion is that could very well have  
2 serious implications on the proceedings and we  
3 absolutely have to make sure we are briefing and  
4 securing the support of the right people internally  
5 before issuing.

6 "As I'm the lucky man with the responsibility for  
7 this as the [Steering Group] Chair ..."

8 You were still on the steering group at this point?

9 **A.** Yes.

10 **Q.** Yes:

11 "... I must ask that we get this properly reviewed  
12 by Mark Davies and also Angela who I don't think are on  
13 the list. In particular we need a full assessment and  
14 media plan based on the worst case consequences in place  
15 before sending."

16 Do you think that it was important to get a media  
17 plan in place before sending to the claimants in the  
18 litigation an admission that there had been incorrect  
19 statements made in respect of remote access?

20 **A.** I think it would always be right, and Tom was right,  
21 I think, to raise the -- that as a factor. It's  
22 certainly not the determining factor and it's not the  
23 most important factor but there would undoubtedly have  
24 been media implications from this situation. So it's  
25 understandable, I think, any organisation in a similar

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1 not be correct; do you agree with that?

2 **A.** That would seem to be the case. They're saying that we  
3 cannot definitively say that Post Office never had the  
4 ability to change Horizon data, yeah.

5 **Q.** This was a point made in an early draft but it has now  
6 been removed.

7 "We have (I hope) now found formulation of words  
8 that avoids having to overly throw [Fujitsu] to the  
9 wolves and avoids any risk of waiving any privilege in  
10 any documents, but still gives us a fair story to tell.  
11 We have also toned down the admissions of making  
12 incorrect statements, though they are still there.  
13 I hope this might make it easier to get this letter  
14 cleared through [the Group Executive] and [Fujitsu]."

15 Do you recall issues or concerns being raised at  
16 group executive level regarding the wording that would  
17 go to the claimants in the Group Litigation? On the  
18 issue of remote access?

19 **A.** I recall a deep sense of frustration at this point,  
20 that, again, it appeared that we'd not -- that we'd made  
21 misleading statements based on what we'd been told at  
22 the time, and I do remember the frustration and anger  
23 that that created, yes.

24 **Q.** If we scroll up to the first page, Thomas Moran then  
25 emails the group. He says:

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1 place would have had come up with a media plan to  
2 address it.

3 **Q.** Could we please look at POL00024991. This is the  
4 attached document that is being circulated and addresses  
5 remote access. If we look over the page at 1.5 and 1.6,  
6 we can see what they're now saying. They say at 1.5:

7 "... Post Office may have made some incorrect  
8 statements, but refutes any suggestion that it ever did  
9 so deliberately or did so to mislead or deceive."

10 The comment is:

11 "Not sure about this sentence -- I don't believe  
12 you've answered inappropriately in the past."

13 I don't think that's right, is it?

14 **A.** I don't know who's making that comment in the brackets.

15 **Q.** That doesn't seem right, does it?

16 **A.** Sorry?

17 **Q.** It doesn't seem right that you hadn't answered  
18 inappropriately in the past, I mean, the Post Office had  
19 answered inappropriately in the past, hadn't it?

20 **A.** Well, answered -- I mean people have made -- delivered  
21 answers based on what they understood to be the case at  
22 the time and, as a result, those statements were  
23 incorrect.

24 **Q.** So those words in brackets, do you disagree with them?

25 **A.** I don't know where they've come from.

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1 Q. Do you disagree with them?  
 2 A. Inappropriate? I mean -- I think I do disagree with  
 3 them. I mean, the next sentence, "The Post Office  
 4 personnel responsible for those statements believed the  
 5 statements when they were made", and that's the  
 6 position.  
 7 Q. "What was said reflected what they understood the  
 8 position to be after making relevant enquiries.  
 9 Unfortunately, they did not pick up on the issue of  
 10 Fujitsu administrator access as Post Office would have  
 11 liked. This is a matter of great regret, but it does  
 12 not mean that Post Office exhibited wilful blindness to  
 13 reckless indifference to the truth of those statements.  
 14 (I think this is too much). Can we not just say.  
 15 "The Post Office responded appropriately to the  
 16 question of whether transactions could be altered by  
 17 Post Office without the postmaster's knowledge -- the  
 18 answer to this question is consistently the same -- it  
 19 is not possible. Expanding on this -- it is possible  
 20 for [Fujitsu] to access the system through administrator  
 21 access, which they have confirmed. This is not unusual  
 22 and is in common with any other organisation. You would  
 23 need to discuss with them their ability to modify  
 24 transactions; our expert assessment would say that this  
 25 is extremely difficult but theoretically possible."

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1 Office's concern) with the need to be open and  
 2 transparent with the court in admitting that certain of  
 3 the information we provided previously on this issue  
 4 could be construed as 'wrong'.  
 5 Scrolling down. It says:  
 6 "Given Mark D had other commitments today, I am  
 7 taking him through this wording early tomorrow."  
 8 Did you see that as the problem facing the Post  
 9 Office, if we scroll up slightly, "The risk of adverse  
 10 publicity versus the need to be open and transparent  
 11 with the court"?  
 12 A. No, I don't agree with that. I think the most important  
 13 thing was ensuring we were open and transparent with the  
 14 court.  
 15 Q. If we could scroll up, please, there's then  
 16 a conversation, I think, you then see at -- I think  
 17 you're then chased for it and then, at the very top,  
 18 page 1. You say, "Apologies", you read through and you  
 19 are content.  
 20 One more document before we have our break and  
 21 that's POL00163124. This is earlier in the day. Could  
 22 we please look at the bottom email from Jane MacLeod.  
 23 That's the email we just saw. If we scroll up, we have  
 24 a response from Melanie Corfield to you, and she says as  
 25 follows:

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1 Was there a certain defensiveness amongst your  
 2 steering group as to making full admissions on remote  
 3 access?  
 4 A. I don't think so, no. I don't think there was  
 5 defensiveness. I think there was frustration but not  
 6 defensiveness, no.  
 7 Q. Could we please turn to POL00024982. Page 2, please.  
 8 At the bottom of page 2, it's almost midnight on  
 9 28 November, Jane MacLeod is emailing Paula and Al  
 10 Cameron:  
 11 "Following discussions with our QC and Bond  
 12 Dickinson this afternoon, the following is the  
 13 recommended language to be included in the response to  
 14 Freeths in the wider section on remote access:  
 15 "At each stage, Post Office ascertained the  
 16 position to respond to the questions it believed it was  
 17 being asked. With the benefit of hindsight, some of  
 18 Post Office's statements may have been incorrect in  
 19 light of what has since been identified in relation to  
 20 Fujitsu's administrator access rights ... But Post  
 21 Office refutes any suggestion that it ever made false  
 22 statements", et cetera.  
 23 It says at the bottom:  
 24 "The challenge has been to balance the risk of  
 25 adverse publicity ahead of the court process (Post

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1 "Very slight suggested tweaks as discussed  
 2 (highlighted attached). I think the context and  
 3 language around the difficult parts are very good though  
 4 in portraying the ridiculousness of the claims about  
 5 'remote access' so I don't think we should worry too  
 6 much."  
 7 We're now in November 2016 and Melanie Corfield is  
 8 again emailing you very frankly with her views that the  
 9 claims about remote access are ridiculous. Was that  
 10 a view that was shared in your team at that time?  
 11 A. No. I wouldn't use the words that she's used.  
 12 Q. How is it that that far down the line, after everything  
 13 we've seen, after confirmation in emails from Fujitsu,  
 14 after various discussions about forms of words, lack of  
 15 clarity about remote access, that the Communications  
 16 Team, the team that you led, is still describing those  
 17 remote access claims as "ridiculous"?  
 18 A. I think it's a question that you would have to ask  
 19 Melanie.  
 20 Q. Well, you were her boss, effectively, weren't you?  
 21 A. (*The witness nodded*). I didn't regard them --  
 22 Q. She is having no difficulty in expressing that view to  
 23 you. We've read email, after email, about conspiracies  
 24 and the press being unfair. Did you still think, in  
 25 November 2016, that the claims about remote access were

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1 ridiculous?  
 2 **A.** Not ridiculous. I found it difficult to put a claim  
 3 about remote access, which I think we had ascertained  
 4 had been used once against the weight of the accusations  
 5 that were being made against the Post Office.

6 **Q.** You yourself had found it very difficult to even  
 7 understand the answer at one stage about remote access.

8 At paragraph 88 of your witness statement, page 32,  
 9 you've described, I think, the press team as "a high  
 10 performing and high quality team". Looking at that  
 11 email and looking at a similar email from Melanie  
 12 Corfield in relation to these issues, do you still  
 13 maintain that they were a high performing and quality  
 14 team?

15 **A.** I do.

16 **MR BLAKE:** Thank you, sir. That is a convenient moment to  
 17 take our mid-afternoon break.

18 **SIR WYN WILLIAMS:** All right. Until when?

19 **MR BLAKE:** Could we come back at 3.37 minutes, if possible?  
 20 We have quite a bit to get through, still.

21 **SIR WYN WILLIAMS:** Okay, fine.

22 **MR BLAKE:** Thank you very much.

23 (3.21 pm)

(A short break)

24 (3.37 pm)

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1 **A.** I recall hearing about it, yes.

2 **Q.** Would that have been around 15 October 2013?

3 **A.** It would have been around then, yeah.

4 **Q.** When you say "hearing about it", is that about the  
 5 review or about concerns relating to Gareth Jenkins --

6 **A.** About the concerns.

7 **Q.** Can we please turn to some board minutes. That's  
 8 POL00021525, 21 May 2014. We have you named further  
 9 down, as being in attendance for item 14/70. Can we  
 10 please return to page 6?

11 14/70 is "Annual Report and Accounts". So you  
 12 joined the meeting at that point, and it says:

13 "The Board received the Annual Report and Financial  
 14 Statements ..."

15 Can we please look at (f):

16 "The Board discussed the inclusion of Sparrow in the  
 17 report and agreed that it should be excluded. However,  
 18 the Business agreed that it would be appropriate to  
 19 included a paragraph in the CEO overview to explain the  
 20 size of the enterprise risk and the major transformation  
 21 programmes being undertaken, referring back to the risks  
 22 already highlighted in the CFO report."

23 Can you recall the decision not to include sparrow  
 24 in the annual report?

25 **A.** I think I referred to this in my statement. I don't

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1 **MR BLAKE:** Thank you, sir. Going to move on now to a number  
 2 of different topics. Starting with action at the Board  
 3 level. We've heard a lot of evidence about Simon  
 4 Clarke's Advice on the reliability of Gareth Jenkins.  
 5 That was dated 15 July 2013. When did you first know  
 6 about that advice?

7 **A.** I couldn't recall with any certainty.

8 **Q.** Do you recall it ever being mentioned at Board level?

9 **A.** Almost certainly, yes. Whether I was at the Board  
 10 meetings when it was referred to, I couldn't be certain.

11 **Q.** Almost certainly yes, you're assuming?

12 **A.** That it was referred to at Board level?

13 **Q.** Yes.

14 **A.** It would undoubtedly have been referred to at Board  
 15 level, yeah. I didn't attend the Board every -- excuse  
 16 me, I didn't attend every Board meeting.

17 **Q.** Why are you so sure it was referred to at Board level?

18 **A.** Because it was an important piece of the picture.

19 **Q.** Simon Clarke's Advice on the shredding of documents or  
 20 destruction of documents, that was dated 2 August 2013.  
 21 Can you assist us with when you first knew about that?

22 **A.** I'm sorry, I can't help on that.

23 **Q.** Brian Altman's general review, which concluded that  
 24 Gareth Jenkins was tainted as a witness, that was dated  
 25 15 October 2013; do you recall seeing that at all?

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1 recall the conversation. I was present at the Board for  
 2 that section because my team and I had responsibility  
 3 for producing the annual report. I don't recall the  
 4 conversation, I'm sorry.

5 **Q.** Do you recall there being a secrecy regarding the  
 6 Sparrow Project?

7 **A.** Not at all, no.

8 **Q.** Moving on to external PR terms, you've said at  
 9 paragraph 38 that external PR terms were used as  
 10 a second pair of eyes; can you assist us as to who in  
 11 the Post Office was responsible for instructing external  
 12 forms like Portland or Brunswick?

13 **A.** That would be me, usually. It would depend to some  
 14 extent on the nature of the business that we were  
 15 talking to that firm about, so we might have them  
 16 support us around a product, a PR launch, in which case,  
 17 it might be the Financial Services Director or  
 18 Commercial Director might take the lead responsibility  
 19 or potentially the Marketing Director as well, obviously  
 20 used external firms a lot. So, you know, it varied, but  
 21 I would certainly be involved in most of those cases.

22 **Q.** Can we turn to POL00117079, page 2, bottom half of the  
 23 page. So this is an email from yourself to, is that  
 24 members of your team and some others, Patrick Bourke,  
 25 for example?

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1 **A.** *(No audible answer)*  
 2 **Q.** You say as follows:  
 3 "The Mediation Scheme was set up in 2013 to give the  
 4 small number of people with complaints about our system  
 5 a chance to make their case.  
 6 "We have now investigated every single case put to  
 7 us. It has taken longer than we would have liked. But  
 8 we can now say with absolute confidence that there are  
 9 no systemic issues with the Horizon system or associated  
 10 processes."  
 11 If we look above, Melanie Corfield responds:  
 12 "Looks good. We always said we are confident [with  
 13 the] system though so should we say 'with even more  
 14 confidence that Horizon works as it should'.  
 15 Patrick Bourke responds:  
 16 "I think we do need to be careful of absolute -- if  
 17 we tie it to these cases (eg absolute confidence that no  
 18 systemic issues with Horizon causing the problem  
 19 complained of) -- then I think it's safer."  
 20 Then if we please scroll up, and you say:  
 21 "Okay -- 'increased' then. Can Jane or Mel please  
 22 send me a note of how Brunswick pitched this opener  
 23 yesterday?"  
 24 It says, as follows, from Jane Hill, she says:  
 25 "Brunswick pitched this as follows:  
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1 drawing out the three key messages we need to get  
 2 across."  
 3 Was there a danger in involving these external firms  
 4 that they wouldn't actually have sufficient knowledge  
 5 about Horizon and the problems with Horizon and would  
 6 then make strongly worded statements like the one we  
 7 just saw?  
 8 **A.** Well, I mean, Brunswick or any other external  
 9 organisation wouldn't make any statements on our behalf.  
 10 They would always be working to a brief set by us.  
 11 **Q.** Would they have sufficient knowledge of years of  
 12 complaints from subpostmasters and the kinds of  
 13 information that you at the Post Office were able to  
 14 access?  
 15 **A.** No, but they weren't brought in to be experts in the  
 16 substance; they would be brought in to be an extra pair  
 17 of eyes to bring a different perspective to the  
 18 conversations that we were having --  
 19 **Q.** Is there a danger in that because they weren't privy to  
 20 the kinds of information that you were privy to, develop  
 21 lines, and then it seems, as per this email, those lines  
 22 may risk being blended in with existing lines?  
 23 **A.** I'm not sure, there's no one from Brunswick on these  
 24 emails.  
 25 **Q.** Exactly.  
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1 "Post Office serving communities across the UK,  
 2 11,500 postmasters [et cetera].  
 3 "We've spent £5 million investigating concerns ...  
 4 "Because we need to protect our brand and ensure we  
 5 have 100 per cent confidence in the system that  
 6 underpins our business.  
 7 "Initial [Second Sight] investigation found no  
 8 evidence of a problem with Horizon.  
 9 "We have now investigate every case.  
 10 "50 cases have been mediated or have been passed to  
 11 mediation."  
 12 What kind of information would you have passed to  
 13 Brunswick for them to have formulated that pitch?  
 14 **A.** I can't really recall, and I can't really recall what  
 15 the purpose of this pitch was around. I imagine we  
 16 would have given them the Second Sight Interim Report,  
 17 the Part Two Report, probably the Select Committee  
 18 briefing that we did for Paula Vennells. When is this,  
 19 30 January 2015? Those kinds of documents.  
 20 **Q.** I mean, "Initial Second Sight investigation found no  
 21 evidence of a problem with Horizon", that's not right,  
 22 is it?  
 23 **A.** No, it's a shorthand, yeah.  
 24 **Q.** If we scroll up, from you to Jane Hill, you say:  
 25 "Thanks -- Mike, please blend these into the pitch  
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1 **A.** So I'm not totally sure, in all honesty, what this email  
 2 chain is for and I don't fully recall it. I know that,  
 3 obviously, we worked with Brunswick. Of course, there's  
 4 absolutely a danger of an organisation which isn't fully  
 5 sort of steeped in the issue being brought in but,  
 6 obviously, the responsibility for ensuring that that  
 7 doesn't -- isn't a danger lies with the in-house team.  
 8 It would be the case, really, in the case of any  
 9 Communications Directorate bringing in external advice  
 10 and support that you'd obviously manage that external  
 11 advice and support appropriately.  
 12 **Q.** Would that be you?  
 13 **A.** It would.  
 14 **Q.** Can we please turn to POL00111228. This is later, we're  
 15 now in 2018, 12 October 2018. It's from Portland  
 16 Communications. Portland Communications were  
 17 instructing in respect of the litigation, were they?  
 18 **A.** I think this is them setting out their proposal of what  
 19 they would potentially do to support us, I think.  
 20 "Indicative programme of communications", yeah.  
 21 **Q.** "This short note sets out an indicative programme of  
 22 communications ... and public affairs supporting the  
 23 forthcoming Horizon Group Litigation following briefings  
 24 with [you], Melanie, and the Post Office leadership  
 25 team."  
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1 If we scroll down:  
 2 "Based on this week's briefings, there are three  
 3 mean communications pillars we want to work with you to  
 4 address ..."  
 5 The first is "an opportunity as well as a threat";  
 6 the second is "coordination between legal strategy and  
 7 corporate communication"; the third is:  
 8 "It is vital we proactively engage with political  
 9 stakeholders ..."  
 10 Then, at the end, it has a section on cost:  
 11 "While we estimate the work required to support your  
 12 communications during the first trial in November 2018,  
 13 the work around the judgment and second trial is less  
 14 predictable and will depend on the coverage and interest  
 15 we see in the next couple of months.  
 16 "As such, we propose splitting the project in two  
 17 phases. The first phase will cover the first eight  
 18 weeks of activity, including the preparation and the  
 19 first trial. We can deliver phase one of this work at  
 20 a cost of £35,000 ... per calendar month, for two months  
 21 ... The price reflects the senior time dedicated to the  
 22 account", et cetera.  
 23 "For Phase 2, we review the reach to the first trial  
 24 in December and determine what level of support is  
 25 required."

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1 bring a fresh -- as Jane says there, bring a fresh  
 2 perspective. The internal comms element is really  
 3 important in this context because, clearly, here we are  
 4 in 2019 and I think we're about to get the Common Issues  
 5 judgment and internal comms was absolutely critical in  
 6 that context, particularly with a very complex franchise  
 7 subpostmaster environment. And Portland, I think by  
 8 their own admission, would they that internal comms  
 9 isn't their speciality at all, so ...  
 10 **Q.** Isn't there a risk, though, that messages are being  
 11 developed not just here but over the years by people who  
 12 don't have the requisite knowledge and requisite  
 13 background?  
 14 **A.** No, I don't think that's risk, because the bedrock of  
 15 the team remained in place. The in-house team controls  
 16 the position. It's organisations like Portland and  
 17 others, Brunswick we've talked about, are brought in to  
 18 assist and support, not to direct.  
 19 **Q.** Could we please move on to a different subject and  
 20 that's the relationship with the National Federation of  
 21 SubPostmasters. At paragraph 25 of your statement you  
 22 say you engaged with the Communications Team at the  
 23 NFSP. Can you assist us with what their general view  
 24 was regarding the Horizon system?  
 25 **A.** I think the Federation's general view was that they were

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1 Do you think that it was money well spent? Do you  
 2 think that it was appropriate for external  
 3 communications to be supporting your communications  
 4 during the litigation?  
 5 **A.** I think it was entirely appropriate.  
 6 **Q.** Could we turn to POL00163442. We're now in January  
 7 2019. Jane Hill forwards you an email and the email  
 8 says as follow, if we scroll down:  
 9 "We propose to end our relationship with Portland at  
 10 the end of January, and commence procurement for PA  
 11 agency immediately thereafter.  
 12 "Reasons to end our relationship with Portland ...  
 13 "£35,000 a month -- very expensive for questionable  
 14 value ...  
 15 "The next stage of the GLO will require a greater  
 16 internal comms element -- Portland have no experience  
 17 with this ...  
 18 "In the run-up to the Horizon trial, less background  
 19 knowledge and a fresh perspective would be a benefit,  
 20 and any good agency would be able to add value."  
 21 Are you able to assist us with why less background  
 22 knowledge might be of benefit?  
 23 **A.** I think always when you're bringing in external support  
 24 in the communications environment actually knowing less  
 25 about the subject is sometimes a benefit because it can

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1 satisfied that Horizon worked as it should, that, had  
 2 there been systemic and very major problems with the  
 3 system, their members would have been -- would have been  
 4 very vocal about them.  
 5 **Q.** Could we please turn to POL00174423. We've heard  
 6 a number of communications from the Post Office. Do you  
 7 think they affected the NFSP's position or --  
 8 **A.** Sorry, could you repeat that? Apologies.  
 9 **Q.** We've seen today number of comms press releases,  
 10 statements from the Post Office. Do you think they  
 11 affected the NFSP's position, their stance on Horizon,  
 12 or influenced their stance on Horizon?  
 13 **A.** I don't think so. My experience of the Federation was,  
 14 when George Thomson was their Chief Executive, he wasn't  
 15 somebody who could be easily persuaded of a position and  
 16 there were plenty of times when they were extremely  
 17 critical of the Post Office and its actions on other  
 18 subjects.  
 19 **Q.** Could we please look at POL00174423. It's the bottom of  
 20 that email, please. David McConnell emails you and  
 21 says:  
 22 "Hi Mark ..."  
 23 It's about the Panorama programme in 2015. He says:  
 24 "We have issued the statement below to members -- we  
 25 remain firm on Horizon, you'll appreciate too we need to

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1 maintain the 'critical friend' stance."  
 2 If we scroll down, they say, for example:  
 3 "Put simply, the NFSP has not received calls from  
 4 subpostmasters querying Horizon and alleging systematic  
 5 failings. If there were a widespread problem, our  
 6 subpostmasters would have made us aware of it. As  
 7 a result, we have no choice but to conclude that Horizon  
 8 is a fundamentally safe and sound system."  
 9 If we go to page 1, please. Paula Vennells responds  
 10 to you:  
 11 "A very helpful if 'politically' positioned letter!  
 12 "George could never be accused of being in anyone's  
 13 pocket.  
 14 "Great mail to open tonight cared to some from last  
 15 night."  
 16 Was the Post Office's relationship with the NFSP too  
 17 close?  
 18 **A.** No, I don't think so.  
 19 **Q.** Could we please look at POL00321147. The bottom of the  
 20 page, please. You email Patrick Bourke and Rodric  
 21 Williams and you say as follows, and it's about Sparrow,  
 22 and you say:  
 23 "Separately [Shareholder Executive] met NFSP who  
 24 raised with them -- and worried them -- prosecutions  
 25 approach. NFSP view is subpostmasters are now widely  
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1 Remuneration, emails Mike Granville and yourself and he  
 2 says:  
 3 "Hi both  
 4 "Was noisy first thing when the issue arose but  
 5 I had very few comments through the course of the day.  
 6 Senior NFSP have been relatively ok -- can't promise  
 7 there won't be a reaction from the floor but I am not  
 8 getting a sense that they are looking to make a big deal  
 9 of this. George has been consistent on Horizon and am  
 10 getting no indication this is changing -- he was very  
 11 robust at a regional meeting I was at where a question  
 12 was asked about the class action."  
 13 Why is Nick Beal sending this message? Is he  
 14 a route through which you heard the opinions of  
 15 subpostmasters or the NFSP?  
 16 **A.** Nick had responsibility for the relationship with the  
 17 NFSP. He was the engagement point, if you like, between  
 18 the business and the NFSP. I can't be certain but  
 19 I think this is an email sent during the NFSP's annual  
 20 conference -- I'm assuming -- or maybe from a regional  
 21 meeting, judging by the text "Can't promise there won't  
 22 be a reaction from the floor". He was a conduit,  
 23 I suppose, for NFSP views.  
 24 **Q.** I'm going to move on to the relationship with ShEx and  
 25 UKGI. Could we turn up paragraph 21 of your witness  
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1 blaming losses on Horizon 'knowing' that there will  
 2 likely be no prosecutions. They also cited a case where  
 3 a member of staff was accused of theft, blamed Horizon  
 4 and we are now pursuing the [subpostmaster] for the  
 5 money despite clear evidence of staff being to blame.  
 6 Obviously I don't know any more details."  
 7 This is a conversation you had with Richard C; who  
 8 is that, Richard Callard?  
 9 **A.** That's Richard Callard, yeah, who was the -- who led the  
 10 Shareholder Executive at the time of this email.  
 11 **Q.** Did you have any conversation with the NFSP along these  
 12 lines?  
 13 **A.** I don't recall doing so. I spoke to their  
 14 Communications Team quite regularly. I spoke to George  
 15 Thomson, who was their Chief Executive, occasionally,  
 16 but the Post Office had a specific team responsible for  
 17 engaging with NFSP, who would have done most of those  
 18 liaisons.  
 19 **Q.** Is that view that's set out there consistent or  
 20 inconsistent with your understanding of their position  
 21 at the time?  
 22 **A.** Well, broadly so, that they were -- that they believed  
 23 that Horizon was fundamentally sound.  
 24 **Q.** Could we please turn to POL00357139. This is May 2016  
 25 now. Nick Beal, Head of Agents' Development and  
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1 statement. It's WITN09860100, it's page 7. You say:  
 2 "I ... worked very closely with Shareholder  
 3 Executive and UKGI colleagues throughout the period  
 4 covered by my statement. They understandably took  
 5 a very close interest in communications and stakeholder  
 6 issues. I had regular meetings with colleagues from  
 7 ShEx and UKGI. Relationships were strong and  
 8 collegiate. There was certainly concern from some in  
 9 [the Post Office] that their involvement in business  
 10 issues was sometimes too great and frustration was  
 11 expressed that this could be time consuming and resource  
 12 intensive. My view was that ShEx and UKGI were  
 13 understandably keen to ensure that they were sighted on  
 14 key issues in order to be able to address ministerial  
 15 and other concerns, particularly given the acute  
 16 political interest in a range of Post Office issues.  
 17 Meetings with ministers and special advisers were  
 18 regularly held on a range of issues, with ShEx and UKGI  
 19 always involved."  
 20 Did you believe that there were appropriate  
 21 boundaries between the Post Office and ShEx or UKGI?  
 22 **A.** Yes, I think so and I think I've expressed it there:  
 23 that it was understandable that ShEx and, subsequently,  
 24 UKGI had a close -- wanted to have a close involvement,  
 25 a close understanding of what was happening at Post  
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1 Office on a day-to-day basis. It did frustrate some of  
 2 my colleagues, for sure. But I think that the very  
 3 nature of the Post Office as a publicly owned business  
 4 with a huge amount of political interest in it meant  
 5 that it was inevitable that colleagues from the  
 6 shareholder would be closely involved.

7 **Q.** Which colleagues did it frustrate?

8 **A.** I don't think there was a specific sense, actually Paula  
 9 Vennells wasn't frustrated by it, actually. I think  
 10 some of my more commercial colleagues felt that, you  
 11 know, we weren't -- that we should have a greater degree  
 12 of distance from Government but I don't think that was  
 13 right. It was a sort of constant debate.

14 **Q.** Could we please look at POL00258672. It's an email of  
 15 30 October 2018 and this relates to attendance at the  
 16 trial. Page 2, please. Tom Aldred from UKGI says to  
 17 Patrick Bourke:

18 "We have previously discussed whether UKGI would  
 19 attend the trial. I've discussed with our Legal Team  
 20 and they believe there is a real merit in attending --  
 21 to get a feel for how each side is presenting their  
 22 case, what the key issues are between them and,  
 23 sometimes, what way the judge might be leaning."

24 If we scroll up, please. Patrick Bourke says:  
 25 "I think this is poor judgement to say the least.

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1 the Minister?

2 **A.** Yes.

3 **Q.** Is that something that regularly took place?

4 **A.** Yes. I mean, if the Minister requested a brief, then,  
 5 absolutely, BIS would -- sorry, the Business and  
 6 Industry Department, as it was then -- Business and  
 7 Industrial Strategy, as I think as it was then,  
 8 Department -- would have contacted us, and they would  
 9 have probably done it through Richard and his team, as  
 10 the Shareholder Executive, and we would work with them  
 11 as appropriate.

12 **Q.** Throughout the period that we've been talking about  
 13 today, so 2013/2014/2015, right through the litigation,  
 14 did you work with UKGI or BIS on briefings for the  
 15 Minister?

16 **A.** On a fairly regular basis. I mean, not -- I wouldn't  
 17 say it was a sort of monthly occurrence but, you know,  
 18 if a minister requested a brief, obviously BIS would  
 19 come and ask us for support and help and we would  
 20 obviously do so.

21 **Q.** Still on relationship with Government and ministers,  
 22 could we please look at POL00101610. I realise that  
 23 these emails are broadly in chronological order but they  
 24 don't really relate to each other.

25 **A.** Sure.

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1 "Could you advise whether you agree and that we  
 2 should remonstrate?"

3 You respond:

4 "Very bad idea. Journalists will ask them who they  
 5 are and then write stories about [the Government]  
 6 watching over [the Post Office]."

7 Were you concerned about the Post Office to be seen  
 8 to be too close to Government?

9 **A.** I think in this particular case it was more about  
 10 a concern that it would benefit neither Government nor  
 11 the Post Office for the perception of the Government  
 12 watching over, to be found by people.

13 **Q.** We're looking now at relationship with Government, more  
 14 broadly. Could we please look at POL00101341. It's the  
 15 bottom half of the page, 9 September 2014:

16 "This is the BBC online report about Horizon.  
 17 Earlier inaccuracies have now been corrected and our  
 18 clear line included. We will continue to monitor  
 19 coverage, although it is pleasingly low on BBC  
 20 schedules.

21 "We will update the Board in the morning. BIS are  
 22 aware and in loop. Jo Swinson has requested a brief for  
 23 the morning -- we are working with Richard Callard on  
 24 that."

25 So you were working with UKGI to produce a brief for

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1 **Q.** I am just asking you a number of questions to cover off  
 2 a number of issues for the Inquiry.

3 This is an email that relates to the meeting with  
 4 James Arbuthnot in December 2014. If we go down to  
 5 page 2, the bottom of page 2, please, an email from  
 6 Alice Perkins, "Subject: [James Arbuthnot]":

7 "I initiated a conversation with him on Saturday  
 8 evening which was cut off ... Despite the opportunity  
 9 for him to pick it up again yesterday, he chose not to  
 10 do so."

11 Over the page, please:

12 "We moved quickly on to the substance. The main  
 13 thrust of his argument seemed to be that there big  
 14 wrongs which we were not acknowledging; in other words  
 15 the position he held when he first approached me about  
 16 this in early 2012."

17 If we, please, could go to page 1, the bottom of  
 18 page 1, 1 December 2014, Gavin Lambert says:

19 "Thank you -- yes, I'll pick up with the team  
 20 tomorrow.

21 "I think Mark has also contacted Oliver Letwin which  
 22 needs to be factored into our plan."

23 Then Paula Vennells says:

24 "Yes in fact spookily I had just opened my emails to  
 25 ask Mark ... where we were on that. In view of James'

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1 reaction, it becomes even more important that [Oliver  
2 Letwin] understands we are also trying to brief him  
3 personally, otherwise we are just seen to be referring  
4 to him in my letter to [James Arbuthnot]."  
5 If we scroll up, please, you say:  
6 "Hi both. I am in touch with Oliver and he has  
7 agreed to meet me in Westminster. We after just working  
8 through diaries."  
9 Why Oliver Letwin, in particular?  
10 **A.** I think he'd raised issues on behalf of a constituent,  
11 I think, at the beginning of -- well, certainly at the  
12 beginning of my time at Post Office, and was at one of  
13 the meetings, I think, that I'd attended earlier in  
14 the -- before this email, obviously. He was obviously  
15 also a senior -- I think, at the time, a Cabinet  
16 Minister and we were keen to make sure we did everything  
17 we could to brief him and keep him updated.  
18 **Q.** Was there an attempt here to, effectively, divide and  
19 conquer, briefing Oliver Letwin, trying to keep him on  
20 side, because you were falling out with James Arbuthnot?  
21 **A.** No, no, no. It was much more simply about making sure  
22 that Mr Letwin -- that we briefed him.  
23 **Q.** Can we turn to POL00352596, please. I'm just skipping  
24 out a few documents because of the time.  
25 The second email on the page. It's from you to Tom  
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1 with 'yes' but I guess that's unacceptable! Also it's  
2 semantics re the word 'sacking'."  
3 This is about the sacking or alleged sacking of  
4 Second Sight, and she is going to say:  
5 "Mr Arbuthnot's question could create a very  
6 inaccurate impression because we are not suppressing  
7 Second Sight's report or destroying documents', or  
8 something like that."  
9 If you scroll up, please, it says, from you:  
10 "I suggest we say -- we have made the position clear  
11 in our report and in our statement. We have published  
12 very detailed update. It is regrettable that  
13 a misleading impression is being created."  
14 Do you recall being of the opinion that Lord  
15 Arbuthnot was creating a misleading impression, as is  
16 suggested in this email?  
17 **A.** I recall the fact that he, I think, had been on the  
18 radio and we felt that the words that he'd used had been  
19 misleading, yes.  
20 **Q.** I mean, I think, reading this chain, it's about him  
21 using the word "sacked", or Second Sight being sacked;  
22 second Sight were sacked, weren't they?  
23 **A.** Well, we ended Second Sight's contract, although they  
24 continued to work on all of the mediations. As the  
25 Mediation Scheme came to an end, they were asked to  
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1 Wechsler and you say:  
2 "We will have to answer the question: will you make  
3 the Part 2 report [the Second Sight Report] available to  
4 the select committee and I think we should say yes we  
5 will", and you ask for views.  
6 Then, if we look above, Patrick Bourke says:  
7 "As to the report, I am not persuaded we should --  
8 they are not entitled to it and, while it may play well  
9 on a transparency point, the downstream consequences for  
10 endless correspondence about the report's detail and the  
11 decision we've taken to be robust I think outweighs what  
12 benefit there may be in doing so."  
13 Do you recall this correspondence?  
14 **A.** Well, I recall it from having seen it -- having been  
15 disclosed, for sure.  
16 **Q.** Do you recall Patrick Bourke taking a different line to  
17 you?  
18 **A.** Oh, yes, I do.  
19 **Q.** Was there tension there for some reason?  
20 **A.** Oh, not at all, no.  
21 **Q.** Perhaps we could look at POL00352632. If we could  
22 scroll down, please, Melanie Corfield says:  
23 "Inevitably [Radio 5 Live] are asking, on the back  
24 of our statement -- are we saying Mr Arbuthnot is wrong?  
25 Since he's standing down I am tempted to just go back  
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1 produce reports on all of the cases.  
2 **Q.** Lord Arbuthnot referring to them as having been  
3 "sacked", though, that's not a misleading impression?  
4 **A.** It's not really, no. I accept that.  
5 **Q.** Do you think, by this time -- and we've been over this  
6 period -- there was a feeling within the Post Office  
7 that Second Sight, Lord Arbuthnot -- we've seen your  
8 emails about conspiracies -- did you think that they  
9 were all up against you?  
10 **A.** I wouldn't say all up against us but it certainly felt  
11 as though Second Sight by this point were, you know,  
12 they were interviewed by Panorama, et cetera, et cetera.  
13 It certainly didn't feel that they were necessarily  
14 acting independently.  
15 **Q.** POL00102387. This is a memorandum you've prepared for  
16 the Group Executive, called "Influencing The New  
17 Government", and you say as follows, paragraph 2:  
18 "Following the general election a new Government  
19 will be formed. This is a critical period in the life  
20 of a new Parliament, where ministers are both at their  
21 most powerful and seeking to develop and shape new  
22 policy positions. This therefore presents the Post  
23 Office with a window of opportunity within which to set  
24 out our position and to influence ministers."  
25 If we scroll over to page 10, please, it says at the  
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1 top:  
 2 "These considerations are ranked in order of  
 3 importance in an assessment by the Government Relations  
 4 Steering Group."  
 5 Were you on that group?  
 6 **A.** Yes.  
 7 **Q.** You were, yes:  
 8 "They cover the issues on which we will need to  
 9 influence Government proactively to support our  
 10 position, and those which we will wish to seek to shape  
 11 Government policy into supportive positions  
 12 (eg Sparrow)."  
 13 If we scroll down, we can see there a section on  
 14 Sparrow. Page 11, please:  
 15 "There is likely to be continued, though limited,  
 16 interest in Sparrow. The recent Select Committee  
 17 Inquiry concluded with a letter to the Secretary of  
 18 State and the response was as helpful as we could have  
 19 hoped for, drawing a line under that particular angle of  
 20 interest. Any continued interest will be driven by  
 21 a small group of MPs with constituents in the Scheme.  
 22 The leaking of Second Sight's Part Two Report could act  
 23 as a catalyst for continued media and political  
 24 interest.  
 25 "So while we have had some success in removing  
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1 to the ministers and to talk to the Government about the  
 2 situation, and to do so in line with the business's  
 3 overall strategy.  
 4 **MR BLAKE:** Sir, I think those are all of the questions  
 5 I have. There are a number of topics I have struck  
 6 through and I'm sure that people will --  
 7 **SIR WYN WILLIAMS:** Well, Mr Blake, I have run out of steam.  
 8 So I am calling it a halt, full stop, so to speak.  
 9 **MR BLAKE:** Sir, there are just three minutes from Mr Moloney  
 10 and five minutes from Mr Henry --  
 11 **SIR WYN WILLIAMS:** No, they are never three or five minutes,  
 12 with the best will in the world and, putting it bluntly,  
 13 if they are only three minutes and five minutes, we can  
 14 probably do without them.  
 15 So, as I say, I think we've heard enough from  
 16 Mr Davies.  
 17 So thank you, Mr Davies, for making your witness  
 18 statement and for attending to answer many questions  
 19 today. I am grateful to you.  
 20 **THE WITNESS:** Thank you, sir.  
 21 **SIR WYN WILLIAMS:** We'll adjourn until tomorrow.  
 22 **MR BLAKE:** Thank you, sir.  
 23 (4.15 pm)  
 24 (The hearing adjourned until 9.45 am the following day)  
 25

1 Sparrow from the spotlight, there is no guarantee that  
 2 a new minister won't seek to win some early political  
 3 points by revisiting the issue or he or she will  
 4 undoubtedly come under pressure to do so. We should  
 5 warn about the risks of this course of action."  
 6 To what extent was it right to seek to remove  
 7 Horizon issues from the spotlight when that spotlight is  
 8 being shone by the company's sole shareholder, the  
 9 Government?  
 10 **A.** Sorry, can you repeat the question? Sorry.  
 11 **Q.** To what extent was it right to remove or seek to remove  
 12 Horizon issues from the spotlight, when that very  
 13 spotlight was being shone by the Government, who are  
 14 Post Office's sole shareholder?  
 15 **A.** Well, I think, as Communications Team with  
 16 responsibility for managing reputational risk for the  
 17 business, it was understandable that I and the team were  
 18 looking to ways to reduce the way in which this issue,  
 19 as it was then understood, was in the headlines.  
 20 **Q.** The Government, though, is your shareholder. It's not  
 21 a public statement; it's somebody who has actually  
 22 a financial interest in the business. Do you think that  
 23 it's appropriate to seek to minimise Sparrow issues to  
 24 a new Government?  
 25 **A.** I think the right thing to do was to explain and to talk  
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[1] 23/21</p> <hr/> <p><b>1</b></p> <p><b>1 December</b> [1] 192/18 <b>1 July</b> [1] 37/19 <b>1.01</b> [1] 118/22 <b>1.2</b> [1] 121/14 <b>1.5</b> [2] 168/5 168/6 <b>1.6</b> [1] 168/5 <b>10</b> [4] 18/5 81/6 155/22 196/25 <b>10 April</b> [1] 1/14 <b>10 August</b> [1] 14/25 <b>10.46</b> [2] 75/20 78/2 <b>10.52</b> [1] 45/23 <b>100</b> [10] 100/6 104/25 105/14 105/19 106/7 106/16 106/24 107/12 158/2 178/5 <b>100/150</b> [1] 101/25 <b>108</b> [1] 18/18 <b>11</b> [3] 47/18 156/14 197/14 <b>11 July</b> [1] 80/12 <b>11 September</b> [1] 11/10 <b>11 years</b> [2] 40/6 78/25 <b>11,000</b> [1] 13/20 <b>11,500</b> [1] 178/2</p>	<p><b>11,800</b> [1] 47/16 <b>11.05</b> [3] 45/21 45/22 45/25 <b>11.39 pm</b> [1] 78/1 <b>113</b> [1] 19/1 <b>117</b> [1] 2/7 <b>12</b> [1] 47/19 <b>12 hours</b> [2] 81/10 82/22 <b>12 July</b> [3] 82/14 82/16 83/23 <b>12 months</b> [2] 49/20 153/9 <b>12 October</b> [1] 180/15 <b>12.07</b> [1] 89/15 <b>12.20</b> [2] 89/13 89/17 <b>12/18</b> [2] 76/5 78/21 <b>13</b> [2] 3/14 47/19 <b>14</b> [8] 2/18 31/24 32/2 39/10 39/20 47/17 50/7 59/12 <b>14 May 2024</b> [1] 1/1 <b>14 years</b> [1] 27/24 <b>14.10</b> [1] 153/19 <b>14.11</b> [1] 154/16 <b>14.4</b> [1] 153/3 <b>14.5</b> [1] 153/6 <b>14/70</b> [1] 175/11 <b>140</b> [1] 92/13 <b>145</b> [2] 4/13 4/14 <b>147</b> [1] 4/22 <b>148</b> [1] 5/2 <b>15 July</b> [2] 84/17 174/5 <b>15 October</b> [2] 174/25 175/2 <b>150</b> [11] 100/6 100/13 100/21 101/25 104/25 105/14 105/19 106/8 106/16 106/24 107/12 <b>16 July</b> [1] 31/16 <b>16 June</b> [1] 155/24 <b>16 September</b> [1] 116/17 <b>17</b> [2] 3/2 51/12 <b>17 August</b> [1] 113/14 <b>17 March 2019</b> [1] 122/14 <b>18</b> [2] 76/5 78/21 <b>18 August</b> [1] 15/24 <b>19 August</b> [1] 113/22</p> <hr/> <p><b>2</b></p> <p><b>2 August</b> [1] 174/20 <b>2 July</b> [4] 6/25 46/3 58/15 61/3 <b>2 July 2013</b> [1] 5/15 <b>2 October</b> [1] 136/18 <b>2.00</b> [2] 118/19 118/24 <b>2010</b> [7] 2/11 47/16 50/3 151/20 151/20</p>	<p>154/3 154/23 <b>2010/11</b> [1] 47/18 <b>2011</b> [3] 49/21 50/11 50/21 <b>2011/12</b> [1] 47/19 <b>2012</b> [3] 49/22 50/14 192/16 <b>2012/13</b> [1] 47/19 <b>2013</b> [28] 5/15 7/1 8/19 17/2 17/10 20/11 28/9 46/3 50/17 58/15 69/21 80/11 82/16 83/15 83/24 84/17 98/10 106/13 106/15 111/23 112/5 112/8 112/12 174/5 174/20 174/25 175/2 177/3 <b>2013/2014/2015</b> [1] 191/13 <b>2014</b> [16] 11/10 11/10 14/13 17/12 21/20 28/9 97/22 97/24 98/11 104/3 138/13 140/2 175/8 190/15 192/4 192/18 <b>2015</b> [30] 14/25 15/24 24/1 28/9 89/21 89/22 91/1 96/12 96/20 108/5 109/6 109/12 112/13 113/3 113/22 116/17 119/6 119/6 121/7 141/13 152/16 152/24 153/1 153/1 155/2 155/21 155/25 178/19 184/23 191/13 <b>2016</b> [7] 121/11 158/12 158/14 165/12 172/7 172/25 186/24 <b>2018</b> [4] 180/15 180/15 181/12 189/15 <b>2019</b> [8] 24/19 122/14 131/24 134/20 136/19 138/4 182/7 183/4 <b>2024</b> [2] 1/1 1/15 <b>21</b> [2] 3/20 187/25 <b>21 February</b> [1] 24/19 <b>21 July</b> [1] 158/14 <b>21 March</b> [1] 129/19 <b>21 May 2014</b> [1] 175/8 <b>23 January</b> [5] 24/1 89/22 91/14 91/15 95/1 <b>23 May</b> [1] 138/13 <b>23 September</b> [1] 8/18 <b>23rd</b> [1] 96/18 <b>24 January</b> [1] 96/17 <b>25</b> [1] 183/21 <b>26 January</b> [1] 95/10 <b>27</b> [1] 3/10</p>	<p><b>28</b> [1] 18/5 <b>28 August</b> [2] 131/23 134/20 <b>28 November</b> [1] 170/9 <b>29</b> [1] 110/1</p> <hr/> <p><b>3</b></p> <p><b>3.21</b> [1] 173/23 <b>3.37</b> [2] 173/19 173/25 <b>3.50</b> [1] 148/22 <b>30</b> [1] 152/25 <b>30 January</b> [4] 141/13 147/18 152/5 178/19 <b>30 October</b> [1] 189/15 <b>30,000/40,000</b> [1] 13/21 <b>31</b> [1] 138/13 <b>32</b> [2] 4/7 173/8 <b>34</b> [1] 18/11 <b>35</b> [1] 3/14 <b>35,000</b> [2] 181/20 182/13 <b>38</b> [1] 176/9 <b>39</b> [1] 18/18</p> <hr/> <p><b>4</b></p> <p><b>4 paragraphs</b> [1] 22/11 <b>4's</b> [1] 81/7 <b>4,486</b> [1] 50/8 <b>4.15</b> [1] 199/23 <b>40</b> [1] 19/1 <b>40 million</b> [1] 60/1 <b>40,000</b> [1] 13/21</p> <hr/> <p><b>5</b></p> <p><b>5 August</b> [1] 113/3 <b>5 December</b> [1] 21/20 <b>5 million</b> [1] 178/3 <b>5-10 years</b> [1] 76/11 <b>5.28 pm</b> [1] 152/4 <b>50</b> [1] 178/10 <b>50,000</b> [4] 14/15 60/2 61/24 103/19 <b>50-60,000</b> [1] 76/24 <b>500</b> [1] 77/19 <b>51</b> [1] 4/12 <b>52</b> [1] 1/18 <b>55</b> [1] 1/25 <b>56</b> [1] 1/25 <b>57</b> [1] 3/20</p> <hr/> <p><b>6</b></p> <p><b>6 August 2015</b> [1] 119/6 <b>6 July</b> [4] 69/21 69/22 75/20 79/19 <b>6 million</b> [1] 61/23 <b>6,000</b> [1] 28/21</p>
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