

By email to solicitor@postofficehorizoninquiry.org.uk

FAO: The Chair and Solicitor to the Inquiry

29 October 2021

In support of submissions to the Horizon Inquiry by the University of Exeter School of Law, in relation to the Primary Hearing

We write as senior leaders in the legal sector including General Counsels, former General Counsels, leadership and talent specialists, and non-executive directors who have extensive experience in high pressure business environments. We have been engaging with the work of Exeter University in respect of the Post Office Horizon scandal, to seek and provide insight and understanding that can be carried forward by all of us. We are all struck by these events and we are aware of the wider implications they present for society at large.

Lawyers, legal advice and legal process play a central role in corporate governance. The information available to date on this matter demonstrates this is very much the case here. To undertake the Inquiry without evaluating the nature and detail of these legal factors and the contribution they made to the decisions and outcomes experienced, would be to do so with one eye closed - only partial understanding and lessons learned could be achieved or worse, a skewed perspective and conclusions.

To get to the bottom of what happened, we see as critical proper evaluation of the following:

1. Legal work and involvement on the Second Sight investigations.
2. The extent to which, how, when, and to whom lawyers advised on the issues with Horizon, the executive instructions they were given, and the other voices at the table, including non-executives and PR specialists.
3. Legal advice, decisions and actions in relation to litigation and disclosure strategy and handling, both in respect of the civil and criminal cases.
4. Questions about independence, including in respect of the role of the Post Office as both victim and prosecutor, engaging lawyers involved in prosecutions and their subsequent review.
5. The legal and cultural environment surrounding these events, including the governance infrastructure, especially in relation to the litigation steering group; the role of the General Counsel in decision-making and committees; how information flows, processes, relationships, conflicts and contracts were structured and managed; and the support and pressure people involved were experiencing that influenced their behaviour, including annual appraisal pressure.

This is particularly pertinent in light of:

- The reliance on lawyers senior leadership claim in refuting their executive responsibility, given and assuming that the lawyers reported directly to that leadership.
- The centrality of legal issues and activity to this entire saga.
- The fact that people have suffered irrecoverable suffering and harm to their lives, livelihoods, reputation and wellbeing, which must never be allowed to happen again.

We are at your disposal in any way helpful to assist the Inquiry in its scope and execution, and ensure we all take the lessons forward into our collective future.

Sincerely

Christopher Banard
Jonathan Canning
Nicholas Eldred
Ciarán Fenton
Wayne Gibbard
Paul Gilbert

Karen Glass
Emma Humphrey
Lauren McCann
Jenifer Swallow
Benjamin Watts