

Witness Name: Timothy Parker
Statement No: WITN00690100
Dated: 03 May 2024

POST OFFICE HORIZON IT INQUIRY

FIRST WITNESS STATEMENT OF TIMOTHY PARKER

I, Timothy Parker, will say as follows:

Introduction

1. I make this statement in response to a request for evidence dated 20 October 2023 made by the Post Office Horizon IT Inquiry (the "**Inquiry**") pursuant to Rule 9 of the Inquiry Rule 2006 (the "**Rule 9 Request**"). This statement relates to my role as Chairman ("**Chair**") of Post Office Limited ("**POL**") between 1 October 2015 and 30 September 2022.
2. I have sought to focus my statement on the specific questions contained within the Rule 9 Request to assist the Inquiry with its important work in fulfilling its Terms of Reference. However, before doing so, I wish to acknowledge the enormous impact of the failings relating to the Horizon IT System on Sub-postmasters and Sub-postmistresses ("**SPMs**"), managers, assistants, other

affected persons, and their loved ones, and to express my sincere regret for this.

3. I have been provided with a bundle of documents by the Inquiry, which I have been asked to consider alongside the Rule 9 Request. In addition, I refer to a small number of additional documents which have been provided to me by POL to assist with my recollection of the matters referred to in the Rule 9 Request. I understand that these documents have already been provided to the Inquiry by POL. Accordingly, where I refer to any documents within this statement, I do so by referencing the Unique Reference Number allocated by the Inquiry.
4. I am grateful for the documents provided to me, which have assisted with my recollection of the matters on which I have been asked to comment. While I have set out my recollections to the best of my ability in this statement, given the passage of time, there are occasions where I am unable to recall anything over and above what is contained within the documents. This is particularly the case where I am referred to specific conversations that took place in the earlier years of my role as Chair.
5. My solicitors, Fieldfisher LLP, have assisted me in preparing this statement, including by signposting me to relevant documents to refresh my memory of events.

Background

6. I have an MA¹ in Philosophy, Politics and Economics from Oxford University and an MSc² in Business Studies from London Business School. I have held a number of executive and non-executive roles over the last thirty years, a number of which I refer to in this statement. I started my career as an economist at HM Treasury before working at Thorn EMI from 1981 to 1989 where I became head of various subsidiaries. In 1989, I led the management buy-out of Kenwood and subsequently became Chief Executive Officer ("CEO") of Clarks, Kwik-Fit, the AA and Samsonite LLC. I remained Chair of Samsonite LLC following my resignation as Chief Executive in October 2014. In 2014 I was appointed as Chair of the National Trust, in 2015 I was appointed as Chair of POL and in 2018 I was appointed as Chair of Her Majesty's Courts and Tribunal Service. Since leaving POL in September 2022, I have continued in my roles as Chair of Samsonite LLC, and as owner and Chair of the British Pathé film archive, which is a leading archive of historical newsreel footage.
7. During my career, I have worked with a range of companies with diverse organisational structures and commercial objectives that operate within a variety of industries and sectors. This has involved dealing directly with a broad range of commercial issues, including those relating to enterprise strategies, marketing, servicing, manufacturing, and finance. Where necessary, I sought advice from experts and professionals within the companies and externally, for

¹ Master of Arts, Humanities and Social Sciences

² Master of Sciences

example in specialist or technical areas such as technology, regulation, and legal.

The Roles and Responsibilities of a Board of Directors and Chair

8. In general terms, a board of directors is made up of both executive and non-executive directors. Executive directors are typically responsible for the management of the company on a day-to-day basis. Non-executive directors are generally employed on a part-time basis and whilst they do not have the same involvement in the day-to-day running of the company, they perform an important supervisory role over the executive management. All directors attend board meetings at which they consider and make decisions in relation to significant matters affecting the company for example the company's goals, strategy, policies and procedures, performance, current and prospective opportunities, and risks.

9. Much of my career has been in the private sector in which the objectives tend to be explicit in terms of performance of the company and delivering value to shareholders. Although POL is a private limited corporation, its sole shareholder is the Department for Business and Trade ("DBT")³, which effectively means that POL is a public sector organisation and has a broader range of financial and non-financial targets and responsibilities. It is also

³ The DBT has been POL's sole shareholder since February 2023. Prior to this, the Department for Business, Energy and Industrial Strategy ("BEIS") was POL's sole shareholder from July 2016 to February 2023 and the Department for Business, Innovation and Skills ("BIS") was POL's sole shareholder from July 2016.

subject to greater public scrutiny and accountability. This makes chairing a company such as POL more complex in relation to its scope of activities.

10. In my view, an effective Chair leads the Board in setting the overall strategy of a business. It is therefore important for the Chair to have relevant experience in the key areas of business for example: strategy, marketing, finance, IT, HR, and procurement. They must also have a developed sense of how to prioritise different issues. The Chair should play an important role in the selection of board members, to achieve the right mix of experience around the table. The Chair is especially important in the selection of the chief executive officer, and establishing a relationship that is supportive, but also challenging. A good Chair ensures that all board meetings are run efficiently and effectively, and that all directors can contribute, is a good communicator and is approachable to people at all levels of the company.

POL's Board of Directors

11. POL's Board of Directors (the "**Board**") is collectively responsible for setting POL's strategic direction and primary business objectives. It establishes a robust governance framework and ensures that POL has the financial and human resources required to achieve its agreed objectives. The Board currently comprises a Chair, eight other non-executive directors and two executive directors.⁴

⁴ This is correct as of November 2023.

12. I was appointed as Director and Chair of POL on 1 October 2015. Shortly before my appointment as Chair, the Board comprised a Chair, five non-executive directors and two executive directors. There were a number of changes to the composition of the Board during my tenure. Notices of these changes were filed with Companies House and are recorded on the Companies House register.
13. The POL Annual Report and Financial Statements for 2015/2016 (**WITN00690101**) states that "*the Board is responsible for setting the business' strategic aims, putting in place the leadership to deliver them, supervising the management of the business and reporting to the Shareholder and determining POL vision, values and organisational culture.*" It also refers to there being a governance structure that includes three committees dealing with specific topics requiring independent oversight, namely: Audit, Risk and Compliance, Nominations and Remuneration. Each committee was chaired by an independent non-executive director and had its own Terms of Reference. In 2015/2016 I was a member of all three committees. During this time, I attended all formal meetings of the committees that I was eligible to attend. I was Chair of the Audit, Risk and Compliance Committee between October 2015 and January 2016, and I was Chair of the Nominations Committee between 1 October 2015 and 30 September 2022.
14. As set out in the POL Annual Report, the Board approved the business plan each year and regularly reviewed reports on performance against that plan as well as receiving periodic business reports from senior management. Day-to-

day responsibility for particular divisions of the company rested with senior managers. For example, the IT team and Chief Technology Officer were responsible for POL's IT systems (including Horizon). POL's General Counsel was responsible for managing legal matters, including litigation, across the company and worked with the executive team and Board to mitigate legal, regulatory and governance risk. Matters would be escalated to the Board as appropriate, and the Board would seek advice from external professionals where it was necessary for us to do so to proficiently perform our responsibilities and duties as directors.

15. I have been asked to comment on my experience managing a large IT system and my oversight of POL's IT systems in my role as Chair. POL was a retail business, and Horizon was essentially an EPOS (Electronic Point-of-Sale System), which is one of the key components of the operation of a high street business. While I have been involved with retail businesses in the past, for example Clarks and Kwik Fit, matters relating to IT and EPOSs (such as till and accounting systems) would be handled by the company IT teams and it would be an executive responsibility to escalate matters to the board as necessary.

My Appointment as Chair of POL

16. On 1 October 2015, I was appointed to POL's Board of Directors as a non-executive director, and took up the role of Chair, replacing Alice Perkins CB, who had been Chair since 2011. Neil McCausland, former Senior Independent Director, had been the Interim Chair during the intervening period. I was

recruited through a search firm, Russell Reynolds, which I expect would have drawn up a list of potential appointees through their network and by seeking views of relevant stakeholders. I was appointed Chair at a time when POL was on a transformation programme supported by government funding, and was seeking to achieve cost efficiencies, increase its revenues, and modernise the branch network. Prior to my appointment, I had experienced a long career leading a range of different companies, and because of this, I believed that I could assist in steering POL through this transformation programme.

17. The commercial viability of POL was especially pressing for me, given my responsibility as Chair to promote the success of the company. The main challenge the company faced, as I saw it at the time, was its enormous dependence on the public purse. In the years before I was appointed Chair, POL had received billions of pounds of funding from the British taxpayer and was still incurring losses. Having been kept in effective public ownership, after the flotation of the Royal Mail, POL faced a number of significant business challenges. It was obliged to operate a very wide network and depended on an exclusive arrangement with the Royal Mail, itself a business faced with challenges of an increasingly competitive parcels market and falling letter volumes. Much of government face-to-face activities, such as payment of benefits and driving licences had progressively moved online and away from Post Office counters, and low interest rates had significantly depressed the profitability of the savings business. Given all of this, ensuring the company's financial viability was a key priority for me as Chair.

18. On appointment, I had a contract that specified a minimum of 1.5 days a week in the business. In November 2017, I requested that this be reduced to half a day a week or two days a month, in line with similar appointments I had held, because I felt this was more proportionate to the work involved and allowed for greater flexibility. Generally, a non-executive Chair is expected to 'do what it takes' to fulfil their duties and respond to the demands of the business. This requires flexibility in terms of what work is carried out and when that work is carried out, rather than working in accordance with a fixed commitment that does not take into account the changing demands of the business. The revision to this term in my contract did not reflect a change in my commitment to POL.
19. I have been asked to comment on an email from Robert Swannell (Chair of UK Government Investments ("**UKGI**")) to Mark Russell (UKGI) on 8 November 2017 (**UKGI00007673**) in which Mr Swannell recalls that during a meeting in November, I had expressed concern about my contracted hours. In the email, Mr Swannell notes: *"His main worry is his contract as Chairman which requires him to devote 2 days a week to the task – he thinks much less is required – he said 2 days a month was more realistic"*. This was not my 'main' worry at the time, but I did consider the change to be appropriate, for the reasons I explain above. My remuneration (which I donated to charity) was reduced proportionately to reflect this change.
20. The time that I spent working on POL matters necessarily fluctuated over time. However, my recollection is that over a period of seven years as Chair, I missed only one formal Board or relevant committee meeting. There were a

small number of meetings that I attended by phone, and via Microsoft Teams during the pandemic. If there was some reason that prevented me from attending a meeting, I would ensure that I was updated after the meeting took place. As well as attending Board meetings and relevant subcommittee meetings, I would ordinarily spend Tuesday afternoons at POL's head office. I was always accessible to colleagues and as with all my appointments, I took my commitment to POL seriously.

21. During my time as Chair of POL, around ten full Board meetings were held each year. A summary of each Board member's attendance at these meetings is recorded in POL's annual reports. A number of extraordinary meetings and committee/subcommittee meetings were also held, as required. Matters would generally be brought to my attention, as Chair, in the form of business reports from senior management. We would usually be briefed on matters to be discussed at Board and committee/subcommittee meetings by papers distributed in advance, as well as by management presentations. Meetings would ordinarily take place if there was a decision that the Board needed to discuss and vote on, or some other issue or investment that needed Board input. Summaries of these meetings would ordinarily be prepared by the Company Secretary in the form of 'meeting minutes.' I would be asked to approve the accuracy of the minutes for the meetings I was chairing. The minutes would then be circulated to other attendees and interested parties.

22. I have been asked to review and comment on an email I sent to Jane MacLeod (Group General Counsel⁵) on 1 April 2016 (**POL00103159**) in which I said of the minutes prepared by Alwen Lyons (Company Secretary) that they were "*the sort of minutes that seem to me appropriate.*" I cannot recall the context of this remark, but I expect I was expressing that I considered the notes were fit for purpose in my role as Chair. The minutes seemed to be intelligible, accurate and recorded the key discussion points and decisions, rather than providing a verbatim record of the discussions.

POL's Relationship with Government

23. I have been asked to consider whether POL's corporate governance was effective when I joined the company. I do not recall having specific concerns about its effectiveness when I took up the role of Chair in October 2015.
24. At the time of my appointment as Chair, POL was a wholly owned subsidiary of Postal Services Holding Company Limited. As noted at paragraph [9] above, DBT holds a special share in POL and the rights that attach to that special share are set out within POL's Articles of Association. The Board is therefore accountable to the Secretary of State for DBT for the performance of POL and is required to notify the shareholder of certain actions, as set out in the Articles of Association. The Shareholder Executive ("**ShEx**") was responsible for managing the government's shareholder relationships with businesses owned

⁵ Ms MacLeod held the role of Group General Counsel from January 2015 to May 2019. Ben Foat replaced Ms MacLeod in May 2019. References to "**General Counsel**" in this statement are to Ms MacLeod or Mr Foat and their respective teams.

or part-owned by the government. In April 2016 ShEx was brought together with UK Financial Investments under UK Government Investments ("**UKGI**"). While the Shareholder Executive ("**ShEx**") did not have day to day involvement in the running of POL, Richard Callard (UKGI) was the ShEx/UKGI representative and sat on the Board as a non-executive director from 2014 to 2018. Mr Callard was succeeded by Tom Cooper in 2018.

25. POL became independent of Royal Mail in 2012. In the POL Annual Report and Financial Statements for 2014/2015 (**POL00026722**), Ms Perkins described the work being done to ensure the effective separation of POL systems from the Royal Mail systems as a "*major undertaking*", but one which was "*almost complete*". The POL Annual Report and Financial Statements for 2015/2016 noted the importance of POL continuing to develop effective long-term relationships with Royal Mail (**WITN00690101**).

Knowledge of Horizon on my Appointment as Chair

26. 'Horizon' is the name of the computer system that was used in all POL branches at the time I was appointed as Chair. My recollection is that at the start of my tenure I attended a demonstration at POL's head office relating to the functionality of Horizon. My understanding was that Horizon had a number of functions but was essentially an EPOS system that was used in POL branches to record transactions in and out, as well as cash and stock management. Horizon was provided to POL under a contract with Fujitsu Services Limited ("**Fujitsu**").

27. During my time as Chair, matters relating to Horizon were often referred to within POL using the shorthand of 'Sparrow'; it was POL's usual protocol to assign code names to certain confidential projects or matters in this way.
28. When I was appointed as Chair, I was aware that concerns had been raised about Horizon, including those relating to Fujitsu. I do not believe that I had detailed knowledge of the specific nature of the complaints at the time and I do not believe I had formed any views on how to handle the "Sparrow" issues at that time. However, as I describe below, Mr Jonathan Swift QC⁶ and Mr Christopher Knight were being instructed in relation to the 'Swift Review'. My recollection is that there was a general assumption within POL that there were no systemic issues with Horizon and that it was robust, and this is consistent with the statements made publicly by POL at that time.
29. I have been asked to comment on my awareness of certain clauses contained within the agreements between POL and Fujitsu (specifically, the Annex to Second Supplement Agreement dated 24 September 1999 (**POL00090428**) and POCL and ICL Pathway 'Third Supplemental Agreement' dated 19 January 2000 (**FUJ00118186**)). Both agreements predate my appointment as Chair. I do not recall reviewing the agreements upon my appointment nor do I recall the agreements or particular clauses of the agreements being brought to my attention.

⁶ Now Mr Justice Swift

Request from BIS in Relation to Horizon

30. Baroness Neville-Rolfe DBE CMG (Parliamentary Under Secretary of State for Department for Business, Innovation and Skills and Minister for Intellectual Property from July 2014 until July 2016) asked me, upon assuming my role as Chair, to examine the concerns regarding Horizon and the suggestions that there may have been miscarriages of justice as a result of issues with Horizon.
31. In August 2015, shortly before I took up my appointment as Chair, I met with Baroness Neville-Rolfe. I cannot now recall the detail of that meeting, but I have been shown a copy of an email from Laura Thompson (ShEx) to Mr Lyons and Mr Callard, which refers to the meeting taking place on 6 August 2015 (**UKGI00005361**). The email records Ms Thompson stating that the Minister informed me that she would like me to look at the matters relating to Horizon with "fresh eyes". I took this to mean that Baroness Neville-Rolfe considered that it was important for me as the newly appointed Chair, to consider what POL had done to date in responding to the concerns and whether any more could be done.
32. On 14 September 2015, I received an email from Ms MacLeod (**POL00102550**), which attached a letter from Baroness Neville-Rolfe dated 10 September 2015 (**POL00102551**). Baroness Neville-Rolfe wrote that:
- "The issues surrounding the Horizon IT system have not been resolved. Indeed, some of the MPS concerned have written to me again following the Panorama programme pressing the case for an independent investigation."*

.....

"I am therefore requesting that, on assuming your role as Chair, you give this matter your earliest attention and, if you determine that any further action is necessary, will take steps to ensure that happens."

33. In her email to me Ms MacLeod stated: *"As expected, and as we believe has previously been flagged to you, the Minister requests you to review personally the issues relating to the Post Office 'Horizon' system and determine whether any further action should be taken"*.
34. Ms MacLeod refers to the fact that we (Ms MacLeod and I) were due to meet on 25 September 2015 to discuss the best way for her to provide me with an introduction to the issue, *"such that [I] would be able to focus most effectively on those areas which [I] feel is of greatest concern."*
35. As the email suggests, I met with Ms MacLeod to discuss various matters, including Horizon. I have been referred to an email between Patrick Bourke (Complaint Review and Mediation Scheme Programme Director), Rodric Williams (Solicitor, Corporate Services) and Ms MacLeod containing "Draft Speaking Notes for JM/TP Meeting on 25.09.15" (**POL00065606**). It appears that these speaking notes were prepared by Mr Williams for Ms MacLeod in advance of our meeting. My recollection is that those speaking notes reflect the broad tenor of the discussion.
36. I have been asked to describe my impression of how the Audit, Risk and Compliance Committee had previously monitored 'Sparrow' issues and claims

brought by SPMs concerning the adequacy of Horizon. I have been referred to the Briefing Book for the Half Year ended 27 September 2015 which refers to potential claims regarding Horizon (at page 72) (**POL00110251**). This 2015 Briefing Book describes the various claims that had been brought by SPMs alleging defects in the Horizon system and POL's internal processes. The report describes the work undertaken by POL to review the allegations, including the commissioning of the independent investigation by Second Sight in 2012-13 and the launch of an Investigation and Mediation Scheme aimed at understanding and resolving individual complaints made about Horizon, as well as POL's engagement with the Criminal Cases Review Commission ("**CCRC**") in relation to the application made by SPMs seeking a review of their convictions. I do not recall what my impression was, at that time, of the way in which the Audit, Risk and Compliance Committee monitored "Sparrow" issues and claims brought by SPMs concerning the adequacy of the Horizon IT system.

37. I have seen a copy of an email chain, which includes an email dated 30 September 2015 attaching the draft response to Baroness Neville-Rolfe I asked to be prepared on my behalf (**POL00158249**). I note that this email correspondence was forwarded to Paula Vennells (Chief Executive Officer of POL) on the same day. The response to Baroness Neville-Rolfe, which was finalised on 1 October 2015 (**UKGI00000009**), stated:

"Having had my first 2 days of induction to the Post Office just last week, I am considering how to fulfil the commitment I gave you to take a fresh look at the

Post Office's handling of the complaints raised with it in connection with its Horizon electronic point of sale and accounting system.

To this end, and to promote the independence of the exercise, I propose to instruct a QC to advise me as to the appropriate scope of my investigation, how I might best conduct the necessary enquiries, and to assist me in considering both how to present and, as necessary, act on my findings.

I expect to finalise the appointment shortly and will be in a position to share the scope and timetable with you soon after my return from leave..."

38. I have seen a copy of an email from Ms MacLeod to me dated 1 October 2015 **(POL00027126)** attaching the CVs of two leading QCs. Ms MacLeod says that *"both are currently available, and would in my opinion, be suitable to advise you having regard to the nature of the issues raised by Sparrow, Post Office's position as a corporate entity in public ownership, and your responsibilities as a new director and Chairman of Post Office Limited..."*

Subject to your views on these candidates, I recommend that we approach your preferred candidate on your behalf next week such that he is available to advise you on the question of scope..."

39. This email was also forwarded to Ms Vennells by Ms MacLeod.
40. It seemed to me that POL's General Counsel had understood the complexities of the task when identifying suitable candidates. Jonathan Swift QC was a senior barrister. He had worked as part of the Treasury Counsel team prosecuting complex cases and advising and appearing on behalf of HM

Treasury and other government departments. He also had extensive experience advising commercial entities and dealing with commercial systems. There were a range of issues to address, and I felt that Mr Swift QC was well placed to do this.

41. Ms MacLeod and her team handled the arrangements for Mr Swift QC's instruction and held a number of meetings with him with a view to coming up with a proposed scope for the independent review Baroness Neville-Rolfe had asked me to undertake.
42. I have been shown a copy of the 'Instructions to Leading Counsel Jonathan Swift QC to advise in consultation at 430pm 8 October 2015' prepared by Ms MacLeod and Mr Williams dated 6 October 2015 (**POL00114270**). It appears from the instructions that the purpose of the meeting between General Counsel and Mr Swift QC on 8 October 2015 was to settle the scope of the review and agree a process for conducting, concluding, and reporting on the review within the desired time frame. The document states that a further meeting would then be arranged at which counsel would present the proposed scope and process to me as Chair for my consideration.
43. On 9 October 2015, I received an email from Ms Vennells (**POL00117516**), explaining that Baroness Neville-Rolfe had indicated that she wished to speak to various parties in relation to the Horizon IT issues. Ms Vennells thought that I should meet with these parties instead to minimise the risk of undermining the rationale for the independent investigation that I was undertaking with the support of Mr Swift QC and Mr Knight. The email records Ms Vennells noting

that the Minister speaking to those third parties risked creating an expectation of some form of government intervention.

Scope of the Swift Review

44. On 20 October 2015, I met with Mr Swift QC to discuss the intended scope of the review and the format of the report. I cannot recall the specific discussions at this meeting. However, I have seen a copy of an email sent to me on 22 October 2015 (**POL00104213**) by Ms MacLeod, which included a summary of the outputs of the meeting. In the same email Ms MacLeod explained that she had tasked her team with setting up a plan to deliver the review and that her team would have regular updates with Mr Swift QC and Mr Knight to ensure they were delivering against the plan. Ms MacLeod also proposed to provide me with fortnightly updates on progress with the Swift Review.
45. On 23 October 2015, I responded to Ms MacLeod's email to say that I was happy with Mr Swift QC and the work he had done so far. I said that we had had a useful discussion, fully reflected in Ms MacLeod's notes. I confirmed that I was content to receive fortnightly updates in the first instance and that if anything arose that Ms MacLeod thought I should be aware of, she should not hesitate to get in touch (**POL00065645**).
46. The agreed scope of the Swift Review is set out at paragraph 4 and 5 of the report titled 'Review on behalf of the Chairman of Post Office Ltd concerning the steps taken in response to various complaints made by Sub-Postmasters' (the "**Swift Report**") (**POL00103094**):

"4. The purpose of this review was originally described in the following terms: 'To review the Post Office's handling of the complaints made by sub-postmasters regarding the alleged flaws in its Horizon electronic point of sale and branch accounting systems, and determine whether the processes designed and implemented by Post Office Limited to understand, investigate and resolve those complaints were reasonable and appropriate.'

5. We have been guided by this. But we have concentrated on whether any further action is reasonable and necessary in respect of these issues. This has highlighted two principal questions (1) What has already been done in the 2010-2015 period? (2) If there are any gaps in the work done, is there further action that can reasonably now be taken?"

47. In respect of those two questions, Mr Swift QC explained that he had concentrated on four areas:

"Criminal prosecutions.

The Horizon system (i.e., the software).

The support provided to SPMRs through training and helplines; and

The investigations into the circumstances of specific cases where a complaint has been raised."

48. Once the review was underway, Ms MacLeod and her team provided the documents and other information that Mr Swift QC and Mr Knight required. I have recently seen an email dated 28 October 2015 (**POL00043789**) from Mr

Bourke to Mr Knight regarding the action points arising from the meeting on 20 October 2015 (see paragraph [44]). In this email Mr Bourke confirmed that he would be Mr Swift QC and Mr Knights' primary point of contact, but that Mark Underwood (Complaint Review and Mediation Scheme staff member) and Steve Allchorn (Complaint & Mediation Scheme PMO Manager) were also available for anything that Mr Knight and Mr Swift QC might need. In the same email, Mr Bourke confirmed that he was sending Mr Swift QC and Mr Knight, under separate cover, the s17 notices received from the CCRC.

49. I have seen emails in which Mr Swift QC and Mr Knight made requests for information from the individuals identified in paragraph [52]. I was not party to this correspondence and do not have an exhaustive list of the information provided to Mr Swift QC and Mr Knight. However, I note that they confirm at paragraph 3 of the Review:

"...The legal department of POL has been the source of most of the information provided to us, but we have determined what information should be provided. No information we have requested has been withheld from us and we are grateful for the assistance we have received from both POL and external parties we have spoken to."

50. On 30 October 2015, Ms MacLeod provided her first update by email on the progress of the Review (**POL00102649**). This email included information set out under several headings namely: resourcing, scope, nature of the report to be provided to you, and provision of information and meetings. Under the heading 'nature of the report to be provided to you' Ms MacLeod noted:

"At this stage we propose that Jonathan will provide you with a legally privileged report structured along thematic lines. It is not our intention that this report would be made public, and we will therefore need to consider the best way for your findings to be presented in way that can be made public. We will keep the thematic approach under review to ensure that it remains appropriate."

51. On 24 November 2015, I met with the Secretary of State for the first time. I cannot recall the specifics of this meeting, but while preparing this statement, I have been referred to a briefing note prepared for the Secretary of State in advance of our meeting (**UKGI00006268**). This briefing note refers to the fact that Baroness Neville-Rolfe had asked me to undertake the review. It is therefore possible that we discussed this at our meeting although I have no specific recollection of this.
52. I have seen a copy of an email from Ms MacLeod dated 14 December 2015 (**POL00103005**), which demonstrates that the legal team continued to supply documents to Mr Swift QC and Mr Knight, and that Mr Swift QC and Mr Knight conducted meetings with key individuals and organisations with knowledge of the matters under consideration, including Fujitsu, Second Sight, Deloitte, Lord James Arbuthnot, as well as relevant individuals from POL.
53. I have been asked to comment on whether the independence of the Swift Review was compromised by General Counsel being *"the source of most of the information"* (**POL00006355**). As explained in paragraph [46] above, Mr Swift QC and Mr Knight were instructed to "...review the Post Office's handling

of the complaints...". It therefore seemed to me that General Counsel were well placed to provide the information that Mr Swift QC and Mr Knight required. They understood the scope and purpose of the Swift Review having worked closely with the reviewers in determining this, they were familiar with the nature of the complaints and the previous work undertaken or commissioned by POL in relation to Horizon, and they had access to the information that Mr Swift QC and Mr Knight required.

54. On 11 January 2016, Mr Swift QC sent me his draft report. On 14 January 2016 I sent the report to Ms MacLeod.
55. I recall that Ms MacLeod was concerned to ensure, at all times, that the work of the Swift Review remained confidential and legally privileged. Therefore, she advised that distribution of all information relating to the review should be limited and that the distribution of the hard copy report should be limited to four individuals (Ms MacLeod and three others) within POL. I have recently seen an email from Ms MacLeod in which she states that she had agreed with me that she would restrict distribution of the Swift Report and requests 4 bound copies of the report numbered and with a confidential watermark for me, Mr Bourke, Mr Williams and Mr Underwood. This email also says, "*please do not save a copy of the document*" (**POL00022627**).
56. As referred to at paragraph [36], Ms MacLeod notified Ms Vennells of the intended approach to the Swift Review. I have seen documents that suggest that the Swift Review was referred to during meetings/correspondence with POL's Board of Directors in or around 2015/2016, including:

- (a) Minutes of a POL Board meeting held on 22 September 2015 (before I started as Chair on 1 October 2015) in which Ms Vennells reported that the Minister had asked the new incoming Chair for his independent review of Sparrow (**POL00158255**).
- (b) A document titled 'Post Office Board Meeting – 22 January 2016 – Speaking Notes' (**POL00158304**) which I understand to comprise Ms Vennells' speaking notes for her meeting with the Board. This document contains the following entry:

"Jonathan Swift QC and Christopher Knight, the barristers advising Tim Parker on the adequacy of Scheme processes, shared their draft report with the POL Chairman last week. The report sets out a limited number of recommendations and POL will, where possible, take these forwards to demonstrate the highest possible standards of rigour and fairness in the handling of the Horizon related complaints."

57. I have not seen any information to suggest that the Swift Report itself or substantive updates on the progress of the Swift Review were shared with the Board and this would seem to be consistent with General Counsel's advice about the legally privileged status of this information. If General Counsel had considered it appropriate to update the Board, I suspect that these updates would have been facilitated by Ms MacLeod. For the period during which Ms MacLeod was Group General Counsel, updates were typically given to the Board verbally and so I am unable to express a clear view on the extent of the information that the Board was given.

Conclusions from the Swift Review

58. The Swift Report set out the scope of the review, the work carried out by Mr Swift QC and Mr Knight, and their findings and recommendations. The reviewers made the following recommendations:

"(1) Legal advice be sought from counsel as to whether the decision to charge an SPMR with theft and false accounting could undermine the safety of any conviction for false accounting where (a) the conviction was on the basis of a guilty plea, following which and/or in return for which the theft charge was dropped, and (b) there had not been a sufficient evidential basis to bring the theft charge."

"(2) If such a conviction could be undermined in those circumstances, that counsel review the prosecution file in such cases to establish whether, applying the facts and law applicable at the relevant time, there was a sufficient evidential basis to conclude that a conviction for theft was a realistic prospect such that the charge was properly brought."

"(3) POL consider instructing a suitably qualified party to carry out an analysis of the relevant transaction logs for branches within the Scheme to confirm, insofar as possible, whether any bugs in the Horizon system are revealed by the dataset which caused discrepancies in the accounting position of any of those branches."

"(4) POL instruct a suitably qualified party to carry out a full review of the use of Balancing Transactions throughout the lifetime of the Horizon system, insofar as possible, to independently confirm from Horizon system records the number and circumstances of their use."

"(5) POL instruct a suitably qualified party to carry out a full review of the controls over and use of the capability of authorised Fujitsu personnel to create, amend or delete baskets within the sealed audit store throughout the lifetime of the Horizon system, insofar as possible."

"(6) POL seek specialist legal advice from external lawyers as to whether the Deloitte reports, or the information within them concerning Balancing Transactions and Fujitsu's ability to delete and amend data in the audit store, should be disclosed to defendants of criminal prosecutions brought by POL. This advice should also address whether disclosure should be made, if it has not been, to the CCRC."

"(7) POL cross-reference specific complaints about misleading advice from NBSC call-handlers with the possible employees who provided that advice and consider their personnel files, where available, for evidence as to the likelihood that the complaint may be well-founded."

"(8) POL commission forensic accountants to review the unmatched balances on POL's general suspense account to explain the relationship (or lack thereof) with branch discrepancies and the extent

to which those balances can be attributed to and repaid to specific branches."

59. When I read the Swift Report, it was clear to me that there were issues that needed addressing through the recommendations. I recognised the importance of the recommendations and the need for work on their implementation to begin without delay. I refer to the work undertaken in response to the recommendations by Deloitte and Brian Altman QC (now KC) at paragraphs [95] and [110] respectively. Notwithstanding the recommendations, my reading of the report was that Mr Swift QC and Mr Knight had concluded that there were no insurmountable barriers with Horizon. For instance, the report stated, inter alia, in relation to bugs:

"It seems to us entirely unremarkable that the Horizon system, which is enormous in terms of the range of matters it deals with and the number of users it has, will occasionally discover bugs, errors or glitches in the way that it works...Some of those bugs may impact on the financial position of a branch, either positively or negatively. We do not understand POL or Fujitsu to suggest anything otherwise. The important point is the ease with which such bugs are noticed and corrected with remedial action to any financial position taken where necessary.

...

Fujitsu confirmed to us that all of these bugs were generic ones, i.e., they could have affected any branch. The reasons they affected only certain branches

were accidents of processing, as the particular chain of actions and steps required for the bug to apply happened to occur only on those occasions in those branches. We accept, on that basis, that the general point POL makes that the Horizon system works effectively and accurately for the overwhelming majority of the time for the overwhelming majority of its users is accurate. We have seen nothing to suggest that these specific bugs identified have been the cause of wider loss to SPMRs in the Scheme cases or otherwise. We see no basis upon which to recommend any further action in relation to those identified bugs now."

60. Mr Swift QC and Mr Knight addressed the issues of *"third party action"* in Part C of the Swift Report. They considered the work carried out by Second Sight, the report by Helen Rose and the statements made by POL and Fujitsu about the ability of branch balances to be remotely altered. Mr Swift QC and Mr Knight also considered the documents prepared by Deloitte for POL in May and June 2014, titled 'Horizon: Desktop Review of Assurance Sources and Key Control Features' and an accompanying 'Board Briefing'. They noted the Board Briefing stated that administrators had the ability to *"delete data from the Audit Store during the seven year period, which was a matter...contrary to POL's understanding...This could allow suitably authorised staff in Fujitsu to delete a sealed set of baskets and replace them with properly sealed baskets, although they would have to fake the digital signatures."* They go on to say:

"When we spoke to Deloitte, they described this functionality as resulting, in essence, from the level of security contained in Horizon being a level down from the maximum.

We have seen a response from Fujitsu concerning this aspect of Deloitte's investigation, which is based upon a summary of it provided by POL rather than the original Board Briefing itself. Fujitsu appear to accept that Deloitte's interpretation is technically correct but emphasise the wide range of security measures in the software, hardware and environment which reduce the risk of interference. Fujitsu also, properly, stress that there is no evidence that any such action has occurred and that likelihood of all the security measures being overcome is so small that it does not represent a credible line of further enquiry.

The fact that such activity is possible does not, of course, indicate that it has actually occurred. We find it difficult to see why it would have done so. Second Sight suggested to us orally that Fujitsu employees could, in theory, run a fraud in collusion with an SPMR whereby transactions were added to the branch records generating cash payments out. Even if it may be theoretically possible, there is no evidence for this and it is inherently improbable. An alternative may be closer to Mr Roll's account, which would be that Fujitsu would use the functionality to correct system bugs without drawing them to the attention of POL or SPMRs in order to avoid any form of contractual penalty.

The second issue expressly noted by Deloitte, but not clearly seen elsewhere in the documentation we have reviewed, is the existence of a third mechanism by which errors can be corrected: a Balancing Transaction. This is "an

emergency process, accessible only to restricted individuals in Fujitsu, which can create transactions directly in Branch ledgers. This process creates an identifiable transaction in the ledger, verbally asserted by POL staff to be visible to Sub-postmasters in their branch reporting tool, but does not require positive acceptance or approval by the Sub-postmaster.” Deloitte explain that they were told that this tool had only been used once since 2008 – in 2010 – and generated a full audit trail.

Although it is not entirely clear, it is likely that the admitted 2010 instance is the same, or linked to, the 2010 documents referred to by Second Sight in their Part Two Report. However, Deloitte have carried out no work to assure themselves that it has only be used on the one occasion, or as to the position before 2008. It is not clear to us why 2008 was the cut-off period for information, as this pre-dates the introduction of Horizon Online.

It seems to us that the Deloitte documents in particular pose real issues for POL. First, both the existence of the Balancing Transaction capability and the wider ability of Fujitsu to ‘fake’ digital signatures are contrary to the public assurances provided by Fujitsu and POL about the functionality of the Horizon system. Fujitsu’s comment we quote above seems to us to be simply incorrect, and POL’s Westminster Hall Response is incomplete. To the extent that POL has sought to contend that branch data cannot be remotely ‘amended’ because a Balancing Transaction does not amend existing transactions but adds a new one, we do not consider this is a full picture of Horizon’s functionality. The reality is that a Balancing Transaction is a remotely

introduced addition to branch records, added without the need for acceptance by the SPMR, which affects the branch's balance; that is its express purpose. POL has always known about the Balancing Transaction capability, although the Deloitte reports suggest the digital signature issue is something contrary to POL's understanding.

We recognise that the existence of the two matters highlighted by Deloitte are most likely to be wild goose chases. It is improbable that they have been used beyond the identified instance. However, in the light of the consistent impression given that they do not exist at all, we consider that it is now incumbent on POL to commission work to confirm the position insofar as possible. Accordingly we make a recommendation to that effect."

61. When I read the report that Mr Swift QC and Mr Knight had prepared, it appeared to me that they had considered in detail the issue of 'third party action' and the work done in that area to date, and indeed what further work was required. They went on to make 4 recommendations (recommendations 3-6) in relation to this issue.

Next Steps Following the Swift Review

62. I recognised the importance of the work on the implementation of the recommendations starting straight away, following receipt of the draft Swift Report. General Counsel therefore began work on considering how the recommendations could be implemented most effectively. I have recently seen an email dated 21 January 2016 from Mr Underwood to Mr Swift QC and Mr

Knight in which Mr Underwood refers to a call with Ms MacLeod later that day and attaches a 'Proposal for each Recommendation' document to inform the discussion. Mr Underwood describes the attachment as "*POL's initial thoughts on how best to take forward the recommendations*". I was not copied in this correspondence, nor did I attend the call between General Counsel and the reviewers (**POL00103105**).

63. On 26 January 2016, I met with Baroness Neville-Rolfe to discuss a range of matters including the Swift Review. I cannot recall exactly what we discussed but I have been referred to the notes from that meeting (**UKGI00006482**). I have seen a copy of an email from Ms MacLeod to me dated 22 January 2016 in relation to this meeting, in which she explained that Mr Swift QC had advised that "*if a physical or electronic copy were provided, this could result in the loss of legal privilege in connection with the document, recognising that, in the absence of privilege, the report could be disclosable under a FOI request*" (**POL00103110**). While I cannot recall the meeting in any detail, my recollection is that I followed this advice and did not provide a copy of the draft Swift Report to Baroness Neville-Rolfe. The notes of the meeting record the fact that I told Baroness Neville-Rolfe that Mr Swift QC was "*about to report*" and that "*he had found no systemic problem.*" These comments made it clear that I had seen a draft of the Swift Report. I have been asked to comment on the reference in the note that "*TP thought the issue might have passed it [sic] peak interest*". I believe I made this comment in the context of the level of reporting in the press, which I had perceived to have diminished.

64. Mr Swift QC sent me a final draft of the report before it was finalised on 8 February 2016 - see the document entitled 'A Review on behalf of the Chairman of Post Office Ltd concerning the steps taken in response to various complaints made by Sub-postmasters' (**POL00006355**).
65. Additional consideration was given to how to further update Baroness Neville-Rolfe on the findings in the Swift Report. In an email to me dated 19 February 2016, Ms MacLeod expressed concerns about providing BIS with a copy of the Swift Report due to the risk that privilege could be lost, and the report could become disclosable through FOI requests etc (**POL00110382**). Therefore, a letter to Baroness Neville-Rolfe was drafted on my behalf, which provided information about the findings of the Swift Review without enclosing a copy of the report. I understand that Baroness Neville-Rolfe's Office was made aware of this approach. The draft letter was reviewed by Mr Swift QC before it was signed, and I was informed by General Counsel that it was amended to reflect minor comments he had (**POL00110382**). I subsequently approved the amended letter on 1 March 2016, and it was sent to Baroness Neville-Rolfe on 4 March 2016 (**POL00024913**). I have been shown the following documents that appear to record the steps taken in respect of the drafting of the letter between 19 February 2016 and 4 March 2016, when it was finalised and sent to Baroness Neville-Rolfe:
- (a) Email from Mark Underwood to Jonathan Swift QC, Christopher Knight, Jane MacLeod, and others re: A letter drafted for Tim Parker to send

to the Minister, briefing her on the outcome of your enquiry to date
(POL00103131).

(b) Draft Letter from Tim Parker to Baroness Neville-Rolfe re: Project Sparrow **(POL00103132).**

(c) Email from Jonathan Swift QC to Mark Underwood, Christopher Knight, Jane MacLeod, and others; re: A letter drafted for Tim Parker to send to the Minister, briefing her on the outcome of your enquiry to date **(POL00103134).**

(d) Draft Letter from Tim Parker to Baroness Neville-Rolfe **(POL00131715).**

(e) Email from Ms MacLeod to Tim Parker re: Post Office – Chairman's Enquiry **(POL00103136);** and

(f) Email from Jane MacLeod to Tim Parker re: Post Office - Meeting with Baroness Neville-Rolfe Wednesday 27 April 2016, 3:30pm **(POL00103165).**

66. As can be seen from the correspondence at this time, I was not involved in the back-and-forth of drafting the letter and I am therefore unable to comment on the decision making around what text was modified or removed and indeed why.

67. On 27 April 2016, I met with Baroness Neville-Rolfe. I do not recall what we discussed at this meeting, but I have been referred to the email from Tom

Wechsler to Ms Vennells (**POL00103171**), which summarises the discussion. This email records the fact that we discussed the Swift Review, including the conclusions and recommendations. There is a reference to me stating that I *"...felt the non-Horizon strands of enquiry (essentially on prosecutions process and policy) would be answered shortly and- that there wasn't currently any reason to think that the findings here would be problematic."* I do not specifically recall using those words and why I used them. However, I describe the steps taken in response to the recommendations in the Swift Review relating to the prosecutions at paragraph [110] below.

68. I received fortnightly updates from Ms MacLeod about progress with implementing the recommendations; see for example her emails to me dated 19 February 2016 (**POL00110382**), 7 March 2016 (**POL00103143**), 18 March 2016 (**POL00103154**), 1 April 2016 (**POL00103158**), 15 April 2016 (**POL00103161**), 29 April 2016 (**POL00103176**), and 13 May 2016 (**POL00241642**).

Start of the Group Litigation and Progress with the Swift Review

69. In this section, I have relied heavily on the minutes, and documents prepared for Board meetings and subcommittee meetings. The minutes of the meetings do not always record what each Board member specifically said in relation to decisions taken. Save where I state otherwise, I do not have any independent recollection of the matters discussed. These matters span most of my tenure as Chair and took place almost 8 years ago and during a time that I held a number of other roles.

70. As there were a number of claims by different parties relating to similar issues, a Group Litigation Order was sought by the claimants. My understanding is that GLO's are made in complex high value cases involving a number of claimants and are relatively uncommon.
71. As far as I am aware, POL did not object to the claimants' request for a GLO. The GLO was obtained on 21 March 2017 ("**GLO**") (almost one year after POL received the Letter of Claim from the claimants' solicitors, Freeths LLP ("**Freeths**")) and was published on gov.uk as is required. A number of applications were made by claimants to join the GLO after it was published. In this statement I use the term "Group Litigation" to refer to those proceedings conducted under the GLO.
72. The Group Litigation was complex. The 'Common Issues' trial concerned 'contractual issues'. The 'Horizon Issues' trial concerned the operation of the Horizon system.
73. On 28 April 2016, POL received a letter from Freeths regarding the Group Litigation pursuant to the practice direction on pre-action conduct (**POL00025511**) (the "**Letter of Claim**"). I was informed about this via the email from Ms MacLeod to Mr Bourke and others (**POL00103177**) the next day.
74. While I had a basic understanding of the steps involved in litigation at this time, I did not have experience overseeing a company engaged in significant litigation or proceedings conducted under a Group Litigation Order.

75. I have been asked to describe where the Postmaster Litigation Steering Group (the "**Steering Group**") sat in the management structure of POL. This is not something that I can independently recall and at the time of drafting this statement and I have not seen any documents setting out the position.
76. I have, however, seen a document entitled 'Decision: Does Post Office support the general strategy set out below' prepared by Womble Bond Dickinson ("**WBD**")⁷ for the Steering Group Meeting on 11 September 2017 (**POL00006380**). This document suggests that POL's external lawyers, WBD led on the development of the litigation strategy in conjunction with General Counsel. The Steering Group was asked to approve the general direction of travel so that WBD could then take matters forward with Freeths, the solicitors for the Claimants.

Continuing work on the implementation of the recommendations in the Swift Review

77. On 14 May 2016, I asked Ms MacLeod to provide me with a projected timetable for completion of the actions arising from the Swift Review. I have been shown a copy of my email to Ms MacLeod (**POL00103192**) in which I refer to myself as beginning to get "*somewhat frustrated*." I recall that at the time I felt it was taking too long to implement the recommendations. Ms MacLeod sent me a table dated 16 May 2016 outlining the status of the work undertaken in response to the recommendations (**POL00103193**). I have been asked to

⁷ Formed in 2017 as a result of a merger of Bond Dickinson LLP and Womble Carlyle Sandridge & Rice, LLP.

comment specifically on the work undertaken by WBD in response to recommendation 7.

78. On 4 May 2016, WBD provided a report on its investigations into complaints about advice provided by call handlers at the Network Business Support Centre ("NBSC") (POL00022769). While I cannot recall whether I read this report at the time, I believe that this work was undertaken in response to recommendation 7 of the Swift Review which was set out in the report as: "*POL cross-reference specific complaints about misleading advice from NBSC call-handlers with the possible employees who provided that advice and consider their personnel files, where available, for evidence as to the likelihood that the complaint may be well-founded.*"

79. I have reviewed a report (POL00241688) marked 'Post Office Board: Postmaster Litigation' which appears to have been written by Ms MacLeod and Mr Williams for the purposes of updating the Board following receipt of the Letter of Claim. Ms MacLeod's report set out two main objectives in responding to the Claim:

"Proportionately manage Post Office's legal defence;"

"Protect the Network going forward so that the Post Office and current agents have confidence in our systems."

80. This report includes information about the process and possible costs of the claim. It explains that the Letter of Claim set out the allegations in some detail, but that there was nothing "*new or surprising*" contained within it and that "*apart*

from some generalised statements, there is no allegation that there is a systemic failure in the Horizon software. Rather, the Letter claims that because Horizon has the potential to cause discrepancies in branch accounts, Post Office should not have relied on it so heavily and done more to investigate it as a possible source of branch shortfalls". Under the heading "Input Sought" the document records the fact that the Board was "requested to note the content of this paper."

81. I have reviewed the minutes of the POL Board meeting held on 24 May 2016 (**POL00021542**) at which this report appears to have been introduced by General Counsel. The minutes show that I attended this meeting. However, I do not specifically recall what was discussed. In particular, I do not recall whether the Swift Review was discussed, although as I explain above work on the implementation of the recommendations was ongoing. The minutes record, amongst other things, that a response to the Letter of Claim would be sent in July, that General Counsel proposed to continue to instruct WBD who are described as having "*detailed knowledge and experience of the claims*", and that Anthony de Garr Robinson QC (now KC) had been interviewed and instructed to act.
82. On 27 May 2016, I received an email from Ms MacLeod (**POL00103212**) in which Ms MacLeod confirmed that she had asked Mr Swift QC "*what, in his view, would be a reasonable course of action for [me] to take in relation to his recommendations as to the further lines of enquiry which could be undertaken, now that POL faces litigation covering essentially the same ground.*" In the

same email, Ms MacLeod confirmed that Mr Swift QC "*felt that [Mr de Garr Robinson QC] the barrister retained to advise POL on its defence to the proceedings should first be requested to advise POL whether in light of the litigation, the various workstreams should be continued, paused or re-defined.*"

83. On 10 June 2016, I received an email from Ms MacLeod (**POL00103214**) in which she explained that she had received strong advice from external counsel that "*the work being undertaken under the aegis of your review [the Swift Review] should not continue in light of the litigation*". It was recommended that the subject matter of that work should continue provided it was re-scoped and re-instructed for the purposes of the litigation. I understood this was to maintain privilege, which was an important consideration now that litigation had commenced.
84. WBD wrote to POL on 21 June 2016 (**POL00103216**) to confirm the advice given by Mr de Garr Robinson QC. The letter explained that Mr de Garr Robinson QC's "*very strong advice*" was that my review should cease immediately and given the overlap of issues between the Swift Review and the Group Litigation, POL should implement the 4th, 5th, 6th, and 8th recommendations of the Swift Review to the extent these were required to respond to the Group Litigation and that work should be appropriately adapted to meet the needs of the litigation. Mr de Garr Robinson QC's advice was that this re-scoped work should be overseen exclusively by POL's legal team to maximise the prospect of maintaining privilege.

85. My understanding is that work on the implementation of the recommendations in the Swift Review did not simply stop, but rather the decision was taken to subsume this work into the Group Litigation workstream and refocus it to reflect the needs of the Group Litigation, and that dealing with the work in this way would minimise the risk of privilege being lost. I have been shown the following documents, which appear to be consistent with my understanding at that time:

- (a) In an email to Mr Underwood dated 12 July 2016 Andrew Parsons states (in relation to the briefing for your meeting with the Minister) "*we can't share details of our legal advice with the Minister for fear of waiving privilege in that advice. In all privilege arguments, the risk that pulling one thread leads to the unravelling of privilege in other areas...*" **(POL00025169)**;
- (b) Email from Mr Underwood to Ms MacLeod, Mr Bourke, Mr Williams cc: Mr Parsons re: Draft Briefing for Tim's meeting with BNR on Tues 19 July **(POL00025168)**;
- (c) Meeting with Baroness (Lucy) Neville-Rolfe, Parliamentary Under Secretary of State - Tuesday 19 July 2016 **(POL00025170)**;
- (d) Meeting with Baroness (Lucy) Neville-Rolfe, Parliamentary Under Secretary of State - Tuesday 19 July 2016 - Tracked Comments **(POL00025171)**; and
- (e) Brief for Tim Parker meeting with Baroness Neville-Rolfe 19 July **(POL00103225)**.

86. I understand that a number of steps were taken to update BEIS on this decision to refocus the work on the Group Litigation. On 21 June 2016 I received an email from Ms MacLeod (**POL00103215**) in which she stated:

"In conversations today with the Minister's office, they have confirmed that they understand (and indeed had anticipated) the need for prioritising the litigation and therefore for work to cease on your review, however we have been advised that they wish to consider further the choreography – in particular: [...]

They are considering the best way to update the Minister and whether her officials should provide the Minister (and possibly the Secretary of State) with a briefing ahead of receiving the letter.

Accordingly, I have prepared (and now attach) a suggested letter for you to consider. I will update you on the suggested choreography once we have received further advice from the Minister's office – which we expect tomorrow."

87. A letter was drafted by General Counsel for me to send to Baroness Neville-Rolfe (**POL00022776**) to explain that a claim had now been issued. The draft letter explained that I had received advice from external counsel that the issues from the Swift Review should be addressed *"through equivalent work taken forward in the litigation."* The letter concluded: *"Acting in accordance with the duties I owe to Post Office Limited as a director and its Chairman, I have therefore instructed that the work being undertaken pursuant to my review should now be stopped."* Here I was referring to the duties that I owe to act in the company's best interests.

88. I do not recall whether this letter was finalised and sent, sent in an amended format, or not sent at all. I have, however, seen the brief for the meeting with Baroness Neville-Rolfe on 19 July 2016 (**POL00103225**) which includes a section titled "*Sparrow/Horizon*" and what is described as a "*specific briefing provided by Post Office Legal Services*." This briefing includes reference to the "*...very strong advice that the work previously being undertaken under [the Swift Review] should come to an immediate end and, instead, be carried forward under the scope of the litigation.*"
89. On 19 July 2016, I met with Baroness Neville-Rolfe. I cannot recall precisely how I was briefed for this meeting (i.e. if there were oral discussions beyond my written brief) or what was ultimately discussed at my meeting, but I expect we covered the topics outlined in my written brief. The written brief anticipated that I would provide a verbal update on Horizon, and it therefore includes a section with notes on 'Sparrow / Horizon' that was prepared by General Counsel. The brief states that Minister's office had "*confirmed that they understand (and indeed anticipated) the need for prioritising the litigation and therefore, that work would cease on your Review*" and that it was understood that the Minister was "*aware of this position through updates from her officials*". The written brief sets out the advice that work going forward should be driven by the needs of the litigation and work that had already been undertaken in relation to the Swift Review remained valuable and valid and would "*continue, albeit in a different context and potentially with a different emphasis*" and that the litigation would "*cover a much wider range of the issue and to a much fuller extent.*" Finally, the brief outlines the position that POL should not

consider re-opening the review should the Claim not be 'served' or fall away. Various reasons are provided, including that the review would still be viewed as an essentially 'internal' exercise.

90. On 28 July 2016, POL sent a response to the Letter of Claim. The documents to which I refer at paragraphs [72 to 75] do not record General Counsel requesting specific input from the Board or me personally on how POL should respond to the Letter of Claim and I do not recall being involved in any discussions about this. I have reviewed an email from Alwen Lyons to me, Ken McCall, Carla [Stent] Virginia Holmes, Tim Franklin, Richard Callard, Paula Vennells and Alisdair Cameron (**POL00103232**) provided to me by the Inquiry. I do not recall who was responsible for the decision to adopt a 'more assertive' tone in the response to the Letter of Claim than had been used previously. However, I note Ms MacLeod's comments about the response having been "*discussed at length within Post Office*", having been reviewed by Mr de Garr Robinson QC and sent by WBD.

Legal Professional Privilege

91. My understanding of legal professional privilege is that it is an absolute right on grounds of public policy that a party receiving legal advice including in the context of litigation can do so in confidence. It is therefore not normally disclosable to a third party.
92. I received legal advice that the Swift Review itself and all communications and information relating to that review were privileged. This made sense to me: Mr

Swift QC and Mr Knight had been instructed to advise me (the client) in fulfilling the request from BEIS to carry out a personal and independent review, and accordingly, any communications about that review, including any draft and final reports, would be legally privileged.

93. I understood the importance of seeking to maintain privilege and that one of the best ways of achieving this was to restrict the distribution of the information to a limited group of people. In this case, distribution of the draft Swift Report was limited to 4 individuals at POL in accordance with the request from POL's General Counsel, as explained at paragraph [55] above. Given the report was distributed to a small number of individuals within POL, I do not expect it would have been disclosed outside of POL. Baroness Neville-Rolfe (and her office) was made aware of the approach being taken to the distribution of the Swift Review to seek to maintain legal privilege. As I describe above, a number of steps were taken to update Baroness Neville-Rolfe, without the Swift Report itself being shared. I do not recall being made aware of any requests for the Swift Review to be distributed more widely at that time.

94. I recognise that as a director and Chair of POL I was required to act in accordance with my legal, regulatory, and commercial responsibilities, and ultimately in the best interests of the company. I considered the legal advice I received about distribution of information relating to the Swift Review alongside my own knowledge, and exercised my judgment in a way that I considered to be in the best interests of POL. I decided that in the circumstances it was

appropriate to follow the legal advice I had received to seek to maintain privilege in relation to the Swift Review.

The 'Bramble' Reports

95. I have been asked to comment on the work undertaken by Deloitte LLP in response to the Swift Review and the Group Litigation. The code name for this piece of work was 'Bramble'.

96. Deloitte was instructed by POL to address four scope areas relating to the Horizon complaints. I have been shown a copy of Deloitte's 'Bramble' – Draft Report dated 27 July 2016 (**POL00030009**), which is described as an interim report and is marked as a "*draft for discussion*". The wording used to define scope areas one, two and three reflects the wording of recommendations 3, 4 and 5 of the Swift Report:

"(3) POL consider instructing a suitably qualified party to carry out an analysis of the relevant transaction logs for branches within the Scheme to confirm, insofar as possible, whether any bugs in the Horizon system are revealed by the dataset which caused discrepancies in the accounting position of any of those branches.

(4) POL instruct a suitably qualified party to carry out a full review of the use of Balancing Transactions throughout the lifetime of the Horizon system, insofar as possible, to independently confirm from Horizon system records the number and circumstances of their use.

(5) POL instruct a suitably qualified party to carry out a full review of the controls over and use of the capability of authorised Fujitsu personnel to create, amend or delete baskets within the sealed audit store throughout the lifetime of the Horizon system, insofar as possible.

97. I have been shown a copy of Deloitte's 'Bramble' – Draft Report dated 31 October 2016 (**POL00031502**), which is again marked as a "*Draft for discussion*" and "*representing a work in progress*". This report appears like the July report.
98. After the initial phase of Project Bramble, I understand that Deloitte considered three additional scope areas in relation to Super User Audit Logs from Branch Database (phase 2), assessment of Non-Counter Transactions (phase 3) and review and work in relation of the Fujitsu Report 'Database Security in Horizon Online' (phase 4). I have been shown a copy of the Bramble draft reports dated 1 September 2017 (**POL00030068**), 3 October 2017 (**POL00028070**), 15 December 2017 (**POL00029097**), and 19 January 2018 (**POL00030075**). These reports set out Deloitte's findings in relation to all four phases.
99. Deloitte was engaged by POL to undertake the Project Bramble work. I understand that General Counsel and POL's external legal advisers, including WBD, liaised with Deloitte about the Project Bramble workstream. The Project Bramble reports state that they are produced "*for the General Counsel of Post Office Limited*". As far as I am aware, General Counsel assumed responsibility for handling, distributing, and disclosing the reports. I understand that the Project Bramble workstream was discussed at meetings of the Steering Group.

100. To the best of my knowledge, I do not recall reading the Project Bramble reports at the time they were prepared. I am therefore unable to comment on what I thought about the findings and whether I discussed these with anyone.
101. In addition to being involved in Project Bramble, I understand that General Counsel, WBD and the Steering Group were also heavily involved in the strategy and day to day management of the Group Litigation including the preparation of formal court documents. Accordingly, and as I would expect, findings from the Project Bramble reports informed the preparation of POL's defence in the Group Litigation.

POL's Prosecutorial Function & Review of Criminal Prosecutions

102. I have been asked to comment on my understanding of and involvement in POL's role in prosecuting SPMs.
103. POL ceased private prosecutions related to Horizon prior to my appointment as Chair. The appeals of those cases in which POL acted as a prosecutor began in 2020 with referrals by the CCRC. These referrals followed the 'Horizon Issues' judgment in the Group Litigation. I share the sincere regret POL has expressed for the past events and recognise both the impact on individual lives and the length of time many victims have waited for justice.
104. I do not recall what specific knowledge of POL's involvement in prosecuting SPMs in relation to Horizon I held at the time of my appointment as Chair. I was aware of the general right to apply to the court to bring a private prosecution. I also understood the seriousness of such an application and the

need to seek legal advice both in respect of the application itself and ensuring continuing compliance with the relevant legislation and rules, including those in relation to disclosure. However, I had no previous experience of private prosecutions.

105. The prosecution of SPMs in relation to Horizon was one of the areas that was considered as part of the Swift Review. The Swift Report (**POL00006355**) confirmed my understanding that POL's decision to conduct private prosecutions was not "*in exercise of any special statutory power*" and that it was "*...the choice of POL to adopt this course of action.*"

106. As part of the Swift Review, Mr Swift QC and Mr Knight considered a report that was prepared by a team of forensic accountants, Second Sight, instructed by POL prior to my appointment as Chair. The reviewers identified one of the themes arising from a report prepared by Second Sight as follows:

"(13) POL investigators were focussed on seeking evidence of false accounting to aid asset recovery rather than identifying the root cause of losses. In some cases, a charge of theft did not seem to have been supported by the evidence and was dropped as part of a plea bargain. Some of those decisions may have been contrary to the prosecutor's code (paragraphs 25.1-25.24)."

107. Mr Swift QC and Mr Knight considered the prosecution of SPMs by POL at paragraphs 110 to 112 of the Swift Report. They addressed three 'broad areas of concern': i) the safety of the convictions and disclosure of information; ii)

sufficiency of evidence; iii) POL's role as prosecutor. In doing so, they referred to advice received/work commissioned by POL in relation to the prosecutions prior to my appointment as Chair including Cartwright King Solicitor's ("**Cartwright King**") 2013 review of criminal prosecutions commenced by POL since 1 January 2010 and the "*detailed legal advice*" provided by Mr Altman QC. Mr Swift QC and Mr Knight confirmed that they themselves had reviewed a small sample of cases considered by Cartwright King and had not identified any issues with Cartwright King's approach. They described being "*content that POL has acted reasonably in its handling of disclosure issues arising in relation to past criminal prosecutions.*"

108. The Swift Report contained recommendations relating to criminal prosecutions and the 'sufficiency of evidence'.
109. When I received the Swift Report, I considered the reviewers' findings in relation to the prosecutions brought by POL. I noted the various references in the report to the legal advice obtained by POL prior to my appointment and the further work identified in recommendations 1 and 2 (paragraph 113 of the report). I do not recall being made aware of any evidence that POL had not acted in compliance with its legal obligations as a prosecutor in bringing proceedings against SPMs. It appeared to me that legal advice had been sought from a number of appropriately qualified lawyers, that the reviewers had scrutinised this advice, that consideration was given to POL's continuing duty to disclose information that comes to light that might undermine its prosecution case or support the case of the defendant, and that further work

had been identified to ensure that this advice and indeed the actions of POL were appropriate.

110. Mr Altman QC was instructed to advise POL in relation to the following recommendations in the Swift Report (a copy of which was enclosed with the instructions):

"Legal advice be sought from counsel as to whether the decision to charge an SPMR with theft and false accounting could undermine the safety of any conviction for false accounting where (a) the conviction was on the basis of a guilty plea, following which and/or in return for which the theft charge was dropped, and (b) there had not been a sufficient evidential basis to bring the theft charge.

If such a conviction could be undermined in those circumstances, that counsel review the prosecution file in such cases to establish whether, applying the facts and law applicable at the relevant time, there was a sufficient evidential basis to conclude that a conviction for theft was a realistic prospect such that the charge was properly brought.

POL seek specialist legal advice from external counsel as to whether the Deloitte reports, or the information within them concerning Balancing Transactions and Fujitsu's ability to delete and amend data in the audit store, should be disclosed to defendants of criminal prosecutions brought by POL. This advice should also address whether disclosure should be made, if it has not been, to the CCRC."

111. As far as I understand it, the instructions to Mr Altman QC (**POL00022765**) were prepared by General Counsel, agreed with the reviewers, and followed the recommendations set out in the Swift Report without any amendments or finessing. I do not know specifically what information was shared with the Board in relation to Mr Altman QC's work in relation to reviewing past convictions. Paragraph 21 of the instructions states that POL had already notified the CCRC of the documents prepared by Deloitte for POL in May and June 2014 and accordingly Mr Altman QC was not asked to provide advice in relation to the second sentence of recommendation 6.
112. I have been shown a copy of Mr Altman QC's advice dated 26 July 2016 (**POL00112884**). At paragraph 8 of this advice, Mr Altman QC refers to the fact that following the filing of the group civil claim, the Swift Review had been "*brought to a close*". However, he was instructed to continue with the work requested for the purposes of assisting POL's defence of the civil proceedings. This accords with my recollection of the approach to the implementation of the recommendations adopted after the claim was issued.
113. Given that the advice of Mr Altman QC relates to the recommendations in the Swift Report and the Group Litigation, it is likely that I would have been briefed on the advice by General Counsel. However, I do not have any independent recollection of this briefing, nor do I recall what I thought about the advice or aspects of the advice at the time it was received.
114. Reading the advice now, it appears Mr Altman QC reviewed 8 case files in total (3 of which he considered within the terms of the review). He concluded that

these cases "were, in [his] judgment, conducted in such a way that any allegation that POL operated a deliberate policy to charge theft when there was no or no sufficient evidential basis to support it, just to encourage or influence pleas of guilty chargers (said to be lesser charges) of false accounting, is fundamentally misplaced..." He went on to say that he had "not discovered any evidence in the cases that theft (or fraud for that matter) was charged without any proper basis to do so and/or in order only to encourage or influence guilty pleas to offences of false accounting."

115. I note that Mr Altman QC did, however, make some criticisms of POL that were beyond the remit of the review including in relation to:

"i) use of inconsistent language in the recording of charging decisions, and about offering no evidence on the theft count, resulting in the judge formally entering a not guilty verdict, when the count ought technically to have been on file.

ii) risk of challenge...that POL has been using the criminal justice system as a means of enforcing repayment from offenders by charging and pursuing offences that will results in confiscation and compensation orders. It might be argued that as SPMR's are contractually bound to repay losses, POL is using (and abusing) the criminal justice process rather than civil litigation to recover from offenders."

116. He goes on to say "in the cases I have reviewed, I am satisfied that where offences were indicated with an eye to the making of applications for

confiscation and/or compensation orders on conviction, there was, in each case, a proper legal and evidential basis for so doing, which included consideration of the orders that might follow conviction" and that "only two cases falling within the review...where POL recovered its losses from the offenders through voluntary repayment."

117. I have been asked to comment on point ii). As explained at paragraph [113], I do not have any recollection of my thoughts on the advice at the time. However, I expect that this is a matter that would have been considered carefully by those advising POL on the litigation.

118. On 22 January 2016, there was a POL Board meeting which involved a discussion about POL's new prosecutions policy proposal. I have been referred to a Board paper prepared by Ms MacLeod on this topic, which explains that POL had reviewed its prosecution policy following its separation from Royal Mail and in light of public criticisms in relation to 'Project Sparrow'. It was noted that the new draft policy had been reviewed by General Counsel, Cartwright King, and Mr Altman QC, and was approved by the Group Executive on 17 December 2015. The POL Board was requested to note the Policy (POL00030953 and POL00125814).

Updates to POL Board about the Litigation Following Receipt of the Claim in April 2016

119. As noted at paragraph [73] above, POL received the Letter of Claim on 28 April 2016. I do not recall the detail of any discussion, or update provided about the

Letter of Claim at the Board meetings held in the months that followed. I have reviewed the minutes of the POL Board meetings held between June and November 2016 and note that they do not record discussion of the Group Litigation (**POL00027643; POL00027582; POL00021543; POL00021544; POL00021545; POL00027185**). This may be because there was no material update in the Group Litigation to pass on to the Board at this time before the substantive preparation for the Common Issues trial had begun. Although the claim had been issued, my understanding is that the Board was not requested to take any decisions in relation to the litigation. If it had, I would have expected these decisions to be recorded in the minutes of the meetings. I do not recall the detail of any substantive discussions about the litigation or issues to do with Horizon generally outside of the POL Board meetings.

120. On 26 January 2017, the first Court hearing in relation to the Group Litigation took place. I note from the minutes of the POL Board meeting on 31 January 2017 (**POL00021546**) that Ms Vennells provided a brief verbal update to the Board regarding the hearing, including that detailed information would need to be provided for each Claimant and that the next hearing would likely be in autumn for further procedural directions to be issued.
121. I cannot recall the substance of the discussions of the Group Litigation at the POL Board meetings held in March, May, July, and November 2017 but I have been referred to the minutes of these meetings. I note from the minutes that on 28 March 2017, Ms MacLeod appears to have provided a high-level summary of the procedural next steps in the Group Litigation (**POL00021547**).

In particular, she noted that the Particulars of Claim were expected imminently, which would set out the legal basis of the claims. She also confirmed that at this stage there was no quantification of the claims. This verbal update was noted by the Board.

Liaison with ShEx/ UKGI

122. At this point in time, BEIS had a 100% shareholding in POL and therefore had an oversight function. The Board had a responsibility to report to UKGI, with the Chair overseeing the Board in exercising this responsibility. This meant that as Chair, I routinely met with UKGI representatives. I attended meetings with Robert Swannell every 6 months. These meetings tended to involve high level discussions about POL's progress on various key issues. Alongside these meetings, I was in constant contact with the UKGI representative on the POL Board, usually on a weekly basis. In this way, and supplemented by regular meetings with senior executives, UKGI were well briefed on day-to-day developments at POL. UKGI's role included supporting an effective relationship between UKGI and POL, and providing oversight of POL's corporate capability, performance, and business planning.
123. On 30 March 2017, I attended a meeting with Mr Swannell. I do not recall what we discussed at this meeting, but I have been referred to a written brief that was prepared for me in advance. The written briefing includes possible discussion points, including POL's current trading position, POL's progress on key issues mentioned at the last meeting, and POL's overall strategy and funding approach. I have been asked to address what, if anything, we

discussed about the Swift Review, the Group Litigation, and the complaints in respect of Horizon. The written brief does not address these topics **(POL00154182)**.

124. On 9 May 2017, I met Sir Jeremy Heywood (Cabinet Secretary and Head of the Civil Service). I have been referred to an email chain in which Mr Callard liaises with Sir Jeremy's office to set up the meeting and arrange a briefing for him **(UKGI00000993)**. In this email chain, Sir Jeremy's team asks Mr Callard to provide a brief on POL's funding, context around POL's performance, and other interactions with HMG. I do not specifically recall what we discussed during this meeting, but I expect our discussion centred on the topics included in the briefing pack. I do not recall whether I would have discussed the Group Litigation, or the wider Horizon issues with Sir Jeremy at this meeting or any other time.

125. On 25 May 2017, there was a POL Board meeting. I have been referred to a copy of the minutes of that meeting. A number of topics were discussed at the meeting, including POL's funding plan. The minutes do not record a discussion of the Group Litigation.

Updates to the POL Board about the Group Litigation Following Service of POL's Defence

126. On 18 July 2017, POL served its Generic Defence and Counterclaim on the Claimants (the "**Defence**") **(POL00003340)**. I do not recall reviewing the Defence before it was served on the Claimants. Having not been involved in

drafting of this document, I am not best placed to speak about the rationale underpinning the arguments put forward in the Defence.

127. The CEO's report dated 25 July 2017 (**POL00027047**) included a further update to the Board on the litigation including: that the Defence was filed on 18 July 2017, the claimants were expected to respond to the Defence in a formal document to be served on POL and filed with the court no later than 20 September 2017, and that the next case management conference would take place on 19 October 2017. The report also set out the next procedural steps in the claim, noted that details of the total claim had not been provided, and that a more detailed update to the Board would be provided following the case management conference. It said that the update was to include "*an assessment of the range of possible outcomes, based on the issues to be considered through the Lead Cases, as well as the potential impact on Post Office and its business and operations from these possible outcomes*".
128. The minutes of the POL Board meeting held on 25 July 2017 (**POL00021549**) do not record any discussion about the litigation specifically. However, they record the Chief Executive saying that "*the decision not to prosecute agents if they could use the Horizon system as a defence would be reconsidered once Deloitte had completed their work on Horizon and could be used in court as an expert witness*". I do not know the reasoning behind this decision. At this point in time, the Project Bramble work (described at paragraph [95] to [101]) undertaken by Deloitte was ongoing and General Counsel were dealing with this workstream with support of external lawyers.

129. As noted at paragraph [76] above, the Steering Group was responsible for coordinating POL's approach and response to the Claim and for bringing together representatives from the relevant teams in the business. In September 2017, WBD prepared a briefing note and a paper on the litigation strategy options for the Steering Group, which provided advice in relation to the strategic direction in the Group Litigation, and specifically, in relation to the upcoming case management conference scheduled for 19 October 2017 (**POL00006380** and **POL00006503**). It is not clear who received copies of these documents. I do not recall receiving the documents at that time. However, I have reviewed the briefing note while preparing this statement and I have been signposted to the following statements in the note:

"Our target audience is therefore Freeths, the funder and the insurers who will adopt a cold, logical assessment of whether they will get a pay-out, rather than the Claimants who may wish to fight on principle regardless of merit."

"...the Claimants' arguments on the postmaster contracts are not without merit. There is a chance that they might be successful, in which case Post Office would be left in a very difficult commercial position."

I cannot recall if I saw POL's strategy set out in this way at the time.

130. The CEO's report dated 26 September 2017 (**POL00250666**) noted the upcoming case management conference in the litigation and confirmed that an update on the implications would be provided to the Board. I have been shown a copy of the minutes of a Board meeting held on 26 September 2017

(**POL00021550**), which record that the Board received a verbal update on the litigation from General Counsel. Although I do not recall the substance of the discussion about the Group Litigation, the minutes show that the Board was told that the case management conference would be held on 19 October 2017, which would result in directions being given by the Court as to how the case would be conducted over the next 12 to 18 months. There were also key strategic issues to be decided as to POL's preferences for the sequence in which the legal arguments were to be addressed and POL had received legal advice as to the preferred sequence. The minutes also record that the Board discussed this legal advice and its implications and approved the proposed strategy.

131. I have been referred to an email from Amy Prime (Solicitor, WBD) to Andrew Parsons dated 28 September 2017 (within the thread of emails between Mr Parsons and Anthony de Garr Robinson QC) (**POL00006384**), which sets out Ms Vennell's talking points, one of which was *"Would the court consider the impact of the doomsday decision in particular, the impact on public funds and POL business, when making a decision"*. This email was not sent to me, and I am not aware of the context of these 'talking points'. I have been asked to comment on whether I considered the Horizon litigation potentially posed a 'Doomsday scenario'. I am not sure what Ms Vennell's meant by this comment and it is not a term that I recall adopting. I do not recall whether I had particularly strong views about whether to settle the Group Litigation at that time. While POL was considering the possibility of settlement on an ongoing basis, it had received advice that the claims were insufficiently precise (in terms

of quantum) to settle at this point before the case management conference had taken place. My understanding is that the quantum of the claim remained unclear and was unlikely to be capable of being determined until after the Common Issues trial in 2018 (**POL00024273**).

Next Steps Following Case Management Conference Held in October 2017

132. The case management conference took place on 19 October 2017. The next day Ms MacLeod sent an email to me, Ms Vennells, and others to provide an update on the case management conference (**POL00103314**). Ms MacLeod said that she would be meeting with the legal team over the next few days to understand in more detail the scale of work that would be required over the next 13 months and the implications of the orders to select lead cases for hearing at the trial and the categories of information that would be subject to disclosure. Ms MacLeod said that she would be able to provide a more detailed verbal update at the Board meeting scheduled for 31 October 2017, should that be required. The CEO's report dated 31 October 2017 (**POL00103898**) contained an update to the Board on the Group Litigation including: the outcome of the case management conference and commencing work on preparing the disclosure materials and a review of the likely costs over the next 13 months. It stated that a verbal update would be provided at the upcoming October Board meeting and that a more detailed briefing had been scheduled for the Board in November.
133. I attended the POL Board meeting on 31 October 2017. I do not recall what the POL Board discussed at this meeting, but I have reviewed the minutes of

this meeting (**POL00021551**), which record a discussion about how the litigation was being accounted for in POL's finances.

134. I understand that the Steering Group met on 3 November 2017 (**POL00024318**) to discuss the Group Litigation, including the outcome of the recent case management conference, and in particular the judge's comment in the approved judgment that “[a] fundamental change of attitude by the legal advisers involved in this group litigation is required. A failure to heed this warning will result in draconian costs orders” (**POL00004167**). I was not a member of the Steering Group, so I do not know what was discussed at this meeting and whether the Group considered changing litigation strategy following the case management conference decision.
135. I have been referred to an email from Mr Williams to Paul Loraine and Victoria Brooks (WBD) dated 7 November 2017 (**POL00025752**) describing the CCRC's enquiries about the Swift Review. As this email suggests, I understand that General Counsel, with input from external lawyers, including WBD, advised on POL's disclosure obligations. General Counsel also appear to have corresponded with the CCRC on behalf of POL, including in relation to the Swift Review. I do not recall being involved in the decision to send the Swift Report to the CCRC, but I understand that it was disclosed to the CCRC on 15 November 2017, following a request from the CCRC.
136. On 7 November 2017, I attended a meeting with Mr Swannell. I have been referred to a briefing note prepared for this meeting, 'Brief for Tim Parker meeting with Robert Swannell - 7 November' (**POL00103319**). I have also

reviewed, while preparing this statement, an email from Mr Swannell to Mark Russell (Chief Executive of UKGI) on 8 November 2017 in which he provided a summary of the meeting on 7 November 2017 (**UKGI00007673**). I consider this note is mostly an accurate summary of what we discussed. In this note, Mr Swannell states that one of the 'worries' I expressed in our meeting was the Group Litigation. He also refers to our discussion about my contracted hours, which I have addressed at paragraph [18] of this statement.

137. On 10 November 2017, the judgment of Mr Justice Fraser in *Bates & Others v. Post Office Limited* [2017] EWHC 2844 (QB) was handed down. The judgment dealt with procedural issues.
138. The CEO's report dated 23 November 2017 (**POL00251661**) stated that a verbal update on the Group Litigation would be given in the Board meeting on the same date. I have been shown the minutes of the POL Board meeting held on 23 November 2017 (**POL00021552**), which record General Counsel providing an update on the case management conference and the dates set for future hearings.
139. On 29 January 2018, there was a meeting of the POL Audit, Risk and Compliance Committee. The minutes of this meeting (**POL00021440**) record that Alisdair Cameron (POL's Chief Financial and Operations Officer) advised that the recovery of agent losses and prosecutions had become significantly more challenging because of the Group Litigation, which increased the risk that the deterrent effect of recovery actions or prosecutions would be diminished. The minutes also record that "*more targeted audits*" had been trialled and

resulted in issues being identified earlier. I do not recall what explanation Mr Cameron provided as to why this was the case or the implications of this.

Formation of the Postmaster Litigation Subcommittee in 2018

140. On 29 January 2018, there was a POL Board meeting at which Ms MacLeod provided an update on the Group Litigation to the Board. The minutes of this meeting (**POL00021553**) record that Ms MacLeod told the Board that a procedural hearing was scheduled for 2 February 2018 where the Court would determine the scope of disclosure required to be given by POL to support the trial in November 2018.
141. At this POL Board meeting, the Board resolved to establish a subcommittee for the purposes of monitoring the development in and strategy for the litigation, the Postmaster Litigation Subcommittee ("**Litigation Subcommittee**"). I was appointed as Chair of the Litigation Subcommittee. The other individuals appointed to the Litigation Subcommittee were Ken McCall (Senior Independent Director), Tom Cooper (Non-Executive Director and Shareholder Representative), Ms Vennells (Chief Executive), Mr Cameron (Chief Finance and Operating Officer). Ms MacLeod (Company Secretary) was the Secretary to the Litigation Subcommittee. In terms of the selection of these people: myself and Mr Cameron were senior POL Directors on the Board and Ms Vennells was the Chief Executive who needed to be involved in the key decisions; Ms MacLeod was our Group General Counsel and her legal input was crucial; Mr McCall had a lot of broad business experience and was therefore an appropriate candidate and Mr Cooper was a UKGI Director and it

made sense to have a member of POL's shareholder sighted on key decisions. The Board subsequently approved the Terms of Reference for the Litigation Subcommittee (**POL00006808**), which state that it was established in order to receive legal advice on POL's Defence in the Group Litigation as it proceeded to final resolution.

142. On 2 February 2018, there was a case management conference before Mr Justice Fraser. I have been referred to an email dated 4 February 2018 sent by Ms MacLeod to me and other members of the Board (and copied to members of POL's executive team) (**POL00006520**). In this email Ms MacLeod summarises the outcome of this hearing, noting that Mr Justice Fraser granted the orders for disclosure in the terms sought by POL. Ms MacLeod also confirms that as discussed at the Board, a series of 'Litigation Subcommittee' meetings⁸ would be scheduled to coincide with the key upcoming decision points and to ensure that the subcommittee was apprised of, and supportive of the strategy. I do not recall specifically what I thought when reading this email and I do not recall having any particular concerns about whether Mr Justice Fraser was or appeared to be biased against POL. Similarly, I do not recall being made aware of other individuals within POL these types of concerns in relation to Mr Justice Fraser at that time. I do, however, note from the email that Ms MacLeod describes being "*pleased with the outcome*" while Mr Williams, who appears to have attended the hearing in person, described the

⁸ I understand this to be a reference to the Litigation Subcommittee of which I was Chair.

hearing as having gone "*well*" and Mr Justice Fraser as "*being committed to moving it forward at pace*".

143. The first meeting of the Litigation Subcommittee was held on 26 March 2018. The minutes of this meeting (**POL00117899**) record the fact that the Subcommittee was updated on developments since the January Board meeting. The notes also record that "*it was explained that day-to-day decisions on the litigation were taken by the executive but that the Board was consulted in advance of any significant decisions being taken*". This accords with my recollection of decision-making in response to the claim; prior to early 2018, a lot of the discussions about the litigation were about the mechanics of the Group Litigation and as the case progressed toward trial, there were decisions that required a greater level of input and involvement and it was appropriate to form a subcommittee for this purpose.
144. The notes also record discussions about the approach to disclosure and the appointment of an IT expert, including the fact that the quality of the opinion provided by the expert would be crucial. In relation to the appointment of an IT expert, the notes state that "*the appointment of IT experts by both sides to support the Horizon trial was noted*" and "*the quality of the opinion provided by the expert would be critical*". The notes also state that POL had appointed Dr Robert Worden, who's previous experience as an expert witness was discussed.
145. The notes also record that 33 Postmasters had applied to the CCRC to review the terms of their convictions and POL was cooperating fully with the CCRC

but "*Nevertheless, Post Office considered it unlikely that a decision would be made public before the conclusion of the Horizon trial*". I have been asked to comment on this statement. However, I do not recall who made this statement or why it was considered unlikely that the CCRC would publicise its decision before the conclusion of the Group Litigation.

146. I have been asked to what extent the Litigation Subcommittee challenged those in the executive and/or the legal advice received on the approach to the Group Litigation. I understood and took seriously my responsibilities as Chair of POL and Head of the Litigation Subcommittee, and I understood the importance of the litigation. While I cannot recall any particular instances of the Litigation Subcommittee challenging the executive and/or the legal advice it received, if I had concerns, was dissatisfied or felt the Litigation Subcommittee required more information, I would of course have raised this.

147. On 27 March 2018, there was a POL Board meeting and a POL Audit, Risk and Compliance Committee meeting. I do not recall the discussions that took place at these meetings, but I have been referred to the minutes of these meetings at **UKGI00018134** and **POL00021445**, respectively. I can see that at the POL Board meeting, it was noted that the Subcommittee had met the previous day and was updated on the case and that the Board approved the terms of reference for the Subcommittee (see paragraph [141]).

Opinion on Common Issues

148. I have been referred to the opinion on the common issues dated 10 May 2018 authored by Anthony de Garr Robinson QC (now KC), David Cavender QC (now KC), Owain Draper and Gideon Cohen (**POL00025892**). I think it is likely that I read this legal opinion at the time, but I do not recall what my views were at that time or how exactly it impacted POL's subsequent approach to the Group Litigation.
149. The opinion on the common issues was an item on the agenda for the Litigation Subcommittee meeting on 15 May 2018. I have been referred to the minutes of that meeting (**POL00006754**). The minutes record that Mr de Garr Robinson QC, Mr Cavender QC and Mr Parsons were in attendance as well as Ms MacLeod and other members of her team. I do not specifically recall what was said at this meeting. However, I expect that it was intended to provide an opportunity for the lawyers who prepared the opinion on the common issues to explain their advice to the Litigation Subcommittee and for members of the subcommittee to ask questions. The minutes note that Mr Cavender QC "*explained his thoughts on the interim opinion on the Merits Case*". He said his overall view was that "*the PO has the better of args in most 23 args*". He is noted as saying "*[d]on't see there's anything to settle at the moment. But always need to consider the option of settlement (otherside keen on this)*". The minutes record me as saying "*From our perspective there are no decisions we are being asked to take now? Will come back to us before the trial*", to which it appears Mr Cavender QC responded "*One of the big milestones will be when*

they decided to serve their evidence. Once we've seen this, we'll have a much clearer idea of where they're seeking to go and we've plugged in our feedback on this provisionally for September 2018. Not within our power to stop these two trial phases going ahead". The minutes also record Mr Cavender QC as explaining that the litigation is "*[u]nsettleable at the moment. Would pay off actually settle the case. Would probably end up with new litigants".*

150. I cannot recall my specific thoughts on POL's prospects of success following this meeting specifically, although I note that counsel's view at that stage was that POL had the better of the argument on many of the 23 issues but should not expect to win on all of them. My recollection is that we were not asked to take any decisions as to the strategy and we took the advice of the two very experienced QCs who had been instructed to assist with POL's defence.
151. The minutes of the meeting also record a discussion about a protocol for engagement with UKGI. The minutes state that "*The Committee noted that such briefings could involve legally privileged information and that it was important for such privilege to be maintained".* I am aware that POL subsequently entered into an Information Sharing Protocol with UKGI (see below at paragraph [163]).
152. I have seen a summary of the issues discussed at the Litigation Subcommittee meeting on 15 May 2018 (**POL00024273**). As I have noted above, I cannot recall the substance of the discussions of the Group Litigation at the meeting. I have been referred to the minutes of the POL Board meeting on 24 May 2018 (**POL00021555**) where I understand the summary in this document was made

available. I expect that these minutes are an accurate record of the discussions that took place. The minutes record Ms MacLeod as providing an update on the Litigation Subcommittee meeting that had been held on 15 May 2018 and that the Board were told that an update would be provided by Mr Cavender QC and Mr de Garr Robinson QC in September 2018.

153. On 29 May 2018, there was a meeting of the National Federation of Sub-Postmasters ("**NFSP**") (**NFSP00000040**) that I attended along with Ms Vennells. I have been referred to a note of that meeting. I can see that the notes record that three concerns were raised during this meeting, one of which was *"will the ongoing technological issues around Horizon downtime and also branch refresh give Freeths the evidence they need to cast reasonable doubt over the robustness of the Horizon system?"*. In response to this issue, the meeting note states *"there is no evidence to link the Freeths case with the current issue. Of the 6 network interruptions over the last few months, five are linked to Verizon and capacity issues and one to Fujitsu and therefore Horizon directly. A letter has been sent by Paula to Verizon, explaining POL's continuing concerns around capability. The Fujitsu issue was in relation to specific license being out of date and is now solved."* I do not recall the substance of our discussions and so cannot remark on the extent to which the NFSP challenged POL's position on the robustness of Horizon during the meeting.
154. On 11 June 2018, I attended a meeting with Andrew Griffiths (Parliamentary Under Secretary of State at BEIS). I do not specifically recall what we

discussed but I have been referred to an email from Sam Griffiths (BEIS) to various UKGI and BEIS staff (**UKGI00008158**) which states that during this 'introductory meeting', I referred to the Group Litigation and stated that POL's *"lawyers are optimistic about the outcome. It was agreed that a meeting should be scheduled for September to discuss contingency plans. Some concerns were raised about how to present this case to the press."*

155. On 9 July 2018, a draft risk assessment table on contingency planning (**POL00024167**) was circulated to me and other members of the Litigation Subcommittee via email (**POL00024166**) in advance of the subcommittee meeting scheduled for 10 July 2018. I have been shown a speaking note prepared by WBD for this meeting (**POL00024177**). The meeting minutes (**POL00006763**) record the fact that the barristers instructed by POL did not attend but Ms MacLeod, Mr Parsons and Mr Williams and others did. An update was provided on the court process and potentially related litigation. The minutes also note that information continued to be exchanged in relation to the Group Litigation, that POL was responding to a considerable number of technical questions and that all technical documents were being reviewed and the IT experts were working with assistance from Fujitsu.
156. I have been referred to correspondence that indicates I was in the US at this time and did not intend to dial in to the meeting, but instead requested a report on the updates arising from this meeting (**POL00103339**). I do not specifically recall how I was updated on this particular subcommittee meeting. However, I would usually consider any documents prepared for such meetings alongside

the meeting minutes and ask for any further information I considered to be necessary. As noted at paragraph [150] above, I cannot remember specifically what I thought about POL's litigation strategy and prospects of success at that point in time.

157. I do not recall being involved in any specific discussions about POL's approach to its witness evidence in the litigation. As Chair, I would not have expected to have been directly involved in the preparation of the witness statements. I expect this would have been a task for POL's legal team with input from external counsel. I have reviewed the minutes of the Litigation Subcommittee meeting held on 10 July 2018 (**POL00006763**) and note the reference to witness statements and the approach to disclosure on page one. The minutes record the fact that, at that point in time, disclosure discussions were taking place with the Claimants' lawyers, and over 200,000 documents had been disclosed by POL for the Common Issues trial. The minutes also note that the expert witnesses were reviewing technical documents and that Fujitsu were assisting them. I do not recall the specific discussions of these topics at the meeting.

158. Ms MacLeod prepared a paper dated 31 July 2018 for the POL Board (**POL00026843**) which noted that no decisions were required but that she would provide verbal updates on:

- (a) Status update on the Court process;
- (b) Disclosure in the Accounts;

- (c) Contingency planning; and
- (d) Review of Settlement Options.

In this paper, Ms MacLeod reminded the Board that the legal team had instructed counsel to prepare a merits opinion following receipt of the Claimants' witness evidence. She said that "*[f]ollowing receipt of that opinion [the legal team] will consider whether there are options for settlement of some or all of the issues as between Post Office and some or all of the Claimants*". The Board was asked to note the update.

159. The Group Litigation was included on the agenda for the Board Meeting on 31 July 2018 for 'Noting and input' (**POL00026843**). I have seen the minutes of that meeting, which show that Ms MacLeod provided a verbal update to the Board about the litigation including that witness statements were being gathered and were due to be exchanged during early August following which POL's QCs would be able to update the Merits Opinion, and the two IT experts continued to review documents relating to the issues to be addressed.
160. On 24 September 2018, there was a meeting of the Litigation Subcommittee. I do not recall what was discussed at this meeting, but I have reviewed the minutes of the meeting (**POL00006757**) and note that they do not record any specific discussions on disclosure. The minutes show that Ms MacLeod provided an update on the Horizon Issues trial. Ms MacLeod told the Subcommittee that "*the Judge would have 15 questions to answer on the Horizon system*", that "*the outcome from which would be on a spectrum rather*

than a simple determination on whether or not it was a robust system", that "the Judge was having to take a view on how the Horizon system had operated in the past and the trial outcomes would be a question of fact and not law". She added that they "faced the challenge of having to explain the Horizon system in a plain English way and the Judge would have to choose between the two experts' views", and that "the experts would be in constant dialogue in advance of the Trial and their primary duty was to the Judge". She further remarked that "our expert's view was that Horizon was a robust system which had some 'bugs' but which did not have a material impact on the operation of the system".

161. The CEO's report dated 25 September 2018 (**POL00103345**) stated that a verbal update on the Group Litigation would be given at the upcoming Board meeting. It also recorded the fact that at the request of BEIS, there would be a meeting with the Minister and the Permanent Secretary on 17 October 2018 to provide an update on the litigation and Ms MacLeod would provide more detail at the POL Board meeting.
162. On 25 September 2018, there was a POL Board meeting at which Ms MacLeod provided an update to the Board on the Group Litigation. I do not recall what we discussed but I have been referred to the minutes of the meeting (**POL00021557**). The Board do not appear to have been asked to make any decisions, but to note the update. The Board minutes record that in relation to the Horizon Issues trial, POL was preparing for trial in parallel to the Common Issues trial and *"two experts (one for each party) had been appointed to provide their view of the Horizon system and had a series of questions to*

answer from the Judge" and that *"In effect the judge's decision would reflect which expert he believed."* It was anticipated that the first hearing for the Common Issues trial would take place on 5 November 2018 and judgment would be published in late December 2018 or early January 2019.

POL's Engagement with UKGI in 2018

163. On 11 June 2018, POL entered into an information sharing protocol with UKGI (the "**Information Sharing Protocol**"), on behalf of the Secretary of State for BEIS (**BEIS0000079**). As I explain above, BEIS had a 100% shareholding in POL and so had a common interest in understanding the matters in issue in the Group Litigation. The Information Sharing Protocol set out the basis on which information would be shared with the Secretary of State and UKGI to promote their common interest and preserve privilege and confidentiality. In 2018, Tom Cooper was appointed to POL's Board of Directors as the shareholder representative. Mr Cooper, in his capacity as a director, received all information submitted to POL's Board about SPM complaints relating to Horizon (comprising both the Group Litigation and the investigations by the CCRC). The Secretary of State/UKGI was updated in a more general sense in relation to risks and timetabling matters but was not routinely provided with the same level of detail as the shareholder representative. Although the shareholder representative was entitled to share information with UKGI that was received in relation to SPM complaints, the Information Sharing Protocol ensured that POL remained responsible for updating UKGI and BEIS on significant changes to the litigation timetable, new press coverage, or case

developments. This was presumably intended to avoid there being a single point of contact – Mr Cooper – for all significant updates and obligated POL to respond to related queries that UKGI and BEIS may have.

164. On 31 July 2018, there was a meeting of the POL Board. I do not recall the substance of what we discussed, but I have reviewed the minutes of the meeting (**POL00021556**) and the written update prepared for UKGI (**UKGI00008345**) following the Board meeting which was sent thereafter on 8 August 2018 in accordance with the UKGI/POL Information Sharing Protocol. This update for UKGI recorded that the Claimants had challenged the adequacy of POL's disclosure and that this matter was being addressed in correspondence. It also noted that disclosure for the Common Issues trial was completed on 18 May 2018 with POL having disclosed over 200,000 documents, disclosure for the Horizon Issues trial was substantially completed on 31 July 2018 with POL disclosing over 126,000 documents and that POL needed to respond to requests for information from the Claimants' expert. The Board minutes do not describe the claimants' criticism of the adequacy of POL's disclosure, and I cannot independently recall what was said about this or the steps taken to investigate the concerns raised by the claimants.
165. The update for UKGI notes that the POL Board was examining options for mediators for the purpose of reaching a settlement and considering options for settlement in light of the updated merits opinion to be provided in September 2018. Any settlement discussions were said to be contingent on the Claimants providing a financial value of the claims.

166. On 12 September 2018, I met with Mr Swannell. I do not recall what I said about the Group Litigation during this meeting, but I have been referred to a briefing document prepared by Tom Aldred for Mr Swannell in advance of our meeting (**UKGI00008374**) that was circulated via email (**UKGI00008373**). This briefing note contains the following comments in relation to the Group Litigation:

"Challenges and Opportunities

- *Litigation – a group of former sub-postmasters claim they were wrongly fined or prosecuted for discrepancies that they say arose from POL's Horizon IT system and associated processes. The trial begins 5 November and POL will brief BEIS Perm Sec and minister on 17 October. UKGI have not yet been satisfied that the business has done enough to identify, assess and manage the risks*

.....

UKGI/ POL Relations

- *While we have a strong relationship with both Tim and POL's CEO (Paula Vennells), there has been some recent tension with specific individuals pushing back at what they see as undue interference. This has centred around the litigation case and financial reporting...."*

167. I have also been referred to an email from Mr Aldred to Stephen Clarke and other UKGI staff dated 12 September 2018 (**UKGI00008390**) in which Mr Aldred provides a summary of the meeting. The summary states that POL was

due an update on the merits of the case, and the time for settlement, if appropriate, would be after the first trial. Mr Cooper was noted as saying that the 17 October 2018 meeting was not for decision-making or legal detail but had more of a practical focus and to give confidence to the Minister and Permanent Secretary. I have been asked whether I was aware of any concerns as to the relationship between the representatives of POL and UKGI. I can see that the briefing document (**UKGI00008374**) describes 'tensions', but I do not recall being aware of these at that time.

Next Steps Following POL's Strike Out Application

168. On 15 October 2018, Mr Justice Fraser handed down Judgment No.2 (**POL00023117**)⁹ rejecting POL's application to strike out parts of the evidence contained in the Claimants' witness statements. In this judgment, Mr Justice Fraser was critical of the conduct of the parties and the "*aggressive litigation tactics*" that he considered were being used in the proceedings, which he described as counterproductive. POL was criticised for adopting an aggressive and dismissive approach in correspondence terminating work contracts with the Lead Claimants and the Judge concluded by remarking that "*an aggressive and dismissive approach to such major Group Litigation (or indeed any litigation) is entirely misplaced*". I have been referred to an email chain between me and Mr Cooper dated 18 October 2018 (**UKGI00008542**) in which I comment on the judgment: "*... Judge is critical of both parties, but already*

⁹ Bates v Post Office Ltd (No 2) [2018] EWHC 2698 (QB)

sense he is not well disposed to us - the word 'aggressive' is used a couple of times in connection with us, in relation to the inadmissible evidence claim, and the treatment of an SPM. The tone of his comments on the comments at the end, on the Common Issues trial, and the purported objection on our part for PR reasons, is definitely not helpful. I've asked for an update on whether this ruling and its tone, suggests any change of tack." This comment shows that I was concerned by the criticism of POL's approach to the litigation and wanted to ensure that Mr Justice Fraser's comments were carefully considered by POL to determine whether any changes in the approach to the litigation were necessary. I do not think my comments related to concerns I had about Mr Justice Fraser himself.

169. I have seen exchanges between POL's executive team and other members of the POL Board, which demonstrate that they understood the need for Mr Justice Fraser's criticisms to be considered carefully by POL and for POL's approach to the Group Litigation to be assessed with these criticisms in mind. I have been shown copies of emails (**POL00103355** and **UKGI00013491**) which show that there were discussions about refining POL's preparation for trial in the context of the Judge's criticisms of POL and improving the way POL positioned itself and the tone it adopted to avoid creating an aggressive/defensive impression. I have been referred to an email from Ms Vennells to me on 19 October 2018 noting that she had spoken with Ms MacLeod about the judgment and Ms MacLeod understood the need for POL to 'change tack' as a result of the criticisms made by Mr Justice Fraser. In this email, Ms Vennells describes the ways in which POL would be more careful

about the tone, messaging, and choice of wording put forward in the context of the litigation:

"But the onus is on us to change our tack. We agreed Jane [MacLeod] will put the following in place asap:

1) speak to the whole team - everyone needs to take a step back and think more carefully about the 'how' not just the 'what

2) she has already spoken to Rod[ric] [Williams], our litigation lawyer, who saw the submission but didn't spot the wording - no doubt he regrets the error

3) future submissions will have a second legal check and the comms team will then read for 'tone;' Jane [MacLeod] will read all of the next ones

4) meet Andy Burrows, the WBD lawyer who wrote the offending statement; reassure herself that he 'gets' the issue

5) meet the QCs and agree how they will redress the tone

I will support Jane, and follow up each action with her next week. Once I've debriefed on 4), I will call one of the managing partners at WBD, which I know well. I want a personal reassurance."

170. I note that Mr McCall responded on the same day to express his agreement with this approach and Mr Cooper responded on the following day to say it looked like a positive response (**UKGI00008549**).

171. On 30 October 2018, there was a POL Board meeting attended by POL's external legal advisers who provided an update on the Group Litigation. While I do not recall what was discussed at the meeting, I have been directed to the minutes of the meeting (**POL00021558**). The minutes show that Mr Cavender QC provided a briefing on the judgment, noting that during the trial counsel would politely but persistently challenge the claimants' cases where there were inaccuracies or contradictions. Mr Parsons provided an update on the second trial on the Horizon system.
172. At the same meeting, it was noted that "*the Claimants' IT expert had found that Horizon was not a robust system but this assessment was founded on identifying a large number of small problems with the system which our expert was confident could be rebuffed.*" I do not recall when I first became aware of the claimants' expert's position. While POL's expert reached a different conclusion to the claimants' expert, my understanding was that it was not unusual for expert witnesses to reach different conclusions, and for the issues to be independently examined and determined by the judge in the litigation. I have been asked to comment on what steps, if any, POL took to investigate the concerns raised by the claimants' expert outside the litigation. My understanding was that the investigation of these concerns was happening in the context of the litigation since POL had already instructed an IT expert who was examining the robustness of Horizon and it would then be for a judge to make a final determination on the issue. After this, POL would review the safety of past convictions if the judge agreed with the claimants' IT expert (as did

eventually happen, as I describe at paragraph [262] below). At this time, the focus was on the imminent litigation which concerned the reliability of Horizon.

173. On 27 November 2018, there was a POL Board meeting. My recollection is based only on the minutes which are at (**POL00021559**). At this meeting, Ms MacLeod reported on the Group Litigation including the first phase of the Common Issues trial dealing with the construct of the contract. Ms MacLeod provided an overview and timeline for the procedural next steps in the case. The minutes note Ms MacLeod as saying "*A significant volume of evidence had been tabled. Much of this evidence was not relevant to the construct of the contract but as previously reported we had not been successful in our application to have inadmissible evidence struck out. Strictly, the only admissible evidence was that which was known by both parties at the time the contract came into force.*" She noted that once the judgment had been received "*urgent consideration would need to be given as to whether there were grounds for appeal*" and "*that an adverse finding would have ramifications for a much wider group than just claimants*". She also referred to the proposal for mediation and that the legal team were considering possible appointments.

174. Dr Robert Worden was instructed to prepare an expert report regarding Horizon which addressed 13 'Horizon issues' determined by the Court, which focused predominantly on whether Horizon was a robust system and whether it was the cause of losses in Post Office branches or not. I have been referred to a 'Noting Paper on the Expert Report of Dr Robert Worden' prepared for the Steering Group Meeting on 28 November 2018 (**POL00006471**), which notes

that Dr Worden's conclusion was that "*Horizon was reliable and extremely unlikely to be the cause of the Claimants' shortfalls*". This paper notes that Dr Worden calculated that "*at the absolute worst there have been 672 bugs in Horizon over the last 18 years*" but that "*the volume and effect of these bugs is so small that they are immaterial*". I cannot recall what my views were when I learnt of Dr Worden's report. It is likely that I took his expert report at face value.

175. I understood that Dr Worden's expert evidence would be significant in this case and this was something that the Litigation Subcommittee discussed at the meeting on 26 March 2018 (referred to at paragraph [143] above). The minutes of the meeting record that "*the appointment of IT experts by both sides to support the Horizon trial was noted. The quality of the opinion provided by the expert would be critical. The Committee noted that Dr Robert Worden had been appointed by Post Office Limited and a summary of his previous experience as an expert witness was discussed.*" I was not directly involved in the preparation of the expert evidence in the Group Litigation or considering the strategy on how this would be deployed.
176. On 21 December 2018, Ms MacLeod sent an email to the Board (**POL00103372**) with a report (**POL00103373**) on the status of the Group Litigation and an update on the hearing of the Common Issues trial, which concluded on 6 December 2018 and the Horizon Issues trial which was due to commence on 11 March 2019. My comments are based on both documents. Ms MacLeod noted that POL was developing an appeal strategy with the

external legal advisers should that be required. POL's General Counsel proposed that the Chair, Chief Executive, and CFOO be authorised to make the decision as to whether POL should appeal the judgment when it is handed down, and if necessary to instruct POL's external legal advisers to seek permission to appeal (**POL00103376**). There followed an email discussion between myself and Mr Cooper (**POL00103375** and **POL00103378**) in which I agreed with Mr Cooper that the decision to appeal would be too big a decision not to expressly involve UKGI. Mr Cooper replied to my email to say that he considered there would be time for the Board to decide whether to appeal, in consultation with BEIS. I do not recall if there were any further conversations between Mr Cooper and I about whether the authority to decide whether to appeal the Common Issues judgment ought to be delegated to me, the Chief Executive and CFOO. As far as I can recall, during this time I was working closely with Mr Cooper who would have been briefing BEIS on the progress of the litigation, including this particular decision. I have summarised the relationship between POL and BEIS at paragraph [24] above.

177. I have been shown a copy of an email dated 22 January 2019 from Ms MacLeod to me, Mr McCall, Mr Cooper and copied to Ms Vennells, Mr Cameron, and Veronica Branton (**POL00103379**). This email sets out a proposed agenda for the Litigation Subcommittee meeting on 28 January 2019, while noting the uncertainty as to the matters that would need to be addressed in light of the judgment not having been handed down. The meeting of the Litigation Subcommittee took place on 28 January 2019 as planned, and a summary update was given to the POL Board the next day. The minutes of

this meeting (**POL00006756**) record that Ms MacLeod updated the subcommittee on progress. She explained that the Horizon Issues trial would start on 11 March 2019 and in advance of this, POL was considering whether Fujitsu could submit counter evidence in response to the claimants' expert witness statement, and that a further briefing had been requested from the QCs on their view of the evidence. The minutes record MacLeod saying:

"The claimant's position was that the Horizon system had bugs, that there could have been more bugs and these bugs could have caused the errors/losses in the claimants' branches. Our expert witness was saying that there were bugs in the Horizon system, as would always be the case in IT systems, but given the volume of the transactions through the system it did not seem probable that these could have caused the errors/losses in these branches."

178. I do not recall reviewing the evidence submitted by the Claimants or receiving a briefing on this. Insofar as POL's prosecutorial duties (see paragraph [260] below) required immediate disclosure of new material/new issues, I would have expected the legal advisers to have been leading on this.
179. The Litigation Subcommittee minutes (**POL00006756**) include an update on mediation. They record the fact that both POL and the Claimants recognised the need to wait for the judgments from the Common Issues and Horizon Issues trials before mediation could begin, that POL had proposed two mediators that had been rejected by the Claimants because they were not

QCs, and that an agreement must be reached with the Claimants on what could be mediated.

180. On 21 February 2019, there was a further meeting of the Litigation Subcommittee (**POL00006753**). The minutes record the fact that Mr de Garr Robinson QC provided the following briefing on the Horizon Trial:

"The key issue was the robustness of the Horizon system and our view was that it was critically robust. The claimants' expert had identified system errors but his report lacked balance. There would be a number of additional lines of attack but we would keep bringing attention back to the key issues. The claimants would seek to criticise PO Limited for not providing sufficient documents and for Fujitsu's ability to change branch data.

We were not seeking to prove that the system could not be improved or did not have any bugs but would emphasise that it recorded data accurately in most cases. No-one had found a fundamental flaw in the System; it had been well designed and managed by the same provider throughout. When there had been system issues the systems and processes to address these had worked well in practice. Several of the bugs identified by the claimants' experts were not in fact system bugs and several would not have affected branch accounts. Several bugs had been triggered by an unusual combination of events. For the vast majority of the time, Horizon was a very reliable system."

181. Mr de Garr Robinson QC also set out the key risks in the case. He was noted as saying that he *"remained reasonably optimistic but somewhat less so than*

before Christmas". He was asked whether an accusation was being made that POL had been involved in instructing Fujitsu to change transactions. Mr de Garr Robinson QC responded that "It was noted that only Fujitsu could change data and there was no suggestion that PO had operated a policy to get Fujitsu to manipulate the branch data. The claim was that we had lied about Fujitsu's ability to change branch data. It was noted that it was hard to capture the number of instances in which data had been changed, especially in the legacy Horizon System because of the way that data was captured. We could not distinguish easily between maintenance access and making changes to branch data. However, Fujitsu had been clear that branch data had only been changed on very rare occasions".

182. Mr de Garr Robinson QC was also asked where the line was drawn between a bug and a systemic error. His response is noted as *"there was no legal test that one applied for this purpose. The practical question was how likely it was that a set of Horizon accounts had been distorted by a bug in any given instance. It was reported that appeals were rare in expert witness trials because the findings were factual rather than arguing points of law".*
183. I do not recall what my views were on the various issues raised at this meeting, but I would have noted and considered the advice.
184. On 4 February 2019, I received a letter from Alex Chisholm (Permanent Secretary, BEIS) in which he set out the Government's expectations for POL in FY 19/20 and asked that the Government be kept fully apprised of developments ahead of significant decisions being taken in the ongoing

litigation. I met Mr Chisholm on 5 March 2019. I have been referred to an email from Mr Cameron to me on 1 March 2019 (**POL00154691**) in which he provides me with a briefing for the meeting (**POL00154692**). The briefing note addresses a number of issues, one of which is the litigation. In respect of the litigation, the briefing note records:

"We understand BEIS' legitimate interests in this matter, and we will consult and engage appropriately, including on any resulting decisions. The Horizon trial begins on 11 March, and we will continue to ensure we keep BEIS fully apprised of developments. We now understand that the embargoed verdict on the first trial will be given to us sometime in the week of your meeting (w/c 4th) and may be made public on the first day of the Horizon trial"

Response to the Common Issues Judgment

185. On 8 March 2019, the Common Issues judgment was handed down. On the same day, Ms MacLeod sent an email to me, Mr McCall, Carla Stent, Mr Cooper, Shirine Khoury-Haq and Tim Franklin (and copied to Ms Vennells, Mr Cameron and Ms Branton) with a high-level summary of the judgment from her initial review that morning. In the email Ms MacLeod explained that POL had lost on all material points and had been criticised comprehensively as to historic operations and behaviours and its conduct of the case (**POL00103409**). I responded to this email shortly after it was received to express my disappointment and noted that we needed to look at the matters in detail (**POL00103411**). Later that evening I asked Ms MacLeod to provide me with a copy of the judgment and she sent this to me (**POL00103415**). Upon

reading the judgment, I was concerned that POL had lost on so many points and I was anxious to understand the implications for the case and what it would mean for SPMs, other stakeholders, and the business more generally.

186. On 12 March 2019, there was a POL Board call convened to discuss the Common Issues judgment. I have been referred to a paper prepared by POL's legal team summarising the position following the handing down of the judgment (**POL00111876**), which was circulated via email by Ms MacLeod in advance of the call (**POL00103416**) and (**POL00111876**). This paper summarised the key findings and proposed immediate next steps. General Counsel advised that they were considering whether there were grounds to appeal the judgment and would be seeking input from external counsel, including in respect of whether the conduct of Mr Justice Fraser was "*so serious that a reasonable independent observer would think he is biased and therefore he should recuse himself from hearing further trials on the matter.*" As far as I was aware, this was the first time that the partiality of Mr Justice Fraser had been called into question. I had not questioned whether Mr Justice Fraser was biased against POL prior to this. I do not recall whether there were any other Board meetings or discussions with others at POL regarding the Common Issues judgment between 8 and 15 March 2019.
187. On 15 March 2019, Ms MacLeod sent an email to me and other Board members (**POL00103438**) explaining that she had sought advice from Lord David Neuberger on whether POL had grounds to request the judge recuse himself on the grounds of bias. She summarised his preliminary advice, noted

the risks of making the application and set out the timeline for next steps, indicating that this would be a Board decision and it was important to give the Board time to consider the options. She also provided a copy of Lord Neuberger's preliminary observations dated 14 March 2019 (**POL00023899**).

188. I was not involved in instructing Lord Neuberger to advise POL. Instructing counsel would have been a matter for POL's legal team. I cannot therefore comment on whether and if so, how, Lord Neuberger's opinion was affected by the extent of the documentation he had been provided or his reliance on a briefing by Mr Cavender QC.

189. In his written advice, Lord Neuberger explained that the advice was based on: the draft judgment, a 'Note on background to possible recusal application' and a discussion with Mr Cavender QC. Lord Neuberger's opinion included the following:

- *"...I am left with the uneasy feeling that the real justification in the Judge's mind for the implication for at least many of the terms which the Judge implied was the raft of adverse factual findings that he has made. If this can be shown, that is impermissible, as the question of the implication of terms must be considered as at the date of contracting."*
- *"Reading the judgment, one is struck by the fact that the issues which the Judge had to decide...all involve questions of interpretation or implied terms. Yet many of the paragraphs in the Judgment are given over to descriptions of evidence, and findings of fact, in relation to what happened after the contracts had been entered into, often in trenchant, even highly*

critical, terms. And importantly, as I understand it, those descriptions and findings relate to witnesses who will be called at later trials and evidence which will have to be considered at later trials."

- *"I would be very surprised if the Court of Appeal refused permission to appeal on at least some of the interpretation issues, and I would be surprised if they refused permission to appeal on the unfairness and recusal issues."*

190. Lord Neuberger's written advice set out in some detail the considerations around any recusal application, but ultimately concluded as follows:

"In my view the Judge's attempts to distance himself from, or to water down, his illegitimate findings, in some ways render them worse rather than better. What was he doing making findings (sometimes in trenchant, even damning terms about the PO's witnesses, and exculpatory or better about several of the Claimants), if he knew that the findings were, at best, unnecessary, indeed inappropriate?...I do not think the notional "fair-minded and informed observer, having considered the facts, would conclude that there was [no] real possibility" of the Judge having made findings unfairly about a witness and/or his/her evidence , which renders it unfair for the Judge to proceed further with these proceedings."

191. Lord Neuberger's opinion was therefore that there were reasonable grounds for POL to bring an application to recuse the Judge.

192. The Board also received a note from WBD on the potential recusal application (**POL00103454**). As well as summarising Lord Neuberger's advice, WBD's note sets out the views of Mr Cavender QC as being that *"it is difficult to see how the litigation can be proceeded to a sensible (and fair) conclusion before this Judge. He has behaved in a manner which can only be described as biased against Post Office."* Examples that were said to justify that view are set out in an annex to the note. The note also explains that POL had briefed Lord Anthony Grabiner QC (now KC) to act in any appeal or recusal application. Lord Neuberger could not do so as an ex-Judge.
193. The WBD note further explains that the recusal application and any appeal went hand in hand: *"The CIT Judgement was meant to be about contractual interpretation. In law, what occurs after a contract is formed cannot be relevant to an enquiry as to what the contract means. Yet Mr Justice Fraser makes wide findings of fact on post-contractual matters and this seems a fundamental flaw in judgement. If Post Office is to forcefully assert procedural unfairness, it would be inconsistent to not apply for recusal too as the prejudicial findings of fact and adverse comments of the Judge are evidence (Post Office says) of both bias and procedural unfairness. To make one application without the other being made is inconsistent and weakens each position."*
194. The note from WBD highlighted that there were both reputational, legal and costs risks in making the application, including:
- (a) If the application is unsuccessful (both directly to the Judge and in the Court of Appeal) then *"Mr Justice Fraser becomes emboldened and*

openly hostile to Post Office" risking further adverse findings. However, they note that making the recusal application may make him more cautious and receptive to POL's arguments.

- (b) If the recusal application is unsuccessful, any consequential costs incurred by the claimants would need to be paid by POL. *"This could be significant if the Horizon Issues trial is delayed"*, they estimated up to £2 million. They noted the potential for a retrial (although they felt that unlikely), which if POL lost, would lead to double trial costs being awarded against POL.
- (c) The note also referred to the fact that it is likely to *"attract significant media attention and is likely to be portrayed as reinforcing the Judge's comments that Post Office is 'arrogant'."* They then note that there is *"no guarantee that staying quiet now will protect Post Office's brand from repeat attacks in later judgments."*

195. On 16 March 2019, I attended a call with Kelly Tolhurst MP, Mr Cooper, Gavin Lambert (BEIS), Mr Cameron and Ms MacLeod to discuss the Group Litigation, including the Common Issues judgment. I do not recall the detail of the conversations that took place during this call, but I have been referred to two separate emails summarising the call (**POL00103446** and **UKGI00017593**), which I expect are accurate summaries of our discussion (albeit the notes have differing levels of detail). The email from Ms MacLeod summarising the call (**POL00103446**) records my initial reaction that the Board was unlikely to want to go ahead with the recusal application, but that the Board must act in the best

interests of the company and so this option would need to be considered seriously. The reason why I considered it unlikely that the Board would wish to pursue a recusal application is because we had received legal advice that there were risks attached to such an application; not least that it could have an impact on the timing of the subsequent trials, as well as the other risks summarised by Ms MacLeod in her note to me on 15 March 2019 (**POL00103438**).

196. I have also reviewed an email from Hibaq Said, Assistant Private Secretary to Ms Tolhurst MP (**UKGI00017593**), which is a separate summary of the call that took place on 16 March 2019. The note records that I expressed surprise at the outcome of the judgment but that "*POL's intention is to be fair and not defensive and aim to bring a good case to reach a fair settlement*". I mentioned that POL would look at its procedures and the opportunities to improve. I also mentioned that POL was receiving advice about whether POL should appeal the judgment. The note records that there was a general discussion about whether POL would issue a recusal application on the basis of apparent bias from the judge. There were a number of other discussion points. Ms Tolhurst MP stressed the importance of POL sharing information with BEIS and asked to be updated throughout the process, including as to the POL Board's strategy, and proposed next steps for dealing with the Common Issues judgment.
197. On 18 March 2019, I asked Ms MacLeod to provide me with the following documents:

- (a) Common Issues Merits Opinion dated 10 May 2018 (**POL00103462**).
- (b) Summary of Counsels' Opinion on the Common Issues prepared by WBD dated 12 May 2018 (**POL00103466**).
- (c) Updated Common Issues Merits Opinion dated 28 September 2018 (**POL00103465**).
- (d) Draft Contingency Planning: Risk Assessment Table prepared by WBD (**POL00103463**).
- (e) Risk Assessment Table updated following the Common Issues Trial dated 3 January 2019 (**POL00103464**).

Ms MacLeod emailed those documents to me that day (**POL00103461**). Although I do not recall exactly why I asked for those documents, I expect it was because I wanted to refresh my understanding of the legal advice provided to POL previously, in preparation for the Board taking an important decision on whether to proceed with the recusal application.

198. On 18 March 2019, there was a POL Board meeting to discuss the potential appeal and recusal application. I understand that Ms MacLeod prepared a report (**POL00006700**) in advance of this Board meeting, which set out the following questions and answers for the Board's consideration:

- (a) Should we appeal the Common Issues Judgment? – She considered that we should.

- (b) Why would we consider an application for the Judge to recuse himself?
– The Counsel team recommended this.
- (c) What are the risks & benefits of such a proposal? – Whilst not without significant legal and reputational risk, her view was that on balance the risks of not making an application outweigh doing so.
- (d) Should we consider changing our legal advisers? – She recommended that Lord Grabiner QC should undertake the recusal application, Mr Cavender QC supported by advice and strategy from Lord Neuberger QC should undertake the appeal and that POL should retain Mr Cavender QC and Mr de Garr Robinson QC in relation to the third and fourth trials. She also recommended retaining WBD.

199. Ms MacLeod also summarised POL's position in respect of the litigation. She said:

"Post Office position is now, and has always been:

- *There is no evidence that suggests that there are systemic problems with Horizon nor have we seen any evidence to suggest a technical fault in Horizon resulted in a postmaster wrongly being held responsible for a loss;*
- *We accept that in individual cases, Post Office may not have met its own standards as to the training it provided, the service or information provided through the helpline, or how it otherwise engaged with individual postmasters."*

200. Finally, in relation to whether WBD remained the correct firm to advise POL, Ms MacLeod's advice was that *"The litigation strategy is firmly led by the external counsel team. WBD do the 'leg work' to support this. I am aware that board members have queried whether WBD remain the right firm given that they have been involved in these issues since the beginning. Nevertheless, this gives them a very deep understanding of the history, the individual cases and the political sensitivity. I have queried privately with the Counsel team whether they're properly supported by WBD, and have had confirmation of this. No matter what firm we instruct, there will be some degree of criticism, however WBD are a good match for Freeths, and bringing in a 'Magic Circle' firm would only reinforce the 'David v Goliath' impression. While it would be possible to bring in a new firm of solicitors I would be reluctant to do this now given the tight timeframes and the potential impact on the agreed trial strategy and the ability to properly support the Counsel team."*
201. I declared a conflict of interest in advance of this meeting because at this time, I was Chair of HM Courts and Tribunal Service, and in this role, I would regularly meet with senior judges. I was therefore concerned there could be a perception that my regular meetings with judges could risk affecting my judgement on whether we should seek to request that Mr Justice Fraser recuse himself on grounds of bias. My duty as a director was to act in the best interests of POL, so I felt that in an abundance of caution, I ought to declare a conflict of interest. Mr Cooper also declared a conflict of interest due to his position at UKGI. It was determined that we should both be involved in the discussions but that we would not vote on whether to seek the Judge's recusal.

202. I have been referred to the agenda for the meeting (**POL00103468**), and the minutes of the meeting (**POL00021562**), which I expect to be an accurate record of what we discussed. The minutes record Lord Neuberger attending the meeting to provide legal advice and respond to questions from the Board. It appears that a number of comments/issues were raised including:

- a. *"we might disagree with how the Judge has reached his conclusions but needed to test whether the heart of his findings were correct, for example, we funded the NFSP which could have affected their independence. It was noted, however, that whatever the merits or otherwise of particular findings, where these had been based on partial evidence they could not be regarded as fair."*
- b. *"appeal on the contractual findings had merit from a legal perspective but we must be clear that we were not being defensive. We were committed to making operational changes and improvements."*
- c. *"we needed a process for checking whether anybody had been treated unfairly even if our case was ultimately successful. We also needed to be sure that we were set up to be fair in the future."*
- d. *"the Board still needed a greater understanding of the "big picture" and financial implications. The Board wanted to be confident that irrespective of legal process, there was an understanding of whether claimants (and others) had not been treated appropriately over the period of time in consideration."*

203. By the end of this meeting, I believe I recognised that there were risks associated with pursuing the application, but on balance, it may be more advantageous than not to pursue the application. I cannot recall the views of each of the other Board members and I do not recall who asked specific questions of Lord Neuberger at this meeting. It was acknowledged that these were not easy decisions to take, and the Board would need to have the opportunity to speak to Lord Grabiner to ensure that it had received a range of expert advice. It was noted that a decision on the recusal application would ideally be taken at the Board call scheduled for 20 March 2019.
204. I have been referred to an email from Ms MacLeod to me and other Board members on 19 March 2019 attaching a paper prepared by the legal team, setting out the financial and operational issues raised by the Common Issues judgment (dated 15 March 2019) (**POL00103472** and **POL00103473**). I do not specifically recall why the Board requested this prior to discussing whether to issue the recusal application, but I note the comments referred to at paragraph [189] to [194] above: that this was not an easy decision and one element of making the decision was understanding the costs of making an appeal and recusal application. I expect the Board also wanted to get a better understanding of the wider litigation strategy (i.e. the context) in advance of making this important decision of whether or not to pursue the recusal application.
205. On 20 March 2019, there was a further POL Board meeting to discuss the potential appeal and recusal application. I do not recall the specific discussions

at this meeting and I am therefore unable to comment on the way in which Ms MacLeod presented external legal advice, or the views expressed on next steps by each person present. I have, however, been referred to the minutes of the POL Board meeting on 20 March 2019 (**POL00021563**) and consider these to be an accurate record of our discussion.

206. The minutes record the fact that Mr Cooper and I raised the same conflicts of interest described at paragraph [201]. We were involved in the Board discussions, but we did not participate in the decision to seek the Judge's recusal. The minutes note that Ms Vennells was unable to participate in the call.

207. The minutes also note the fact that Ms MacLeod and a number of members of POL's legal team participated in a conference with Lord Grabiner QC earlier that day. I have been referred to a note of that conference (**POL00006397**). As I was not present, I cannot comment on the manner in which Lord Grabiner QC provided his advice and the questions that were asked. However, the minutes of the POL Board meeting held on 20 March 2019 record that Lord Grabiner QC's view was that *"we would only need to argue apparent bias, although [he] believed that grounds existed to argue actual bias. In his view there was no practical alternative to an application for recusal, and the risk of not making the application was that the Court of Appeal (CoA) would ask why we had not sought for the Judge to recuse himself"*.

208. Two partners from Norton Rose Fulbright attended the Board meeting on 20 March 2019, having been engaged by POL to provide independent advice to

the Board. While they noted the advantages and the disadvantages of seeking the judge's recusal, the partners supported the recusal application.

209. As I explain above, Mr Cooper and I did not participate in the decision, but the remaining Board members supported a resolution that "*an application should be sought for the Judge to recuse himself from the case, and should he not elect to do so, to submit this application to the Court of Appeal. It was further agreed that leave to appeal the Common Issues Judgement should be sought*".
210. At the end of this meeting, I felt that that the recusal application had a reasonable prospect of success considering the advice we had received from Lord Grabiner QC and Lord Neuberger. The Board resolved that Lord Grabiner QC should be briefed to prepare the recusal application.
211. During the meeting, there was discussion about the extent to which a judgment from the second trial might undermine the reliability of Horizon and whether this could destabilise the business today. I have been asked to comment on whether POL's perceived need for a positive finding in respect of Horizon outweighed a desire to determine whether Horizon was adequate. I do not think this was the case. It is worth emphasising that at that point in time, the claimant and defendant expert witnesses disagreed about the reliability of Horizon, and it was for the judge to consider the evidence, test the arguments in court, and make a determination.
212. On 25 March 2019, there was a POL Board meeting. I have been referred to the agenda of the meeting (**POL00103479**) and the minutes of that meeting

(**UKGI00017291**), which refer to a discussion on the Group Litigation at Appendix 1.

213. In the Appendix to the minutes of the POL Board meeting held on 25 March 2019 (**POL00030887**), Ms MacLeod noted that the Horizon Issues trial had been adjourned pending the recusal application hearing. There was discussion as to who should represent POL at the appeal and it was decided to defer that decision until after the recusal application. The external lawyers from Norton Rose Fulbright attended this meeting.
214. The minutes record that "*Concern remained about the extrapolation of six cases to the whole of PO Limited and how unrepresentative these were of the system as a whole. We had focused on the implied [sic] that there was no evidence to prove that errors within the Horizon system historically could have caused losses in branches? It was noted the System was distinct from the software and we thought it highly likely that the current Judge would give a negative view on our processes.*" It was also noted that tone was important and that in some instances some of POL's witnesses had "*been wrong-footed and as a result had sounded defensive*".
215. On 2 April 2019, I attended a meeting with Mr Cameron and Mr Cooper. I do not recall this meeting, but I have been referred to an email exchange between me and Mr Cameron on 28 March 2019 (**UKGI00009416**) in which Mr Cameron suggests the agenda for this meeting should include the following topics: (i) prioritised outcomes; (ii) strategy (tone; ground we are fighting on; criticism of claimants); (iii) advisers (recusal; appeal; trials 3 and 4 – QCs; solicitors;

independent advice); (iv) people (running the GLO; mediation); (v) other litigation.

216. On 3 April 2019, there was a hearing in relation to POL's application to recuse Mr Justice Fraser as the judge in the Group Litigation. General Counsel kept me updated on the recusal application at the Board meetings held on 18, 20 and 25 March 2019 and via email (**POL00103484**).

217. On 3 April 2019, I attended a meeting with Ms Tolhurst MP. I do not recall this meeting, but I have been referred to an email from Tom Aldred (Executive Director at UKGI) to other UKGI staff sent on 5 April 2019 which summarises the discussion that took place during this meeting (**UKGI00009551**). The summary records that I suggested at this meeting that if the recusal application went to an appeal, there could be a delay of several months. The note also states that Ms Tolhurst MP did not consider that she was seeing enough information flow about the trial. It appears that Mr Aldred and Ms Tolhurst MP discussed this after our meeting and identified that the "block" was between Ms Tolhurst MP and her private office, rather than between POL and Ms Tolhurst MP's office. I was not present for this discussion.

Response to the Common Issues Judgment

218. On 9 April 2019, Mr Justice Fraser handed down his judgment in which he refused POL's application for him to recuse himself. Ms MacLeod informed me and other Board members of this on that day by email (**POL00103489**) and updated me with counsel's opinion on the appeal following the judgment on 10

April 2019 (**POL00103494**). I was disappointed by this outcome. However, I had understood that it would be challenging to satisfy the conditions necessary for a judge to recuse himself and was aware that there was a possibility the application would not be successful, and POL had discussed and considered the potential consequences that might flow from that. As I explain above, POL received advice advocating the merits of the recusal application: Lord Neuberger had advised that he would be 'very surprised' if POL was refused permission to appeal on grounds of unfairness and recusal issues (**POL00023899**), WBD and Mr Cavender QC had advocated for the recusal application and POL had sought independent advice from partners at Norton Rose Fulbright who also supported the recusal applications (paragraph [208]). POL ultimately instructed Lord Grabiner QC to prepare the recusal application who advised that although the application would be tricky and contested, it had a "*serious prospect of success*" (**POL00006397**). By this point, with POL having been heavily criticised in the Common Issues trial and now having lost the recusal application, I was concerned about whether POL was receiving the correct legal advice. I recall that this was a feeling shared by others at POL at this time and it is noted in Mr Cameron's email of 12 April 2019 (**POL00103495**). We were beginning to reassess Mr Cavender QC as POL's lead advocate, and in April 2019, POL instructed Herbert Smith Freehills ("**HSF**") to provide a view on the appeal strategy.

219. In April 2019, POL instructed Brian Altman QC to review the Common Issues judgment, including the appendices, handed down by Mr Justice Fraser on 15 March 2019 in order to advise on to what extent the judgment could undermine

the basis of the historic criminal convictions of SPMs by POL. On 14 April 2019, Mr Altman QC provided his written advice (**POL00006399**). I was not involved in instructing Mr Altman QC to provide the advice. I expect this would have been the responsibility of General Counsel.

220. Around this time, POL instructed HSF to assist with the appeal strategy. In my view, the involvement of HSF had the effect of raising further doubts about several aspects of the litigation strategy, which were becoming of increasing significance. HSF had prepared a short supplemental paper in advance of the Litigation Subcommittee held on 24 April 2019 (see below) in which HSF set out where they agreed or disagreed with the advice of the existing POL Legal team, focusing on the specific points of difference and decisions that needed to be made imminently (**POL00103502**). In this paper, HSF stated that they disagreed with the view that POL should submit its application for leave to appeal the Common Issues judgment now so that the Court of Appeal hears this application at the same time as the recusal application. HSF disagreed with the view that it was advantageous to have both appeals heard at the same time by the same panel of Court of Appeal judges. I thought at the time that it was useful to get a fresh perspective on the issues.

221. On 24 April 2019, there was a meeting of the Litigation Subcommittee, attended by Lord Neuberger, Mr Cavender QC, and lawyers from HSF and WBD. I do not recall what we discussed at this meeting, or the questions Board members asked of legal advisers, but I have been referred to the papers circulated in advance of the discussion (**POL00103498**), WBD's appeal advice

(POL00103499), a common issues list (POL00103500) and the minutes of the meeting (POL00006755). At this meeting, the Litigation Subcommittee was asked to consider whether an appeal should be made against the decision in the Common Issues judgment and, if so, to consider the scope of the appeal and whether POL should seek to have the appeals of the Common Issues judgment and Recusal judgment heard together. Lord Neuberger was asked for his views, which are recorded in the minutes: "*Lord Neuberger thought we were likely to obtain permission to appeal the recusal on grounds of apparent bias as the threshold for appeal was not very high. It would be very unusual not to give leave to appeal on the Common Issues judgment.*" On balance, he thought it better for both appeals to be submitted together. The papers proposed a strategy of appealing and creating a window of time in which settlement negotiations could take place over the summer of 2019. It noted that mediation and settlement discussions had previously been restricted, in part due to resourcing issues and an overlap with the trial.

222. The Board considered that "*we had little control on when and how the appeal cases would be heard. Further work was needed to determine the grounds for appeal sufficiently well. In addition, Ministers needed to be briefed properly on the issues. Seeking a settlement could be time consuming so a long appeal could be advantageous. It might, therefore, be better to have the hearings separated and we should not co-join the appeals if that gave us no scope to separate the hearings.*"

223. At the end of this meeting, after discussion with the external legal advisers, the Litigation Subcommittee agreed that (i) the appeals for recusal and on the Common Issues judgment should not be co-joined; (ii) POL should write to Lord Justice Coulson to advise that POL would be submitting the grounds to seek leave to appeal the Common Issues judgment on 16 March 2019; (iii) a meeting would be arranged in the week beginning 29 April to consider the grounds for appeal.
224. On 30 April 2019, there was a POL Board meeting. I have been referred to the minutes of that meeting (**POL00021565**) and I can see that the Board was informed that POL had applied to the Court of Appeal to seek permission to appeal the decision in relation to the Judge's recusal. It was noted that Mr Cavender QC's view was that POL should co-join the two appeals but on balance the Litigation Subcommittee had decided not to do so and to first seek leave to appeal the Common Issues judgment. Although considerable attention was given to the Common Issues and recusal appeals, I do not believe this prevented the ongoing management of the forthcoming Horizon Issues trial.
225. On 10 May 2019, Lord Justice Coulson handed down his decision refusing permission to appeal against the decision concerning Mr Justice Fraser's recusal application (**POL00023207**). I was disappointed to read the judgment of Lord Justice Coulson. While I recognised, and indeed POL had received advice on the possibility of the application not succeeding, it had submitted this application on the basis of firm advice from external counsel that this was an appropriate next step. By this point, I was beginning to lose confidence in

counsel's advice and their suggested strategy in respect of the recusal application.

226. I have been referred to an email from Alan Watts (HSF) to me and others on 11 May 2019 sent upon receiving the judgment of Lord Justice Coulson in which he stated that he thought POL should change counsel for the upcoming Appeal on the Common Issues judgment (**POL00103536**). This was a view I shared, along with Mr Cameron, Mr McCall, and Mr Cooper (**POL00103541**). I do not specifically recall the conversations I had with other members of the Board regarding Horizon issues around this time. However, I note Mr Cameron's comment in his email to me and others on 13 May 2019 that "*Our immediate focus, which we will discuss at May board, will be how we best prepare for a very bad Horizon verdict, which is inevitable, both because the [recusal] failed and because our witnesses did badly in court before the pause*". (**POL00103541**). Mr Cameron appears to have been referring to the increasing pessimism around the outcome of the Horizon trial and perhaps reflecting doubts more generally about the conduct of the litigation thus far.
227. On 15 May 2019, I attended a meeting with Ms Tolhurst MP, Mr Cameron, and other individuals from BEIS. I have been referred to an email from Eleanor Beal (BEIS) to Carl Creswell (BEIS) dated 16 May 2019, which includes what I consider to be an accurate summary of the meeting (**UKGI00009777**). This email records the fact that Ms Tolhurst MP queried why counsel 'seem to keep getting it wrong' and that in response, we explained POL's planned changes in its approach to the litigation, which were: "*removing internal legal Director,*

appointing new litigators and likely a new QC, taking a 'more conciliatory approach' and focussing on realistic wins." POL decided to make these changes because it was felt that a change in approach and personnel was required following an adverse judgment in the Common Issues trial, an unsuccessful recusal application, and then a refusal of permission to appeal that judgment in relation to the recusal application. At that time, Ms MacLeod was replaced by Ben Foat as POL's Group General Counsel.

228. On 28 May 2019, there was a meeting of the POL Board at which the Group Litigation was discussed. These discussions are recorded in the minutes of the meeting (**POL00021566**).
229. Ms Vennells stepped down as Group Chief Executive and at the Board meeting on 28 May 2019 and Mr Cameron was appointed Interim Group Chief Executive. At the same meeting, Mr Watts of HSF and Mr Foat provided the Board with an update on the litigation. It was noted that POL had instructed Helen Davies QC (now KC) to represent it in the appeal of the Common Issues judgment.
230. The minutes note that "*Lord Justice Coulson had deemed Lord Justice Fraser to have been fair minded in his Judgment of the Common Issues Trial so the terms of the decision refusing permission to seek the Judge's recusal were not a surprise. However, the Judge would be able to see our new approach to the case with our new QC.*" It was reported that Ms Davies QC's first view of the case was "*that we had good grounds for success on relational and good faith points and on the terms which the Judge has found to be implied by a duty of*

good faith...HD was not minded to appeal on all points as some grounds were weaker than others which could tarnish our stronger points".

231. The minutes record the fact that a query was raised as to whether POL could do anything to influence the outcome of the Horizon Issues trial. It was noted that *"Fujitsu's witnesses had not been strong, while POL's had been satisfactory. Only the expert witnesses had yet to provide evidence and it was important that they did not renege on their previous position that Horizon was a robust system. It was critical that Horizon was seen as a robust system today. It was likely that the expert witnesses would say that the system had bugs. This was not in dispute but the issue was the degree to which it was a robust system that could be relied upon and that there was nothing in the Judgment that suggested the system was unfit for purpose today ... a workshop on the Horizon system was taking place. It was noted that there had been a useful all about one of the cases and it was helpful to get under the skin of the facts and test what had happened and whether we had any culpability."*
232. I have been asked to comment on the following extract from these minutes: *"it was critical that Horizon was seen as a robust system today."* I do not specifically recall who made these comments and the intended meaning. However, they appear to reflect the fact that the Group Litigation was concerned with earlier historic versions of Horizon and not the current version of Horizon, which was recognised as being fit for purpose. The POL Board would have been appraised of issues that the experts were considering in relation to the upcoming trial.

233. On 29 May 2019, I received a letter from Ms Tolhurst MP (appointed as Minister for Small Business, Consumers and Corporate Responsibility in July 2018). In this letter Ms Tolhurst MP noted the Judge's decision to refuse permission for POL to appeal the Common Issues judgment and the decision to issue a costs order. She explained that she was aware that POL had appointed a new legal team to assist in the Group Litigation and asked if I would provide an update on POL's legal strategy in light of advice received from the new external legal advisers. She wanted to understand the risks presented by the litigation and to mitigate them to whatever extent was possible. She also asked me to provide my assessment of how effectively the POL Board was operating at that time (**POL00023739**). My impression was that Ms Tolhurst MP was keen to get to grips with the issues arising from the litigation, having been appointed after the commencement of the proceedings. It seemed to me that BEIS was actively considering increasing the level of its oversight of POL's handling of Horizon issues.
234. On 3 June 2019, I responded to this letter to provide Ms Tolhurst MP with an update on the status of the litigation, including a summary of the changes to POL's litigation strategy following the appointment of the new legal advisers (**POL00023738**).
235. On 12 June 2019, there was a meeting of the Litigation Subcommittee. I have been referred to the minutes of that meeting (**POL00103595**), which show that Mr Foat provided an update on the Horizon Issues trial, which had resumed on 4 June 2019, and external counsel provided an update on the appeal of the

Common Issues judgment. Mr Cameron (Interim Chief Executive) provided an overview of the objectives for the upcoming discussion with Ms Tolhurst MP, that was due to take place on 24 June and explained that at this meeting POL would acknowledge that its approach to the litigation had been flawed and that POL had decided to change approach. I considered that POL's litigation approach had been 'flawed' because of the series of judgments that had been handed down at this point that had criticised POL's approach to the Group Litigation. I believe Mr Cameron and others shared that view.

236. The minutes also note that potential costs were discussed and that *"it was reported that individual claimants had provided a schedule of information in which they had set out their estimated losses, which WBD held. Previously, the Subcommittee had only been aware that we held information for the 140 cases which had already gone through mediation. Previous discussions at ARC around disclosure of figures in the Annual Report and Accounts (ARA) for 2017/18 and in prior years were raised, and it was agreed that WBD should be asked to explain the position to the Subcommittee. It was noted that we had not held information on the probable economic output from the litigation because there had been no crystallisation of the liability or quantum of figures received from the claimants' solicitors. The position would be different for 2018/19 because of the Common Issues Judgment and points on which we had lost which meant that the claims were not without merit."*

237. On 12 June 2019, I attended a meeting with Robert Swannell (Chair, UKGI). I have been referred to an email from Mr Swannell to Mark Russell on 16 June

2019 in which he summarises our discussion (**UKGI00010190**). In this email, Mr Swannell states that I "*didn't seem to be aware as [I] might be that this was a significant issue for BEIS/Ministers*". I cannot comment on what exactly Mr Swannell meant by this. It could be that we did not spend as much time as he would have expected discussing the litigation issues. However, this was a fairly brief meeting and POL was seriously considering the ramifications of the judgment at this time and this was the focus of POL Board meetings and Litigation Subcommittee meetings that took place in April to June 2019, as I have outlined at paragraphs [224] to [240] above.

238. The email also records that I had explained to Mr Swannell that POL had "*over-relied on very eminent lawyers*" and that I had wondered "*whether the lawyers had been so senior and eminent that they had been more interested in their own reputations than that of the Post Office*". What I meant by this comment is that while I was sure these lawyers had their client's interests at heart, there could be a situation where the interest in the legal points of the case received more attention than the practical consideration of litigation.

239. In this email, Mr Swannell records that "*he clearly still had a view that we are too involved in the business and spend more time than any normal NED 'tramping around the business' and 'papering over the crack of the executive'*. *He said it wasn't our job to step in for any inadequacies of the executive team or be consultants*". When I said this, I was trying to convey to Mr Swannell that whilst UKGI could be helpful in assisting executives with decision taking, there was a risk that excessive involvement could be demotivating to the executive

team. In common with most management teams, POL was not perfect in all respects and one of my responsibilities as Chair was to work closely with the Chief Executive to improve the overall quality of the senior management team.

240. On 20 June 2019, there was a further meeting of the Litigation Subcommittee. Anthony de Garr Robinson QC joined this meeting and provided an update on the Horizon Issues trial. I have been referred to the minutes of that meeting which clearly set out the advice given by counsel during that meeting (**POL00006752**). Mr de Garr Robinson QC advised that cross-examination of the Claimants' expert witness had gone well, and it had become clear that the documents did not say what the expert witness had claimed. However, he advised that there had been issues with POL witnesses; in particular the Chief Architect of Horizon who could be perceived as not credible to the court. Mr de Garr Robinson QC considered that an objective judge would see that the Horizon system was robust and reliable almost all of the time. He stated that both expert witnesses were unsatisfactory, but the documents demonstrated the reliability of the system. I understood from this that counsel's view was that the judge should find, based on the documents, that the Horizon system was sufficiently robust and could be relied upon, but I understood that it was also possible that the judge might reach a different conclusion, preferring the evidence of the Claimant's expert witness.

241. At the same meeting, Deloitte, who were working on possible responses for POL to various scenarios, provided an update on the work they were undertaking.

242. On 30 July 2019, there was a POL Board meeting where Mr Foat updated the Board on the Group Litigation (**POL00021568**). The minutes of this meeting indicate that Mr Foat noted that work was taking place to prepare for mediation and settlement, which could commence in the middle of October or beginning of November 2019. As explained above, the possibility of settlement had been considered throughout the litigation and was kept under review as matters progressed. The minutes record that the POL Board discussed various options for a settlement figure, and how to fund any settlement, including reaching out to BEIS and HM Treasury.
243. On 17 September 2019, there was a further meeting of the Litigation Subcommittee. I have been referred to the minutes of the meeting (**POL00103667**). In September 2019, Nick Read was appointed as Group Chief Executive Officer and he attended this meeting. Catherine Emmanuel of HSF provided an oral update. She explained that the judgment following the Horizon trial had not been handed down and the appeal of the Common Issues judgment was listed for 12 November 2019. A third trial was scheduled for March 2020, which would look at the principles of how loss would be calculated.
244. On 23 September 2019, there was a POL Board meeting at which Mr Foat introduced the paper that had been discussed at the Litigation Subcommittee meeting held on 17 September 2019. The minutes of the meeting record that Mr Foat provided an update on the litigation and discussed options for mediation and settlement of the Group Litigation. The minutes further state that

POL was *"operating with a number of unknowns currently and could not understand how the claimants had derived their numbers"* and the Board could not take a definitive view on pursuing settlement at this stage. In particular, the production of a merits opinion was a requirement for obtaining approval from BEIS for settlement and *"it would be best to produce this after the Horizon trial judgment had been issued"* (**POL00155497**).

245. On 25 September 2019, Mr Watts sent an email to me and other POL Board members notifying us that (i) WBD had identified that 3 pages had inadvertently been omitted from a document filed at court, and (ii) new documents had come to light about bugs in the Horizon system (**POL00103654**). Mr Watts explained that WBD would be disclosing this additional material to the court that day so that the Judge had the opportunity to consider the material before handing down the Horizon Issues judgment. A Board meeting was arranged for 3 October 2020 to discuss the disclosure issue.
246. On 3 October 2019, there was a POL Board meeting. I have been referred to the minutes of the meeting (**POL00021570**). The minutes record the fact that Fujitsu had identified further relevant documents, which had meant that disclosure provided by POL was inaccurate. The Board discussed how to resolve this issue. I stated that I recognised that these issues can and do occur and I agreed with the next steps proposed. I also reminded the Board and legal team of the importance of managing these issues in the right way and being transparent.

247. The Board resolved to analyse the previously undisclosed material to determine how it affected the evidence previously presented at court, and that it would be appropriate to audit Fujitsu's disclosures. It was also noted by Mr Watts of HSF that the team had been transparent in dealing with the issue and followed all the correct legal procedures required.
248. Mr Foat explained that the Court and the Claimants had been notified of the disclosure issue and the reasons for this. The POL response to Fujitsu was discussed and it was decided that it should be escalated to the Chief Executive Officer at Fujitsu. Reference was made to a previous discussion between a Fujitsu Board Director and Ms Vennells *"in which she flagged a serious concern about the fragility of FJ witness statements which had either been disproved or changed."*
249. I have been referred to an email from Mr Read to me and others dated 10 October 2019 in which he informed us that Mark Davies (Communications and Corporate Affairs Director) had been asked to leave POL (**POL00103663**). I cannot recall the circumstances that led to this decision or the conversation I had with Mr Read on the matter.
250. On 22 October 2019, there was a meeting of the Litigation Subcommittee. I have been directed to the minutes of this meeting (**POL00103694**) that note external counsel provided an update on the Group Litigation. At this point, the Horizon Issues judgment had not been received. Mr Watts of HSF provided an update on the litigation. The minutes record that a review had been undertaken of the 'non-disclosed Known Error Logs ("**KEL**") and those that had been relied

upon at trial' and that "94 had been identified as having significant changes. Counsel was reviewing all of these and of the 78 KELs reviewed so far 75% were felt not to have had a significant impact on what happened at trial. The other 25% were being reviewed in more depth." The claimants had been given access to all 14,000 KELS. The minutes record that during this meeting, Mr Cooper reported that he had met with HSF to review the settlement numbers, including those for convicted cases. The treatment of these cases was discussed and it was felt that POL needed to understand more about the status of the cases and analyse the figures. It was noted that "*Counsel's advice was that a monetary settlement should not be offered to convicted claimants at mediation because this risked undermining their convictions*" and that "*Counsel would read through the 61 convicted claimants' cases after the Horizon Issues Trial judgment had been issued to see if this ought to affect our approach*". I have been asked to comment on whether POL considered it appropriate to extend the course of the litigation to increase funding pressure on the claimants. I cannot recall that I or any other POL Board members considered this would be appropriate.

251. On 29 October 2019, there was a POL Board meeting. At the time of the Board meeting on 29 October 2019 the Horizon Issues judgment was still awaited, as was the hearing on POL's appeal of the Common Issues judgment. I have reviewed the minutes of the meeting (**POL00155496**) which I consider to be accurate. The minutes show that Mr Foat (Group General Counsel) provided an update on the approach being taken to the upcoming mediation and there was discussion about how to determine appropriate sums for mediation. At this

meeting, the POL Board authorised the Litigation Subcommittee to delegate authority to General Counsel to make settlement offers at the mediation on terms to be determined by the Subcommittee.

252. In November 2019, I attended a meeting with Alex Chisholm. I have been referred to an email from Carl Creswell (BEIS) to Tom Aldred (UKGI) and others on 4 November 2019 (**UKGI00010672**) in which he provides a high-level overview of the meeting. This email states that we discussed the mechanics for agreeing any potential settlement as well as responding to the recent court judgment.
253. I have seen a paper titled 'Bates and ANR -v- Post Office Group Litigation, draft/ Advice on Settlement', prepared by HSF dated 12 November 2019 (**POL00288649**). The purpose of the paper is described as "*...to provide an overview of the Post Office Group Litigation and to summarise our [HSF's] recommended settlement strategy for an upcoming mediation scheduled for 27-28 November 2019*".
254. On 13 November 2019 (**POL00006759**), there was a meeting of the Litigation Subcommittee at which HSF provided further advice on settlement (**POL00288649**). They summarised the position as follows:
255. The minutes record that after discussion, the Subcommittee approved for recommendation to the shareholder (BEIS) a settlement figure of up to £48m for the initial mediation, with a mechanism in place to seek approval from the

Chair and the shareholder for a settlement figure of up to £65m in the event of being able to reach a settlement in respect of all the claimants.

256. HSF also prepared a paper titled 'Post Office Limited, The Post Office Group Litigation, Criminal Cases' on how to approach settlement with the convicted claimants (**POL00288649**) which was also discussed at the subcommittee meeting. It was agreed that HSF would look further at the implications of making settlement payments to convicted claimants and discuss the issue further at a subcommittee meeting.
257. Mr Foat and Mr Williams prepared an update paper for the Subcommittee meeting on 26 November 2019. Their paper (**POL00030884**) noted that the "*KEL Disclosure Issue identified in October 2019 has been resolved with the Court and the Claimants, and should not impact delivery of the Horizon judgment.*" The judgment had not been received but was expected imminently and the Court of Appeal's judgment on the Common Issues appeal was expected on 22 November 2019.
258. The minutes of the POL Board meeting on 26 November 2019 (**POL00163726**) record the fact that Mr Foat provided an update on the litigation that the Court of Appeal had refused permission for an oral hearing in relation to the appeal of the Common Issues judgment. Mr Foat noted that it "*was disappointing but reaffirmed our revised litigation strategy.*" Mr Watts of HSF reported that the claimants' funders were "*seeking to obtain three times their costs before starting to make pay outs to claimants (i.e. the funders were seeking £45m for their £15m investment)*". The minutes also record that the

"Horizon judgment was expected to be adverse. The question would be the extent to which it was ruled that system bugs could have led to shortfalls and how we could prove system shortfalls if we could not rely on Horizon."

The Horizon Issues Judgment

259. On 28 November 2019, Mr Foat sent an email to me [and others] (**POL00026420**), confirming that the embargoed Horizon Issues judgment was received just after 4pm that day. Mr Foat confirms that *"broadly, it has been found that the Horizon system in use today (HNG-A) is relatively robust...However, the remainder of the Judgment appears adverse to Post Office"*. Mr Foat then confirms that the 'contingency planning' will be implemented, which includes *"...further analysis on the implications in respect of the convicted claimants (Brian Altman QC has been instructed this afternoon)"*. Mr Foat sent a further email on 29 November 2019 (**POL00026420**) providing a *"slightly more detailed review of the judgment"*. This email included a summary of Mr Justice Fraser's findings in relation to the expert evidence, the claimant's evidence, and POL's approach to disclosure.
260. While I do not recall my exact thoughts upon reading Mr Foat's emails on 28 November and 29 November 2019, I recall that at this time, we were more pessimistic about the outcome of the Horizon Issues trial. The categorical terms of the judgment in relation to earlier versions of Horizon immediately threw into question the legitimacy of SPM convictions that depended on Horizon data. There was an urgency to address this and advice was sought immediately on this. I could see that we were at the beginning of a complex

process to ensure proper compensation was paid to those affected, and the focus of the Board at that point was to get started on this without delay, as well as implementing all the operational changes that needed to be made as a result of the judgments.

261. On 9 December 2019, Mr Foat sent a further email to me [and others] (**POL00043341**), which included a summary of the final 'Section M' of the embargoed judgment and noted that a Litigation Subcommittee meeting would be convened the next day to discuss the implications of the judgment and next steps, including the steps to be taken in respect of the convicted claimants.
262. My recollection, which appears consistent with the emails from Mr Foat, is that POL recognised the need to consider, without delay, the implications of the judgment for those claimants convicted of criminal offences as a result of shortfalls and discrepancies shown by the Horizon IT System. While I cannot recall the specific conversations that took place at the time in relation to the judgment and the convictions, I have seen the minutes of the Litigation Subcommittee of 10 December 2019 (**POL00128935**). I expect the legal advice we received on these issues was as set out in the minutes of the meeting. For the avoidance of doubt, I do not recall receiving any legal advice independently of the Board. The minutes of the meeting show that Mr Foat informed the Subcommittee that the previous evening the parties had agreed a financial settlement of £57.7m in principle and that the settlement included all the claimants for the civil case. He explained that what could not be included was potential claims for malicious prosecution in the event of any of the

convicted having their claims overturned. The convicted claimants could still take a claim through the CCRC. It was noted that the most recent criminal prosecution brought by POL against a SPM had taken place around 6 years previously. It was reported that Mr Altman QC had been instructed to consider the outcome of the Horizon Issues judgment and how that should influence how POL dealt with the convicted claimants' cases.

263. In the Horizon Issues judgment, the judge noted that POL must have been reliant on Fujitsu to a certain degree in terms of being provided with accurate information of a technical nature, and that accuracy from Fujitsu was not always available.¹⁰ Furthermore, Fujitsu personnel referred to the existence of known bugs and debated whether POL or SPMs should be told.¹¹ Fujitsu had powers which, until shortly before the trial started, they sought to keep from the court and may not have fully disclosed to POL. The court criticised Fujitsu for a lack of transparency, a pattern of considerable defensiveness, and lack of accuracy in description.¹² The court also remarked that Fujitsu should have been frank with POL so that there could have been no possibility of POL making incorrect statements about remote access.¹³

264. On 22 January 2020, there was a meeting of the Litigation Subcommittee. I have been referred to the minutes of that meeting which show that we discussed the ongoing work that POL's legal team were doing in relation to

¹⁰ Para 960 of the judgment

¹¹ Para 935 of the judgment

¹² Para 932 of the judgment

¹³ Para 554 of the judgment

reviewing the implications of the Horizon Issues judgment on convicted claimants (**POL00128937**). Mr Foat also noted that the Historic Shortfall Scheme was being set up to deal with future claims and there was a discussion about that scheme. At this meeting, the Subcommittee resolved to engage a mediation company as the Historic Claims Scheme's chosen mediation provider and there was discussion about how the scheme would operate.

265. I have been referred to an email thread (**POL00112873**), which contains an email from Mr Foat to me on 24 January 2020, copied to Mr Read, Avene Regan and Diane Blanchard. The introductory paragraph of Mr Foat's email suggests that he was responding to a request that I had made. While I do not recall the specific terms of my request, I think it is likely that I had requested a summary of the events leading up to this point in the Group Litigation to assist me with my further consideration of the judgment and the implications and actions arising from this. The email sets out what Mr Foat identifies as 'significant milestones' that had led up to the proceedings being commenced, namely:

- (a) a summary of previous investigations into the issues raised by the claimants in the Group Litigation.
- (b) the Complaint Review & Mediation Scheme (the "**Scheme**").
- (c) comments by Lord James Arbuthnot.
- (d) the Second Sight reports and their public comments.
- (e) Sir Anthony Hooper's work and comments in relation to the Scheme.

- (f) BIS Select Committee and the BBC Panorama programme.
- (g) House of Commons debate on the Horizon system.
- (h) The Swift Review.

266. The email contains a section on the Swift Review, which includes a warning that the work *"is privileged and should not be the subject of email or other written communication unless addressed to the General Counsel"*. In this section of the email, Mr Foat reiterates the fact that Mr Swift QC and Mr Knight were given unrestricted access to documentation and personnel, identifies the principle findings of the review and notes that the review came to an end owing to the litigation having commenced, but that further work was taken forward as part of the litigation.

267. On 4 February 2020, there was a meeting of the Litigation Subcommittee the minutes for which record further discussion about how POL might review the criminal convictions (**POL00128937**). It was resolved that Mr Altman QC should not lead on the disclosure review cases given he had previously provided advice on an aspect of the GLO in 2013. This followed the discussion at the meeting of the Litigation Subcommittee on 22 January 2020 where the minutes note that that there was a desire to demonstrate a fresh approach, and a risk that appointing a QC previously involved in litigation to advise on the process for disclosure review may not appear satisfactory to outside observers (**POL00128937**). Mr Cooper and I would speak with Sir David Calvert-Smith before confirming his appointment to undertake the review of cases.

268. On 5 February 2020, I attended a meeting with Sir David and Mr Cooper to discuss the criminal prosecutions. I understand that individuals from HSF were also present. While I do not specifically recall this meeting, I have seen an email dated 6 February 2020 (**POL00103840**) which includes a draft summary of the meeting prepared by HSF for sharing with the Litigation Subcommittee.

The summary includes reference to the following:

i) Retaining Sir David to act in a capacity as a special adviser to the Board to in relation to criminal advice.

ii) Instructing Sir David to consider and advise on POL's approach to the disclosure review, issues relating to the CCRC and the CoA.

iii) POL appointing a criminal with extensive experience to work alongside Brian Altman QC.

iv) Sir David having shown a willingness in the meeting to challenge points made on all sides.

269. I note that Mr Cooper responded to the email from HSF to request that the draft summary of the meeting was amended to include reference to the discussion (at the meeting) about the need to review individual cases before deciding on the approach to disclosure.

270. I responded on the same date to ask how much information was held on the circumstances of each of the claimants in the Group Litigation. I understood that it was imperative that POL took immediate steps to understand the judgment and what this meant for those claimants convicted of criminal

offences as a result of shortfalls and discrepancies shown by Horizon. Given a group of those involved in the Group Litigation were also subject to criminal convictions, I believe at the time I wanted to further understand what POL's position was in relation to these individuals.

271. The email correspondence confirms that at this time, POL was receiving legal advice from HSF, Peters & Peters Solicitors ("**Peters & Peters**"), Mr Altman QC and Sir David. POL was also considering the need to appoint another QC experienced in criminal law to work alongside Mr Altman QC.
272. On 3 March 2020, I met with Mr Swannell. I have been referred to an email from Mr Swannell to Justin Manson (UKGI) dated 3 March (**UKGI00018737**) in which he states that during our meeting we discussed the litigation, lessons learned and the emerging enquiry. In this email, Mr Swannell states: "*I think Tim feels they badly misjudged the quality of their witnesses for the litigation and thinks that their legal advisers had potential conflicts of interest.*" This is a fair characterisation of how I felt at the time. I felt let down by these aspects of POL's litigation strategy.
273. On 16 March 2020, Nick Read and I met with Paul Scully MP (then Parliamentary Under-Secretary of State at BEIS and Minister for London). I have been shown a copy of an email from Minister Scully's Private Secretary, comprising a readout from this meeting (**UKGI00011642**).

274. I have also been shown a copy of Minister Scully's letter to Mr Read following the meeting (**UKGI00016352**), which includes a section on The Horizon Shortfall Scheme ("**HSS**").
275. The HSS, previously known as the Historical Shortfall Scheme, was/is a scheme for current and former SPMs who may have been affected by shortfalls relating to the previous versions of Horizon. The HSS sought to provide compensation for human costs, such as personal injury, distress and inconvenience, harassment, loss of reputation and bankruptcy costs where these are directly related to shortfalls. There are separate compensation arrangements for people with Horizon-related convictions that have been overturned.
276. I have been shown a copy of an email dated 9 March 2020 from Mr Foat to me and copied to Ms Blanchard, Richard Taylor, and Mr Read (**POL00103870**) in which Mr Foat provided an update on the progress that had made in relation to the 'GLO Management workstream'. The email includes a number of questions and preliminary answers, including in relation to the following:
- (a) The circumstances of the approximately 150 cases that entered the Mediation scheme, and the outcomes of the Post Office Investigation Reports and Case Review Reports of Second Sight. The number of cases that were settled and how many were considered to be not suitable for mediation:

- (i) A table with the outcome for the 150 applications made to the Mediation Scheme was attached.

- (b) The background to the fall-out with the Justice for Sub-Postmasters Alliance ("**JFSA**") during 2014 and the precise problems with Second Sight:
 - (i) Criticism of POL's decision to engage in mediation for cases involving criminal convictions.
 - (ii) Delays.
 - (iii) Second Sight recommending a large number of cases for mediation regardless of available evidence.
 - (iv) Frustration on the part of JFSA due to expectations that most or all cases would be mediated and compensated.
 - (v) Differing expectations on the nature of the Mediation Scheme (compensatory versus legalistic).
 - (vi) Claims being raised after mediation.
 - (vii) Lack of agreement over confidentiality in mediation proceedings.

- (c) The decision to mediate Scheme cases in March 2015, close the working group and discontinue Second Sight:

- (i) The working group had no substantive role to play following a decision to mediate all cases not subject to a prior court ruling.
 - (ii) The working group was considered to be becoming dysfunctional.
 - (iii) Second Sight was engaged to provide services to the working group, and therefore their services were no longer required in that respect. They were re-engaged to review outstanding Case Review Reports.
- (d) Action taken in relation to criticisms in the Second Sight part 2 report.
 - (e) Extent of implementation of the recommendations of the Swift Review.
 - (f) Status of the Cartwright King review of disclosure relating to cases involving convictions.
 - (g) Review of legal advice leading to the decision to defend against GLO claimants rather than settling.
 - (h) That certain terms of the contract were admitted in the trial and the implications of this for claimants.
 - (i) Review of available information on reliability of the two earlier versions of Horizon at the time the decision was taken to go to trial with GLO claimants.

277. I have been shown a copy of an email chain (**POL00104107**), which includes emails from Mr Cooper and Mr McCall to Ms Branton (Company Secretary), copied to me and others, about the accuracy of the minutes from the 'last meeting', which I believe to be a reference to the previous POL Board meeting. In this email correspondence, Mr Cooper confirms that the "who knew about" questions should apply to various pieces of work commissioned by POL, including the Swift Review. In a later email in the chain, Mr McCall asks to see a redraft of the minutes to include the points raised by Mr Cooper and indicates that he does not "*feel comfortable that the minutes truly reflect the complete unawareness of the Board to the existence of a Deloitte report*". I do not specifically recall whether the Board had access to the reports prepared by Deloitte in relation to Horizon. As I explain at paragraph [99] to [101], I understand that General Counsel and POL's external legal advisers, including WBD, managed the Project Bramble workstream.
278. I wrote to Minister Scully on 29 April 2020 (**POL00031104**) to notify him of the potential exposure arising out of the announcement by the CCRC that it would be referring the convictions of a number of SPMs to the appeal court, with a further 22 cases under consideration. In this letter I confirmed that POL had not privately prosecuted any SPMs since 2015 and had identified up to 959 cases privately prosecuted in which Horizon evidence was relied upon to secure a conviction. I then explained that the POL Board, supported by Peters & Peters, HSF and external counsel had taken a number of steps in order to comply with its legal duties. I also explained the 'post-conviction disclosure exercise' was a lengthy and complex exercise covering not just material

specific to the 959 cases, but any material that might reveal historical policies, practices, approaches, or decision within POL that might amount to an abuse of process. The CCRC work had been ongoing and reached a conclusion at this point. At this stage I consider POL did everything it could to react as quickly and comprehensively as possible to these issues.

279. In the email from Ms Branton to me (and others) dated 22 September 2020 (**UKGI00017810**), it was confirmed that the agenda and papers for the Board meeting on 24 September 2020 had been made available to the Board. Ms Branton provided an overview of these papers prepared by Nick Vamos. These included documents relating to current (at the time) criminal appeals where the Board had made decisions on the stance to be taken, along with a timetable for the criminal appeals and civil claims; a presentation on the management of future appeals for Board approval; and a summary of potential claims against Fujitsu arising from the Horizon Issues judgment. I believe most of the Board was engaged in these decisions, and I was involved in meetings at which the Board extensively considered the decision making relating to criminal appeals.
280. POL received advice from Mr Altman QC, Peters & Peters, and HSF on how to manage this process. The Board was committed to ensure that all decisions were properly scrutinised.
281. The Board engaged in extensive deliberations about category 1 or category 2 abuse of process, and carefully examined the cases. POL accepted that in cases where the reliability of Horizon data was essential to the prosecution, and the findings in the Horizon Issues trial showed that there was inadequate

investigation and/or that full and accurate disclosure was not made, the conviction could be held unsafe by the court. There were 3 cases in which POL did not agree that the convictions should be held unsafe. While the Court of Appeal ultimately disagreed with POL's decision on these cases it commented on the diligence of POL's disclosure exercise, and its acknowledgment of the failings in the original prosecutions.

Reflections on my Time as Chair

282. The failings relating to the Horizon IT system have blighted the lives of innocent people over many years and I strongly welcome this Inquiry.

283. As stated in paragraph [16], I believe I was appointed as Chair of POL primarily due to my experience of implementing transformation and reorganisation strategies. It was in this context that I initially approached my work for POL as I set out to improve the commercial viability of the organisation which was enormously dependent on the public purse and incurring significant losses.

284. When I joined POL, Baroness Neville-Rolfe asked me to undertake an independent review of POL's handling of the complaints made by SPMs regarding the issues with the Horizon IT system and POL's processes to understand, investigate, and resolve those complaints (see paragraphs [30] to [32]). I understood this to be a request for me to undertake a personal review and to look at the matter with 'fresh eyes' having just started in my role as Chair.

285. In my view, the Swift Review was thorough, objective, dispassionate and helpfully critical of POL's handling of the complaints concerning Horizon. It seemed to me that the report produced following completion of the Swift Review addressed the matters that the reviewers were asked to investigate. The report identified a number of areas in which further work was required and the main task was to get on with implementing the recommendations.
286. As I describe at paragraphs [55] to [57], I was advised to limit the distribution of information concerning the Swift Review including the Swift Report itself, to seek to maintain privilege over this work. I carefully considered the legal advice I received alongside my other duties and obligations. I understood and recognised the importance of seeking to maintain privilege and I decided it was appropriate to follow the legal advice I received. In hindsight, it is very difficult to know how matters might have unfolded if that advice had been different or if I had disregarded it and come to a different conclusion and shared the Swift Report with the Board.
287. I have been asked to comment on the extent to which ShEx/UKGI and BEIS maintained effective oversight of POL during my time as Chair. Whether ShEx/UKGI and BEIS maintained effective oversight of POL is difficult for me to assess. My responsibility as Chair was to oversee the POL Board. In terms of the Board's oversight of POL in relation to Horizon, POL instructed external advisers, sought advice, and considered and relied on their advice throughout the litigation.

288. The Board was aware of political and public concern regarding the Horizon IT system and POL commissioned reports and investigations in response. The challenges to the integrity of Horizon crystallised in the litigation and subsequent hearings during which significant new information was discovered. Following the trials, for the second half of my tenure as Chair, we worked hard to resolve these issues for those affected as soon as possible.
289. My involvement in the decision making concerning the Group Litigation was necessarily informed by legal advice. I describe above the advice received from counsel and solicitors, for example, on the merits opinion on the Common Issues trial, the Horizon Issues trial, the recusal application, and the appeals. This legal advice was considered thoroughly and certainly not unquestioningly accepted. The Board was given regular updates and when a Board decision needed to be taken, we were often presented with options with a summary of the advantages and disadvantages of each course of action.
290. I began to lose confidence in POL's General Counsel and external legal advisers and their suggested litigation strategy following the failure of the recusal application in April 2019 which they had advised POL to make. As mentioned at paragraph [227], following the Court of Appeal's decision to refuse permission to appeal against Mr Justice Fraser's recusal application, POL changed its litigation strategy, taking a more conciliatory approach and changing the personnel involved, including General Counsel and the external legal advisers.

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No	URN	Document Description	Date	Control Number
1	WITN00690101	POL Annual Report and Financial Statements for 2015/2016	2015/2016	WITN00690101
2	UKGI00007673	Email chain between Robert Swannell, Mark Russell, and Rachel Mortimer, re: Post Office and Richard Wohanka	08/11/2017	UKGI018486-001
3	POL00103159	Email chain between Jane MacLeod and Tim Parker, re: Post Office - Chairman's review and Alwen	01/04/2016	POL-0102742
4	POL00026722	POL Annual Report and Financial Statements for 2014/2015	13/08/2015	POL-0023363
5	POL00090428	Annex to Second Supplement Agreement	24/09/1999	POL-0087397
6	FUJ00118186	Third Supplemental Agreement, between Post Office Counters Ltd and ICL Pathway Limited	19/01/2000	POINQ0124350F
7	UKGI00005361	Email chain between Alwen Lyons, Neil McCausland, Virginia Holmes, Tim Franklin and Laura Thompson, re: Panorama Programme	06/08/2015	UKGI016175-001
8	POL00102550	Email from Jane MacLeod to Tim Parker, with Mark Davies and Paula Vennells in cc, re: Letter from Baroness Neville-Rolfe	14/09/2015	POL-0102133
9	POL00102551	Letter from Baroness Neville-Rolfe to Mr Tim Parker, re: Unresolved issues relating to Post Office Horizon System and further actions to be taken, dated 10 September 2015	10/09/2015	POL-0102134

10	POL00065606	Email chain between Rodric Williams, Jane MacLeod and Patrick Bourke, re: Draft Speaking Notes for meeting with Tim Parker on 25.09.15	24/09/2015	POL-0062085
11	POL00110251	Post Office Limited, Audit Risk and Compliance Committee Briefing Book, Half Year ended 27 September 2015. Part of the papers for Audit Risk and Compliance Committee meeting held on 10 November 2015	10/11/2015	POL-0108070
12	POL00158249	Email chain between Dianne Blanchard, Tim Parker, Jane MacLeod, Alwen Lyons, Patrick Bourke, Mark Davies, Rodric Williams, and Paula Vennells, re: Draft letter to Baroness Neville-Rolfe	30/09/2015	POL-0146546
13	UKGI00000009	Letter from Tim Parker to Baroness Neville-Rolfe, re: Post Office's handling of complaints	01/10/2015	VIS00000970
14	POL00027126	Email chain between Jane Macleod, Tim Parker, and Paula Vennells, re: Project Sparrow	01/10/2015	POL-0023767
15	POL00114270	Instructions to Leading Counsel Jonathan Swift QC to Advise in Consultation at 4.30pm on 8 October 2015	06/10/2015	POL-0113197
16	POL00117516	Email chain between Avene O'Farrell (on behalf of Paula Vennells), Tim Parker and Tom Wechsler, re: Update	09/10/2015	POL-0118292
17	POL00104213	Email from Jane MacLeod to Jonathan Swift QC, re: Post Office - meeting with Tim Parker	22/10/2015	POL-0103796
18	POL00065645	Email chain between Jane MacLeod and Tim Parker, re: Post Office - meeting with Jonathan Swift QC	23/10/2015	POL-0062124

19	POL00103094	A Review on Behalf of the Chairman of Post Office Limited Concerning the Steps Taken in Response to Various Complaints Made by Sub-Postmasters, by Jonathan Swift QC and Christopher Knight	11/01/2016	POL-0102677
20	POL00043789	Email chain between Patrick Bourke, Christopher Knight, and Jonathan Swift QC re: Post Office Matter	28/10/2015	POL-0040292
21	POL00102649	Email from Jane MacLeod to Tim Parker, re: Post Office - Investigation update	30/10/2015	POL-0102232
22	UKGI00006268	Memo from Annette Rusling to Secretary of State, re: Meeting with Tim Parker, Chair of Post Office Limited, 24 th November 2015	20/11/2015	UKGI017082-001
23	POL00103005	Email from Jane MacLeod to Tim Parker, re: Post Office - Investigation Update	14/12/2015	POL-0102588
24	POL00006355	A Review on Behalf of the Chairman of Post Office Limited Concerning the Steps Taken in Response to Various Complaints Made by Sub-Postmasters, by Jonathan Swift QC and Christopher Knight	08/02/2016	POL-0017623
25	POL00022627	Email chain between Jonathan Swift QC, Tim Parker, Jane MacLeod, and Amanda Brown, re: Horizon review	14/01/2016	POL-0019106
26	POL00158255	Minutes of POL Board meeting held on 22 September 2015	22/09/2015	POL-0146551
27	POL00158304	Post Office Board Meeting – 22 January 2016, Speaking Notes	22/01/2016	POL-0146587

28	POL00103105	Email from Mark Underwood to Jonathan Swift QC and Christopher Knight, re: Information to inform this Afternoon's call @13:30	21/01/2016	POL-0102688
29	UKGI00006482	Note of meeting with Tim Parker on 26th January 2016 at 9:30 am	26/01/2016	UKGI017296-001
30	POL00103110	Email from Jane MacLeod to Paula Vennells, Mark Underwood, Rodric Williams and others, re: FW: Chairman's review - with attachment	22/01/2016	POL-0102693
31	POL00110382	Email chain between Jane MacLeod and Tim Parker re: Post Office - Chairman's Enquiry	01/03/2016)	POL-0111302
32	POL00024913	Letter sent from Tim Parker to Baroness Neville - Rolfe, re: Post Office Handling of complaints made by Sub - Postmasters review	04/03/2016	POL-0021392
33	POL00103131	Email from Mark Underwood to Jonathan Swift QC, Christopher Knight, Jane MacLeod and others, re: A letter drafted for Tim Parker to send to the Minister, briefing her on the outcome of your enquiry to date	19/02/2016	POL-0102714
34	POL00103132	Draft Letter from Mr Tim Parker to Baroness Neville-Rolfe re: Project Sparrow	19/02/2016	POL-0102715
35	POL00103134	Email from Jonathan Swift QC to Mark Underwood, Christopher Knight, Jane MacLeod and others, re: A letter drafted for Tim Parker to send to the Minister, briefing her on the outcome of your enquiry to date	24/02/2016	POL-0102717
36	POL00131715	Draft Letter from Tim Parker to Baroness Neville Rolfe	24/02/2016	POL-0121501

37	POL00103136	Email from Jane MacLeod to Tim Parker, re: Post Office - Chairman's Enquiry	01/03/2016	POL-0102719
38	POL00103165	Email from Jane MacLeod to Tim Parker, re: Post Office - Meeting with Baroness Neville-Rolfe Wednesday 27 April 2016, 3:30pm	24/04/2016	POL-0102748
39	POL00103171	Email from Tom Wechsler to Paula Vennells, re: Feedback from Tim/ BNR meeting	29/04/2016	POL-0102754
40	POL00103143	Email chain between Jane MacLeod, Tim Parker, Patrick Bourke. Mark Underwood and Roderic Williams, re: Chairman's enquiry	07/03/2016	POL-0102726
41	POL00103154	Email chain between Jane MacLeod and Tim Parker, re: Pst [sic] Office - Chairman's review	21/03/2016)	POL-0102737
42	POL00103158	Email from Jane MacLeod to Tim Parker, re: Post Office - Chairman's review	01/04/2016	POL-0102741
43	POL00103161	Email from Jane MacLeod to Tim Parker, re: Post Office - Chairman's enquiry and related matters	15/04/2016	POL-0102744
44	POL00103176	Email from Jane MacLeod to Tim Parker, re: Post Office - Chairman's review and potential litigation	29/04/2016	POL-0102759
45	POL00241642	Email chain between Jane MacLeod and Tim Parker, re: Post Office - Chairman's review	16/05/2016	POL-BSFF0079705

46	POL00025511	Letter from Freeths to Rodric Williams (POL Solicitor), re: Bates & Others v Post Office Limited Group Action Letter pursuant to the practice direction on pre-action conduct	28/04/2016	POL-0021990
47	POL00103177	Email from Jane MacLeod to Patrick Bourke and others, re: Post Office -Chairman Review and Potential Litigation	29/04/2016	POL-0102760
48	POL00006380	Post Office Group Litigation, Steering Group Meeting - strategy to disclosure for POL	11/09/2017	POL-0017685
49	POL00103192	Email from Jane MacLeod to Tim Parker, re: PO-Chairman's review Confidential and legally privileged	16/05/2016	POL-0102775
50	POL00103193	Update, re: Progress against Jonathan Swift QC Recommendations	16/05/2016	POL-0102776
51	POL00022769	Investigative Report by Bond Dickinson - complaints about the advice provided by NBSC	04/05/2016	POL-0019248
52	POL00241688	Postmaster Litigation, Executive Summary, by Jane MacLeod and Rodric Williams, Meeting date: 17 May 2016	18/05/2016	POL-BSFF0079751
53	POL00021542	Minutes of meeting held on 24 May 2016	24/05/2016	POL0000075
54	POL00103212	Email from Jane MacLeod to Tim Parker, re: Chairman's review	27/05/2016	POL-0102795
55	POL00103214	Email from Tim Parker to Jane MacLeod, re: Chairman's review- Confidential and Subject to Legal Privilege	14/06/2016	POL-0102797
56	POL00103216	Letter from Bond Dickinson LLP to Post Office Ltd, re:	21/06/2016	POL-0102799

		Bates and others v PO		
57	POL00025169	Email from Andrew Parsons to Mark Underwood dated, re: Tim Parker Briefing [BD4A.FID26859284]	12/07/2016	POL-0021648
58	POL00025168	Email from Mark Underwood to Jane MacLeod, Patrick Bourke, Rodric Williams cc: Andrew Parsons, re: Draft Briefing for Tim's meeting with BNR on Tues 19 July	12/07/2016	POL-0021647
59	POL00025170	Meeting with Baroness (Lucy) Neville Rolfe, Parliamentary Under Secretary of State - Tuesday 19 July 2016	19/07/2016	POL-0021649
60	POL00025171	Meeting with Baroness (Lucy) Neville Rolfe, Parliamentary Under Secretary of State - Tuesday 19 July 2016 - Tracked Comments	19/07/2016	POL-0021650
61	POL00103225	Brief for Tim Parker meeting with Baroness Neville Rolfe 19 July	19/07/2016	POL-0102808
62	POL00103215	Email from Jane MacLeod to Tim Parker, re: Letter to Minister regarding the Litigation	21/06/2016	POL-0102798
63	POL00022776	Letter from Tim Parker to Baroness Neville-Rolfe re update on handling postmaster's complaints	21/06/2016	POL-0019255
64	POL00103232	Email from Alwen Lyons to Tim Parker, Ken McCall, Carla etc, re: Postmaster Litigation-Update to Board	29/07/2016	POL-0102815
65	POL00030009	Deloitte Draft "Bramble" - Interim Report	27/07/2016	POL-0026491
66	POL00031502	'Bramble' – Draft Report	31/10/2016	POL-0028404
67	POL00030068	Deloitte - Bramble - Draft Report	01/09/2017	POL-0026550

68	POL00028070	Deloitte's 'Bramble' Draft Report	03/10/2017	POL-0023073
69	POL00029097	Deloitte - Bramble - Draft Report	15/12/2017	POL-0025579
70	POL00030075	Deloitte - Bramble - Draft Report	19/01/2018	POL-0026557
71	POL00022765	Instructions to Brian Altman QC from POL	18/02/2016	POL-0019244
72	POL00112884	Review of Post Office Limited Criminal Prosecutions report written by Brian Altman QC 2016	26/07/2016	POL-0111598
73	POL00030953	Briefings, Policy Documents and Reports for Board to Consider at Meeting	22/01/2016	POL-0027435
74	POL00125814	Minutes of POL Board meeting held on 22 January 2016	22/01/2016	POL-0131425
75	POL00027643	Minutes of POL Board Meeting held on 29 June 2016	29/06/2016	POL-0024284
76	POL00027582	Post Office Ltd Minutes: Board Meeting, re: Post Office Card Account (POCa) Procurement Decision	11/07/2016	POL-0024223
77	POL00021543	Minutes of POL Board meeting held on 25 July 2016	25/07/2016	POL0000076
78	POL00021544	Meeting of POL Board meeting held on 29 September 2016	29/09/2016	POL0000077
79	POL00021545	Minutes of POL Board meeting held on 25 October 2016	25/10/2016	POL0000078
80	POL00027185	Minutes of POL Board Meeting held on 24 November 2016	24/11/2017	POL-0023826
81	POL00021546	Minutes of POL meeting held on 31 January 2017	31/01/2017	POL0000079

82	POL00021547	Minutes of POL Board meeting held on 28 March 2017	28/03/2017	POL0000080
83	POL00154182	Brief for Tim Parker with Robert Swannell	30/03/2017	POL-0143664
84	UKGI00000993	Email thread from Richard Callard to Emily Beynon, Tom Haswell, Mark Russell and others, re: Briefing - Jeremy Haywood's meeting with Tim Parker	05/08/2017	VIS00009131
85	POL00003340	Letter from Andrew Parsons to James Hartley, re: Bates & Others -v- Post Office Limited - Generic Defence and Counterclaim	18/07/2017	VIS00004354
86	POL00027047	CEO's Report by Paula Vennells, Meeting date: 25 July 2017	25/07/2017	POL-0023688
87	POL00021549	Minutes of POL Board meeting held on 25 July 2017	25/07/2017	POL0000082
88	POL00006380	Post Office Group Litigation, Steering Group Meeting - strategy to disclosure for POL	11/09/2017	POL-0017685
89	POL00006503	Litigation Strategy Options	11/09/2017	POL-0017808
90	POL00250666	CEO's Report by Paula Vennells, Meeting date: 26 September 2017	26/09/2017	POL-BSFF0088729
91	POL00021550	Minutes of POL Board meeting held on 26 September 2017	26/09/2017	POL0000083
92	POL00006384	Email from Andrew Parsons to Tony, re: talking points for Paula	28/09/2017	POL-0017689
93	POL00024273	Summary of Briefing, re: Postmaster Litigation - Provided to the Board of Post Office Ltd.	01/05/2018	POL-0020752

94	POL00103314	Email from Jane MacLeod to Paula Vennells, Alisdair Cameron; Tim Parker, and others, re: Postmaster Litigation - Update from CMC.	20/10/2017	POL-0102897
95	POL00103898	CEO's Report by Paula Vennells, Meeting date: 31 October 2017	31/10/2017	POL-0103481
96	POL00021551	Minutes of POL Board meeting held on 31 October 2017	31/10/2017	POL0000084
97	POL00024318	Agenda for Steering Group meeting on 3 November 2017	03/11/2017	POL-0020797
98	POL00004167	Alan Bates etc v Post Office, Approved Judgment	10/11/2017	VIS00005181
99	POL00025752	Email from Rodric Williams to Paul Loraine and Victoria Brooks (WBD), re: CCRC - Content for Update on Chairman's Review	07/11/2017	POL-0022231
100	POL00103319	Brief for Tim Parker meeting with Robert Swannell - 7 November	07/11/2017	POL-0102902
101	UKGI00007673	Email chain from Rachel Mortimer to Robert Swannell CC Mark Russell, re: Post Office and Richard Wohanka – Settlement Agreed with BEIS/HMT	08/11/2017	UKGI018486-001
102	POL00251661	CEO's Report by Paula Vennells, Meeting date: 23 November 2017	23/11/2017	POL-BSFF0089724
103	POL00021552	Minutes of POL Board meeting held on 23 November 2017	23/11/2017	POL0000085
104	POL00021440	Minutes of Audit, Risk and Compliance Committee meeting held on 29 January 2018	29/01/2018	POL-0018070
105	POL00021553	Minutes of POL board meeting held on 29 January 2018	29/01/2018	POL0000086

106	POL00006808	Postmaster Litigation Subcommittee, Executive Summary, by Veronica Branton, Meeting date: 27 March 2018	27/03/2018	POL-0018044
107	POL00006520	Email from Jane Macleod: Postmaster Group Litigation, re: FW: Postmaster Group Litigation - SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD	04/02/2018	POL-0017825
108	POL00117899	Minutes of Postmaster Litigation Subcommittee meeting held on 26 March 2018	26/03/2018	POL-0115399
109	UKGI00018134	Minutes of a meeting of the Board of Directors of Post Office Limited	27/03/2018	UKGI028141-001
110	POL00021445	Minutes of Audit, Risk and Compliance Committee meeting held on 27 March 2018	27/03/2018	POL-0018075
111	POL00025892	Alan Bates & Others and Post Office Limited Opinion on the common issues	10/05/2018	POL-0022371
112	POL00006754	Minutes of Postmaster Litigation Subcommittee meeting held on 15 May 2018	15/05/2018	POL-0018012
113	POL00021555	Minutes of POL Board meeting held on 24 May 2018	24/05/2018	POL0000088
114	NFSP00000040	Summary of meeting with Tim Parker and Paula Vennells on 29 May 2018	29/05/2019	VIS00007488
115	UKGI00008158	Email from MPST Griffiths to Oluwatosin Adegun, Stephen Clarke, Nick Parker, re: Readout: Introductory meeting with Tim Parker (11.06.18) - Horizon Litigation case	21/06/2018	UKGI018970-001
116	POL00024167	Draft Contingency Planning: Risk Assessment Table	09/07/2018	POL-0020646

117	POL00024166	Email from Jane MacLeod to Tim Parker, Ken McCall, Tom Cooper and others, re: Board Litigation Subcommittee	09/07/2018	POL-0020645
118	POL00024177	Speaking note for Board Subcommittee on 10 July 2018, prepared by Womble Bond Dickinson	10/07/2018	POL-0020656
119	POL00006763	Minutes of Postmaster Litigation Subcommittee meeting held on 10 July 2018	10/07/2018	POL-0018021
120	POL00103339	Email from Tim Parker to Jane MacLeod, re: Post Office - Litigation Sub-Committee meeting - 11am Tuesday 10 July	06/07/2018	POL-0102922
121	POL00026843	Papers for POL Board meeting held on 31 July 2018	31/07/2018	POL-0023484
122	POL00006757	Minutes of Postmaster Litigation Subcommittee meeting held on 24 September 2018	24/09/2018	POL-0018015
123	POL00103345	CEO's Report by Paula Vennels, Meeting date: 25 September 2018	25/09/2018	POL-0102928
124	POL00021557	Minutes of POL Board meeting held on 25 September 2018	25/09/2018	POL0000090
125	BEIS0000079	Protocol between POL, BEIS and UKGI for the POL Litigation	11/06/2018	BEIS0000059
126	POL00021556	Minutes of POL Board meeting held on 31 July 2018	31/07/2018	POL0000089
127	UKGI00008345	PO Group Litigation: Litigation Update for UKGI following POL Board Meeting on 31 July 2018	31/07/2018	UKGI019157-001
128	UKGI00008374	Briefing for meeting with Tim Parker	11/09/2018	UKGI019186-001

129	UKGI00008373	Email from Stephen Clarke to Sally Ash and UKGI POL Team, re: Briefing for Robert Swannell meeting with Tim Parker	03/09/2018	UKGI019185-001
130	UKGI00008390	Email from Tom Aldred to Stephen Clarke, Oluwatosin Adegun, Nick Parker and others, re: Summary of catch up with Tim Parker, 11 Sept	12/09/2018	UKGI019202-001
131	POL00023117	Judgement (no.2) of the High Court of Justice in Alan Bates and Others v Post Office limited [2018] 2698(QB)	15/10/2018	POL-0019596
132	UKGI00008542	Email chain from Tom Cooper to Tim Parker, re: GLO Ruling	18/10/2018	UKGI019350-001
133	POL00103355	Email from Jane MacLeod to Tim Parker, Paula Vennells and Mark R Davies, re: Postmaster Litigation	18/10/2018	POL-0102938
134	UKGI00013491	Email from Tom Cooper to Paula Vennells cc Tim Parker, re: Postmaster Litigation - Error in submission	19/10/2018	UKGI024284-001
135	UKGI00008549	Email from Ken McCall to Paula Vennells, Carla Stent and others, with Tim Parker in cc, re Postmaster Litigation	19/10/2018	UKGI019357-001
136	POL00021558	Minutes of POL Board meeting held on 30 October 2018	30/10/2018	POL0000091
137	POL00021559	Minutes of POL Board meeting held on 27th November 2018	27/11/2018	POL0000092
138	POL00006471	Steering Group Noting Paper - Expert Report of Dr Robert Worden	28/11/2018	POL-0017776
139	POL00103372	Email from Jane MacLeod to Tim Parker, Ken McCall, Carla Stent and others, re: Board Report – Final	21/12/2018	POL-0102955

140	POL00103373	Report for Post Office Limited Board as at 13 December 2018 concerning the Post Office Group Litigation (Common Issues Trial)	13/12/2018	POL-0102956
141	POL00103376	Report for Post Office Limited Board as at 13 December 2018	13/12/2018	POL-0102959
142	POL00103375	Email from Tom Cooper to Tim Parker, re: Post Office Group Litigation	06/01/2019	POL-0102958
143	POL00103378	Email sent from Tom Cooper to Tim Parker, re: POL Group Litigation	06/01/2019	POL-0102961
144	POL00103379	Email from Jane MacLeod to Tim Parker, Ken McCall, Tom Cooper and others, re: Post Office - Litigation SubCommittee	22/01/2019	POL-0102962
145	POL00006756	Minutes of Postmaster Litigation Subcommittee meeting held on 28 January 2019	28/01/2019	POL-0018014
146	POL00006753	Minutes of the Group Litigation Subcommittee meeting held on 21 February 2019	21/02/2019	POL-0018011
147	POL00154691	Email from Alisdair Cameron to Tim Parker, re: Alex Chisholm briefing and general update	01/03/2019	POL-0143665
148	POL00154692	Note for Meeting with Alex Chisholm, Permanent Secretary, BEIS	01/03/2019	POL-0143666
149	POL00103409	Email from Jane MacLeod to Tim Parker, Ken McCall, Carla Stent and Others, re: Postmaster Litigation - Confidential and Subject to Legal Privilege - Do Not Forward	08/03/2019	POL-0102992

150	POL00103411	Email chain between Tom Cooper, Jane MacLeod and Tim Parker re: Postmaster Litigation	08/03/2019	POL-0102994
151	POL00103415	Email Chain from Tim Parker to Jane MacLeod, re: Postmaster Litigation	09/03/2019	POL-0102998
152	POL00111876	Postmaster Litigation Judgement - Board call - setting out the key finding of Justice Frasers Common issues Judgement	12/03/2019	POL-0109447
153	POL00103416	Email from Jane MacLeod to Tim Parker, Ken McCall, Carla Stent, and Others, re: GLO Board Call at 10.30 am Tuesday 12 March	11/03/2019	POL-0102999
154	POL00103438	Email from Alisdair Cameron to Thomas Cooper, re: Urgent: Litigation Options	15/03/2019	POL-0103021
155	POL00023899	Bates and others v Post Office Limited - Observation on Recusal Application, by [Lord] David Neuberger	14/03/2019	POL-0020378
156	POL00103454	Note from Womble Bond Dickinson, re: Bates & others v Post Office Limited - Recusal Note	17/03/2019	POL-0103037
157	POL00103446	Email from Tim Parker to Jane MacLeod, Alisdair Cameron, re: Call with Kelly Tolhurst Confidential & Subject to Legal Privilege	16/03/2019	POL-0103029
158	UKGI00017593	Email from Mpst Tolhurst (BEIS) to Tom Cooper (UKGI), Gavin Lambert cc William Holloway and others, re: POL discussion with SoS and Kelly Tolhurst	16/03/2019	UKGI027600-001
159	POL00103438	Email from Alisdair Cameron to Thomas Cooper, re: Litigation Options -	15/03/2019	POL-0103021

		Confidential and Subject to Legal Privilege		
160	POL00103462	Alan Bates & Others and Post Office Limited - Opinion on the Common Issue	10/05/2018	POL-0103045
161	POL00103466	Womble Bond Dickinson - Post Office Group Litigation - Summary of Counsels' Opinion on the Common Issues	12/05/2018	POL-0103049
162	POL00103465	In the High court of Justice, Alan Bates & Others v Post Office Limited - Update to the Opinion on the Common Issues	28/09/2018	POL-0103048
163	POL00103463	Womble Bond Dickinson DRAFT Contingency Planning: Risk Assessment Table	18/03/2019	POL-0103046
164	POL00103464	Womble Bond Dickinson Updated Risk Assessment Table	03/01/2019	POL-0103047
165	POL00103461	Email from Jane MacLeod to Tim Parker, re: Requested documents	18/03/2019	POL-0103044
166	POL00006700	Group Litigation, Executive Summary, by Jane MacLeod, Meeting date: 18 March 2019	18/03/2019	POL-0017958
167	POL00103468	Email from Jane MacLeod to Tim Parker and Ken McCall, re: Board call tonight - suggested agenda	18/03/2019	POL-0103051
168	POL00021562	Minutes of POL Board meeting held on 18 March 2019	18/03/2019	POL0000095
169	POL00103472	Email from Jane MacLeod to Tim Parker, Ken McCall, Carla Stent and others, re: Postmaster Litigation	19/03/2019	POL-0103055

170	POL00103473	Post Office Limited, Board of Directors Discussion Paper - The Background to Recusal and other issues	20/03/2019	POL-0103056
171	POL00021563	Minutes of POL Board meeting held on 20 March 2019	20/03/2019	POL0000096
172	POL00006397	Note of conferences on 18/3/2019 and 20/3/2019 with Lord Grabiner QC	20/03/2019	POL-0017702
173	POL00103479	Agenda for POL Board meeting on 25 March 2019	25/03/2019	POL-0103062
174	UKGI00017291	Minutes of POL Board meeting held on 25 March 2019	25/03/2019	UKGI028249-001
175	POL00030887	Agenda for POL Board meeting on 28 May 2019, with Reports/Policy Documents	28/05/2019	POL-0027369
176	UKGI00009416	Email thread from Tim Parker to Alisdair Cameron & Tom Cooper, re: GLO Tuesday	28/03/2019	UKGI020224-001
177	POL00103484	Email from Jane MacLeod to Tim Parker, Ken McCall, Carla Stent and others, re: Post Office Group Litigation - Update on Recusal Application	03/04/2019	POL-0103067
178	UKGI00009551	Email chain from Stephen Clarke to Stephen Clarke, re: Write up of Tim Parker - Kelly Tolhurst meeting	13/04/2019	UKGI020359-001
179	POL00103489	Email from Jane MacLeod to Tim Parker and others, re: Post Office - Recusal Application	09/04/2019	POL-0103072
180	POL00103494	Email from Jane MacLeod to Tom Cooper and Alisdair Cameron, re: Post Office - Recusal Application	10/04/2019	POL-0103077
181	POL00023899	Bates and others v Post Office Limited - Observation on	14/03/2019	POL-0020378

		Recusal Application By [Lord] David Neuberger		
182	POL00103495	Email from Alisdair Cameron to Tim Parker, re: Update	12/04/2019	POL-0103078
183	POL00006399	Brian Altman QC Advice on the Common Issues Trial Judgment	14/04/2019	POL-0017704
184	POL00103502	Herbert Smith Freehills LLP The Post Office Group Litigation Board Litigation Sub-Committee: 24 April 2019	23/04/2019	POL-0103085
185	POL00103498	Post Office Limited Board Litigation Sub-Committee Postmaster Litigation - Executive Summary Confidential and Subject to Legal Privilege	24/04/2019	POL-0103081
186	POL00103499	Womble Bond Dickinson Common Issues Judgment: Appeal Advice	11/04/2019	POL-0103082
187	POL00103500	Confidential and Privileged - Alan Bates & Others v Post Office Limited - Common Issues List	23/04/2019	POL-0103083
188	POL00006755	Minutes of Postmaster Litigation Subcommittee Meeting held on 24 April 2019	24/04/2019	POL-0018013
189	POL00021565	Minutes of POL Board meeting held on 30 April 2019	30/04/2019	POL0000098
190	POL00023207	Permission to appeal against Judgement No.4 (Recusal)REFUSED In the Court of appeal civil Division for Post Office v Bates & Others. Order made by the Rt. Hon. Lord Justice Coulson	10/05/2019	POL-0019686
191	POL00103536	Email from Alan Watts to Thomas Cooper, re: For info: recusal application refused	11/05/2019	POL-0103119

192	POL00103541	Email from Thomas Cooper to Tim Parker and others, re: GLO	13/05/2019	POL-0103124
193	UKGI00009777	Email from Eleanor to Carl Creswell, Craig Watson, Cecilia Vandini re Note of Kelly/AI/Tim meeting on POL - 15/5	16/05/2019	UKGI020585-001
194	POL00021566	Meeting minutes: minutes of Board meeting held on 28th May 2019	28/05/2019	POL0000099
195	POL00023739	Letter from Kelly Tolhurst MP to Tim Parker, re: post office Group Litigation	29/05/2019	POL-0020218
196	POL00023738	Letter from Tim Parker to Kelly Tolhurst MP, re: UKGI/Post Office Limited Information Sharing Protocol	03/06/2019	POL-0020217
197	POL00103595	Minutes of Postmaster Litigation Subcommittee meeting held on 12 June 2019	12/06/2019	POL-0103178
198	UKGI00010190	Email chain from Mark Russell to Robert Swannell and Robert Razzell, re: Tim Parker - Post Office	17/06/2019	UKGI020998-001
199	POL00006752	Draft minutes of Postmaster Litigation Subcommittee meeting held on 20 June.	20/06/2019	POL-0018010
200	POL00021568	Minutes of POL Board meeting held on 30 July 2019	30/07/2019	POL0000101
201	POL00103667	Minutes of Postmaster Litigation Subcommittee meeting held on 17 September 2019	17/09/2019	POL-0103250
202	POL00155497	Minutes of POL Board Meeting held on 23 September 2019	23/09/2019	POL-0143662

203	POL00103654	Email from Alan Watts to Alisdair Cameron, Thomas Cooper, Ken McCall and others, re: Privileged & Confidential	25/09/2019	POL-0103237
204	POL00021570	Minutes of POL Board meeting held on 3 October 2019	03/10/2019	POL0000103
205	POL00103663	Email chain from Tim Parker to Nick Read, re: Mark Davies	10/10/2019	POL-0103246
206	POL00103694	Minutes Postmaster Litigation subcommittee meeting held on 22 October 2019	22/10/2019	POL-0103277
207	POL00155496	Minutes of POL Board meeting held on 29 October 2019	29/10/2019	POL-0143661
208	UKGI00010672	Email chain from Carl Creswell to Tom Aldred, Tom Cooper, and Beth White re: Few points from the POL Chair meeting - Performance, Governance and Policy	04/11/2019	UKGI021480-001
209	POL00288649	Papers for Postmaster Litigation Subcommittee meeting held on 13 November 2019	13/11/2019	POL-BSFF0126712
210	POL00006759	Minutes of Postmaster Litigation Subcommittee meeting held on 13 November 2019	13/11/2019	POL-0018017
211	POL00030884	Group Litigation Update, Executive Summary, by Ben Foat and Rodric Williams	26/11/2019	POL-0027366
212	POL00163726	Minutes of POL Board meeting held on 26 November 2019	26/11/2019	POL-0151897
213	POL00026420	Email from Ben Foat to Tim Parker, Tim Franklin, Carla Stent and others, re: GLO - High Level Review Embargoed Horizon Judgment	29/11/2019	POL-0022899

214	POL00043341	Email chain between Ben Foat, Tim Parker, Tim Franklin and others RE: GLO - High Level Review Embargoed Horizon Judgment - Section M	09/12/2019	POL-0039823
215	POL00128935	Minutes of Postmaster Litigation Subcommittee meeting held on 10 December 2019	10/12/2019	POL-0132237
216	POL00128937	Agenda for Postmaster Litigation Subcommittee meeting on 3 March 2020	03/03/2020	POL-0132239
217	POL00112873	Email from Ben Foat to Nick Read, re: GLO - Previous Investigations & milestones leading up to proceedings	20/02/2020	POL-0111597
218	POL00103840	Email sent from Tim Parker to Alan Watts, Emanuel Catherine and others, re: GLO : Meeting Yesterday	07/02/2020	POL-0103423
219	UKGI00018737	Email from Justin Manson to Tom Cooper re: Fwd: meeting with Tim Parker Chair of POL	05/03/2020	VIS00012136
220	UKGI00011642	Email from Minister Scully to Shanice Swales CC SpAds Office and others, re: Commission: Intro Meeting with Nick Read and Tim Parker from POL	16/03/2020	UKGI022450-001
221	UKGI00016352	Letter from Paul Scully MP to Nick Read - Historical Shortfall Scheme	01/03/2020	UKGI027145-001
222	POL00103870	Email from Tim Parker to Ben Foat, re: GLO - Historic Management of GLO - Q&As - Response to Chairman	09/03/2020	POL-0103453
223	POL00104107	Email from Ken McCall to Veronica Branton, Tom Cooper, Tim Parker and others, re: PDF of CCRC Papers 23 April 2020	22/04/2020	POL-0103690

224	POL00031104	Letter from Tim Parker (POL) to Paul Scully MP, re: re-exposure following CCRC decision to refer cases to the appeal courts	29/04/2020	POL-0027586
225	UKGI00017810	Email from Veronica Branton to Tim Parker, Ken McCall, Carla Stent and others, re: Agenda and papers: Board meeting CCRC	22/09/2020	UKGI027817-001