

Witness Name: Greg Clark

Statement No.: **WITN10900100**

Dated: 28 June 2024

POST OFFICE HORIZON IT INQUIRY

FIRST WITNESS STATEMENT OF RT. HON GREG CLARK

I, Greg Clark, formerly Secretary of State for Business, Energy and Industrial Strategy, will say as follows.

INTRODUCTION

1. I welcome this Public Inquiry and the chance to give evidence that I hope will be of assistance in establishing what acts – of commission and omission – led to such devastating consequences for so many innocent people who were among the dedicated and respected members of our communities.

2. I strongly support the action that Parliament has taken – to the imperfect extent that it can after the event – to restore the good name of the sub postmasters and mistresses whose reputations and livelihoods have been devastated.
3. It follows from my support for this legislative action that I wish it had been done sooner.
4. In preparing this statement I have been supported by lawyers from the Government Legal Department and by counsel, and have relied on others to provide me with relevant documents. This statement is true to the best of my recollection, though of course it deals with events which go back several years and recollection can be imperfect.

BACKGROUND

5. I read Economics at the University of Cambridge and was awarded my PhD at the London School of Economics. Before entering Parliament, I worked in business strategy consulting, as head of commercial policy for the BBC, and as Director of Policy for the Conservative Party.
6. I was the Member of Parliament for Tunbridge Wells from 2005 to 2024. Before I was a Minister I served on the Public Accounts Committee of the House of Commons, and from 2008 I served as Shadow Secretary of State for Energy and Climate Change.

7. Before I became Secretary of State for Business, Energy and Industrial Strategy in 2016, I served in a number of ministerial positions in government from 2010. I was Minister of State at the Department of Communities and Local Government, Financial Secretary to the Treasury, Minister of State at the Cabinet Office, Minister for Universities and Science, and Secretary of State for Communities and Local Government.
8. Following my period of office as Secretary of State for Business, Energy and Industrial Strategy I was elected by the whole House of Commons to be Chair of the Science and Technology Select Committee from 2020 to 2024.
9. I acted as 'caretaker' Secretary of State for Levelling Up, Housing and Communities in the summer of 2022 between Boris Johnson's resignation and his departure from office.

CONTEXT OF THE BEIS DEPARTMENT

10. I was appointed Secretary of State for Business, Energy and Industrial Strategy by the incoming Prime Minister, Theresa May, on 14 July 2016. I served in this role until Mrs May left office on 24 July 2019.
11. The Department (also referred to as BEIS) was a new Department created when I took office by bringing together two previous Departments - the

Department of Energy and Climate Change and the Department for Business, Innovation and Skills, each of which had been headed by a Secretary of State.

12. BEIS was a large department, with among the largest number of discrete responsibilities of any of the then departments of government. BEIS consisted of over 40 directorates, each headed by Director (a Senior Civil Service grade) [WITN10900101], covering areas such as nuclear power, energy security, advanced manufacturing, life sciences, the national science and research programme, international climate negotiations, industrial sector sponsorship of industries such as automotive, steel and aerospace, small businesses, corporate governance, mergers and takeovers, labour market regulation, and local growth policy. The directorates were drawn together in the development of a new national industrial strategy.

13. The Department had had two Permanent Secretaries at its inception – Sir Martin Donnelly, who had been the Permanent Secretary of the Department for Business, Innovation and Skills, and Alex (later Sir Alex) Chisholm, who had been the Permanent Secretary of the Department of Energy and Climate Change. Alex Chisholm began sole Permanent Secretary later in 2016.

14. The BEIS Ministerial team generally consisted of six Ministers including the Secretary of State. Although the people occupying the roles changed as a result of government reshuffles, one Minister always had specific responsibility for

Postal Affairs, although this portfolio always included other responsibilities such as small business and employment policy.

15. The Department was responsible for around £12 billion in annual public expenditure [p4, WITN10900102]. BEIS consisted of around 3,000 civil servants (the precise numbers varied a little from year to year) and was directly responsible for around 50 organisations employing around 30,000 people. BEIS was the sole shareholder in 40 limited companies such as the British Business Bank plc, Sellafield Ltd, and Magnox Limited. In the wider Departmental Group were a number of major Arm's Length Bodies (often known as "ALBs") including the Ordnance Survey, the Met Office, the Green Investment Bank, British Nuclear Fuels and Post Office Limited.

16. As Secretary of State for a large department I had a sizeable Private Office. It generally consisted of a Principal Private Secretary, a Senior Private Secretary, six Private and Assistant Private Secretaries and a Diary Manager. In addition, I had two Special Advisers (who also supported the other Ministers), a correspondence team and Policy Unit of around four people located within the Private Office.

17. All work involving me came through the Private Office. The Private Office would filter and manage Cabinet and Cabinet Committee papers, submissions from civil servants, it would commission briefing papers to inform me about matters of interest or concern or impending decision, consider meeting requests

(internal and external), arrange my meetings and visits, attend all my meetings, take a note of what was discussed and decided, follow up with instructions to relevant officials, manage the large correspondence that I had and prepare nightly and weekend boxes of work to be done at home.

18. The Private Office was organised with each Private Secretary broadly shadowing a particular area of the Department - but it was a team with people covering each other's areas. For example, there was always an early morning, overnight and weekend rota in which one Private Secretary would deal with whatever was necessary. The Private Office functioned as a very hardworking team. They sat physically together, in a large 'outer office' next to my own, and interacted with me and with each other constantly.

19. It was standard practice across the Department for submissions by officials to Ministers, and many more internal working documents, to be copied to the Secretary of State's Private Office for information. The Private Office would determine if I needed to see any of these (a small fraction of the total) and either bring them in to me immediately if they related to urgent matters, convene a meeting with the relevant officials and ministers, put them in my overnight or weekend "red boxes" for me to read or write me a short note summarising them. I did not routinely use an email account in my own name for departmental business, so everything sent internally or externally to me went to the Private Office.

20. As well as leading the Department, as Secretary of State I had responsibilities as a member of Cabinet. I was also a member of 17 Cabinet Committees including the National Security Council – this was more than any other departmental Secretary of State at the time.

21. My practice as Secretary of State was to try to be inclusive and considered in making decisions and assessing the way forward. Since there were certain practices that I established which will be referred to later in this witness statement, I will briefly describe them.

22. Over and above the daily submissions from officials with briefing and advice, I instituted a system that towards the end of each week I would receive a briefing pack which was prepared for me only which would consist of a paper from each of the eight Directors General (the number varied slightly over the three years). Their papers would set out the key things that they and their officials had been working on that week, what they anticipated in the weeks ahead, and a forward look of submissions that I and other ministers could expect and decisions to be taken in the foreseeable future.

23. Each of the Director Generals' weekly briefs would go to the Permanent Secretary who would submit them all to me accompanied by an overall commentary of his own. We called this the "Weekly Update from BEIS Directors General". I would work on it over the weekend and discuss it with the Permanent

Secretary and the Director General team in person early the following week. I would also have a weekly one-to-one meeting with the Permanent Secretary.

24. I also had other important regular meetings that are relevant to my evidence: a weekly "Industry Meeting", a weekly "Energy Meeting" and a fortnightly "Science Meeting". At these meetings the specific Minister and officials responsible for a policy area in which a significant decision was to be taken would always attend in person, having circulated a relevant submission to attendees to study over the preceding weekend. We would then discuss collectively the proposed way forward at the relevant weekly meeting.

25. All Ministers, regardless of portfolio, were invited and encouraged to attend all of these meetings, and it was understood to be a requirement for the Minister whose particular responsibility it was and for their relevant officials to do so. The relevant Directors General were almost always in attendance, as was usually the Permanent Secretary.

26. This was not meant to, and in my experience did not, take away individual Ministers' decision-making competence. But it was a way to ensure that individual Ministers' prospective decisions had benefitted from the experience and judgement of other colleagues, both official and ministerial. Matters concerning the Post Office were considered at the Industry Meeting in this way, since that directorate fell within the broad set of policy areas that fell under the 'Industry' heading.

27. A typical week was filled with many other specific briefings and meetings, but the regular meetings I have described above were of great importance because they allowed different perspectives to be brought to areas under discussion and for decision, and made sure that decisions were not taken in isolation.

28. I would like to say that I regard myself as having been well served by my ministers and officials, and that we gave careful and serious consideration to decisions that were taken. Former ministerial colleagues have commented elsewhere (such as in the Institute for Government's *Ministers Reflect* interviews) that they found the way I ran the Department to be an effective and empowering system.

MY TIME AS SECRETARY OF STATE

29. In relation to Post Office Limited and Horizon, I think it is helpful to divide my tenure as Secretary of State at BEIS into two periods:

- (i) the period from the creation of the Department and my appointment to lead it in July 2016 to the first High Court Judgment ("Common Issues") of March 2019, and
- (ii) the period from the Judgment in March 2019 until I left the Department in July 2019.

**The first phase: From July 2016 to the High Court "Common Issues"
Judgment of March 2019**

30. When I was appointed Secretary of State I knew from my work as a constituency MP supporting an individual constituent, who was a victim of the scandal, that she and some other sub postmasters were contesting in the High Court the accuracy of the Post Office's systems and, through the Criminal Cases Review Commission, the safety of their convictions. This support was with the process of appeal and I had no specific knowledge of the Horizon IT system, the prosecuting role of the Royal Mail Group or the Post Office, who had been responsible for investigations or prosecutions, nor the existence or substance of any of the reports listed in paragraph 15.5 of the Rule 9 request. These are listed as: Simon Clarke's advice of 15 July 2013 (see [POL00006357]); Deloitte's Project Zebra reports (see [POL00028069]); the Swift Review (see [POL00006355]); and Deloitte's Bramble reports (see [POL00029984], [POL00030009] and [POL00031502]).

31. The period from July 2016 to March 2019 was between two times. This is in the sense that prosecutions of sub postmasters by Post Office Limited had stopped (they had taken place between 1999 and 2015, with most between 1999 and 2012), and challenges to previous convictions and actions by the Post Office by the Criminal Cases Review Commission (from 2015) and by the High Court (from April 2016) were underway but had not concluded.

32. During my time in office from 14 July 2016 until the time of the first High Court Judgment in March 2019 most of the matters that I was engaged in as Secretary of State concerning Post Office Limited were relatively broad, long term questions - such as the viability of the branch network, the Post Office's long term funding requirements from the Government, and the role of the Post Office in providing banking services to communities in the context of closing bank branches.

33. When I took office in July 2016 I was provided with, as an incoming Secretary of State, an Introductory Brief from each of the 40 or so directorates in the Department. This is a standard and longstanding civil service practice and summarises, for an incoming Minister, the salient matters in each of the areas of policy and flags areas in which a decision will be required.

34. One of these Introductory Briefs was for the Post Office [WITN10900103]. It consisted of 5 pages containing briefing on a number of live issues including its ownership, Post Office Limited's long-term strategy, the future of its branch network, its pensions position, its role in supplying cash to external clients, and the industrial relations outlook.

35. The Horizon dispute was mentioned in a paragraph subtitled "Other Issues". This contained a reference which noted that "*affected sub postmasters continue to put pressure on Post Office Limited, the Criminal Cases Review Commission*

are considering some cases where individuals have received criminal convictions, and group civil litigation is being launched against POL in the High Court.

36. To prepare this witness statement I asked the Department for sight of all of the 150 or so "Weekly Updates from BEIS Directors General" from July 2016 to July 2019, totalling some 2,700 pages, which I have re-read. The Post Office features in most of the Weekly Updates, but almost exclusively about matters such as the funding settlement from HM Treasury, the future of the branch network (which Government policy required it to maintain) and the provision of banking services. Before the High Court's initial Common Issues Judgment was expected in early 2019, I could find only eight references to the group litigation, which were either noting that it was ongoing or that it was approaching its end.

37. More generally, through the weekly pattern of briefings, meetings with the Minister, Permanent Secretary, senior BEIS officials and UKGI officials I was kept informed of matters related to the Post Office that were relevant to the Department's role and regularly questioned and discussed its strategy and future requirements, especially given the need to agree with HM Treasury a future funding settlement for POL.

38. I discern two components of the longstanding Departmental view that the matters concerning the Horizon system were for the Board of Post Office Limited during the period before the Common Issues Judgment.

39. The first was that these matters were essentially *sub judice*. The Criminal Cases Review Commission was investigating the safety of criminal convictions of sub postmasters and it would not be proper for the Executive publicly to contest the verdict of properly constituted Courts. Only a Court could overturn the verdict of another Court and that was the function of the Criminal Cases Review Commission and the Court of Appeal. Concerning the Group Litigation, I would characterise the Departmental view as being that it was for the High Court to establish the truth of the relationship between the sub postmasters and Post Office Limited and the questions surrounding the Horizon system.

40. I myself regarded the High Court trial of the Group Litigation as being of great importance. It provided a means to take the dispute out of the hands of Post Office Limited (who, for example, in 2015 had unilaterally refused to allow my constituent to take part in the mediation scheme). It brought the independence and authority of the High Court, with its powers to require disclosure and evidence under oath, sitting under a senior Judge to get to the bottom of what had happened. And the High Court's Judgement would be authoritative, compared to any other means of resolving the dispute, and this was important for the challenges to the criminal convictions. I believe that the Judgments of Mr Justice Fraser justify that view of the High Court's ability to get to the truth.

41. I recall my view and the Department's view as being that the two judicial processes were linked, in the sense that the High Court case was thought to

have an important bearing on the Criminal Cases Review Commission's determination of the safety of convictions. Indeed, an update for UKGI by POL dated 8 August 2018 [**UKGI00008345 PO Group Litigation: Litigation Update for UKGI following POL Board Meeting on 31 July 2018**] states at paragraph 7 "*The CCRC has advised POL that it is nearing completion of its reviews (commenced in 2015) into 33 Post Office prosecutions of former postmasters (31 of whom are claimants in the Group Litigation). However, given that the CCRC's reviews touch on issues similar to those in the Postmaster litigation (in particular with respect to Horizon), delivery of the CCRC's findings could be delayed by the litigation.*"

42. The second component of the Department's view was the belief the relationship between the Government and Post Office Limited was required to be what has been referred to as "arm's length". The Government had a 'special share' in Post Office Limited. This required permission to be given for certain specified functions - such as appointments to the Board and agreement of a strategic plan - but gave no right to direct operational matters, which were reserved for the Board. The Post Office's IT system and its contracts with sub postmasters were considered to be operational matters and so, *a fortiori*, legal disputes concerning them were also for the Board.

43. In the evidence that has been disclosed to me there are several examples of this view being reflected in submissions or advice:

- (i) The Introductory Brief provided on the day I was appointed Secretary of State [WITN10900103 – as at para 33] described it as follows: “POL is a public corporation with a fiduciary Board, chaired by Tim Parker (an experienced commercial Chair appointed in October 2015). Operational decisions are made by the CEO, Paula Vennells, and her executive team, supported by the Board”.

My understanding was that a fiduciary Board is one in which each director legally has an undivided responsibility to pursue the interest of the company itself, rather than act as a delegate for an external person or group.

- (ii) It was always clear that the Department was not a party to the litigation in the High Court. For example, the advice to Ministers regarding a request for early sight of the Common Issues Judgement [UKGI00009076 UKGI advice to Minister regarding Common Issues trial, including advice not to seek permission to have early sight of the judgment, 1 March 2019] said:

“While POL is 100% owned by HMG, it operates as an independent, commercial business. As such the relationship between sub postmasters and the management of its IT systems are operational matters for Post Office Ltd. The legal defence costs involved are being handled by them”
(para 11)

"The Secretary of State as a shareholder is in the same position as any other shareholder of a private company, namely a separate legal entity. We have not been able to find any similar precedents where shareholders of companies have successfully applied for advance sight of a Judgment involving a company of which they are a shareholder ... particularly in a case which does not raise any public law issues but is a private law matter between POL and its claimants" (para 14)

- (iii) Consistent with not being a party to the litigation, POL supplied only factual updates, following board meetings, to UKGI to share with BEIS on the course of the litigation. This was done with some reluctance on the part of POL. An email train of between 23 February 2018 and 11 May 2018 between lawyers of UKGI and POL [**POL00041270 Email Patrick Bourke to Rodric Williams, Jane MacLeod and Andrew Parsons Re: Litigation and Appointment, dated 11 May 2018**] shows ongoing resistance by POL to provide written updates that could be shared with the Department on the progress of the litigation, citing legal privilege. The email shows that the BEIS Permanent Secretary had to insist on these factual updates being provided.

- (iv) Regular warnings would be given that there was a legal requirement for Ministers and officials to be separate from the Company's decision-making lest they risk being deemed to be 'shadow directors'.

For example a submission co-authored by the Government Legal Department when Ministers were dissatisfied with POL's approach to the litigation said **[BEIS0000075 BEIS advice Re: POL Litigation, 11 June 2019]** that:

"care needs to be taken that Ministers do not risk being regarded as shadow directors. A shadow director is someone in accordance with whose directions or instructions the board are accustomed to act. A shadow director has the same legal duties as a normal director and can potentially incur person liability for their actions".

- (v) There was some anxiety about the propriety of the Government being involved in matters that are reserved for the Courts. For example, when the then Post Office Minister, Kelly Tolhurst, was concerned about the POL Board's intention to apply for the recusal of the Judge in the Civil litigation she was advised **[UKGI00009307 Email from Tom Cooper to Clark MPST, Tolhurst MPST, Tom Aldred and others - Re: Post Office Litigation Update, 20 March 2019]**:

"The advice from BEIS Legal and UKGI Legal is that BEIS officials/ministers and the shareholder NED should not be involved in POL's formal decision-making on the recusal application".

This was reinforced in a further email in that document "*The strong legal advice is that the minister should not be involved in this decision*".

- (vi) When I had expressed dissatisfaction with POL's conduct of the litigation and had asked for advice on how we could change it, including the Department stepping in "*to play an active role in development and delivery of the litigation strategy, working directly with POL's legal advisors, in consultation with POL*" [BEIS0000076 Annex A to BEIS0000075 Re: Options for Minister to consider] officials' advice was that there were:

"Serious questions over the feasibility/legality of this option. It would require POL's agreement and ongoing co-operation as POL would have full access to all the information on the cases including the involvement of their employees. POL would have limited incentive to co-operate and might ask BEIS to fund any settlement in exchange for handing over conduct of the case. External legal support would be required as BEIS/UKGI Legal would not have the necessary litigation expertise or capacity."

44. The propriety of the conduct between the Department and its arm's length bodies - including Post Office Limited, but also other bodies such as the Nuclear Decommissioning Authority and the Ordnance Survey - was always considered to be an important concern in BEIS. This was because the Department was

itself responsible for policy and enforcement of Company Law and directors' duties. Indeed, the disqualification and sanctioning of directors for breaches of Company Law is carried out in the name of the Secretary of State.

45. In the Expert Report to this Inquiry on "Expected and best practice in respect of the standards of governance, management and leadership in companies such as the post office companies" [EXPG0000006 Dame Sandra Dawson and Dr Steward - Expert Report], Dame Sandra Dawson and Dr Katy Steward describe it this way: "*POL Executives were directly responsible for running the PO businesses including the sub postmasters' network and the commissioning and roll out of Horizon*", (para 1.6.3) and "*The Board, as a whole, is accountable interalia for a) Providing oversight and overarching Governance, Risk and Compliance frameworks ... d) approving the strategy ... i) oversight of operational performance*" (para 2.2.4).

46. Dame Sandra and Dr Steward observe "*Whilst there are differences between publicly listed and publicly owned companies, it is notable that in matters of governance during the relevant period, one finds that the requirements and expectations for all organisations in the UK have tended, and tended to be encouraged by governments and regulators, to follow the approach adopted in law and guidance for publicly listed companies*".

47. UKGI's handbook *UK Government Arm's-Length Bodies* [WITN10900104] states "*the board of an Arm's Length Body (whether fiduciary or advisory) plays*

a key role in holding the ALB executive to account on behalf of ministers and departments ... in the case of boards with fiduciary duties (namely companies and bodies corporate), the board's decision must legally take priority".

48. It was clear, as set out above, that the operations of Post Office Limited were the responsibility of its management, and that oversight of these operations was the responsibility of the POL Board. The role of the Government - officials and Ministers - was to appoint the Board, set a framework within which the Board would operate (such as the funding requirements by government and the required size of the network of post offices) and to monitor and hold it to account against that framework.

49. I set out later in this witness statement my current belief, in the light of the Post Office Limited experience and my experience of other public bodies, that using this approach of using a standard Companies Act vehicle is not best suited to the Government's 100 per cent ownership of a body such as the Post Office whose public purpose may mean that its operations and strategy are both matters of public interest. Later in this statement I suggest a different vehicle could be established for such Government-owned, dual-purpose bodies, and I also comment on the role of UKGI as the organisation through which Government shareholdings are managed.

50. But I do not doubt the sincerity of the long-held view of the Department that Company Law required separation of Ministers and officials from the operating

decisions of Post Office Limited. It was a separation that was consistent across all administrations that I am aware of.

The second phase: from the High Court Judgment of March 2019 to July 2019

51. On 15 March 2019 the High Court issued its first Judgment on the Group Litigation – the “Common Issues” Judgment. As far as I understood it was the first time that a Court had opined on sub postmasters’ case against the Post Office since the criminal convictions in individual courts. For this reason, as well as its content, I regarded the Judgment as seminal. It not only gave the Court’s view on the technical questions of contract interpretation with which it was narrowly concerned, but also gave a first verdict on the merits of the Post Office’s case and conduct with respect to the sub postmasters. The Court had, in effect, established that Post Office Ltd had behaved disreputably and had acted to the detriment of sub postmasters.

52. The Postal Affairs Minister and I received a submission [UKGI00009076 – see **para 42**] on 1st March 2019 from the Director General of UKGI, Mark Russell, informing us that the Judgment was expected to be shared with the parties to the litigation the following week, and published the week after. The submission gave an overview of the case and the ongoing legal process and advised that Ministers should not apply to the Court for early sight of the Judgment, because the Government was not a party to the litigation and so it was “*highly unlikely to succeed*”.

53. The submission said that *“there are a very wide range of possible outcomes with 23 common issues at stake, some of which are broad”* (para 9), but also advised us that *“the Post Office expect the Judge to continue to be critical of some aspects of the PO’s handling of the case and its treatment of claimants. We expect that these largely relate to historic behaviour and do not believe POL currently has problems with its operational culture”* (para 10).

54. In my weekly “bilateral” meeting with the Permanent Secretary on 5 March 2019 I asked him for his own, personal assessment of the best way ahead for the Post Office in the context of the imminent Common Issues judgement. Alex Chisholm responded the next day, 6 March 2019, with a personal minute to me **[UKGI00009137 Email from Alex Chisholm to Greg Clark CC Kelly Tolhurst Department for Business, Energy & Industrial Strategy Re Post Office litigation trial and leadership succession, dated 5 March 2019]** in which he said (the underlining is in the original minute):

“You asked me yesterday to look into some of the issues relating to the Post Office and to advise both you and Kelly on the way ahead. The two most pressing issues relate to the court case and the appointment of an interim chief executive...

“I agree with the legal and policy advice that we should not seek permission to see the Judgment in advance of it being made public and not comment when it

is published ... Ministers will want to keep an appropriate distance from the trial and not comment directly while it is sub judice ... Personally I would not be surprised if the proceedings uncovered some faults on both sides in the litigation. Hence it would be especially advisable to stay above the fray for now, leaving you free to speak and act as necessary and in the public interest once the matter is decided."

"POL is a big and complex business and needs an acting CEO now that Paula has stood down ... Having spoken with Tim and Tom C I am satisfied that Al Cameron is the right person – indeed the only real candidate – to be appointed as interim CEO ... I recommend that you give your assent to his appointment this week."

55. The Judgment was made public - including to the Department - during the afternoon of Friday 15th March. I had engagements in my constituency that afternoon and I had to attend and speak at the Annual General Meeting of my Conservative Association that evening, so I asked for a telephone conference call to be briefed on the Judgment at the earliest opportunity the next morning.

56. I took this at home on the early morning of Saturday 16th March with the Postal Affairs Minister and senior officials. The call was taken by Gavin Lambert, the relevant BEIS Director General, and Tom Cooper, UKGI's Director on the POL Board. A short 'readout' (i.e. an informal minute) was taken by one of my Private Secretaries who was on the call [UKGI00009213 Email from Gavin Lambert

to MPST Clark, MPSST Tolhurst, Tom Cooper and others Re: POL Discussion with SOS and Kelly Tolhurst, 16 March 2019] and circulated at 0947 on Saturday.

"Kelly brought SoS up to date on the judgement against POL, indicating that the judgement was close to the worst case scenario".

57. It was immediately clear to me that the Judgment was of great significance. Although it was only the first of several judgments expected, it had already established that sub postmasters had been unjustly treated by POL, and that significant harm had been done to them. It was my clear view that it should be rectified as quickly as possible.

58. Officials on the call then briefed me about whether POL were likely to appeal the Judgment:

"Tom Cooper indicated that there are both legal and tactical reasons for POL to appeal and that it is most likely that they will do so. Appealing may be helpful in reaching a settlement."

59. I recall being angered by what I interpreted (perhaps unfairly) as a cynical undertone to this remark - in particular the use of the word 'tactical'. I do not suggest that this was Mr Cooper's personal view, but rather that he was reflecting POL's position.

60. A Judgement had been made of great seriousness and needed to be acted upon conscientiously. I sensed an implication that 'tactical' (in conjunction with an appeal) meant not a well-intentioned need to clarify or even dispute a genuine matter, but a device or stratagem to disadvantage the sub postmasters in the litigation. I presumed that this was to cause them to incur more costs, that they may not be able to withstand.

61. At this point I interrupted the briefing to try to cut off this line of thinking. This is recorded in the 'readout' as

"SoS made clear his primary objective is to see justice done. Where postmasters and postmistresses have been treated improperly they should be treated justly."

62. Civil service shorthand has certain norms, which are understood by its readers.

'SoS made clear' communicates to readers that I expressed myself forcefully on this point.

63. The readout is not a verbatim account and my recollection of my demeanour on that call was that I would have been more likely to have said 'only objective' not the rather pedantic 'primary objective', but I have no proof of that.

64. Having heard what I had, I wanted to establish the point very clearly that the Government was not 'on the Post Office's side', as it were, in this – and that being the sole shareholder would not influence that.

65. The readout also states:

"He (SoS) also asked that the Department put out a statement making the point that we were aligned with interests of the postmasters but that we are still going through the legal process."

66. The readout says:

"SoS made clear that where POL can fix problems internally before the conclusion of the legal process it should do so."

67. In my recollection, that is a slightly opaque encapsulation of another strongly expressed ("*made clear*" again) view that POL should now act without further delay to compensate postmasters – in other words, make restitution.

68. I interpret the readout as suggesting that UKGI pushed back against that view to a certain degree, which was reflected in the concluding line:

"He (SoS) agreed with Tom Cooper's assertion that caution would be required to ensure that justice is done for legitimate claimants, but that restitution would not be appropriate in all cases".

69. I cannot remember the exact words used but I believe that was a diplomatic drafting in the readout to bridge the difference in ambition between my instinctive view that POL should proceed to comprehensive restitution, and a more cautious view from UKGI, done to record an agreed way forward.

70. The Minister, Kelly Tolhurst, had had a call with the POL Chair Tim Parker, Al Cameron and Jane Macleod at 1215 after my call with her and officials **[UKGI00009212 Email chain from Tom Cooper to Craig Watson, cc'ing MPST Tolhurst, Stephen Clarke and others re: Official Sensitive: POL Litigation Judgement Master Thread, 16 March 2019]** to hear from them and to share our views (I recall her view as being entirely consistent with mine).

71. As agreed on the Saturday morning conference call, Kelly Tolhurst issued on Monday morning 18th March a "Dear Colleague" letter to all 650 MPs **[POL00103458 Letter to (Colleague) Member of the House of Commons from Kelly Tolhurst, MP re. Post Office Ltd Litigation, dated 18 March 2019]**.

72. The letter points out that *"the judge has been highly critical of the Post Office's handling of the case"* and set out directly some of the significant criticisms of the Post Office made in the Judgment.

73. It notes that the *"courts are the right place to hear the issues being raised"* and expressed hope that the case *"will assist in the resolution of what are long-standing issues between some postmasters and the Post Office so that postmasters with claims can find a remedy if the court finds there is validity to those claims"*.

74. The letter said *"having spoken over the weekend with the Chairman of POL, I am assured they have acknowledged the criticism, are taking it very seriously, and will be taking appropriate action where necessary ... I will be remaining in close contact with the Post Office over the coming weeks and months as they deliver on their commitments to improve"*.

75. However, the next development – the attempt to recuse Mr Justice Fraser from the Group Litigation trials – indicated, in my view, that POL had not made the same assessment of the consequences of the Common Issues Judgment that I and the Minister had.

76. A submission from Mark Russell of UKGI to the Post Office Minister and me on Thursday 21 March 2019 **[BEIS0000070 BEIS briefing note Re: Update on**

POL Litigation, dated 21 March 2019] informed us that the POL Board had initiated an action to seek to recuse the Judge.

77. The submission said, of Kelly Tolhurst's call with POL Chair Tim Parker on the previous Saturday:

"POL informed you that they were taking independent legal advice on whether to seek an application for the judge to recuse himself from hearing the rest of the litigation. At that stage, Tim thought it unlikely that an application would be taken forward." (para 6)

78. It then informed us:

"On 20 March POL's Board met to hear legal opinion on the recusal application and to take a decision on whether to proceed. Tom Cooper attended as the shareholder's representative on the Board, but following advice from UKGI Legal, he took no part in the decision making ... POL's Board approved the seeking of the recusal which will be lodged in the court today." (para 7)

79. This indicated to me that POL was not accepting the gravity of the Common Issues Judgment, and was asserting its independence of Ministers whose view of the Judgment had been conveyed on the Saturday.

80. Advice to the Minister on an email chain at 1549 on 19th March [UKGI00009307

Email from Tom Cooper to Clark MPST, Tolhurst MPST, Tom Aldred and others - Re: Post Office Litigation Update, 20 March 2019] said *"The advice from BEIS Legal and UKGI Legal is that BEIS officials/ministers and the shareholder NED should not be involved in POL's formal decision-making on the recusal application"*.

81. This is reinforced in a further email to Kelly Tolhurst's Private Secretary at 1624:

"The strong legal advice is that the minister should not be involved in this decision".

82. As well as the "arm's length" requirement, referenced above, I understand that there was also a legal view that it would be improper for anyone associated with the Government to be involved in any decision about the judiciary. This was a reason why Tom Cooper, UKGI's representative on the POL Board, took no part in the decision taking.

83. A submission of 12th April 2019 from Mark Russell of UKGI to Kelly Tolhurst and me [BEIS0000071 BEIS briefing note **Re: Developments since recusal application on 21 March, dated 12 April 2019**] informed us that on 9th April the Judge had dismissed the recusal application. That submission claimed that POL intended to take a new approach to the litigation.

84. It said *"POL has decided to boost the legal team and has provisionally appointed Herbert Smith Freehills to oversee the litigation with a direct mandate from the Board rather than reporting through the Company Legal Counsel. Their mandate will be to revisit the approach to the litigation (both substance and tone) which in the short term means looking at the appeal relating to the Common issues Trial, the currently adjourned Horizon issues trial and the strategy for reaching resolution. We have been pressing POL to ensure that their litigation strategy is considered with a fresh pair of eyes, so this is a good outcome and we expect it to have a significant bearing on the way the litigation is conducted."*

85. However, despite this statement that POL would proceed to *"revisit the approach to the litigation (both substance and tone)"* the submission also said *"the judge dismissed the [recusal] application on 9 April and refused permission to appeal, but POL will now seek the Court of Appeal's permission directly. In parallel, POL is preparing an appeal of the Common Issues Judgement"* (my emphasis). This reinforced my view that the organisation had not changed its approach in a meaningful way.

86. The results of the promised short-term review of POL's legal strategy by their newly appointed legal advisers, Herbert Smith Freehills, was communicated in a submission dated 10 May 2019 [**BEIS0000073 BEIS briefing note on Post Office Litigation: Briefing on POL's Appeal Strategy**] from Mark Russell of UKGI to the Minister and the Permanent Secretary (although not to me).

87. It notes, as a *fait accompli*, that the POL Board had decided to apply for permission to appeal the Common Issues Judgment. In effect, nothing had changed in POL's approach.

88. The submission to Kelly Tolhurst and the Permanent Secretary said:

"Following the appointment of HSF to oversee the litigation with a direct mandate from the Board, HSF has reviewed POL's legal strategy. HSF presented their advice on the proposed approach to the Common Issues appeal. This approach was endorsed by the Board's Group Litigation Sub-Committee on 9 May."

89. Immediately the Judgment had been published I had said that the interests of justice to the postmasters must be the guiding principle, and that POL should move to restitution without further delay. In my view, the recusal application and now the intended appeal were inconsistent with that steer.

90. Given this frustration, I asked officials to devise ways, within the legal constraints of the relationship between the Government and POL, to require POL to give effect to my objective.

91. We discussed this orally with officials at my Industry meeting on 4 June and I requested a comprehensive written set of actions we could take to bring this

about. This resulted in a substantial submission, prepared by many officials and sent by the BEIS Director General Gavin Lambert to Kelly Tolhurst and me on 11 June 2019 [BEIS0000075 BEIS advice on Post Office Limited litigation, 11 June 2019].

92. The first paragraph reads:

Summary

At the industry meeting on 4 June you (SoS) asked for advice on how the ongoing Post Office Limited (POL litigation) could be brought to a swift and satisfactory conclusion, ensuring postmasters who had been treated unfairly were appropriately compensated."

93. The recommendations of the submission were as follows (paragraph 3):

"That you note the advice and our recommendations that you choose from the following options (which are not mutually exclusive):

- 1. Challenge the POL Chair and Board to review their litigation strategy, consider opportunities for early settlement and set out an action plan*

2. *Commission POL to carry out a project on how to structure and operate a settlement – including a fund which would subsequently assess claims, consider effect, and award compensation according to pre-agreed criteria*
3. *BEIS Ministers to state publicly that they want to see justice resulting from litigation for claimants with valid claims*
4. *Challenge Post Office to announce that it is taking on board some of the legitimate criticisms in the Judgments to date and is taking action to address them*
5. *Put UKGI lead legal counsel (or another legal adviser) on the POL litigation sub committee as director or observer*
6. *Invite Nigel Boardman, Chair of BEIS Audit and Risk Committee, to carry out some independent due diligence on POL's litigation strategy*
7. *Put in place clear information-sharing arrangements vis the proposed Framework Agreement for POL."*

94. The submission advised on some of the legal risks of this approach (paragraph 16):

“While it is perfectly proper for the shareholder to express views and ensure the Board understand their position, care needs to be taken that Ministers do not risk being regarded as shadow directors. A shadow director is someone in accordance with whose directions or instructions the board are accustomed to act. A shadow director effectively has the same legal duties as a normal director and can potentially incur personal liability for their actions.”

95. I had also asked for more ‘nuclear’ options to deploy in the event that POL would not willingly comply. These included dismissing the Post Office Limited Board, the Government denouncing POL’s litigation, and assuming departmental control over the remainder of the litigation. These options were included at my request, but the submission advised *“we recommend that they are not pursued at this stage”*.

96. My belief that POL had not accepted the significance of the Common Issues Judgment was corroborated by this submission. In providing an update on the Court’s Judgment on POL’s application to appeal the Common Issues Judgment it revealed that POL was persisting in the very behaviour that had been criticised. The submission said (at paragraph 6) *“The Judge criticised POL’s conduct again, namely POL’s “veiled or implied threat that mirrors the approach adopted by Post Office on the recusal application”*.

97. On 18th June an email from one of my Private Secretaries to the Permanent Secretary and other officials [UKGI00010205 Email from MPST Clark to

MPST Tolhurst, Carl Creswell, cc'ing Craig Watson and others, Re: OFF SEN COMMERCIAL: Post Office Litigation - advice] said that I wished to pursue all of the first 7 options.

98. The Minister was to meet the Chair and Interim CEO of POL on 24th June to discuss their litigation strategy and to inform them of these intended actions at that meeting. The Minister also planned to attend the POL Board at the end of July *"to raise these issues directly with the Board"* [BEIS0000075 BEIS Submission on Post Office Limited litigation, 11 June 2019].

99. I agreed with the advice of the submission that the 'nuclear options' should not be pursued *"at this stage"* - but I regarded them as being still on the table. There were important downsides to dismissing the Board - or denouncing it in a way that would be likely to provoke its resignation. The Post Office was a large and complex organisation, turning over almost £1 billion a year. Many public services - from the payment of benefits to applying for passports - depended on its operations. To have the Post Office leaderless was a major risk. The submission of 11 June also noted that *"a competition is underway to recruit a permanent CEO and panel interviews are due to take place early this week"*. In fact Nick Read was announced as incoming Chief Executive on 18th July.

100. If these 7 actions were carried out, the consequences and implications of the Common Issues Judgment would have been respected and a compensation scheme *"including a fund which would subsequently assess*

claims, consider effect, and award compensation according to pre-agreed criteria” would have been drawn up without waiting for the further Judgments in the Group Litigation.

101. It is worth recalling that this whole period was an exceptionally turbulent time in Government and in Parliament. As Secretary of State for Business, Energy & Industrial Strategy I was deeply involved in trying to secure a withdrawal agreement from the EU which would allow the UK to continue to trade without barriers with other member states. I was also responsible for preparing for ‘No Deal’ in the Department which had more regulatory involvement with the EU than any other – from the Euratom Treaty on nuclear co-operation to Rules of Origin to allow automotive exports to continue to be made from the UK to the EU.

102. In the days after the Common Issues Judgment of 15th March 2019, the House of Commons was repeatedly trying to break the deadlock on Brexit with “indicative votes” on various options being held on 27th March and 1st April. The EU Withdrawal Treaty was rejected by the House on 28th March for the third time, a Bill to rule out No Deal Brexit was debated on 3rd April. The election campaign for the European Parliament was conducted throughout April and May with the election on 23rd May seeing the governing party fall to fifth place nationally. Theresa May resigned as Leader of the Conservative Party on 24th May 2019, ballots among MPs to elect her successor took place on 13th, 18th, 19th and 20th June, before a campaign among the party membership resulted

in Mrs May's replacement as Prime Minister by Boris Johnson on 24th July. The Department had other urgent and important issues such as the collapse into liquidation of British Steel on 22nd May. I travelled extensively around the world during these weeks, including to China, India and Turkey, to seek buyers for the British Steel business to keep the plants in Scunthorpe and Teesside from closing. I was responsible for many other important measures at the time, including in May 2019 acting on the recommendation of the Committee on Climate Change to require Net Zero emissions and legislating for it on 27 June 2019.

103. I mention these other pressures not to suggest that the response to the Common Issues Judgment was not a priority but precisely the reverse. At a time of almost unprecedented demands on my attention and those of the Department, I deliberately gave time, thought and priority to directing the Department, and in turn POL, to act on the Judgment of the High Court. From the initial conference call on the Saturday morning after the Judgment was made public to the search for ways to change the course of the Post Office's response, I was determined to drive change.

104. It was universally understood that I would not be continuing as Secretary of State after 24th July, having had a marked difference of view on Brexit during my tenure as Business Secretary from that of the incoming Prime Minister, Boris Johnson. Indeed, six weeks later Mr Johnson would expel me from the

Parliamentary Conservative Party for voting in the House of Commons against a "No Deal" Brexit.

105. However, I consider that during my remaining time in office my ministers, officials and I acted meticulously and firmly to use the Judgment to provide the incoming administration with a basis for changing the course of the litigation towards acceptance of fault and proper restitution for sub postmasters – even though it would be another 5 years for the Post Office (Horizon System) Offences Act to be passed. I wish that I had had the opportunity myself to see this to completion in office.

REFLECTIONS AND SUGGESTIONS

106. There are many lessons that must be drawn from the scandal that ruined the lives of so many sub postmasters, and I know that the work of the Inquiry is established in part to identify them.

107. There are three aspects on which I would offer comment from reviewing the evidence and from experience. They are:

- Post Office Limited's power to prosecute individuals;
- the process of reviewing patterns of criminal prosecutions and/or convictions;

- and the "arm's length" relationship with Post Office Limited and other bodies in which the Government is the sole shareholder.

108. I am conscious that the first two of these are essentially legal matters, and I am not legally trained. So I offer these observations, with due deference, as a layman – albeit someone with experience of public policy.

109. On the first, it seems to me that - as the Criminal Cases Review Commission observed to the House of Commons Justice Select Committee - there was a clear potential for conflict of interest in Post Office Limited's status as both investigator and prosecutor.

110. My initial instinct was to think that private prosecutions by bodies such as Post Office Limited should not be permitted and that all criminal prosecutions should be carried out by the Crown Prosecution Service. But I have read the House of Commons Justice Select Committee's report *Private prosecutions: safeguards* of 2 October 2020 [WITN10900105]. I now understand that, following the 1981 Royal Commission on Criminal Procedure, the general right to bring private prosecutions is important constitutionally, not least as a safeguard "*against the inaction of authorities*" and that the conduct of the Post Office should not be regarded as representative.

111. I support the Justice Select Committee's recommendation that every defendant who is privately prosecuted must be informed of his or her right to a

review by the CPS. I also agree with the Committee's recommendation that the Government should enact a binding code of standards, enforced by a regulator, that applies to all private prosecutors and investigators.

112. My second observation is that had the pattern of prosecutions and convictions of sub postmasters been better known – for example, the large number of people of previously blameless character suddenly being charged and who were completely independent of each other – alarm bells may well have rung earlier and prevented the prosecution and unsafe convictions of many innocent people. There seems to me to be a failure of pattern recognition in the system which should be addressed.

113. Looking back at evidence supplied to this Inquiry, I am struck by the repeated vagueness on the part of the Post Office over time as to how many people had been prosecuted and convicted, and the (false) claims and insinuations that were made to individual sub postmasters that they were “the only one”.

114. When criminal convictions have made been by Courts it is – rightly – difficult, and arguably improper, for Ministers to cast doubt on their safety outside a Court-driven legal process of appeal.

115. That being the case it is very important, in my view, that the atomisation of individual prosecutions and convictions – taking place in many discrete

courts across the country and over time – is overcome, so that concerning patterns can be discerned and investigated.

116. The required publication of information is one way to achieve this. I agree with the Justice Select Committee's recommendation (following the suggestion of the CCRC) that HM Courts and Tribunal Service should establish and operate a central register of private prosecutions and their outcomes – making it clear which body brought them. Clearly this would require the mandatory notification of all such prosecutions. The live register should be made publicly accessible. Were it known that POL had massively increased its prosecutions between 1999 and 2012 for similar offences, this pattern could have been a matter of public attention and questioning.

117. While the simple disclosure of such information would help, it may not be sufficient. I believe that a more activist approach should be taken. Whether it is the CPS or HMCTS in the case of prosecutions, or – in the case of convictions – the CCRC, it would be beneficial to have a responsibility placed on a body actively to review notifications for the purpose of discerning patterns that are unusual and which could trigger further investigation. In this way the long delay in detecting, establishing and then halting and rectifying the systemic injustice could have begun earlier and been concluded more quickly. In its absence it took the extraordinary effort of the sub postmasters themselves – initiated by Sir Alan Bates – to convert an atomised system to one in which the devastating pattern was exposed to view.

118. My third observation refers to matters of Corporate Governance. I have read carefully Report 1 for this Inquiry of the academic experts Dame Sandra Dawson and Dr Katy Steward [EXPG0000006].

119. There are two aspects on which I would like to comment: the role of UK Government Investments (UKGI) and the use of the vehicle of an ordinary limited company for the Government's ownership of the Post Office.

120. On the first, as Dame Sandra and Dr Steward observe "*in 2016 the government shareholding responsibilities were transferred to UKGI, itself a government company wholly owned by HM Treasury and no longer part of the Civil Service*" [para 1.6.10, EXPG0000006].

121. According to its own website "*UKGI is a government company with HM Treasury as its sole shareholder. UKGI's activities are governed by its Board and underpinned by its Articles of Association and framework agreement with HM Treasury. UKGI is accountable via its independent Board to Treasury ministers and – through the Chancellor – to Parliament.*"

122. This means that UKGI officials were not formally accountable to BEIS ministers and officials, but rather to UKGI's own independent Board and ultimately to Treasury Ministers. In governance terms, it was the responsibility of the independent UKGI Board - outside BEIS - to monitor UKGI's oversight of

POL. I think this is unsatisfactory when BEIS was the Department with shareholding responsibility for the Post Office.

123. In practice, UKGI officials were in frequent contact with BEIS officials and contributed to briefing for Ministers, including my Weekly Updates from BEIS Directors' General. There are formal and informal mechanisms in government open to the Permanent Secretary and ministers to communicate challenge and dissatisfaction with the performance of UKGI should it be necessary such as speaking to the Permanent Secretary at HM Treasury or to the Chancellor of the Exchequer. But there is no doubt that arrangement was designed to put UKGI at one remove from supervision by BEIS officials and ministers.

124. My observation is consistent with what Dame Sandra and Dr Steward assess to have been the case in how the relationship between POL, UKGI and the Government was conducted. Specifically the "arm's length" model, exercised via UKGI, was chosen to, in the words of Report 1, "*insulate [POL] from political interference.*"

125. This stance of the proper relationship between the Government and companies in which it was a shareholder was in part shaped by external advice. Dame Sandra and Dr Steward note that in 2007, the National Audit Office, in a report into UKGI's predecessor organisation, the Shareholder Executive ("The Shareholder Executive and Public Sector Businesses") recommended that it

should be expanded “to cover all public sector businesses and be given greater independence from political influence.” [para 1.4.7, EXPG0000006]

126. Dame Sandra and Dr Steward observe in their report that in the conduct of UKGI as the representative of the shareholder (ie the Government) the “corporate finance function dominates”. I agree with their assessment. I think it is reflected in the background of Tom Cooper, the UKGI NED on the Post Office Limited Board. This is described as “Global Co-Chair of M&A at Deutsche Bank where he spent the previous 8 years. Previously at UBS Investment Bank for 21 years. Started his career at KMPG.” [BEIS0000077 Annex B to BEIS0000075 Re: Personnel changes in POL] I should emphasise that I cite this not at all to criticise Mr Cooper, but because I believe that it corroborates Dame Sandra and Dr Steward’s point about the dominance of the corporate finance approach.

127. I would recommend that if UKGI is to maintain its role in the future it should have a direct governance relationship with the Departments whose shareholdings it manages.

128. My second observation on corporate governance concerns the use of the vehicle of an ordinary limited company to conduct the relationship between the Government and an external organisation. This is not, in my view, universally appropriate.

129. For companies which are fully commercial businesses and in which the Government has a shareholding – such as the banks which were bailed out in the financial crisis – the ordinary limited company model may be suitable. The shareholdings can be properly conceived of as investments (even if made for the public interest purpose of rescuing a socially important business).

130. But there are organisations - of which the Post Office is one and the Nuclear Decommissioning Authority may be another - in which there is a genuine public interest in decisions made by employed executives in operational not only strategic matters. I think it ought to be possible for ministers to be involved in such decisions without being deemed to be in breach of Company Law and potentially to be personally liable. For example, I think it is an inappropriate constraint that in considering taking over the conduct of litigation with the sub postmasters I was advised that "*It would require POL's agreement*" [p7, BEIS0000076 Options for Ministers to consider].

131. In essence, some organisations are home to public interest concerns as well as concerns of corporate performance. So I think it would be reasonable in these organisations for decisions to be legitimately co-determined between Boards and ministers – or at least to give ministers the discretion to involve themselves.

132. This is not an original point, nor is it a new debate. In the post-war Labour Government from 1945, a substantial disagreement took place between two

senior Cabinet ministers – Herbert Morrison and Ernest Bevin – about how newly publicly-owned businesses should be governed. Bevin believed that the Boards should consist of trade unionists to ensure that the companies were governed in the public interest. Morrison believed that they should be governed by exclusively independent directors. Morrison prevailed and is, in effect, the origin of the system we have to this day, including the case of Post Office Limited.

133. Rather than have to make use of a standard limited company vehicle that is designed for the overwhelming majority of instances of commercial businesses, it seems to me desirable to create by legislation a new type of company – say a ‘Public Interest Company’ – which embodies different rights for government involvement in decisions relating to the business rather than be subject to the narrower constraints of being an ordinary Companies Act company.

Statement of truth

I believe the content of this statement to be true.

Signed:

GRO

Dated:

28 June 2024

Index to First Witness Statement of Greg Clark

No.	URN	Document Description	Control No.
1.	WITN10900101	BEIS Organogram, 15 April 2019	WITN10900101
2.	WITN10900102	BEIS Departmental Overview, June 2017	WITN10900102
3.	POL00006357	Simon Clarke's advice of 15 July 2013	POL-0017625
4.	POL00028069	Deloitte Draft Board Briefing document further to report on Horizon desktop review of assurance sources and key control features	POL-0023072
5.	POL00006355	Review on behalf of the Chairman of Post Office Ltd concerning the steps taken in response to various complaints made by sub-postmasters	POL-0017623
6.	POL00029984	POL Sparrow - Interim Report: Draft for Discussion	POL-0026466
7.	POL00030009	Deloitte Draft "Bramble" - Interim Report	POL-0026491
8.	POL00031502	'Bramble' - Draft Report	POL-0028404
9.	WITN10900103	Post Office - introductory brief, July 2016	WITN10900103
10.	UKGI00008345	PO Group Litigation: Litigation Update for UKGI following POL Board Meeting on 31 July 2018	UKGI019157-001
11.	UKGI00009076	UKGI advice to Minister regarding Common Issues trial, including advice not to seek permission to have early sight of the judgment	UKGI019884-001
12.	POL00041270	Email Patrick Bourke to Rodric Williams, Jane MacLeod and Andrew Parsons Re: Litigation and Appointment, dated 11 May 2018	POL-0037752
13.	BEIS0000075	BEIS advice Re: POL Litigation	BEIS0000055
14.	UKGI00009307	Email from Tom Cooper to Clark MPST, Tolhurst MPST, Tom Aldred and others - Re: Post Office Litigation Update, 20 March 2019	UKGI020115-001
15.	BEIS0000076	Annex A to BEIS0000075 Re: Options for Minister to consider	BEIS0000056
16.	EXPG0000006	Dame Sandra Dawson and Dr Steward - Expert Report	EXPG0000006
17.	WITN10900104	UK government arm's length bodies guide, January 2020	WITN10900104
18.	UKGI00009137	Email from Alex Chisholm to Greg Clark CC Kelly Tolhurst Department for Business, Energy & Industrial Strategy Re Post Office litigation trial and leadership succession	UKGI019945-001
19.	UKGI00009213	Email from Gavin Lambert to MPST Clark, MPSST Tolhurst, Tom Cooper	UKGI020021-001

		and others Re: POL Discussion with SOS and Kelly Tolhurst	
20.	UKGI00009212	Email chain from Tom Cooper to Craig Watson, cc'ing MPST Tolhurst, Stephen Clarke and others re: Official Sensitive: POL Litigation Judgement Master Thread	UKGI020020-001
21.	POL00103458	Letter to (Colleague) Member of the House of Commons from Kelly Tolhurst, MP re. Post Office Ltd Litigation	POL-0103041
22.	BEIS0000070	BEIS briefing note Re: Update on POL Litigation	BEIS0000050
23.	BEIS0000071	BEIS briefing note Re: Developments since recusal application on 21 March	BEIS0000051
24.	BEIS0000073	BEIS briefing note on Post Office Litigation: Briefing on POL's Appeal Strategy	BEIS0000053
25.	UKGI00010205	Email from MPST Clark to MPST Tolhurst, Carl Creswell, cc'ing Craig Watson and others, Re: OFF SEN COMMERCIAL: Post Office Litigation - advice	UKGI021013-001
26.	WITN10900105	House of Commons Justice Committee - Private prosecutions - safeguards, 29 September 2020	WITN10900105
27.	BEIS0000077	Annex B to BEIS0000075 Re: Personnel changes in POL	BEIS0000057

