

Witness Name: Marianne Tutin

Statement No.: WITN11620100

Dated: 28 September 2024

POST OFFICE HORIZON IT INQUIRY

FIRST WITNESS STATEMENT OF MARIANNE TUTIN

I, Marianne Tutin, will say as follows:

Introduction

1. I am a barrister at Devereux Chambers, Devereux Court, London, WC2R 3JH. In October 2023, I was instructed to carry out an external investigation by Pinsent Masons LLP ("**Pinsent Masons**") on behalf of Post Office Limited ("**POL**") into allegations of potential wrongdoing, bullying and sexist behaviour by POL and named individuals.
2. This witness statement is made to assist the Post Office Horizon IT Inquiry (the "**Inquiry**") with the matters set out in the Rule 9 Request dated 15 August 2024 (the "**Request**"). I have been assisted in making this statement by my legal representative, DAC Beachcroft LLP.

Professional background

3. I was called to the bar in 2013. After completing pupillage, I became a member of Devereux Chambers in 2015. I was appointed to the Attorney-General's Panel of Counsel (C Panel) in 2019 and re-appointed (B Panel) in 2023.

4. My principal area of practice is employment law. Part of my practice includes conducting external investigations on behalf of employers into grievances, whistleblowing claims and disciplinary matters. I have conducted numerous confidential investigations for various large and multinational employers.
5. Since July 2024, I have been taking a career break and living in Sydney, Australia. I remain a member of Devereux Chambers and intend to return to practice in London next year.

Speak Up investigation

6. As indicated above, I was instructed by Pinsent Masons on behalf of POL to investigate allegations of potential wrongdoing, bullying and sexist behaviour by POL and named individuals in October 2023. The allegations were made by Jane Davies, former Chief People Officer (“**CPO**”), by way of a Speak Up report to Ben Foat, General Counsel, dated 4 September 2023 (the “**Speak Up complaint**”). I will refer to my investigation as the “**Speak Up investigation**”.
7. As I am sure the Inquiry is aware, ‘Speak Up’ is POL’s whistleblowing service. POL has in place a Speak Up policy which explains, amongst other matters, what constitutes a Speak Up report and how employees can make such a report. There is no exhaustive list of what amounts to a Speak Up report, but the definition in the Speak Up policy is largely based on the statutory definition of qualifying protected disclosures under s.43B of the Employment Rights Act 1996, albeit with some expansion.
8. The Commissioning Executive for the Speak Up investigation was Karen McEwan, Ms Davies’ successor as CPO. The original Commissioning Executive was Mr Foat; however, he stepped down from this role once I identified a need to speak to him as a potential witness to events. My point of contact at POL for assistance with matters such as obtaining internal documents or information was John Bartlett, Head of Central Investigations Unit, although I generally liaised with one of his colleagues on a day-to-day basis.

9. My investigation report and a summary of the report (**POL00448641**) was delivered to an Investigation Steering Group (“**ISG**”), comprised of Amanda Burton, Non-Executive Director (“**NED**”) and Chair of the Remuneration Committee (“**RemCo**”), and Lorna Gratton, NED and UK Government Investments Ltd (“**UKGI**”) representative, on 8 April 2024.

10. I believe my investigation report was considered by the Board of POL, but I am not aware of whether it was circulated more widely and if so, to whom. That said, I understand the summary of my report was provided to the House of Commons Business and Trade Committee (“**BTC**”), as I explain below. Furthermore, certain elements of my report were reported in various media outlets.

Terms of Reference

11. My instructions were made pursuant to Terms of Reference dated 6 October 2023, which were updated throughout the course of the Speak Up investigation, as I explain below. Broadly, the allegations set out in the Terms of Reference that I investigated were divided into concerns that Ms Davies raised about: (i) processes not being followed, and the extent to which this was known by Nick Read, Chief Executive Officer, and/or others, and reported where necessary; and (ii) the conduct of Mr Read primarily and Henry Staunton, then Chair, to a lesser extent (the “**Allegations**”).

12. Not all of the matters raised by Ms Davies within her Speak Up complaint fell within the remit of the Speak Up investigation. I was instructed in the Terms of Reference that: (i) certain matters Ms Davies raised were already being considered via separate POL processes; and (ii) the matters she complained of in respect of the termination of her employment with POL were not to be considered as part of my investigation.

13. My role under the Terms of Reference was to investigate and establish the facts in relation to the Allegations, which included identifying whether there were any

breaches of POL's policies and procedures, and making any recommendations. The Speak Up investigation involved establishing specific facts surrounding the Allegations, rather than conducting an inquiry into general matters, such as POL's workplace or leadership culture. Ultimately, it was a matter for the ISG to determine what, if any, further action based upon my findings and recommendations needed to be taken within POL.

Confidentiality

14. I sought to conduct the Speak Up investigation on a confidential basis, as required by the Terms of Reference. This was a central principle of the investigation as I wanted to ensure no-one was deterred from participating in the process and others are not deterred from making any Speak Up reports in the future. Confidentiality regarding the fact and content of the Speak Up investigation was a requirement of all participants.
15. However, as I explain below, matters moved into the public eye when Mr Staunton was removed as Chair by the then Secretary of State for Business and Trade, the Rt Hon Kemi Badenoch MP (the "**Secretary of State**"), on around 27 January 2024.
16. For the avoidance of doubt, POL's legal representatives, Burges Salmon LLP and Fieldfisher LLP, have agreed that POL will not seek to enforce against me any obligations of confidentiality, insofar as I provide information that falls within the Inquiry's Terms of Reference (WITN11620101).
17. The exception to this position is in respect of any matters which are covered by privilege, unless POL has already waived privilege by way of its letters to the Inquiry dated 15 November 2021 and 16 August 2024 (the "**waiver of privilege letters**"), with which I have been provided and I refer to below.

Investigation process

18. Under the Request, I have been asked to set out in detail any concerns I had in respect of the way in which I was able to carry out the Speak Up investigation, with particular reference to Board level or Executive involvement in the process. In order to answer that question, I will set out certain details about the methodology that I adopted and events that occurred during the Speak Up investigation.

Commencement of investigation

19. At the outset of the Speak Up investigation, I received Ms Davies' Speak Up complaint and POL's Speak Up policy, along with the Terms of Reference. A list of suggested participants was set out in the Terms of Reference, which I took into account, although I considered for myself who should be interviewed.

20. During October 2023, I made requests for documents or information based upon a preliminary analysis of the Allegations and invited Ms Davies to an interview, which took some time to arrange for various reasons. I also sent letters of introduction to Mr Read and Mr Staunton, so that they were aware of the allegations about which I wished to speak to them. I did this because I was conscious that it was likely to take some time for me to be in a position to speak to both of them, as I wanted to undertake initial interviews and review certain key documents before doing so.

21. At this stage, Ms Davies had not raised any concerns in her Speak Up complaint about Mr Staunton explicitly, but I wished to speak to him about the Allegations which involved Mr Read and the Board generally.

Witness interviews

22. I set out below details relating to certain witness interviews, insofar as they are relevant to the question put to me in the Request.

23. I interviewed Ms Davies in person on 10 November 2023. Amongst other matters, she informed me that an allegation in the Terms of Reference which concerned a potentially discriminatory comment made by an unnamed Board member was in fact made by Mr Staunton at a meeting with external recruiters in January 2023 (“**Allegation 2.7**”). She provided me with more detail about the allegation than she had set out in her Speak Up complaint.
24. After the interview, I advised Pinsent Masons that Allegation 2.7 should be expanded to reflect what I had been told by Ms Davies at interview. This was later agreed by POL and a revised Terms of Reference was produced on 5 December 2023 to reflect Ms Davies’ account given at interview (“**Expanded Allegation 2.7**”).
25. I was informed by Pinsent Masons that Expanded Allegation 2.7 would be shared with Mr Staunton by Ben Tidswell, then Senior Independent Director (“**SID**”). In other words, Mr Staunton would become aware that I was now investigating an allegation about his conduct specifically, in addition to those involving Mr Read and the Board generally.
26. Once I had spoken to Ms Davies, I sought to arrange interviews with participants at POL. On 8 December 2023, I interviewed Mr Tidswell by video. He was aware of Expanded Allegation 2.7 against Mr Staunton, but it appeared he had not yet shared it with Mr Staunton. As I explain below, I came to understand that Mr Tidswell shared Expanded Allegation 2.7 with Mr Staunton later on in December.
27. On 10 January 2024, I sent formal letters of invitation to Mr Read and Mr Staunton, setting out again the allegations about which I wished to speak to them (which included Expanded Allegation 2.7).

Development of concerns about potential interference

28. I began to develop concerns about potential interference by Mr Staunton with the Speak Up investigation when I interviewed Mr Foat in person on 16 January 2024 (WITN11620102). In investigating Expanded Allegation 2.7, I had asked certain witnesses whether they had witnessed Mr Staunton behaving in a potentially discriminatory manner. When I put that question to Mr Foat, he was hesitant to answer and enquired whether Mr Staunton would see my investigation report. I explained that he would not necessarily see the report as it would be delivered to the ISG. At this point, Mr Foat became distressed so we took a break. In my judgement, Mr Foat appeared intimidated by Mr Staunton.
29. When we resumed the interview, Mr Foat answered my question about Mr Staunton's behaviour, noting that "*people have raised the issue of behaviour with him*". When I asked for further detail, he explained that Ms McEwan, Ms Burton and Ms Gratton had all raised concerns about his behaviour. Mr Foat explained that those concerns related to "*how investigations ought to be conducted*", "*the appropriateness of following due process*", and "*behavioural issues [such as] the manner in which he communicates his frustrations with certain people*".
30. Mr Foat also said that Mr Staunton's behaviour could be "*very aggressive*" and he had raised concerns about his behaviour formally as General Counsel. He said he had raised Mr Staunton's "*inappropriate views on technical areas that in [his] view [was] not consistent with what normally a Chairman should espouse*". Mr Foat said that he would "*never dare communicate in the manner in which [Mr Staunton] thinks it is appropriate to talk to people*." Mr Foat showed some discomfort in telling me this, although I felt he was trying to help me. I was left with the impression that the professional relationship between Mr Staunton and Mr Foat was, at the very least, strained.
31. I was later informed by Mr Tidswell during our second interview on 31 January 2024 (WITN11620103), which I discuss below, that Mr Staunton had sent a "*very unflattering and unpleasant*" email in part about Mr Foat to Saf Ismail and Elliot

Jacobs, Postmaster NEDs, on 14 January 2024 (the so-called “Project Pineapple” email).

32. The email apparently recorded a conversation they had earlier that day. Mr Staunton made strong remarks (or recorded Mr Ismail and/or Mr Jacobs as having made strong remarks which he endorsed) that called into question Mr Foat’s leadership and role within POL. The email was forwarded to certain members of the Board and Mr Tidswell informed me at our second interview that it was then inadvertently sent to a wider group of people (which included Mr Foat) by Mr Read.
33. Mr Foat later told me at our second interview on 7 February 2024 (**WITN11620104**), which I discuss below, that he did not learn of Mr Staunton’s remarks in his email to Mr Ismail and Mr Jacobs until 18 January 2024. In other words, he expressed his concerns about Mr Staunton’s behaviour to me at our first interview before he was aware of Mr Staunton’s email of 14 January 2024.
34. I considered whether Mr Staunton’s remarks about Mr Foat’s capabilities may have been influenced, at least in part, by the fact they appeared to have had disagreements, including in respect of his view of investigations. However: (i) I did not know if Mr Staunton was aware of Mr Foat’s concerns about his behaviour at the stage at which he spoke to Mr Ismail and Mr Jacobs on 14 January 2024; and (ii) I did not raise this issue with Mr Staunton, for reasons I discuss below.
35. Following Mr Foat’s interview, I was concerned about the risk of Mr Staunton seeking to interfere with the Speak Up investigation because of his reported attitude towards investigations more generally. In particular, I was worried about whether he might have applied or seek to apply undue pressure to participants in the investigation process to prevent them or others from speaking to me openly about Expanded Allegation 2.7 (or indeed any other allegations).
36. I raised my concerns with Pinsent Masons and the ISG during telephone and/or video calls shortly after Mr Foat’s interview. I cannot recall all the details of those

conversations but my shorthand handwritten notes, which I took at the time as an aide-mémoire and my clerk has subsequently sent to me electronically (WITN11620105), suggest that we discussed the fact that there were no specific allegations of impropriety to raise with Mr Staunton at that stage, although I recall we agreed the matter would be kept under review. We also agreed that I would not enclose notes of the interviews with my investigation report as a means of encouraging witnesses to feel able to speak openly to me. I later shared that decision with witnesses that I interviewed.

37. I interviewed Mr Staunton on 22 January 2024 (WITN11620106). Amongst other matters, we discussed Expanded Allegation 2.7, which he denied vehemently. I recall he said in quite a forceful manner that he would sue if I upheld the allegation against him. He also denied that Ms McEwan, Ms Burton or Ms Gratton had raised any concerns with him about his language or behaviour more generally.
38. Whilst I considered Mr Staunton was, on the whole, candid and open with me at interview, I did not accept his evidence in respect of Expanded Allegation 2.7 or the subsequent accounts that he provided me or others for reasons that I set out in my investigation report (POL00448641).
39. During our interview, Mr Staunton made various remarks which increased my concern about his approach to the Speak Up investigation. In particular:
- (1) In the context of discussing an informal complaint Ms Davies had made prior to her Speak Up complaint, Mr Staunton noted that he was trying to change POL's governance including its purported "*investigations culture*". He said POL investigated "*absolutely everything*" and Ms Davies' complaint had "*nothing to do with whistleblowing, which is what [he] often [said]*". My impression was that Mr Staunton was dismissive of the Speak Up process within POL and he did not appear to have a clear understanding of what might amount to a Speak Up report. I also noted that some of the concerns

that Mr Foat had expressed to me at our first interview were consistent with the remarks made to me by Mr Staunton.

- (2) Mr Staunton told me he informed Mr Ismail, Mr Jacobs and Andrew Darfoor at a recent NED update meeting that he was being investigated. In the context of that discussion, Mr Staunton said that investigations were a “*cancer*” in POL and “*nothing gets changed*”. On 13 March 2024, by way of amendments he made to the notes of our interview (many of which I did not agree with), Mr Staunton sought to suggest that it was in fact Mr Ismail, Mr Jacobs and/or Mr Darfoor who made those comments (**WITN11620107**). That does not accord with my recollection of our interview. Indeed, I conveyed Mr Staunton’s remarks mentioned above to Pinsent Masons immediately after the interview. However, even if Mr Staunton is correct, which I do not believe he is, it suggested a worrying approach at Board level to internal investigations, which could include whistleblowing complaints.

40. Overall, I considered that Mr Staunton’s views on whistleblowing and internal investigations were outdated. I was concerned about the impact such views could have on workplace culture, such as whether they could have a stifling effect upon employees that wished to disclose any Speak Up reports, which was deeply troubling in an organisation that is grappling with the most serious of institutional failings. I addressed this point when making recommendations in my investigation report, which I discuss below.

41. Following our interview, I reflected on how best to mitigate the potential risk to the Speak Up investigation presented by Mr Staunton’s views and/or reported behaviour; however, this was overtaken by the events that I set out below.

Mr Staunton’s removal as Chair

42. Shortly after I interviewed Mr Staunton, the media reported on 27 January 2024 that he had been removed as Chair by the Secretary of State, with immediate effect. In light of the concerns that I had developed about Mr Staunton, I wished

to investigate the reasons for his removal in further detail, in case they were relevant to the Speak Up investigation.

43. On 31 January 2024, I interviewed Mr Tidswell again (WITN11620103), who was now chairing Board meetings until an interim Chair was appointed. Mr Tidswell informed me that Mr Staunton had been very keen for me to avoid reaching conclusions in my investigation. In particular, he indicated that Mr Staunton had failed to recognise that the Speak Up investigation involved potential whistleblowing and conduct issues, which required examination. Mr Tidswell said Mr Staunton had also failed to recognise that there was a conflict of interest, in light of Expanded Allegation 2.7 which now concerned his alleged conduct.
44. Mr Tidswell also informed me that, “*ancillary to his desire to disrupt the investigation*”, Mr Staunton had “*behaved quite disgracefully*” towards colleagues involved in the Speak Up investigation, particularly towards Mr Foat. It was at this stage Mr Tidswell informed me about the correspondence to Mr Ismail and Mr Jacobs concerning Mr Foat that I mention above. Mr Tidswell said he had spoken to Ms McEwan and Ms Burton about Mr Staunton’s behaviour at length.
45. Mr Tidswell also informed me that Mr Staunton had placed Ms Burton and Ms Gratton “*under pressure to change the scope of or stop the investigation*”. Mr Tidswell believed that Mr Staunton: (i) had suggested to Mr Foat that the investigation “*should be stopped*”; (ii) was “*abusive and tough*” towards Mr Foat; and (iii) considered that Mr Foat’s purported behaviour towards him (i.e. in wanting the Speak Up investigation to proceed) was a “*witch-hunt*”. Mr Tidswell also believed that Mr Staunton had asked Ms McEwan and Kathryn Sherratt, Interim Chief Financial Officer, to stop the Speak Up investigation.
46. Mr Tidswell further told me that he had a “*stormy conversation*” with Mr Staunton a few weeks earlier, after he had informed Mr Staunton about Expanded Allegation 2.7. Mr Tidswell said that Mr Staunton tried to reduce the scope of the Speak Up investigation, particularly insofar as it concerned Mr Read, which Mr Tidswell said he may have done in the hope that it would stop the investigation

into his own alleged conduct. Mr Tidswell said he pointed out to Mr Staunton that there was a conflict of interest and he needed to exercise caution, at which stage Mr Staunton became “*very cross*” with him. Mr Tidswell said Mr Staunton “*made it plain to [him] he was trying to avoid the investigation going ahead*”.

47. Mr Tidswell indicated that he had raised Mr Staunton’s behaviour with the Department of Business and Trade (“**DBT**”) and it was likely included in the information placed before the Secretary of State when she reached the decision to remove Mr Staunton as Chair. For the avoidance of doubt, I did not see any direct evidence of Mr Staunton’s behaviour, as reported to me by Mr Tidswell, at the time. As set out above, my concerns did not begin to develop until I interviewed Mr Foat on 16 January 2024.
48. On 7 February 2024, I interviewed Mr Foat again by video (**WITN11620104**). He told me that he had been placed under pressure by Mr Staunton to stop the Speak Up investigation. He said Mr Staunton had accused him of not being a “*commercial enough [General Counsel]*”. He said they had a call in December 2023 during which Mr Staunton was “*offensive*” and he told Mr Staunton that “*it was not appropriate to speak to [him] in that manner*”. Mr Foat also told me Mr Staunton had applied pressure to Ms Burton to stop or limit the investigation. Ms Burton had then spoken to Mr Foat and Ms Gratton about her conversation with Mr Staunton, who was said to be “*quite upset*”.
49. I asked Mr Foat if Mr Read was aware of Mr Staunton’s attempts to disrupt or prevent the Speak Up investigation from proceeding. He said Mr Read had been aware of Mr Staunton’s behaviour throughout. Mr Foat also said that Mr Read understood the importance of an investigation being conducted in respect of Ms Davies’ Speak Up complaint and had not tried to prevent the Speak Up investigation from going ahead.
50. On 8 February 2024, I interviewed Mr Read in person (**WITN11620108**). Amongst other matters, we discussed Mr Staunton’s behaviour and recent removal as Chair. He told me that he understood Mr Staunton had behaved

aggressively towards Ms Burton and there was an “*inappropriate attempt to circumvent this [Speak Up investigation]*”. Mr Read said that he was aware that Mr Foat had raised his concerns about Mr Staunton’s approach to the Speak Up investigation with Mr Tidswell. My impression was that Mr Read did not wish to be involved in respect of Mr Staunton’s behaviour because he felt it would be inappropriate to do so, as the principal subject of the Speak Up investigation.

51. On 9 February 2024, I had an update call with Pinsent Masons, the ISG and Ms McEwan. I cannot recall all the details of the conversation but I do recall that I asked Ms Burton, Ms Gratton and Ms McEwan if they felt that Mr Staunton had sought to disrupt or stop the Speak Up investigation, or applied any undue pressure upon them in order to do so, and if he had done so, whether they considered it was because he did not want me to investigate Expanded Allegation 2.7 against him.
52. My shorthand handwritten notes that I took at the time (WITN11620105) indicate that either Ms Burton or Ms Gratton (I cannot recall who and the notes do not record this) informed me that Mr Staunton told them that he wanted to stop the Speak Up investigation purportedly because of the strain which Mr Read was under at the time. They said that Mr Staunton did not appear to understand that the Speak Up investigation was a different process from related Employment Tribunal proceedings brought by Ms Davies.
53. I recall that they confirmed that Mr Staunton had behaved aggressively towards them, but they were uncertain whether Mr Staunton wanted to stop the Speak Up investigation from proceeding in order to prevent me from investigating Expanded Allegation 2.7. They said he had not been as “*blunt*” as that with them but he did want to stop the accusations. They said they had told Mr Staunton that it was not possible to stop the Speak Up investigation because POL had committed to the DBT that an investigation into Ms Davies’ Speak Up complaint would be conducted.

54. Ms McEwan told me that she considered the conversation she had with Mr Staunton was “*geared*” to stopping the investigation against him personally. She may have said that Mr Read had been “*very worried*” about a conversation he had with Mr Staunton, but my notes are unclear. I do recall Ms McEwan said that she had told Mr Staunton that the investigation had to proceed, he had been aggressive towards her, accusing her of being “*uncommercial and not helping management*”, and she had told him he could not speak to her in that way. I noted these remarks were similar to those of Mr Foat that he had conveyed to me during our second interview.
55. Overall, I was left with the impression that: (i) Mr Staunton had applied improper pressure to Mr Foat, Ms McEwan, Ms Burton and Ms Gratton to stop the Speak Up investigation from proceeding or reduce its scope; and (ii) it was possible (although not certain) that this was motivated by his desire to prevent the investigation into his own alleged conduct by way of Expanded Allegation 2.7. I explain below my consideration of this matter when I came to make findings of fact when producing my investigation report.

Breaches of confidentiality

56. At around this time, a dispute had arisen between the Secretary of State and Mr Staunton regarding the reasons for his removal as Chair and other matters relevant to this Inquiry (of which I have no knowledge other than as set out in this witness statement).
57. In particular, Mr Staunton had publicly disputed the reasons for which he was removed and spoke to the Sunday Times and other media outlets about his time as Chair and the circumstances of his removal. This was of strong public interest, following the increased scrutiny of POL in the wake of the broadcast of ‘Mr Bates vs The Post Office’ in early January 2024 and by this Inquiry.
58. Mr Staunton also publicly commented upon his involvement in the Speak Up investigation, including to the media, after the Secretary of State said Mr

Staunton was subject to an investigation concerning allegations of bullying (which was not quite correct; I was investigating alleged discriminatory remarks that he was said to have made). I reminded Mr Staunton and his solicitor of the need for confidentiality in respect of the Speak Up investigation (albeit I appreciated that he had by now been called to give evidence to the BTC and was under a duty not to mislead them). I wanted to preserve confidentiality in the process as far as I reasonably could, for the reasons I set out above.

59. A BTC hearing took place on 27 February 2024 in respect of POL and the Horizon IT scandal, at which (amongst others) Mr Staunton gave evidence. Notwithstanding the warning I had given him, Mr Staunton disclosed to the BTC that Mr Read was the principal subject of the Speak Up investigation. Mr Staunton also appeared at the evidence session with a redacted copy of the Terms of Reference (in respect of the Speak Up investigation) that I understand had been provided to him by POL upon his request. Following Mr Staunton's disclosure, I am aware that Mr Tidswell committed, at the BTC's request, to provide them with a summary of my investigation report.
60. Mr Staunton continued to make public remarks about the Speak Up complaint. In a letter to the Chair of the BTC dated 4 March 2024, Mr Staunton: (i) provided further details regarding Expanded Allegation 2.7; (ii) provided a purported summary of Ms Davies' evidence to me during our interview and her apparent intentions in raising the Speak Up complaint; and (iii) referred to the Speak Up investigation as a "*sham*" and "*a stitch up*".
61. I raised the latter comments with Mr Staunton directly (**WITN11620109**), who told me that he considered the scope of the Speak Up investigation was "*cynically widened*" by POL to include him to "*provide cover*" for Mr Read. For the avoidance of doubt, when I advised POL in November 2023 that Allegation 2.7 should be expanded, I did not do so to "*provide cover*" for Mr Read. I did so because Ms Davies had provided greater detail about the allegation at interview than in her Speak Up complaint which, in my judgement, warranted further

investigation. I cannot comment on why POL agreed to the expansion of Allegation 2.7, however.

62. At around this time, it also came to my attention that Ms Davies, or someone acting on her behalf, had spoken to the Sunday Times and other media outlets about the Speak Up investigation. As I explained in my investigation report (**POL00448641**), it appeared that Mr Staunton and Ms Davies had been in communication with each other regarding the Speak Up investigation and sought to align their accounts, particularly in respect of Expanded Allegation 2.7.
63. The various breaches of confidentiality by Mr Staunton and/or Ms Davies were troubling. As I indicated above, I had concerns about whether individuals may have been deterred from participating in the Speak Up investigation, or if in the future others would avoid making Speak Up reports, as a consequence. Ultimately, these were matters (along with the revised accounts they gave me concerning Expanded Allegation 2.7) that I took into account in assessing the reliability and integrity of their evidence.
64. Therefore, for the reasons I set out above, I did have concerns about Mr Staunton's interference with the Speak Up investigation and in particular:
 - (1) His attempts to stop the investigation from proceeding or reduce its scope, which may have been motivated by his desire to prevent the investigation into Expanded Allegation 2.7. However, my concerns were overtaken by events, namely his removal as Chair by the Secretary of State. Where appropriate, I revisited certain areas of evidence with witnesses in case they felt able to speak more openly with me following Mr Staunton's departure from POL.
 - (2) His breaches of confidentiality following his removal of Chair. I therefore took into account that participants may have been reluctant to speak to me following the various media reports relating to the investigation, so it was of

critical importance that I conducted a thorough review and examination of the documents, as best as I was able to do so.

Any other concerns

65. Other than as set out above, I was not aware of any interference in the Speak Up investigation at Board or Executive level. I would like to add some final comments about my ability to conduct the Speak Up investigation, however, in case it is relevant to the Inquiry.
66. The investigation was conducted on a consensual basis, which meant that I had no powers to compel the attendance of a witness or production of documents, unlike this Inquiry. Except for one or two individuals who no longer worked for or sat on the Board of POL, I was able to interview every person I wished. Documents were produced on request by Mr Bartlett's team and, where relevant, by individuals directly. That said, I was not provided with all the documents or information that I requested from the DBT or POL, as set out below.
67. Firstly, I had asked the DBT, via Ms Gratton, to provide certain documents, namely readouts or minutes of meetings involving (i) Lisa Harrington, then Chair of RemCo and NED, and Sarah Munby, then Permanent Secretary, and (ii) Mr Staunton and the Rt Hon Grant Shapps MP, then Secretary of State for Business, Energy and Industrial Strategy, which were relevant to two of the Allegations, but the request was refused by the DBT (as to which I did not receive any explanation). This meant that I did not have a complete picture of those meetings, which were part of the potentially relevant background to those Allegations.
68. Secondly, certain documents or information could not be located by POL, particularly concerning the recruitment process carried out in respect of historic vacancies at Executive level, which was relevant to one of the Allegations. The individuals involved in arranging the recruitment processes, insofar as such processes existed, had left POL; they did not appear to have saved copies of the relevant documents centrally. In the absence of any relevant documents or

information, I could not reach any findings of fact about certain aspects of the allegation, as to which I made recommendations to the ISG.

Findings and recommendations

69. After I had carried out what I considered to be all reasonable lines of enquiry (subject to the limitations set out above), I commenced the work necessary to make findings of fact and produced my investigation report. The investigation report and its summary were my own work; any errors or omissions were mine alone. I was not at any stage put under any pressure as to what to investigate or not to investigate, or as to what findings of fact or recommendations should or should not be made.
70. I understand that the Inquiry has been provided with a copy of my investigation report and the summary (**POL00448641**), so it is aware of my findings (except for those in respect of which I understand POL wishes to maintain privilege) and the recommendations that I made to ISG.

Expanded Allegation 2.7

71. Given my evidence above about the investigation process, particularly in respect of Expanded Allegation 2.7, I would like to set out further details concerning my decision-making process and recommendations in respect of this allegation.
72. In making findings of fact, I considered whether I should draw an adverse inference from the fact that Mr Staunton appeared to take steps to prevent the Speak Up investigation from proceeding or reduce its scope following the expansion of Allegation 2.7 (and, as I explained in the investigation report, had sought to downplay the nature of the allegation when commenting upon it in public or speaking to the media about it).
73. Ultimately, I did draw such an inference in my investigation report, but I did not attach significant weight to it because I had not raised my concerns with Mr

Staunton about his interference with the Speak Up investigation following his removal. The reason I chose not to do so was because it was unnecessary: I upheld the allegation because of the weight of the other evidence before me. However, I wish to make clear to the Inquiry that I have not heard Mr Staunton's comments (if any) about my concerns.

74. Having upheld Expanded Allegation 2.7, I made various recommendations to the ISG. In light of Mr Staunton's remarks about the Speak Up process and investigations, I recommended that, in looking for a new Chair, it should be a key consideration for POL and the DBT to assess whether prospective candidates have good experience of helping to foster a workplace culture in which any concerns relating to e.g. discrimination or whistleblowing can be raised openly without fear of intimidation or retribution. That may allow those that work at POL, including senior management and NEDs, to feel able to challenge any inappropriate behaviour that may be witnessed.

Other relevant matters

75. Under the Request, I have also been asked to set out any other matters of which I consider the Chair of the Inquiry should be aware. My attention has been drawn to the Inquiry's Terms of Reference and List of Issues.
76. It is difficult to address this request, however, because the Inquiry's Terms of Reference and List of Issues are set out at a high-level in some respects. Furthermore, whilst I am generally aware of the issues and have followed some of the evidence given to the Inquiry, I do not have detailed knowledge of the Horizon IT scandal to have a deep understanding of the points of interest for the Inquiry.
77. It is feasible that the Speak Up investigation report, along with legally privileged oral advice that I provided to the ISG and Pinsent Masons following the production of my report, may be relevant in respect of the following matters that the Inquiry is considering, namely: (i) whether POL has delivered or made good

progress on the organisational/cultural changes necessary to ensure the Horizon IT scandal does not happen again; and (ii) historic and current governance and whistleblowing controls in place at POL, any relevant failings and whether current controls are now sufficient to ensure such failings do not happen again.

78. However, I am mindful that the Request says there is no need for me to set out in detail the Speak Up complaint or any advice I gave (unless necessary to address any concerns I had about my ability to conduct the Speak Up investigation). I will therefore be guided by the Inquiry whether it requires any further information from me in respect of the Speak Up investigation or the legally privileged oral advice that I provided.
79. If the Inquiry wishes me to provide any information in respect of the latter, I can only do so if POL waives privilege. In that regard, I have taken into consideration the waiver of privilege letters, which I mention above. The terms of paragraph 6c)vi of the letter dated 16 August 2024 indicate that no waiver of POL's privilege is being provided in the circumstances. Accordingly, I do not consider I am in a position to comment further on those matters at the present time.
80. I am not aware of anything else which I think the Chair of the Inquiry ought to be aware of and hope that the evidence I have set out above is helpful.

Statement of Truth

I believe the content of this statement to be true.

Signature.. **GRO**

Date.. 28 September 2024

Index to First Witness Statement of Marianne Tutin

No.	URN	Document description	Control number
1	POL00448641	Investigation Report into concerns raised under Post Office Limited's Speak Up Policy dated 8 April 2024	POL-BSFF- WITN-010- 0000046
2	WITN11620101	Letter from POL, 'Post Office Horizon IT Inquiry ("the Inquiry"): Release from confidentiality obligations', dated 24 September 2024	WITN11620101
3	WITN11620102	Approved notes of interview of Ben Foat, General Counsel, on 16 January 2024	WITN11620102
4	WITN11620103	Approved notes of interview of Ben Tidswell, Senior Independent Director, on 31 January 2024	WITN11620103
5	WITN11620104	Approved notes of interview of Ben Foat on 7 February 2024	WITN11620104
6	WITN11620105	Extracts of handwritten notes in counsel notebook, various dates in January/February 2024	WITN11620105
7	WITN11620106	Unapproved notes of interview of Henry Staunton, Chair, on 22 January 2024	WITN11620106
8	WITN11620107	Henry Staunton's unapproved amendments to notes of interview, dated 13 March 2024	WITN11620107
9	WITN11620108	Approved notes of interview of Nick Read, Chief Executive Officer, on 8 February 2024	WITN11620108
10	WITN11620109	Email correspondence with Henry Staunton and Michael Burd, Partner	WITN11620109

		at Lewis Silkin LLP, between 23 February and 16 March 2024	
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