

Witness Name: John Bartlett

Statement No.: WITN11190300

Dated: 9 September 2024

POST OFFICE HORIZON IT INQUIRY

THIRD WITNESS STATEMENT OF JOHN BARTLETT ON BEHALF OF POST OFFICE LIMITED IN THE POST OFFICE HORIZON IT INQUIRY

I, John Bartlett, will say as follows:

- 1 I am John Bartlett, Director of Assurance and Complex Investigations ("**A&CI**"), Post Office Limited ("**Post Office**").
- 2 This witness statement is made to assist the Post Office Horizon IT Inquiry (the "**Inquiry**") with some matters set out in Rule 9 request number 61 received on 24 July 2024 addressed to Post Office ("**R9(61)**"). This is my third witness statement to the Inquiry.
- 3 The facts in this witness statement are true, complete and accurate to the best of my knowledge and belief. I have sought to include within this witness

statement evidence relating to matters or issues detailed in the R9(61) request insofar as the relevant facts are within my own knowledge. The R9(61) request also sought evidence relating to matters and issues that are not within my knowledge and which will be responded to by other Post Office colleagues.

- 4 Where I refer to specific documents in this witness statement, copies of those documents have (where possible) been produced to the Inquiry.
- 5 I have been assisted in preparing this witness statement by Burges Salmon LLP and Fieldfisher LLP (together "**BSFf**"), who act on behalf of Post Office in the Inquiry (other external advisors also act for Post Office) and external counsel.
- 6 The Inquiry has requested that Post Office outline any significant changes to the ED&I policy and practices of Post Office since the completion of "*the Investigation and Final Report 'Project May' on 8 February 2024*". The statement of Nick Read will outline changes to the Equity, Diversity and Inclusion ("**ED&I**") policy since 8 February 2024 [**WITN00760200**]. The purpose of this statement is to provide further context about Project May, which was conducted by A&CI, to demonstrate that the purpose of Project May was not to make changes to the ED&I policies or practices of Post Office. This statement will outline the Terms of Reference and findings of Project May Phase 1, the actions the A&CI team took in response to recommendations made by ETICA, the initial plan for Phase 2 of Project May and the progress made towards Phase 2.

Project May – Phase 1

- 7 Post Office commissioned the Project May fact-find on 30 May 2023. The reasons for conducting and the scope of the fact-find are outlined in the Second

Witness Statement of Ben Foat from paragraphs [27] to [35] [POL00118164ds].

The Terms of Reference also outline the context, aim and scope of Project May [POL00448654]. The final report is dated 8 February ("the Final Report") [POL00363236].¹

8 In summary, Project May examined the origins and use of a document which was identified by a Freedom of Information Act ("FoIA") request made in April 2023 for documents used by the Security Team between 2008-2011. The document, which was one of eight documents supplied to comply with the FoIA request, used identity codes which described a person's racial origins in language that was outdated, offensive and reprehensible ("the Document").

9 On 27 May 2023, Post Office issued the following public statement in relation to the Document [RLIT0000329]:

Post Office does not tolerate racism in any shape or form. The language used in this historic document is completely abhorrent and condemned by today's Post Office. We fully support investigations into Post Office's past wrong doings and believe the Horizon IT Inquiry will help ensure today's Post Office has the confidence of its Postmasters and the communities it supports.

10 Phase 1 of Project May aimed to understand how the Document came into being and why the descriptors were retained in the document, as well as to understand use of the Document since Post Office Limited was formed in 2012. The fact-

¹ Initially produced to the Inquiry pursuant to Section 21(14) Notice dated 21 December 2023, with an updated version [POL00363236] provided to the Inquiry pursuant to Section 21(14) on 13 February 2024.

find was primarily conducted by A&CI. A barrister at Outer Temple Chambers, Mr Jeremy Scott-Joynt, was also engaged as external counsel to assist, advise on, and oversee the fact-find.

- 11 The fact-find found, among other matters, that:
- a. The Document was likely transferred from Royal Mail Group as part of the 2012 split and that identity codes (such as those identified in the Document) were likely used in many public sector organisations as early as the 1980s.
 - b. From 2012 onwards, it is believed that investigators relied on built-up knowledge within the team to understand the applicability of the codes. When in doubt, rather than referring to the Document on any routine basis, they carried out searches on the internet.
 - c. Between 2008 and 2013, it appears Post Office understood that the use of identification codes was necessary as part of the prosecution process, which it saw *“as an externally-imposed requirement”*, rather than it being driven by any internal policy.
 - d. There is evidence to suggest that the Document was last opened in 2013. However, the Document was attached to two emails on 28 June 2016 in which it was referred to as a ‘previous document’. The Document’s existence was, therefore, still known within the Security team in 2016, but it was not likely in active use.

- e. As Post Office's prosecutions (effectively)² ceased in 2013, it appears likely that the Document was no longer in active use after that date; although that would appear to be because prosecutions had ceased rather than because of any identified issue with its contents.
- 12 A&CI and external counsel did not make, and were not required by the Terms of Reference to make, recommendations as to future steps for Post Office as Project May was a fact-finding exercise.
- 13 Part of external counsel's role in Project May was to engage an Ethics Monitor to undertake an independent check of the fact-find. External counsel engaged ETICA (Ethical Training in Interviewing, Communication and Advocacy) Global ("**ETICA**") to review the conduct and conclusions of Phase 1 of Project May to ensure that the fact-finding methodology was sound and any conclusions drawn were as complete and comprehensive as possible. In relation to the fact-finding element of Project May, ETICA were specifically asked to comment on the investigative approach, ethos and unconscious bias, if any. In relation to the conclusions of Project May, ETICA were asked to comment on the evidential basis, objectivity, any unconscious bias and the reasonableness of the scope of the enquiry. ETICA provided its report on 1 March 2024 [**POL00401681**].³
- 14 ETICA concluded that there was no evidence to suggest any form of unconscious bias when conducting the Project May report and that the Project

² Please see my second witness statement[WITN11190200] at paragraph 83 as to the effective date in 2013 that Post Office ceased private prosecutions into alleged of theft, fraud and/or false accounting based on Horizon data.

³ Produced to the Inquiry on 19 March 2024 pursuant to Section 21(14) Notice dated 21 December 2023.

May team appeared to be suitably trained with regards to unconscious bias.

ETICA also agreed with all conclusions in the Project May Final Report.

15 ETICA did recommend that *"all staff involved in Project May (and any related/further enquiries relating to the Horizon Inquiry)"* should:

a. *"liaise with other organisations like the International Association of Chiefs of Police ("IACP") and the European Union Agency for Law Enforcement Training ("CEPOL") to establish what identification codes they use (and refer to) relating to different ethnicities";*

b. *"undertake annual refresher training related to unconscious bias";* and

c. *"have regular training to remain up to date with current best practice on science-based, psychologically proven guidance on non-coercive investigations and interviewing."*

16 From discussions with ETICA, I understood the training recommendations were to apply to all A&CI staff involved in Project May as well as other A&CI staff more broadly. I did not understand the ETICA recommendations to cover all Post Office staff working on matters related to the Inquiry.

Actions arising from ETICA recommendations

17 Following receipt of the ETICA recommendations, the A&CI team agreed to contact the identified external bodies to seek their input on the use of identification codes and to ensure unconscious bias training was an element of future training.

- 18 On 28 March 2024, an A&CI Senior Investigations Manager wrote to the IACP and CEPOL representatives requesting assistance with identifying other countries which use identification codes in policing, examples of which codes were in use and the reason for use of any such code. CEPOL did not reply. IACP replied on 12 April 2024 [POL00448878] [POL00448879]. The response focused on different codes used across the United States and explained that short-hand ethnicity codes and their descriptors remained a work in progress and were not used in a consistent manner across the United States.
- 19 However, because Post Office no longer collects identity codes as part of the investigative process,⁴ the response had little practical application to Post Office.
- 20 As outlined in paragraph [44] of my Second Witness Statement [WITN11190200], A&CI has recently begun to use a new case management system. We purposefully requested that the provider remove any fields that would capture demographic data to prevent its collection and recording.
- 21 As outlined in paragraph [78] of my Second Witness Statement [WITN11190200], A&CI have engaged throughout 2024 with the College of Policing in respect of a training needs assessment and City of London Police Crime Academy for continuous professional development of the A&CI team. Once the training needs assessment is finalised,⁵ A&CI will work with providers to build a bespoke training package for A&CI staff which will, among other

⁴ As outlined in paragraph [34] of the Project May Report [POL00363236], it appears that identity codes were used in Post Office spreadsheets between 2010-2013 but were not used after this time.

⁵ The College of Policing have recently indicated that an appropriate assessor would be recruited by the end of August, with a view to a report containing training recommendations being completed in September or October and a training proposal provided by the end of December 2024.

topics, include refresher training on investigative skills and unconscious bias awareness.

Project May – Phase 2

- 22 When the Terms of Reference for Project May were drafted, Post Office determined that at the conclusion of the fact-find, it would consider whether to proceed with a second phase, which was initially intended to involve the analysis of *"historic prosecution and charge data to consider whether the use of identity codes influenced charging or disposal decisions"* in relation to criminal investigations conducted by POL between 2000 and 2015 [POL00448654].
- 23 By October 2023, Post Office had decided in principle to proceed with Phase 2 of Project May. Since the decision to proceed with Phase 2 was made, Post Office identified an appropriate senior sponsor, the Group Chief People Officer, Karen McEwan, and was taking steps to arrange funding so Phase 2 could proceed. After ETICA had completed its review of Phase 1 of Project May in March 2024, I introduced Post Office's then ED&I Director, Juliet Lang, to ETICA so they could discuss how the analysis for Phase 2 could work. However, I was informed by my line manager, Sarah Gray, in approximately May 2024 that Post Office decided that the scope of Phase 2 should be changed. I was not involved in discussions about why the scope of Phase 2 should be changed or how it should be changed.
- 24 The scope of Phase 2, however, is still to be finally determined. I understand that it is to be reviewed by the ED&I team to ensure it aligns with the wider ED&I strategy. It is currently envisaged that, rather than conduct a backward-looking

exercise into the role of identification codes in decision-making in previous criminal investigations, Post Office will instead conduct a forward-looking exercise which is aimed at developing future policy and processes associated with Post Office's investigations in a way that learns from Project May and continues to reflect Post Office's commitment to ED&I. To deliver this, I understand that Post Office intends to establish a working group of Post Office staff, with expertise and an interest in ED&I, to review existing investigative policies, procedures, guidance, training and practices and to identify opportunities and make recommendations for improvement.

Statement of Truth

I believe the content of this statement to be true.

GRO

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Date: 9 September 2024

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