

Witness Name: Benjamin Andrew Foat

Statement No: WITN09980400

Dated: 3 May 2024

THE POST OFFICE HORIZON IT INQUIRY

FOURTH WITNESS STATEMENT OF BENJAMIN ANDREW FOAT

I, Benjamin Andrew Foat, will say as follows:

Introduction

1. I have been employed by Post Office Limited (**POL**) as its Group General Counsel (**GC**) since 1 May 2019.
2. This witness statement has been prepared in response to a request made by the Post Office Horizon IT Inquiry (**the Inquiry**) pursuant to Rule 9 of the Inquiry Rules 2006, dated 27 March 2024.
3. The facts in this witness statement are true, complete, and accurate to the best of my knowledge and belief.

4. I have been assisted in preparing this witness statement by Farrer & Co, who act for me in my personal capacity.
5. I have previously given three corporate witness statements to the Inquiry (dated 23 March 2023, 21 June 2023 and 22 August 2023) and four interim disclosure statements (dated 27 May 2022, 18 October 2022, 30 November 2022, and 12 January 2023). I attended a hearing about disclosure at the Inquiry as a corporate witness on 4 July 2023.
6. I include here abbreviations that I use throughout my statement which I hope is helpful to the Inquiry.

Acronym	Name
AC	Alisdair Cameron
ARC	Audit & Risk Committee
BAU	Business as Usual
BEDS	Bugs, errors or defects
The Board	The POL Board
CCRC	Criminal Case Review Commission
CIJ	Common Issues Judgment
DBT	Department for Business and Trade (formerly BEIS)
EDQ	Electronic Documents Questionnaire
GC	Group General Counsel
GE	General Executive

GLO	Group Litigation Order
Group Litigation	Horizon Group Litigation (including the GLO)
HIT	Horizon Issues Trial
HSF	Herbert Smith Freehills
HSS	Historical Shortfalls Scheme
The Inquiry	Post Office Horizon IT Inquiry
JMC	Jane MacLeod
Legacy Horizon	The Horizon system in use between 2000-2010
LPP	Legal professional privilege
NED	Non-Executive Director
POI	Post Office Insurance
POL	Post Office Limited
RCC	Risk and Compliance Committee
RU	Remediation Unit
RW	Rodric Williams
SID	Senior Independent Director
SRA	Solicitors Regulation Authority
Steerco	Steering Committee
TC	Thomas Cooper
UKGI	UK General Investments
WBD	Womble Bond Dickinson

Background

7. I have been asked to set out a summary of my career and qualifications before joining POL.
8. I am a dual qualified solicitor having trained at Norton Rose Fulbright (formerly known as Deacons) in Brisbane, Australia. I was admitted as a solicitor in Queensland, Australia in 2002, and subsequently in England and Wales in 2008. I hold a Bachelor of Arts with a double major in Government, a Bachelor of Laws (Hons) and a Master of Laws.
9. Upon qualifying as a solicitor, I worked in private practice at Sparke Helmore and then Gadens in Brisbane, Australia, in their Corporate Risk and Insurance department. I was promoted to Senior Associate at Gadens in 2006.
10. In 2007, I moved to London, having accepted a role at Kennedys, specialising in insurance coverage, policy issues and professional indemnity disputes.
11. In 2008, I accepted an inhouse role at Zurich Insurance PLC, and was promoted to Senior Legal Counsel in 2010.
12. I have been asked to briefly summarise the roles I held whilst employed by POL.
13. I commenced employment with POL in August 2015 as Head of Legal - Financial Services. My line manager was the GC of POL at the time (Jane MacLeod, **JMC**), but I also reported (with a dotted line) to the Financial Services Director (the accountable business representative for the Financial Services business unit – there were three business units at POL at this time:

Financial Services, Commercial, and Network, as well as the supporting functions). My role was to support the Financial Services business unit of POL and Post Office Management Services (known as, Post Office Insurance (POI)) to help them manage their legal and regulatory risks.

14. The following year, in August 2016, I was appointed as Group Legal Director, responsible for supporting the broader Post Office business to manage its legal risk and to oversee the Legal team operations, still reporting into JMC. 'Legal risk' is a subset of operational risk and generally refers to a risk where the source or consequence is legal in nature. The focus of my role was to manage the Legal department, and particularly the legal operations and the supporting processes across POL and POI. At this time, I sat on the POI Executive Team and the Risk and Compliance Committee (**RCC**) of POI.
15. POL as a business was operating across multiple markets including banking services and products, insurance, mails, retail, foreign exchange, payments, telecommunications and government services. Consequently, the management of the legal aspects of POL was complex because of the diverse markets and sectors in which it operates (which has varying degrees of legislation and regulation) but also due to its Government ownership, which imposes additional legal and or regulatory obligations. My role also involved designing and implementing legal operations (including central repository of contracts, establishing a precedent database, management information and legal manuals for each area across the business, as well as providing training to both inhouse and business colleagues).

POL legal department

16. I have been asked to briefly describe the background to my appointment as GC of POL, including the application process.
17. I do not recall exactly when, but the interim Chief Executive Officer, Alisdair Cameron (**AC**) spoke to me and offered me the GC role in or around April 2019. At this point it was offered on the understanding that Herbert Smith Freehills (**HSF**) was being appointed to oversee the Horizon Group Litigation (**Group Litigation**). I was interviewed by the Group People Officer and Group Retail Director. I had previously had leadership testing by an external company which I understand was utilised as part of the assessment process.
18. I have been asked to describe the nature of my role as GC and the extent of its responsibilities.
19. At the time of my appointment, I was (and remain) responsible for the legal, compliance and company secretariat team (although I am not and have never been the Company Secretary, in contrast to my predecessor).
20. My role is to support and facilitate the business, as the second line of defence (and by that I mean am responsible for supporting management and the business to help ensure risks and controls are effectively managed). Moreover, my role is to manage and comply with its legal and regulatory obligations through operational processes, the drafting of legal instruments and the provision of legal and regulatory advice.
21. In addition, I am the Chairman of First Rate Exchange Services Limited, which is a joint venture travel currency business between POL and the Bank of Ireland.

22. Principally, my role currently is to advise the CEO, the POL Strategic General Executive (**GE**) (I am not a member but an adviser), and the POL Board (**the Board**) (I am also not a member but an adviser) as directed. I report to the CEO. The GE is comprised of the most senior executives (two of whom are also Board directors), who manage and lead the business on a day-to-day basis.
23. In addition, I sit on the POL RCC (which is the executive forum that oversees risk and compliance across the business) and, as of March 2024, I now chair the POL RCC. I also attend (but am not a member of) the Audit & Risk Committee (**ARC**) which is a Board subcommittee set up to enable the Board to have proper oversight over the risk management of the business and in particular the RCC. The Government Shareholder Representative is a member of the ARC.
24. Between September 2021 and July 2023, I was the temporary sponsor of the now called Remediation Unit (**RU**) and Inquiry programmes. My role as temporary sponsor lasted longer than expected. This was to ensure that principally the GE (but also the Board) was kept apprised of the two programmes through one direct report to the CEO. I therefore had line management responsibilities over the relevant directors but not decision-making ability.
25. Prior to my temporary sponsorship, the Board made the decision to separate the RU and Inquiry programmes from the 'business as usual' (**BAU**) business structure, and in or around July 2020, it initially appointed Declan Salter to manage these programmes, reporting to the CEO. Subsequently the RU and

Inquiry programmes were separated from each other, with Simon Recaldin taking over as RU Director. Although Simon Recaldin was line managed by me, I did not have any decision-making authority in respect of these programmes. He had direct decision-making authority in respect of the RU and if he needed additional authority, such decisions would be escalated to the HMRC (Historical Matters Remediation Committee - the Board subcommittee overseeing the HMBU (Historical Matters Business Unit), which is presently known as the RU). In summary, material decision making was taken by those appointed by the directors of the RU and the Inquiry programmes.

26. I ceased the sponsorship role in July 2023. During the course of 2023, a Group Assurance Director was appointed who reports into me. On 1 January 2024, my role was expanded to include risk.
27. I have been asked to set out my view of the extent of my professional responsibilities derived from my position as a legal professional whilst acting as GC.
28. As a qualified solicitor practising in the UK and regulated by the Solicitors Regulation Authority (**SRA**), I am subject to a number of professional responsibilities. The SRA has personal jurisdiction over me as an individual but not over POL as it is not a law firm. I am, along with all other qualified legal professionals, bound by the standards, principles, and regulations set out by the SRA and uphold them at all times in the conduct of my role.

29. I am aware of my duties to the law and courts as well as my duty to my client and profession. In particular, I am aware of the SRA Principles contained within the SRA Standards and Regulations.
30. As part of my duties to my client (POL) it is important that I act on instructions even in an inhouse environment. I have given recommendations and advice about the role of lawyers at POL including that they are to advise POL; not to make decisions – which is for the business.
31. I have also ensured, since becoming GC, that the Legal team receives training on ethics from the Law Society and other providers (which I have also attended).
32. In addition, the employment law contracts of all inhouse lawyers employed at POL were amended to acknowledge the fact that solicitors are regulated by the SRA and therefore owe duties of independence.
33. I directed the need for all inhouse lawyers to have personal development plans to ensure that they remain appropriately skilled in technical and soft skills.
34. I have been asked to provide an overview of the management structure within POL's Legal department when I joined, as well as those who worked in senior management positions therein. I have also been asked to describe any material changes to the same.
35. When I joined POL in August 2015 as Head of Legal - Financial Services, I reported to the GC at that time, JMC. I was one of three Heads of Legal, alongside the Head of Legal — Network (Jessica Madron) and the Head of

Legal — Commercial (Piero D'Agostino). The Heads of Legal mirrored the business units. Jessica Madron was responsible for supporting the Network business unit (now known as 'Retail') to manage legal issues pertaining to the network including Postmasters, and Piero D'Agostino was responsible for supporting the Commercial business unit (including IT) to manage their legal risks.

36. In 2016 JMC restructured the Legal team, in which she created the role of Legal Director. I was invited to apply for this role and duly did so, being promoted to it in August 2016.

37. After my appointment, JMC divided responsibilities and, as Legal Director, I was responsible for managing the Legal team, with the primary focus of managing the BAU legal matters. Given the lack of and poorly documented legal operational processes (such as legal tools, controls and management information) within the business and legal team that existed when I was appointed as Legal Director, a considerable focus of my work was aimed at legal operations. This enabled JMC to remain focussed on the material legal matters on which she reported to the GE and Board, including the Group Litigation programme, together with Rodric Williams (**RW**) the senior litigation lawyer who directly reported to her in respect of the Group Litigation. As Legal Director, I was not involved in the working group associated with the Group Litigation, nor did I attend the Postmaster Litigation Steerco (the predecessor of the Postmaster Litigation Subcommittee (**PLS**)), GE or the Board in respect of this matter. I did, however, ask RW to keep me abreast of material milestones in relation to this work, either directly and/or via external lawyers.

In reality, JMC would often liaise directly with and email RW directly on these matters.

38. During my time as Legal Director there was a further restructure. Five Heads of Legal were appointed: (1) Head of Legal - Dispute Resolution and Brand; (2) Head of Legal - IT and Procurement; (3) Head of Legal - Employment and Industrial Relations; (4) Head of Legal – Retail; and (5) Head of Legal – Financial Services.
39. When I became GC, the role of Legal Director was subsequently filled with an interim and then permanent employee, but not immediately.
40. I have been asked to describe the reporting line of the POL Legal department to (a) the GE; and (b) the Board.
41. The POL Legal Department would report to the GE and the Board on a variety of matters principally through the accountable business executive or representative. For example, the establishment of the Banking Framework Agreement or the acquisition of the payments business would be done through the accountable business executive (i.e., the Group Financial Services Director) with the GC being in attendance at the GE (though not necessarily Board) in an advisory role. The GC would, at times with the relevant inhouse and/or external lawyer, explain to the GE and if present for that particular topic at the Board, the legal advice and/or legal risks related to the particular matter. Generally, a Legal Risk Note (drafted by the relevant lawyer) would accompany the executive report, which would be provided to the GE and/or the Board as necessary.

42. As GC, having set up and had Board Champions appointed for whistleblowing and investigations, I would also have meetings with those Board Champions. Finally, I would have fortnightly meetings with the Senior Independent Director (**SID**).
43. I have been asked to provide an overview of the work that POL's Legal department undertook when I joined as GC.
44. When I commenced the GC role, the Legal team supported numerous business units to manage their legal risk including banking, insurance, payments, retail, government services, mails, foreign exchange and telecommunications services. Given the broad markets within which POL operates and competes, together with its Government ownership, there is a broad range of legal obligations and risks. Unlike its competitors, POL is subject to additional regulatory requirements (e.g., Public Procurement Regulations and the Freedom of Information Act 2000).
45. As a result of POL's funding arrangements, including the restrictions on its ability to raise capital (given its Government ownership), the Legal team also support the finance team and other support functions such as HR and Communications.
46. In terms of the type of legal work undertaken, it would principally involve advisory work (e.g., legal risk and regulatory advice), drafting of legal instruments (e.g., contracts), and dispute resolution, which kept the legal department extremely busy.

47. I have been asked to set out what I knew of POL's role in prosecuting subpostmasters for theft, false accounting and / or offences under the Fraud Act 2006 when I joined POL.
48. When I joined POL in 2015, I knew very little of POL's role in prosecuting subpostmasters for theft, false accounting and/or offences under the Fraud Act 2006. The remit of my role of Head of Legal – Financial Services had very limited intersectionality with subpostmasters directly. That said, I was made aware of a Panorama programme and POL provided information about the programme within the first few weeks of my employment [POL00152923] and there were subsequent communications around this time ([POL0146535] and later on in 2018 [POL0146594]).
49. I have been asked to set out my view, at the time I joined POL, on the circumstances in which legal professional privilege (LPP) would apply to communications between POL's legal department and its other employees or agents. If there was a different view within the POL legal department, I have been asked to set that out. I have also been asked to describe any material changes to my view or POL's Legal department's view that may have occurred in the relevant period.
50. Upon joining POL, my view was that LPP applied on the standard basis. My client was POL (the "client group" was usually its Board or GE, but some matters were delegated within the organisation and so it would depend on the type of matter), but I understood that it was important to have a particular client group such that the recipients of the advice were no wider than was necessary.

51. The Board decided to waive LPP in certain respects (for the Inquiry) in 2021. Otherwise, I understand that LPP remains in place as it would normally.

Relationship with the Board

52. I have been asked to summarise my relationship with the Board during my time as GC, to include the issues on which I briefed the Board, who my main point of contact(s) on the Board was / were, how often I attended Board meetings and in what circumstances.
53. My relationship with the Board upon my appointment as GC was in an advisory capacity, as noted above.
54. As GC, I briefed the Board on material legal and regulatory matters, including the Group Litigation. To brief the Board on the Group Litigation, I received information from Womble Bond Dickinson (**WBD**) (as overseen from HSF), and counsel. More broadly, I briefed the Board on BAU legal and regulatory matters across the business and material projects (where it was appropriate to do so), these updates often having been reported to me by my Group Legal Director and / or the relevant lawyer within the Legal team, or the Compliance Director or a member of the Compliance team. When I briefed the Board formally it was generally in the relevant Board or Board subcommittee meetings which I would be invited to depending on the topic being discussed.
55. My main points of contact for more informal briefings (by email or in person) were the CEO (as both an executive director and my line manager) and the CFO (also an executive director). However, I also had interactions with the Chair, Government Shareholder Representative, and the ARC Chair initially,

given the nature of my work. Over time my relationship with the other non-executive directors (**NED(s)**) grew, particularly when I established a Speak Up / Whistleblowing Board Champion and an Investigations Board Champion in 2021 and 2022. If a matter required urgent Board attention, I would liaise with the CEO first and then with the Company Secretary and the Chair's PA as to whether to call a Board meeting or issue an urgent email to the Board.

56. The Board appointed Benjamin Tidswell as a NED in July 2021 to support the Board in its consideration of legal issues particularly in respect of the post-GLO settlement programme. Benjamin Tidswell is Chair of the RU Board Subcommittee and the Investigation Board Champion. He is an experienced solicitor with respect to complex disputes and had been a Disputes partner and Global Chairman of Ashurst prior to joining POL.
57. I attended my first PLS (which was a Board subcommittee established to oversee and manage the Group Litigation) meeting on 24 April 2019, a week before I became GC, and I continued attending the PLS meetings until my temporary sponsorship of the RU ended in July 2023. The PLS was comprised of the Chair, Government Shareholder Representative, the Interim CEO (AC) and the SID. I also attended the ARC (another Board subcommittee).
58. I have been asked to summarise my understanding of how Government maintained oversight of POL during my time as GC and to what extent I consider that oversight to be adequate.
59. The Government owns 100% of POL. The Government Shareholder is the Secretary of State for the Department for Business and Trade (**DBT**) (formerly

BEIS). The Government Shareholder had a team of civil servants, lawyers and advisers, who were involved in material matters, in particular, the post-GLO settlement programme. UKGI acts as the interface between the Government Shareholder and its portfolio of assets (of which one is POL). The Government Shareholder Representative is from UKGI and sits on the POL Board and some of its subcommittees (including the ARC and the PLS (which subsequently evolved into the Remediation Committee)).

60. As outlined above, material decision making was done by the Board or by delegating to its subcommittees (such as PLS or Remediation Committees). The Government Shareholder Representative sat on the Board (and PLS) and was part of the decision making, including in relation to funding (and specifically all compensation funding). The Government Shareholder ultimately had to approve any settlement figure for the Group Litigation.
61. In addition to the above, there are a number of other mechanisms of oversight of POL by the Government Shareholder and UKGI. This includes not only attendance at Board meetings, but also attendance at quarterly Government Shareholder meetings (in which representatives from DBT and UKGI are present to question and oversee POL representatives). In addition, POL would produce reports for the Government Shareholder and UKGI, in a number of areas including risks of the organisation (POL). The Government Shareholder and UKGI have oversight in respect of risk.
62. The Government Shareholder Representative, Thomas Cooper (TC) and subsequently Lorna Gratton, sits on the Board, the ARC, the Remediation Committee and, as above, formerly on the PLS. There is therefore significant

oversight. I understand that UKGI and the Government Shareholder have teams supporting the Government Shareholder Representative to have proper oversight.

63. The Government Shareholder and UKGI were involved in the design, establishment and implementation of the compensation schemes.
64. In 2018 and 2019 enhancements were introduced by UKGI and the Government Shareholder (with the approval of the Board) to give them greater oversight over POL, including a revision to the Articles of Association, entrustment letters and, for the first time, a Framework Agreement between the Government Shareholder, UKGI and POL, which is a non-legally binding agreement that sets out the expectations and obligations in respect of each party.
65. During my time as GC, the Government Shareholder maintained and further enhanced oversight of POL through a number of forums and processes, including:
 - 65.1 the Government Shareholder Representative sat on the Board and Board subcommittees pertaining to the issues before the Inquiry (i.e., the PLS; Remediation Committee) (focused on compensation redress) and also the ARC (focused on risk management oversight)); and
 - 65.2 after the Common Issues Judgment (**CIJ**), it was evident that the Government Shareholder and UKGI was exercising greater scrutiny over POL as POL began considering settlement and it was accepted, given that the Government Shareholder had to consider POL's ability to fund the compensation (as it is

the 100% owner of POL), that it would need greater oversight in respect of these issues.

66. POL's CEO has the authority to sign off on payments up to a particular amount. Anything in excess of that amount needs to go to Board (which includes the Government Shareholder Representative).
67. In terms of whether I consider the oversight to be adequate, the Government Shareholder Representative was given increased oversight during my tenure as GC, in that there was substantial involvement by the Government Shareholder Representative and representatives of UKGI and DBT in respect of the Group Litigation. My concern, which I expressed a number of times, was that this increased oversight had implications, particularly from a timing perspective as the additional assurance and oversight of the Government Shareholder and UKGI contributed to the significant delays in making payments under the settlement. I understand the need for them to perform their role and comply with legal obligations and duties on them and their respective teams.

Knowledge of the Horizon IT System

68. I have been asked to describe the extent of my knowledge of the Horizon IT system when I started as POL's GC. In particular, whether I was aware of either (a) bugs, errors or defects in the Horizon IT system (**BEDS**); and/or (b) a lack of integrity in the same; or (c) complaints addressing BEDs or concerns with integrity.

69. When I started as GC, I had knowledge of the Group Litigation generally and specifically that the Claimants in the Horizon Issues Trial (**HIT**) had claimed that there were BEDs in the Horizon IT system and that it wasn't sufficiently robust. I recall being told that the robustness of the Horizon IT system was commensurate with the systems used by air traffic controllers and that it was robust. I had understood that this was the primary issue at the heart of the HIT (i.e., whether the system was robust / had integrity; whether BEDs had caused losses; or whether in fact, data had been remotely changed).
70. I have been asked to describe any training provided to me in respect of the same.
71. After I became GC, I asked to undertake the POL Horizon IT system training so that I could better understand the IT system particularly as it presented to subpostmasters. I had also had some training in the Post Office model office in Finsbury Dials, though I don't recall when that was.
72. I have not received any back-office training in respect of the Horizon IT system. In terms of its robustness, from a technological perspective, that was covered by POL's IT team and its external reviewers and providers.
73. I have been asked to set out what steps I took, if any, to increase my knowledge of the Horizon IT system.
74. As briefly mentioned above, when I became GC, I requested and undertook a 2-day induction training programme that subpostmasters receive when onboarding with POL.

75. This training covered various issues from setting up each day, transactions and dealing with corrections and discrepancies. I wanted to make sure I understood the system the subpostmasters were using.
76. I also attended several subpostmaster listening events about the experience (good and bad) of being a Postmaster and what they thought of POL and the issues that they experience. In addition, I have participated in “adopt an area” scheme in which I go to a number of post offices, make enquiries about their issues and report them back to the Area Manager and the Retail team. During the Christmas periods (with the exception of 2023) I have attended post offices to support during that period particularly in respect of the self-service kiosks, mails segregation and collection by the Royal Mail.
77. Separately the IT department produces a dashboard to the GE and Board on the integrity of the IT system so that they can monitor its ongoing integrity.

Bates and Ors Litigation

78. I have been asked to consider the following documents:
- i. **[POL00006705]** (minutes of GLO contingency planning meeting on 2 May 2019);
 - ii. **[POL00006706]** (minutes of GLO contingency planning meeting on 7 May 2019);
 - iii. **[POL00103534]** (the Post Office Group Litigation action list as at 10 May 2019);

- iv. **[POL00006707]** (minutes of GLO contingency planning meeting on 9 May 2019);
- v. **[POL00103551]** (emails of 13 to 15 May 2019);
- vi. **[UKGI00009765]** (emails of 9 to 15 May 2019);
- vii. **[POL00006709]** (minutes of GLO contingency planning meeting on 16 May 2019);
- viii. **[POL00026004]** (emails dated 16 May 2019);
- ix. **[POL00042675]** (emails of 15 to 17 May 2019);
- x. **[POL00103554]** (Post Office Group Litigation action list as at 17 May 2019);
- xi. **[POL00042688]** (emails dated 16 to 22 May 2019);
- xii. **[POL00103559]** (my email dated 23 May 2019);
- xiii. **[POL00042698]** (emails dated 25 to 28 May 2019);
- xiv. **[POL00023648]** (emails dated 4 June 2019);
- xv. **[UKGI00018405]** (my email dated 19 June 2019);
- xvi. **[POL00023656]** (the emails dated 25 and 26 June 2019);
- xvii. **[UKGI00010304]** (emails from 11 to 27 June 2019);
- xviii. **[POL00006716]** (minutes of GLO contingency planning meeting on 4 July 2019);

- xix. **[POL00128834]** (minutes of GLO contingency planning meeting on 8 July 2019);
- xx. **[POL00128837]** (minutes of GLO contingency planning meeting on 15 July 2019);
- xxi. **[POL00128841]** (minutes of GLO contingency planning meeting on 18 July 2019);
- xxii. **[POL00042841]** (emails dated 29 July 2019);
- xxiii. **[POL00091452]** (draft communications plan re. Horizon Issues Judgment);
- xxiv. **[POL00006734]** (minutes of GLO contingency planning meeting on 15 August 2019);
- xxv. **[POL00043529]** (emails dated 21 October 2019);
- xxvi. **[POL00107191]** (Operations and GLO contingency planning report dated 22 October 2019);
- xxvii. **[POL00006743]** (minutes of GLO contingency planning meeting on 24 October 2019);
- xxviii. **[POL00114236]** (annotated Group Litigation Update for a Board meeting on 29 October 2019);
- xxix. **[POL00119730]** and **[POL00119731]** (email dated 4 November 2019 and attached Horizon Judgment draft communications plan);

- xxx. **[POL00026327]** (emails dated 7 November 2019);
 - xxxi. **[POL00006750]** (minutes of GLO contingency planning meeting on 7 November 2019);
 - xxxii. **[POL00043279]** (Group Litigation Update for Board meeting on 13 November 2019);
 - xxxiii. **[POL00043283]** and **[POL00043284]** (email dated 14 November 2019 and attachment);
 - xxxiv. **[POL00026379]** and **[UKGI00018548]** (emails dated 22 November 2019);
 - xxxv. **[POL00023104]** (emails dated 25 November 2019); and
 - xxxvi. **[POL00129086]** (Horizon Issues Trial Judgment Contingency Planning Update ahead of meeting on 4 December 2019).
79. I have been asked to give a comprehensive account of my involvement in the Bates and Ors litigation (the Group Litigation), the role I played, the litigation tactics that were adopted and my reflections of the same.
80. As I set out above, I became Legal Director in August 2016, five months after the Group Litigation commenced. Between August 2016 and May 2019 (when I became GC), I had very little involvement except as I have set out below. JMC, as GC at the time, divided responsibilities between us, such that I was responsible for managing the day-to-day running of the Legal team and BAU or non-material matters and legal operations, while she was responsible for managing material matters, including the Group Litigation, alongside external

counsel. There were a significant number of matters that the Legal team was supporting the relevant business units with, so it was important to have the Legal Director focused on BAU.

81. At the time, I was broadly aware of the litigation as many of my colleagues worked on it including RW; however, I was not involved in advising or decision-making. I was not a part of the steering committee (**Steerco**), had no involvement in instructing external counsel, and I did not sit on any decision-making forums. Even when JMC was away from the office I did not cover her work on the Group Litigation – to my knowledge this was done by Andrew Parsons, RW or Patrick Bourke.
82. I recall asking JMC in October 2016 whether she wanted me to become involved in the Group Litigation and she told me she did not. I subsequently asked again in 2018 (and, again, she said no).
83. That said, I requested that RW keep me abreast of material developments of the Group Litigation, either directly or through the external lawyers, given its significance and that I was RW's line manager (albeit not for his work on the Group Litigation). I was informed of material developments when they occurred and during this period I was occasionally copied into emails for my information. I do not recall being copied into any emails which required a substantive response from me.
84. With regard to the litigation strategy adopted by POL during this period, I can only speculate given my lack of involvement. My impression was that senior people within POL genuinely held the belief that the Horizon system was

robust and that contractually the approach it had taken in respect of subpostmaster contracts had been correct. From the developments which I heard about during this period, I was given the impression that POL considered that its position would be upheld by the Courts (and in fact previous Court decisions had so upheld POL's position).

85. In early March 2019, in preparation for the handing down of the CIJ, JMC asked me and the then Head of Legal – Retail, Zoe Brauer, to become involved in the business continuity planning (i.e. to consider the implications of the CIJ for POL, should the decision be adverse to it). This was aimed at identifying the different subpostmasters' contracts and the terms and associated operational processes with the relevant POL business representatives.
86. After the CIJ was handed down, there was a shift in approach driven in part by the interim CEO at the time (AC). The CIJ cast significant doubt over POL's position in ways which had not been previously appreciated by the business. My impression was that the CIJ came as a great shock to POL.
87. In April 2019 HSF was appointed to oversee the Group Litigation, reporting to AC and the Board. HSF was appointed by the Chair, Government Shareholder Representative and AC. I shared the view that it was sensible to have new legal counsel in light of the CIJ, given it was so different to what had been expected by POL.
88. I was aware that Board meetings were held on 18, 20 [POL00021563] and 25 March 2019, in which it was decided that a recusal application would be made,

and if it was refused, that decision would be appealed. I did not attend these meetings. On 21 March 2019 POL filed its application for recusal which was heard by Justice Fraser on 3 April 2019 and refused by him on 9 April 2019. POL then appealed Justice Fraser's decision to the Court of Appeal on 11 April 2019. I attended my first PLS meeting on 24 April 2019 [POL00006755]. At this point the Board had already made its decision in respect of the recusal and to seek leave to appeal the CIJ. Although the minutes of the PLS meeting formally reapprove the decision to appeal the CIJ, I do not recall this being discussed in any detail. My impression was that it had been discussed prior to the meeting taking place and I recall that the focus of the meeting on 24 April 2021 was on whether the recusal application and the CIJ appeal should be co-joined. WBD and David Cavender KC advised the Board to co-join the applications whereas HSF, who were there to assist the Board oversee the Group Litigation, advised they should be kept separate. It was my first PLS meeting and, having not had been comprehensively involved previously, I did not feel in a position to comment, and I do not recall speaking during the meeting.

89. As outlined above, I became GC on 1 May 2019 and around this time I became substantively involved in the Group Litigation. During the first six months of my tenure as GC, I sought to appraise myself of my new role, responsibilities and remit, which now included the already significantly advanced Group Litigation.
90. At the point I became GC I joined the PLS, as an adviser (not a member, given I am not and was not a Board director). HSF would also be present at PLS

meetings, giving oversight such that the Board could be comfortable with how the external representatives were progressing matters.

91. At the time I commenced my role as GC, it appeared to me the PLS was reconsidering POL's litigation strategy (including that which it had taken to date), in light of the CIJ. AC was keen to demonstrate that POL had listened to the criticisms made in the CIJ. As a result, changes were made to personnel and the approach to the Group Litigation was changed. POL made a conscious and concerted effort not to take every point it could in appealing the CIJ and dropped points of appeal which had been taken by WBD and/or David Cavender KC, while still maintaining its position for the case to be reviewed. This included a change in tone.
92. Increasingly, from May to December 2019, POL was focussed on the consideration of settlement and/or alternative dispute resolution. In terms of litigation strategy for the settlement, which was being discussed in greater detail from September, POL's clear strategy was to prioritise reaching a settlement.
93. Contingency planning work continued throughout this period and beyond to implement the changes required by the CIJ, as well as Horizon contingency planning to ensure that POL was appropriately prepared for whatever the outcome of the HIT would be (see **[POL00107191]**).
94. I was aware that the PLS had received significant external legal advice on the recusal application and the CIJ appeal. I thought it was right that they reflected, reconsidered and changed the previous approach to the Group Litigation (e.g.,

through the appointment of HSF and Helen Davies KC (by way of illustration)). The PLS was keen to listen, and to be seen to have listened, to the criticisms in the CIJ whilst, as directors of the Board, appreciating that the CIJ caused significant operational impact and change to POL's operating model which they needed to factor in. In addition, the new advisers appointed also recommended appealing the CIJ.

95. I have been asked to set out my role and responsibilities in relation to the litigation and the nature and extent of my involvement in POL's work and decision-making process in that case, in particular addressing:

95.1 POL's general litigation strategy:

95.2 As noted above, I was not involved with POL's litigation strategy prior to becoming GC and my involvement since becoming GC is set out above.

95.3 Its approach to the disclosure of documents:

95.4 Given my lack of involvement in the Group Litigation while disclosure of documents was ongoing, I was not involved in fulfilling the original disclosure obligations. At the point I became involved, the CIJ had already been handed down and over half of the HIT completed.

95.5 I did, however, become involved in matters which were brought to my attention following my appointment as GC, such as issues in relation to known error logs (**KELs**) which were flagged to me. I have set this out below.

95.6 On Saturday 25 May 2019 I received an email from RW (copying WBD, including Andrew Parsons, the Partner at WBD leading the Group Litigation)

notifying me of an issue with global user access (which appeared to be linked to the remote access issue) [POL00042698]. RW informed me that he would like to speak to counsel, and Andrew Parsons confirmed counsel's advice would be sought.

95.7 I noted my understanding on 26 May [POL00042698], subject to counsel's view, but requested that I have counsel's opinion by Tuesday such that I could inform the PLS. On Tuesday, Andrew Parsons advised me that, contrary to their preliminary assessment, counsel's advice was that disclosure should now be given. Disclosure was then subsequently provided by the external lawyers.

95.8 Its preparation of lay and expert evidence:

95.9 Generally speaking, I was not involved in the preparation of lay and/or expert evidence as this happened prior to my involvement in the Group Litigation.

95.10 However, I note I was copied into an email dated 22 May 2019 regarding whether to apply for permission to rely on 'Worden 3' (POL's expert's third witness statement) [POL00042688]. A decision I believe was taken by the PLS following external advice.

95.11 Its decision to seek that Justice Fraser recuse himself:

95.12 I did not have any role in POL's decision to seek that Justice Fraser recuse himself. I understand that there was a Board meeting on 18 March 2019 in which legal advice pertaining to the CIJ, including recusal and appeal was given. I did not attend this meeting.

- 95.13 There was a further Board meeting on 20 March 2019 in which I understand that JMC provided a summary of Lord Grabiner KC's legal advice and the Board resolved to make the recusal application (and that should Justice Fraser not elect to recuse himself, that POL would take it to the Court of Appeal) [POL00021563]. In addition, it was further agreed that leave to appeal the CIJ should be sought. I was not in this meeting either.
- 95.14 I was however aware at the time that advice had been obtained from Lord Neuberger, Lord Grabiner KC, and David Cavender KC that POL should make the application.
- 95.15 The decision to apply for permission to appeal:
- 95.16 The decision to apply for permission to appeal the CIJ was taken by the Board initially on 18 March 2019 [POL0006397] prior to my involvement in the Group Litigation, and I did not play a part in making that decision, albeit I was aware it was being made. I understand that WBD, HSF, David Cavender KC and Lord Grabiner KC discussed the merits of the CIJ and advised JMC.
- 95.17 As I have set out above, when I attended my first PLS meeting on 24 April 2019, the decision to appeal the CIJ had already been made, and the discussion at this stage was whether the recusal application and the appeal should be co-joined or dealt with separately. During this meeting WBD and HSF attended to advise, although the advice relayed was mainly what had been advised by Lord Neuberger, Lord Grabiner KC and David Cavender KC.
- 95.18 On 23 May 2019 POL went before Justice Fraser to seek permission to appeal the CIJ, which was refused. On 13 June 2019 POL applied to the Court of

Appeal for permission to appeal and the application was refiled in shorter form on 28 June 2019, as was ordered by the Court of Appeal on 18 June 2019. POL had recently instructed HSF and Helen Davies KC to assist with drafting the appeal. There was a new approach to tone, learning lessons from Justice Fraser's criticism and the decision was made not to pick up all the points in the appeal which Lord Neuberger had suggested. This is demonstrated at **[POL00103551]** (page 5) – we sought to limit the grounds of appeal to the CIJ such that they did not include a challenge to procedural unfairness or findings of fact.

95.19 Consideration was given as to how the appeal should be presented to the Court of Appeal **[POL0020135]**, **[POL0020136]**, and HSF, WBD and Helen Davies KC's advice was communicated to me. One of the things they suggested was that we ask for three Court of Appeal Judges to hear the appeal.

95.20 The appeal was heard before Lord Justice Coulson in November 2019, and he refused permission to appeal on the basis that there was no realistic prospect of success.

95.21 The approach to the Horizon Issues trial:

95.22 As mentioned above, over half of the HIT had already been completed before I became GC, and I was not involved in it prior to becoming GC.

95.23 For the remainder of the trial we kept the same external legal team (WBD and counsel), with HSF overseeing the process. I therefore did not have significant involvement in the HIT even after I became GC, albeit I did attend the trial for

one day. The PLS continued to be the decision-making authority, and external counsel and RW continued to attend the trial.

95.24 I would however receive briefings from the legal teams involved regarding the trial and would update the GE, the Board and the PLS accordingly.

95.25 Mediation and settlement:

95.26 I attended the mediation at the end of November and during December 2019. I was involved in obtaining legal advice in respect of the mediation and settlement (primarily from HSF). The advice was reported to the GE, PLS and the Board.

95.27 I was authorised to make offers to a certain limit and ultimately sign a settlement agreement following necessary approvals. However, it was not my decision to settle – that sat with the Board and Government Shareholder – although I agreed it was the right thing to do.

95.28 I consider mediation and settlement in more detail later in my statement.

96. Public statements and communications on all of the above:

97. My involvement in public statements and communications varied. I was not asked to advise on public statements or communications on POL's litigation strategy and surrounding topics until I became GC. When I became GC, if there was something substantive in respect of these issues, it would generally be reviewed by HSF, WBD or other inhouse lawyers (more appropriately placed than me to comment). An example of that is set out at **[POL00042841]** which relates to the drafting for Post Office's Annual Report and Accounts.

98. The POL Communications team was responsible for POL's communications and would engage the POL's inhouse and / or external lawyers to support. By way of example, in preparation of the meeting with Kelly Tolhurst MP on 24 June 2019, I provided to AC, Richard Watson (former UKGI GC) and TC, a draft agenda and speaking note covering the issues (change of strategy, update on the litigation, and settlement) [UKGI00018405]. These attachments were provided to me by HSF having worked with the WBD and POL representatives.
99. I have seen the Horizon Issues judgment Draft Communications Plan [POL00091452], but I do not recall seeing or reviewing it at the time.
100. I have been asked to address the extent to which I kept, or had responsibility for keeping, the Board or Government informed of the matters set out above.
101. Prior to becoming GC I did not have responsibility for keeping the Board informed of the matters set out above. As GC it was my responsibility to keep the GE and the Board informed on matters in respect of the Group Litigation amongst other matters. I did not have such a direct responsibility to the Government – it is the role of the Government Shareholder Representative who sat on the Board, ARC and PLS, and UKGI representatives to keep the Government informed.
102. I did have meetings with and corresponded primarily with the UKGI GC, given they were supporting TC. During this period, it was rare that meetings and correspondence in relation to the above matters would also have directly included the representatives from the Government Shareholder i.e., any

information would go via UKGI (but I note that through the subsequent years there was increasing direct engagement of the representatives of the DBT).

103. As noted above, Alan Watts, a HSF partner, attended the PLS and Board with me. My attendance at PLS and Board meetings was significantly supported by our external legal team and RW who had longstanding involvement in these matters.
104. There were regular PLS meetings where the PLS would make decisions. In addition, updates were also given at Board meetings where information from the PLS was provided, and additional decisions were made and directions given.
105. I have been asked to set out who was responsible for decision making in relation to POL's conduct of the Group Litigation, setting out if and when that changed. I have been asked to set out to what extent, if at all, the Board or individual directors were involved in such decision making.
106. Since my appointment as GC, decision-making in relation to POL's conduct of the Group Litigation was primarily done by the PLS. This included Nick Read once he was appointed as CEO in September 2019. The Board had delegated the management and decision making of the Group Litigation to the PLS but the Board still ultimately retained broader oversight through its meetings and the receipt of papers and advice. I attended the PLS and Board meetings in an advisory capacity as GC together with HSF who had responsibility for advising and overseeing the Group Litigation. In addition, external legal

advisers (including KCs) would attend PLS or Board meetings to report on matters as requested.

107. The PLS had responsibility for decision making in respect of the recusal application, the appeal, mediation, and settlement as well as the general litigation strategy and conduct.
108. I have been asked to explain how I and/or POL satisfied myself/itself that the substantive positions taken in letters and court documents were accurate.
109. As GC, part of my role was to ensure POL had access to and was receiving advice from appropriately expert and experienced lawyers (who would draft letters and court documents and advise the PLS).
110. The external lawyers and inhouse team would take instructions from the relevant areas of the business directly to seek to ensure accuracy. This was coordinated through the Group Litigation Steerco which is an executive working group initially Chaired by me when I became GC and then Nick Read (CEO) after the GLO Settlement (the minutes may still refer to the previous name of the working forum "GLO Contingency Planning" because I evolved that working group into the Group Litigation Steerco). The purpose of that group was to ensure that the work tasks were being coordinated and to facilitate the inhouse legal team and external lawyers receiving instructions from accountable business representatives. Those accountable business representatives including myself, would attend those meetings and also the GE, PLS and Board meetings as appropriate.

111. By way of example of an additional measure, after the CIJ was handed down, HSF was appointed specifically to give oversight to the Board, in respect of the work the existing external legal team was undertaking. Helen Davies KC was also appointed to provide a fresh perspective. There are other examples of additional experts being brought in to provide oversight and assurance, which I talk about later in my statement.
112. From a resource perspective, we secured additional legal support inhouse for RW via two external secondees.
113. As GC I had oversight through regular correspondence with the external lawyers and attendance at Steerco meetings (i.e., Group Litigation contingency planning meetings).
114. I have been asked to consider the following documents:
- i. **[POL00080043]** (The email dated 20 April 2016 from Rodric Williams);
 - ii. **[POL00117757]** (The emails dated 17 July 2017);
 - iii. **[POL00024282]** (The "Decision Paper" dated 15 December 2017);
 - iv. **[POL00104316]** (The Annual Legal Risk Review 2017);
 - v. **[POL00006490]** (The email dated 28 January 2018);
 - vi. **[UKGI00018269]** (The Post Office Limited Board Report for a meeting on 10 March 2019); and
 - vii. **[POL00023791]** (The emails dated 15 March 2019).

I have been asked when I first learned of the Bates litigation, what I was told about it and by whom.

115. I do not recall exactly when I first learnt of the Group Litigation and what I was told about and by whom. I am aware, the Inquiry having provided me with **[POL00080043]**, that I was informed at least by 20 April 2016 that 91 mostly former postmasters had issued a High Court claim against POL. At the time that I received this email, my role was Head of Legal – Financial Services and so it would not have fallen within the remit of my role.
116. RW reported into the Head of Legal – Network (JM) and the then GC (JMC) in respect of this matter. However, I was aware of the issue generally as I have outlined above (see, for example, **[POL0152923]** showing POL circulating an email with its response to BBC's Panorama programme about POL in August 2015, very shortly after I had started at POL).
117. I have been asked what the extent of my involvement in the Group Litigation was between being made aware of it and taking over from JMC as GC.
118. When I was first made aware of the Group Litigation I was Head of Legal – Financial Services and so I was not directly involved. I was aware of the matter.
119. However, during my time as Legal Director, I asked my Head of Legal (RW) to keep me informed of material developments as outlined above. The Group Litigation was run as a separate programme from 'BAU'. It had its own Postmaster Litigation Steerco chaired by a Retail Director of the business,

which JMC and RW attended. External lawyers including WBD and counsel, would attend such meetings as well as Board meetings.

120. During this period, I was sometimes asked for ad hoc advice, for example, in July 2017 I provided some general advice on potentially defamatory allegations [POL00117757]. Given my lack of involvement in the Group Litigation, however, I passed this query to WBD. I was also sometimes copied into emails for my information.
121. I otherwise refer to the content of paragraph 85 in respect of this matter.
122. Please note that the Board Report at [UKGI00018269] is incorrectly dated and should be dated 10 March 2020, rather than 10 March 2019.
123. I have been asked when I took over from Ms MacLeod as GC.
124. I was appointed as GC with effect from 1 May 2019.
125. I have been asked what the reason was for Ms MacLeod's resignation, as far as I am aware.
126. I understand JMC resigned following a discussion with AC (the interim CEO), after the handing down of the CIJ.
127. I have been asked what handover, if any, I received from Ms MacLeod on taking over as GC.
128. There was limited handover, albeit JMC and I did have a meeting sometime in April 2019. We discussed the different committees that she had sat on

(some of which I would then sit on upon my appointment). I do not recall further details from the handover.

129. I have been asked when I first read the Common Issues Judgment of Justice Fraser in *Bates & Others v Post Office Limited* [POL00004094] and what my initial thoughts were on reading it. I have been asked to set out the detail of any discussions which followed and any advice I provided on the judgment at this stage, including any advice I provided on how POL should respond to the CIJ and the financial and operational issues raised by it.
130. I first read the CIJ during the course of March and April 2019. My first observation was that there was strident criticism of POL. Whilst there are always risks with litigation, the judgment was overwhelmingly in favour of the Claimants, inconsistent with the advice POL had received and the expected outcome.
131. The advice on the judgment at this stage was being provided by external counsel and legal advisers.
132. Separately and as mentioned above, we commenced contingency planning in respect of the CIJ implications, which was supported by external resource.
133. The discussions regarding the recusal application also then ensued, which is covered earlier in my statement.
134. I have been asked to describe the extent to which I was involved in instructing Lord Neuberger to advise POL, if and when I read Lord Neuberger's note of

advice [POL00025910], my views on it and any discussions I was involved in around the proposed recusal application.

135. I was not involved in instructing Lord Neuberger as this happened before I became substantively involved in the Group Litigation. I was aware that there was a recusal application being considered, however, I was not party to the substantive discussions surrounding this. I did read Lord Neuberger's advice, I suspect around 18 March 2019 (having received a copy by way of email on 17 March 2019).

136. I noted that Lord Neuberger's advice was that POL had some strong arguments in respect of the recusal application and some less strong (but they could still be reasonably made). Although Lord Neuberger's advice has explicit limitations (he had not studied all of the transcripts, for example), it provided an independent view by a former Judge about another Judge's judgment. As a result of him being a Judge, I felt he was in a position to be able to understand the mindset of a judicial officer and have that insight, from an independent perspective, having not previously been involved in the CIJ.

137. I recall speaking to JMC about the threshold for the recusal application (as a result of her making me aware of the intended application and the advice from external legal advisers that she had procured). I had queried whether the test was a "high bar". JMC informed me that it was not and articulated the test at law (having received advice from Lord Neuberger and Lord Grabiner KC).

138. I have been asked to describe the extent to which I was involved in instructing Lord Grabiner KC to advise POL, as well as the extent to which I was made

aware of the advice given by him in conference in March 2019 [POL00006397], my views on it and any discussions I was involved in about that advice.

139. I was not involved in instructing Lord Grabiner KC to advise POL, but I was aware that he gave advice in a conference on 18 March 2019. I was not present at the conference.

140. On 20 March I was copied into an email which attached a Note of Conference (with him) from 18 March 2019. On 26 March, I received an updated version contained at [POL00006397].

141. Having read the note, although I cannot recall exactly when, I became aware (potentially via other email correspondence also) that he had given POL strong prospects of success in a recusal application and had advised that what Justice Fraser had done was *“an unbelievable nonsense and demonstrated apparent bias.”* I do not recall having any specific discussions about his advice.

142. I have been asked to consider [POL00006399] (Brian Altman’s advice of 14 April 2019). I have been asked to set out the extent to which, if at all, I was involved in instructing Mr Altman KC to provide advice which was produced on 14 April 2019.

143. I was not involved in instructing Mr Altman KC to provide this advice.

144. I have been asked whether I read Mr Altman KC’s advice at the time and, if so, what my thoughts were on it.

145. I do not recall reading the full advice at the time. I do know that I read it at some point because I recognise it. It is possible that I read it at the end of April or May 2019.
146. In summary, (and at risk of over-simplifying the advice) I thought that the advice outlined that the CIJ did not impact the safety of the past convictions but that the HIJ could be relevant to the safety of past convictions. My understanding was that WBD and RW were taking the advice forward and considering the next steps. When the HIJ was handed down in December 2019, Brian Altman KC was again asked to consider the impact to the safety of past convictions.
147. I have been asked to consider the following documents: **[POL00103497]** (email from Diane Blanchard to myself and others on 23 April 2019), **[POL00103498]**, **[POL00103499]**, **[POL00103500]** (attachments), **[POL00006538]** (the supplemental paper by Herbert Smith Freehills LLP) and **[POL00006755]** (the minutes of the Postmaster Litigation Subcommittee meeting of 24 April 2019) and to describe how the Subpostmaster Litigation Committee worked in practice, including its leadership.
148. As set out above, the PLS was a Board subcommittee. The PLS made decisions in respect of the Group Litigation. The GC (JMC or me) and the external lawyers would seek instructions and decisions from the PLS in respect of the matters listed above.
149. The PLS would meet and, prior to the meetings, the Company Secretary would circulate papers for discussion. The papers were prepared in a combined

effort between POL business representatives, inhouse lawyers and external legal teams. The members of the PLS are as set above, but other representatives from the GE and the business generally, as well as inhouse and external lawyers, would join the committee meetings to support the members in the execution of their role.

150. As GC, I was an adviser to the PLS rather than a member (as I was not a Board director). HSF had been specifically appointed to advise the PLS and Board in relation to the Group Litigation.

151. I have been asked to describe my role at the time of the meeting of 24 April 2019, in general terms and specifically in relation to the Subpostmaster Litigation Committee.

152. This was a week prior to my becoming GC. Given I did not have the benefit of being sufficiently up to speed on the matters to meaningfully contribute, had not yet been appointed to GC and the advice that had been given was from external legal experts, I do not recall saying anything during the meeting and I did not have a set role. However, as JMC was leaving the business (I do not recall if that was widely known at the time but it was known that she was stepping back from the Group Litigation in or around 21 April 2019 given HSF's involvement), as the Legal Director I thought it appropriate to join the meeting in her absence. I do not believe that my promotion to GC had been confirmed at this point though I was expecting to be appointed.

153. I have been asked to set out my recollection of the meeting on 24 April 2019, including the questions Board members asked of legal advisers and any legal advice given.
154. As outlined above, HSF attended the meeting and provided advice, alongside WBD, Lord Neuberger and David Cavender KC. The focus of this meeting was for the PLS to decide whether the proposed CIJ appeal should be joined with the already submitted recusal appeal. The critical question was whether joining the CIJ appeal to the recusal application gave POL better prospects of success on either or both. WBD, David Cavender KC and Lord Neuberger gave their views which were that POL should join the CIJ appeal to the recusal application, but HSF did not agree. The PLS decided to write to Lord Justice Coulson advising him that POL would seek leave to appeal the CIJ on 16 May 2019 (the intervening time to prepare the appeal) and to not join it to the recusal application.
155. I do not have a more detailed recollection of the meeting than as set out in **[POL00006755]**.
156. I have been asked to explain what effect, if any, the involvement of new external lawyers on the discussions concerning strategy.
157. HSF were assessing the advice provided by WBD and various counsel on co-joining the appeal with the recusal. It enabled the PLS, in the execution of their duties as Board directors, to be better assured that they had fully tested the advice they were receiving about co-joining of the appeal, which was the focus of that discussion. It transpired that HSF did not agree.

158. I have been asked to consider the following documents: **[POL00023207]** (judgment of Coulson LJ on the application to appeal to recusal application), **[POL00103536]** (email chain on 11 May 2019) and **[POL00103541]** (email chain on 13 May 2019) and to describe my views when I read the judgment of Coulson LJ.
159. I had thought it was unusual to make an application for a Judge to recuse themselves. However, POL had received advice from David Cavender KC, Lord Grabiner KC, Lord Neuberger and WBD; in short, their view was that POL had good merits of succeeding in the application. The contrast of the final outcome to that advice was significant.
160. At the time the judgment came out, it was difficult for me to assess it, as I did not have the benefit of all of the background and contextual information leading up to this point especially as I had not attended the trial, and nor had I been involved in the obtaining of the advice or attended the relevant board meetings.
161. My overarching observation upon reading the judgment was that it was highly critical of POL. The tone of the judgment was also particularly striking. I do not recall stating formal view on this at the time but, as outlined above, I did feel that it was unusual to make a recusal application, but I noted the extensive advice that had been received by various external legal experts and that that advice had gone to the PLS and then the Board in accordance with proper governance.

162. Over the following months it became clear to me and to HSF that the previous litigation legal team may have had entrenched 'group think' which might have impacted the advice. I was supportive of the fact that we had a new legal team to review the issues going forward.
163. I have been asked for my view on POL's strategy in respect of the recusal application by this point.
164. As above, I was not involved in advising on or making any decision in respect of the recusal application.
165. POL had taken and had followed expert legal advice, which has been tested by Lord Neuberger, in making the recusal application, but clearly POL's strategy was not correct.
166. I have been asked to describe any conversations I had regarding the Horizon issues around this time and any advice I gave.
167. I recall at a GE meeting in May 2019, Rob Houghton (Group IT Director) mentioned that he was planning to facilitate an independent review of the Horizon system. Whilst it later transpired that he was in fact facilitating the equivalent of a test or 'system check', I wanted to make sure that anything 'Horizon' related was being properly coordinated (from a governance perspective) within POL. In that context, I sent an email to RW and Andrew Parsons (WBD) querying our disclosure obligations, mindful of our duties to the court, and therefore the need for us to ensure we were approaching this in a joined-up way (i.e., that decisions were not just being taken without considering them in the round) **[POL00042675]**.

168. I am not sure why it required an independent company save for I would expect it would need to be outsourced because of internal capacity (most if not all of the IT facility was outsourced at this time).
169. I did not take the decision regarding whether the test should take place (and the timing for it), which was a matter for the Group IT Director and / or CEO. The test was carried out, I believe over the August bank holiday although I am not certain of this date, but it was before the judgment was handed down. Had there been any adverse findings resulting from the test, there would have been an obligation to disclose them, commensurate with the approach taken on KELs.
170. I would also refer to the global user access issue as outlined above.
171. I have been asked to consider [POL00021566] (minutes of the POL Board meeting on 28 May 2019). I have been asked to set out my recollection of the discussion of the Bates litigation.
172. I do not recall this specific meeting. I can see that I was in attendance as was HSF partner, Alan Watts. I believe (and can see from the minutes) that the focus of the discussion was on the CIJ appeal and in particular the appointment of Helen Davies KC and a new approach to the appeal (i.e., focus on the key points) which would shorten the application and adapt the previous tone.
173. I have been asked to consider "*It was critical that Horizon was seen as a robust system today*" and to set out any discussions or concerns raised about the robustness of Horizon since 2000 at or around the time of this meeting.

174. I do not recall this Board meeting. I also do not recall the specific sentence in the minutes of the meeting being said: *"It was critical that Horizon was seen as a robust system today"* [POL00021566]. From the manner in which the minutes have been written, it looks as though this statement was made by a Board director. Having now considered the minutes, I think it is possible it could have meant one of these two things: (i) it draws meaning and context from the preceding sentence (i.e., POL's expert had previously stated that the Horizon system was robust) and, as a matter of fact, that would need to be the position in order for POL to succeed at trial; and/or (ii) it could have been a reference to the obvious fact that generally Horizon was essential to the operation of POL.
175. My recollection is otherwise set out above, in respect of the global access issue.
176. I have been asked to consider [POL00103595] (minutes of the PLS meeting of 12 June 2019). I have been asked to set out my recollection of this meeting, including the questions Board members asked of legal advisors and any legal advice given.
177. I do not remember this specific meeting or what questions were asked so I have to rely on the minutes I have been directed to. There was a focus on ensuring that POL only appealed the CIJ points that it had a good chance of succeeding with. Julie Thomas and Amanda Jones were not in attendance, so I gave the update on the operational work stream. From the meeting minutes it looks like I also gave an update on the HIT. HSF gave an update on the CIJ appeal.

178. I have been asked if I agreed that the previous approach to the litigation had been flawed.
179. Broadly speaking, I agreed that the changes to the approach to the litigation as implemented by AC were helpful. Given the content and tone of the Justice Fraser and Lord Justice Coulson's judgments, I did think that there had been strategic errors. I attended the HIT for one day, and it was clear that the relationship between David Cavender KC and the Judge was strained.
180. As I mentioned above, it became evident to me that there had been some 'group think' amongst the legal advisers.
181. With the benefit of hindsight now, I do believe the previous strategy to the litigation was flawed.
- 181.1 I have been asked how the new approach to litigation differed.
182. The new approach was to remove the potential 'group think' in the manner I have outlined above, and to provide greater assurance or oversight over the legal team, which included the appointment a new external legal team (including counsel), resulting in the CIJ appeal submissions being reduced to those which Helen Davies KC considered meritorious, and tonally trying to get the points across in the right way. The new approach also tried to take on board the points raised in the CIJ and operationalising changes which were appropriate irrespective of the appeal.

183. I have been asked to consider my email dated 18 June 2019 and the chain beneath it at **[POL00276883]** and to explain the issue which I was addressing in my email and that which was the subject of the chain beneath.
184. The issue which I was addressing in my email of 18 June 2019 was a response to Andrew Parson's email to me, sent in light of a discussion at PLS held on 12 June 2019. In that meeting the PLS members had noted surprise that WBD had received a schedule of information setting out individual Claimants' estimated losses and that WBD had apparently not given this to POL. The PLS directed that WBD be asked to explain the position. In light of that direction, Andrew Parsons emailed me including an attachment of an email sent by JMC to the former CEO, Paula Vennells and AC (who at the time was CFOO) a year and a half prior, referencing the £224m figure (being the Claimants' total estimated losses) to show that WBD had given this figure to POL. Andrew Parsons also noted in the email to me that JMC had a speaking note when meeting TC in April 2018 in which the £224m figure was also referred. Andrew Parsons was therefore letting me know that at least some of the PLS were aware and that, if pressed, he would need to raise this appropriately.
185. In my response I wanted to give Andrew Parsons an opportunity to reflect on the point. Whilst I empathised with this position, I was concerned it looked defensive and given WBD were involved in the CIJ which had been unsuccessful, it was my attempt to help him better manage key stakeholders within POL and land the point. I also noted that since becoming GC I had on occasion observed some liberal expressions being used by Andrew Parsons

to convey the message that the Claimants had not properly particularised their claim.

186. I have been asked to consider [POL00006752] (minutes of the PLS meeting on 20 June 2019) and to set out my recollection of the advice given by Anthony de Garr Robinson KC.

187. I do not recall this particular meeting, or the advice given by Anthony de Garr Robinson KC. I am aware from the minutes that I attended this meeting; however, I am afraid that I do not recall it.

188. I have been asked to set out what I understood from Mr Robinson KC's advice in respect of how the POL and Fujitsu witnesses presented (including the expert).

189. I have reviewed Anthony de Garr Robinson KC's advice note and the minutes as contained at [POL00006752], and note the summary provided by Mr Robinson KC.

190. I have been asked to set out what I understood from Mr Robinson KC's advice that "*Both expert witnesses were unsatisfactory but the documents demonstrated the reliability of the system*".

191. I do not recall Mr Robinson KC's advice at the time, but my interpretation of this statement is that this is a reference to the performance of the witnesses on the stand rather than the conclusions they had reached. My understanding of his view, having read his note, is that he thought POL should be successful because the objective documented evidence showed that Horizon was robust,

but that POL's expert witness's credibility was undermined because his analysis was not sufficiently detailed, and the Claimant's witness's credibility was undermined because of what Mr Robinson KC perceived to be demonstrable bias against POL.

192. I have been asked to consider **[POL00006483]** (Group Litigation Update for the July 2019 POL Board meeting) and **[POL00021568]** (minutes of the POL Board meeting on 30 July 2019) and to describe my recollection of the discussion concerning the Bates litigation at this meeting, along with what my view on the benefit of settlement was at this point.
193. I only have a vague recollection of this meeting. My memory is that it was primarily focused on the operational / postmaster components rather than the Group Litigation. I gave an update on milestones of the Group Litigation including the permission to appeal the CIJ and the HIJ. However, the focus of my update pertained to setting out the approach to settlement and potential issues that would need to be worked on should the Board approve a settlement or mediation.
194. In accordance with the Board's endorsement, further analysis was carried out as to the approach which would be taken in relation to the mediation.
195. At this point, I thought the benefit of settlement was that it would resolve the dispute and prevent two further trials taking place in the interests of all parties, bringing finality to the litigation, save all parties legal costs, and prevent further reputational damage to POL.

196. I have been asked to consider [POL00026939] (agenda and enclosures for the meeting of the PLS on 17 September 2019) and [POL00103667] (minutes of the meeting of the PLS on 17 September 2019) and to set out my recollection of this meeting and in particular discussions relating to settlement / mediation.
197. I recall that this was the first substantive discussion around settlement advice provided by HSF. There was a quick status update on other issues (the CIJ appeal, the HIJ, the Further Issues Trial and contingency planning) and a detailed discussion around the approach to the settlement range and the approvals which would be required by the Government Shareholder.
198. HSF had provided detailed advice which they took the PLS through including the proposed draft Board paper (the next Board meeting was on 23 September 2019 though it incorrectly refers in the header to being held on 24 September 2019). HSF provided strategic advice as to the mediation and the settlement. The PLS recommended that POL obtain a better understanding of the Claimants' position and strategy. There was also consideration given as to whether settlement could be offered to the Claimants who had criminal convictions which had not yet been overturned. The existence of and potential impact of the Claimants' funding arrangements was flagged, and this is covered further below. The PLS with the UKGI GC discussed the approval process that would be required for a mediation and settlement.
199. I have been asked to consider [POL00128938] (agenda and enclosures for the meeting of the PLS on 23 September 2019), [POL00155497] (minutes of the meeting of the PLS on 17 September 2019) and [POL00042954] (my

email of 23 September 2019 listing actions on GLO arising out of the meeting) and to set out my recollection of the discussion in respect of settling the Bates litigation.

200. **[POL00155497]** contains the minutes for a (full) Board meeting taking place on 23 September 2019 rather than a PLS meeting. During this Board meeting I recall that the Board principally focused on the HSF advice pertaining to settlement and the benefits of alternative dispute resolution. My impression was that the Board (like the PLS in the previous week) had considered the HSF mediation and settlement advice but were concerned with a number of uncertainties including what the Claimants' likely position and approach would be at a mediation; the findings from the HIT; and the need for further quantum analysis. There was also a discussion around the process of how to obtain authority from the Government Shareholder.
201. The first page of **[POL00128938]** is an agenda pertaining to a PLS meeting on 22 October 2019 (as noted in the footer) but is incorrectly dated in the header (as 22 September 2019). There was in fact a PLS meeting held on 22 October which again was attended by Andrew Parsons (WBD), Alan Watts (HSF), and Catherine Emanuel (HSF) as well as other business representatives including the Operations Director, Julie Thomas and Network Director, Amanda Jones. Various topics were discussed at that meeting including an update on the different aspects of the litigation (i.e., awaiting the HIT judgment); the hearing from the application to appeal the CIJ (which had been listed for 12 November 2019); and the Further Issues Trial. In addition, the PLS was updated on the position regarding KELs. There was also a

discussion on the operational improvements and how POL was changing its interaction with subpostmasters (the paper pertaining to this topic is the penultimate document in **[POL00128938]**).

202. **[POL00128938]** also includes the update to the Board dated 29 October 2019 which is set out in my response below. In summary, the Board noted the updates regarding the litigation and the approach to mediation and authorised the PLS to delegate to me to make settlement offers at the mediation on terms to be determined by the PLS.

203. I have been asked to consider the following documentation relevant to the KEL disclosure issue: **[POL00112564]**, **[POL00112590]**, **[POL00026216]**, **[POL00043001]**, **[POL00112614]**, **[POL00112591]**, **[POL00112593]**, **[POL00043004]**, **[UKGI00018388]**, **[POL00285674]**, **[POL00043028]**, **[POL00043032]**, **[UKGI00018417]**, **[POL00006741]**, **[POL00043054]**, **[POL00043063]**, **[UKGI00018459]**, **[POL00043146]**, **[POL00043153]**, **[POL00043154]**, **[POL00026263]**, **[POL00026270]**, **[POL00026268]**, **[POL00043156]**, **[POL00043164]**, **[POL00103675]**, **[POL00104329]**, **[POL00043189]**, **[POL00043188]**, **[POL00026304]**, **[POL00043190]**, **[POL00043192]**, **[POL00026314]**, **[POL00103690]** and **[POL00112752]** and to set out a full account of the KEL disclosure issue, how it arose, what information was provided to the Board about this issue, what steps were taken to rectify the position and how it was resolved:

204. I was informed on 2 October 2019 that there was a failure of Fujitsu to properly advise POL of the KELs, which in turn meant POL had not complied with its

duties of disclosure when it completed the electronic documents questionnaire (EDQ) prior to the commencement of the HIT.

205. In the evening of 2 October 2019, I wrote to relevant persons at POL (including some that sat on the GE), informing them of the issue and that there were a number of steps for POL to take, including to write to the Claimants' solicitors to advise them of the issue and update the EDQ (both were done, I believe, on 3 October). As part of this email, I also outlined that I had asked the team to ascertain what POL did to assure itself that the information provided by Fujitsu was accurate and what controls were in place to provide such assurance [POL000112590].
206. A Board meeting took place on 3 October 2019 in which I updated the Board on the KELs disclosure issue (see [POL00112614]).
207. In relation to disclosure, my direction and intent was as set out in my email of 4 October 2019, in which I confirmed that it was POL's obligation to disclose this and disclosure needed to be made quickly [POL00043032]. That is what I believed POL's legal obligation was at the time. As I go on to say, though, as HSF is instructed by the Board, I would like to obtain their view and recommendation in relation to the matter. This was important because the reason for HSF's appointment, was to have a firm that was not involved in the original HIT, with oversight.
208. The advice subsequently received is as contained within the documents as outlined in paragraph 205, in particular, [POL00026268]. Having received that

advice from those experts involved in the litigation, I accepted it, and (together with HSF) took it to PLS and the Board where it was approved.

209. The Claimants informed the Court that they did not intend to review the new KELs or make further submissions on the issue. The audit did not identify any further KELs which needed to be disclosed to the Claimants or require POL to change its submissions made about Horizon when the trial closed.
210. External auditors A&M, who were conducting the audit, completed their investigation and did not find anything to suggest that Fujitsu had not now given proper disclosure (within the issue of the Group Litigation). The Board received a note setting out the above on 8 November 2019 [POL00103690]. At the subsequent Board meeting on 29 November 2019, the Board was reminded of the note pertaining to the KELs.
211. Throughout this period, the Board was given regular updates, which included a KELs action tracker.
212. I have been asked to consider [POL00155496] (minutes of the POL Board meeting on 29 October 2019) and to set out my recollection of the discussion in respect of settling the Bates litigation.
213. I was not present for the entire meeting (as is usual), but I attended for the Group Litigation update (together with Alan Watts from HSF). The Board noted that the PLS was authorised to consider the proposed settlement figures. Alan Watts and I updated the Board on the approach - to make a reasonable offer based on the legal analysis of quantum noting: (a) the governance required; (b) the requirements of managing public monies; and (c) issues around "novel,

contentious or repercussive” expenditure under the Managing Public Money guidance, which was particularly important to TC and had also been previously discussed with the UKGI GC.

214. This is why I believe that the Board paper notes *“Our limiting factor was what we thought we would pay if we went through a court process, the other sides was their funding position”*. What I think this comment refers to is that there was a concern that the mediation may not be able to resolve the matter, because each party had a principal challenge. POL’s (and the Government Shareholder’s) principal challenge was the quantum that a court would award under legal principles (heads of damage which, as outlined in HSF’s note to POL, was within a particular range), and the factors outlined at paragraph 213 above, might mean that POL would not be able to reach an sum acceptable to the Claimants. The challenge for the Claimants was that they would need to pay their litigation funder, which would be a significant sum.

215. In the context of the above, it was noted that if the first mediation was not successful, POL would go on to consider either a second mediation and/or the use of Part 36 offers. My perspective was that there was a genuine desire by the Board to resolve and settle the matter. Some of the Claimants had criminal convictions, and my understanding at the time was that POL was unable to give compensation for the same circumstances in which they hold a conviction (in summary). The position in respect of these Claimants had not been fully determined and therefore further review was required.

216. I have been asked to consider the following documents: **[POL00026418]** (email from myself dated 28 November 2019), **[POL00026420]** (email from

myself dated 29 November 2019), [POL00091455] (email from Andrew Parsons dated 8 December 2019), [POL00043341] (email from myself dated 9 December 2019), [POL00023524] and [POL00023525] (email from Jonathan Gribben dated 9 December 2019 and attachment), [POL00023523] (email from Andrew Parsons dated 9 December 2019), [POL00026459] (Group Litigation Update for meeting on 10 December 2019) and [POL00128935] (minutes of the Postmaster Litigation Subcommittee on 10 December 2019) and to set out my assessment at the time of the implications of the HIJ for POL, including POL's position in respect of subpostmasters who had been convicted using data from Legacy Horizon and Horizon Online.

217. When the embargoed HIJ was handed down, in the course of mediation, external lawyers advised me that the Horizon system in use between 2000-2010 (**Legacy Horizon**) "was not robust"; the previous system (HNG-X, 2010-2018) was "questionable" and did not justify the confidence placed in it by POL in terms of its accuracy; and broadly that the current system (HNG-A 2018 onwards) was "relatively robust" [POL00091455].
218. My initial assessment, based on the external legal advice that POL had received, was that:
 - 218.1 as the current system was found (as per the experts and concluded by Justice Fraser) to be relatively robust, the immediate worst case scenario contingency planning was not necessary, but other contingency steps needed to be acted on, included the ongoing improvements that would still be required, (for example, the IT controls framework and audits);

- 218.2 POL would likely receive more civil claims against a result of the HIJ findings in respect of the Legacy Horizon and HNG-X periods; and
- 218.3 there was a significant risk that convictions which had relied on Legacy Horizon and HNG-X would be unsafe and therefore would need to be reviewed by a criminal law expert.
- 218.4 I have been asked to describe any conversations I had with members of the POL Board or BEIS in the immediate aftermath of the HIJ.
219. I do not recall any conversations with members of the Board or BEIS in the immediate aftermath of the judgment, I was at this time in the middle of the mediation, save for:
- 219.1 I informed the Board and the PLS of the embargoed HIJ and provided a brief summary on 28 November 2019 at 23:31 (see **[POL00026418]**). Shortly, after at 00:16 on 29 November 2019 **[POL00026420]** I provided a more detailed summary (which I suspect was based on further legal advice I had reviewed from the external lawyers).
- 219.2 I provided a further note to the Board and PLS on 9 December 2019 at 22:44, based on the advice I had received from external lawyers, regarding the outstanding chapter M of the HIJ. Essentially, chapter M sets out the specific answers to the 15 HIJ questions that were being determined in the HIJ **[POL00091455]**.
220. A Group Litigation Update paper was sent to the PLS prior to 10 December 2019 **[POL00026459]** for discussion at the PLS on that day. This set out the

summary of the HIJ and a number of the implications, which included Brian Altman KC's initial views as can be seen summarised within that paper. It also approved that Brian Altman KC be approached to act as POL'S KC in relation to the Criminal Case Review Commission (**CCRC**).

221. The PLS also noted the advice of Simon Henderson and Owain Draper (the note of which was also reviewed by Anthony de Garr Robinson QC but for the reasons given in paragraph two of the note he could not add his name to it, but he did not disagree with anything in the advice) not to appeal the HIJ.
222. The correct communication channel to BEIS was through the PLS which included the Government Shareholder Representative (TC). It was part of TC's and his team's role to oversee and liaise with the DBT.
223. I have been asked to set out any legal advice I provided, or POL received on the judgment.
224. As noted above, POL received a number of different pieces of legal advice from external lawyers (WBD, HSF and counsel), following the handing down of the HIJ and I informed the GE and Board including the PLS of salient features of the HIJ and a number of implications of it.
225. This included advice on whether there were any grounds to appeal the HIJ ([**POL000023525**] - Simon Henderson and Owen Draper). The overall recommendation was not to appeal the judgment [**POL000123523**], which the PLS agreed with.

226. In addition, Brian Altman KC had given initial views about the implications of the HIJ from a criminal law perspective. Importantly, even though settlement had been achieved, I advised the Board that settlement would not bring a conclusion to the matters [POL00128935], it would require POL to operationalise the CIJ and HIJ; more claims could be expected; criminal convictions would need to be reviewed; and the obligations of the settlement agreement would need to be complied with (i.e., delivered).

I have been asked to consider the following documents relating to the settlement negotiations: [POL00289279], [POL00128887], [POL00006807], [POL00021572], [POL00103702], [POL00026418], [UKGI00018527], [UKGI00018525], [POL00107189], [UKGI00010796], [UKGI00010798], [UKGI00010811], [POL00128892], [POL00043319], [POL00043320], [UKGI00018677], [UKGI00018728], [UKGI00018815], [POL00043335], [UKGI00018695], [UKGI00018779], [POL00026474], [POL00026480], [POL00103707], [POL00103708], [UKGI00010880], [UKGI00010891], [POL00026486], [POL00103711], [POL00103714], [POL00026508] and [POL00026490] and provide a full account of my role / involvement in the settlement negotiations and their outcome.

227. As GC and a representative of POL, my role in the settlement negotiations and the outcome was as follows:

227.1 I would ensure that POL received expert legal advice in respect to the dispute resolution process and settlement negotiations, both leading up to and during the mediation. Representatives from both WBD and HSF attended the

mediation, though principally HSF led the settlement negotiations and mediation on behalf of POL;

227.2 I attended the mediation over its course which was conducted from 27 November 2019 until the evening of 10 December 2019. I was involved in and contributed to the mediation where I was appropriately placed to do so, e.g., at one point I recall speaking to the mediators and asking whether I or POL could see the Claimants' litigation funding agreement (as POL knew that litigation funders were involved and would likely impact the settlement but did not know of their terms and conditions); checking twice whether litigation funding was a recoverable head of loss; and liaising with business representatives about additional non-financial terms which ultimately formed part of the settlement deed (e.g., Amanda Jones and Julie Thomas – both of whom had also attended the mediation at particular stages);

227.3 I provided update reports to the PLS and the UKGI GC throughout the mediation;

227.4 I was given certain delegated authority to make offers up to a particular amount, but any higher offer would require escalation to the Government Shareholder (via the Government Shareholder Representative) - but only on the basis that it would settle the matter; and

227.5 I was instructed, following approvals from the CEO, Chairman, and UKGI (as per the previously agreed governance process) to execute the settlement deed which the parties had agreed.

228. The outcome of the mediation was achieved as a consequence of the respective party's decision makers deciding that the terms of the settlement deed (which included financial and non-financial components) were acceptable. Both parties had had the benefit of knowing that the CIJ appeal had been refused and knowing the findings of the HIJ at the time of settlement. Both parties were represented by external lawyers.

229. I have been asked to consider the following documents relating to POL's response to the HIJ: [POL00023527], [POL00043351], [POL00043360], [POL00091460], [POL00113696], [POL00114465], [UKGI00019083], [POL00112898], [UKGI00011156], [POL00112873], [POL00103840], [POL00103870], [UKGI00011710], [UKGI00018731], [POL00021580], [UKGI00011825], [UKGI00011826], [POL00112943], [POL00066711], [UKGI00017761], [POL00104178], [POL00021596], [POL00031089], [POL00030907], [POL00021463], [POL00021604], [POL00021606] and [POL00113200] and to set out any steps taken by POL in 2019/2020 following the judgment in relation to individuals who may have been affected by bugs, errors and defects and in particular in relation to the convicted claimants and historical shortfalls.

230. There were numerous steps taken by POL in 2019 and 2020 following the HIJ in relation to individuals who may have been affected by BEDs and in particular in relation to convicted Claimants and historic shortfalls. A significant amount of work has been undertaken by the organisation and the Legal team to embed and operationalise the HIJ (as well as the CIJ).

231. Principally, these steps included:

- 231.1 setting up the post-GLO settlement programme, chaired by Nick Read and consisting of a subset of GE and their direct reports to oversee the different workstreams and tasks, because it involved multiple accountable people across the business, and it needed to be carried out in a joined-up way as a result. This programme included, by way of example, how POL would manage the criminal law implications of the HIJ;
- 231.2 obtaining suitably qualified and expert criminal lawyers such as; Brian Altman KC; Zoe Johnson KC; and Sir David Calvert-Smith (Sir David Calvert-Smith was there to support the Board in overseeing and managing the criminal law decisions including the disclosure process i.e., oversight over the criminal law firm Peters & Peters, Brian Altman KC and Zoe Johnson KC);
- 231.3 reporting that advice to the PLS and Board, and ultimately following that advice and liaising with the CCRC as required;
- 231.4 liaising with criminal law experts in terms of the Post Conviction Disclosure Exercise (**PCDE**) including the steps that would be required to identify past convictions;
- 231.5 the establishment of the HSS (civil compensation scheme); various steps were taken to contact impacted postmasters including writing to all former and current subpostmasters and placing notices in national press publications;
- 231.6 conformance with the settlement deed of 10 December 2019; and

- 231.7 the establishment of the CIJ and HIJ conformance programme in order to embed the legal requirements into POL's operational practices. This included various improvements such as remediating any historical errors and bugs.
232. I have been asked to describe POL's position in relation to criminal appeals following the Horizon Issues judgment and any legal advice on this provided by myself or received by POL.
233. POL's position in relation to the criminal appeals following the HIJ was to understand the details of the individuals who had been convicted; to understand the legal requirements on how to manage a criminal appellate process (as this was not something that a corporate entity would normally be involved in); to ensure that its duty as prosecutor was complied with; and to assist the CCRC and ultimately the Court of Appeal in relation to the appeals of past convictions.
234. I did not provide any legal advice personally or directly as I am not a criminal lawyer. However, POL received extensive legal advice through: through the instruction of Brian Altman KC who was highly experienced and, as a result of his previous involvement, had knowledge of the issues; the instruction of Zoe Johnson KC who could look at matters afresh; and the instruction of Sir David Calvert-Smith, giving the Board additional oversight over the other KCs, their counsel teams and Peters & Peters.
235. It had been noted to the Board and PLS that POL could not unilaterally overturn past convictions of its own volition; it had to work through the criminal law processes.

236. At the risk of over-simplifying, the criminal law advice from the experts above was that a Limb 1 abuse had occurred (i.e., non-disclosure at previous criminal trials) which meant that the defendants had not received a fair trial, but that in their view and according to the case law, Limb 2 abuse had not been satisfied. The Board was very keen to get it right and really tested the external legal team on this. Ultimately, however, the Court of Appeal found that both Limb 1 and Limb 2 abuse had occurred **[POL0031089]**.

237. I have been asked to describe the financial and operational issues raised by the judgment.

238. The financial and operational issues raised by the HIJ included:

238.1 in the immediate aftermath the Horizon contingency plan (as previously produced) commenced;

238.2 there would be an increased financial exposure and operational impact to POL because there would be further civil claims as a result of the finding in respect of HNG-X and Legacy Horizon;

238.3 there would be appeals by those with previous convictions to have their convictions overturned;

238.4 subject to the criminal law process being worked through, there would ultimately be further civil law claims arising from convictions that had been overturned;

238.5 full conformance with the HIJ (and CIJ) was required, and a programme of work was set up with the newly established Operations Modernisation /

Operations Transformation programmes (which were subsequently subsumed by the Improvement Development Group) with the accountable business representatives. This included ensuring that the historical BEDs found in the HIJ had been remedied and assessing whether the subpostmasters had suffered any detriment as a result of them;

238.6 instructing KPMG to review the suspense account issue (suspense accounts are accounting tools in POL's finance team for temporarily holding differences in payments moving between Post Office and its clients, where the client and Post Office's view of what is payable or receivable may differ). Unresolved differences are moved to Post Office suspense accounts. Both HSF and Peters & Peters were involved in providing legal advice in relation to POL's obligations in respect of this report. The matter was discussed at the PLS, RCC and ARC;

238.7 assurance over the operational changes principally by external independent parties; and

238.8 funding arrangements between the Government Shareholder and POL would need to be considered.

239. I have been asked to describe any critical analysis which was done of how POL had handled the Bates litigation and any conclusions drawn.

240. Following the handing down of the CIJ appeal judgment, the HIJ and following settlement of the Group Litigation proceedings, the CEO and the Chair initially requested information about the events that led up to the commencement of the Group Litigation. Ultimately more fulsome critical analysis was undertaken

(which I believe is subject to LPP which has not been waived by the limited waiver given to the Inquiry by POL).

241. I have been asked to set out my involvement in public statements and communications (including to Parliament / with MPs) about the issues which were the subject of the HIJ.
242. The extent of my involvement in public statements and communications (including to Parliament and or with MPs) about the issues which were the subject of the HIJ varied. There were a number of occasions in when I was involved in reviewing public statements and communications, such as the Group Litigation settlement deed apology of the Chair and Nick Read. Members of my team and external lawyers were also asked to review statements and communications because they were better placed given their expertise or involvement in the detail of a particular issue.
243. I have been asked to explain my involvement in any work managing the ongoing impact of the Bates litigation, including but not limited to settlement compliance and liaising with the CCRC.
- 243.1 I have continued to be involved in my capacity as GC in the ongoing operational and cultural changes at POL. The post-GLO settlement programme was broad and far-reaching, including compliance with the GLO settlement deed. Other areas of work included the criminal law process to have convictions overturned (including engagement with the CCRC), such as encouraging those that had criminal convictions to come forward to have their

convictions overturned (including engaging Citizen's Advice to assist with this).

244. I have been asked to consider **[POL00128937]** (minutes of the PLS on 22 January 2020 and 4 February 2020) and describe my recollection of those meetings and, in particular, the discussion on the criminal appeals and Historical Shortfalls Scheme ("HSS").
245. An update was given on the post-GLO programme. I noted that the team were working through disclosure obligations in relation to the convicted Claimants.
246. The Board directed that another KC be appointed to ensure independent analysis, as Brian Altman KC had been previously involved in the litigation. I was supportive of this decision. Consequently, Zoe Johnson KC was appointed to act in respect of the criminal law matters in addition to Brian Altman KC. Following those PLS meetings, the Board wanted additional support to assist it in scrutinising and testing the criminal law advice that it received, including in relation to key strategic decisions that needed to be made, the approach to be taken on the disclosure review and issues relating to the CCRC and Court of Appeal. Consequently, Sir David Calvert-Smith (a former Court of Appeal Judge; and former Director of Public Prosecutions) was appointed to fulfil that role, in order to ensure that independence. My understanding was that the Board agreed there was merit in retaining Brian Altman KC (a former First Senior Treasury Counsel to the Central Criminal Court), given his expertise and corporate memory (due to his previous involvement from around 2013 onwards).

247. Over January and February 2020, the HSS was designed by HSF following the GLO settlement in December 2019. HSF provided the initial draft Terms of Reference, eligibility criteria, process maps and proposed approach to decision making. However, a number of these concepts were discussed at subsequent PLS meetings and changes were made. For example, it was decided that POL would appoint an external independent panel to provide it with the recommended claims assessment decision and then POL would take it through its governance process for approval (albeit I do not recall exactly when this was). Moreover, the PLS did not accept HSF's proposal for a potential application fee to join the scheme. Both UKGI and DBT representatives became heavily involved in the design and implementation of the HSS.

248. I have been asked to consider [POL00104107] (emails dated 22 April 2020) and explain the issue that was being discussed in these emails and my understanding of whether the board had been made aware of the Deloitte report.

249. I understand that this email correspondence followed a Board meeting which took place on 16 April 2020, at which Catherine Emanuel from HSF was updating the Board. Some members of the Board expressed surprise and discomfort upon hearing that there had been a previous Deloitte Report about remote access which they had not heard of.

250. I did not sit or report to the Board at the relevant times and am not aware of when the Board first became aware of the relevant report. However, at the latest, the Chair and CEO (Nick Read), received a summary and attachment

of the Project Bramble report (which is a Deloitte report) by 9 March 2020 [POL000103870] [UKGI00011826]. The reports (Project Bramble and Project Zebra) were subsequently provided to Government Shareholder (note [UKGI00011825]).

Relationship with Fujitsu

251. I have been asked to provide a comprehensive account of my involvement with Fujitsu in relation to matters relevant to the Inquiry's Terms of Reference. I am asked to detail my interactions with Fujitsu over the period covered by this request.

252. I do not recall any involvement with Fujitsu directly because, practically speaking, as an inhouse lawyer my role generally is inward (i.e. to support the accountable business representative, which in this case is the Group IT Director and the IT Department). Although there is a Chief IT Officer with an internal IT team at POL, like other parts of the business, the IT team utilised outsourced providers such as Fujitsu. The IT department is the responsible business unit to manage the IT systems. The inhouse legal department provides 'second line of defence' legal services to the IT business area to support them to manage legal and regulatory risk.

253. As Head of Legal – Financial Services (before I was Legal Director and then GC), I do not recall having any involvement with Fujitsu. When I started at POL, there was a Senior Legal Counsel - IT, Kenneth Garvey, who reported to Piero D'Agostino (Head of Legal – Commercial), on IT issues. When Piero D'Agostino left (and following a restructure of the IT department), Kenneth

Garvey became Head of Legal - IT and Procurement, and he continued to work with the IT department when they required legal support together with external lawyers. I believe the Fujitsu contract had a particular escalation procedure which was managed within the IT team.

254. I did deal with broader matters related to IT (at times, linked to Fujitsu, like contract conformance, for example), but these did not necessitate my direct contact or engagement with Fujitsu. On 13 January 2020 I was asked to join a meeting with a Fujitsu representative with the CEO and IT Director. WBD and RW did send me a note for it, but I do not recall attending the call.

255. I have been asked to set out in detail my interaction with Fujitsu over the period covered by this request, to include the following:

255.1 Bugs, errors and defects in Horizon:

255.2 At the relevant time, I did not have any contact with Fujitsu in relation to bugs, errors and/or defects in the system.

255.3 In terms of prosecutions of subpostmasters, managers and assistants:

255.4 I was not involved in prosecuting any subpostmasters, managers or assistants.

255.5 In terms of the provision of expert evidence:

255.6 I was not directly involved in procuring expert evidence, albeit I was aware of evidence being given in the second part of the HIT and I was involved in high level terms, reporting to the PLS together with HSF and other external lawyers, including counsel.

255.7 In terms of *Bates & Others v Post Office*:

255.8 I did not have any involvement with Fujitsu in respect of the *Bates & Others v Post Office* trial. At the appeal stage of the CIJ, when I was involved, the matters for determination were questions of law and therefore did not require my engagement with Fujitsu. As the HIT was already over halfway through when I became GC and was being managed by the existing external team as overseen by HSF, there was no necessity for me to engage directly with Fujitsu on this.

255.9 In terms of my reflections on the above interactions:

255.10 Whilst POL was dependent on Fujitsu in terms of the operating system, my reflection generally is that POL ought to have had, and should have going forward, proper oversight over its outsourced IT arrangements.

256. I have been asked what, if any, extent did these matters arise in the context of the contract renewal or extension discussions and if not, why not.

257. I am aware that POL was concerned about Fujitsu's performance and commitment. My understanding is that such issues would have been factored into the decision of whether to renew or extend the Fujitsu contract, though I note that new personnel and potentially a consequential lack of corporate memory may have affected POL's approach to the above issues. That decision sits with the Board and the Government Shareholder with the Group IT Director and CEO reporting to those forums. I would not attend Board meetings for that matter as I am not the accountable GE representative.

258. The Legal team, including me and the Head of Legal – IT & Procurement (Kenneth Garvey) together with external lawyers have supported the various Group IT Directors and the IT Department, who are responsible for the management of the Fujitsu contract and the commercial relationship, through the provision of legal advice. I do not recall having any direct involvement in the negotiations with Fujitsu.
259. I have been asked whether I consider that the level of scrutiny applied to Fujitsu's operation of Horizon was sufficient.
260. I suspect that POL was over-reliant and dependent on Fujitsu and that it may not have had sufficient controls in place to oversee its outsourced arrangements.
261. During my time as Legal Director, with the assistance of the GC who reviewed the Annual Legal Risk Report, I reported to the RCC and ARC that contract management needed to be improved across the business, which would include with Fujitsu. With increased oversight, I would hope that, for example, the fact of the KELs would have been identified sooner.

Conclusions

262. I have been asked if there are any further key topics not otherwise addressed above, to set them out here.
263. I do not have any further topics to provide to the Inquiry at this time. I have answered these questions to the best of my knowledge and belief, but if there are documents I have not addressed or matters I have not covered which the

Inquiry would like me to do, I am very happy to provide any such further assistance to the Inquiry should it require it.

264. Please note that for the purposes of this witness statement I have only mentioned the KCs when talking about counsel. There were many junior barristers also involved in providing advice, but I have not specifically mentioned them by name.
265. I have been asked if there is anything further that I would like to bring to the attention of the Chair.
266. As the current GC to POL, due to the limited privilege waiver by POL there is material that I am unable to place before the Inquiry.
267. Finally, but most importantly, I would like to express my genuine apology to the subpostmasters and their families who have been so dreadfully impacted by the above issues. The accounts that I have seen from correspondence, heard at GLO mediation, and in the Inquiry (especially during Phase 1) have been harrowing. I also recognise that the problems with respect to disclosure in the Inquiry have exacerbated that pain for which I again apologise. I want those subpostmasters to know that I remain fully committed to supporting POL to do the right thing; ensuring compliance with the CIJ, HIJ and Hamilton judgments; and testing and challenging all POL colleagues to ensure that such mistakes can never be repeated and to continue to do all that I can in respect of subpostmaster compensation.

Statement of Truth

I believe the content of this statement to be true.



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Benjamin Andrew Foat

Date: 3 May 2024

Index to Fourth Witness Statement of Ben Foat

<u>No.</u>	<u>URN</u>	<u>Document Description</u>	<u>Control Number</u>
1.	POL00152923	Email from the POL Communications Team to various recipients dated 14 August 2015	POL-BSFF-0012035
2.	POL0146535	Email from the POL Communications Team to various recipients dated 24 August 2015	POL00158234
3.	POL0146594	Email from the POL Communications Team to various recipients dated 12 January 2018	POL00158365
4.	POL00006705	Minutes of Meeting 2 May 2019: GLO Contingency Planning Governance	POL-0017963
5.	POL00006706	Minutes of Meeting 7 May 2019: GLO Contingency Planning Governance	POL-0017964
6.	POL00103534	The Post Office Group Litigation - Action List as at 10 May 2019	POL-0103117
7.	POL00006707	Minutes of Meeting 9 May 2019: GLO Contingency Planning Governance	POL-0017965
8.	POL00103551	Email Chain from Alan Watts to Thomas Cooper; re: Legally Privileged and Confidential – GLO dated 15 May 2019	POL-0103134
9.	UKGI00009765	Email from Tom Cooper to Richard Watson, Tom Aldred and Stephen Clarke re: Group Litigation dated 15 May 2019	UKGI020573-001
10.	POL00006709	Minutes of Meeting 16 May 2019: GLO Contingency Planning Governance	POL-0017967
11.	POL00026004	Email thread from Alisdair Cameron to Alan Watts and Ben Foat cc: HSF Post Office re: Privileged and Confidential on 16 May 2019	POL-0022483
12.	POL00042675	Email chain discussing independent review of Horizon and FJ products on	POL-0039157

		current and test strategies. Email chain from Ben Foat to Andrew Parsons, Rodric Williams and Jonathan Gribben re Independent Testing of Horizon dated 17 May 2019	
13.	POL00103554	The Post Office Group Litigation Action List as at 17 May 2019	POL-0103137
14.	POL00042688	Email chain from Rodric Williams to Kirsten Massey, Andrew Parsons, Ben Foat and Others re Worden 3 - Update and Recommended Action dated 22 May 2019	POL-0039170
15.	POL00103559	Email chain from Ben Foat to Tom Cooper, Alisdair Cameron and Tim Parker re Post Office Group Litigation - Subject to Legal Privilege - Do Not Forward dated 23 May 2019	POL-0103142
16.	POL00042698	Email chain from Andrew Parsons to Ben Foat, Rodric Williams, Jonathan Gribben and Charlie Temperley re Global User Access. Discussion re disclosure obligation within group litigation dated 28 May 2019	POL-0039180
17.	POL00023648	Email from Mark Underwood to Ben Foat, Rodric Williams, Andrew Parsons and others RE: Legally Privileged - GLO sub-committee dated 4 June 2019	POL-0020127
18.	UKGI00018405	Email from Tom Aldred to Tom Cooper, Richard Watson and Stephen Clarke re: Group Litigation - Board Subcommittee dated 20 June 2019	VIS00011804
19.	POL00023656	Emails between Amy Prime, Ben Foat, Andrew Parsons, Rodric Williams and others RE: Cover Letter dated 26 June 2019	POL-0020135
20.	UKGI00010304	Email chain from Eleanor Beal to Richard Watson, Tom Cooper, cc'ing Tom Aldred and others - Re: Commission: Briefing for meeting with Al Cameron and Tim Parker, Monday 24 June re POL dated 27 June 2019	UKGI021112-001

21.	POL00006716	Minutes of meeting 4 July 2019: GLO Contingency Planning Governance	POL-0017974
22.	POL00128834	Post office; 8 July 2019 GLO Contingency Planning Governance	POL-0132182
23.	POL00128837	15 July 2019 GLO contingency planning governance by 'AD'	POL-0132183
24.	POL00128841	18 July 2019 Meeting minutes for GLO contingency planning governance	POL-0132187
25.	POL00042841	Email chain between Andy Parsons, Ben Foat and others dated 29 July 2019	POL-0039323
26.	POL00091452	Draft Communications Plan	POL-0090474
27.	POL00006734	Minutes of Meeting 15 August 2019: GLO Contingency Planning Governance	POL-0017992
28.	POL00043529	Email from Andrew Parsons to Catherine Emanuel, Ben Foat, Rodric Williams and others re Scope of FIT – harassment and costs on 21 October 2019	POL-0040011
29.	POL00107191	Post Office Board - Operations and GLO Contingency Planning Meeting - Executive Summary 22 October 2019	POL-0105499
30.	POL00006743	Minutes of Meeting 24 October 2019: GLO Contingency Planning Governance. 2024-03-05 GM: RE-ISSUED AS POL00128859	POL-0018001
31.	POL00114236	Post Office Board- Group Litigation Update dated 29 October 2019 with annotations- Author: Ben Foat / Rodric Williams	POL-0113163
32.	POL00119730	Email from Declan McHugh to Melanie Corfield and others re Stakeholder comms plan/matrix and collateral index on 4 November 2019	POL-0119733
33.	POL00119731	Horizon Issues Judgment Draft Communications Plan	POL-0119734

34.	POL00026327	Email from Ben Foat to Tom Cooper, Rodric Williams, RE: GLO sub-committee dated 7 November 2019	POL-0022806
35.	POL00006750	Minutes of Meeting 7 November 2019: GLO Contingency Planning Governance	POL-0018008
36.	POL00043279	Group Litigation Update dated 13 November 2019	POL-0039761
37.	POL00043283	Email attaching briefing paper on POL/WBD's decision not to call Gareth Jenkins as a witness in HIT trial in group litigation. Email itself includes summary of reasons. Email from Andrew Parsons to Rodric Williams re Gareth Jenkins briefing dated 14 November 2019	POL-0039765
38.	POL00043284	Post Office Group Litigation: Gareth Jenkins Report	POL-0039766
39.	UKGI00018548	Email from Tom Aldred to Richard Watson, Joshua Scott, Tom Cooper and others re FW: URGENT Court of Appeal Order A1/2019/1387 on 22 November 2019	VIS00011947
40.	POL00026379	Email from Rodric Williams to Ben Foat, Catherine Emanuel, RE: Urgent Court of Appeal Order on 22 November 2019	POL-0022858
41.	POL00023104	Email from Zoe Brauer to Ben Foat and Rodric Williams cc'ing Ainslie Cranwell, Andrew Parsons, Catherine Emanuel and others re: GLO - Adverse comments in PTA Judgement on 25 November 2019	POL-0019583
42.	POL00129086	Horizon Issues Trial Judgment Contingency Planning Update on 4 December 2019	POL-0132243
43.	POL00021563	Minutes of Board Meeting on 20 March 2019	POL0000096
44.	POL00023656	Email from Amy Prime to Ben Foat, Andy Parsons, Rodric Williams and others on 26 June 2019	POL-0020135

45.	POL00023657	Email from Helen Davies to Andy Parsons and Amy Prime on 26 June 2019	POL-0020136
46.	POL00080043	Email chain between Robert Findlay and Rodric Williams and others Re: Important Email Re: Preservation of documents/ high court litigation. Discusses Frank Holt as potential GLO claimant on 21 April 2016.	POL-0076606
47.	POL00117757	Email chain from Kerry Moodie to Natalie Whitty, Mark Underwood, Ben Foat and others re: Post Office Facts Twitter Account on 17 July 2017	POL-0114694
48.	POL00024282	Decision Paper Re: Proposal for the March 2019 Trial and a Long-Term Strategy for the Group Litigation.	POL-0020761
49.	POL00104316	Post Office Ltd ARC Report on Annual Legal Risk Review: 2017 dated 29 January 2018	POL-0103899
50.	POL00006490	Email from Andrew Parsons to Ben Foat, Rodric Williams and others: Board sub-committee on Thursday on 18 June 2019	POL-0017795
51.	UKGI00018269	POL Board report, (Criminal Cases) from Herbert Smith Freehills on 10 March 2020 (incorrectly dated as 10 March 2019)	VIS00011668
52.	POL00023791	Email chain from Amy Prime to Rodric Williams, Ben Foat and Zoe Brauer re: Group litigation materials on 15 March 2019	POL-0020270
53.	POL00004094	Judgement (no.2) of the High Court of Justice in Alan Bates and Others v Post Office limited [2018] 2698 (QB).	VIS00005108
54.	POL00025910	Bates and others v Post Office Limited - Observation on Recusal Application by Lord Neuberger	POL-0022389

55.	POL00006397	Note of conferences on 18 March 2019 and 20 March 2019 with Lord Grabiner QC	POL-0017702
56.	POL00006399	Brian Altman QC advice on the Common Issues Trial Judgment dated 14 April 2019	POL-0017704
57.	POL00103497	Email from Diane Blanchard to Tim Parker, Thomas Cooper, Alisdair Cameron and others re. Board GLO Sub-Committee Meeting 24.04.19	POL-0103080
58.	POL00103498	Post Office Limited Board Litigation Sub-Committee Postmaster Litigation - Executive Summary Confidential and Subject to Legal Privilege dated 24 April 2019	POL-0103081
59.	POL00103499	Womble Bond Dickinson Common Issues Judgment: Appeal Advice dated 11 April 2019	POL-0103082
60.	POL00103500	Confidential and Privileged - Alan Bates & Others v Post Office Limited - Common Issues List	POL-0103083
61.	POL00006538	Herbert Smith Freehills LLP The Post Office Group Litigation Board Litigation Sub-Committee: 24 April 2019	POL-0017843
62.	POL00006755	Meeting Minutes of the Postmaster Litigation Subcommittee Meeting held on 24 April 2019	POL-0018013
63.	POL00023207	Permission to appeal against Judgement No.4 (Recusal) REFUSED In the Court of appeal Civil Division for Post Office v Bates & Others. Order made by the Rt. Hon. Lord Justice Coulson.	POL-0019686
64.	POL00103536	Email from Alan Watts to Thomas Cooper re: For info: recusal application refused on 11 May 2019	POL-0103119
65.	POL00103541	Email from Thomas Cooper to Tim Parker and others re. Legally privileged and confidential – GLO on 13 May 2019	POL-0103124

66.	POL00021566	Minutes of Board meeting held on 28 May 2019	POL0000099
67.	POL00103595	Postmasters Litigation Subcommittee Meeting Minutes 12 June 2019	POL-0103178
68.	POL00276883	Email from Andrew Parsons to Ben Foat, Rodric Williams, Andrew Harding and others re Board sub-committee on Thursday dated 19 June 2019	POL-BSFF-0114946
69.	POL00006752	Draft Meeting Minutes of the Postmaster Litigation Subcommittee of POL of 20 June 2019	POL-0018010
70.	POL00006483	Post Office Board: Group Litigation Update	POL-0017788
71.	POL00021568	Meeting minutes: minutes of Board meeting held on 30 July 2019	POL0000101
72.	POL00026939	Post Office Limited Postmaster Litigation Subcommittee Agenda & Minutes 17 September 2019	POL-0023580
73.	POL00103667	Minutes of Meeting of the Postmaster Litigation Subcommittee of POL 17 September 2019	POL-0103250
74.	POL00128938	Post Office Limited - Postmaster Litigation Subcommittee Agenda 22 September 2019	POL-0132240
75.	POL00155497	Minutes of a POL Board Meeting on 23 September 2019	POL-0143662
76.	POL00042954	Email chain from Ben Foat to Rodric Williams, Andrew Parsons, Alan Watts and Others re GLO Board Actions dated 23 September 2019	POL-0039436
77.	POL00112564	Email from Alisdair Cameron to Nick Read, Re: Horizon trial missing from closing arguments dated 25 September 2019	POL-0110038
78.	POL00112590	Email from Ben Foat to Nick Read, Alisdair Cameron, Mark Davies cc'ing	POL-0110060

		others re GLO -Disclosure Incident – KELs dated 2 October 2019	
79.	POL00026216	Email from Ben Foat to Nick Read, Alisdair Cameron and Mark Davies cc: Shikha Hornsey, Rodric Williams, Sherrill Taggart, RE GLO - Disclosure Incident dated 2 October 2019	POL-0022695
80.	POL00043001	Email Chain from Shikha Hornsey to Rodric Williams, Ben Foat, Gary Walker and Others, Re Horizon Issues Trial Disclosure dated 2 October 2019	POL-0039483
81.	POL00112614	Post Office Limited Board Meeting 3 October 2019	POL-0110081
82.	POL00112591	Email chain from Alisdair Cameron to Ben Foat cc Nick Read and Mark R Davies Re: GLO-Disclosure Incident re. KEL logs dated 3 October 2019	POL-0110061
83.	POL00112593	Email from Nick Read to Ben Foat, Alisdair Cameron, Mark Davies, RE: GLO - Disclosure Incident dated 3 October 2019	POL-0110063
84.	POL00043004	Email Chain from Rodric Williams to Andrew Parsons, Kenneth Garvey, Catherine Emanuel and Amy Prime re Important - Horizon Issues Trial Disclosure - Privileged & Confidential - Do not forward dated 3 October 2019	POL-0039486
85.	UKGI00018388	Email from Thomas Cooper to Tom Cooper re Fwd: Legally Privileged - Legal Advice - GLO - Disclosure Incident dated 3 October 2019	VIS00011787
86.	POL00285674	Email Chain from Rodric Williams to Andrew Parsons, Catherine Emanuel and others re Legally Privileged - Legal Advice - GLO - Disclosure Incident dated 3 October 2019	POL-BSFF-0123737
87.	POL00043028	Email chain between Rodric Williams and Andy Parsons dated 4 October 2019	POL-0039510

88.	POL00043032	Email from Andrew Parsons (WBD) to Ben Foat (PO), Catherine Emanuel, Rodric Williams and others re KELs – query dated 4 October 2019	POL-0039514
89.	UKGI00018417	Email from Ben Foat to Tim Parker, Carla Stentl, Tim Franklin and others re: Legally Privileged - Legal Advice – GLO - Disclosure Incident dated 4 October 2019	UKGI00018417
90.	POL00006741	Minutes of Meeting 7 October 2019: GLO Litigation Activity Planning	POL-0017999
91.	POL00043054	Email chain discussing audit of FJ as they extract KELs for litigation purposes. Email from Ruth Cowley to Andrew Parsons, Rodric Williams and Sherrill Taggart re Legally Privileged - Legal Advice - GLO Disclosure Incident dated 9 October 2019	POL-0039536
92.	POL00043063	Email from Ben Foat to Andrew Parsons, Rodric Williams, Kenneth Garvey and others re Fujitsu / KELs issue – privileged dated 9 October 2019	POL-0039545
93.	UKGI00018459	Email from Richard Watson to Tom Aldred, cc'ing Tom Cooper, Robin Culshaw and others Re: GLO - Disclosure Incident (progress made on the GLO KELs disclosure incident) dated 11 October 2019	VIS00011858
94.	POL00043146	Email chain from Rodric Williams to Andrew Parsons, Sherrill Taggart, Catherine Emanuel and others re GLO Board Actions Table Update dated 18 October 2019	POL-0039628
95.	POL00043153	Email chain discussing comments for Board on newly disclosed KEL documents. Email from Andrew Parsons to Ben Foat, Catherine Emanuel, Rodric Williams and others re KEL Documents dated 19 October 2019	POL-0039635
96.	POL00043154	Counsel's Opinion on whether to Audit Fujitsu	POL-0039636

97.	POL00026263	Email from Ben Foat to Andrew Parsons, Catherine Emanuel, Rodric Williams etc, RE: KEL documents dated 20 October 2019	POL-0022742
98.	POL00026270	Email from Ben Foat to Catherine Emanuel, Rodric Williams, Veronica Branton and others, re KEL Documents dated 20 October 2019	POL-0022749
99.	POL00026268	Email from Ben Foat to Catherine Emanuel, Rodric Williams, cc Andrew Parsons and others RE: KEL documents - analysing KEL docs dated 20 October 2019	POL-0022747
100.	POL00043156	Email from Ben Foat (POL) to Catherine Emanuel (HSF), Rodric Williams (POL), Veronica Branton (POL) and others re KEL issue dated 21 October 2019	POL-0039638
101.	POL00043164	Email from Andrew Parsons to Rodric Williams, Ben Foat, Sushma MacGeoch and others; re: Headlines/ actions for today's board SubCo dated 22 October 2019	POL-0039646
102.	POL00103675	Email from Catherine Emanuel to Alan Watts, Alisdair Cameron, Thomas Cooper, Privileged & Confidential: Costs budgeting hearing tomorrow dated 22 October 2019	POL-0103258
103.	POL00104329	Minutes of PLS meeting held on 22 October 2019	POL-0103912
104.	POL00043189	Email from Rodric Williams to Catherine Emanuel, Andrew Parsons, Jonathan Gribben and others re KEL Disclosure - response from Freeths dated 1 November 2019	POL-0039671
105.	POL00043188	Email from Andrew Parsons to Ben Foat and Rodric Williams re KEL Disclosure - response from Freeths dated 1 November 2019	POL-0039670
106.	POL00026304	Email from Rodric Williams to Ben Foat, cc'ing Alan Watts, Catherine Emanuel, Alex Lerner, and others RE UPDATED	POL-0022783

		KEL Disclosure Actions Table - as at 01.11.19 dated 4 November 2019	
107.	POL00043190	Email from Andrew Parsons to Rodric Williams, Ben Foat, Catherine Emanuel and others, Re: KEL audit [WBDUK-AC.FID26896945] dated 4 November 2019	POL-0039672
108.	POL00043192	Email chain from Ben Foat to Andrew Parsons, Rodric Williams, Catherine Emanuel and others, re: "KEL audit." Dated 4 November 2019	POL-0039674
109.	POL00026314	Email from Rodric Williams to Ben Foat, Alan Watts, Catherine Emanuel etc, RE: Updated KEL Disclosure Actions Table-5 November 2019	POL-0022793
110.	POL00103690	Email from Ben Foat to Tim Parker, Carla Stent, Tim Franklin re: GLO - KEL Disclosure Actions – Final dated 8 November 2019	POL-0103273
111.	POL00112752	Email chain from Owen Woodley to Alisdair Cameron, Shikha Hornsey, Nick Read, Re: Fijitsu decisions thoughts dated 12 November 2019	POL-0110196
112.	POL00155496	POL Board minutes on 29 October 2019	POL-0143661
113.	POL00026418	Email from POL in house lawyer providing update on second day of mediation, including financial proposals. Email from Ben Foat to Tim Parker, Tim Franklin, Carla Stent, RE: GLO Mediation Day 2 and Summary of Embargoed Horizon Judgement dated 28 November 2019	POL-0022897
114.	POL00026420	Email from Ben Foat to Tim Parker, Tim Franklin, Carla Stent and others RE: GLO - High Level Review Embargoed Horizon Judgment dated 29 November 2019	POL-0022899
115.	POL00091455	Email from Andrew Parsons to Ben Foat and others re horizon IT Judgment dated 8 December 2019	POL-0090477

116.	POL00043341	Email chain between Ben Foat, Tim Parker, Tim Franklin and others RE: GLO - High Level Review Embargoed Horizon Judgment - Section M dated 9 December 2019	POL-0039823
117.	POL00023524	Email from Jonathan Gribben to Rodric Williams and Ben Foat re: Horizon Issues Judgment: Appeal and Costs dated 9 December 2019	POL-0020003
118.	POL00023525	Alan Bates & Others and Post Office Limited - Note on Potential Appeal of Horizon Judgment	POL-0020004
119.	POL00023523	Email from Andrew Parsons to Ben Foat and others, re Horizon Issues Judgment: Appeal and Costs dated 9 December 2019	POL-0020002
120.	POL00026459	Post Office Board Subcommittee Group Litigation Update Executive Summary dated 10 December 2019	POL-0022938
121.	POL00128935	Minutes of Postmaster Litigation Subcommittee of 10 December 2019	POL-0132237
122.	POL00289279	Email from Richard Watson to Tom Cooper, Catherine Emanuel, Tom Aldred and others RE: Post Office: GLO - ... - settlement authority dated 25 November 2019	POL-BSFF-0127342
123.	POL00128887	Email from Ben Foat to Alisdair Cameron and others re Post Office GLO - settlement authority dated 25 November 2019	POL-0132212
124.	POL00006807	POL Board Group Litigation Update: Executive Summary dated 28 November 2019	POL-0018043
125.	POL00021572	Meeting minutes: meeting minutes for Board meeting held on 26 November 2019	POL0000105
126.	POL00103702	Email from Tim Parker to Ben Foat, GLO - Mediation Update - Highly Confidential	POL-0103285

		and Legally Privileged dated 28 November 2019	
127.	POL00026418	Email from POL in house lawyer providing update on second day of mediation, including financial proposals. Email from Ben Foat to Tim Parker, Tim Franklin, Carla Stent, RE: GLO Mediation Day 2 and Summary of Embargoed Horizon dated 28 November 2019	POL-0022897
128.	UKGI00018527	Email from Richard Watson to Ben Foat, Tom Cooper and Alan Watts re: Mediation dated 30 November 2019	VIS00011926
129.	UKGI00018525	Email chain from Joshua Fleming to Tom Cooper cc'ing Richard Watson, Tom Aldred and others - Re: Mediation dated 1 December 2019	VIS00011924
130.	POL00107189	Email to Ben Foat from Andrew Parsons Re: Plan for historic claims dated 1 December 2019	POL-0105497
131.	UKGI00010796	Email from Tom Cooper to Carl Creswell, Joshua Fleming, Richard Watson and others re. GLO Mediation Update - Day 4 dated 2 December 2019	UKGI021604-001
132.	UKGI00010798	Email chain from Nick Read to Tom Cooper and Ben Foat cc'ing Richard Watson and others re: GLO Mediation Update - Day 4 - High confidential & Legally privileged dated 2 December 2019	UKGI021606-001
133.	UKGI00010811	Email from Ben Foat to Richard Watson, cc'ing Tom Cooper, Nick Read and others re GLO - Mediation and General Update dated 4 December 2019	UKGI021619-001
134.	POL00128892	Email from Ben Foat to Tim Parker, Tom Cooper, Nick Read and others Re: GLO - Mediation Update - confidential and legally privileged dated 6 December 2019	POL-0132217
135.	POL00043319	Email from Rodric Williams to Patrick Bourke, Angela Van-Den-Bogerd, Mark	POL-0039801

		Underwood and others re GLO - Post Office - Timetable / Actions dated 6 December 2019	
136.	POL00043320	Article - Post Office Bard Subcommittee - Group Litigation Update dated 10 December 2019	POL-0039802
137.	UKGI00018677	Email from Ben Foat to Tom Cooper and Richard Watson re: GLO - Mediation Update dated 6 December 2019	VIS00012076
138.	UKGI00018728	Email chain from Tom Cooper to Carl Creswell re: GLO - Mediation Update - confidential and legally privileged dated 6 December 2019	VIS00012127
139.	UKGI00018815	Email chain from Richard Watson to Ben Foat CC Tom Cooper - Re: GLO - Mediation Update dated 6 December 2019	VIS00012214
140.	POL00043335	Email chain between Catherine Emanuel, Ben Foat, Rodric Williams, Andrew Parsons and others RE: FW: CONFIDENTIAL SETTLEMENT DEED - Undertakings conditional on settlement dated 9 December 2019	POL-0039817
141.	UKGI00018779	Email from Richard Watson to Ben Foat RE: POL settlement authority dated 9 December 2019.	VIS00012178
142.	POL00026474	Email from Rodric Williams to Ben Foat, Catherine Emanuel, Alan Watts, cc'd Veronica Branton, RE: GLO- latest version of the settlement agreement dated 10 December 2019	POL-0022953
143.	POL00026480	Email from Rodric Williams to Drew BJ Mason, Tim Perkins, Michelle Stevens, cc'd Angela Van-Den-Bogerd, Julie Thomas, Ben Foat, RE: Urgent request for MI - Branch Shortfalls/Settles Centrally dated 10 December 2019	POL-0022959
144.	POL00103707	Email from Ben Foat to Richard Watson and Tom Cooper, re Settlement	POL-0103290

		Agreement – GLO dated 10 December 2019	
145.	POL00103708	Settlement Deed	POL-0103291
146.	UKGI00010880	Email from Tom Cooper to Richard Watson re settlement agreement – GLO dated 10 December 2019	UKGI021688-001
147.	UKGI00010891	Email from Tom Cooper to Richard Watson cc: Carl Cresswell re. Settlement Agreement dated 10 December 2019	UKGI021699-001
148.	POL00026486	Email from Ben Foat to Tim Parker, Nick Read cc'ing Tom Cooper and others RE: GLO - settlement agreement agreed dated 10 December 2019	POL-0022965
149.	POL00103711	Email from Tom Cooper, to Ben Foat, Re: GLO - settlement agreement agreed dated 10 December 2019	POL-0103294
150.	POL00103714	Email from Nick Read to Tim Parker, Ben Foat, Tom Cooper and others; Re: GLO - settlement agreement agreed dated 10 December 2019	POL-0103297
151.	POL00026508	Email from Richard Watson to Ben Foat, GLO - settlement agreement agreed dated 10 December 2019	POL-0022987
152.	POL00026490	Email from Nick Read to Ben Foat, Tim Parker, Tim Franklin, cc'ing Debbie Smith, Owen Woodley, Shikha Hornsey, RE: GLO - Settlement Achieved - Confidential and legally privileged dated 11 December 2019	POL-0022969
153.	POL00023527	Email from Rodric Williams to Amanda Jones, Ben Foat and others re-Postmaster Litigation Steering Group Meeting 19 December 19 dated 19 December 2019	POL-0020006
154.	POL00043351	Email from Mark Underwood to Ben Foat, Rodric Williams, Angela Van-Den-Bogerd and others re GLO dated 20 December 2019	POL-0039833

155.	POL00043360	Email from Mark Underwood to Ben Foat, Rodric Williams, Andrew Parsons and others re GLO dated 20 December 2019	POL-0039842
156.	POL00091460	GLO Post Settlement Programme executive report dated 15 January 2020	POL-0090482
157.	POL00113696	Email from Zoe Brauer to Julie Thomas, Tim Perkins, Amanda Jones and others re: GE Post GLO Settlement; Contract Reform Programme - overview of actions dated 16 January 2020	POL-0112804
158.	POL00114465	Email from Ben Foat to Nick Read, Avene Regan and Diane Blanchard RE: GLO- CCRC, Lord Arbutnot Response, GLO Programme Approach dated 20 January 2020	POL-0113347
159.	UKGI00019083	Email chain from Richard Watson to Tom Cooper, cc'ing Tom Aldred, Joshua Scott and another re: Query re POL Prosecution powers re horizon issues dated 22 January 2020	VIS00012482
160.	POL00112898	Email from Ben Foat to Tim Parker re. GLO – Previous Investigations – Legally Privileged and Highly Confidential – Do Not Forward dated 24 January 2020.	POL00112898
161.	UKGI00011156	Email chain from Catherine Emanuel to Tom Cooper and Alan Watts re: FW: Lords transcript - Lord Arbutnot of Edrom's Transcript - Post Office Powers to Conduct Prosecutions dated 5 February 2020.	UKGI021964-001
162.	POL00112873	Email from Ben Foat to Nick Read re: GLO - Previous Investigations & milestones leading up to proceedings dated 20 February 2020	POL-0111597
163.	POL00103840	Email sent from Tim Parker to Alan Watts, Catherine Emanuel and others re : GLO : Meeting Yesterday dated 7 February 2020	POL-0103423
164.	POL00103870	Email from Tim Parker to Ben Foat RE. GLO – Historic Management of GLO –	POL-0103453

		Q &As – Response to Chairman dated 9 March 2020	
165.	UKGI00011710	Email chain from Tom Cooper to Joshua Scott, Richard Watson and Tim McInnes re: Computer Weekly - Wildblood and Murray Article dated 20 March 2020	UKGI022518-001
166.	UKGI00018731	Email from Tom Cooper to Joshua Scott, cc Alex Cole, Desai Meet and others re Secret Post Office deals cause fury among Horizon IT scandal campaigners dated 20 March 2020	VIS00012130
167.	POL00021580	Meeting minutes: minutes of Board meeting held remotely on 27 April 2020	POL0000113
168.	UKGI00011825	Email chain from Joshua Scott to Richard Watson, Tim McInnes CC Richard Callard RE Deloitte Project Zebra reports dated 4 May 2020	UKGI022628-001
169.	UKGI00011826	Bramble - Draft Report by Deloitte dated 19 January 2018	UKGI022629-001
170.	POL00112943	Letter to Darren Jones MP from Post Office Limited in response to specific questions raised in Darren Jones MP's letter of 2 June dated 16 June 2020	POL-0110339
171.	POL00066711	Post GLO Settlement Programme SteerCo Presentation prepared by the Post Office dated 8 July 2020	POL-0063190
172.	POL00104178	GLO Organisational Design' PowerPoint Presentation August 2020	POL-0103761
173.	POL00021596	Meeting minutes: minutes of Board meeting held on 22nd September 2020	POL00021596
174.	POL00031089	Post Office Board Agenda CCRC Meeting 19 November 2020	POL00031089
175.	POL00030907	POL Audit, Risk & Compliance Committee Report into The Historical Operation of Suspense Accounts, Mark Underwood, 24 November 2020	POL-0027389

176.	POL00021463	Meeting of the Audit, Risk and Compliance Committee of POL Minutes of 24 November 2020	POL-0018093
177.	POL00021604	Meeting minutes: minutes of Board meeting held on 7 December 2020	POL0000137
178.	POL00021606	Meeting minutes: minutes of meeting held on 7 January 2020	POL0000139
179.	POL00113200	Email thread from Mark Siviter to Alisdair Cameron RE: ARC - mails fraud update dated 2 February 2021	POL-0110582
180.	POL00128937	Post Office Limited - Postmaster Litigation Subcommittee Agenda	POL-0132239
181.	POL00104107	Email from Ken McCall to Veronica Branton, Tom Cooper, Tim Parker and others re: PDF of CCRC Papers 23 April 2020 dated 22 April 2020	POL-0103690