

Monday, 11 November 2024

1  
 2 (10.00 am)  
 3 **MR BLAKE:** Good morning, sir.  
 4 **SIR WYN WILLIAMS:** Good morning, Mr Blake.  
 5 **MR BLAKE:** We will shortly be hearing from Mr Reynolds.  
 6 He's not yet in the room.  
 7 **SIR WYN WILLIAMS:** That's fine.  
 8 **MR BLAKE:** As you, sir, mentioned on Friday, at 11.00 we  
 9 will be taking a one-minute's silence irrespective of  
 10 where we are.  
 11 **SIR WYN WILLIAMS:** Yes, fine. *(Pause)*  
 12 **MR BLAKE:** Sir, I anticipate we won't be starting for at  
 13 least two or three more minutes.  
 14 **SIR WYN WILLIAMS:** All right. Do you want me to remove  
 15 myself from the screen or can we just sit here quietly?  
 16 **MR BLAKE:** Entirely a matter for you, sir.  
 17 **SIR WYN WILLIAMS:** All right. Well, I'll sit here quietly.  
 18 *(Pause)*  
 19 **JONATHAN NEIL REYNOLDS MP (sworn)**  
 20 **Questioned by MR BLAKE**  
 21 **MR BLAKE:** Thank you very much. Can you give your full  
 22 name, please?  
 23 **A.** I'm Jonathan Neil Reynolds.  
 24 **Q.** Thank you very much. Secretary of State, you should  
 25 have in front of you a witness statement dated

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1 contact with them, I left before I completed my training  
 2 contract, when I was elected in the 2010 general  
 3 election, and the seats that I did my training contract  
 4 in were corporate and real estate.  
 5 **Q.** Thank you. I'm going to bring up onto screen a printout  
 6 of your responsibilities as Secretary of State. Can we  
 7 please bring onto screen RLIT0000349, please. It's  
 8 simply a printout from the gov.uk website, outlining the  
 9 responsibilities of the Secretary of State. We see  
 10 there, if we scroll down, it says:  
 11 "The Secretary of State has overall responsibility  
 12 for the Department for Business and Trade.  
 13 "Responsibilities include:  
 14 "Overall responsibility for delivery and strategy  
 15 "Cross-government business engagement  
 16 "Public appointments  
 17 "[Free trade agreement] negotiations, mandates and  
 18 decisions  
 19 "WTO [World Trade Organisation], G7 and G20  
 20 ministerial meetings  
 21 "Overseas network."  
 22 Is that correct?  
 23 **A.** That is correct, Mr Blake.  
 24 **Q.** We also know there is an Under-Secretary of State for  
 25 postal affairs and we heard from him on Friday. What do

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1 26 September this year; is that correct?  
 2 **A.** Well --  
 3 **Q.** At least in the bundle --  
 4 **A.** In the bundle I've seen it, yes.  
 5 **Q.** -- behind tab A two, it should be. Thank you.  
 6 **A.** Yes.  
 7 **Q.** Can I ask you please to turn to the final substantive  
 8 page, that's page 8. Thank you. Can you confirm that  
 9 that is your signature --  
 10 **A.** I can confirm that's my signature.  
 11 **Q.** -- and that the statement is true to the best of your  
 12 knowledge and belief?  
 13 **A.** That is correct yes.  
 14 **Q.** Thank you very much. That witness statement has  
 15 a unique reference number of WITN11470100, and will be  
 16 uploaded on to the Inquiry's website.  
 17 As is well known, you are Secretary of State for  
 18 Business and Trade; is that correct?  
 19 **A.** That's correct, yes.  
 20 **Q.** Your predecessor is our next witness, Kemi Badenoch.  
 21 You have a background as a solicitor; is that correct?  
 22 **A.** That's right, yes.  
 23 **Q.** Are you able to assist us in what area of law you  
 24 practised.  
 25 **A.** I worked for Addleshaw Goddard LLP, I did my training

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1 you see as your responsibility in respect of overseeing  
 2 matters relating to the Post Office?  
 3 **A.** First of all, Mr Blake, let me say I'm very grateful for  
 4 the chance to be here. I've been following this  
 5 Inquiry, as you would expect, and perhaps didn't  
 6 anticipate a general election meaning I'd have the  
 7 chance to participate in it, so I'm extremely grateful  
 8 for the chance to be in this given how important the  
 9 work is.  
 10 I would say, first of all, I see it as being my  
 11 responsibility for everything the Department for  
 12 Business and Trade is responsible for, that ultimately  
 13 I'm accountable for everything so the Post Office is  
 14 a significant part of that. I also see my role within  
 15 the whole of Government when there are matters affecting  
 16 the Post Office that perhaps touch on other Government  
 17 departments, that I am a key member of the Government in  
 18 terms of making sure the rest of the Government is doing  
 19 what we need in regard to the Post Office and, whilst  
 20 I work very closely with my junior minister, Minister  
 21 Thomas, who you've heard from, as part of the Inquiry,  
 22 the significance of this particular issue, which  
 23 pertains not just to the need for redress for the  
 24 survivors of this egregious scandal, but actually for  
 25 what lessons we take from that for the future of the

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1 Post Office, whether it's business model for how it's  
2 run, for its governance structure, that's a very  
3 significant personal priority for me as the Secretary of  
4 State.

5 **Q.** We've talked a lot about redress in the past few weeks.  
6 If there is not full, fair and prompt redress for  
7 subpostmasters, do you take ultimate responsibility at  
8 a governmental level?

9 **A.** Yes, I think this is an example of where, in the past,  
10 there has been insufficient accountability and  
11 ultimately, as the Secretary of State, I take  
12 accountability for everything that is within the  
13 portfolio of the Department of Business and Trade.

14 **Q.** How do you propose that full, fair and prompt redress is  
15 going to be achieved?

16 **A.** The first thing I would say is I understand there has  
17 been, quite rightly, a lot of analysis in this Inquiry  
18 about whether there is a tension between fair redress  
19 and the speed at which it is delivered and I understand  
20 why that is of such importance to the work that is going  
21 on here. Since the general election, there has been  
22 a significant increase in the pace at which compensation  
23 has been paid, the overall quantum of compensation is up  
24 in the last four months by roughly a third, and the  
25 number of claims to which there has been an initial

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1 I think you can see we've tried to speed up compensation  
2 and redress without that being at the cost of any  
3 claimant feeling that's not an accurate or fair level of  
4 redress for them to receive.

5 **Q.** Thank you. We'll get into the specifics of that in due  
6 course. There are two matters that you say that are  
7 particularly important issues of concern, the first you  
8 have described as driving cultural change and the second  
9 is redress. We'll get to redress shortly but, in terms  
10 of cultural change, what do you see as the most  
11 important way in which the culture at the Post Office  
12 can be changed?

13 **A.** I think the scale of this scandal, as I say, cannot be  
14 separated out from the business model and the governance  
15 structure of the Post Office. So we need, from the work  
16 that I lead as Secretary of State and what this Inquiry  
17 is seeking to do, to not just respond to the obvious  
18 injustice and the need for redress to follow that, but  
19 to understand why, as an institution, the Post Office  
20 has gone so wrong, and what needs to change in future.

21 So, for instance, I believe that is everything from,  
22 you know, the internal governance structure of the Post  
23 Office, right down to the level of remuneration that  
24 postmasters receive. I mean, I think, despite the scale  
25 of this scandal, Post Office is still an incredibly

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1 offer being made in response to that claim has roughly  
2 doubled in the last four months to what it has been in  
3 the four months preceding the generation.

4 But I would very much want to say that I do not  
5 believe that increase in pace has been at the cost of  
6 fair or accurate compensation being made.

7 I think if you look at the key decisions that we've  
8 been able to make since the general election -- so  
9 obviously the compensation scheme for the overturned  
10 convictions, legislation that was passed in the wash-up  
11 period between the two governments, the appeal scheme  
12 being announced for the Horizon Shortfall Scheme, the  
13 publication of the Capture report, the publication of  
14 redress data and the fixed-sum awards being offered  
15 under the HSS scheme, I think you could put that  
16 together into a package and see that we are trying to,  
17 wherever possible, offer a reasonable sum of  
18 compensation by fixed award, if that is what a claimant  
19 themselves wants, a detailed breakdown, if that is the  
20 appropriate way forward, greater capacity to process  
21 claims, greater deadlines in terms of when the 40-day  
22 period we put in place under some of the schemes by  
23 which an initial claim is made.

24 These are all ways in which -- and the position is  
25 still not, you know, to everyone's satisfaction but

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1 important institution in national life. I think it  
2 still has an incredible role to play in communities.  
3 I look at the business model of the Post Office and  
4 I think, even accounting for the changes in the Core  
5 Services that are provided, I mean, people are familiar  
6 with the decline of letter volumes, there's still  
7 a whole range of services that are really important but  
8 I don't think postmasters make sufficient remuneration  
9 from what the public want from the Post Office.

10 And I think that's going to require some very  
11 significant changes to the overall business model of the  
12 Post Office, as well as looking at what the future is in  
13 terms of the governance arrangements, that will,  
14 I think, to be frank, have a greater level of trust and  
15 responsiveness to the people providing the services on  
16 the frontline.

17 **Q.** Okay well, once again, we'll get to the detail of that  
18 shortly. If we now focus then on redress and  
19 compensation.

20 We've seen in this Inquiry at certain stages there  
21 has been disagreement between your Department and the  
22 Treasury on matters of redress. In your current  
23 experience, have there been any disagreements during  
24 your term in office?

25 **A.** No, I can genuinely say, Mr Blake, that there haven't

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1 been, and I know there are a whole range of issues,  
 2 perhaps perception of historic tensions between the  
 3 Business Department and the Treasury, specifically on  
 4 this issue, which is obviously a personal priority for  
 5 me but also for many members of the Cabinet. I can say  
 6 the support I've received from the Chancellor and the  
 7 Chief Secretary to the Treasury, who, of course,  
 8 formerly was the Chair of the Business and Trade Select  
 9 Committee and the previous incarnation of the Business  
 10 Department before that, I have exactly what I needed.

11 So if you look at, for instance, the announcements  
 12 in the budget, first of all you see a greater amount of  
 13 compensation now appearing in the national accounts,  
 14 from the previous figure.

15 Of course, whilst that's an increase, it's actually  
 16 even more significant than that because you will know  
 17 the compensation previously for this -- for the four  
 18 redress schemes was accounted for in the Treasury  
 19 Reserve, which was heavily overspent, so essentially not  
 20 only does the budget put a greater sum towards redress,  
 21 it confirms that is real money in place.

22 But you may also have seen in the budget that the  
 23 allocation of money for redress has moved from being  
 24 DEL -- departmental expenditure limits -- to annually  
 25 managed expenditure, in other words, it is demand led.

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1 something relating to postal matters?

2 **A.** Well, if, because of the designation, as annually  
 3 managed expenditure, to be frank, my assumption behind  
 4 that has always been to make sure, if the sum of money  
 5 for redress was greater than that, that I could  
 6 guarantee it would be paid. I haven't considered  
 7 an underspend in any way, if I'm being honest about  
 8 that. If it was, that would be a conversation that  
 9 I could have with Treasury colleagues but, to be frank,  
 10 my efforts have been to make sure that we could  
 11 absolutely stand behind any sum of redress that the  
 12 process came to.

13 **Q.** We've hearing discussions of widening redress to, for  
 14 example, assistance and managers, or possibly to family  
 15 members. Does that figure cater for that expansion and,  
 16 if not, then what is the plan for funding that  
 17 expansion?

18 **A.** So you will understand we have, as well as the number of  
 19 announcements that we've made, been looking at a whole  
 20 range of issues, Mr Blake, exactly as you describe.  
 21 A particularly significant one of those is around family  
 22 members, where we have been looking at, for instance, if  
 23 there was agreement to extend to family members, would  
 24 the existing schemes be the right mechanisms through  
 25 which people would do that; would it require something

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1 So whatever the level of redress is required, I can  
 2 guarantee that this Government, that the British State,  
 3 will be able to pay for that, and that has already been  
 4 agreed with the Treasury and has appeared in the budget.

5 So, in terms of the support from Treasury  
 6 colleagues, I could not have asked for more.

7 **Q.** Can you assist us, then the £1.8 billion figure that was  
 8 announced in the budget, we've heard some evidence  
 9 suggesting that's not new money. Is it new money or, if  
 10 it isn't, to what extent has that situation changed?

11 **A.** Well, it is new money because the allocations in the  
 12 past came from an overall position, and I appreciate  
 13 we're getting into some of the politics of the budget  
 14 here, where there were frankly too many claims on that  
 15 Treasury Reserve for that to be genuinely ever expected  
 16 to be paid. Now, governments do sometimes, I think,  
 17 historically, you know, ascribe different policy costs  
 18 to the Treasury Reserve but, you know, there were more  
 19 demands on that money than money existed.

20 So the confirmation that not only is there a greater  
 21 sum of money being allocated to redress but that can be  
 22 absolutely guaranteed by myself, by the Treasury and the  
 23 Government, is, I think, a significant development.

24 **Q.** If, ultimately, the claims fall under that level, is the  
 25 rest of that amount of money going to be spent on

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1 else? Obviously a whole range of fairly legal  
 2 definitions as to who -- how the scope would cover  
 3 everyone who that needed to do.

4 If there were significant extensions to the eligible  
 5 claimants at present, I would seek Treasury agreement  
 6 for additional funding for those. It's possible that  
 7 sum of money might be sufficient but, if there was to be  
 8 an extension in any way, I think the appropriate cause  
 9 of action would be to ensure that there are agreements  
 10 in place with the Treasury that due funding is available  
 11 for those.

12 **Q.** Are you personally aware of any cost projections in  
 13 respect of how much that might cost?

14 **A.** I haven't seen in any of the official advice I've  
 15 received a specific sum of money. I think the costs --  
 16 the work being undertaken covers the potential scope but  
 17 that could be quite wide or quite narrow, depending on  
 18 the definition of harms you were seeking to provide  
 19 redress for and, to be frank, you will understand that  
 20 part of our work will be guided by the findings of this  
 21 Inquiry as well, and the recommendations that might come  
 22 from it.

23 **Q.** Thank you. Could we please bring up onto screen  
 24 BEIS0000888. This is an email exchange that we took the  
 25 Minister to on Friday. We now have the underlying

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1 submissions, so we'll go to the submission as well, but  
2 if we could perhaps start on page 5 and into page 6. At  
3 the bottom of page 5, we have the summary of the  
4 submission. It says:

5 "Timing: We would be grateful for a swift readout.  
6 Post Office has received regular correspondence from  
7 postmasters awaiting payment of the £75k fixed sum  
8 following the March announcement and we expect it to be  
9 raised during next week's redress announcement."

10 It makes number of recommendations to the Minister.  
11 The first is:

12 "Implementing your predecessors' announcement to  
13 introduce a fixed-sum award of £75k to [Horizon  
14 Shortfall Scheme] claimants, to bring the scheme in line  
15 with the GLO scheme.

16 "b) Capping awards at £50k where postmasters reject  
17 the fixed sum and are offered a lower amount with no  
18 option to return to the fixed sum.

19 "c) Not providing legal advice to claimants to  
20 consider the offer of a fixed sum.

21 "d) Consider whether to delay the introduction of  
22 a fixed-sum award until we have clarity from [the  
23 Treasury] on funding for HSS appeals, noting that this  
24 could take several weeks or months."

25 Finally:

13

1 the Minister. In the middle of page 2, thank you very  
2 much, it says:

3 "Thank you for attending the meeting today -- for  
4 the benefit of the chain, the Minister was content with  
5 the recommendations a), b), c) and e) in the  
6 [submission] but has asked not to delay the introduction  
7 of the fixed sums award outline in recommendation d)."

8 So the potential delay that might be caused in  
9 respect of the appeals mechanism was put to one side,  
10 and the announcement made in any event.

11 If we please scroll to page 1 we can see that you  
12 had reviewed the submission as well and agreed with  
13 Minister Thomas' steers. Is that something you recall?

14 **A.** That's right, that's right, Mr Blake.

15 **Q.** Perhaps if we're able to, it's only been recently  
16 received but the submission of 22 July should have  
17 a unique reference number of BEIS0001228. Thank you.  
18 It's going to come onto screen. I think it's  
19 a submission that we didn't have as at Friday's hearing  
20 so I'd like to take you to it, just to clear up a few  
21 matters that were addressed on Friday.

22 So this is the underlying submission of 22 July. We  
23 see there a summary of the issue:

24 "This note seeks your agreement on delivering  
25 a fixed-sum award to provide redress to postmasters

15

1 "e) Note the revised application process ..."

2 We'll come on to most of those but, in terms of (d),  
3 we were just speaking about issues with the Treasury.  
4 Was there an issue here with the Treasury and was it  
5 overcome?

6 **A.** Mr Blake, no, I'm not aware of there being any Treasury  
7 element to the conversation around this. As you say,  
8 the principles behind the key policy features of this  
9 submission had already, I think, broadly been  
10 established in Parliament as desirable, that the way the  
11 election had fallen meant, essentially, previous  
12 announcements were being implemented by ourselves as  
13 a new Government, and the key aspect of this is,  
14 obviously, the presentation of a fixed-sum for those  
15 cases where claimants would feel that that was the best  
16 course of action for them, effectively offering  
17 an expedited fixed sum, so it as to be able to get  
18 compensation and redress to people as quickly as  
19 possible and, of course, alongside that, if they  
20 believed that would not be an appropriate level of  
21 redress, the existing ability to have the individual  
22 assessment go forward.

23 **Q.** The fixed sum seems to be in relation to the HSS appeals  
24 mechanism. We can come on to look at that shortly. If  
25 we scroll up, please, we see on page 2 confirmation from

14

1 participating in the Horizon Shortfall Scheme."

2 The "Recommendation" is exactly as we've seen in  
3 that covering email.

4 Can we please turn over the page to page 2.  
5 Paragraph 6 addresses the £50,000 cap. I'm just going  
6 to read to you that paragraph. It says:

7 "From a public money perspective, the £75k will be  
8 more efficient to administer than the full claims  
9 process. If the £75k remains available to those who  
10 pursue the full claims process, there is a high risk  
11 that many more will choose this option leading to  
12 greater costs and delays. We therefore recommend that  
13 claimants who reject the £75k should not be able to  
14 return to it if, upon full assessment of their claim,  
15 they are awarded a lower amount. Instead, we recommend  
16 that the award is capped at £50k (or the value of the  
17 offer if it exceeds £50k) to ensure fairness and help  
18 provide value for money for the taxpayers. This is  
19 consistent with the approach on the GLO scheme, although  
20 there haven't been any instances of a claimant receiving  
21 lower than £75k in practice."

22 This is a proposal that has been described as  
23 a jeopardy issue. It's been criticised by some in  
24 respect of the pressure that it places on claimants who  
25 may be elderly, may simply be wanting money as quickly

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1 as possible, and are put in a position where, if they  
2 don't accept the £75,000, they are at serious risk of  
3 losing a considerable amount of money. What is your  
4 view on that?

5 **A.** So, Mr Blake, the public policy perspective on  
6 paragraph 6 is obviously that, in order to give people  
7 a route to redress as soon as possible, that's what the  
8 fixed sum process is there to do, and my view was always  
9 that that should be set at a level where, for most  
10 people who would consider that, that would be, you know,  
11 a decent level of redress that they would feel was  
12 appropriate to the situation that they were in.

13 Obviously you're right to say, when you have  
14 a choice between a fixed sum and an individual  
15 assessment, you wouldn't want there to be a sense of  
16 risk or jeopardy that pushed people to a course of  
17 action that they ideally didn't want to go under. So  
18 the £50,000 reference in paragraph 6 is effectively  
19 a security cap. It's a floor by which you will be aware  
20 if you're going through that process that you don't  
21 risk, for instance, getting a sum of redress which is  
22 considerably below the £75k.

23 So you will see, I hope, in each of the decisions  
24 made, an attempt to provide people with a genuine choice  
25 as to what is the fair course of redress for them,

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1 security, if you went down the other route.

2 **Q.** Thank you. If we could scroll down because the  
3 submission may be new for a number of the Core  
4 Participants. I'll just read to you paragraph 9, which  
5 addresses value for money. It says:

6 "There will be overpayment duty to this  
7 intervention. There is a risk that very small claims  
8 could make up a significant proportion of expected late  
9 applications, and all would be entitled to £75k. As of  
10 June 2024, the Post Office have paid [approximately] 600  
11 claimants £5k or less (and have paid over 100 of these  
12 claimants less than £1k). However, officials believe  
13 the measure provides [value for money] overall as there  
14 are no lower cost alternatives that ensure equal  
15 treatment of [the Horizon Shortfall Scheme] and GLO  
16 claimants. Offering a lower or no fixed payment is  
17 unlikely to reduce the overpayment risk and may increase  
18 the total costs to [the Government]. The £75k fixed  
19 payment also reduces the administrative costs of  
20 resolving potential appeals due to under-settlements.  
21 As set out above it also mitigates some of the  
22 criticisms that the [Horizon Shortfall Scheme]  
23 applicants have under-claimed due to the lack of upfront  
24 legal advice and problems with the consequential loss  
25 guidance."

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1 bearing in mind quantum of redress and the timescale at  
2 which they will receive it, but always trying through,  
3 whether there's the £50k floor in this proposal or, for  
4 instance, through the HSS appeals scheme that we've  
5 announced, a set of checks and balances that hopefully  
6 give people assurance that it's not an attempt to force  
7 people down a route they wouldn't necessarily want to go  
8 down, but to give them some assurance.

9 **Q.** How about the consideration of value for money for  
10 taxpayers in setting the £50,000 level where it is?

11 **A.** Well, I think in every decision that you make as  
12 a government minister you always have to have regard for  
13 the fact that this is taxpayers money, ultimately,  
14 you're making decisions and you want it spent fairly,  
15 but the key determinant, I would say, of the sums of  
16 money in this submission, is what are the appropriate  
17 levels from the perspective of fairness for redress that  
18 are put in place. You will see, obviously, I think  
19 people understand, if you didn't have the distinction  
20 between the two schemes, you wouldn't be creating  
21 essentially the capacity to consider the more complex  
22 claims in a way that you would want to make sure there's  
23 fair and speedy redress for people in that cohort.

24 Equally, I think you wouldn't want a situation where  
25 it was a choice between a fixed sum and no kind of

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1 Does that summarise for you the position in respect  
2 of the value for money?

3 **A.** Yes, Mr Blake, I have always accepted there will be, in  
4 some cases, effectively an overpayment, relative to the  
5 actual financial loss but I think we would all accept,  
6 when you consider what the Post Office, what the UK  
7 State has put some of these people through, there's  
8 a wider set of factors to consider, and that the kind of  
9 approach articulated in paragraph 9, whilst, yes, on the  
10 one hand there would be some people who could nominally  
11 be said to receive a considerable sum in relation to the  
12 shortfalls that they had been held accountable for, when  
13 considered in aggregate, this is a fair and reasonable  
14 approach.

15 **Q.** Thank you if we please turn over the page and scroll  
16 down to paragraph 16, about halfway through that  
17 paragraph, it says:

18 "Officials have discussed a potential closure date  
19 of 31 March with Post Office, but this timing may need  
20 to be reviewed. You will receive separate advice on  
21 scheme closure date in the next few weeks."

22 We're going to come on shortly to the closure dates  
23 of both the Horizon Shortfall Scheme and also the GLO.  
24 Are you able to confirm whether you did receive  
25 subsequent advice on this issue?

20

1 A. Yes, I have received, Mr Blake, a further advice note on  
2 the potential closing dates for some of the compensation  
3 schemes.

4 Q. Thank you. If we scroll over the page, please, there's  
5 a section on legal costs, that's in respect of the  
6 advice that's provided to applicants to the scheme:

7 "The current policy on the [Horizon Shortfall  
8 Scheme] legal costs is that Post Office will reimburse  
9 reasonable fees for postmasters to seek advice on their  
10 offer of compensation. For those who wish to accept the  
11 £75k fixed sum, either as a top-up where they have  
12 already settled their claim below this amount or those  
13 who have not yet settled, we do not think that the costs  
14 of legal advice should be reimbursed. This is because:  
15 the value for money is diminished by incurring  
16 significant expenditure on claimant's legal fees; legal  
17 involvement will slow delivery down; and postmasters who  
18 settled below £75k have already had the opportunity to  
19 seek legal advice and are now being offered a higher  
20 amount."

21 Can you assist us, then why is it that applicants  
22 who accept the fixed-sum award should not be provided  
23 with legal advice?

24 A. So, Mr Blake, the intention of this point, of the  
25 policy, from my point of view, was always that

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1 claims would technically result in overpayment if they  
2 went down the fixed-sum route to redress. So my  
3 assumption here has always been that there will be  
4 a significant and is a significant group of claimants  
5 for whom this decision is relatively straightforward and  
6 anyone in that more complex position would go down the  
7 route of individual assessment, and, in fact, we'd have  
8 greater capacity to give those people appropriate  
9 redress at the pace they needed it at, if we were able  
10 to free up capacity to do so because of being able to  
11 offer a significant fixed-sum award to people who were  
12 in a position to make that decision quite clearly.

13 I will, just say in relation to that, I'm aware that  
14 there has been, you know, at various times, particularly  
15 in the public domain, criticisms about, you know, how  
16 many different stages this process involves, you know,  
17 different sets of lawyers and the cost of those. That  
18 has never been a factor, you know, in a decision like  
19 this. When you look again at the scale of this  
20 injustice, you wouldn't want to, in any way, limit  
21 access to legal advice as part of that. This was simply  
22 about how to appropriately run the compensation schemes.

23 Q. Thank you. Paragraph 19 says:

24 "There is a risk that not offering legal advice will  
25 be criticised as unfair on postmasters given previous

23

1 I believed people who were able to make a very clear  
2 personal choice that they would be in a satisfactory  
3 position to accept the fixed-sum award would be able to  
4 do so, and the point in relation to legal advice was  
5 really to continue with the aspirations that that could  
6 be delivered at a significantly faster pace than  
7 previous compensation had to date.

8 It was always my belief, and is my belief, that  
9 anybody who has a more complicated case, who believed  
10 they were borderline in terms of whether the £75,000  
11 fixed sum would be adequate redress or not, would go  
12 down the route of individual assessment, and this was  
13 simply a way of getting appropriate redress to  
14 a significant group of people as possible who would be  
15 able to make that decision without regard to their own  
16 legal advice.

17 Q. Do you recognise the risks that have been articulated in  
18 the Inquiry about certain individuals who might fall  
19 slightly above the £75,000, say £85,000 or £95,000, and  
20 don't take legal advice and end up in a worse position?

21 A. Yes, absolutely. I think whenever there's any kind of  
22 threshold in public policy it's always people close to,  
23 above or near on that threshold that some of these  
24 particular issues will emerge from. You referenced in  
25 your previous question the fact that a number of the

22

1 commentary about low levels of legal representation for  
2 claimants in the [Horizon Shortfall Scheme]. However,  
3 as this intervention will benefit postmasters and is  
4 intended to be delivered swiftly, it is a defensible  
5 approach that ensures the benefits of the policy are  
6 fully realised and we recommend that approach.  
7 A separate decision to introduce an appeals mechanism  
8 would also help here."

9 Can you assist us, what is the current position on  
10 the appeals mechanism, so far as you're aware?

11 A. Yes. So we have made the announcement that we will  
12 accept the Advisory Board's request for an appeals  
13 mechanism. That work is proceeding at pace.  
14 I believe -- and I hope you will understand I have to  
15 formally announce any new initiatives to Parliament  
16 itself -- but I hope to be able to have some of the  
17 details able to be presented to the House of Commons in  
18 a very short period of time, certainly looking towards  
19 the very beginning of next year.

20 Q. Thank you. In terms of the fixed sum, we've heard some  
21 evidence about concerns for those who sign up to that  
22 fixed sum, that they are waiving any right to an appeals  
23 mechanism that they're not yet aware of how it will  
24 work. What's your view on that?

25 A. Well, you will have seen in the bundle that the

24

1 reference to this that I made in an oral statement  
 2 I made to Parliament, shortly after becoming the  
 3 Secretary of State. In that statement, I talk about how  
 4 the appeals mechanism is, in design, there to make sure  
 5 people who feel that there hasn't been appropriate  
 6 consideration of all the evidence, they've got new  
 7 evidence, can then have that considered through that  
 8 appeal process.

9 In practice, I believe that appeals scheme will be  
 10 open to anyone who is dissatisfied with the result of  
 11 their claim. Given the appropriate safeguards, caps and  
 12 a process that's in place already, I'm not sure that  
 13 will be too large a group of people but I think it's  
 14 an important safeguard in the system to have. But,  
 15 effectively, just to repeat that, to be clear, I see  
 16 that as being available to anyone under the HSS scheme  
 17 who is dissatisfied with the result of their claim.

18 **Q.** Might that include those who accepted the fixed sum?

19 **A.** Not those who have accepted the fixed sum, or I believe  
 20 that would result in insufficient capacity in that  
 21 scheme to deal with the kinds of cases we're most  
 22 interested in making sure have again had that full,  
 23 speedy and effective redress.

24 **Q.** Can we please turn to RLIT0000413, please.

25 **SIR WYN WILLIAMS:** Before we do, Mr Blake, could I just ask  
 25

1 I think, and I'm expressing a very provisional opinion,  
 2 to think that the claimant in those borderline cases  
 3 either has to make a decision without legal advice or  
 4 pay for it themselves.

5 So my question to you is, why is it a blanket no  
 6 recompense for legal advice, as opposed to a more  
 7 nuanced policy, which would allow for, shall we say, the  
 8 obtaining of legal advice when it's obviously  
 9 a borderline case?

10 **A.** Yes, thank you, Sir Wyn. I know you've taken  
 11 a particular interest in this matter, quite rightly.  
 12 I would say the view in terms of the submissions that we  
 13 received, that became the policy, was that to involve  
 14 legal advice in such a way in the fixed sum would go  
 15 against the objective of having a route to redress that  
 16 was speedy, straightforward, easy to deliver at pace.  
 17 I have always been of the view, as I said to Mr Blake  
 18 earlier that anyone with any, perhaps, complexity or  
 19 grey area in whether that would be the appropriate route  
 20 for them would anyway go down the individual assessment  
 21 route and take the offer of the funded legal advice.

22 That was part of that. I appreciate what you're  
 23 asking specifically is why not have an area -- a bit of  
 24 discretion in that, in terms of those particular cases?  
 25 I think that is a very reasonable point and I can assure

27

1 one or two questions about this myself?

2 **MR BLAKE:** Absolutely.

3 **SIR WYN WILLIAMS:** First of all, in relation to  
 4 paragraph 19, since it's still -- well, it was on the  
 5 screen -- this is one of the things that's going around  
 6 in my head, Mr Reynolds, so I would like your help with  
 7 it.

8 My understanding is that, under the HSS scheme that  
 9 operated before fixed offers were introduced, once the  
 10 scheme got to the point where an offer was made to  
 11 a claimant, he or she, that is the claimant, at that  
 12 point could take legal advice and be recompensed for the  
 13 cost of it, subject to a limit, about whether or not the  
 14 offer should be accepted or not, all right?

15 Now, in a sense, all that's happening with a fixed  
 16 sum is that an offer is being made at a much earlier  
 17 stage because many of the steps leading to an offer have  
 18 been left out. So I'm still struggling to see why  
 19 there's a blanket refusal to allow legal advice about  
 20 the offer of £75,000. I take your point, Mr Reynolds,  
 21 that for many people the answer will be obvious and, in  
 22 those circumstances, I think you can reasonably assume  
 23 that they wouldn't bother with legal advice.

24 But there are going to be some cases where there are  
 25 difficult decisions to be made, and it's quite tough,  
 26

1 you that we are looking very much to the work of this  
 2 Inquiry, in terms of lessons for the future and whether  
 3 there would be the need, when, you know, dealing with  
 4 schemes like this, or indeed this one, to take account  
 5 of that. So I take on board your feedback on that point  
 6 very much.

7 **SIR WYN WILLIAMS:** Well, I am not making a recommendation in  
 8 advance, Mr Reynolds, I assure you, but I did want to  
 9 clear my thought process at the very least about that,  
 10 so thank you very much. Could we go back to  
 11 paragraph 6, please.

12 **MR BLAKE:** That's page 2.

13 **SIR WYN WILLIAMS:** It's the sentence four lines down:

14 "We therefore recommend that claimants who reject  
 15 the £75k should not be able to return to it if, upon  
 16 full assessment of their claim, they are awarded a lower  
 17 amount."

18 Fine, all right. I'll park that and think about it.  
 19 But there's an intermediate position, isn't there, which  
 20 I want to canvas with you again because I'm sort of  
 21 having these ideas floating in my head. The £75,000 is  
 22 rejected, and the claimant goes down the route of full  
 23 assessment but, long before he or she gets to full  
 24 assessment, he or she realises (a) that their claim may  
 25 not be as valuable as they thought or (b) just out of  
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1 frustration, they are fed up with the process.  
 2 There is no getting off point, as I understand it,  
 3 once you reject the £75k, you've rejected it once and  
 4 for all. You can't change your mind, shall we say,  
 5 three or six months later but long before any offer is  
 6 made to you; is that reasonable, do you think?  
 7 **A.** Well, Sir Wyn, I believe that is the position.  
 8 **SIR WYN WILLIAMS:** Yes.  
 9 **A.** I have to be frank, I've never considered a situation  
 10 properly where someone is in that place where they may  
 11 wish, before the final determination is made, to change  
 12 their route to redress. So I think that is  
 13 an interesting proposition. I think you'd have to, in  
 14 order to maintain the objectives here of the two routes  
 15 to redress, decide when and how that would be  
 16 appropriate to do so. It would also be my aspiration,  
 17 to be frank, that compensation redress is delivered at  
 18 such a pace that there aren't significant periods  
 19 between the claim coming in and the money going out the  
 20 door to pay for that redress, but that is unfortunately  
 21 the situation we have with a number of the claims.  
 22 So I think there would have to be some appropriate  
 23 safeguards in place as to when that were possible. But  
 24 it is something that could happen, if that would be  
 25 where we believed we needed to make an alteration, again  
 29

1 participate?  
 2 **A.** Mr Blake, I've thought about this a great deal and,  
 3 obviously, anything put forward by Sir Alan in  
 4 particular I'll consider to a significant degree. The  
 5 position I'm in is I'm trying to make sure people get  
 6 redress for a horrendous scandal, and that's  
 7 an important job of work. At a minimum, I don't want to  
 8 do anything that makes that injustice even worse, and  
 9 the worry about a deadline, can you imagine a situation  
 10 where, for whatever reason, a claim has not come in,  
 11 I think it would be unconscionable to say that is not  
 12 going to be considered.  
 13 Now, where I really do share Sir Alan's frustration  
 14 is in the fact that the real significant delay in the  
 15 GLO scheme is in the claims arriving in because of the  
 16 preparation for them. So I share all of Minister  
 17 Thomas' concerns but the last note I sent to my own  
 18 officials was to say that, if there was a situation  
 19 where we were still, going into next year, frustrated at  
 20 the lack of claims coming in, even though I've got those  
 21 concerns I've just articulated, I may wish to go forward  
 22 with something like that, that would make clear I've got  
 23 to have those claims in, in order to get people the  
 24 redress and the justice that they deserve.  
 25 Now, I'd obviously want to make sure I was putting  
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1 to provide the right redress to people at a pace that  
 2 they deserve it.  
 3 **SIR WYN WILLIAMS:** Thank you.  
 4 Thanks, Mr Blake. Back to you.  
 5 **MR BLAKE:** Thank you very much.  
 6 If we could return, then, to that Guardian article  
 7 at RLIT0000413. It addresses the potential deadline,  
 8 and this time it addresses the GLO scheme, rather than  
 9 the Horizon Shortfall Scheme. But I'll just read to you  
 10 a few passages:  
 11 "Post Office operators affected by the Horizon IT  
 12 scandal will not all receive payouts by the March 2025  
 13 deadline called for by the campaigner Sir Alan Bates,  
 14 the postal minister has admitted.  
 15 "Gareth Thomas said it would be difficult to achieve  
 16 the deadline but promised that there would be  
 17 'substantial progress' towards clearing the compensation  
 18 claim backlog by next summer."  
 19 It says a little further down:  
 20 "'I wish I could commit to Sir Alan's timeframe',  
 21 said Thomas, speaking to BBC Breakfast on Wednesday.  
 22 'I think we will have made substantial progress by next  
 23 summer'.  
 24 Are you in the same position: are you not able to  
 25 commit to a timeframe and, if so, when, do you  
 30

1 myself in a position where I wasn't committing any  
 2 further injustice in the future but, if my frustration  
 3 in those claims not arriving at the Department meant  
 4 that I felt that was the only way to speed this up, and  
 5 I felt that wasn't going to prejudice any individual  
 6 claim, based on the information that I had, it will be  
 7 something that I will consider because obviously I want  
 8 to get redress to these people that they deserve, as  
 9 soon as possible.  
 10 **Q.** Have you done any blue-sky thinking, either in respect  
 11 of the Horizon Shortfall Scheme or the GLO or in respect  
 12 of any of the other schemes, as to whether matters can  
 13 be sped up, whether it's by lowering the evidential  
 14 burden or in some way making it easier and quicker?  
 15 **A.** We think about the pace at which redress has been  
 16 delivered a great deal, and I said to you in my  
 17 introductory answers that obviously we have seen  
 18 an increase since the election, but that has always  
 19 been, for my personal view, not in such a way that has  
 20 reduced the accuracy of the redress payments being made  
 21 or in a way which has meant that claims today are being  
 22 dealt with to a different evidential threshold to ones  
 23 in the past. I think there probably would be some  
 24 judicial review, you know, risk if that were seen to be  
 25 the case.  
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1 Where we've seen increases in the pace at which  
2 redress has been delivered, some of those are just  
3 old-fashioned issues of capacity and focus. As I say,  
4 it has been clearly an objective of the new ministers,  
5 of the new Government, to make sure this is being done  
6 at pace but, again, I'd just like to reassure people  
7 that there is no sense of that being done at the cost of  
8 accuracy or a change to how cases are being considered  
9 relative to the past.

10 **Q.** Thank you. I'd like to move on to a new topic which is  
11 the Post Office Horizon System Offences Act. It came in  
12 just before the election. I think you've said in your  
13 statement that you that some involvement. Can you  
14 assist us with what that involvement was?

15 **A.** That's right. I mean, people will be familiar with the  
16 challenge that the then government had and we, as the  
17 opposition, were sensitive to, which was you have  
18 a large cohort of people for whom they were clearly  
19 wrongly convicted. There are two major problems with  
20 the traditional route to overturning those convictions:  
21 the Criminal Cases Review Process and Commission.  
22 Firstly that a lot of those people had lost all faith in  
23 the justice system and I think we can understand why  
24 that would be the case and, second of all, the time  
25 frames for where we had got to and extrapolating that to

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1 a common occurrence for Acts of Parliament to overturn  
2 the courts. That is not an easy or attractive  
3 proposition to have. So I really led conversations on  
4 our side of the aisle within the Labour Party about why  
5 I believe this was the best and only vehicle to doing  
6 that and, between ourselves, I believe we secured the  
7 cross-party agreement that was necessary -- I should  
8 say, at this point -- we had no idea the general  
9 election was coming, so we had no idea it would be part  
10 of the expedited process that happens when an election  
11 is called to pass, the so-called wash-up procedure, when  
12 legislation goes through much quicker than it usually  
13 does.

14 And I think if you looked at some of the Hansard  
15 exchanges around that, we very much tried to indicate  
16 the unique circumstances that had led to this position  
17 being reached, and the cross-party agreement that lay  
18 behind that, and some of those protections we thought  
19 were necessary around that. But I will say, Mr Blake,  
20 I'm very much aware, in a year, 10 years, 50 years,  
21 whatever, there will be people who will say, you know,  
22 that was not the right decision because of the  
23 constitutional precedent, which I don't believe it did  
24 set by the way a precedent because of the unique  
25 circumstances of this, but I know people will maybe cite

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1 where we would get to were, for years and years --  
2 I mean, it was absolutely conceivable that if we had  
3 relied on the traditional constitutional route to doing  
4 that, many of those people would never have had the  
5 justice they deserved and obviously would never have got  
6 then the redress that they deserved because they would  
7 have been, at that point, in the process.

8 So when -- I felt I'd had a good working  
9 relationship with the then Conservative Government's  
10 Postal Affairs Minister, Minister Hollinrake, when the  
11 potential -- he approached me and told me that there was  
12 potential for, you know, an Act of Parliament, very  
13 significant constitutional terms, of course, to overturn  
14 these convictions, I was immediately aware of just how  
15 significant that would be and the reasonable concerns  
16 a lot of people would have about constitutional  
17 protections and oversight of that, but just, looking at  
18 the problem, it was clear to me that was really the only  
19 vehicle that we had to deliver justice.

20 And so you will I think, Mr Blake, appreciate, you  
21 know, in any political context, you've got to consider  
22 not just the here and now but what are the precedents  
23 people might take from that?

24 You know, I think we'd all say we wouldn't want  
25 a system where there were -- you know, where it was

34

1 that in future.

2 But I absolutely believe, without that cross-party  
3 agreement and breakthrough, we'd be in a position here  
4 today where this cohort of people would not have had  
5 their convictions overturned and they would not be  
6 receiving redress.

7 **Q.** Are you able to provide us with any update as to how  
8 many people have been contacted in respect of that  
9 legislation?

10 **A.** Yes, Mr Blake. So you will be aware of something, to be  
11 frank, at the time when we were having these discussions  
12 and it wasn't until I'd become the Secretary of State,  
13 and was several weeks into the job, that I became aware  
14 of, which is the Ministry of Justice, which obviously --  
15 the judicial system held the records for this group of  
16 cases -- was not in a position to speedily inform this  
17 cohort of people of their eligibility -- that their  
18 convictions had been overturned and their eligibility  
19 for redress.

20 I'm really aware of the fact that this is -- this  
21 whole issue is an example where there's a sense to  
22 different bits of Government, different bits of the  
23 State not accepting accountability, so when I talk about  
24 my frustrations with the records, it's not me in any way  
25 passing blame or the buck for that, but I simply wasn't

36

1 aware that it wouldn't be relatively straightforward  
 2 having had this breakthrough to contact these people.  
 3 For the people in the Horizon Convictions Redress  
 4 Scheme, there are 172 claims that have been received.  
 5 That is up considerably obviously because it's  
 6 a relatively new scheme. Full and final settlements  
 7 under that scheme are now at 36 but there's still  
 8 a significant number of people therefore who haven't had  
 9 those interim claims. Because of the problems with the  
 10 records we made a direct appeal for people to contact us  
 11 directly and go into the system, though I again  
 12 appreciate they will say, "Why don't you have the  
 13 records to contact us?", and we are regularly in touch  
 14 with the Ministry of Justice about their efforts to  
 15 identify specifically claims; the nightmare scenario  
 16 frankly would be someone receiving a letter who wasn't  
 17 eligible to receive it.  
 18 But it is a frustration and, again, I would repeat  
 19 the point that people who are in this position can  
 20 contact the Government directly in order to go into the  
 21 system and that the Ministry of Justice is working at  
 22 pace on their side of this to make sure they're  
 23 identifying the right people.  
 24 **Q.** You spoke about those who aren't eligible. We have  
 25 heard some evidence in relation to a category of people

37

1 pass their own legislation because of the devolved  
 2 nature of justice across the United Kingdom.  
 3 But specific to the cohort you referenced, Mr Blake,  
 4 I believe the previous Government system assessment was  
 5 they would already have had their individual  
 6 circumstances assessed and therefore in a different  
 7 position to the majority of the cohort who were -- then  
 8 needed this legislation in order to have their  
 9 convictions overturned.  
 10 **Q.** How about that other group that you identified: those  
 11 who were prosecuted by other agencies?  
 12 **A.** So again, I believe -- if I recall the conversations  
 13 that were had and exchanges in Parliament, that was  
 14 based on a genuine sense that the circumstances of those  
 15 cases were different, so there wasn't the same failure  
 16 of disclosure that we were aware of in the Post Office  
 17 prosecutions. And that frankly there would be, within  
 18 that cohort, a greater number of cases where there were  
 19 legitimate issues that had been pursued, and the blanket  
 20 exoneration of the Act of Parliament wouldn't be the  
 21 appropriate vehicle to include for those cases.  
 22 **Q.** Thank you. My final topic today relates to the future  
 23 of the Post Office. If we put aside what external  
 24 consultants may be planning, so Boston Consulting Group,  
 25 I think, have been involved in planning. We've heard

39

1 who aren't covered by the legislation, that's, for  
 2 example, those who appealed but who were refused leave  
 3 to appeal or whose appeals were rejected and, as  
 4 a result of them having previously appealed, they are  
 5 then cut out of a scheme that overturns the convictions  
 6 of those who didn't even go to the appeals stage.

7 What is your view on that position?

8 **A.** So the specific criteria for eligibility under the Act  
 9 of Parliament, obviously that was decided by the  
 10 previous Government but we were aware through the  
 11 Parliamentary exchanges of the decisions that were  
 12 taken. I think the two most significant ones were this  
 13 cohort of people, so people who had already been able to  
 14 go through the justice system but had not had their  
 15 convictions overturned, the view being that they had  
 16 already had the details of their case assessed in that  
 17 way.

18 And the other cohort were people who were not  
 19 prosecuted by the Post Office, they were, for instance,  
 20 by the Department of Work and Pensions, where there  
 21 would be a different set of factors, different position  
 22 in terms of obviously the well known failure of  
 23 disclosure process by the Post Office, wouldn't apply to  
 24 them, and they'd been a different position. I should  
 25 say as well, of course, that the devolved governments

38

1 about a strategic review from a company called Teneo.  
 2 If we put those all aside, do you have any ideas as to  
 3 how the Post Office might be changed to avoid  
 4 a repetition of what we've seen in the past?

5 **A.** Yes, Mr Blake. So as I said this in my earlier answers,  
 6 I believe you cannot separate out the issues of justice  
 7 and redress that this Inquiry is rightly dealing with  
 8 from those wider conversations about the future of the  
 9 Post Office. I think the governance has to change.  
 10 I think one of the most legitimate, you know, questions  
 11 that I get, you know, from members of the public and  
 12 constituents is the question of how did the Post Office  
 13 not believe something must have gone wrong when all of  
 14 a sudden after Horizon was introduced, there was a huge  
 15 spike in convictions; what did they think was going on?

16 And I think you have to assume that what they  
 17 thought was that Horizon was catching people, rather  
 18 than something could have gone wrong with the system and  
 19 it's just inconceivable that that number of people were  
 20 all of a sudden committing, you know, criminal offences  
 21 and needed to be prosecuted.

22 And so the governance model has to change. There  
 23 has to be connected to the change in the business model  
 24 where postmasters have to earn more money from the  
 25 services the public want. I want to say specifically,

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1 because I know it's come up in the media, that any  
 2 question about the future structure/governance of the  
 3 Post Office would not be this Government just, you  
 4 know -- for instance, on the point of potential  
 5 mutualisation, it wouldn't be just passing it over and  
 6 saying "Look, there that you go, you're going to run  
 7 yourselves in a different way". We're very much aware  
 8 that the structure and the business model has to change  
 9 in order to be sustainable. There are obviously some  
 10 particular issues like the funding of a replacement for  
 11 Horizon, which couldn't be funded at the minute from the  
 12 Post Office itself.

13 So those issues have to be addressed before we then  
 14 look to what the future relationship is, but I am  
 15 absolutely certain that the future has to be one that  
 16 addresses the lack of trust, the lack of reciprocity  
 17 and, you know, genuine regard for people who are  
 18 providing the front-door services of the Post Office.

19 And frankly I believe anything should be on the  
 20 table as to the right way forward around that. But, as  
 21 I say again, it has to come after we make sure that the  
 22 position of the Post Office is a long-term sustainable  
 23 one.

24 **Q.** Thank you, Secretary of State. I have one or two more  
 25 questions, we are very close to 11.00, perhaps we can

41

1 the specific breakdown of trust between different parts  
 2 of the organisation and provide a route going forward.

3 Some of the work that you mention, I mean, the  
 4 distinction I'd have between, say, the Post Office's  
 5 work with Teneo is that that's really about the kind of  
 6 nuts and bolts of the business model, where is money  
 7 coming in; where does it go; how can that change; what's  
 8 the course of action required for the future?

9 Whereas the Boston Consulting Group work with my  
 10 Department is really more about the kind of fundamental  
 11 purpose as, you know, technology has impacted on some of  
 12 the traditional services the Post Office operates, the  
 13 future of cash, we're very keen as Government on Banking  
 14 Hubs, which is -- don't necessarily have to be run by  
 15 the Post Office but usually are. They are in my  
 16 hometown of Stalybridge, so there's a set of factors  
 17 both for the Post Office as a business, if you like, and  
 18 then its fundamental purpose, both being looked at by  
 19 the appropriate levels of Government.

20 The future, in terms of what that structure might  
 21 look like, and it could be something different --  
 22 I mean, I give that some thought. You will understand,  
 23 to address some of the problems I'm talking about, that  
 24 can't just be a top-down decision from the Secretary of  
 25 State. The aspirations around the Green Paper, which

43

1 take a pause?

2 **SIR WYN WILLIAMS:** Mr Blake, I make it 10.59 and I'm sure no  
 3 one would regard it as disrespectful if we take  
 4 a natural pause, which is now. So I propose to start  
 5 the minute's silence now, and people in the hall may  
 6 stand if they wish or sit as they prefer. I am in  
 7 a room on my own, so I will continue to sit down. But  
 8 the minute begins now.

9 *(Pause for one-minute's silence)*

10 **MR BLAKE:** Thank you very much.

11 Secretary of State, have you given any consideration  
 12 to some fundamental issues, such as whether  
 13 a self-sustainability, self-sufficiency model is ever  
 14 a realistic ambition? We heard from one of your  
 15 predecessors, Greg Clark, some novel ideas about  
 16 a fundamental change to the type of company that the  
 17 Post Office is, some sort of public organisation that is  
 18 not a private company; are you able to assist us with  
 19 your thinking on that?

20 **A.** Yes, Mr Blake.

21 I mean, as I say, I don't think anything should be  
 22 off the table for the future. I think alternative  
 23 governance models, mutualisation is one, I think, that's  
 24 been in some of the media coverage. You know, it would  
 25 have some particular advantages in terms of dealing with

42

1 I think Minister Thomas mentioned, which we intend to  
 2 publish next year, is a chance for that wider  
 3 conversation, a national conversation, to be frank about  
 4 that.

5 I believe as an institution, as a brand, there's  
 6 still tremendous public affection for and desire for the  
 7 Post Office to have a strong future but we've got to  
 8 consider all of these issues as to its future business  
 9 and how it is run as part of that process.

10 **Q.** Can you see a time prior to the Green Paper on which the  
 11 Inquiry could be updated as to your thinking?

12 **A.** I think we certainly are progressing conversations with  
 13 the Post Office as to how they wish to make sure the  
 14 business model side of change is progressing. I think  
 15 there will be the opportunity to update the Inquiry  
 16 about some of that. I believe the questions about  
 17 governance are probably best suited to the Green Paper  
 18 because, again, fundamentally, we want to be getting the  
 19 input of postmasters themselves at the frontline as to  
 20 what they would like to see, what would give them  
 21 reassurance that the culture and effectiveness of the  
 22 organisation was changing as part of that.

23 But, if there were any developments at Departmental  
 24 level, I think it would be, you know, straightforward to  
 25 be able to provide the Inquiry with an update to that

44

1 regard.  
 2 **MR BLAKE:** Thank you very much, Secretary of State. There  
 3 are a small number of questions from Core Participants.  
 4 Sir, unless you have any questions, I will turn  
 5 to --

6 **SIR WYN WILLIAMS:** Please do. If I have any at the end,  
 7 I'll ask them at the end, all right, Mr Blake?

8 **MR BLAKE:** It's Mr Stein.

9 **Questioned by MR STEIN**

10 **MR STEIN:** Mr Reynolds, my name is Sam Stein. I represent  
 11 a large number of subpostmasters affected by the  
 12 scandal. Many of them engaged in the High Court case,  
 13 the GLO litigation, as we call it, in 2019, and the  
 14 spread of people I represent include people that were  
 15 not subpostmasters but also managers, people working in  
 16 branches, and importantly, at least for today's  
 17 discussion, as regards what's going on, strategy-wise  
 18 for the Post Office, people that are still serving as  
 19 subpostmasters.

20 In answer to Mr Blake's question just a second ago,  
 21 which was about the timing or timeline for the delivery  
 22 of a Green Paper, and your answer, which was that you  
 23 felt it was best put within a Green Paper, you're a very  
 24 experienced, long-term serving politician. Also,  
 25 currently, you're in place as the Minister in charge of

1 things in the way you've just said them, in a way, which  
 2 is, "We aim to do things really quite soon, we're  
 3 getting on with it", and so on. Can you give us even  
 4 a time bracket for the delivery of a Green Paper: as  
 5 an example, next year?

6 **A.** Yes, next year. That's the --

7 **Q.** Right. First half of next year; second half of next  
 8 year?

9 **A.** It would be my personal aspiration for the first half of  
 10 next year.

11 **Q.** Now, you understand that this Inquiry was set up with  
 12 terms of reference which included obviously learning  
 13 lessons from the criticisms made by Mr Justice Fraser in  
 14 the High Court, and also assessing whether the processes  
 15 and information provided by Post Office to postmasters  
 16 are sufficient. So I'm reading from the terms of  
 17 reference.

18 So the processes and information provided by Post  
 19 Office are sufficient to enable both parties to meet  
 20 their contractual obligations, to enable postmasters to  
 21 run their businesses. This includes assessing whether  
 22 Post Office Limited's related processes, such as  
 23 recording/resolving postmaster queries, dispute  
 24 handling, suspension, termination, are fit for purpose.  
 25 In addition, determine whether the quality of the

1 DBT. Can you give us the actual timeline, likely  
 2 timeline for such a Green Paper?

3 **A.** So the aspiration for the Green Paper that Minister  
 4 Thomas referenced in his evidence is for next year. I'm  
 5 afraid I can't give you any more specific guidelines  
 6 than that, but I, if it would be appropriate, can check  
 7 with the Department and maybe write, if we've got  
 8 an indicative part of, how we believe that would be  
 9 ready. I should say that that's simply because, you'll  
 10 be aware, some of the very earliest, most significant  
 11 priorities of the new Government have been delivered by  
 12 the Department for Business and Trade, the Employment  
 13 Bill, for instance, or the Investment Summit. So please  
 14 don't take any sort of sense that it's not an urgent  
 15 priority; it's just that the number of things the  
 16 Department has had to do in the first three to four  
 17 months of the Government have been extensive.

18 But the conversations we're having about the future  
 19 of the Post Office, which are almost on a weekly basis  
 20 in the Department, should be an indication of just how  
 21 significant we see this work, and it would be my  
 22 aspiration, given I think the level of national interest  
 23 in the future of the Post Office, to have that available  
 24 and start that conversation as soon as possible.

25 **Q.** We've had a number of witnesses recently that have said

1 service offer for postmasters and their relationship  
 2 with Post Office Limited has materially improved since  
 3 the conclusions reached by Mr Justice Fraser.

4 So the terms of reference of this Inquiry are not  
 5 just historic.

6 **A.** Mm.

7 **Q.** The word "are" means currently. At the moment, we're in  
 8 this rather odd position, which is this Inquiry has been  
 9 now running for a number of years. There have been  
 10 grave difficulties with disclosure, obtaining of  
 11 material, that have contributed to the length of this  
 12 Inquiry. The judgment at the High Court in 2019, which  
 13 was a seminal judgment -- two judgements, sorry, in  
 14 2019 -- heavily criticising the Post Office is the  
 15 starting point for this Inquiry.

16 Yet we hear from you that the changes to take place  
 17 within the Post Office, the ones that you spoke about at  
 18 10.11 this morning, which are about a new business  
 19 model, about the new direction of the Post Office, we  
 20 hear from you and other witnesses that these are still  
 21 yet to take place. So that means that the terms of  
 22 reference of this Inquiry are simply, we are going to  
 23 submit to the Inquiry chair, not going to be complete  
 24 until we know, until we can see and examine what is  
 25 happening to the Post Office.

1 How is this Inquiry going to be able to examine  
2 whether the new model that you've discussed --  
3 Mr Railton has called it change in polarity of the Post  
4 Office -- how are we going to examine that, Mr Reynolds,  
5 considering all of these discussions are ongoing at the  
6 moment and that we may get a Green Paper somehow in the  
7 first part of the next year?

8 **A.** Well, I can understand the frustration that underlines  
9 a question like that. In fact, I can't speak for the  
10 previous Government, although, you know, I would say on  
11 all of this we've played this completely straight  
12 without any politics trying to be cooperative in  
13 opposition and then continue some of that work into  
14 government. So I can't speak for how significant the  
15 conversations were, you know, before 4 July. I can only  
16 say, for our part, if you look at the first, you know,  
17 three to four months, there was an urgent need, first of  
18 all, to make some of the decisions we've been through  
19 this morning, on the redress scheme for the overturned  
20 convictions following legislation, the appeal scheme,  
21 the fixed-sum awards, the work around the Capture system  
22 as well.

23 There was an immediate need around issues of redress  
24 to respond to that. I believe, potentially, the  
25 previous government may have been looking for some sort

49

1 as to progress and changes being made, are you prepared  
2 to return?

3 **A.** Of course, if Sir Wyn wanted me to return I would be  
4 more than happy to.

5 **Q.** Now, compensation issues, at one point, in dealing with  
6 a question from Sir Wyn, you thanked him for his  
7 feedback. Again, we're left in this odd position: the  
8 length of time it's taken to get to where we are  
9 regarding compensation means that we're about to close  
10 the evidence of this Inquiry as of this moment, unless  
11 Sir Wyn directs otherwise, this week. We get to closing  
12 submissions through the remainder of the year and we  
13 have oral submissions on, I think, 16 and 17 December.  
14 I'll be corrected if I have that date wrong.

15 That means, in effect, that the oversight of  
16 compensation issues directly from this Inquiry,  
17 essentially, is going to go, unless Sir Wyn directs  
18 otherwise, to return to these matters in another hearing  
19 date. It also means that the questions of the appeal  
20 mechanism, the question of whether the thresholds are  
21 correctly placed, the question of whether lawyers should  
22 be allowed to advise people that have justifiable claims  
23 but perhaps don't realise the extent of them, those  
24 won't that have the Inquiry's oversight.

25 How are we to determine whether, in fact, you and

51

1 of steer or guide from this Inquiry, and you quite  
2 rightly make the point that you see that as part of the  
3 process itself.

4 But I do know, in terms of the speed at which we've  
5 been looking, not just at the issues of redress but the  
6 future, and some of the decisions that are going to be  
7 in the public domain fairly soon, that sense of, you  
8 know, transformation is happening now, and I respect  
9 very much your point that you'd like to be able to  
10 assess that for a plan now. I don't think, to be frank,  
11 in opposition that plan could have been drawn up in any  
12 adequate level of detail but, if you are telling me  
13 specifically that you feel that needs to be expedited in  
14 order to be a part of the kind of consideration that you  
15 are having in this Inquiry, I understand that very much,  
16 and can tell you, that will inform my decisions going  
17 back to the Department.

18 But I don't think, given where we are sat here  
19 today, we could have increased the speed any further  
20 than we have, either for redress or the future business  
21 model of the Post Office.

22 **Q.** Mr Reynolds, are you prepared to return to this Inquiry?  
23 It's a matter for Sir Wyn to decide but, if Sir Wyn, as  
24 an example, would wish to hear from you again and  
25 possibly Mr Thomas, the Post Office Minister, and hear

50

1 your colleagues are going to be doing the right thing  
2 about these issues? Can we have a commitment from you  
3 to report back as to the changes that you are going to  
4 make on those very self-same issues: that is the  
5 threshold question, the access to lawyers, the date of  
6 the appeal mechanisms. Can we have that commitment from  
7 you, Mr Reynolds?

8 **A.** Well, I can give you a commitment that we keep the  
9 performance of all of the compensation schemes under  
10 review. I'm very sensitive to the fact that Sir Wyn was  
11 clear he's not making a specific recommendation under  
12 any of those schemes. Of course, it has always been my  
13 view that the work we do as ministers, both in relation  
14 to the compensation schemes and the future of the Post  
15 Office, will of course have a considerable and indeed  
16 total regard to the findings of this Inquiry. So you  
17 ask a slightly different question, which is about  
18 keeping the review and potential changes to those  
19 schemes available while the Inquiry is going on. So I'd  
20 have to be guided by Sir Wyn in relation to that.

21 **Q.** You see there's a bit of a trap here, Mr Reynolds. What  
22 has happened is there have been delays to those schemes.  
23 We've had witness after witness saying there have been  
24 problems with getting these schemes worked out, problems  
25 in setting them set up, difficulties in assessing their

52

1 breadth, and so on, a litany of problems that have  
2 delayed the activities of those schemes. But that delay  
3 itself has now led to a lack of potential oversight from  
4 Sir Wyn, so there's a trap that's been set up by  
5 a failure to grasp the issues. So what we need is,  
6 rather than you saying, "Well, you've heard Sir Wyn", we  
7 need a commitment to change on those very self same  
8 issues?

9 We can ask, of course, Sir Wyn to frankly give  
10 an interim report or set out his own view on these  
11 matters. That will be a matter for him. What we need  
12 is for you to say, "There are problems here, we need to  
13 resolve them and they need to be resolved in favour of  
14 subpostmasters". I've called this before, with other  
15 witnesses, a spirit of generosity --

16 Forgive my voice, it seems to be going today, which  
17 is an unfortunate problem for an advocate.

18 But I've called it the spirit of generosity that  
19 decisions such as this should be made in favour of the  
20 subpostmaster, and they need to be made in favour of the  
21 subpostmasters frankly sooner rather than later; don't  
22 you agree?

23 **A.** Yes, I would agree with that and I would say, if you  
24 look at the actions we've taken to date, I think we can  
25 demonstrate that through each of the decisions that

53

1 of Fujitsu, he has come to the Inquiry, he has given  
2 evidence to the Select Committee. There's been  
3 an apology from Fujitsu for its role within this  
4 scandal.

5 We've asked questions of Mr Patterson, which is to  
6 what extent is Fujitsu prepared to put its financial  
7 muscle behind redress. Now, redress comes in two  
8 different ways. Fujitsu have said that they would  
9 consider contributions towards compensation. But they  
10 will not do so until the close of this Inquiry, okay?

11 That appears to be their current position. Mr Patterson  
12 is giving evidence about such matters later on today.

13 Have there been any approaches from Fujitsu to  
14 Government to actually set out the structure of what it  
15 is proposing by way of contributions to compensation?

16 **A.** So no, I've not received any specific information in  
17 relation to that. My understanding is the same as  
18 yours: that there's been an acceptance of, I believe,  
19 the phrase used was a moral responsible to make  
20 a contribution, but that they were waiting for the  
21 findings of the Inquiry before taking that forward.  
22 I would welcome to see what the evidence will be in the  
23 remaining sessions but I have always envisaged, at some  
24 point, those kind of conversations being necessary.

25 **Q.** Well, can we try it another way round. Has the

55

1 we've made, whether that's the approach to the  
2 publication of data under the different redress schemes,  
3 whether that's the openness around the Capture report  
4 that we published, whether it's the changes with the  
5 route to fixed-sum compensation or the appeals scheme or  
6 indeed the redress scheme for Overturned Convictions.

7 So where there is a need, where I receive direct  
8 feedback that this part of the scheme, perhaps through  
9 the evidence of this Inquiry or a direct approach to me,  
10 where I believe there are changes that need to be made,  
11 I think we've demonstrated that we will make them and we  
12 will remain open to doing so in respect of any part of  
13 the system of redress, if we feel or see evidence that  
14 it's not working as it should.

15 **Q.** Sitting just two across from me is Mr Enright, he's  
16 partner at Howe+Co solicitors. He has been involved in  
17 this matter and his firm has been involved in this  
18 matter for many, many years. Are you prepared to meet  
19 with him to continue to keep an eye on these very  
20 self-same issues directly, so that he can discuss with  
21 you the progress and report back, as far as he can, the  
22 information that you'll you give him as to these issues?

23 **A.** Yes, more than happy to give that commitment.

24 **Q.** Can I turn then to Fujitsu and its role in this matter.  
25 Fujitsu has Mr Patterson, who is the European Director

54

1 Government, to your knowledge, that's in the last four  
2 months, under your own leadership with the DBT, or to  
3 your knowledge prior to a Labour Government, has the  
4 Government reached out to Fujitsu and said, "Well, hang  
5 on, we are spending an awful lot of money on  
6 compensation, you've made a promise, it seems, to  
7 contribute. Why are you waiting for the close of this  
8 Inquiry? That seems to be running out the Inquiry so  
9 you're not under observation".

10 **A.** That's --

11 **Q.** Has the Government done that; has the Government  
12 approached Fujitsu?

13 **A.** I have not had that direct conversation. I am not aware  
14 if officials have had it at that level. It was  
15 genuinely always my understanding that the Inquiry would  
16 conclude before that element would be addressed.

17 **Q.** Would you consider approaching Fujitsu? It's quite  
18 convenient Mr Patterson is here today. Maybe there's  
19 an opportunity, given time restraints in the busy  
20 timetable for a minister, just to have a word to set up  
21 a meeting?

22 **A.** Yes, I believe that will be a necessary meeting to have.  
23 I should say I've also been confronted with some rather  
24 unwelcome decisions I will have to make about the  
25 replacement for Horizon, the budget that I have walked

56

1 in to find that being allocated, which is very, very  
2 large and I think there are questions as to whether that  
3 is the right way forward that we're talking to the Post  
4 Office about, and frankly the need to have further  
5 involvement with Fujitsu to make sure there is  
6 a transition between the existing system and what the  
7 future will be, which I believe neither Fujitsu  
8 themselves would ideally want to be involved in and,  
9 frankly, I wouldn't ideally want to be in the position  
10 I'm in where I might have to make a decision to extend  
11 that involvement in order to make sure that system is  
12 properly accounted for before a new system is in place.

13 So there are some issues already of engagement  
14 between the DBT and Fujitsu that will have to be there  
15 and, as I say, some of that is frankly less welcome than  
16 it would be, but that's simply the situation I've walked  
17 through the door to find.

18 **Q.** Lastly, and only this: this scandal affected families.  
19 It affected people in small branches up and down the  
20 country. It affected the classic Post Office that we  
21 see in the high streets and the villages and towns. It  
22 affected a lot of people living in these premises, their  
23 partners, their children, their education, their ability  
24 to consider their children's needs, and we know that  
25 there is a voice for children that needs to be expressed

57

1 all shapes and sizes -- you wouldn't want to commit  
2 further injustice by getting some of that wrong.

3 You mentioned whether specifically Fujitsu could be  
4 a part of the answer to that. I think that is  
5 an interesting proposal. I wouldn't necessarily want to  
6 limit the involvement of Fujitsu just to that element of  
7 redress but the impact on wider family members is  
8 something that is being looked at within Government,  
9 yes.

10 **MR STEIN:** I said I'd finished and I really will, but we  
11 made that suggestion to Mr Patterson on the last  
12 occasion when he gave evidence. It's not a new  
13 proposal. So again, could that form part and parcel of  
14 the wider discussions?

15 Frankly, there's a need to restore the families back  
16 to what they hoped to be when they started their journey  
17 through the Post Office. At the moment that doesn't  
18 seem to have been grasped. Thank you, Mr Reynolds.

19 **THE WITNESS:** Thank you.

20 **MR BLAKE:** Sir, we have questions from Ms Shah as well.

**Questioned by MS SHAH**

22 **MS SHAH:** There we go, can you hear me now; is that working  
23 now?

24 **A.** Yes, I can, thank you.

25 **Q.** Good morning, Mr Reynolds. I ask questions on behalf of

59

1 properly before this Inquiry, which is that they're  
2 damaged as well. They feel affected by what's happened.  
3 They've been hurt. Their aspirations have been limited.  
4 Questions about their education need to be addressed.

5 In other words, there is a need for a restorative  
6 justice that considers the wider implications of this  
7 scandal and what has happened.

8 Now, we heard, I think, from Mr Recaldin that the  
9 discussions have already taken place within Government  
10 on this very issue. It is an issue that we, on behalf  
11 of the client group we represent, we have suggested that  
12 Fujitsu could contribute to but, actually, this might be  
13 something to be grasped by both Government and Fujitsu  
14 and really good work could be done here, and it needn't  
15 cost that much. It'll cost a bit but it's about ideas,  
16 and about making it possible for those families that  
17 have had such great difficulties. What's happening in  
18 that regard, Mr Reynolds?

19 **A.** That's absolutely right. So the issue of wider family  
20 impact was very much on our minds when we came to  
21 office. We have commissioned some preliminary work  
22 around that, you'll understand a whole range of  
23 questions as to the kind of harms you're looking at, the  
24 kind of impact, making sure the definition of family  
25 members is a modern one that understand families come in

58

1 the National Federation of SubPostmasters. So Mr Read  
2 in his evidence to the Inquiry said that he thought the  
3 culture at the Post Office had changed and improved  
4 under his five-year tenure as CEO, although that does  
5 not align with the key findings of Grant Thornton's  
6 report of the Post Office. There's no need to turn it  
7 up, but for the transcript that report is POL00448771.

8 That reported earlier this year and the key findings  
9 on page 13 includes that there's an inability to unlock  
10 a unified purpose and shared ambition around a longer  
11 term vision and strategy between POL and its  
12 shareholder; there's an unconscious bias around the lack  
13 of accountability; there's a lack of clear understanding  
14 of objective roles, responsibilities and purpose; and  
15 that, in relation to culture, there's a misalignment on  
16 accountabilities between POL and DBT/UKGI, which is  
17 culminating in a failing working relationship.

18 Would you agree that these findings show that there  
19 continues to be significant issues in relation to  
20 culture and governance at the Post Office?

21 **A.** Well, thank you for that question. I would say, having  
22 been the Secretary of State for four months, I can't  
23 comment on claims from, you know, the progress over the  
24 last five years. But I would say that we start from the  
25 position that things need to change extensively, as I've

60

1 said in some of the previous answers, with regard to the  
2 business model, the accountability, the governance  
3 structure. I think the job at the Post Office that's  
4 required is one of transformation, not accepting that  
5 things are in a position now that is to anyone's  
6 satisfaction and, broadly, I think that is something  
7 which is held by people involved at every level of the  
8 Post Office.

9 **Q.** Just to pick up on something that Mr Stein has raised,  
10 whilst the Grant Thornton review shows that there are  
11 continuing issues with the culture of the Post Office,  
12 five years after the GLO judgments, what confidence can  
13 this Inquiry and the UK's postmasters have that, once  
14 the scrutiny of the Inquiry is removed, that the Post  
15 Office and Government will ensure that culture and  
16 governance is improved? In other words, when the  
17 spotlight of this Inquiry is turned off, is there not  
18 a danger that things will just revert to business as  
19 usual and this will remain a problem just too big, just  
20 too hard and just too expensive for government to solve?

21 **A.** No, I think that is absolutely the right question and  
22 when I talked about the nature of the job, as I see it  
23 at the Government level, being not just sorting out the  
24 routes to redress and the pace at which redress is  
25 received, but they can't be divorced from those wider

61

1 not valuing or listening to postmaster input. Would you  
2 agree that there may need to be a number of different  
3 cultural change initiatives run by or implemented by  
4 Post Office and Government, or your Department, in order  
5 to restore the confidence of a group of people that have  
6 been consistently failed?

7 **A.** Yes, I would agree with that statement entirely and  
8 I would say that there absolutely has to be a position  
9 where people delivering -- postmasters delivering  
10 services on the frontline for the organisation feel that  
11 the overall organisation itself is there to support  
12 them, rather than to have what's clearly been  
13 an adversarial relationship, one that has been lacking  
14 in trust, one that has been lacking in respect, to be  
15 frank, and that is at the heart of what we talked about  
16 with Mr Blake. You know, some of the potential  
17 governance changes have to be a part of that.

18 I think there's -- you know, the people I speak to,  
19 who have been affected by this fairly widespread  
20 recognition about the nature of a business model needing  
21 to change to provide greater remuneration to people,  
22 delivering services to postmasters themselves, and that  
23 will necessitate some quite considerable changes to the  
24 organisation centrally in order to do that. I think  
25 there's an open-mindedness to different governance

63

1 questions about the future of the Post Office, that is  
2 what I mean by that. I think there is a danger, there  
3 is a perception that we could simply, even if we do  
4 a good job on redress, maybe not link it to the wider  
5 future and questions of transformation, and that's  
6 an absolutely reasonable question.

7 So the commitment we have as a Government is to deal  
8 with these things together and hope there is some  
9 assurance of that, making sure that is held to because  
10 I know Government ministers change, they come and go and  
11 different people take over these departments. I think  
12 that is a job that will have to be held, not just by the  
13 Government but by the Parliament, I think the Select  
14 Committee in particular will play a role in ensuring  
15 that but I think we should all acknowledge that that is  
16 what success looks like here. It's not just about  
17 resolving issues of redress and justice. It's about the  
18 future of the Post Office, playing the role I believe it  
19 can and should play in national life, but in a way which  
20 recognises just how wrongs thing have gone in the past.

21 **Q.** Okay, well, this Inquiry has shown the prolonged and  
22 consistent history of Post Office with Government  
23 oversight treating postmasters as subservient and  
24 unworthy, making choices that benefit Post Office as  
25 a company and that are detrimental to postmasters, and

62

1 models as to the right way to do that, I don't think  
2 anyone needs to be prescriptive at this stage about it.  
3 But you should always have oversight of what's your  
4 objective in those changes, not governance changes for  
5 the sake of it. It's about what would produce that much  
6 stronger, healthier relationship going forward.

7 **Q.** Thank you. We have heard from other witness to this  
8 Inquiry that it might not be practical for Government  
9 alone to play a more active role in the oversight of the  
10 Post Office due to the nature of the arm's-length  
11 relationship but would you agree that it could only be  
12 a good thing for there to be an increased oversight and  
13 transparency and that this would be key in detecting and  
14 resolving any potential issues in the Post Office going  
15 forward?

16 **A.** So I'd say this issue of how arm's-length bodies and how  
17 Government and UKGI functions is one that's got to be  
18 central to the conversation and the answers that we're  
19 having. Now I honestly cannot tell you, having been  
20 a Secretary of State for no more than four months,  
21 whether I am confident that the arrangements of the UK  
22 state in this way will always work effectively or  
23 whether this was just the wrong questions being asked of  
24 the wrong people, you know, the wrong mechanism or  
25 whether there's something more fundamental at stake in

64



1 that.

2 I would say that I look at a whole range of things  
3 that I have seen from the perspective of being a Member  
4 of Parliament for over a decade and, obviously, this is  
5 a significant one but I think about Hillsborough,  
6 I think about Bloody Sunday, and I think about what  
7 we've recently seen around Grenfell, and I think there  
8 are some quite profound questions that we as a country  
9 have to ask ourselves, that go beyond individual  
10 mechanisms for oversight as to how we establish and run  
11 these kinds of organisations.

12 There are things that have been going, you know,  
13 fundamentally wrong with how power is wielded in the UK,  
14 how accountability is provided for. So I think, yes,  
15 there are some specific questions around the future  
16 governance structure and oversight, but I think there  
17 are some wider changes we've got to think about as  
18 a country, whether that is -- you know, there's been,  
19 I know, as part of this Inquiry some conversation about  
20 how we would address in future historic miscarriages of  
21 justice and abuses of power and whether there's a sort  
22 of different mechanism, standing mechanism we can have  
23 to do that.

24 You'll know the Government has committed to  
25 something called the Hillsborough Law, the duty of

65

1 He suggested that special measures are required,  
2 because of the failings that the organisation have gone  
3 through. Just for the transcript, that's pages 167 to  
4 168 of that transcript.

5 Now, the NFSP has drafted a proposal for  
6 an oversight committee, which it has discussed with  
7 various key individuals within Post Office, Government  
8 and others. Again, no need to turn it up but, for the  
9 transcript, that is WITN00370110. I'm not sure if  
10 you've seen this proposal but it says that the aim is to  
11 expand on the existing shareholder relationship  
12 framework that currently exists between the Government  
13 and Post Office, whilst retaining its social purpose, to  
14 ensure a situation similar to the Horizon scandal is  
15 never able to occur again, whilst securing the future of  
16 the network. It says that lack of expertise, scrutiny  
17 and accountability were key elements of how this scandal  
18 continued for so many years. It is therefore the aim of  
19 this proposal to bring together a committee of people  
20 with specific Post Office knowledge, alongside those  
21 from a wider social perspective to ensure that the  
22 social purpose of the Post Office remains key.

23 Then at page 5 of the proposal, it outlines the  
24 proposed membership of the committee, and that includes  
25 postmaster representative bodies, such as the NFSP,

67

1 candour. I think all of these things are connected to  
2 each other and, whilst we've got to address the specific  
3 problems of this Inquiry, there are some wider lessons  
4 that we've got to consider because there have been too  
5 many cases in modern British history of fundamental  
6 abuses of power and that is just how it is. And we've  
7 got to recognise that -- we've got to have the humility  
8 to recognise lessons have to be learnt from all of these  
9 things going forward.

10 **Q.** Just to focus on the question of oversight, you might  
11 have heard the evidence of Sir Alex Chisholm on  
12 7 November. In his evidence he proposed an independent  
13 oversight committee, with reporting obligations to the  
14 Post Office Board, the authority to write to the  
15 Secretary of State with concerns, and obligations to  
16 report periodically to Parliament. In support of that,  
17 he states that, whilst this would add an extra layer,  
18 the particular circumstances here, where the Post Office  
19 Board has failed in its oversight responsibilities which  
20 clearly lie with the Post Office Board and the  
21 management executive being a part of that, their  
22 internal legal teams over many years have failed to  
23 provide effective service, then that has caused  
24 a terrific breakdown of trust, not only with the  
25 subpostmasters but with the wider public.

66

1 unions such as the CWU and Unite, representatives from  
2 the Government, consumer champions, and representative  
3 bodies for groups who rely upon the social purpose of  
4 the Post Office, such as older people and people from  
5 economically deprived areas, as well as a temporary role  
6 for individuals who could offer advice on specific  
7 issues, pertinent to the agenda, among others.

8 So in light of this scandal, would you agree that it  
9 could only be a good thing for stakeholders to work  
10 together for the betterment of the Post Office in  
11 an open and transparent forum such as the one proposed  
12 here?

13 **A.** Look, I'll certainly look at that. It's clearly  
14 a thoughtful proposal responding to what we have seen.  
15 I would want to make sure that any governance change  
16 was, first of all, one that was going to be effective.  
17 I mean, on paper, the existing structure could have been  
18 effective but clearly wasn't. I also wouldn't want  
19 anything which is seen to sort of be outsourcing  
20 responsibility for fixing these problems to a committee  
21 of people or whatever. I think that might be perceived  
22 as the opposite of what we're trying to do in terms of  
23 facing up to and providing redress in relation to this  
24 and providing a future which is one where we've got  
25 confidence we've put these problems right.

68

1 But the kind of thoughtful proposal you're putting  
 2 forward, I can see where that has come from and what  
 3 that would mean. So I promise we would absolutely  
 4 consider anything of this kind in this way it would also  
 5 have to be consistent of course with any future  
 6 governance or business model changes but I appreciate  
 7 the good faith nature of what you're putting forward and  
 8 it's something we'll look at.

9 **Q.** So would you be willing to make a commitment, then, to  
 10 discuss this proposal with NFSP and others to explore  
 11 this option and give the public and postmasters  
 12 confidence in the future, because you'd agree it's  
 13 important to help and ensure that the Post Office meets  
 14 its social purpose as a Government-owned company, rather  
 15 than acting as a company with only profit as its goal?

16 **A.** I would be absolutely willing to meet with anyone to  
 17 discuss the future of the organisation. I would as well  
 18 that, whilst I can see the very good spirit and good  
 19 faith nature of that proposal, fundamentally that --  
 20 I think, if postmasters felt that was something that  
 21 they still didn't have the power, they still didn't have  
 22 a structure that gave them authority, and they would  
 23 just be, you know -- the perception of that being  
 24 a talking shop for grievances or not getting to the  
 25 source of what had gone wrong here.

69

#### 1 Questioned by MS PATRICK

2 **MS PATRICK:** Good morning, Minister.

3 **A.** Hi.

4 **Q.** Good morning my name is Angela Patrick. I act for  
 5 a number of subpostmasters who were wrongfully convicted  
 6 and have since had their convictions quashed. I'm  
 7 instructed by Hudgells Solicitors. I only have two  
 8 topics to cover with you.

9 The first is a question about mechanics, almost. In  
 10 Phase 2, we heard evidence about handover from one  
 11 administration to another, and back again, and one topic  
 12 that came up was the issue of a new administration not  
 13 being able to access the papers of the previous  
 14 administration. I just want to ask you, Minister, has  
 15 that practice changed?

16 **A.** Yeah, absolutely, really interesting question. So bear  
 17 in mind, this is all still relatively new for the new  
 18 ministers. That is my understanding, that we can't  
 19 access papers and decisions from previous  
 20 administrations. It comes up in a number of occasions,  
 21 to be honest, particularly, actually, around the  
 22 Department consideration of things like the trade talks,  
 23 and so forth. We have to refresh all of that as a new  
 24 Government. I would say specifically, in relation to  
 25 the Post Office, I've never felt that there's, you know,

71

1 I'd be cautious about that but, again, I can see,  
 2 you know, the positive nature of that proposal and where  
 3 it's come from and it's obviously worthy of further  
 4 discussion.

5 **MS SHAH:** Okay, thank you very much.

6 **MR BLAKE:** Thank you, sir. There are a small number of  
 7 questions from Ms Patrick. If I'm not going to get in  
 8 trouble with the stenographer, can I propose that we  
 9 take those --

10 **SIR WYN WILLIAMS:** No, I'm sorry. It's over an hour and  
 11 a half now and I think small numbers of questions seem  
 12 to become longer, not shorter, this morning. So I think  
 13 we need to take a break.

14 **MR BLAKE:** Okay, sir. That's absolutely fine. After that  
 15 break, we'll need to take at least a 15-minute break  
 16 before Ms Badenoch attends.

17 **SIR WYN WILLIAMS:** Fine. So what time shall we resume?

18 **MR BLAKE:** Perhaps if we take a short break now, say five  
 19 minutes?

20 **SIR WYN WILLIAMS:** Well, let's make it 11.45.

21 **MR BLAKE:** Thank you very much.

22 (11.37 am)

23 (A short break)

24 (11.45 am)

25 **MR BLAKE:** Thank you, sir. Ms Patrick.

70

1 something I needed that I haven't had access to. Some  
 2 of the broad policy decisions, for instance, you're  
 3 saying the appeal scheme for HSS, had already sort of  
 4 been -- they were in the public domain through the  
 5 Advisory Board's recommendation, so it wasn't like there  
 6 was something I felt we didn't know where it had come  
 7 from or where it had originated, or a piece of  
 8 information, and I think as far -- or certainly from my  
 9 point of view, I would say had a fairly good  
 10 relationship with particularly Kevin Hollinrake, who had  
 11 been the Postal Affairs Minister before the election  
 12 and, frankly, the ability to talk or raise issues  
 13 between us quite readily.

14 So that is my understanding of our constitution but  
 15 I don't feel or haven't felt that it's been a barrier  
 16 for me in this case.

17 **Q.** In practical terms, just to think about what that might  
 18 mean, thinking about one or two of the topics that are  
 19 still very much live, the Strategic Review and NBIT, if  
 20 there had been, for example, some work done under the  
 21 previous administration, a report produced or piece of  
 22 research or a piece of thinking, that was set down on  
 23 paper and in a drawer somewhere in the Department, that  
 24 couldn't be fished out and given to you as a minister  
 25 but civil servants would have access to it; is that

72

1 a reflection of the rule?  
 2 **A.** I believe what you're saying is right and I just want to  
 3 say that I don't consider myself an expert on this  
 4 having just been through it recently through it fairly  
 5 recently. I also don't quite know the situation in  
 6 relation to an arm's-length body that is sponsored by  
 7 the Department that would essentially be doing its own  
 8 work and then referring that back to the Department for  
 9 oversight or for decision making. But again, I would  
 10 say I don't feel that there's sort of anything that I am  
 11 aware of that has happened or would be beneficial to  
 12 know about that I haven't had access to, and when I have  
 13 said in exchanges in Parliament, either in responses to  
 14 questions from the oral statement or in departmental  
 15 questions, some of the things I've shared with you this  
 16 morning about the direction of travel I want to see the  
 17 Post Office in, I've felt there's broadly a degree of  
 18 consensus between the benches on that future direction,  
 19 though I haven't had a sort of specific conversation  
 20 with the former government about what they were thinking  
 21 in terms of the future of the Post Office.  
 22 **Q.** Thank you, Minister. The second topic I want to talk  
 23 about is Mr Stein raised the issue of families and  
 24 compensation.

25 Now, are you aware of an organisation called Lost

73

1 particular and appropriate interest.  
 2 **MS PATRICK:** Thank you. We have no further questions.  
 3 **Questioned by SIR WYN WILLIAMS**  
 4 **SIR WYN WILLIAMS:** Mr Reynolds, before you finish, can  
 5 I just ask you this: I have heard evidence from some  
 6 witnesses which suggest that, in effect, the Post Office  
 7 cannot be rescued. Those are my words, not their words,  
 8 but that's what it amounts to at the extreme end, all  
 9 right?

10 You have expressed quite firmly to me this morning,  
 11 at the beginning of your evidence, that despite all the  
 12 things that have happened, the Post Office should be  
 13 preserved. So what I'd like, if it's possible for you  
 14 to do, is to just give me the two, three, four, whatever  
 15 they are, bullet points which lead, I take it, your  
 16 Government and you personally to think that it's worth  
 17 preserving the Post Office?

18 **A.** Sir Wyn, that's an incredibly thoughtful question.  
 19 I would say, despite the scale of what went wrong here,  
 20 and it was very, very large indeed -- I mean, people if  
 21 they recognise me as a Cabinet Minister in the street,  
 22 this will be one of the things that they bring up, you  
 23 know, that's on their minds: wanting to know what the  
 24 progress is, what the pace of redress is, and so forth.  
 25 Despite that registering with the public in this way,

75

1 Chances?  
 2 **A.** I don't think I am aware of that, no, sorry.  
 3 **Q.** So there is an organisation called Lost Chances for  
 4 Subpostmaster Children who represent the children of  
 5 subpostmasters who have suffered as a result of the  
 6 scandal. Were you aware that they had met with Paul  
 7 Patterson of Fujitsu, on 9 August this year?  
 8 **A.** No, I'm not aware of that meeting, sorry.  
 9 **Q.** Since that date, Hudgells Solicitors have been chasing  
 10 for Lost Chances, chasing Fujitsu for follow-up on that  
 11 action. Have you had any conversation or contact with  
 12 Fujitsu since that date in early August to discuss  
 13 precisely that issue?  
 14 **A.** No, I haven't had that but I'm pleased, first of all,  
 15 that that conversation has happened, though I'm  
 16 frustrated to hear that it obviously hasn't resulted in  
 17 the follow-up that people would have wanted from that.  
 18 And I'd be very happy to be, as a Government, as  
 19 a Department, a sort of party to those conversations, if  
 20 that is deemed to be helpful, going forward into the  
 21 future, and I think, similar to the exchange we had  
 22 earlier about possible options for redress in future,  
 23 this is obviously an element of those, though I wouldn't  
 24 necessarily limit the conversations with Fujitsu just to  
 25 that. But I can see why this would be an area of

74

1 I do genuinely feel the public still want a Post Office.  
 2 They still want the service it provides. When I go  
 3 into, you know, the post offices in my local community,  
 4 they're actually always pretty busy. I think, as I say,  
 5 the regret is that I don't think postmasters are earning  
 6 appropriate remuneration from that level of business  
 7 taking place and, frankly, when it comes to new  
 8 initiatives like Banking Hubs, I think the Post Office  
 9 has been -- and in every case actually -- has been the  
 10 natural partner picked to run that in a local community.  
 11 I think there is, Sir Wyn, fundamentally, a need for  
 12 something, whatever you call it, whatever the future is,  
 13 that is the Post Office on the high street, providing  
 14 the kind of services that it currently does, and  
 15 potentially some new things in the future. I think the  
 16 big public policy questions like the future of cash in  
 17 our society, and the closure of high street banking in  
 18 many communities, I think the Post Office is part of the  
 19 answer to those other wider public policy concerns, and  
 20 I do foresee, potentially, in future, services that  
 21 aren't currently delivered by the Post Office, either  
 22 Post Office being a potential vehicle for delivering  
 23 them, in that way.

24 But I think the future is definitely one that has,  
 25 to be frank, a significantly smaller centre and, you

76

1 know, is based much more around power authority and  
2 governance being provided to postmasters on the  
3 frontline, really a central organisation serving those  
4 people. In a way, I don't think that's been the  
5 relationship leading into this scandal in particular.

6 I would also say, to be frank, even when there  
7 are -- I've had circumstances in my constituency, Sir  
8 Wyn, where someone success providing postal services  
9 wishes to move on, retire, whatever, and you ask for --  
10 is there another business in the local community willing  
11 to provide these things? If that can't be found, there  
12 is still genuine regret amongst the public at the loss  
13 of those services. So I feel both the public demand and  
14 policy rationale is still there and that underpins these  
15 conversations and work that we're doing and what the  
16 future might look like.

17 **SIR WYN WILLIAMS:** Thank you very much, Mr Reynolds. I'm  
18 very grateful to you for taking the time to come to give  
19 evidence at the Inquiry. All I need do is to thank you  
20 for doing that.

21 **THE WITNESS:** Thank you for the opportunity to be here,  
22 Sir Wyn.

23 **SIR WYN WILLIAMS:** Right, Mr Blake. A 15-minute break, yes?

24 **MR BLAKE:** Well, we'll need 15 minutes in which everybody  
25 clears the room, I'm afraid.

77

1 **A.** Yes, they are.  
2 **Q.** Thank you very much. If you turn on a tab to your  
3 second witness statement, which is dated 7 October 2024,  
4 that's 14 pages in length, excluding the appendix.  
5 I think there's one correction to make, paragraph 2 on  
6 page 1.  
7 **A.** That's right.  
8 **Q.** Second line. Should the date be 26 September 2024?  
9 **A.** Yes, that's correct. That's the correction required.  
10 **Q.** Thank you very much. Is that your signature on page 14?  
11 **A.** Yes, that is another electronic signature but this is  
12 mine.  
13 **Q.** Is that witness statement, with that correction brought  
14 into account, true to the best of your knowledge and  
15 belief?  
16 **A.** Yes, it is.  
17 **Q.** Thank you very much. By way of background, I think it's  
18 right that, before coming to Parliament in 2017, you  
19 worked firstly as a software engineer in the CGI group;  
20 is that right?  
21 **A.** For a company called Logica CMG, which then became the  
22 CGI Group.  
23 **Q.** Which is, I think, a Canadian IT consulting firm; is  
24 that right?  
25 **A.** Not when I was there but, yes, I believe that is what it

79

1 **SIR WYN WILLIAMS:** Right, okay.

2 **MR BLAKE:** Thank you very much. Thank you.  
3 (11.59 am)

(A short break)

5 (12.14 pm)

6 **MR BEER:** Good afternoon, sir. Can you see and hear us?

7 **SIR WYN WILLIAMS:** Yes, thank you very much.

8 **MR BEER:** May I call Kemi Badenoch, please.

9 **KEMI BADENOCH MP (sworn)**

10 **Questioned by MR BEER**

11 **MR BEER:** Good afternoon, Ms Badenoch. My name is Jason  
12 Beer and I ask questions on behalf of the Inquiry. Can  
13 you give your full name, please?

14 **A.** My full name is Kemi Badenoch.

15 **Q.** Thank you. You've provided kindly two witness  
16 statements to the Inquiry. The first of them is dated  
17 26 September 2024. Could you please open it? I think  
18 it's tab A2 in your bundle there. For the transcript,  
19 the URN is WITN11480100. I think it's nine pages in  
20 length, excluding the appendix. Is that your signature  
21 on page 9?

22 **A.** Yes, that is an electronic signature but, yes, I did  
23 sign electronically.

24 **Q.** Thank you very much. Are the contents of that statement  
25 true to the best of your knowledge and belief?

78

1 is now.  
2 **Q.** You then worked as a systems analyst I think at RBS --  
3 **A.** Yes.  
4 **Q.** -- is that right? The retail and commercial bank. Then  
5 I think you moved to be an Associate Director at Coutts,  
6 the private bank and wealth management firm; is that  
7 right?  
8 **A.** Yes, that's correct.  
9 **Q.** Then, finally, before Parliament, you worked as the  
10 Digital Director at The Spectator magazine; is that  
11 right?  
12 **A.** Yes, that is correct.  
13 **Q.** Thank you. You became an MP, the member for Saffron  
14 Waldon, as that constituency was then described, in  
15 2017, and I think you remained on the backbenches until  
16 July 2019; is that right?  
17 **A.** Yes, that is correct.  
18 **Q.** In July 2019 you took up the position of Parliamentary  
19 Under-Secretary of State for Education?  
20 **A.** Yes.  
21 **Q.** Then from February 2020, until 15 September 2021 you  
22 were the Exchequer Secretary to the Treasury?  
23 **A.** Yes, I was.  
24 **Q.** That was when Mr Johnson was Prime Minister and Mr Sunak  
25 was Chancellor.

80

1 A. Yes, that's right.  
 2 Q. From 16 September 2021 until 6 September 2022, I think  
 3 you were a Minister of State at the Department for  
 4 Levelling Up, Housing and Communities?  
 5 A. Yes.  
 6 Q. You were the Secretary of State for International Trade  
 7 and, indeed, the President of the Board of Trade between  
 8 6 September 2022 and 7 February 2023?  
 9 A. Yes, I was.  
 10 Q. Then most relevantly for us, from 7 February 2023 until  
 11 5 July 2024, you were Secretary of State for Business  
 12 and Trade?  
 13 A. That is correct, yes.  
 14 Q. So it's that 17-month period, February '23 until July  
 15 '24 that we're most interested in, you understand?  
 16 A. Yes, thank you.  
 17 Q. Then I ought to record in the evidence that after 5 July  
 18 2024 you've been a member of His Majesty's Opposition,  
 19 more recently Leader of the Conservative Party and  
 20 therefore Leader of the Opposition?  
 21 A. That's right.  
 22 Q. Can I turn right back to the beginning, then, of the  
 23 relevant period, February 2023. I think you tell us in  
 24 your witness statement that you received an introductory  
 25 briefing concerning the Post Office on 21 February 2023;

81

1 Scheme, all of the things you were told about in that  
 2 briefing of February 2023, they were essentially news to  
 3 you; is that right?  
 4 A. In the sense that the detail of what they were was  
 5 provided. I am sure that, as of that time, I would have  
 6 heard about schemes and references to them but, in terms  
 7 of the detail, that was news to me. I was fully  
 8 engrossed in my other ministerial roles. In fact, the  
 9 only thing that's missing from the --  
 10 Q. Minister for Equalities --  
 11 A. Yes, I was Minister for Equalities from 2019 right up  
 12 until July 2024, so I also had another ministerial job,  
 13 so most of what I was doing was focused on my  
 14 ministerial role and my work as a constituency MP.  
 15 Q. Understood. Can we look at the briefing, please. It  
 16 will come up on the screen. BEIS0001061. You'll see  
 17 this is headed "Post Office introductory brief for the  
 18 Secretary of State". You'll see it's dated February  
 19 2022. I think that must be a typo because this was  
 20 February 2023.  
 21 A. It could have been a typo but it may also have been  
 22 a lightly updated version of the standard briefing which  
 23 they would provide to Secretaries of State.  
 24 Q. So still a typo because the date to have been updated as  
 25 well?

83

1 is that right?  
 2 A. Yes.  
 3 Q. So that was about two weeks into your time as Secretary  
 4 of State?  
 5 A. Yes.  
 6 Q. What was your state of understanding about the issues  
 7 concerning the Post Office and, in particular, the  
 8 Horizon scandal, before you took up your role as  
 9 Secretary of State in February 2023?  
 10 A. No more than a lay MP. So I was aware that there had  
 11 been an issue with the Horizon system and I was also  
 12 vaguely aware about the outcome of the court case, which  
 13 was that an injustice had occurred and a lot of  
 14 postmasters required redress. But the full detail of  
 15 what had gone wrong with Horizon and what the  
 16 postmasters had endured I was not familiar with.  
 17 Q. So the previous ministerial and similar appointments you  
 18 had held hadn't brought you into contact with the Post  
 19 Office or the scandal in any substantial way?  
 20 A. Not that that I recall, no.  
 21 Q. So the Common Issues Judgment, the Horizon Issues  
 22 Judgment, the settlement of the Group Litigation, the  
 23 overturning of convictions by the Court of Appeal in  
 24 April 2021, the Overturned Convictions Scheme, the  
 25 Horizon Shortfall Scheme, and the GLO Compensation

82

1 A. Yes, that's right, yes.  
 2 Q. Can we please look at page 2. If we just pan out  
 3 a little bit, please, an overview is given of the Post  
 4 Office. You'll see, for example, on the last bullet  
 5 point, it gives some dates or a date of January 2023.  
 6 So it is updated, perhaps even lightly. These kind of  
 7 facts and figures, these would have been new to you?  
 8 A. Yes, definitely.  
 9 Q. If we go over, please, to page 3. There's a diagram  
 10 setting out the Government's relationship with Post  
 11 Office Limited. It records in the rubric that the  
 12 Secretary of State became the sole shareholder in the  
 13 Post Office Limited in 2012, by virtue of the Postal  
 14 Services Act 2011.  
 15 A. Mm.  
 16 Q. Then you'll see the boxes set out, two boxes on the  
 17 left, two in the middle and then two on the right. On  
 18 the left-hand side, two boxes, one within the other, one  
 19 referring to you, the Secretary of State, and one  
 20 referring to the Minister, Mr Hollinrake.  
 21 A. Mm.  
 22 Q. Did that position, as is set out in those boxes, reflect  
 23 the state of affairs on 21 February 2023, ie the date of  
 24 the briefing?  
 25 A. Yes, because if I can describe the nature of the

84

1 Machinery of Government Change, Kevin Hollinrake had  
2 already been in the Department for Business before it  
3 was joined up with Trade, so he was already carrying out  
4 that work. So, effectively, the delegation existed even  
5 before he had come to the Department, but what the main  
6 change was that I was becoming the Secretary of State  
7 for Business as well as Trade, and I was taking on the  
8 sole shareholder responsibilities.

9 **Q.** I see. So as at the date of this meeting, 21 February  
10 2023, five functions were retained by you, the five  
11 bullet points under "Sole Shareholder", namely Board  
12 appointments, remuneration, Post Office's strategic  
13 plan, the funding envelope and the size of the network?

14 **A.** Mm.

15 **Q.** But delegated to Mr Hollinrake ministerial oversight and  
16 the Parliamentary spokesman?

17 **A.** Yes, but I'm not sure that fully describes how it would  
18 have worked. The five items which are listed as my  
19 responsibilities, Kevin would have also been working on  
20 them as well. So the delegation works in the sense that  
21 both ministers are aware of everything that's happening.  
22 He tends to -- the junior minister looks at the detail,  
23 and I serve as an escalation point, usually given  
24 updates and decision-making capacity after he has  
25 provided advice to me, based on what he thinks should

85

1 bullet points in the first box and two bullet points in  
2 the second box?

3 **A.** I think it would be more accurately described as a way  
4 of working. So a more comprehensive restating of what  
5 sort of delegation I wanted to see. It was effectively  
6 the same sort of relationship that you would have had in  
7 any other ministerial Department, where the Junior  
8 Ministers look after the detail. But this conversation,  
9 if I recall correctly, it was just me restating my ways  
10 of working to David Bickerton, and looking at just the  
11 sheer scale of what needed to be done, ensuring that we  
12 weren't dropping the ball on anything because, as of  
13 this point, I was still carrying out all of my duties as  
14 Trade Secretary.

15 So I was effectively taking on the work of two  
16 departments and I was quite concerned about how much  
17 needed to be done on the Post Office and I wanted to  
18 make it clear that Kevin had authority and they  
19 shouldn't wait for everything to come to the Secretary  
20 of State. That's one of the things that does tend to  
21 happen, where, even when a junior minister has opined on  
22 things, people wait for the Secretary of State and that  
23 ends up slowing things down. So it was a restating of  
24 how I saw of the delegation working.

25 **Q.** This paragraph here refers to the delegation of Post

87

1 happen. That was the main nature of the role,  
2 delegation and responsibilities.

3 **Q.** In your witness statement, let's look at it, please,  
4 it's the second witness statement, it will come up on  
5 the screen. So WITN11480200, page 3, paragraph 10. You  
6 say:

7 "Two days later (on 23 February [so after the  
8 meeting we've just looked at] 2023) I had another  
9 meeting with David Bickerton at which it was suggested  
10 that Post Office business should be delegated to the  
11 Minister, Kevin Hollinrake. It was entirely normal as  
12 Secretary of State to delegate aspects of my large  
13 portfolio to ministers ..."

14 Then you referenced a list of your ministerial  
15 responsibilities, which was indeed large:

16 "... it seemed entirely sensible to delegate Post  
17 Office issues to Kevin Hollinrake, given his interest in  
18 and grip of the issues and the fact that he was already  
19 doing this work as Minister within BEIS, prior to the  
20 creation of DBT and my arrival as Secretary of State",  
21 which you've just essentially said.

22 **A.** Mm.

23 **Q.** Do we take it correctly from that that there was  
24 essentially a further delegation beyond that which was  
25 described in the two boxes, which overlapped with five

86

1 Office business or the delegation of Post Office  
2 issues --

3 **A.** Mm.

4 **Q.** -- to Kevin Hollinrake, in the second and about the  
5 sixth line/seventh line. Was that delineated in any  
6 way, ie which things you were formally delegating to  
7 him?

8 **A.** I don't believe so because I was still the official  
9 decision maker. So delegating from my perspective,  
10 apart from the Parliamentary work carrying out oral  
11 statements, and so on, was the day-to-day work on the  
12 Post Office: meeting people, so the meetings, going to  
13 the Board meetings, for example, talking to the staff  
14 within the Department for Business and Trade. So the  
15 day-to-day ministerial work of the Post Office was for  
16 him to look after and then the decision points would  
17 come to me.

18 **Q.** So you retained formal responsibility for decision  
19 making, that wasn't delegated, but day-to-day business  
20 was?

21 **A.** I would -- well, yes, that is correct. So I retained  
22 formal responsibility for decision making, but I also  
23 allowed him to make decisions and then let me know what  
24 he had wanted to do, and I would decide whether I needed  
25 to take a different option, which rarely happened. But

88

1 all -- I believe that all ministers should have the  
2 capacity to take decisions without constantly being  
3 micromanaged by the Secretary of State.

4 So when decisions would come to me, it would often  
5 because there might have been a difference between what  
6 Kevin wanted to do and official advice, and I would need  
7 to decide which way to go, or if he just wanted me to be  
8 aware of conversations that had occurred before he ended  
9 up making a particular decision.

10 **Q.** Thank you. Can we go back to the diagram, please, which  
11 was BEIS0001061, and look back again at page 3, please.  
12 Do you see, after the Hollinrake box, I'm going to call  
13 it, there is a line up to Post Office Policy Team and  
14 a line down to UKGI Shareholder Representative?

15 **A.** Mm. Yes, I do.

16 **Q.** Within the Post Office Policy Team box, the first bullet  
17 point is setting overall policy direction for Post  
18 Office. Did the DBT Post Office Policy Team have the  
19 responsibility for setting the overall policy direction  
20 for Post Office?

21 **A.** Well, it depends on what you mean by policy versus what  
22 the officials mean when they've put that on the slide.  
23 Can you elaborate exactly: when you say "policy", how do  
24 you mean?

25 **Q.** I can only go on the words on the page, Ms Badenoch,  
89

1 about 30 other arm's-length management organisations  
2 which we're looking at.

3 However, the policy teams do have the time to carry  
4 out that bit of work. And, remember, policy teams also  
5 carry out the research which advises ministers on what  
6 the options are and then we decide which direction to  
7 take. So I suspect this bullet point is trying to  
8 explain to me what the Policy Team does, rather than  
9 trying to define to outside observers how the Post  
10 Office is being managed.

11 **Q.** In the answer before last that you gave, you said that  
12 the Policy Team was -- and I'm summarising here -- more  
13 responsible for taking the decisions made by the  
14 politicians and passing them on, or carrying them into  
15 effect.

16 **A.** Yes.

17 **Q.** You'll see that there isn't arrow coming out of the Post  
18 Office Policy Team box. This isn't just me picking  
19 apart a diagram, I'm trying to actual understand, on  
20 behalf of the Inquiry, what role the Policy Team had in  
21 setting the policy direction for the Post Office. If it  
22 was responsible for carrying into effect the will of  
23 ministers, how did it do that?

24 **A.** Well, this was one of the things which UKGI, for  
25 example, was doing. As the shareholders --  
91

1 which suggest that the Post Office Policy Team had  
2 responsibility for setting the overall policy direction  
3 for Post Office.

4 **A.** So I don't think that that is what they are referring  
5 to. Ministers decide -- ministers decide policy but the  
6 Post Office policy was decided long before Kevin and  
7 I had become ministers. I suspect what they were trying  
8 to say there was ensuring that they passed on what we  
9 were talking about in terms of policy direction on to  
10 the Post Office. But, in terms of setting overall  
11 policy direction, that would happen at ministerial  
12 level.

13 **Q.** So that's one issue, responsibility for setting, and you  
14 say that that rested with the politicians rather than  
15 the civil servants?

16 **A.** Well, yes. I mean, the funding comes from the  
17 politicians. The nature of what the Post Office should  
18 or shouldn't be doing comes from politicians. But this  
19 is one of the things that's quite interesting about the  
20 Post Office itself as an entity. It's one of those  
21 organisations that's neither fish nor fowl. It's not  
22 fully public service, it's also commercial, as the  
23 solicitor shareholder, as ministers, we can't get  
24 involved in commercial decisions. We don't often have  
25 the detail and the expertise. This was just one of  
90

1 **Q.** Sorry to speak over you, I can understand that, but  
2 that's not what this diagram shows, is it? Here, the  
3 narrow goes down to UKGI, and it suggests under the  
4 first bullet point that its responsibility was to  
5 challenge the Post Office's strategy, rather than  
6 setting it.

7 **A.** Mm. So I think that this diagram needs to be looked at  
8 in context. It is not a definitive diagram of exactly  
9 how everything works. It is really a short briefing  
10 document, so that we can see how all of the teams are  
11 interacting and give a high-level overview of what it is  
12 they do. This PowerPoint is not a bible for exactly how  
13 things should work. We as ministers will have multiple  
14 teachings, which teams are rushing through in half-hour,  
15 one-hour meetings, how an organisation is put together  
16 and how it all -- and how it all works.

17 But the real learning goes on over a longer period  
18 of time, not the half hour meeting. So I wouldn't read  
19 too much into this diagram as the definitive sort of  
20 explanation of how things worked. You know, even as  
21 I described the delegation, this is simply what they're  
22 showing me on day one, "This is officially what you do,  
23 here's our team, this what we do", and so on and so  
24 forth.

25 I would not use this diagram as a full description  
92

1 of how every single thing happened. It's a useful  
 2 illustration.

3 **Q.** You said that in fact UKGI had responsibility for  
 4 carrying into effect the politicians' decisions as to  
 5 Post Office's strategy?

6 **A.** No, that's not quite what I said. I said UKGI also  
 7 carried out that sort of representation of what  
 8 ministers wanted, as a shareholder's representative but  
 9 they were not a Policy Team.

10 **Q.** Who did have responsibility for carrying into effect  
 11 minister's decision as to the policy direction of Post  
 12 Office?

13 **A.** Well, it depends specifically on the issue. We have  
 14 a team that has a director, there's a Director General  
 15 who covers the Post Office, as well as many other  
 16 departments' business areas, as well as arm's-length  
 17 bodies -- British Business Bank being a classic  
 18 example -- and there will be quite a few people within  
 19 the Policy Team who have an interaction with the Post  
 20 Office, sometimes at Board level, but it's split amongst  
 21 various individuals.

22 **Q.** As between the Post Office Policy Team and UKGI, who had  
 23 principal responsibility for carrying into effect  
 24 ministers' policy directions for Post Office?

25 **A.** Well, again, it depends on what specifically it is we  
 93

1 **Q.** Thank you. That can come down. Can I turn to my second  
 2 topic, which is compensation and redress.

3 You tell us in your second witness statement, let's  
 4 turn it up, it's page 11, paragraph 39, you say:

5 "Right from my first briefing, I was concerned with  
 6 the pace at which the compensation was being delivered.  
 7 Kevin Hollinrake also told me that we should be going  
 8 faster, and he needed some help from his Secretary of  
 9 State to accelerate things. We had briefings on the  
 10 issue with officials, and it was quite clear to me that  
 11 we were allowing bureaucracy to get in the way of  
 12 redress too much of the time. Kevin and I wanted to get  
 13 the money out there, and we were always given a reason  
 14 why we couldn't. For example, officials suggested we  
 15 wait until the end of the Inquiry so we knew precisely  
 16 what to do. I was adamant that we could not wait that  
 17 long and we had to get the money out. I was  
 18 particularly concerned that postmasters would die  
 19 waiting for compensation. I remember saying in one  
 20 meeting that I don't want any of that happening on my  
 21 watch, and that we wanted to get the redress out to  
 22 people before it is too late. I wanted to know what we  
 23 could do to get the payments out the door, and said we  
 24 needed to do whatever we could to make it happen."

25 Can I ask, firstly, as Exchequer Secretary for  
 95

1 are talking about. So --

2 **Q.** I'm essentially asking, did the Government use, its  
 3 representative on the Board as the primary means by  
 4 which it sought to influence the policy direction for  
 5 the Post Office?

6 **A.** Well, quite often, the policy teams would also speak to  
 7 the UKGI shareholder representative. So most of this  
 8 day-to-day interaction was carried out by Minister  
 9 Hollinrake, and I know that he was meeting our UKGI rep  
 10 Lorna, as well as our policy teams. So I saw them as  
 11 being more integrated than perhaps the diagram would  
 12 show, and I think that's a natural expectation for the  
 13 size of the organisation but, in terms of setting  
 14 policy, there were really just two things we were doing  
 15 one was trying to make sure that the Post Office did not  
 16 fall over, looking to the future, you know, the Board  
 17 representation, the future of the Post Office, and so  
 18 on, and managing the issues that had come out of  
 19 Horizon.

20 And beyond that, there was very little new policy  
 21 being created. So when we talk about policy, we're  
 22 really talking about the day-to-day management of policy  
 23 that has been set over a longer period of time, and this  
 24 was something that worked together really well broadly  
 25 as a team with Kevin leading.  
 94

1 18 months from February 2020 until September 2021, were  
 2 you aware of any blockers in the Treasury to the payment  
 3 of full and fair compensation?

4 **A.** No.

5 **Q.** Was that something that crossed your desk, the payment  
 6 of compensation and the provision of redress arising  
 7 from the Horizon scandal when you were Exchequer  
 8 Secretary?

9 **A.** It may have done but I don't recall, I don't recall  
 10 looking at that. I'm not sure that that sort of thing  
 11 would have been the Exchequer Secretary's remit, so I'd  
 12 be surprised if it did. The Exchequer Secretary didn't  
 13 look at spending. It looked -- the Exchequer  
 14 Secretary's role is around economic growth and where  
 15 money is coming from, rather than where money needs to  
 16 go to. So I would be surprised if that crossed my desk.

17 **Q.** So that would be more responsibility for the Chief  
 18 Secretary to the Treasury?

19 **A.** Very likely, yes.

20 **Q.** Thank you. At this time, once you became Secretary of  
 21 State, why were you concerned with "the pace at which  
 22 the compensation was being delivered"?

23 **A.** Well, because after the briefing, and maybe during the  
 24 briefing as well, Kevin had told me how he had been  
 25 looking at this issue from the time when he was  
 96



1 a backbench MP, and I was aware of the injustice, you  
2 know, just from reading newspapers rather than any  
3 Parliamentary briefing, and I had seen this sort of  
4 thing happen before, where justice delayed is  
5 effectively justice denied, and I am more interested in  
6 making sure that we get things done, rather than every  
7 single box is ticked.

8 I feel that there is often too much bureaucracy in  
9 the way of getting things done because people are  
10 worried about process, they are worried about, if things  
11 go wrong, them being on the hook for that, and so they  
12 carry out lots of checks and balances, well beyond what  
13 I think is required in order to deliver the right  
14 outcome.

15 **Q.** You say something along those lines in this paragraph  
16 here, the sentence about five lines in:

17 "... we were allowing bureaucracy to get in the way  
18 of redress too much of the time."

19 Who was allowing bureaucracy to get in the way of  
20 redress too much of the time?

21 **A.** Well, the Government machine. So I think I remember  
22 asking a question like, "Why can't we just give them the  
23 money now, if we know this" -- I can't remember  
24 specifically what we were talking about, but I just like  
25 to ask the simple questions, why can't we just do this?

97

1 I think we know from other evidence that the letter that  
2 issued was dated 9 August 2023.

3 **A.** Okay.

4 **Q.** The cross-heading is "Accelerating Post Office Horizon  
5 compensation" and, broadly, Ms Badenoch, was this letter  
6 in pursuance of your strategy to try and get  
7 compensation paid quickly?

8 **A.** Yes, it was and, bearing in mind that this is now  
9 five/six months after the initial briefing, this letter  
10 is an expression of my frustration that things are still  
11 not happening. And when I ask officials shortly before  
12 I send this out, "What do we need to do?", they tell me  
13 that I need to write to the Chancellor, there's no other  
14 way of getting what I want in terms of delivering the  
15 compensation swiftly.

16 So that's the reason why the letter is being written  
17 at this point.

18 **Q.** You say:

19 "Kevin Hollinrake and I are both determined that  
20 postmasters affected by the Post Office Horizon scandal  
21 should get proper compensation -- and that they should  
22 get it as rapidly as possible."

23 You then describe in the second paragraph the three  
24 sets of compensation schemes or arrangements that were  
25 then afoot. In the third paragraph, you say:

99

1 And then I'd be told, "Well, there could be judicial  
2 review and the Treasury has these value for money  
3 requirements and, if we don't meet them, then we might  
4 end up having to go to court". So I just kept trying to  
5 find a way through, how do we -- you know, I put myself  
6 in the shoes of the subpostmasters, that if I was this  
7 person or if I was a member of their family, what would  
8 I want?

9 And in my view, what they would want is for the  
10 matter to be dealt with as quickly as possible and to be  
11 able to move on with their lives and, when I would have  
12 conversations with officials, I would be told, "Well,  
13 there's still an inquiry going on and if you make  
14 a decision like this without going through all the  
15 checks and balances or without waiting for the Inquiry  
16 to conclude, then you might have a problem later".

17 But I thought that it was better to err on the side  
18 of ensuring the people got their compensation quickly,  
19 rather than making sure that we didn't get into any  
20 trouble for not doing it in the perfect way.

21 **Q.** Thank you. I think in August 2023 you wrote a letter to  
22 the then Chancellor of the Exchequer, Jeremy Hunt MP?

23 **A.** Yes.

24 **Q.** Can we look at that, please. BEIS0000808. You will see  
25 it's not fully dated, it's dated "XX August 2023", but

98

1 "This scandal ruined many postmasters' lives. The  
2 longer compensation goes unpaid, the more criticism we  
3 shall face -- including from the Williams Inquiry. If  
4 we were to fail to compensate all the GLO members in  
5 time we would face severe criticism from all sides."

6 **A.** Mm.

7 **Q.** "Kevin and I have therefore been looking at ways in  
8 which we could radically speed up the processes. We  
9 have already made interim payments of £163k to almost  
10 all postmasters whose convictions are overturned, and we  
11 undertake only limited scrutiny of GLO claims for  
12 certain hearing loss under £10k and HSS ones under £8k.  
13 We are looking to extend these measures substantially in  
14 relation to the GLO, which has started to receive  
15 claims.

16 "Some of the options we are considering would  
17 actually save money on the cost of lawyers or other  
18 advisers than they would cost in extra compensation.  
19 Others do have additional costs -- but in my view these  
20 would be well worthwhile in light of the non-financial  
21 benefits of accelerating the schemes. In particular,  
22 I would like us to be able to offer a £100k fixed  
23 payment to every claimant who applies to the GLO scheme.  
24 I recognise that announcing this will create significant  
25 pressure to offer the same for HSS claimants, which we

100

1 should consider separately, but I believe that is the  
2 right route forward for the GLO scheme. Such radical  
3 action would offer great advantages in terms of the  
4 speed of the process. The DBT Accounting Officer has  
5 expressed some concerns about the value for money given  
6 the repercussive risk and raised the potential need for  
7 a direction for this idea. I would welcome your views  
8 on the best approach, being mindful of value for money  
9 considerations, and whether you agree that we should  
10 pursue this."

11 Then there's a passage I needn't read.

12 So it appears from this letter that, by this time,  
13 you and Mr Hollinrake were fully engaged into the need  
14 for urgent compensation to be paid to GLO members?

15 **A.** Yes.

16 **Q.** This is essentially a joint letter, is that right, from  
17 you and Mr Hollinrake?

18 **A.** Well, it's my letter but we both agreed that this was  
19 the best way forward. He had come to me on one or two  
20 occasions saying that he was having trouble getting  
21 through to the Treasury and also separately getting  
22 officials to agree. So the reference to the DBT  
23 Accounting Officer is our Permanent Secretary, and he  
24 asked for my help, and I said I will go to the  
25 Chancellor myself and ask for this money and try and cut

101

1 personal objective of making sure that we did right by  
2 the postmasters and we showed that we were delivering on  
3 the scheme as promised after the court case and that we  
4 were just being seen to do the right thing.

5 Being seen to do the right thing, in my view, is  
6 just as important as doing the right things. Making  
7 explanations and excuses for why things take so long  
8 shouldn't go on beyond a few weeks or months, and that  
9 was my attempt to short-circuit the process and create  
10 options. So this was not a solution that we had got  
11 advice from; it was something that Kevin himself had  
12 recommended and said, "Why don't we try this and see how  
13 far we get?"

14 **Q.** Presumably doing the right thing is actually more  
15 important than being seen to do the right thing?

16 **A.** Both of them are important. Doing the right thing when  
17 no one knows that you're doing it often creates  
18 different problems elsewhere. So as a politician, it is  
19 not enough to be doing the right thing; it is important  
20 to be seen to be doing the right thing. Perception  
21 matters too, otherwise you lose trust.

22 **Q.** In paragraph 47 of your witness statement, you say:

23 "Kevin and I agreed that we should prioritise money  
24 out of the door, even if this risked paying more than  
25 was due."

103

1 through the bureaucracy.

2 **Q.** So this is an escalation from him to you, essentially --

3 **A.** Yes, and this was my response to the escalation.

4 **Q.** -- and a similar escalation in the sense that you're  
5 writing directly to the Chancellor of the Exchequer?

6 **A.** That's right.

7 **Q.** Do you think you should have assumed this level of  
8 engagement immediately after your appointment in  
9 February 2023, or shortly thereafter?

10 **A.** No, I would not have known enough to have carried out  
11 this level of escalation. This is coming after multiple  
12 attempts, which I can't recall the full detail of, of  
13 trying to get compensation out, move quickly. So this  
14 letter is happening after a period of frustration that  
15 things still aren't happening, and I also remember  
16 a conversation, where I was, you know, advised to wait  
17 until the Inquiry. This is the point I was referencing  
18 in the witness statement, and I am not one of life's  
19 natural bureaucrats. My view is that we just need to  
20 get things done because, if you don't, more problems  
21 will arise.

22 And what I was seeing, as I observed the way the  
23 Department and the Post Office were carrying on, was  
24 that we would just never get to the end of it, and  
25 I wanted to start seeing things happening. I had my own

102

1 Is that the approach that you were advocating: that  
2 speed should triumph accuracy?

3 **A.** Yes.

4 **Q.** Can we look at the Chancellor's reply the same month,  
5 BEIS0000705. You'll see his reply. If we look at the  
6 second page and scroll down, you'll see it's a letter  
7 from Mr Hunt. Go back to the first page, please. It's  
8 dated August 2023. He says, in reply to you:

9 "Thank you for your letter of 9 August ..."

10 That's one of the pieces of evidence that we can  
11 establish that your letter was dated 9 August from:

12 "... regarding the acceleration of Post Office  
13 Horizon Compensation.

14 "I am wholly committed to ensuring the postmasters  
15 achieve the full and fair compensation that they rightly  
16 deserve."

17 Then moving on to paragraph 5, where he addresses  
18 the substance of your request:

19 "In relation to the specific proposal for fixed-sum  
20 awards on the GLO scheme, while successful delivery is  
21 paramount, we must also have regard to our  
22 responsibility for the public finances and to ensuring  
23 that the treatment of claimants on each Horizon  
24 compensation scheme is fair to that of their peers."

25 Then paragraph 6:

104

1 "As you note, making fixed-sum awards on the GLO  
2 would incur significant repercussive risk and cost,  
3 including to the [HSS]. Given the extent of this risk  
4 and its high likelihood of crystallisation, I would  
5 encourage you to explore the full breadth of other  
6 options to advance the ultimate objective of timely and  
7 successful delivery of full and fair compensation."

8 Then, over the page, he says he's grateful to you  
9 and Mr Hollinrake.

10 So paragraph 6 was essentially a rejection of the  
11 proposal by the Chancellor?

12 **A.** Yes.

13 **Q.** You tell us in your witness statement, it's at  
14 paragraph 44, this is your second witness statement, if  
15 we turn that up. It's page 13. Having cited the letter  
16 that I read from you to the Chancellor, you say:

17 "Despite some initial resistance from the Treasury  
18 ..."

19 Then you crossrefer to the letter we've just read,  
20 Mr Hunt's reply.

21 **A.** Mm yes.

22 **Q.** "... I was prepared to issue a Ministerial Direction to  
23 get this over the line."

24 You describe this as "initial resistance". Wasn't  
25 it just a refusal?

105

1 **Q.** You'll see that this is the first email in the chain.  
2 It's the originating email. Your Private Secretary says  
3 that she had:

4 "... a meeting this morning with [you], which  
5 touched on [amongst other things]: (1) Horizon -- in  
6 particular the ongoing work to speed up compensation for  
7 the GLO postmasters ... The Secretary of State was  
8 particularly concerned about the pace at which  
9 compensation schemes are being delivered and is keen to  
10 ensure we're doing all we can to speed things up.

11 "Conscious that Minister Hollinrake and [the  
12 Permanent Secretary] have very much been gripping this,  
13 so my sense is we need a couple of paragraphs to bring  
14 [the Secretary of State] up to speed on the following  
15 ..."

16 If we just look to the first bullet point but the  
17 sub-bullet point:

18 "It is worth noting that [the Secretary of State] is  
19 supportive of the £100k flat offer to GLO postmasters  
20 and is content to provide a Ministerial Direction to see  
21 this get over the line. As such, it would be good if  
22 the update focuses on how we can deliver this proposal."

23 I think that's the crossreference you make in your  
24 witness statement to a willingness to provide  
25 a ministerial direction to get it over the line --

107

1 **A.** Well, the witness statement is written at a point when  
2 we did get some money over the line, so that's what I'm  
3 referring to.

4 **Q.** I see. So, in the context of the payment of  
5 compensation as a whole --

6 **A.** Yes.

7 **Q.** -- this rejection is to be seen as "initial resistance"?

8 **A.** Yes.

9 **Q.** Got it. You say you were prepared to issue  
10 a ministerial direction to get it over the line.

11 Can we look, please, at the reference to  
12 a ministerial direction. BEIS0000716. It's page 23.  
13 You'll see here an email of 21 August 2021, if we scroll  
14 down, and a bit more, just to see the signature block.  
15 I think Rose was one of your Private Secretaries --

16 **A.** That's right.

17 **Q.** -- or in fact the Private Secretary; is that right? If  
18 you scroll up, please --

19 **A.** Do you have the reference in the pack for the hard copy  
20 that I could look at?

21 **Q.** Yes, B28.

22 **A.** Thank you.

23 **Q.** It would be in the page in the bottom right-hand corner,  
24 23.

25 **A.** Thank you.

106

1 **A.** Yes.

2 **Q.** -- is that right? Can you explain the circumstances in  
3 which a ministerial direction may be given?

4 **A.** I think this is best seen in the context of the question  
5 you asked me earlier, about speed versus accuracy. So  
6 in Government we have to make sure we're delivering  
7 value for money for the taxpayer and there are some  
8 times when an amount that's being paid is not really  
9 value for money, but there are other considerations,  
10 which a minister might think make that worthwhile. In  
11 this case, the ministerial direction, which I had  
12 wanted, was to overrule the value for money, because  
13 I was looking at a scenario where, if you're  
14 a subpostmaster, would you rather have compensation that  
15 might be £10,000 more or £10,000 less than what you  
16 would have done, versus passing away and your family not  
17 getting the money or you not getting the money?

18 And, in my view, the worst risk was someone not  
19 getting money at all, rather than them not getting the  
20 exact amount of money right down to the penny.

21 That does not meet value for money considerations  
22 because the Government will be worried about overpaying  
23 and I felt that, given the context, given how long this  
24 had been taken, it was better that we overpay, if that's  
25 the worst-case scenario, but make sure people get their

108

1 money quickly, than wait until we derive the perfect  
2 amount and they are not there to receive the money at  
3 all.

4 **Q.** Would such a direction overrule or resolve all of the  
5 objections from the Treasury?

6 **A.** So this is where ministerial directions can be funny.  
7 So if the Treasury doesn't give you the money at all,  
8 you can't direct anything. They need to give you the  
9 money first and then you can decide how it is best used.  
10 So, yes, it can overrule certain requirements which they  
11 might place on things but, quite often, a ministerial  
12 direction comes in long after money has been given. But  
13 this was also not just me trying to solve the problem,  
14 but showing willing to my officials, so that they didn't  
15 feel that they had to bear the responsibility.

16 A ministerial direction is often a short way of  
17 saying, "Don't worry about it, it'll be my problem not  
18 yours".

19 **Q.** I was going to ask, was this exercising soft power,  
20 essentially, an unkind way of describing it would be  
21 sort of posturing, but in order to get a result?

22 **A.** It could be seen that way but I was very happy to make  
23 the direction. So it wasn't just posturing but it was  
24 signalling the direction which I wanted the Department  
25 to take, and to make it very clear -- and I am happy

109

1 resistance, and I do tend to choose my words carefully.  
2 I did not see that as the end of the line. I saw it  
3 very much as the first -- this is -- I've been in the  
4 Treasury, I know how Treasury works. The Treasury often  
5 starts with "No", and eventually you haggle your way  
6 through.

7 I was not expecting the documentary in January,  
8 which helped speed things along but, knowing how the  
9 Department worked, I knew that that was an opening move,  
10 you'd get a response, and eventually, you would get  
11 something and then we could use a ministerial direction  
12 to try to move the process along for that specific  
13 proposal.

14 **Q.** You wanted to look at the letter again, BEIS0000705?

15 **A.** Yes. There might be something there which I can point  
16 to, there might not, but I can't remember off the top of  
17 my head.

18 **Q.** It'll just come up on the screen. If there is, it will  
19 be in paragraphs 5 and 6?

20 **A.** Yes, the line, "I am receptive to measures which will  
21 increase the likelihood of successful delivery", in my  
22 view was not a flatout, "No" but maybe "Try something  
23 else, we don't think this is value for money", and  
24 that's where I could see room for manoeuvre. So the  
25 Treasury was supportive of us of making sure that

111

1 that we did this because now I can talk about it at the  
2 Inquiry -- to make it very clear that we need to change  
3 the way we do things in Government. There is far too  
4 much going around and around in circles and avoiding  
5 taking serious real decisions because everybody is  
6 worried about getting into trouble later.

7 This is something which I tend not to worry about,  
8 maybe I should do, but I do trust my judgement, and  
9 I think that you look at the way this case has panned  
10 out that we should have just done it in August 2023.  
11 I am glad we got there in the end but I think the  
12 worries were -- that people were overly worried, that's  
13 the best way to put it.

14 **Q.** Why was no ministerial direction simply issued by you?

15 **A.** Because there was no money to haggle over what the right  
16 value should be. So, in order to issue a ministerial  
17 direction around value for money, you need to have the  
18 money in the first place and, at this point, no money  
19 had been outlined specifically for this proposal. At  
20 least, that's what I recall.

21 **Q.** So threatening or raising the possibility of  
22 a ministerial direction would be ineffective?

23 **A.** Well, I don't think so because, if you look at the  
24 letter, which the Chancellor had written, if we can just  
25 go back to it because you said refusal, and I said

110

1 compensation was paid in theory but, in practice, it was  
2 very hard for them to move away from their usual  
3 day-to-day behaviours, a lot of which, I think, was just  
4 them acting by rote.

5 I had seen this myself as a minister in the Treasury  
6 you get briefings and the briefing is often to say,  
7 "Well, nothing can be done unless the Treasury says so,  
8 it's got to be value for money". It just happens in  
9 a way that's almost robotic, rather than looking  
10 specifically at individual circumstances and seeing  
11 whether you can -- you know, whether you can be  
12 flexible. Inflexibility, I think, is one of the  
13 Treasury's flaws, and that would have been the advice  
14 that I am certain was given to the Chancellor before he  
15 wrote the letter which he wrote to me.

16 **Q.** So were you disappointed or encouraged?

17 **A.** Neither. It's just how things work. I'd seen -- I saw  
18 enough there to know that it wasn't over but there  
19 wasn't very much that I could do with that letter, and  
20 we would need to try something else, try a different  
21 angle, make a different case, or something.

22 **Q.** You referenced earlier the documentary or the drama on  
23 ITV. Was it essentially that which made the difference?

24 **A.** I think it suddenly turned it from a value for money  
25 question to a public perception question, and this is

112

1 the point, you know, that we were talking about: it's  
2 not enough to do the right thing; you also have to be  
3 seen to be doing the right thing. And many people had  
4 not known the arguments that were taking place behind  
5 the scenes in Whitehall. There was an assumption that  
6 nothing was being done, and it was the documentary that  
7 made things happen.

8 But actually work was being done, it was too slow,  
9 it wasn't happening quickly enough. No one could see  
10 what was taking place. So what the documentary did in  
11 my view was change the priority of this issue from  
12 something which was behind the NHS and security, and so  
13 on, you know, defence to, "We need to solve this now".  
14 So it brought the urgency, which I had wanted us to have  
15 right from the get-go, it brought the urgency to it and  
16 raised the prioritisation.

17 **Q.** It's a bit disappointing, isn't it, if you step back,  
18 that it takes three or four nights on ITV whilst we were  
19 all at home in the New Year --

20 **A.** It's extremely disappointing.

21 **Q.** -- watching a programme to give something sufficient  
22 attention that the Government thinks that perception has  
23 changed and therefore takes action?

24 **A.** Well, I think that, if you look at it in the context of  
25 what is happening in Government, there are 1,000 things

113

1 do anything wrong". And that might work in a very  
2 simple system but Government is now too complex. The  
3 problems we're trying to resolve are far too complex and  
4 I don't think that works any more. We need to simplify  
5 quite a few things.

6 **MR BEER:** Sir, on the absence of common sense in Whitehall,  
7 might we take our lunch break?

8 **SIR WYN WILLIAMS:** Certainly, Mr Beer, yes. When shall we  
9 resume?

10 **MR BEER:** 2.00 pm, please.

11 **SIR WYN WILLIAMS:** Right.

12 **MR BEER:** Thank you very much.

13 **THE WITNESS:** Thank you.

14 (1.09 pm)

(The Short Adjournment)

16 (2.00 pm)

17 **MR BEER:** Good afternoon, sir. Can you see and hear us?

18 **SIR WYN WILLIAMS:** Yes, thank you.

19 **MR BEER:** I'll just wait for the room to quieten down before  
20 we start the questions.

21 Thank you, everyone. Ms Badenoch can we turn to the  
22 issue of Henry Staunton, please. In your first witness  
23 statement, you deal with the dismissal of Henry Staunton  
24 as we had asked you to do. Just by way of background,  
25 is it right that he was appointed as the Chair of Post

115

1 that are being asked -- that money is being requested  
2 for. And I think, after a while, the decision makers or  
3 the analysts become very dispassionate. They're not  
4 looking at it the way a politician might be looking at  
5 it or the way a member of the public might be looking at  
6 it, which is what is the human story here, who is being  
7 impacted?

8 After a while, it just becomes another line in  
9 a ledger and, well, if we take money away from  
10 schools -- you know, if we give money to this, that's  
11 money that's going to go away from schools.

12 It is not irrational but it has to change: it is not  
13 helpful either. And I think that the way we go about  
14 doing things, making sure that every single box is  
15 ticked and there's value for money and following all of  
16 the rules and regulations which we've put in place, we  
17 actually make things more expensive in the long run,  
18 that we end up paying out more than we would do if we  
19 just brought in common sense.

20 There is an absence of common sense in a lot of  
21 Whitehall because people are afraid to trust themselves  
22 and trust their judgement, follow principles and do the  
23 right thing. People want legal cover. They want to do  
24 things in a way that they can show a court or, you know,  
25 a lawyer that, "Well, I followed the rules, and I didn't

114

1 Office back on 2 September 2022, and so pre-dated your  
2 appointment as Secretary of State by about five months?

3 **A.** Yes. I'm not exactly sure of his appointment date but  
4 it certainly pre-dated me.

5 **Q.** He wasn't, in any event, one of your appointments?

6 **A.** No, he was not.

7 **Q.** When you started your position as Secretary of State in  
8 February 2023 and were briefed, was anything said to you  
9 about Mr Staunton being problematic or an unsuitable  
10 person to be the Chair of the Post Office?

11 **A.** Not when I first started. There were issues around  
12 general -- there were general issues around the Board  
13 finding the right people, and so on, and that it was not  
14 a happy place, being at the Post Office. But nothing  
15 specific or personal, no.

16 **Q.** So nothing specific or personal about him?

17 **A.** No.

18 **Q.** Nothing of the order of magnitude that was suggested to  
19 you the following year in January 2024?

20 **A.** No, nothing at all.

21 **Q.** Okay. Can we go back to the briefing you received,  
22 BEIS0001061. Can we go to page 9, please. This  
23 briefing to you sets out the key stakeholders. The  
24 first bullet point refers to Mr Staunton, Post Office  
25 Chair, Henry Staunton, and it says that it's recommended

116

1 that you meet him.

2 Did you meet Mr Staunton?

3 **A.** No. No, I did not.

4 **Q.** Why not?

5 **A.** I don't know. There was a recommendation that I met him  
6 and I didn't say no to that, but nothing was ever  
7 organised. It may be that something was and it fell  
8 through, but I remember at this point I'm still trying  
9 to carry out a lot of my Trade Secretary work, I'm  
10 travelling a lot. So if people weren't sort of banging  
11 on the door to meet, the meetings didn't necessarily  
12 happen. And, remember, the Post Office is one of very  
13 many arm's-length bodies. I didn't meet the people  
14 running a lot of them unless there was often an issue.  
15 I would get updated. They tended to meet with the  
16 Department Director General or with the junior minister.

17 So a Secretary of State meeting was not necessarily  
18 prerequisite to doing the job. But those that wanted to  
19 meet me did meet me. There was never any requests from  
20 Mr Staunton, either.

21 **Q.** When you subsequently came to inform Mr Staunton on  
22 27 January the following year, 2024, in the course of  
23 a phone call that he was being dismissed from his  
24 position as Chair of the Post Office, you made a number  
25 of comments about the fact that the pair of you had

117

1 him that he was being dismissed?

2 **A.** No.

3 **Q.** But we've got a verbatim note of that and I needn't go  
4 back to that. Can you help us, why was the call  
5 recorded?

6 **A.** To help the notetaker carry out a good summary of  
7 minutes.

8 **Q.** Is that usual?

9 **A.** I don't know. I don't know; I don't take the notes. It  
10 may be, it may not be.

11 **Q.** Did you know that it was recorded?

12 **A.** Not at the time.

13 **Q.** Okay, so this was something that was going on by --

14 **A.** This was something I discovered after Mr Staunton had  
15 made the false allegations to The Sunday Times, and when  
16 I asked for the transcripts and the notes, I didn't --  
17 you know -- explaining that I know I had not said the  
18 things which he said, I was then made aware there was  
19 a recording which would prove that as well.

20 **Q.** Do you know whether Mr Staunton was informed that it was  
21 recorded at the time of the --

22 **A.** If I wasn't, I suspect he wasn't as well. The purpose  
23 of the recording was to get minutes written accurately  
24 and probably they would have been disposed of  
25 immediately and maybe retrieved from deleted place,

119

1 never met --

2 **A.** Yes.

3 **Q.** -- over the course of that year, didn't you?

4 **A.** Yes, yes, I did.

5 **Q.** Can we look, please, at a transcript of a recording of  
6 that call, BEIS0001059. You can see this is  
7 a transcription of the phone call that you had with  
8 Mr Staunton on 27 January 2024. Now, I think you didn't  
9 have this transcript when you first made your first  
10 witness statement?

11 **A.** No, no, I didn't.

12 **Q.** You said you very much wanted to have it and you'd asked  
13 Departmental officials to track down a copy of the tape?

14 **A.** Yes.

15 **Q.** I think you worked in your first witness statement from  
16 a note -- a near verbatim note -- taken by  
17 an official --

18 **A.** Yes.

19 **Q.** -- and then a summary to that note which was published  
20 to the media?

21 **A.** Yes.

22 **Q.** Now, we've now got the tape and, therefore, this  
23 transcript of it. You'll see that it starts up sort of  
24 mid-sentence and doesn't include the introductions at  
25 the beginning, nor the part where you actually informed

118

1 I don't know.

2 **Q.** Is it normal, then, for all your calls to be recorded?

3 **A.** I don't know because I've never had -- I've never  
4 needed -- never had this situation before, so it  
5 probably isn't, but I suspect, on this occasion, it was  
6 just to make sure that the minutes were very accurate,  
7 given the severity and the media interest, that the  
8 minutes were very accurate. That's certainly what I was  
9 made to understand at the time, that it wouldn't  
10 necessarily be usual to have a recording.

11 **Q.** Let's read through this. Mr Staunton, in mid-sentence,  
12 says:

13 "... change anything that requires the government  
14 civil servant where we get whistleblowed and whatever,  
15 whatever. You can -- it is a massive, massive problem  
16 here in terms of trying -- at least you've got training  
17 going much better now, things are moving in certain  
18 direction. But it's a handful and, I've got to say,  
19 I've chaired some companies, a lot of companies, very  
20 successfully but this one's -- this one's a bit of  
21 a nightmare. But we could have got through it but it  
22 needed UKGI to be onside and I didn't feel they were  
23 onside for a moment. And I'm sure that UKGI was talking  
24 to the journalist. That's what they did before, not  
25 actually sorting out the business."

120

1 The context of that is, by the time you're speaking,  
2 the fact that you were to dismiss him had already been  
3 leaked.

4 **A.** Yes, which was extremely frustrating because I had  
5 wanted to do it in a particular sequence and spare him  
6 embarrassment where I could.

7 **Q.** You say:

8 "I know. I'm sorry to hear that but why didn't you  
9 get in touch with me?"

10 Him: "Because I had an inkling only last week with  
11 the Chairman and Chief Executive UKGI and was I was  
12 going to tell them all this. I know it's UKGI but  
13 I never met you, you see, and it's just -- but it's ...

14 "I've chaired so many companies you would not  
15 believe. I'm working on this business 60 hours a week,  
16 whereas I can take Swiss, despite -- I chose Swiss as  
17 an international company where the share price more than  
18 quadrupled and I could do that on 15 hours a week. This  
19 is four times the time. You just wouldn't know the half  
20 of it, Secretary of State."

21 You: "I do know, I do know. This is what, this is  
22 what the world is like today within the public sector.  
23 What I did find out of the ordinary was that of all the  
24 arm's-length bodies that I'm responsible for, the Post  
25 Office was the one where I never heard from you

121

1 know, in terms of relationships with ministers.

2 **Q.** So, by that, you mean "but you didn't seem to have any  
3 interest in doing much more"?

4 **A.** Yes. That's what that --

5 **Q.** So that's directed towards Mr Staunton not  
6 Mr Hollinrake?

7 **A.** No, no, no, no. I think Mr Hollinrake did an excellent  
8 job.

9 **Q.** You continue:

10 "I've been given a very, very high level overview of  
11 the government's issue that has led to the advice given  
12 to me about the decisions which I have now taken, but  
13 I want to make sure that you have had a chance to make  
14 your views known as well. But, given where we are and  
15 what I've just said, what would you like to see happen  
16 now?"

17 Him: "Right. So what we need to do is actually  
18 I think -- it's a very difficult one with regard to the  
19 CEO, who's very unstable and actual I said to Lorna ..."

20 That's Lorna Gratton, yes, UKGI?

21 **A.** Mm-hm.

22 **Q.** "... we need to have an adult conversation with him to  
23 say, look, stay through the Inquiry and we'll treat you  
24 as a good leaver -- nail him down for 12 months. Well,  
25 of course she says, oh, well, in this government it's

123

1 directly. You know the CMA, UCES" --

2 **A.** That would have been "UKEF", UK Export Finance.

3 **Q.** "... the British Business Banks, the chairs of all these  
4 organisations would reach out to my office fairly  
5 frequently. And Kevin Hollinrake did manage the  
6 relationship very well, but there didn't seem to be much  
7 interest in doing much more."

8 Just stopping there, what did you mean by that,  
9 "Kevin Hollinrake did manage the relationship very well,  
10 but there didn't seem to be any interest in doing much  
11 more"?

12 **A.** In that Kevin did have meetings with him and he fed back  
13 to me how that relationship was going, and so, in terms  
14 of making sure that he was staying in touch with the  
15 Post Office, that was going well. But what I was trying  
16 to signal to Mr Staunton, and which I do believe now, is  
17 that he didn't seem to want to meet me. And, you know,  
18 one can speculate on the reasons from a hindsight  
19 perspective but, at the time, I simply assumed that he  
20 was perfectly happy having meetings with Kevin  
21 Hollinrake. In hindsight, I think that he did not want  
22 to meet me.

23 **Q.** So "there didn't seem to be any interest in doing much  
24 more", you're saying interest by you, Mr Staunton?

25 **A.** Yeah, interest in Mr Staunton doing much more with, you

122

1 very difficult to offer could leaver status. If we have  
2 a crisis, it's not a big deal; he might get an extra  
3 100,000 that he wouldn't get if he wasn't a good leaver  
4 but at least we nail him down for a year and the money  
5 he would get for good leaver status actually seems to be  
6 more important to him than actually the sums involved.  
7 So I think we need to nail the Chief Exec down."

8 That's the first things. The second thing he goes  
9 on to address:

10 "We must do something about -- we must make this  
11 organisation more postmaster centric. I said we need to  
12 have an oversight committee chaired jointly by the two  
13 Postmaster Directors, we need to introduce a third  
14 Postmaster Director, so the message will get out to the  
15 network that the Post Office is changing. And, trust  
16 me, at the moment it is terrible the view of the Post  
17 Office out in the network. So have a third postmaster.

18 "We're really then, Secretary of State, starting  
19 this journey towards demutualisation. We're not to say  
20 that, but that's what you need to do. The SID process,  
21 it's six for two. Never mind what Lorna thinks and the  
22 fact that we've gone outside. The fact is when the  
23 facts change, you change your decision. We need to have  
24 an internal policy -- if you met Darfoor you'd recognise  
25 this is a class act which ought to be asked so we can --

124

1 I can quite see why everyone's got there. And the fact  
2 that we started out on a public journey -- it was  
3 a different world two months ago. I mean, we were just  
4 -- you know, it's just been horrific the last four  
5 weeks. We need to get on the front foot and I think  
6 that postmaster centric does that for you."

7 Then moving on:

8 "There's a feeling within the business -- Richard  
9 Taylor said all the postmasters are on the take and  
10 they're all guilty as charged, we wrote to the Lord  
11 Chancellor stating that was our view, and that would be  
12 Peters & Peters. That's not my view and I don't think  
13 it's the view of the majority of the Board but I think  
14 that UKGI and people sending that letter with (*unclear*)  
15 it was very -- it was actually contrary to what the  
16 Government ministers were trying to do and in fact you'd  
17 be surprised [at] the sort of things your civil servants  
18 say about ministers.

19 "So it's a mess. But the fact is 'you are guilty as  
20 charged, postmasters are on the take' it's got to change  
21 and we need a massive cultural shift in this  
22 organisation to do that. And most of the directors are  
23 on side and the UKGI director is not. She couldn't --  
24 she couldn't run a bath, let alone run a company. We've  
25 got a big problem there. We need to take some very

125

1 there's a lot that needed to be done. That's what I'm  
2 alluding to there: it's not just about UKGI.

3 But what I wasn't trying to do was give an opening  
4 for him to pick apart particular individuals on the  
5 Board. I didn't think that that was a helpful road to  
6 go down. I did want to get his view about what had  
7 happened and I didn't want to have an argument with him.  
8 So I'm agreeing where we thought we could find some kind  
9 of agreement and then moving the conversation on to the  
10 things that I was trying to elicit from him.

11 **Q.** Can we move much further into the call and turn to  
12 page 9, please. This is you speaking at the top of the  
13 page and this is about whether he should turn up to the  
14 Board meeting that was going to happen on Monday or  
15 Tuesday of that week, and you were saying, "No, you  
16 should not".

17 You say: "I'm sorry but that would need to be the  
18 case given the conversation we've had and what I suspect  
19 the media after going to be doing."

20 **A.** Sorry, could you let me know where in the hard copy  
21 I could find that?

22 **Q.** B19.

23 **A.** B19?

24 **Q.** Yes.

25 **A.** Bear with me. Ah, thank you.

127

1 tough business-like decisions in terms of culture to  
2 change it. And when we talk about culture, as Nick  
3 said, Lorna thinks it would just be a crusade for female  
4 diversity. It's not that. It goes to the heart of how  
5 we operate Post Office, this cultural shift. It's  
6 enormous what we need to do but I think it's possible.

7 "But I don't think it's -- you know, we need to have  
8 Andrew as the SID. The Chairman would put it through.  
9 I think you need to change the UKGI Directors and just  
10 get to the core. And it's a battle that's winnable but,  
11 by God, it's going to be a battle."

12 You say: "It certainly is ..."

13 What in that previous passage were you agreeing  
14 with?

15 **A.** That it's going to be -- that sorting things out is  
16 going to be a battle.

17 **Q.** Specifically, what did you think was going to be  
18 a battle?

19 **A.** I think that the conversation here was about the general  
20 Board. So he says, "We need to change the UKGI  
21 Directors and just get to the core", but he is giving  
22 personal view about Lorna Gratton, and he thinks that  
23 the issue is between the Post Office and UKGI. I am,  
24 you know, being amicable and saying "Yes, it is going to  
25 be a battle". The Board, in my view, was the issue and

126

1 **Q.** We're at the top of page 9.

2 **A.** Yes.

3 **Q.** So we dealt at the bottom of page 8 with not turning up  
4 at the next Board meeting and you say, "I'm sorry but  
5 that will need to be the case".

6 **A.** I think I'm talking about his leaving and about not  
7 giving reasons. Am I looking at the wrong --

8 **Q.** Yes, you are. Bottom of page 8.

9 **A.** Bottom of page 8. So I'm saying, "I'm sorry but that  
10 will need to be the case".

11 **Q.** If we just go back on the screen to the bottom of  
12 page 8, please.

13 **A.** Sorry, yes, I've found it. It's page 9 on mine. I've  
14 found it. Thank you.

15 **Q.** We can see that on this passage here --

16 **A.** Yes, that's right this is about --

17 **Q.** Immediately beforehand, you were trying to arrange some  
18 contact details --

19 **A.** Yes, that's right --

20 **Q.** -- and you couldn't get anyone on the call that was  
21 listening in to acknowledge that they were listening in,  
22 so you had to write down his mobile phone --

23 **A.** Yes.

24 **Q.** -- or his email address?

25 **A.** I think that when the -- the way that the Government

128



1 does these calls it was a switch call that they were  
 2 muted and so they were unable to join the conversation.  
 3 **Q.** So looking at the bottom of page 8, he says:  
 4 "-- therefore, I won't turn up to the Board meeting  
 5 on Monday or Tuesday."  
 6 You say: "Yes, that is correct."  
 7 He says: "Fine."  
 8 Then we go to the top of page 9, you say:  
 9 "I'm sorry but that will need to be the case ..."  
 10 **A.** Yes.  
 11 **Q.** Which is why I said the context of you saying that --  
 12 **A.** Thank you.  
 13 **Q.** -- was not turning up. Anyway, you carry on, third  
 14 line:  
 15 "... if it's any consolation at all, I doubt it will  
 16 be, but I'm very angry about the fact that this has been  
 17 leaked without us doing this properly."  
 18 He says: "Appalling. Appalling."  
 19 You say: "It is appalling and I have noted what you  
 20 have said about UKGI. I do think that they have been  
 21 part of the problem and that is the next step."  
 22 What problem were UKGI a part of?  
 23 **A.** I think that the communication channels between myself  
 24 and UKGI should have been -- there should have been more  
 25 information passing direct to me, not just through  
 129

1 problem as a sop to him?  
 2 **A.** No not so much as a sop but, if a chair feels that way,  
 3 then UKGI should have been aware and should have been  
 4 made me aware as the sole shareholder, not just told  
 5 Minister Hollinrake. There was no note, for example.  
 6 Just because I wasn't meeting them on a day-to-day basis  
 7 doesn't mean they couldn't have sent a note to me for me  
 8 to review, and that didn't happen either. So these are  
 9 the sort of processes which I would recommend to the new  
 10 Secretary of State to ensure that UKGI are giving a full  
 11 and frank view, rather than just the vanilla view of  
 12 what's going on.  
 13 There's too much vanilla in terms of reporting and,  
 14 actually, it's very hard to know early when problems are  
 15 occurring.  
 16 **Q.** What do you mean, "there is too much vanilla"?  
 17 **A.** That the way notes are written in the Civil Service is  
 18 often too -- in a way that too much isn't said. For  
 19 me -- and I'm speaking for myself now -- other ministers  
 20 may not necessarily want this -- I prefer to just have  
 21 the detail unvarnished, "We think this person a problem.  
 22 We don't think they're doing a good job. We think they  
 23 are dishonest", and so on. People tend not to like  
 24 writing things down, maybe because of inquiries like  
 25 this or an FOI request or who knows.  
 131

1 Kevin. And Kevin would, of course, give me a summary,  
 2 but there were some times that we actually ended up  
 3 coming to different views on things. So we had  
 4 different views, for example, on Nick Read, the CEO, not  
 5 problematically but we just had a different -- we just  
 6 came to different conclusions.

7 And I felt that my own interactions with UKGI were  
 8 very limited and I didn't actually meet Lorna herself  
 9 until it was -- the issues with Henry Staunton had come  
 10 to light and we were in the process of sacking him.

11 And also, I was giving him the benefit of the doubt  
 12 with what he had said earlier on in the conversation  
 13 about issues with UKGI. If you remember, the views  
 14 I have about Henry Staunton now are different from where  
 15 I was at the time of this conversation, where this is --  
 16 where I was thinking this is someone who's made too many  
 17 mistakes, the position is untenable, but he was probably  
 18 in his own way doing his best, to where I am now, where  
 19 there's just been repeated uses of misinformation, and  
 20 so on.

21 I took it in good faith that his complaints about  
 22 UKGI were well meant and true from his perspective.  
 23 Given everything that has happened since then, I don't  
 24 think that his complaints about UKGI are well founded.

25 **Q.** So were you just saying I think UKGI are part of the  
 130

1 So, instead, you get what I call a vanilla version  
 2 of "There are concerns", and that could mean anything.  
 3 It could mean that there are minor concerns which you  
 4 don't need to worry about or there are very significant  
 5 concerns which we don't want to put on paper. And as  
 6 a minister who is getting 100 pieces of information  
 7 a day where you have to prioritise, you might not  
 8 recognise that there's a big red flag because of how  
 9 a note has been written.

10 This is standard across the Civil Service. It's  
 11 just the way things are written, probably to not alarm  
 12 people, to not create panic, and to keep the discretion  
 13 there because it's very hard to keep all notes secret,  
 14 even when they are marked "Official Sensitive". And  
 15 maybe UKGI didn't have this view, I don't know, but I do  
 16 find that the unvarnished truth is more helpful than the  
 17 vanilla version.

18 **Q.** Can we take that down and go back to the process that  
 19 led to the dismissal of Mr Staunton, by looking at your  
 20 first witness statement, please. That will come up on  
 21 the screen for you. It's page 2, paragraph 10. If we  
 22 just go down, under the heading, "Concerns regarding  
 23 Mr Staunton's conduct", you say, "On 24 January", so  
 24 that's three days before this call we're speaking about.

25 **A.** Yes.

1 Q. "... I received a written submission date 23 January  
 2 prepared by UKGI and Departmental officials, in which  
 3 I was advised of specific concerns in relation to  
 4 Mr Staunton's conduct and his suitability for office.  
 5 [They] were", then you list them 1 to 5. It goes over  
 6 the page.  
 7 That fairly reflects the documents. I am going to  
 8 read them out.  
 9 A. Okay.  
 10 Q. "(1) That he had repeatedly attempt to shut down  
 11 a whistleblowing investigation into his conduct.  
 12 "(2) That he had engaged in aggressive, intimidating  
 13 and disrespectful behaviour to other Board members and  
 14 members of the POL Executive Team.  
 15 "(3) That he showed poor understanding of the public  
 16 sector aspect of POL's work and poor judgement.  
 17 "(4) That he had disregarded proper governance  
 18 processes as [the] Chair, most recently by announcing  
 19 the appointment of a new Senior Independent Director for  
 20 [Post Office] without following formal consultation with  
 21 the Board, following Board processes or sharing  
 22 shareholder approval as required.  
 23 "(5) That he had failed to provide constructive  
 24 support to [the Post Office's] CEO."  
 25 I think it follows that, so far as you were aware,  
 133

1 together with a box note, and the box note -- and you  
 2 give us the reference there -- stated that the  
 3 recommendation to remove Mr Staunton came from the  
 4 Senior Independent Director and then Remuneration  
 5 Committee Chair. The concerns included allegations of  
 6 misogyny and racism against Mr Staunton and that  
 7 officials agreed that his conduct and judgement made him  
 8 unsuitable to continue as Chair.  
 9 Was it on that basis that you decided to dismiss  
 10 him?  
 11 A. It was on the basis of everything that had come to  
 12 light: a conversation with Kevin, with Kevin Hollinrake,  
 13 but also, going back to the point that I made earlier  
 14 about doing it the right thing and being seen to do the  
 15 right thing, I think that we should always be clear  
 16 about what we are doing and, if you are sacking someone,  
 17 then giving them the opportunity to resign can mean that  
 18 a different story is communicated to the public. And  
 19 I wanted people to be clear about what was happening.  
 20 I didn't want him to have a huge amount of  
 21 embarrassment. I wanted us to have a controlled story  
 22 about why we'd asked him to leave, which we lost because  
 23 of the leak.  
 24 But the initial recommendation, which I was  
 25 considering, about giving him the opportunity to resign,  
 135

1 none of the issues that were set out for you included  
 2 the speed at which compensation was to be paid by the  
 3 Government or the Post Office to subpostmasters arising  
 4 from the scandal, nor a dispute between Mr Staunton and  
 5 the Government and or Post Office about that speed.  
 6 A. No.  
 7 Q. In particular, the go-slow suggestion that he was  
 8 subsequently to make did not feature in the list of five  
 9 issues that were brought to your attention?  
 10 A. No. They had nothing to do with that submission. And,  
 11 you know, from our earlier session, the letter that  
 12 I wrote to Treasury showed that we were not -- that's  
 13 certainly not what my Department was doing.  
 14 Q. "11. The submission recommended that I should decide  
 15 that Mr Staunton could not continue in his role as Chair  
 16 and that if [you] agreed [you] should offer him the  
 17 opportunity to resign rather than excise [your] power  
 18 under [the] Articles of Association to remove him."  
 19 You record, and this is backed up by the documents  
 20 you refer to, that submission was referred, in  
 21 paragraph 13, to your Private Office by email, with  
 22 a covering text that said that the submission reflects  
 23 the Permanent Secretary's view as well as that of  
 24 Government Legal Department and UKGI lawyers.  
 25 The submission was placed in an overnight box,  
 134

1 I did not think was the right one, given the detail of  
 2 the allegations, the seriousness of them, and the sheer  
 3 number of issues that we were having with him as Chair.  
 4 Q. Thank you. You refer in that series of documents to the  
 5 initial note, the submission that came up to you in the  
 6 box.  
 7 A. Mm.  
 8 Q. Can we look at that, please, BEIS0000868. This is the  
 9 submission that came up to you, as you've said, on the  
 10 24th; it's date the 23rd. It's addressed to Kevin  
 11 Hollinrake and you, addressed to you by Lorna Gratton,  
 12 and Carl Creswell from UKGI and the Department  
 13 respectively. Then in the first line, it says:  
 14 "We have previously expressed concerns to you about  
 15 Henry Staunton's suitability to be Chair of the Post  
 16 Office Board."  
 17 Firstly, is that accurate: that they, either Lorna  
 18 Gratton or Carl Creswell, or both, or their  
 19 Department's, had expressed previously concerns to you  
 20 about Henry Staunton?  
 21 A. Yes. It isn't just accurate, it's also illustrating the  
 22 point I made earlier about the vanilla -- you know, the  
 23 vanilla update. Concerns had been expressed but not  
 24 detail. So it was statements like, "We don't think it's  
 25 going to work out with the Post Office, we have some  
 136

1 concerns" and I would ask what's happening? "Well,  
2 there's an investigation, we can't really talk about it.  
3 We're not supposed to know, we don't want to prejudice  
4 but we'll let -- you know, eventually we'll let you  
5 know", by which time it's time to sack.

6 So it is true that they had previously expressed  
7 concerns but the strength of the concerns was not clear  
8 until the submission, which we just referred to in  
9 January.

10 **Q.** Can you recall anything in more detail about the  
11 substance of the calls?

12 **A.** No, no. If what came out in the submission had been  
13 said previously, I would have taken much more of  
14 an interest but the way that the information had been  
15 conveyed was that there was a problem and the processes  
16 were in place to handle them, and I didn't need to worry  
17 about it Minister Hollinrake would look more but, at the  
18 right escalation point, I would be informed. So, from  
19 my perspective, the system was -- the system was  
20 working. There was a problem, it wasn't yet Secretary  
21 of State level issue, they were trying to resolve it,  
22 and because we had had other issues -- there was the  
23 problem with the Inquiry metric and the bonuses which  
24 had been paid -- it felt at that point like one of those  
25 things, where they just weren't getting a handle of the

137

1 people are innocent until proven guilty. I think if  
2 we'd acted much faster than that, that would have been  
3 against that principle.

4 **Q.** Were you aware before you accepted the advice to dismiss  
5 Mr Staunton, that he was a strong advocate and supporter  
6 of the Subpostmaster Non-Executive Directors?

7 **A.** No, I was not aware but I am not sure that is  
8 necessarily true given what I remember people saying  
9 when I did visit the Post Office. There were a lot of  
10 subpostmasters who did not like Mr Staunton, so that's  
11 his word, and, you know, there's no reason for us not to  
12 believe him, but the evidence of that I didn't think was  
13 much.

14 **Q.** I'm referring specifically to being a strong supporter  
15 of the Subpostmaster NEDs on the Board?

16 **A.** Again, that's actually what I did mean, both the  
17 subpostmasters and the ones on the Board. He always  
18 said that, he certainly said that in his call to me but  
19 of course that's a call we're having after he's just  
20 been relieved of his position.

21 **Q.** Thank you. That can come down.

22 You, I think, were party to the appointment of Nigel  
23 Railton as POL's Chair, at least Interim Chair; is that  
24 right?

25 **A.** Yes.

139

1 job.

2 **Q.** Do you think the Department should have acted sooner in  
3 dealing with and/or removing Mr Staunton?

4 **A.** I don't know. I think it's hard to carry out  
5 a significant action like that in terms of removing  
6 someone when the processes haven't been followed,  
7 because of the unfair dismissal, you know, Employment  
8 Tribunal type repercussions, which could come from not  
9 doing things properly. So when it comes to acting  
10 quickly, I always start from the perspective of who is  
11 impacted. So with the acting quickly in terms of  
12 getting postmasters compensation, yes, because we want  
13 to make sure that they're treated properly and fairly.  
14 But acting quickly, in terms of sacking a chair, creates  
15 the opposite issue, where someone may not necessarily be  
16 treated properly and fairly because we're trying to move  
17 in haste, so it's always about what is the impact on the  
18 person; what is the outcome we're trying to achieve?

19 I would rather make some mistakes and get  
20 compensation out to postmasters quickly but I would  
21 rather take some time and act slowly in order to make  
22 sure that we don't sack someone unfairly or give them  
23 a right of appeal or right to a fair hearing where  
24 a process demands that.

25 And I also believe very much in the concept that

138

1 **Q.** Can we look, please, at BEIS0001070. This is a letter  
2 from you to him in May 2024, in which, in the opening  
3 paragraph, you extend your congratulations to him on his  
4 appointment as Interim Chair of the Post Office and  
5 welcome him in your role as the sole shareholder. Yes?

6 **A.** Yes.

7 **Q.** I just want to look at the strategic priorities. You'll  
8 see that's the heading of the letter. "Strategic  
9 Priorities for 2024/25".

10 Can you help us, what's the purpose and status of  
11 a letter like this?

12 **A.** So it is to formally let someone know what you're  
13 expecting them to do in the job.

14 **Q.** Is it what you're expecting them to do in the job or  
15 what you're expecting Post Office to do as  
16 an organisation?

17 **A.** Well, specifically in this case it was what I wanted him  
18 to look at as Chair of Post Office. I can't remember  
19 whether this had been done for the Post Office. It  
20 wouldn't be an annual -- it's written in an annual way  
21 now but it wouldn't necessarily be an annual -- a set of  
22 priorities. We'd normally do those sorts of things over  
23 several years. So if strategic priorities had been done  
24 the previous Secretary of State would have done them.  
25 We tend to have policy statements for regulators and

140

1 arm's-length bodies about what we expect them to do, but  
2 2024/25 was very much a focus on conversations which I'd  
3 had with him about urgently turning things around for  
4 the Post Office.

5 **Q.** I should have said that this is a draft, hence the date  
6 and the passage in grey. You tell us in your second  
7 witness statement -- no need to turn it up -- in  
8 paragraph 36 that this is a draft version but that you  
9 understand that the final version cannot be located by  
10 the Department, although you believe it would have been  
11 in very similar terms?

12 **A.** Mm. Yes.

13 **Q.** If we scroll down, please. You say:

14 "... I would like you to focus on the following  
15 priorities for the" --

16 **A.** Sorry, can you tell me where in the hard copy I can see  
17 this?

18 **Q.** Yes, BB25.

19 **A.** BB25. Thank you.

20 **Q.** So the main paragraph from the bottom, highlighted:

21 "In this capacity, I would like you to focus on the  
22 following priorities for the Financial Year 2024/25 ..."

23 Then there are three priorities set out in bold,  
24 number 1:

25 "Intensifying existing workstreams to address [Post  
141

1 It might have been in that initial briefing or in  
2 subsequent meetings about the Post Office. But the most  
3 substantive conversation I had about NBIT was when  
4 I visited the Aldwych branch of the Post Office, and  
5 spoke to them about how that project was going and what  
6 they needed from me.

7 **Q.** Were you consulted or provided with updates regarding  
8 the development of NBIT?

9 **A.** No, not directly. I imagine Kevin was but I was not.

10 **Q.** Did you have any oversight of the Post Office's approach  
11 to and the rolling out of NBIT?

12 **A.** No, and I wouldn't expect to. That's the sort of thing  
13 which I think the Post Office has to do itself. Having  
14 political direction is very different from the sort of  
15 operational day-to-day decisions which would have been  
16 taken but this is -- this was put in as a strategic  
17 property, because I'd had that meeting and I was quite  
18 concerned, just from my own background in technology,  
19 about the direction the project was going.

20 **Q.** Does it follow that, so far as you're concerned, Post  
21 Office's engagements regarding NBIT were limited to  
22 essentially funding requests?

23 **A.** Yes, certainly -- well, that was my experience. It  
24 might not have been Minister Hollinrake's experience or  
25 previous Secretary of State's experience but that was my  
143

1 Office's] historic failures and setting the business up  
2 for future success."

3 Then over the page:

4 "2. Supporting the cultural transformation of the  
5 Company and focusing on improving on [Post Office's]  
6 capacity, capability and resilience at all levels."

7 Then:

8 "3. Enabling the future success of [the Post  
9 Office], including effective financial management and  
10 performance to ensure medium-term viability."

11 Then particulars are give in bullet points under  
12 each of those three strategic objectives.

13 **A.** Yes.

14 **Q.** One of the points that you mention under 3, and it's the  
15 fourth sub-bullet point under 3, is:

16 "Maintain stringent cost control and a focus on  
17 value for money and efficient, delivery across the cost  
18 base including on the New Branch IT (NBIT) and IT  
19 projects, legal costs, acceleration of the network  
20 strategy, of the approach to directly-managed branches  
21 and measures aimed at reducing central costs."

22 Now, I don't think NBIT, the New Branch IT  
23 Programme, is mentioned in your witness statements. Can  
24 you recall when you first became aware of NBIT?

25 **A.** No, I can't recall when I first became aware of NBIT.  
142

1 experience. But I also would not expect to be getting  
2 into the detail of the IT projects of the Post Office.  
3 I would have been expecting a high level overview of  
4 what they were trying to achieve and how much money they  
5 needed.

6 **Q.** Government ministers said the same to us when they gave  
7 evidence to the Inquiry about the development and  
8 rollout of Horizon: "I wouldn't expect to be getting  
9 involved in that kind of thing".

10 **A.** Mm.

11 **Q.** Does it follow that you have not been made aware of any  
12 issues with the development of NBIT?

13 **A.** Well, the project is overrunning and it's requiring  
14 a lot more than was budgeted for it. That, in my view,  
15 is an issue. But, in terms of how it is working, no,  
16 and I would not expect to see that. I did have some  
17 conversations about how to extend the new Horizon  
18 system, which Fujitsu had been supporting, because that  
19 would have -- we needed something in place. That ending  
20 would cause a serious problem for postmasters. So  
21 managing the day-to-day contract, and ensuring that that  
22 continued until a replacement was ready was very  
23 important to me because, otherwise, everything would  
24 fall over.

25 **Q.** Thank you. That can come down, that document.  
144

1 Just lastly, then, from me, you tell us in your  
2 witness statement -- I'll read it out without turning it  
3 up:

4 "If it [the Post Office] was a private organisation  
5 it would have disappeared in its current form long ago.  
6 We are keeping it alive. The result is that it is in  
7 a permanent state of stress. We will need to make sure  
8 that we're recruiting with that in mind."

9 Would you agree that it's imperative not merely to  
10 keep Post Office alive but to transform it?

11 **A.** Yes, yes, I would.

12 **Q.** What, in your view, is essential, in terms of what needs  
13 to be done in order to change or to transform the Post  
14 Office?

15 **A.** Well, this is a very difficult question. Because the  
16 fundamentals which underpin the Post Office are very  
17 difficult to manage in the age that we live in. When --  
18 pre-Internet, the Post Office would have been  
19 a commercial entity that any organisation would bite its  
20 hand off to run. You know, the universal service it  
21 effectively provided just meant that it had a very easy  
22 stream of cash. Now, that is not the case. But we  
23 believe, certainly when the Conservatives were in  
24 Government, we did believe that this is an entity that  
25 has not just operational significance but also

145

1 money; it's taxpayers' money as well. We subsidise this  
2 organisation. How do we do so in a way that can keep it  
3 going, that can refresh it for the 21st century? It is  
4 a labour of love. That's one of the reasons why I had  
5 to make a direct appointment for Nigel Railton, rather  
6 than an open one.

7 People are simply not interested now in going to  
8 work for the Post Office at that level because of the  
9 intense levels of public scrutiny, because of the  
10 difficulties in making decisions which you would be able  
11 to do very easily in a private sector organisation. You  
12 need people who are prepared to do a difficult job, as  
13 if they were public servants, even though that's not  
14 quite the case, and I think that's a huge challenge in  
15 terms of transformation for the Post Office. I don't  
16 know how we do it. It requires its own piece of work.  
17 I know that there have been reviews. I don't think  
18 anyone has come up with the correct answers yet.

19 **Q.** Thank you. Then in terms of Government's role in this,  
20 I just want -- the very last thing -- to ask you about  
21 a sentence or two in your witness statement. If we look  
22 at it, please, I think it's your second witness  
23 statement. It's page 12, paragraph 41. At the top of  
24 paragraph 41, you're dealing here with decision making  
25 within Government and you say something that you said to

147

1 a cultural significance that should not be lost.

2 How we maintain that going forwards, given how much  
3 it costs, is very difficult. The sort of transformation  
4 that you might have in a commercial organisation just  
5 doesn't work in Government. The sort of decisions which  
6 you would take which are around profit and profit for  
7 the shareholder just don't come into -- they don't come  
8 into play. And that, I think, is what I was alluding to  
9 in my witness statement when I say it's just in  
10 a permanent state of stress.

11 I am -- well, I was the sole shareholder. The  
12 Business Secretary is the solicitor shareholder but even  
13 they aren't the ones who provide the money. It's  
14 a totally different department. So it just doesn't make  
15 sense the way a commercially structured organisation in  
16 the private sector would be run. And any sort of  
17 transformation, in my view, needs to start from the  
18 objectives which we have in mind for what the Post  
19 Office needs to deliver, how it works within that  
20 universal service obligation, which goes with Royal  
21 Mail, making sure that everybody has access to post,  
22 given that there's, you know, just a lot of competition.

23 That's quite difficult to do within the restricted  
24 funding environment which is expected for every single  
25 public sector organisation. It is not the customer's

146

1 us more than once today:

2 "There is a cautious, risk-averse culture within the  
3 Civil Service, which is ... baked in."

4 But then, do you see about three lines from the  
5 bottom there, it says:

6 "If we want our Government to make decisions faster,  
7 we need to reduce some of the public law burden ..."

8 Can you see that?

9 **A.** Yes, I do.

10 **Q.** "... and if we choose not to do so, we must accept this  
11 has consequences for speed and efficiency of Government.  
12 Every time we create more public law to hold [the]  
13 Government to account, it is slower to deliver for  
14 people."

15 I just want to make sure we've understood what you  
16 mean by those sentences. Is it your evidence that the  
17 Government's accountability to the courts is that which  
18 prevents it from acting with speed?

19 **A.** It does slow things down. If, as a minister, you make  
20 a decision and every decision is open to challenge on  
21 the basis of judicial review, it is quite rational the  
22 civil servants will do every single thing they can to  
23 make sure that you don't end up getting taken to court.  
24 All of those things which they do end up slowing down  
25 the process. It is just part and parcel of, you know,

148

1 of creating more accountability, that you add extra  
2 processes. Those will take time. Those will need to be  
3 followed.

4 It is a trade-off that is baked in; it is a part of  
5 creating accountability. The thing is you can't just  
6 have someone making a decision and saying, "Do this" and  
7 the thing happens instantly. It means that things never  
8 happen instantly because you have to create an audit  
9 trail, you have to go through the checks and balances,  
10 you have to have more meetings, you need to consult,  
11 consultations can take months. All of those things slow  
12 down the pace of delivery. And it's not about  
13 criticising accountability: it is about understanding  
14 where the opportunity costs are and making sure that we  
15 can see where it is that perhaps these things might need  
16 to change in order to stop the sort of injustice which  
17 we saw take place around Horizon or, in fact, with  
18 delays to paying compensation.

19 And it's also the same thing, even within the case  
20 of Henry Staunton, you know, you asked the question why  
21 didn't we remove him earlier? If we had done that, then  
22 we could have created more problems in the future by not  
23 providing the evidence and the audit trail. It's just  
24 part and parcel of accountability but the more  
25 Government does, the bigger Government gets, the more it  
149

1 look at how we can reform public law. The law is not  
2 above criticism. We should be able to say that,  
3 actually, this isn't working well, what can we do to  
4 improve it? Rather than what is happening now where  
5 people say, "Oh, it's the rule of law, we can't too  
6 much. Let's not do anything", and then there's more and  
7 more injustice.

8 We shouldn't be afraid to challenge ourselves. We  
9 shouldn't be afraid to challenge the system, we  
10 shouldn't be afraid to challenge Government and we  
11 shouldn't be afraid to challenge the law, if we think  
12 the law is not delivering for the people.

13 **MR BEER:** Ms Badenoch, those are my questions. Thank you  
14 very much for answering some of them.

15 **THE WITNESS:** Thank you.

16 **MR BEER:** Can I hand over to Core Participants and I'd ask  
17 them to be mindful, please, of the time limits we're  
18 operating under, thank you.

19 **Questioned by MR STEIN**

20 **MR STEIN:** Ms Badenoch, with the *(unclear)* of time in mind,  
21 can I take you to a document, please. BEIS0001061. It  
22 will come up on your screen in a moment.

23 **A.** Okay. Is there a hard copy reference for that?

24 **Q.** There'd probably is but I'm going to look to Mr Beer to  
25 provide the hard copy reference, as I don't have it. It  
151

1 has to do these things, the more requirements there are  
2 on the Treasury, the more likely it is that the Treasury  
3 is going to be saying no or creating value for money  
4 arguments that mean that it's salami slicing everything,  
5 and everybody is just getting a little bit of what it  
6 needs rather than a big chunk to deliver and perhaps  
7 provide transformation.

8 **Q.** Can I summarise that: it's your view that the rule of  
9 law stands in the way of delivery of services by the  
10 Government to people?

11 **A.** No, that's not what I'm saying. This not about the rule  
12 of law; this is about the burden of regulation. The  
13 Burton of regulation is not the rule of law. You can  
14 have the rule of law without an excessive burden of  
15 regulation. But if you keep adding more and more rules,  
16 that will slow things down. It doesn't mean that you  
17 don't want the rule of law but the rule of law has  
18 a purpose and that is to create a fair system which  
19 everybody is treated equally and where everyone can  
20 receive justice. If you keep creating more regulations  
21 and people aren't getting justice then something has  
22 gone wrong.

23 And we should be able to look at that without  
24 assuming that this is a criticism of the entire system  
25 of the rule of law. It means that we should be able to  
150

1 was a document you were shown earlier on in your  
2 evidence, which if we go to the first of the two-page 5s  
3 within the document --

4 **MR BEER:** BB3.

5 **A.** BB3, thank you.

6 **MR STEIN:** Thank you. Do you have the document --

7 **A.** I do.

8 **Q.** The page I'm looking at is Post Office strategy. There  
9 are two page 5s within this document, which I think you  
10 commented on with Mr Beer, that it's probably a document  
11 that's been reworked for your purposes.

12 **A.** Yes.

13 **Q.** If we look there under "Post Office Strategy",

14 Ms Badenoch, it then says this, final bullet point:

15 "Recent ministers have been more cautious about  
16 going public on this work than their predecessors. As  
17 a result we are taking this strategy/policy work forward  
18 only internally within HMG and together with POL. We  
19 will then advise ministers of findings and ministers,  
20 (including with HMT ministers) will then decide whether  
21 they want to make any changes to the current policy  
22 framework and if so, when to proceed with the necessary  
23 public consultation."

24 Just help us unpack that. Recent ministers. Now,  
25 since let me see, 2019, which is when the High Court  
152

1 litigation, what we call the GLO litigation, took place,  
 2 and essentially the Post Office was found in two seminal  
 3 judgments to have failed subpostmasters, all right?  
 4 **A.** Mm.  
 5 **Q.** So since that time, we had Ms Andrea Leadsom in 2019 to  
 6 2020; and then from 2020 to 2021 Lord Alok Sharma; after  
 7 that, in 2021 to 2022, we had Mr Kwarteng; and then in  
 8 mid-2022, so 2022 to the middle of 2022, we had  
 9 Mr Rees-Mogg; and then your immediate predecessor was  
 10 Mr Shapps.

11 So we had a revolving door of ministers, really,  
 12 going through, I'm afraid, the role that you then took  
 13 up as Secretary of State. So the ministers that we seem  
 14 to be being referred to here in the final bullet point,  
 15 "Recent ministers have been more cautious about going  
 16 public on this work than their predecessors", the title  
 17 of the work being Post Office strategy. When you came  
 18 into post, did you find that any work had taken place  
 19 regarding Post Office strategy?

20 **A.** I believe that there had been some work being done.

21 **Q.** What was it?

22 **A.** I mean, I don't have the documents in front of me. But  
 23 I remember us looking at what the Post Office was doing  
 24 in three buckets: dealing with compensation claims under  
 25 the fallout of Horizon; managing the day-to-day running

153

1 actually have a clear sense of direction of where the  
 2 Post Office wants to go, and the strategy work, which  
 3 had come back, was often very, very speculative in  
 4 nature: demutualisation, do we even need a Post Office?  
 5 Having those sorts of conversations in public is very  
 6 alarming for people who are hearing the conversation  
 7 happen before you've actually settled on a direction.  
 8 So that's not surprising to me at all.

9 **Q.** The judgments, which were the starting point for this  
 10 Inquiry, on which this Inquiry is based, were in 2019.  
 11 Now, we finally hear this year from Mr Railton who comes  
 12 to this Inquiry to give evidence, and he says, "Well,  
 13 there's been a submission up to Government this year",  
 14 after your time in office --

15 **A.** Mm.

16 **Q.** -- setting out a proposal for the forward looking  
 17 strategy to govern the Post Office into the future. It  
 18 doesn't seem as though, frankly, anything has been done,  
 19 Ms Badenoch, from 2019 until after your appointment of  
 20 Mr Railton, when he decides that, well, something ought  
 21 to be done about this, really and maybe we ought to  
 22 nudge Government's arm?

23 **A.** No, that wouldn't have been the case. Nothing had been  
 24 decided but, if you recall looking at the strategy --  
 25 strategic priorities that I set out for Nigel Railton,

155

1 of the Post Office; and the future transformation, the  
 2 NBIT IT programme and also thinking about how and where  
 3 this might interact with Royal Mail, which of course we  
 4 also had some responsibilities for in terms of  
 5 delivering its universal service obligation.

6 So the issue here around revolving ministers,  
 7 I think, can often be overstated. Primarily because  
 8 people often don't understand the difference between  
 9 setting political policy direction and company policy  
 10 direction, and it was one of the questions which counsel  
 11 asked right at the beginning, in terms of who is  
 12 carrying out the policy work.

13 There is policy, in terms of internal company policy  
 14 which officials might have some view on, but general  
 15 overview that comes from ministers is often political in  
 16 nature. So I'm not surprised, for example, that it says  
 17 that recent ministers had been cautious about going  
 18 public because there's a lot of deliberation which takes  
 19 place, which in a commercial company, just wouldn't  
 20 happen, but because it's a public company, people are  
 21 more interested in, but it's not necessarily helpful  
 22 when you have not come to a final conclusion or  
 23 a decision.

24 Listening to ministers and officials and the Post  
 25 Office Executives deliberate is not helpful until you

154

1 I also asked him to have a look again because I did not  
 2 think that we were getting anywhere with the previous  
 3 strategy discussions. And I seem to remember that some  
 4 consultants had been brought in -- I can't remember  
 5 whether that was Grant Thornton -- and what their remit  
 6 had been, but this was something that had been worked on  
 7 but never concluding, and I wanted something that was  
 8 specific with the proper outcome, which was viable to  
 9 deliver because, at the end of the day, we would have to  
 10 go to the Treasury rather than the public for the money.

11 But this is, in my view, not as a result of changing  
 12 ministers. This is actually more as a result of other  
 13 things that are happening in the background: spending  
 14 review settlements, changes in Government more  
 15 generally, it wouldn't have mattered if the same person  
 16 had stayed in if you had a Prime Minister who's dealing  
 17 with the fallout of perhaps Covid, when these  
 18 conversations starts its before a pandemic, priorities  
 19 change. So you have to have all of those things in  
 20 mind. We as ministers aren't just dealing with one  
 21 organisation.

22 Even I, as Secretary of State, was dealing with  
 23 about to be 30 or 40 different bodies and that's  
 24 something that would have an impact in terms of the  
 25 priorities of the Post Office, and this also alludes to

156

1 the final point which I was making: that the nature of  
2 this organisation sitting in the public sector throws up  
3 all sorts of issues which you just wouldn't have in the  
4 private sector. And that's what -- you know, the  
5 questions you're asking are in that vein, they're  
6 showing up what some of these tensions are.

7 **Q.** In fact, the strategic direction that you asked  
8 Mr Railton to take in the document that you'll find  
9 within your pack at BB25, I note from Mr Beer's  
10 direction to that earlier, that says at bullet point  
11 three, the first bullet point at 3, and I'll read out  
12 what it says, that says to Mr Railton:

13 "Oversee a strategic review of Post Office and  
14 provide ministers with your conclusions."

15 So by the time we've gone from 2019 to your time as  
16 Secretary of State, to your time as Secretary of State  
17 to May 2024, we get within your letter to Mr Railton,  
18 who you've appointed, your general request of him that  
19 he is to oversee a strategic review of POL, the Post  
20 Office, and "provide ministers with your conclusions".

21 Now, hang on, that's 2019-24, okay, let's be  
22 generous, just under five years where you're having to  
23 go to the new chair that you've appointed and say,  
24 "Look, honestly, give this some thought", and that's  
25 a bit more than just problems with a revolving door.

157

1 essentially, we know that Fujitsu have committed to  
2 providing something by way of a contribution towards  
3 compensation. Lastly, with Mr Patterson, he answered my  
4 questions, which was about restorative justice, making  
5 sure that the wider range of people that have been  
6 affecting by this scandal, in other words family  
7 members, he said in the positive -- he answered my  
8 questions positively and said that that's something that  
9 ought to be looked into, and seemed to be approving of  
10 the suggestion.

11 So we know that Fujitsu are saying, essentially,  
12 "We'll put hand in pocket"; did they ever come to you  
13 and say, "Secretary of State, we really mean that, what  
14 can we do to, you know, to help and provide money?" Did  
15 they have a meeting with you or arrange a meeting with  
16 you.

17 **A.** Well, we did have meetings, I can't remember the names  
18 of the executives who I did meet but that included the  
19 global CEO or global Chairman, but it was -- they had  
20 expressed that sentiment but it was I who was asking for  
21 specifics, dates, times. I recall a meeting where  
22 I asked if they could do something early to show  
23 goodwill, being mindful that, if they didn't and not  
24 knowing when the Inquiry would end, that there could be  
25 a change of Government, the revolving door of ministers,

159

1 That seems to be that nothing has happened since 2019.  
2 **A.** I disagree. Just because there is not a strategy that's  
3 being implemented doesn't mean that no work on strategy  
4 is taking place. But clearly there are unsatisfactory  
5 conclusions and also, which is part of the reason why  
6 we're having this Inquiry, the organisation itself is  
7 bogged down in dealing with historic and current issues.  
8 It is very hard to create a strategy for the future when  
9 the Board itself and the organisation is dysfunctional.  
10 It doesn't make sense to demand a strategy when the  
11 entire financial world in which we live in has changed.

12 So whatever strategy was worked on would not have  
13 been something which would have been viable for the  
14 future, which is why I, as Secretary of State, ask the  
15 Chair, "Can you start again and look at what we can do,  
16 given what we know now".

17 **Q.** Five years after, or just under five years after, the  
18 GLO litigation was concluded.

19 Let's move on to Fujitsu. Now, we know that the  
20 European Director of Fujitsu, Mr Patterson, gave  
21 evidence before the Select Committee. I can't really  
22 ask questions about that, they're subject to  
23 Parliamentary privilege. He came along to this Inquiry  
24 to give evidence and he expressed his concerns about  
25 Fujitsu's operation within the scandal. Secondly,

158

1 you know, moves again, and conversations could start  
2 from scratch.

3 But, in terms of them proactively offering, which  
4 I think is what you're asking, then the answer is no.

5 **Q.** You see the commitment they've made, and we know from  
6 Mr Patterson -- I anticipate his evidence will be that  
7 essentially they're prepared to do something after the  
8 close of this Inquiry: they await the report of this  
9 Inquiry.

10 **A.** That's certainly the impression that I was given.

11 **Q.** Did they provide any reasons as to why they need to wait  
12 until the close of this Inquiry?

13 **A.** Well, this is now recall, which may not be 100 per cent  
14 accurate, but I think it was about making sure that it  
15 was done properly. They seemed reluctant to start off  
16 with making payments before the Inquiry was concluded,  
17 not dissimilar to the reasons that officials made or  
18 advised when we asking for some of the compensation  
19 payments, about just wanting to make sure they do it  
20 properly and do it at the right time, and that, they  
21 felt, was when the Inquiry had given them an appropriate  
22 figure of something or that they could judge what  
23 an appropriate figure would be.

24 **Q.** There seems to be a certain irony about Fujitsu's  
25 operation because they continued to operate the Horizon

160



1 system and they continued to operate other contracts of  
 2 Government, and they continued to take the Government  
 3 pound, and yet they don't appear to want to contribute  
 4 within the lifetime of this Inquiry to compensation or  
 5 indeed restorative justice in real terms, ie financial  
 6 terms?

7 **A.** Well, certainly that was the conversation that I had.  
 8 I look at what the Government is doing with Fujitsu in  
 9 other areas completely differently because they are  
 10 different arms of Fujitsu and not everybody can deliver  
 11 on what they are doing, and simply yanking away  
 12 contracts would not necessarily be what's right for the  
 13 taxpayer or the consumer at the end. So I think we need  
 14 to look at those things quite separately. What is the  
 15 right thing to do here and does provide need to provide  
 16 compensation? I believe that's absolutely right.  
 17 Should they have done so in some form earlier? I would  
 18 have liked to have seen that but that does not preclude  
 19 them doing so in the future.

20 I imagine that they definitely will. I know that  
 21 they've had an impact on their share price, for example,  
 22 just from that documentary being aired at the beginning  
 23 of this year. But I think we should also look at that  
 24 very separately from Fujitsu's other operations, many of  
 25 which have nothing to do with the branch that caused the

161

1 **Q.** We asked some very specific questions about one  
 2 organisation. Are you aware of the organisation Lost  
 3 Chances for Subpostmaster Children? They're  
 4 an organisation focused on securing financial support  
 5 from Fujitsu to address the lost opportunities and  
 6 trauma they experienced as children due to the impact of  
 7 the scandal on their families?

8 **A.** No, I'm not aware. I know that there are many  
 9 organisations but not specifically this one.

10 **Q.** Okay. Well, Katie Downey, Rebekah Foot and Katie  
 11 Burrows from Lost Chances are sitting with me here  
 12 today. You've given evidence, just now and before  
 13 lunch, about your own personal objective to ensure you  
 14 did right by the subpostmasters, and being seen to be  
 15 right and to be doing the right thing.

16 Now, Mr Stein has asked some questions about the  
 17 contact you might have had with Fujitsu. Did those  
 18 conversations with Fujitsu at any time cover the trauma  
 19 and the lost opportunities experienced by the children  
 20 of subpostmasters?

21 **A.** No, I did not specifically speak about the children of  
 22 the subpostmasters. I simply talked about compensation  
 23 for postmasters and their families.

24 **Q.** While in post as Secretary of State, had there been, as  
 25 far as you're aware, any discussion within Government

163

1 Horizon issue and, of course, Fujitsu is still providing  
 2 the software which the postmasters are using, and which  
 3 they depend on.

4 **Q.** Lastly, you've only just started in your most recent  
 5 post as Leader of the Opposition. From that  
 6 perspective, do you have the opportunity to reach out to  
 7 Fujitsu and put your weight and the Conservative Party's  
 8 weight with behind engagement with Fujitsu, to encourage  
 9 them to perhaps do something perhaps sooner rather than  
 10 later?

11 **A.** Not in the way that a Secretary of State would. It has  
 12 to be the Secretary of State who does that. This is  
 13 a Government issue, not a Parliament issue.

14 **MR STEIN:** Thank you, Ms Badenoch.

15 **THE WITNESS:** Thank you.

**Questioned by MS PATRICK**

17 **MS PATRICK:** Good afternoon, Ms Badenoch. My name is Angela  
 18 Patrick and I act for a number of subpostmasters who  
 19 were wrongly convicted and have since had their  
 20 convictions quashed and you'll be glad to hear I only  
 21 want to cover two topics with you.

22 The first is one you've covered with Mr Stein about  
 23 compensation and families. Did you hear the questions  
 24 we asked the Secretary of State this morning?

25 **A.** No, no, I did not.

162

1 about the question of redress or restorative justice for  
 2 the families of subpostmasters?

3 **A.** The conversations were always about financial  
 4 compensation for subpostmasters and their families.

5 **Q.** And their families?

6 **A.** I believe so because, specifically in the context  
 7 I remember having these discussions, where  
 8 a subpostmaster had passed away, and what could be done  
 9 for the families.

10 **Q.** When you were in Government, can you recall if there was  
 11 any discussion at all about creating any specific route  
 12 or scheme to ensure redress specifically for the lost  
 13 chances and trauma experienced by children of  
 14 subpostmasters?

15 **A.** There was a conversation I recall us having about these  
 16 requests being made but I wouldn't be able to give you  
 17 anything more specific than that, I'm afraid.

18 **Q.** Thank you. Would you accept, looking back and knowing  
 19 the experiences that you had, and your objective as  
 20 Secretary of State, if the concern was really to do the  
 21 right thing and to be seen to do the right thing, can  
 22 the whole question of compensation, redress, restorative  
 23 justice, really truly be answered if those lost chances  
 24 are overlooked entirely?

25 **A.** Well, I don't think that they should be overlooked.

164

1 I think they certainly should be considered because  
 2 compensation isn't just about financial -- it's not just  
 3 about financial loss. Reputational loss also took  
 4 place, as well as other things. But what I was not able  
 5 to do was look into specific cases of postmasters or  
 6 their families. It was about the principle of what we  
 7 were trying to do, which was to make sure that we were  
 8 being seen to be fair, being fair, and ensuring that  
 9 justice was delivered.

10 How justice -- what justice looks like and how it is  
 11 delivered is not always the case for ministers. It's  
 12 something that we may have a view on, but this is what  
 13 I believe the purpose of the Inquiry is, so that  
 14 everyone can see and hear and a fair conclusion is made.

15 **Q.** Okay, and moving on, the second thing I wanted to ask  
 16 you about was to return very briefly to something you  
 17 said this morning, and you have had covered decision  
 18 making in Government on value for money, and your  
 19 correspondence with the Treasury, and the rule of law,  
 20 most latterly, with Mr Beer.

21 **A.** Mm.

22 **Q.** I just want to ask you about something you said, when  
 23 you were asked this morning about what caused delay in  
 24 compensation, you referred to the Government machine.  
 25 Very briefly, what is the Government machine?

165

1 Government machine and the system is broken, and I think  
 2 you will find that I am actually in a minority of  
 3 opinion when I say that. And I think you'll find that  
 4 the Government does not necessarily -- we have a new  
 5 Government -- does not necessarily believe so. That is  
 6 an argument that I've been making for a long time but,  
 7 as you can see, given that I'm Leader of the Opposition,  
 8 not Prime Minister and not Secretary of State, that is  
 9 not an argument that I am winning.

10 I think this is something that we need to examine in  
 11 and of itself. The way that we can have some reforms to  
 12 improve the system need looking at, and I hope that  
 13 that's one of the outcomes from this Inquiry.

14 **Q.** I can just pause you there. We're here, in the whole of  
 15 this Inquiry, dealing with what's been described as one  
 16 of the biggest miscarriages of justice in modern legal  
 17 history. From your last responses to Mr Beer, I suspect  
 18 you'll accept whatever change is made to that machine,  
 19 the machine must respect the rule of law?

20 **A.** Absolutely. The machine must respect the rule of law  
 21 but we must also make sure that the laws are good. If  
 22 you have bad laws then the rule of law will not work out  
 23 the way people want it to. We need to make sure the  
 24 laws themselves are good and that is to the job of  
 25 legislators.

167

1 **A.** It is all of those processes, procedures, decisions,  
 2 consultations, reviews, submissions, all of those things  
 3 which need to be done to evidence decisions and all of  
 4 the people who are involved in that. It's not any  
 5 specific individual. There is, in my view, nobody who  
 6 wanted to slow down compensation. That was not the  
 7 objective of anyone. There, of course, were people who  
 8 quite rightly wanted to make sure that there was value  
 9 for money, that is something that is part of, you know,  
 10 the principles which we, as ministers and Government  
 11 officials need to make sure, we can't just do what we  
 12 like because it is not our money, the money belongs to  
 13 people.

14 But as more and more checks and balances are  
 15 created, more and more accountability, more and more  
 16 rules and regulations, these things do have an impact  
 17 and those things do tend to slow down processes where  
 18 you just want to get people money out the door as  
 19 quickly as possible.

20 **Q.** Now, Mr Stein has also given you a rundown of the  
 21 individual ministers who came before you. If it is  
 22 believed the Government machine is broken or if it isn't  
 23 working very well, whose responsibility is it to take  
 24 the steps needed to fix it?

25 **A.** Well, there needs to be an acknowledgement that the

168

1 **MS PATRICK:** Thank you, Ms Badenoch, nothing else from me.

2 **THE WITNESS:** Thank you.

3 **SIR WYN WILLIAMS:** Where are we now, Mr Blake?

4 **MR BEER:** In fact it is me, sir. Just Mr Henry to go.

5 **SIR WYN WILLIAMS:** What about an afternoon break?

6 **MR BEER:** Could I just urge upon you to just let Mr Henry  
 7 ask his questions and then take a break, so we can then  
 8 switch the witnesses.

9 **SIR WYN WILLIAMS:** All right but I'm becoming very concerned  
 10 about the time left this afternoon, Mr Beer.

11 Over to you, Mr Henry.

12 **Questioned by MR HENRY**

13 **MR HENRY:** Thank you, very much, sir.

14 I just want to go to a little bit of your [draft]  
 15 evidence where you stated:

16 "I think the communication channels between myself  
 17 and UKGI should have been [and then you paused] there  
 18 should have been more information passing direct to me,  
 19 not just through Kevin, and Kevin would, of course, give  
 20 me a summary, but there were some times that we actually  
 21 ended up coming to different views on things. So we had  
 22 different views, for example, on Nick Read the CEO ..."

23 Then it reads "but problematically, but we just" --

24 **A.** "Not problematically". That's "not".

25 **Q.** Exactly, I was going to -- "not problematically". What

168

1 were the different views that you held to Mr Hollinrake  
 2 on Mr Read?  
 3 **A.** It was, in terms of whether Nick Read was doing the best  
 4 that he could as CEO and I felt of the issue was less  
 5 Nick Read but more about the difficulties of running  
 6 that sort of organisation in the first place and, of  
 7 course, yes, mistakes had been made but I did not think  
 8 that Nick Read was a bad CEO. He may not have been the  
 9 right CEO, given what we know now. I don't think that  
 10 when he was appointed, that that was certainly an issue,  
 11 but I saw someone who was trying to do his best. Kevin  
 12 had a different view but we're all entitled to our  
 13 different opinions.  
 14 **Q.** He had a different view but, of course, you were very  
 15 clear in the course of your evidence -- and there's no  
 16 criticism at all because you had a huge portfolio --  
 17 that you delegated considerable responsibility to him,  
 18 although you were the ultimate decision maker?  
 19 **A.** Yes, that's right.  
 20 **Q.** So therefore he had a direct and far more firsthand  
 21 grasp of the issues, would you agree, than you?  
 22 **A.** Not necessarily, because he gave me his full and frank  
 23 view, but I also was able to observe CEOs across a whole  
 24 number of arm's-length bodies, which Kevin was not. So  
 25 I was also able to make a comparison, and I was also

169

1 **THE WITNESS:** Thank you.  
 2 **MR BEER:** Sir, that is it.  
 3 **Questioned by SIR WYN WILLIAMS**  
 4 **SIR WYN WILLIAMS:** Right, there's one question I want to ask  
 5 you, Ms Badenoch, and it arises from a sentence in your  
 6 second witness statement, and it's at paragraph 38.  
 7 **A.** Okay.  
 8 **SIR WYN WILLIAMS:** I don't think we need to have it on  
 9 screen because I'm just going to read the one sentence:  
 10 "The Post Office, on the other hand, is caught in  
 11 this awkward halfway house where it is given only enough  
 12 to exist in a state of permanent starvation."  
 13 All right? Those are, if I may say so, very  
 14 powerful words.  
 15 **A.** Mm.  
 16 **SIR WYN WILLIAMS:** If it is to continue to exist in a state  
 17 of permanent starvation, can it exist at all?  
 18 **A.** Yes, it can exist in that state. I don't think that  
 19 that is what is best for the Post Office but, in order  
 20 for this to change, I think what we ask the Post Office  
 21 to do and how we ask it to do it will need to change.  
 22 It may be the case that, in order to save money in the  
 23 future, a lot more needs to be given right now. But it  
 24 is also the case, as I saw when I looked at NBIT, I did  
 25 not think that what the Post Office was doing with that

171

1 making a comparison to CEOs who I'd seen in the private  
 2 sector. But also, Kevin was looking at this very much  
 3 from the perspective of what was going on at the Post  
 4 Office at that particular time.  
 5 As a Secretary of State attending Cabinet and  
 6 looking at what other Cabinet ministers were doing,  
 7 talking about and dealing with, I was taking a much  
 8 broader view, and it is very often the case that people  
 9 will look at the same facts and come to very different  
 10 conclusions. People often witness the same events and  
 11 give completely different witness statements.  
 12 So I do not think that it is the case that just  
 13 because I had delegated to Kevin, that his view must  
 14 have been the correct one and mine not.  
 15 **Q.** But you definitely differed on this?  
 16 **A.** On that point, yes. Not -- and, as I said, not  
 17 problematically because, in terms of conclusions, I did  
 18 not think that we were going to change very much in  
 19 terms of how we needed to manage the organisation. My  
 20 view was what Nick needed was a Chair who was a little  
 21 bit more hands on, and that was why we made the direct  
 22 appointment of Nigel Railton, so that he could provide  
 23 support during Nick Read's tenure.  
 24 **MR HENRY:** Right. Well, there's no need to I go any further  
 25 than we have done, so I shall pause there.

170

1 IT programme was value for money.  
 2 So there are things going wrong on both sides. I am  
 3 not sure that the way that the Post Office commissioned  
 4 and carried out the delivery of that IT programme was  
 5 done properly, which would justify the Treasury  
 6 believing that it shouldn't just be given more money, if  
 7 it is not spending it judiciously.  
 8 However, I do know that the way that Government  
 9 works in terms of providing money, those one-year  
 10 spending review settlements, where we decide what we're  
 11 giving to education and what we're giving to the NHS  
 12 making a decision about what the Post Office gets, when  
 13 you're deciding how much we're going to fund health, the  
 14 Post Office will always lose that battle. If you are  
 15 deciding what's going to happen to children, what's  
 16 going to happen to sick people, oh, and here's the Post  
 17 Office, the Post Office will always lose. We need to  
 18 find a different way of making those decisions.  
 19 **SIR WYN WILLIAMS:** Right. So can I take it that you agree  
 20 with that which Mr Reynolds told me this morning: that,  
 21 despite all its problems, it's still worth saving the  
 22 Post Office?  
 23 **A.** Yes, I absolutely do agree with that. The challenge is  
 24 where we find the money --  
 25 **SIR WYN WILLIAMS:** Yes, sure.

172

1 A. -- and making sure the Government has the money to do so  
2 is absolutely key. It's a different question entirely  
3 but should we have a Post Office? Yes, I think it  
4 a cultural institution that's absolutely essential for  
5 us to keep, and I support it wholeheartedly.

6 **SIR WYN WILLIAMS:** Thank you very much.

7 Well, thank you, Ms Badenoch, for giving evidence to  
8 me -- well, I think it's all been this afternoon, albeit  
9 it started before lunch. So thank you for taking the  
10 time to come to the Inquiry and thank you for making two  
11 witness statements.

12 **THE WITNESS:** Thank you, Sir Wyn.

13 **SIR WYN WILLIAMS:** Right. So we'll now have our break, and  
14 can I tell everyone that my cut-off point this afternoon  
15 has to be 5.00, so I urge counsel to agree between them  
16 how we manage that time.

17 **MR BEER:** Thank you, sir. Mr Blake will have heard that.  
18 3.35, please.

19 **SIR WYN WILLIAMS:** Yes, fine.

20 (3.23 pm)

(A short break)

22 (3.35 pm)

23 **MR BLAKE:** Good afternoon, sir. Can you see and hear me?

24 **SIR WYN WILLIAMS:** Yes, I than, thank you.

25 **MR BLAKE:** Thank you very much. This afternoon we're going  
173

1 the fifth statements, that you can see your signature on  
2 those statements?

3 A. Yes, I can, Mr Blake.

4 Q. Can you confirm that all of those statements are true to  
5 the best of your knowledge and belief?

6 A. Yes, they are.

7 Q. Thank you very much. All of those statements, or the  
8 ones that haven't yet been published, will be published  
9 on the Inquiry's website.

10 As I've said, you have previously given evidence to  
11 this Inquiry, and you have been called back today  
12 principally address two issues. The first is the  
13 current state of Horizon and the use of Horizon in  
14 respect of actions against subpostmasters, and the  
15 second is the issue of redress or compensation. As we  
16 established last time, you are the Director of Fujitsu  
17 Services Limited -- is that correct --

18 A. Yes.

19 Q. -- and the Executive Vice President and Chief Executive  
20 Officer of the Europe region?

21 A. Yes.

22 Q. You joined Fujitsu, I think, in 2010; is that correct?

23 A. Yes.

24 Q. Thank you very much. If we could then bring on screen  
25 your fifth statement, that's WITN06650500. Thank you  
175

1 to hear from Mr Patterson.

2 **SIR WYN WILLIAMS:** Yes.

3 **WILLIAM PAUL PATTERSON (sworn)**

4 **Questioned by MR BLAKE**

5 **MR BLAKE:** Thank you very much. Can you give your full  
6 name, please?

7 A. William Paul Patterson.

8 Q. Mr Patterson, you have previously appeared at this  
9 Inquiry. You have produced five witness statements, the  
10 second and third witness statement you have already  
11 confirmed the truth of their content but I'll just like  
12 to address all of them at once, please. The first  
13 witness statement, it doesn't need to be brought up on  
14 screen, WITN06650100, dated 28 September 2014, related  
15 to Phase 2; the second witness statement, FUJ00126035,  
16 dated 29 December 2022, related to Phase 3; the third  
17 witness statement, WITN06650300, dated 14 September  
18 2023, relates to Phase 4; the fourth witness statement,  
19 WITN06650400, dated 8 August 2024, relates to Phases 5  
20 and 6; and finally, the fifth witness statement,  
21 WITN06650500, dated 23 September 2024, relates to  
22 Phase 7.

23 Can you confirm that you have copies of those in  
24 front of you and, in respect of those which you haven't  
25 already addressed, so that's the first, the fourth and  
174

1 very much. Could we please look at page 6 of that  
2 statement. It's paragraph 14 I'd like to ask you about.  
3 You say at 14:

4 "... Fujitsu accepts that there have been failures  
5 to meet the standards expected."

6 Can you assist us with what specifically those  
7 failures are, so far as Fujitsu is concerned?

8 A. So I think I cover a number of the topics inside the  
9 statement but, as I reflect on my previous evidence as  
10 well, the prosecutory support clauses in the contract  
11 meant that we put too much focus on the clauses in the  
12 contract, rather than on the impacts on the  
13 subpostmasters. I think there was a second topic for  
14 me, which is about the support of our employees when  
15 they flagged up concerns, and my third issue was around  
16 the whole industrialisation of witness statements, which  
17 I thought was and we think is completely inappropriate.

18 Q. Page 27, paragraph 72, you've said that there is still  
19 substantial work to be done. Is it your view that the  
20 failings insofar as Fujitsu are concerned were  
21 substantial?

22 A. Well, the three examples I've just given you, I think  
23 they are substantial and they resulted, and they  
24 contributed to, a miscarriage of justice on an enormous  
25 scale. So, yes, I think they were substantive.  
176

1 **Q.** I won't be going into the detailed evidence, we won't be  
 2 looking at the who, what, where, when, how, but it's  
 3 important to understand Fujitsu's corporate position on  
 4 what it accepts. I just want to see, in respect of  
 5 three propositions: the first is, does Fujitsu accept  
 6 that it provided a witness or witnesses in criminal  
 7 proceedings who provided evidence that was, at  
 8 a minimum, incomplete or otherwise should not have been  
 9 relied upon?  
 10 **A.** So I'm not a lawyer, Mr Blake. So my reading of the  
 11 evidence and what was submitted, I think, they were  
 12 exactly as you just described.  
 13 **Q.** Thank you. Second of all, does Fujitsu accept that it  
 14 provided audit data, ARQ data, that was at certain  
 15 points also unreliable?  
 16 **A.** Yes.  
 17 **Q.** Third, does Fujitsu accept that there have been  
 18 occasions in the context of enforcement action against  
 19 subpostmasters, where information that was provided by  
 20 Fujitsu was unreliable, inaccurate or otherwise  
 21 incomplete?  
 22 **A.** So I don't know about all the cases. I'm not familiar  
 23 with all the cases and where witness statements were  
 24 given. But I think there is a general theme which is  
 25 that they were -- and I seem to recall in evidence,

177

1 12 months. Unexplained discrepancies, 57 per cent of  
 2 those who responded said that they had experienced  
 3 unexplained discrepancies with Horizon in the past  
 4 12 months; we have there unexplained transactions,  
 5 19 per cent; missing transactions, 14 per cent; double  
 6 entry of transactions, 10 per cent.  
 7 Do you have any reason to doubt those figures or  
 8 experiences of the subpostmasters?  
 9 **A.** So when I look at this report and I had my team try and  
 10 decode it, my concern is the term "Horizon" is being  
 11 used to cover everything inside the Post Office's  
 12 complete supply chain. So if you are a subpostmaster,  
 13 this is exactly the view you would get because you would  
 14 look on your screen and these are some of the problems  
 15 or discrepancies or issues that they are experiencing.  
 16 So it is absolutely correct from their experience. But  
 17 screen freezes could be caused by multiple things.  
 18 The Post Office has its network provided by a third  
 19 party. Issues with PIN Pads have nothing to do with the  
 20 Horizon system, they are provided for and maintained by  
 21 another organisation. And when I listened to Melanie  
 22 Park's, I think, evidence around discrepancies and  
 23 innocence, actually, in some cases, innocent double  
 24 keying, or whatever, all of that told me that these  
 25 things need to be properly investigated, not to rely on

179

1 witness statements being edited and being adjusted by  
 2 Post Office lawyers. So I think there was a number of  
 3 those areas where they were inaccurate, incomplete, yes.  
 4 **Q.** Thank you. Moving on then to the current position and  
 5 operation of Horizon, can we bring up the expert report  
 6 from YouGov EXPG0000007, can we please turn to page 17.  
 7 As you're aware, this YouGov report is based on  
 8 responses from approaching 1,000 current subpostmasters.  
 9 Have you read this report?  
 10 **A.** Yes, I have.  
 11 **Q.** Looking at page 17, we saw there that the net  
 12 dissatisfaction in respect of how Horizon currently  
 13 operates is a clear majority as between those  
 14 dissatisfied and those satisfied. We have 49 per cent  
 15 net dissatisfied. If we could turn over the page,  
 16 please. It says there the vast majority, that's 92 per  
 17 cent of subpostmasters surveyed, reported experiencing  
 18 some form of issues with the Horizon IT system in the  
 19 last 12 months. It gives an example, if we scroll down,  
 20 of an open-ended comment:  
 21 "In my opinion Horizon is still flawed. I regularly  
 22 have unexplained discrepancies often altering daily or  
 23 manifesting at balance."  
 24 If we scroll over the page, we have the list there  
 25 at figure 8 of issues experienced within the last

178

1 a very narrow definition of Horizon or very narrow  
 2 definition of where a problem would be.  
 3 **Q.** Do you think that the system that is provided by Fujitsu  
 4 could be, at least in some part, to explain for those  
 5 unexplained discrepancies, unexplained transactions,  
 6 missing transactions?  
 7 **A.** So Fujitsu has been clear all the way along: there  
 8 continues to be bugs, errors and defects; there  
 9 continues to be end of life. This application, the  
 10 Horizon application, as I think was covered in the  
 11 witness statement earlier today is end of life. It was  
 12 meant to be end of life some years ago and a new system  
 13 was meant to be in play. So all of those things are  
 14 correct and could be or could not be causing those  
 15 problems, which again is why I made point a moment ago,  
 16 any accusation to a subpostmaster needs to be properly  
 17 investigated and not rely on one data point.  
 18 **Q.** Perhaps we can see your reflections in respect of the  
 19 end of life situation. Could we please turn to  
 20 FUJ00243299, please. It's correspondence that the  
 21 Inquiry has seen from 15 December 2023, to Mr Brocklesby  
 22 and it relates to the extension of the contract. I'll  
 23 just read to you a few passages. At paragraph 1 there  
 24 if we scroll down, it says:

"The risks associated with the continued provision

180

1 of the Horizon system (including the audit archive) on  
 2 end-of-life IT infrastructure. Understandably, Post  
 3 Office has historically been strategically focused on  
 4 alternative solutions to Horizon rather than investing  
 5 in the existing infrastructure. Due to the age and  
 6 consequent end of service life status of the  
 7 underpinning Horizon infrastructure there is  
 8 an increasing risk of failure of the infrastructure that  
 9 could result in adverse impact in the delivery of  
 10 services to the public."

11 Is that one of the points that you were just making,  
 12 that, as time goes on, the end of life status means that  
 13 there is an increasing risk of failure?

14 **A.** There is an enormous increase in risk. The Post Office  
 15 have rightly been focused on their other suppliers and  
 16 building their new system and the Horizon application  
 17 was meant to be retired so they put their efforts and  
 18 focus, understandably, into the new world and not into  
 19 the old world. To give this some context, we have not  
 20 turned off some of this equipment because it is so old.

21 **Q.** Another challenge to the feasibility and continued  
 22 delivery of the Horizon system, number 2, is:

23 "The technical complexity and risk associated with  
 24 (i) updating infrastructure at various states of  
 25 obsolescence and compatibility, and (ii) delivering new  
 181

1 there's only one passage that I'd like to draw your  
 2 attention to. It says there:

3 "As the Post Office is well aware, there have been  
 4 and there continued to be bugs, errors and defects in  
 5 the Horizon system. Further, [Fujitsu] currently has,  
 6 and previously had, access to branch transaction  
 7 records."

8 Two points you're highlighting there: one is bugs,  
 9 errors and defects and the other is what has come to be  
 10 known as remote access; is that correct?

11 **A.** Yes.

12 **Q.** Thank you. Could we please then turn to FUJ00243303.  
 13 A further letter of 23 August. This one is to  
 14 an investigator at the City of London Police. If we  
 15 could scroll down the first page, please. Under (a), it  
 16 says:

17 "As discussed, the Horizon system has had and  
 18 continues to have bugs, errors and defects, some of  
 19 which may not have been detected at this time."

20 So not only an acceptance that the current system  
 21 has bugs, errors and defects but also there are  
 22 effectively unknown unknowns?

23 **A.** Yes, but I think the second sentence is also important,  
 24 which is the Horizon application is fed from other  
 25 third-party systems and business processes. So as well  
 183

1 system requirements, including because of lessons  
 2 learned and commitments to end users. These activities  
 3 are increasingly risky and technically challenging given  
 4 the End of Service Life Horizon system noted in  
 5 paragraph 1 ..."

6 So those are the challenges in respect of making  
 7 changes to the Horizon system going forward?

8 **A.** Yes, and, as I mentioned a moment ago, the Horizon  
 9 application is one of many applications which are all  
 10 interconnected inside the Post Office's supply chain.  
 11 When you change one part, you need to make sure that it  
 12 connects with Credence, with POLSAP, with all the other  
 13 systems that the Post Office uses directly, and with  
 14 other third parties. When something is this old, and  
 15 you make that change, it has consequential impacts on  
 16 all of those other systems, which you need to be super  
 17 careful about.

18 **Q.** We're going to look at some of the correspondence  
 19 between yourself and the Post Office, Mr Read (*sic*), in  
 20 due course, but could we just quickly go through a few  
 21 of those letters, a few lines in a few of those letters.  
 22 If we start with FUJ00243204, it's a letter that we've  
 23 already seen in great depth of 8 July 2024 between  
 24 yourself and Nick Read. As I said, we'll come to the  
 25 context of these letters but, if you scroll down,  
 182

1 as Horizon may well have unknown, I cannot attest to the  
 2 validity or performance of those other systems.

3 **Q.** Thank you very much. That letter can come down, and  
 4 we'll return to it shortly. Are we to understand from  
 5 that correspondence and from your evidence that there  
 6 are currently reliability issues with the Horizon  
 7 system?

8 **A.** So the Horizon system, as far as I understand today, is  
 9 performing to its contractual performance levels in  
 10 terms of its SLAs. If I -- last week, I got an update  
 11 on where we are with bugs, errors and defects. There  
 12 are currently 16, and we have patches, which is the  
 13 technical term for the fixes cited to go in in February,  
 14 after the Christmas peak. So I think there is good  
 15 understanding of where there are bugs, errors and  
 16 defects, and a process, which is well communicated with  
 17 the Post Office. There is a weekly session with the  
 18 Post Office, and we're told they communicate that to the  
 19 subpostmasters.

20 But there will continue to be, Mr Blake, with  
 21 changes and with age, bugs, errors and defects that may  
 22 well arise.

23 **Q.** Does the system that Fujitsu provides operate in  
 24 a way -- and I'm going to use the language of a letter  
 25 from Ernst & Young that we saw in Phase 2 of this  
 184

1 Inquiry, it's a 1999 letter -- does it operate in a way  
 2 that would allow subpostmasters to produce their  
 3 accounts to a suitable degree of integrity?  
 4 **A.** I couldn't answer that question.  
 5 **Q.** Do you consider it to be sufficiently reliable for  
 6 subpostmasters to produce their accounts?  
 7 **A.** So Mr Blake you're asking me to comment on audit and  
 8 accounting processes, which I don't have any  
 9 professional understanding of. What I can say is that  
 10 the system today performs to the SLAs that the Post  
 11 Office require us to do -- to perform to. I can't  
 12 comment on whether that document that's produced at the  
 13 back and what its contents or whether it's appropriate  
 14 for them to legally sign off. That would be massively  
 15 overstepping my capability.  
 16 **SIR WYN WILLIAMS:** Sorry, Mr Patterson, I've forgotten what  
 17 "SLA" stands for.  
 18 **A.** Forgive me, service level agreements.  
 19 **SIR WYN WILLIAMS:** Sorry, yes. Fine.  
 20 **MR BLAKE:** Subpostmasters up and down the country use  
 21 a system where the fundamentals are provided by Fujitsu.  
 22 That system, as far as you are aware, is it sufficient  
 23 to produce reliable accounts?  
 24 **A.** So I think in all the evidence we've seen and all the  
 25 Inquiry have seen, the reporting that comes out of

185

1 **Q.** Mr Patterson --  
 2 **A.** It's very clear -- forgive me, it's very clear, in all  
 3 the evidence in this Inquiry, that there is level of  
 4 unreliability, an unreliability, I've said at the start  
 5 of this particular evidence, around bugs, errors and  
 6 defects, and the whole end-to-end. Horizon in some  
 7 respects represents the end-to-end of what goes on  
 8 inside a subpostmaster's branch and what happens in the  
 9 Post Office, Head Office. So for me to sit here and say  
 10 I think there's enough in that documentation to allow  
 11 HMRC or an accountant to sign off, I'm not qualified to  
 12 answer that and neither are my colleagues.  
 13 **Q.** Mr Patterson, you are presumably somebody who goes up  
 14 and down the country bidding for contracts. If you are  
 15 selling Horizon as a new system, would you be able to  
 16 tell the person who you are selling that system to that,  
 17 at the end of the day, the accounts that it produces are  
 18 reliable?  
 19 **A.** So we do not sell this system. This system is end of  
 20 life. At the Public Accounts Committee, when I gave  
 21 evidence, this is not a product that we've ever sold to  
 22 another customer. It is bespoke to the Post Office and  
 23 it is bespoke to the Post Office's requirements. So  
 24 again, I would ask -- that would be a question I would  
 25 be asking the Post Office: is the documentation and the

187

1 Horizon, whether it's appropriate or not, may have bugs,  
 2 errors and defects, may have been fed bugs, errors and  
 3 defects, may not be reflecting the accuracy of what's  
 4 gone on in the Post Office -- in the subpostmaster's  
 5 branch. Whether the -- what is the document that's  
 6 required by the Post Office signed off by the  
 7 subpostmaster, I have no idea.  
 8 **Q.** Not the Post Office; I mean the taxman, for example.  
 9 **A.** I have no idea, Mr Blake. I've never seen one of those  
 10 documents about what would be presented to an accountant  
 11 or to the HMRC. Is it -- I don't believe it's in my  
 12 evidence.  
 13 **Q.** Are you confident, for example, that somebody could come  
 14 to the Inquiry from Fujitsu, and say, where you're  
 15 sitting, that, as somebody who operates Horizon -- and  
 16 of course individual cases have to be taken on their own  
 17 basis and their own facts -- but as somebody who  
 18 operates Horizon, the system, so far as they are  
 19 concerned, is reliable for accounting purposes?  
 20 **A.** Mr Blake, again, I'm going to answer it, I don't know.  
 21 If that question was being posed, I would expect the  
 22 Post Office to be sitting here, as well, as well as the  
 23 engineers on our side, to determine whether the  
 24 information required is appropriate to be able to sign  
 25 those things off.

186

1 material that comes out of it reflecting what is  
 2 required?  
 3 **Q.** Can you see how that is an issue if you're --  
 4 **A.** I do.  
 5 **Q.** -- a current subpostmaster who operates that system, who  
 6 produces accounts, who relies on the system day in, day  
 7 out, that the head of the company in Europe who produces  
 8 that system can't say that what's coming out of it is  
 9 reliable?  
 10 **A.** So I'll give you a slightly different example. If in  
 11 a cash pouch a subpostmaster inadvertently puts in two  
 12 extra zeros and that cash pouch gets to the other end of  
 13 the line and doesn't have those two extra zeros of  
 14 money, that's a discrepancy. Horizon has just reported  
 15 what was keyed in on one end and what was counted on the  
 16 other end. Forgive me, do I then say that the Horizon  
 17 system its accurate? Well, in that example, I can't say  
 18 that because I don't know what's gone on.  
 19 **Q.** Are we again repeating the words "user error"?  
 20 **A.** No, far from it. I use that as an example. Please  
 21 forgive me, Mr Blake, please forgive me, I am very  
 22 respectful for the subpostmasters and what they've gone  
 23 through, but you're --  
 24 **Q.** What I'm asking about is not the individual user making  
 25 an error. I'm purely asking about the system that you

188

1 provide?  
 2 **A.** Well, I'll take it away from being the user. Does the  
 3 POLSAP system feed into the Horizon system correctly?  
 4 I don't know the answer to that.  
 5 **Q.** That's a third-party system?  
 6 **A.** But Horizon reflects all of that, and that's the  
 7 transactions, in fairness to the subpostmaster, that he  
 8 or she are representing, which is why we've been  
 9 consistent, since the very start of the Inquiry that  
 10 there have been bugs, errors and defects, there will  
 11 continue to be unreliability in the front end, and in  
 12 the rest of the supply chain, I do not know the answer  
 13 to that, which is why, when we get to the next set of  
 14 questions, we've been so keen to make sure that  
 15 investigations take in the entire system and don't rely  
 16 on a very narrow point of view.  
 17 **Q.** Let's move to that correspondence's. If we start with  
 18 FUJ00243157. If we start, please, on page 4. Thank  
 19 you. This is an email exchange that you'll be familiar  
 20 with, the Inquiry is familiar with it. It relates to  
 21 a City of London Police investigation in April this  
 22 year. Simon Oldnall of the Post Office says:  
 23 "Can I ask that you help with any conversations that  
 24 City of London Police need to have with Fujitsu Services  
 25 Limited."

189

1 a trilateral conversation with Fujitsu, Post Office and  
 2 City of London Police.  
 3 "It is impossible to overstate how important this  
 4 is. I need to advise both the police and the Post  
 5 Office as to evidentially established reliability or not  
 6 of data that is being used every day in establishing  
 7 outcomes with postmasters and potentially to be  
 8 presented to the criminal justice system by the police  
 9 and the three public prosecuting agencies. The  
 10 non-provision of relevant witness statements from the  
 11 Post Office and Fujitsu will rightly be interpreted by  
 12 the police and prosecutors as Post Office and Fujitsu  
 13 not having faith in the reliability of the data with the  
 14 obvious outcome resulting."  
 15 If we go on to page 1, please. We see there the  
 16 response from the solicitor at Fujitsu's Legal Team  
 17 saying:  
 18 "Please refer any correspondence to me rather than  
 19 Mr Walton.  
 20 "I note your comments, which aren't accepted.  
 21 "It is not appropriate for Fujitsu to discuss with  
 22 Post Office the nature and substance of its cooperation  
 23 with an ongoing police investigation."  
 24 If we scroll up to the top, we have there  
 25 Mr Bartlett's response.

191

1 If we scroll over the page, please, to page 3, the  
 2 response from Mr Walton of Fujitsu, is:  
 3 "As this is a legal matter, [Fujitsu Legal] are  
 4 communicating with the City of London Police. I am not  
 5 involved in those communications, and in any event,  
 6 [Fujitsu] considers it to be inappropriate for Post  
 7 Office and [Fujitsu] to be discussing a police  
 8 investigation."  
 9 If we go to page 2, please. If we scroll down, we  
 10 can see, this is an email we saw with Mr Bartlett, he  
 11 says:  
 12 "[City of London Police] has informed us that they  
 13 have not had any, in information or contact with Fujitsu  
 14 after the single exploratory and inconclusive  
 15 conversation. They left that conversation with the  
 16 feeling that they were indirectly being told that the  
 17 Horizon system was unreliable and so the case could not  
 18 progress. We really need to explore this as this is not  
 19 the nuanced impression Simon Oldnall has given me.  
 20 "As the potential victim in this case, the Post  
 21 Office would be grateful if you could provide me with  
 22 contact details for either the equivalent person in  
 23 Fujitsu to my role or an appropriate person in your  
 24 Legal Team. I will then pass those details on to the  
 25 City of London Police who are looking to have

190

1 "We have had a call with City of London Police  
 2 following your email below and they will be in touch  
 3 with you again to arrange the taking of a witness  
 4 statement or statements. We would be grateful for  
 5 Fujitsu to extend any and all assistance to [City of  
 6 London Police City] to aid their objective understanding  
 7 and assessment as to the reliability of the Horizon  
 8 system and the admissibility of evidence produced from  
 9 it relating to the investigation they are conducting  
 10 following [Post Office] making a crime report to them as  
 11 a potential victim."  
 12 As we have seen, that then sparks a number of  
 13 letters between yourself and Mr Read. I will take them  
 14 as quickly as we can. If we start, please, at  
 15 FUJ00243199. We have there the letter of 17 May, where  
 16 in the first paragraph, you explain the serious  
 17 concerns. You say:  
 18 "To be clear, Fujitsu will not support the Post  
 19 Office to act against postmasters. We will not provide  
 20 the support for any enforcement actions, taken by the  
 21 Post Office against postmasters, whether civil or  
 22 criminal, for alleged shortfalls, fraud or false  
 23 accounting."  
 24 Then you address each one of them. "Criminal  
 25 investigations", you refer to that City of London Police

192



1 investigation, and you say:  
 2 "The approach of Fujitsu is to cooperate with the  
 3 police and any other third party, exercising independent  
 4 investigative, prosecutorial, regulatory or judicial  
 5 powers. However, we are concerned by the behaviour of  
 6 the Post Office Investigation Team on this matter."  
 7 You address the concern there relating to, for  
 8 example, reference to the Post Office being a victim --  
 9 **A.** Mm.  
 10 **Q.** -- and that's something we have already addressed.  
 11 The second in relation to the "Pursuit of shortfalls  
 12 from subpostmasters", you say:  
 13 "It seems that the Post Office may be continuing to  
 14 pursue postmasters for shortfalls in their accounts. We  
 15 would have expected that the Post Office has changed its  
 16 behaviour. It should not essentially be relying on  
 17 Horizon data as the basis for that enforcement."  
 18 You then address the issue of redress and say that  
 19 you will continue to provide data in relation to  
 20 redress.  
 21 Sorry, before I get to a question, I'll just quickly  
 22 take you through two more letters, the first is  
 23 FUJ00243201. This is the response from Mr Read -- thank  
 24 you very much. At the bottom of the page, he reassures  
 25 you that the Post Office won't be undertaking their own  
 193

1 "Post Office sees reliance on Horizon data as  
 2 essential to supporting postmasters with understanding  
 3 and remediating discrepancies.  
 4 "Post Office relies on Fujitsu and the services it  
 5 provides to ensure that it can continue to support  
 6 postmasters in that way."  
 7 Then, finally, he addresses the same topic: redress.  
 8 The final document before I ask the question is at  
 9 FUJ00243204. This is your response of 8 July. I'll  
 10 take that slightly more slowly. If we scroll down,  
 11 please, you say there:  
 12 "In simple terms, the Post Office is requesting that  
 13 Fujitsu give expert opinion evidence to be used in  
 14 criminal proceedings against postmasters and post office  
 15 workers."  
 16 You say:  
 17 "In your letter, you rightly note that the content  
 18 of any witness statement is a matter between the police  
 19 and [Fujitsu]. However, I consider it necessary to  
 20 address this issue with you because the request was made  
 21 by Post Office and because I consider the request to be  
 22 entirely inappropriate, particularly in the light of the  
 23 evidence being uncovered at the Inquiry.  
 24 "I enclose with this letter an email chain", and you  
 25 refer to that email chain that we saw.  
 195

1 prosecutions. He explains, over the page, please, that:  
 2 "Post Office requests the use of Horizon data for  
 3 a number of day-to-day business reasons, including  
 4 supporting postmasters with their branches. In terms of  
 5 enforcement, the Post Office's requests only relate to  
 6 cases where our teams are supporting criminal  
 7 investigations or prosecutions pursued by independent  
 8 third parties."  
 9 He says:  
 10 "In response to the specific case you raised,  
 11 potential criminal activities were identified in the  
 12 branch and Post Office therefore reported the matter to  
 13 the police. We have assisted with the police's  
 14 investigation, including providing supporting data ..."  
 15 He says:  
 16 "Naturally, it is vital for the police's  
 17 investigation that it can rely on the Horizon data it  
 18 has received."  
 19 In respect of shortfalls, he says that:  
 20 "Horizon data isn't currently being used but the  
 21 Post Office data for a range of key day-to-day business  
 22 activities, including supporting its postmasters with  
 23 resolving discrepancies on their accounts", is necessary  
 24 to have your assistance.  
 25 If we go over the page, please. He says there:  
 194

1 Then you say:  
 2 "A witness statement from [Fujitsu] attesting to the  
 3 reliability of the Horizon system, and of data from it  
 4 in criminal proceedings would amount to expert opinion  
 5 evidence. [Fujitsu] is incapable of providing expert  
 6 opinion evidence, as it is neither independent nor has  
 7 it sufficient information to provide such an opinion."  
 8 Now, you're not a lawyer and I'm not asking you for  
 9 a legal answer to this question but why do you  
 10 understand Fujitsu couldn't provide a witness statement,  
 11 not purporting to be an independent witness statement,  
 12 not purporting to be an independent expert, but just  
 13 simply evidence of the personal experience of the author  
 14 in respect of the reliability, with whatever caveats it  
 15 may require?  
 16 **A.** So first of all, we are actively supporting the police  
 17 in their enquiries. There's evidence, I think, in the  
 18 pack, in the bundle, of the comprehensive set of  
 19 correspondence with the police, drawing their attention  
 20 to a number of areas directly from this Inquiry.  
 21 A witness statement from us on what comes out of the  
 22 Horizon application is still a problem to us, for  
 23 exactly the reasons I said earlier, because the Horizon  
 24 system is one lens on the entire supply chain in the  
 25 Post Office, and we can't attest to everything that goes  
 196

1 on in that, from left to right.  
 2 My other concern about the email from Mr Bartlett  
 3 was just trying to narrow things down. So what I've --  
 4 as I've tried to pay close attention to this Inquiry,  
 5 one of the topics that came up was people flagging  
 6 things, did executives flag things; were we being  
 7 transparent; were we being curious? This is Fujitsu  
 8 trying to be very transparent, very curious, around what  
 9 has gone on and what is going on day-to-day. So that  
 10 was why we didn't feel like we could give a witness  
 11 statement, but the material that we have given to the  
 12 police at the moment -- and I don't know the state of  
 13 those cases -- may still require us to give that in due  
 14 course, Mr Blake, but at this point in time, we felt we  
 15 couldn't.

16 **Q.** In the email chain, it explained from the Post Office's  
 17 perspective that they considered that the police had  
 18 been given the impression that the system was  
 19 unreliable.

20 **A.** Mm-hm.

21 **Q.** That may, in fact, be consistent with the evidence that  
 22 you've given to the Inquiry today. But is there not  
 23 some way in which Fujitsu could provide a statement that  
 24 at least speaks about its own system that it operates,  
 25 subject to the caveats of the third parties, that goes

1 everything was silent to us, and then suddenly we get  
 2 these two requests, which made us very suspicious, very  
 3 curious, hence why I wrote to Mr Read.

4 **Q.** The next paragraph, I think I may have referred you to  
 5 this already, it says:

6 "As the Post Office is well aware, there have been  
 7 and there continue to be bugs, errors and defects in the  
 8 Horizon system. Further, [Fujitsu] currently has and  
 9 previously had, access to branch transaction records."

10 You also say:

11 "In addition to [Fujitsu] the Horizon system is  
 12 reliant on services by Post Office and third parties  
 13 retained by the Post Office."

14 That's the point you've also made today.

15 **A.** Mm.

16 **Q.** If we scroll over the page, please. It says:

17 "Based on the evidence which has been seen and heard  
 18 in the Post Office Horizon IT Inquiry, Fujitsu considers  
 19 that all of the matters management above would need to  
 20 be investigated carefully by the Post Office and the  
 21 police, with the assistance of an independent technical  
 22 IT expert, and possibly also a forensic accounting  
 23 expert, to ascertain proper explanations for branch  
 24 account discrepancies. Fujitsu considers that only  
 25 after such an investigation has been undertaken could

1 to, in some way, reassure the police in respect of the  
 2 current reliability of the system?

3 **A.** So again, what I've learnt -- what I've learnt and what  
 4 our company has learnt from the Inquiry in its earlier  
 5 stages is, it just is very narrow, containing questions,  
 6 "was this correct at this point in time from 9.00 to  
 7 4.00?" We feel that is completely inappropriate and  
 8 I think the evidence during this Inquiry suggests that  
 9 is also inappropriate. You need to take a holistic view  
 10 and, in fairness to the subpostmasters, that's what they  
 11 need as well: they need to see the whole system that  
 12 they're engaging with, not just a window which is  
 13 Horizon, but all the other parts of the components.

14 It is impossible for Fujitsu, even with all those  
 15 caveats. The other thing I've learnt about caveats is  
 16 nobody reads them and people only then pick out the  
 17 paragraph that they want to pick out, and that was one  
 18 of your first questions to me. So that is why we felt  
 19 we couldn't.

20 Now, evidence may well transpire, you know, there's  
 21 a number of other cases going through. I think there's  
 22 33 prosecutions which the police are looking into at the  
 23 moment. We are only aware of four. So, again, this  
 24 point of transparency -- and we were aware of none  
 25 before January/February, when we got that email. So

1 a meaningful expert witness statement be made in  
 2 subsequent criminal proceedings, which addresses the  
 3 reliability of the Horizon system and the relevant data  
 4 produced. For the reasons I have mentioned above,  
 5 [Fujitsu] cannot provide such a statement."

6 Putting a statement to one side, what about  
 7 an independent investigation into the reliability of the  
 8 system? We've heard evidence that the Post Office are  
 9 looking for some sort of independent statement from  
 10 an IT expert. In respect of their investigation, do you  
 11 commit to fully cooperating, opening up your books, your  
 12 warehouses, your data, to an expert for that purpose?

13 **A.** I think anything that helps the subpostmasters in the  
 14 entire end-to-end be confident about the systems that  
 15 they are using, I welcome, Fujitsu would welcome, yeah.  
 16 I have no problem with that at all.

17 **Q.** In respect of opening up your books to that expert, so  
 18 they can work out for themselves the reliability of the  
 19 system?

20 **A.** Indeed. And I think, you know, back to the earlier  
 21 comment: this is a complex environment, which is, in  
 22 parts, 25 years old, and we are applying today's, you  
 23 know, computing standards to some of those things. So  
 24 I think it would be difficult, hence why the system is  
 25 end of life, hence why it should not be being extended,

1 hence why it should have been replaced.

2 So I have no problem at all in opening up to any  
3 analysis that a third party would wish to do.

4 **Q.** Has Fujitsu had an independent company report on the  
5 current reliability of the Horizon system?

6 **A.** Now, I don't know the answer to that. I don't know the  
7 answer to that, Mr Blake.

8 **Q.** We've seen some evidence, for example, back in 2012,  
9 that Fujitsu were going to obtain a KPMG report.  
10 I think it was stopped in light of the Second Sight  
11 Report. Is that your understanding or do you have  
12 a different understanding?

13 **A.** I don't have much understanding. I saw that document in  
14 my bundle and I don't have an opinion why it was stopped  
15 or didn't go ahead. I read the email traffic, and --

16 **Q.** Focusing on the present, though, people may be  
17 interested in why the burden is being placed on the Post  
18 Office to obtain that independent report, why it is that  
19 Fujitsu themselves, in the time that's been available,  
20 haven't commissioned an external investigation into the  
21 reliability of a system that they produce?

22 **A.** So I think again it's about we're expanding what the  
23 system is, and our definition of what the Horizon  
24 application is. There are multiple things in this  
25 supply chain which Horizon touches or is fed with.

201

1 evidence."

2 If we scroll over, he then says in that top  
3 paragraph, about halfway through, he says:

4 "The police have raised questions regarding the data  
5 and the Horizon system, and the AC&I [I think it's A&CI]  
6 team referred the police to [Fujitsu] -- as Post  
7 Office's provider of the system -- to obtain answers to  
8 those questions. The feedback they received in April  
9 2024 was that police had only been able to have one  
10 conversation with [Fujitsu] at that time and the  
11 investigation officer's impression from the conversation  
12 was that they were indirectly being told by [Fujitsu]  
13 that the Horizon system was unreliable. As a result,  
14 the police told the team that the investigation could  
15 not progress.

16 "In light of that feedback from the police,  
17 Mr Bartlett sent the email ..."

18 He's explaining the background to the email and why  
19 it was sent:

20 "[He's] not asking Fujitsu to act as an independent  
21 expert witness in this case. He asks that [Fujitsu]  
22 engage with the police and provide a statement when  
23 requested to do so by the police, regarding the  
24 reliability of the data, which was informing the  
25 police's investigation. I understand from your previous

203

1 I think it's right and proper that the whole system  
2 end-to-end is examined, not just the Horizon  
3 application, which is -- and whether we should be partly  
4 funding that or doing it, I think that's perfectly  
5 sensible for us to have that conversation with the Post  
6 Office. Why we haven't done that in the past, well,  
7 frankly, it's been end of life. We're not meant to be  
8 maintaining this system and, in fact, we have not been  
9 doing any material investment in it, or the Post Office  
10 haven't, for several years. And I'm sure we'll come on  
11 to that question in a moment.

12 **Q.** I'll take you to how this correspondence with the Post  
13 Office ends, and we can start with FUJ00243209.  
14 A 23 July 2024 response from Owen Woodley, I won't go  
15 into the detail. If we scroll down he says he shares  
16 your commitment, the Post Office has unquestionably  
17 changed its mindset. Post Office will never again take  
18 a prosecutorial role. He addresses the question of  
19 expert evidence, he says:

20 "As you rightly say, Fujitsu is not able to provide  
21 expert opinion evidence and it is not sufficiently  
22 independent for any statements that it may provide to be  
23 deemed expert evidence by the Crown Prosecution Service.  
24 Post Office is aware that it has not and would not  
25 request that [Fujitsu] provides expert opinion

202

1 correspondence that Fujitsu has confirmed it will engage  
2 further with the police in this matter."

3 He then goes on to address criminal investigations  
4 and prosecutions. If we go over the page, please, he  
5 says:

6 "To get the right checks and balances in any of  
7 these investigations processes, data will be required  
8 from the Horizon system, along with analysis of any  
9 known bugs, errors or defects."

10 He then addresses the victim point. He moves on to  
11 postmaster shortfalls:

12 "Thank you for confirming [Fujitsu] will continue to  
13 deliver its contractual obligations, including reporting  
14 promptly and transparently on branch impacting  
15 incidents.

16 "While the Post Office does not currently take civil  
17 recovery action to recover established losses from  
18 postmasters, this may be necessary in future to  
19 establish a fair, transparent and consistent approach to  
20 recoveries."

21 So he's referring there to potential actions to  
22 recover apparent shortfalls.

23 **A.** Mm-hm.

24 **Q.** He says:

25 "I welcome your commitment that [Fujitsu] will work

204

1 collaboratively with Post Office over the coming months  
2 so that together we can achieve the best outcome for the  
3 postmasters and your offer to work collaboratively on  
4 the future of the Horizon system is much appreciated."

5 We then turn to your response. It's FUJ00243211.

6 It's a response dated 26 July this year, and you  
7 say:

8 "It is unfortunate that Nick [Nick Read] was not  
9 able to attend the meeting as discussed. The original  
10 purpose of writing to Nick was to escalate, CEO to CEO,  
11 the concerns relating to certain behaviours within the  
12 Post Office. It seems clear that the Post Office  
13 continues to have significant cultural issues, sees  
14 itself as the 'victim', with the enforcement and  
15 prosecution of postmasters considered as business as  
16 usual activity of a commercial retail company. As  
17 I stated in my correspondence to Nick and during our  
18 discussion, Fujitsu finds the language and the suggested  
19 behaviour unacceptable from Post Office Investigators.

20 "I do not intend to engage further with the Post  
21 Office on the matters I raised. We completely trust in  
22 Sir Wyn and the Inquiry process, which will examine the  
23 extent of the Post Office's change in Phase 7."

24 It might be suggested that that is a rather petulant  
25 response to a serious letter from the Post Office. What

205

1 **Q.** What about that second paragraph there:

2 "I do not intend to engage further with the Post  
3 Office on the matters I raised."

4 I mean, why was it this summer you couldn't say to  
5 the Post Office, "Of course we'll supply to the police  
6 whatever witness statements they ask for"?

7 **A.** So in our statement to the Select Committee in 2020, we  
8 made it clear in that we will continue to support the  
9 police in their investigations. It's in my corporate  
10 statement here, I think on the back paragraphs, we will  
11 continue to support the police in any investigations.  
12 I felt, having -- there's been a number of changes in  
13 the Executive Team in the Post Office. I met Nick early  
14 on when we were both appointed. I've now met  
15 Mr Woodley, I've now met their new Acting CEOs as well.  
16 And one of my other concerns, as you will have seen in  
17 my notes, was just about the continuity of that  
18 understanding about how serious Fujitsu takes for his  
19 matter. And, therefore, I wasn't going to engage any  
20 further with the Post Office but would with the police.

21 **Q.** Does that, in some way, signify a quite serious  
22 breakdown in the relationship between Fujitsu and the  
23 Post Office?

24 **A.** So operationally, we are very well engaged, and  
25 delivering against our contract to the Post Office.

207

1 is your view on that?

2 **A.** It's not petulant at all, and I also heard the term  
3 being used, it was schoolboy playground things. I take  
4 all of this matter personally really, really seriously.  
5 So seriously, which is why I wrote to Nick Read because,  
6 as I said earlier, I've learnt in the evidence in this  
7 Inquiry too much -- or lack of transparency, lack of  
8 clarity, lack of curiosity, on a very, very complex set  
9 of material and environments. So it's not petulant at  
10 all.

11 I felt it was really serious, particularly when I'm  
12 contacted as a company by the police, accusing  
13 subpostmasters of very serious offences and, given what  
14 I have heard in this Inquiry, I felt it was really  
15 important that I lay out clearly that we will not be  
16 supporting the Post Office.

17 However, Mr Blake, we are actively supporting the  
18 police in those inquiries, and I know it has also come  
19 up in this Inquiry whether we are or not. I think  
20 you've seen some of the material. They are very  
21 comprehensive. I saw some material this morning also on  
22 this very matter with the police. So we are actively  
23 supporting the police, and sharing with them all the  
24 material that we've got, as well as the material  
25 obviously from this Inquiry.

206

1 I -- on Friday evening, I spoke to two executives from  
2 the Post Office about their request on an extension. So  
3 we continue to focus on the day to day and what needs to  
4 be done. But on this particular matter about  
5 prosecutions, I will not engage with the Post Office --  
6 we will not engage with the Post Office on it.

7 **SIR WYN WILLIAMS:** Right. I understand that, Mr Patterson.  
8 Let me just ask you this: as we are talking to each  
9 other now, how many, if not exactly, approximately,  
10 cases are you -- and I'm using these words completely  
11 neutrally -- having correspondence or discussions with  
12 the police?

13 **A.** Four.

14 **SIR WYN WILLIAMS:** Four, right. In those four cases, to the  
15 best of your knowledge and belief, has Fujitsu answered  
16 the questions or tried to answer the questions that the  
17 police have posed to them?

18 **A.** Yes, Sir Wyn. In fact, one of the documents was  
19 33 pages laying out the answers to those questions.

20 **SIR WYN WILLIAMS:** Hang on. That's fine. In those four  
21 cases, if the police has asked for documentary material,  
22 has it been provided?

23 **A.** Yes.

24 **SIR WYN WILLIAMS:** If the police have asked for data from  
25 Horizon, has that been provided?

208

1 A. No, I don't know whether they have asked for that yet,  
 2 Sir Wyn.  
 3 **SIR WYN WILLIAMS:** If they haven't, that's fine. But --  
 4 A. But if they do, absolutely.  
 5 **SIR WYN WILLIAMS:** Right. In any of the cases to date, has  
 6 the police asked Fujitsu to nominate a person to make  
 7 a witness statement?  
 8 A. I don't believe so.  
 9 **SIR WYN WILLIAMS:** Right. So far as you are aware, if the  
 10 police made such a request of Fujitsu, would you at  
 11 least try to find a person who could make a witness  
 12 statement?  
 13 A. Absolutely, Sir Wyn. Absolutely.  
 14 **SIR WYN WILLIAMS:** Right. Fine. Okay. So that's the  
 15 current position.  
 16 Right, back to you, Mr Blake.  
 17 **MR BLAKE:** Thank you very much, sir.  
 18 We'll move on, then, to the extension of the  
 19 contract. Could we bring back onto screen your fifth  
 20 witness statement at page 30, please. It's  
 21 paragraph 77. Page 30, paragraph 77. You say there:  
 22 "As noted above, the Horizon contract is due to end  
 23 on 31 March 2025. However, in the event that it is not  
 24 possible, Fujitsu is currently discussing with [the Post  
 25 Office] (at its request) the potential for a short-term  
 209

1 under the Post Office's control and, in fact, when I was  
 2 talking to Mr Railton a few weeks ago, it was very  
 3 important to him. So I think, actually, that Post  
 4 Office, by early February, will have all of the data  
 5 inside their own control to support any investigations  
 6 that they wish to do.  
 7 **Q.** In respect of matters after February, so let's say in  
 8 a year's time, there needs to be an investigation into  
 9 a shortfall, is that something that you will be  
 10 assisting the Post Office on or not?  
 11 A. Yes, I would expect those types of operational  
 12 engagements to continue, and I think they are quite  
 13 different in tone to Court Case Support Services and my  
 14 very earlier comment around the industrialisation of  
 15 witness statements.  
 16 **Q.** Thank you. We've seen in other documents discussion of  
 17 potentially a five-year extension, five more years of  
 18 Horizon. Would it be possible, in light of what you've  
 19 said, to improve the reliability of Horizon data over  
 20 that time or do you anticipate that in fact it may get  
 21 worse over that time?  
 22 A. So the first correspondence, I think, was December, with  
 23 the request for five years. In my meeting with the  
 24 acting CEO at the time, Owen Woodley, I think the  
 25 request was two years. We've had the request for three  
 211

1 extension) which [Post Office] envisages to be  
 2 approximately two years) to facilitate an orderly exit  
 3 and transition to occur. In light of the evidence that  
 4 has emerged in the Inquiry in relation to [the Post  
 5 Office's] conduct and culture, and the challenges that  
 6 Fujitsu has faced with regard to visibility over [the  
 7 Post Office's] use of Horizon data and/or records,  
 8 Fujitsu's position will be that any extension to the  
 9 Horizon Contract should necessarily see the removal of  
 10 the Court Case Support Services provisions."  
 11 Can you assist us with what you mean by the Court  
 12 Case Services provisions?  
 13 A. So I don't have all the clauses in my head but there is  
 14 a set of responsibilities placed on Fujitsu, back when  
 15 this contract was agreed in 1999, which had a number of  
 16 activities and responsibilities. Fujitsu will not sign  
 17 any extension if those conditions are still in the  
 18 contract.  
 19 **Q.** Are you able to assist us with whether Fujitsu will be  
 20 able to assist the Post Office in respect of the  
 21 investigations of shortfalls, putting aside historic  
 22 criminal matters, in respect of current shortfalls  
 23 experienced by postmasters?  
 24 A. So I think I also say in here somewhere about the ARQ  
 25 data is moving, so that all the historical data will be  
 210

1 years, and this morning, as I walked into this building,  
 2 I had another request, which was for four years.  
 3 So this continues to move around in terms of what  
 4 the requirements are from the Post Office. I am  
 5 encouraged by the new leaders who seem to be getting  
 6 more understanding and clarity around what the actual  
 7 business requirements from -- from the Horizon system  
 8 will be but, to your question, I am very worried about  
 9 it. And, in fact, my correspondence and my commentary  
 10 to them as well as it needs to be the shortest possible  
 11 time entirely, because this system is not meant to be  
 12 continuing and it's not had any material investment in  
 13 the last four years, while the attention has been on  
 14 NBIT or versions of NBIT.  
 15 My earlier comment also around Horizon is one  
 16 part -- this application is one part of an incomplete  
 17 supply chain and, in fairness to the Post Office, that  
 18 means it's got to have multiple tests of all their other  
 19 systems as well. So if you change one part, you have to  
 20 test everything else. So I think it's very, very  
 21 difficult to know whether three years, four years or  
 22 five years will be required -- will be possible, to your  
 23 question.  
 24 **Q.** Thank you. I want to look at current use of Horizon  
 25 data. If we could bring back onto screen your witness  
 212

1 statement, WITN06650500, page 25, paragraph 66.  
 2 Thank you, it's the bottom of page 25.  
 3 You say there:  
 4 "Fujitsu continues to provide the Post Office with  
 5 Horizon data, including ARQ data, when requested as part  
 6 of its provision of services related to the Horizon  
 7 system."  
 8 Over the page, please.  
 9 "While Fujitsu has informed the Post Office that it  
 10 will not provide support for enforcement actions taken  
 11 against postmasters, whether civil or criminal, Fujitsu,  
 12 has as a result to verify the purpose to which the Post  
 13 Office intends to put this data, or what the data is in  
 14 fact used for."  
 15 Can you assist us with what you mean by "struggled  
 16 to verify the purpose"?  
 17 **A.** So I think it came up in some of the Post Office  
 18 Executive's evidence as well. So one of the things that  
 19 we are very concerned about, again, this narrow use of  
 20 information, is information being requested and used  
 21 for -- in the concern here, for prosecutions. And what  
 22 we are asking for and what we did on a very simple form,  
 23 which is an ARQ form, is could you tick a box to say is  
 24 it used for redress or management information, or for  
 25 prosecution? And the Post Office felt that was  
 213

1 So they are provided with two options: one  
 2 presumably is one that you have absolutely no issue  
 3 with: the second one, providing information in relation  
 4 to redress?  
 5 **A.** Correct.  
 6 **Q.** In respect of the first, what is the position, if I were  
 7 to tick "Yes"?  
 8 **A.** So the Post Office have not accepted the change in the  
 9 form, is my understanding. So we are still reverting to  
 10 the old ways.  
 11 **Q.** There is another option, at least one more option, isn't  
 12 there, that the Post Office might need the data to  
 13 assist a subpostmaster in understanding and discussing  
 14 their current shortfalls; is that something that is  
 15 missing in this mandatory section?  
 16 **A.** So that would be, wouldn't it? Yes, I'd agree with you  
 17 on that.  
 18 **Q.** There has been, we've seen in an email chain, a dispute  
 19 between the Post Office and Fujitsu in respect of this  
 20 new form. Can we please turn to FUJ00243233. If we  
 21 start on page 4, please, the bottom of page 3 and into  
 22 page 4., you have somebody from the Remediation Team.  
 23 If we scroll down, we can see their name. It says as  
 24 follows:  
 25 "Please find attached an updated ARQ request tracker  
 215

1 inappropriate and didn't accept that change, but that  
 2 was the reason for the change.  
 3 If I go back to what Fujitsu has learnt through this  
 4 Inquiry, it's that curiosity topic again, you know, what  
 5 is the data being used for, rather than just handing  
 6 over the data without any context to it?  
 7 **Q.** Perhaps we could bring onto screen the forms, the new  
 8 form and the old form, FUJ00243213, and, if it's  
 9 possible to bring that on screen alongside FUJ00243227.  
 10 Is this the ARQ form you were referring to?  
 11 **A.** Yes, I think it is. I think it is, yes.  
 12 **Q.** If we have a look at the one now on the left-hand side  
 13 there are two additional questions there that are said  
 14 to be mandatory. First asks:  
 15 "Is this request related to either the investigation  
 16 of or action being taken or intended to be taken by the  
 17 Post Office against a postmaster or Post Office worker  
 18 in connection with potential fraud, theft, breach of  
 19 contract or any other potential impropriety which is  
 20 suspected to have occurred at the relevant Post Office  
 21 branches?"  
 22 The second is.  
 23 "Will this information be used to support either  
 24 a postmaster or a Post Office worker to achieve  
 25 financial redress?"  
 214

1 with a brief summary of all previous and new request(s)  
 2 since our last ARQ Requests."  
 3 If we scroll up we can see a response, at the bottom  
 4 of page 3. Thank you. The response there from Fujitsu  
 5 is:  
 6 "Thank you for your recent request. Unfortunately,  
 7 as it is not on the latest template, we are unable to  
 8 process it. Please resubmit your request using the  
 9 attached template."  
 10 If we scroll up, we can see the response from the  
 11 Remediation Team:  
 12 "As you can see below, we again sent our ARQ  
 13 requests through to Fujitsu using the older process of  
 14 master tracker and summary table. It was returned  
 15 refusing to complete the request without us completing  
 16 the updated form.  
 17 "Could you please advise next steps as we have ten  
 18 ARQ requests outstanding."  
 19 If we scroll up, please. The response:  
 20 "Further to my earlier emails on this topic, we are  
 21 now accumulating a backlog of requests, potentially  
 22 delaying postmaster redress.  
 23 "Can you confirm that [Fujitsu] will process these  
 24 requests without further delay?"  
 25 If we turn to page 1, it says as follows:  
 216

1 "We introduce the updated ARQ form to clarify the  
2 intended use of ARQs requested by Post Office. Fujitsu  
3 does not accept that the introduction of this amended  
4 form has caused delay to redress activities. Since it  
5 was introduced, the Post Office has requested over 60  
6 ARQs to support redress activities and these have been  
7 processed in the usual way. As you have now clarified  
8 that the ARQs referred to in your email below are  
9 intended to be used to support postmaster redress,  
10 I will instruct the team to process those received on  
11 the previous version of the form and they will not be  
12 subject to additional charges."

13 If we please look again at page 4, I said that the  
14 request came from an email address called the  
15 Remediation Team. We see that the requester has the job  
16 title or team of Remediation Admin Support Team,  
17 Remediation Unit.

18 Has distrust between Fujitsu and the Post Office  
19 reached such a level that, where somebody from the  
20 Remediation Admin Support Team in the Remediation Unit  
21 requests ARQ data, they are not trusted to be requesting  
22 data for that purpose?

23 **A.** The date of this request is 18 June? Am I reading it --

24 **Q.** If we scroll up, yes, 18 June?

25 **A.** I think the response from Dan Walton was when?

217

1 "... gave evidence last month, and is due to do so  
2 again later this year.

3 "He admitted to the MPs on the Business Select  
4 Committee this year that there had been 'bugs, errors  
5 and defects' with Horizon from the start, and apologised  
6 for [your] firm's role in the scandal.

7 "[You now face] the prospect that Fujitsu may be  
8 asked to contribute to the compensation fund for the  
9 victims, something he has said the firm has a 'moral  
10 obligation' to do."

11 Can you assist us, what do you understand by "moral  
12 obligation" or for what purpose did you use that form of  
13 words?

14 **A.** Because the legal process, I think, allows lawyers to  
15 spend a lot of time litigating. I think, from my  
16 standpoint and from my company's standpoint, and in  
17 Tokyo, we felt it was a moral obligation. Now, when  
18 I said that back in January, you know, we've learnt  
19 an awful lot in the last several months of this Inquiry  
20 around what other people and organisations did or didn't  
21 do. So I stand by, and the company does stand by, we  
22 see ourselves contributing morally to redress to the  
23 subpostmasters.

24 **Q.** If we scroll down and over the page, please, it quotes  
25 a spokesperson from Fujitsu to say:

219

1 **Q.** 19 June.

2 **A.** So one day later?

3 **Q.** Yes.

4 **A.** So --

5 **Q.** Sorry, the Daniel Walton email on page 1 is 21 June.

6 **A.** So about four days later, three or four days later. So  
7 I don't agree with the premise of the question. I think  
8 we're dealing with these matters as speedily as we can  
9 do. I think everybody inside Fujitsu is very, very  
10 nervous about any documentation, any data that relates  
11 to prosecutions or redress. So this is just a natural  
12 nervousness. The management team, I think, in this  
13 example got to it very quickly, so Simon very quickly  
14 flagged it with Dan and it was dealt with very quickly,  
15 I would say in three/four days.

16 **Q.** That can come down and I'll move to my very final topic  
17 of today, which is compensation and redress. Could we  
18 please bring up on to screen RLIT0000276, please.

19 This is an article on the BBC website, addressing  
20 pay that was received by Fujitsu bosses during the  
21 Horizon contract. There is a section on you from  
22 page 7, if we go down and look at page 8, and into  
23 page 9. I'll just read to you a few passages from that  
24 report. It refers to you, and if we scroll down, it  
25 says that you:

218

1 "Based on the findings of the Inquiry, we will also  
2 be working with the UK Government on the appropriate  
3 actions, including contribution to compensation. The  
4 Fujitsu Group hopes for a swift resolution that ensures  
5 a just outcome for the victims."

6 The Inquiry's evidence has now effectively come to  
7 an end, we have our expert witnesses tomorrow but that  
8 is the end of the final phase of the Inquiry. You have  
9 had an opportunity, Fujitsu have had an opportunity, to  
10 hear all of the evidence that has been heard in this  
11 Inquiry. Having heard that evidence, how are you going  
12 to compensate those affected by Fujitsu's failures?

13 **A.** So what we've said all the way through is we expect to  
14 contribute to redress. We see that as going through the  
15 Government, who are the shareholder, and I heard the  
16 evidence earlier today. So we see that as being  
17 a conversation with Government about what our  
18 contribution would or would not look like.

19 **Q.** What have you suggested to Government that your  
20 contribution be?

21 **A.** I have not suggested any particular number. I heard the  
22 questions earlier previous Secretary of State, and  
23 I think she's used the term "gesture". We don't feel  
24 that this is a gesture conversation. This is too  
25 serious. But we do want to sit down with the Government

220

1 and talk about that frankly, and very openly. I thought  
2 what Mr Reynolds said this morning as well would be very  
3 helpful to that. I have been in constant contact with  
4 the Department for Business and Trade, so the Department  
5 for Business and Trade and me, and with the Post Office,  
6 have been in constant communication around one extension  
7 and also about evidence or not providing evidence. So  
8 I welcome the opportunity to talk to the new Secretary  
9 of State in due course.

10 **Q.** You outlined at the beginning of your evidence today  
11 a number of things that you accepted, insofar as  
12 Fujitsu's role was concerned. The Inquiry, is, as  
13 I say, coming to the end of its evidence taking what are  
14 you able to say to the Inquiry about what you are  
15 proposing by way of compensation?

16 **A.** I can't put a number on it, and I think, if I reflect on  
17 what I've heard from subpostmasters and the families,  
18 there are a number of areas that they need help in, and  
19 we would like to sit down with Government and figure out  
20 how we contribute to that.

21 **Q.** Which in particular?

22 **A.** Well --

23 **Q.** What would you like -- let's assume there is a pot of  
24 money from Fujitsu. What, in particular, do you  
25 consider Fujitsu should be contributing to?

221

1 "According to government procurement data provider  
2 Tussell, the Japanese group has won six public sector  
3 contracts worth an estimated total of 1.4 million since  
4 making this commitment. Two of these contracts have  
5 been awarded as recently as September."

6 We can see there it sets out below in the tables the  
7 various contracts. Can you assist us, to what extent  
8 were these existing bids, to what extent is that new  
9 work that falls under that caveat that has been  
10 provided?

11 **A.** So I believe the MoD is where we have a contractual  
12 obligation to provide hardware. So I think that's what  
13 that one is about. We have -- I think, this article  
14 talks about 33 -- there it is at the bottom of the page,  
15 33 public sector contracts. So these are existing  
16 contracts that we have obligations within. I think the  
17 Nuclear Laboratory one, they have stated that this is  
18 the last -- this is a software contract and they are  
19 moving off that software platform, and that was the  
20 licence for the final year, I think it was.

21 So these were existing contracts where we have  
22 contractual obligations to provide those -- either the  
23 hardware or, in this case, software.

24 **Q.** It says in the article that the pause is a voluntary one  
25 while the Public Inquiry was ongoing. How do you see

223

1 **A.** So I'm not going to put number on it, Mr Blake. I think  
2 that's --

3 **Q.** I didn't ask for a number but just in terms of how it  
4 is. There are existing schemes. Is your plan to give  
5 the Government money towards the redress that has  
6 already occurred or operate a separate fund?

7 **A.** Sorry, we are not an organisation that can set up new  
8 funds or charities, or what have you. We see ourselves  
9 contributing to whichever scheme the Government and the  
10 subpostmasters agree is the most appropriate one.

11 **Q.** Can I please take you to RLIT0000433. It's the final  
12 document I'll take you to today. This is a recent  
13 article in The Financial Times. The headline is "Post  
14 Office IT provider Fujitsu won £1.4 million public  
15 sector contracts since promise to stop bidding". I'll  
16 just read a passage from that, if we scroll down,  
17 please. It says:

18 "After a public outcry, Fujitsu said in January that  
19 it would 'voluntarily pause bidding for future public  
20 sector contracts' while a public inquiry into the  
21 scandal was ongoing.

22 "However, it did not rule out continuing to bit for  
23 work with existing public sector customers, or when the  
24 Government needed its 'skills and capability'."

25 If we go over the page, please, it says:

222

1 that in the future?

2 **A.** I think in due course we'll sit down with Government and  
3 discuss it.

4 **Q.** Do you intend to resume bids once the Inquiry has  
5 finished?

6 **A.** No, I don't intend to resume bidding. I think this is  
7 a very emotive topic and we would want to sit down with  
8 Government and discuss that. We do some things in  
9 Government, particularly in quite a dangerous area,  
10 which we would like to talk to the Government about in  
11 due course, but I'm not going to say here today that we  
12 are going to start bidding for new contracts. We have  
13 not done that for the last several months and my current  
14 intention is not to start that tomorrow or the day  
15 after.

16 **MR BLAKE:** Thank you.

17 Sir, that brings us to questions from Core  
18 Participants. I think we only have two sets of  
19 questions, one from Ms Patrick and one from Mr Stein.  
20 I'm in your hands, sir, as to whether we can complete  
21 those today or whether we return tomorrow morning.  
22 They've been allocated one topic each.

23 **SIR WYN WILLIAMS:** Right. Can I please have, as best you  
24 can, Mr Stein and Ms Patrick, what are you talking about  
25 in terms of time?

224



1 **MS PATRICK:** Sir, I think --  
 2 **MR STEIN:** On behalf of Howe+Co we'll be 10 to 15 minutes.  
 3 **MS PATRICK:** Sir --  
 4 I apologise, Mr Stein.  
 5 Sir, I think we'd be around five to six minutes.  
 6 **SIR WYN WILLIAMS:** Right. So it's now 4.50 and, as you  
 7 know, my powers of concentration are limited to a normal  
 8 court day but I think we are all in agreement that it's  
 9 better for Mr Patterson to finish if he possibly can; is  
 10 that right, do you both agree?  
 11 **MS PATRICK:** Yes, sir.  
 12 **MR STEIN:** Sir, yes. There's one difficulty. I'll need to  
 13 have two minutes to speak to Mr Blake about one  
 14 particular question.  
 15 **SIR WYN WILLIAMS:** All right.  
 16 **MR STEIN:** So that will take me two minutes.  
 17 **SIR WYN WILLIAMS:** So we'll have a five-minute break and  
 18 resume at 4.55 and finish by 5.20.  
 19 **MR STEIN:** Thank you, sir.  
 20 **SIR WYN WILLIAMS:** Fair?  
 21 **MR STEIN:** Yes, sir.  
 22 **SIR WYN WILLIAMS:** Fine.  
 23 (4.49 pm)  
 24 (A short break)  
 25 (4.54 am)

225

1 subpostmasters, including Katie Downey, Rebekah Foot,  
 2 and Katie Burrows, who sit next to me today. Again,  
 3 you're nodding. You have to say "yes" or "no" for the  
 4 transcript.  
 5 **A.** Yes, I recognise them now, yes.  
 6 **Q.** I think you might be aware that their group is called  
 7 Lost Chances for Subpostmaster Children?  
 8 **A.** Yes, I am.  
 9 **Q.** Lost Chances for Subpostmaster Children, affected by the  
 10 Horizon scandal, they're campaigning for financial  
 11 support to address chances and opportunities lost or, as  
 12 they would say, taken from them, during their childhood  
 13 as a result of the experiences of their families.  
 14 Now, today, perhaps coincidentally, or fortuitously,  
 15 while we raised your contact that you'd had with their  
 16 group with the Secretary of State during his evidence,  
 17 they've had a response from the Post Office to their  
 18 request for a meeting with them. But you have met their  
 19 group, haven't you?  
 20 **A.** Yes, I have.  
 21 **Q.** During that meeting, they did something that was quite  
 22 painful for them: they'd written down their stories and  
 23 they shared each of them with you, everything that they  
 24 had gone through, didn't they?  
 25 **A.** Yes, they did.

227

1 **MR BLAKE:** Thank you, sir, we're going to hear from  
 2 Ms Patrick and then Mr Stein.  
 3 **SIR WYN WILLIAMS:** Fine.  
 4 **Questioned by MS PATRICK**  
 5 **MS PATRICK:** Mr Patterson, good afternoon.  
 6 **A.** Sorry.  
 7 **Q.** Are you okay?  
 8 **A.** Yes, indeed, yes. Thank you.  
 9 **Q.** My name is Ms Patrick and I ask questions on behalf of  
 10 a number of subpostmasters who were wrongfully convicted  
 11 and have since had their convictions quashed. I only  
 12 want to raise one topic. When you gave evidence in  
 13 January, at the end of your evidence you committed to  
 14 meeting subpostmasters and their families; is that  
 15 right?  
 16 **A.** I committed to meeting subpostmasters and the families  
 17 contacted me.  
 18 **Q.** Yes. In August, early August, seven months on, you met  
 19 then with representatives of the children who suffered  
 20 as a result of their parents being prosecuted and  
 21 convicted.  
 22 You're nodding, Mr Patterson. You have to say "yes"  
 23 or "no".  
 24 **A.** Oh, sorry, yes, yes.  
 25 **Q.** In that meeting, there were nine children of former

226

1 **Q.** It was in very moving terms, to be frank, wasn't it?  
 2 **A.** It was.  
 3 **Q.** They explained that their lost opportunities and their  
 4 trauma, it just isn't caught by any existing  
 5 compensation redress or restorative justice scheme; is  
 6 that fair?  
 7 **A.** That's my understanding, yes.  
 8 **Q.** You listened to what they had to say and you said you  
 9 would take it away and you would come back to them?  
 10 **A.** Yes.  
 11 **Q.** That's over three months ago now, August, isn't it?  
 12 **A.** Yes.  
 13 **Q.** Yes. Now, Hudgells Solicitors has regularly sought  
 14 updates on their behalf from Fujitsu as to what would  
 15 happen and when; is that fair?  
 16 **A.** I believe so.  
 17 **Q.** Just very briefly, we don't have to go through the  
 18 detail, in September, on the 13th, your solicitors for  
 19 Fujitsu replied and said that your team were continuing  
 20 to study what you had learned during your meeting in  
 21 August. Can I just ask briefly, very briefly, what had  
 22 you learned in your August meeting?  
 23 **A.** So the -- I think the two or three colleagues -- sorry,  
 24 the three members of the group sitting beside you, it  
 25 was a very difficult day for them and it was a very

228

1 difficult day to listen. They had a number of ideas,  
2 some of which I had no -- I've got no experience of  
3 personally. I don't know even how we would execute  
4 those things and I think I said in the meetings we are  
5 not the right people to -- the right organisation to do  
6 some of those things. But let us think about could we  
7 find organisations. But, equally, I think the group  
8 were also structuring themselves differently to allow us  
9 to potentially engage with them in a more structured way  
10 than the way that it was previously.

11 So we do want to engage in that way. I'm still  
12 unclear about what things we can do other than sums of  
13 money, the list of -- I think, the education topic that  
14 we talked about, the mental health topic that we talked  
15 about, how we can, as a company help, help in that way,  
16 and I think there was also a conversation around legacy  
17 on education. I didn't bring my notes with me on that  
18 particular meeting.

19 So we still want to do that. Frankly, we've  
20 struggled, though, to figure out how.

21 **Q.** Can I ask you to pause there for one moment because  
22 I know we're very short of time. The last reply they  
23 received, I believe, suggests you would revert with the  
24 timetable around engagement towards the end of this year  
25 but that you had no further updates at this time, and

229

1 we think we could help with. I think that we'd want to  
2 explore those again, not to -- I think, in fact,  
3 Rebekah, you made a point about kicking the ball down  
4 the road -- not to do that, but we struggled, frankly,  
5 to find a way to engage it.

6 Now, I think, if my memory is right, you've also  
7 structured yourself slightly different now, I believe.  
8 I owe it to you to have a look at what that new  
9 structure looks like and is there a way we could engage  
10 with before the end of the calendar year.

11 **Q.** Thank you, Mr --

12 **A.** And I don't know off the top of my head what your new  
13 structure looks like. Okay.

14 **MS PATRICK:** Thank you, Mr Patterson. There have been  
15 updates provided to Fujitsu and I'm very grateful for  
16 your indication that there would be further engagement.

17 **SIR WYN WILLIAMS:** Before Mr Stein asks you any questions,  
18 Mr Patterson, can I just get clarity about one point.  
19 So far as Fujitsu is concerned, does the end of the  
20 Inquiry for taking steps mean at the close of play on  
21 17 December, when the last final oral submissions are  
22 made, or does it mean when I report?

23 **A.** I haven't given it, Sir Wyn, any practical thoughts,  
24 actually. I am hoping, once you finish taking all the  
25 evidence, we can sit down with Government, given that

231

1 that came through Fujitsu's solicitors. Does that mean  
2 that it will be the end of the year before you can take  
3 a position on whether you can engage further with the  
4 Lost Chances organisation and with the people sitting  
5 here; is that what that means?

6 **A.** So I think there was something else that happened today  
7 with the Secretary of State, where he also said he  
8 thought there was a theme in here or topic in here that  
9 we could be involved in.

10 I don't know what format that engagement with two of  
11 you, three of you, the nine of you, could be before the  
12 end of the calendar year but I won't stay silent. So  
13 I won't stay silent.

14 **Q.** So you won't stay silent. Can I just ask, you said  
15 before the end of the year. Now, given everything that  
16 you've said today, and we know what you've said about  
17 waiting until the end of the Inquiry, given everything  
18 you've said today about that meeting and Fujitsu's role  
19 in the scandal, is there really any need for this work,  
20 this engagement, to wait until the end of the Inquiry to  
21 decide where Fujitsu might fit?

22 **A.** So for us as a company, it's very difficult to  
23 understand, when we had the first conversation, very  
24 difficult to understand where that engagement could be,  
25 what could we do. You had a list of several topics that

230

1 we'll know a number of themes and a number of  
2 conclusions, shall we say, given everybody has listened  
3 to it. But I hadn't given it a definitive date, sir.

4 **SIR WYN WILLIAMS:** Well, that's all right but I would like  
5 you to ponder that because I think everybody will  
6 realise that there is bound to be a period of time,  
7 I won't commit myself to any particular period of time,  
8 between 17 December and when I produce a report, and  
9 I think it would help both clarity and transparency if  
10 Fujitsu did clarify that.

11 **A.** I will take that up with the Department as well. Thank  
12 you, sir.

13 **SIR WYN WILLIAMS:** Yes, all right. Mr Stein.

**Questioned by MR STEIN**

14 **MR STEIN:** Thank you, Mr Patterson. We've met before.

15 Can we go to straight to a document which is  
16 FUJ00243199. That's the letter dated 17 May that you're  
17 familiar with. On that first page, can we scroll down,  
18 please, to (ii), "pursuit of shortfalls from  
19 postmasters". Let's just read through that together.  
20 So this is a letter from you to Mr Read and the relevant  
21 part that I'm going to take you to therefore says:

22 "It seems that the Post Office may be continuing to  
23 pursue postmasters for shortfalls in their accounts  
24 using Horizon data. We would have expected that the  
25

232

1 Post Office has changed its behaviour in light of the  
2 criticisms and is appropriately circumspect with respect  
3 to any enforcement actions. It should not be relying on  
4 Horizon data as the basis for such shortfall  
5 enforcement."

6 Now, this appears to be a fairly serious letter.  
7 Did you mean what this says?

8 **A.** I know what I wrote.

9 **Q.** Did you mean it?

10 **A.** Well, it's what I wrote, Mr Stein.

11 **Q.** Well, you either mean something or you don't,  
12 Mr Patterson. Is that correct in what it seems to say,  
13 which is that the Post Office should not be using  
14 Horizon data to go after subpostmasters for shortfalls?

15 **A.** I think, as I've said during the last hour or so, there  
16 is multiple data points that the Post Office should be  
17 using before they conclude whether a shortfall or  
18 a theft has taken place.

19 **Q.** Let's try it one more time. Well, let's try it again.

20 "It should not be relying on Horizon data as the  
21 basis for shortfall enforcement."

22 When you wrote that, was that what you felt?

23 **A.** Yes, Mr Stein.

24 **Q.** Do you still stand by that?

25 **A.** I think, as I've given in evidence today several times,  
233

1 data point, in other words that there should be  
2 something else outside of Horizon data. Is that what  
3 you're trying to say here in your evidence?

4 **A.** Yes, and that was my point earlier about the complete  
5 supply chain that provides information to Horizon, or  
6 actually to subpostmasters themselves. You cannot rely  
7 solely -- forgive me -- solely on one data source.

8 **Q.** Right. So on its own, Horizon data its insufficient to  
9 mount a case against a subpostmaster for a shortfall?  
10 Is that what you're trying to say?

11 **A.** So I am not a legal person. I'm not a legal -- in my  
12 view and in our company's view, you cannot rely on that  
13 solely for the data.

14 **Q.** To pursue people for shortfalls?

15 **A.** Yes.

16 **Q.** Right. Fujitsu's position on this: will you support the  
17 Post Office in pursuing subpostmasters for shortfalls?

18 **A.** We've said we won't do that.

19 **Q.** Right, okay. So let's add this all together. Fujitsu  
20 will not support the Post Office if the Post Office is  
21 going after a postmaster for a shortfall either in, I  
22 suppose, correspondence with that subpostmaster, or in  
23 court? Is that correct?

24 **A.** I thought you were going to add another sentence: "based  
25 solely on Horizon data."  
235

1 you cannot rely on just one data source.

2 **Q.** Well, that's not quite the same thing, is it?

3 **A.** No, it is exactly the same thing. It's Horizon data,  
4 and I've said you can't rely on one source of data.

5 **Q.** Right. So Horizon data should not be used by the Post  
6 Office to go after subpostmasters for what the Post  
7 Office reckons may be money owed by the subpostmaster?  
8 Is that right?

9 **A.** So Mr Stein, there's four investigations at the moment  
10 with the police. We have given material to the police  
11 which talks about all the data that they could --  
12 should, frankly -- be looking at to determine whether  
13 a theft has taken place, or whatever the crime is.

14 **SIR WYN WILLIAMS:** Does it amount to this, Mr Patterson:  
15 that perhaps with, to use that phrase much loved of in  
16 this Inquiry, "with the benefit of hindsight", this  
17 sentence should read: "It should not be relying solely  
18 on Horizon data", et cetera?

19 **A.** Yes, Sir Wyn, yes.

20 **SIR WYN WILLIAMS:** Fine. Thank you.

21 **A.** I have the words "basis" and "solely" as  
22 interchangeable.

23 **SIR WYN WILLIAMS:** Right.

24 **MR STEIN:** The point you made earlier in your evidence,  
25 Mr Patterson, was one whereby you referred to it as one  
234

1 **Q.** Well, that's the one you've added today, prompted by  
2 Sir Wyn.

3 **A.** Well, I'll go the other way. Based on shortfall data.

4 **Q.** Right.

5 **A.** So whether you want to use "basis" or "solely", the same  
6 thing applies.

7 **Q.** So what's going to have to happen: you're going to have  
8 to be persuaded that there's something else other than  
9 Horizon data before you provide support to the Post  
10 Office? How's it going to work, Mr Patterson?

11 **A.** So, as I've said in my evidence today, there are  
12 multiple data sources, and if you look at the YouGov  
13 data, look at the YouGov data about different places  
14 where errors or omissions or issues can occur, all of  
15 that needs to be in play and the investigation needs to  
16 be not taking a narrow view, but a holistic view.  
17 **Q.** So are you going to get the Post Office to come to you,  
18 provide the data, and then see what else comes up, or do  
19 you need the support, in other words something other  
20 than Horizon data, before you hand over the Horizon  
21 data? Which is it?

22 **A.** So Horizon data, as I said earlier, will be inside the  
23 Post Office's house by February, all historical data.  
24 So they'll have all the data that is required. And  
25 I think in evidence from several members of the Post  
236

1 Office Executive, they've got that data already. So  
2 they've got the data that they need. My evidence point  
3 is I would like to be satisfied that they are using more  
4 than just one data source. And I've not seen anything,  
5 anything, which tells me that they're using more than  
6 one data source.

7 **Q.** I see. So in that sense, if we put this all together,  
8 frankly, you don't trust the Post Office in order to get  
9 this right?

10 **A.** On this particular topic, I absolutely don't trust the  
11 Post Office.

12 **Q.** You mentioned one further point in your evidence to  
13 Mr Blake. This is about the age of the system, okay?  
14 You said this:

15 "To give this some context, we have not turned off  
16 some of this equipment because it's so old."

17 **A.** Mm-hm.

18 **Q.** Help us understand what would happen if you did turn it  
19 off?

20 **A.** I've got no idea. So in my experience of 35 years in  
21 this industry, you know, if you do not do disaster  
22 recovery, if you do not turn things off, if you don't  
23 keep them upgraded, I cannot determine what will or will  
24 not happen, which is part of our nervousness about any  
25 extension.

237

1 You said this:

2 "Mr Stein, the Inquiry and the explanation of the  
3 history of all of this is getting a great deal of  
4 attention and support from us. Our company here in the  
5 UK has many things in society, around the country,  
6 around the UK. I think the suggestion you've just made,  
7 and clearly [the transcript says 'clearly in  
8 a conversation', I think it means 'is a conversation']  
9 if I were able to come to and engage with subpostmasters  
10 and their representation, their representatives, we  
11 would -- would be absolutely something we would like to  
12 consider."

13 So you appeared to be giving a positive answer to  
14 the general suggestion, which is providing some way to  
15 provide support.

16 Today, in answer to the questions on such matters,  
17 you've said that Fujitsu wishes to engage in  
18 a discussion with Government -- you mentioned also  
19 subpostmasters -- as to providing the financial support  
20 that would go to Government.

21 Now, has Fujitsu written off doing something more  
22 creative than that? In other words, setting up a fund,  
23 bursaries for the children, for the families, for the  
24 people with lost opportunities? Have they written that  
25 off, or is it just going to be money to Government?

239

1 **Q.** Let's turn back to the questions that I asked you now so  
2 many months ago in January of this year. Now, I asked  
3 you these questions, which was:

4 "You're aware of the effect of this scandal upon  
5 subpostmasters. It's felt by their families, by their  
6 loved ones, by their partners, by their children. This  
7 devastated not only the subpostmasters' individual lives  
8 but everyone around them. Subpostmasters, because they  
9 could not see what was going on, would sometimes blame  
10 their own partners or their employees, and the effect,  
11 therefore, of this scandal is much more widespread than  
12 on the subpostmasters themselves, whose lives sometimes  
13 have been terminated by this scandal."

14 Then I asked you this:

15 "Will Fujitsu commit to providing funds in  
16 recompense for all those hurts to others outside of  
17 subpostmasters and the contribution scheme? In other  
18 words, financial redress to support others that have  
19 been affected?"

20 I asked this:

21 "You may want to think that what could be done by  
22 Fujitsu is supporting people in the future,  
23 subpostmasters in future entrepreneurial endeavours,  
24 their families in such, or in education; will Fujitsu  
25 consider that type of support?"

238

1 **A.** So when I met the subpostmasters there were many, many  
2 suggestions, and in fact one subpostmaster made it clear  
3 to me the company should not be giving any money to  
4 Government at all. We are not a -- we've got no  
5 experience of setting up these things or doing these  
6 things. Or, as I just said to the Lost Families, we  
7 were hoping that through Government channels we'd be  
8 able to provide funds to contribute to some of those  
9 areas. To be more creative, we're struggling to find  
10 out how we can be more creative, frankly, because that's  
11 not something that we've got any experience in.

12 I was hoping, equally, from this morning's  
13 conversation, that there would be more activity in and  
14 around the law in changing the law or lobbying for the  
15 law to change, because I was personally, as a normal  
16 citizen, surprised that the families did not have  
17 recourse to some of those other areas of compensation.  
18 But I haven't written it off, Mr Stein. I'm just not  
19 quite sure where to go.

20 **Q.** Well, where to go, Mr Patterson, is to go back to the  
21 representatives representing people that have been in  
22 this situation, and say, "Can you help? We are" -- if  
23 this is right -- "Fujitsu is trying to see what can be  
24 done. Do you have experience with compensation,  
25 frameworks, redress schemes, restorative justice

240

1 schemes?"

2 You will find that Howe+Co, Mr Enright, who sits to  
3 my left, who sits to Mr Kelly's right -- you may recall  
4 Mr Kelly from meeting him --

5 **A.** Yes, I do.

6 **Q.** -- he does have that expertise. The people are out  
7 there, Mr Patterson. Why haven't you reached out since  
8 January of this year to those people that can provide  
9 such assistance for you on these important queries?

10 **A.** Sir, there's no reason why I haven't reached out. I've  
11 had the meetings, Mr Stein. Thank you for the  
12 suggestion. We'll have the conversation in due course  
13 with the colleagues.

14 As an IT company, we are unsure where to go and what  
15 to do about this. We were hoping that the compensation  
16 schemes and contributing to the Government compensation  
17 schemes would be a suitable vehicle for redress.

18 **Q.** But you know that those compensation schemes are not  
19 providing this type of support to the wider family. So  
20 all that appears to be happening is Fujitsu is  
21 contemplating a contribution, subbing the Government for  
22 the compensation schemes that are currently in place.  
23 That's what you seem to be saying.

24 **A.** Sir, that is what I was saying earlier. And what you're  
25 suggesting to me is that your organisational colleagues

241

1 Is that this year, or is that at some point next year  
2 when the Inquiry reports?"

3 Okay, fine.

4 Why is it that Fujitsu wants to wait until the end  
5 of the Inquiry before dealing with such matters? What's  
6 the rationale?

7 **A.** So when I sat in this room in January, there were some  
8 things I knew, and I didn't know. I've now spent the  
9 last seven months, as you have, listening to evidence  
10 about what other people in other organisations did or  
11 didn't do. The notion that this is all down to  
12 a software bug and has contributed to the largest  
13 miscarriage of justice in the United Kingdom is  
14 incorrect. These are complex matters, as you well know,  
15 based over many, many decades, and we have learnt, as an  
16 organisation, a great deal about the causes of this  
17 miscarriage of justice.

18 **Q.** Yes, well, let's go back to my question: why is it that  
19 Fujitsu needs to await the close of this Inquiry before  
20 it deals with matters such as compensation or  
21 contributions towards compensation?

22 **A.** For the reasons I've just given: these are complex  
23 matters which we need to understand all those  
24 components. Now, what we do know, and as I said to  
25 Sir Wyn just a moment ago, by the time we get to the end

243

1 may have some expertise in these other areas, and we'll  
2 have that conversation.

3 **Q.** Is there a standstill agreement between the civil action  
4 from the Post Office and Fujitsu as to whether the one,  
5 Post Office, will sue the other, Fujitsu?

6 **A.** Yes, there is.

7 **Q.** So in essence, what may be happening here, do you agree,  
8 Mr Patterson, is Fujitsu is considering paying some  
9 compensation towards the compensation funds in order to  
10 stave off, as a way of settling the action from the Post  
11 Office against Fujitsu? That's what it appears to be,  
12 Mr Patterson.

13 **A.** Well, it's not, Mr Stein.

14 **Q.** So any funds committed by Fujitsu towards compensation  
15 will not be in settlement to the claim between Post  
16 Office and Fujitsu is that what you're saying?

17 **A.** So, Mr Stein, I have had no conversation with the Post  
18 Office about the standstill agreement. That's our legal  
19 teams and our legal teams. As far as I'm concerned, if  
20 there's any contribution to compensation, it will always  
21 be outside that conversation.

22 **Q.** Lastly, where in all of this is the situation that's  
23 been described: which is that Fujitsu awaits the close  
24 of the Inquiry? Now, Sir Wyn has asked you some  
25 questions: "What do you mean by the end of the Inquiry?"

242

1 of this week we'll have a better idea on a number of  
2 those topics about how we can contribute. You have  
3 given me a suggestion here, and I've already committed  
4 to meeting with the Lost Families.

5 **Q.** But Mr Patterson, you already accept that there is  
6 a need for Fujitsu to put its money where its mouth is.  
7 You would accept that there is at least a discussion to  
8 be had about supporting people that have been affected  
9 by the scandal. Why wait? Is this legal advice: wait  
10 until the end of the Inquiry when it's all gone quiet?

11 **A.** Far from it, gone quiet. I don't expect this to go  
12 quiet at all. Why should it go quiet? These are  
13 serious matters.

14 **Q.** But is this your decision to wait until the end of the  
15 Inquiry, or is it legal advice? What is it, Mr Fujitsu  
16 (*sic*)? Who is telling you to wait until the end of the  
17 Inquiry?

18 **SIR WYN WILLIAMS:** I'm not sure about answering that  
19 question fully. He can say, "I'm not going to tell you  
20 about our legal advice", can't he?

21 **MR STEIN:** That's true, but it is his choice.

22 **SIR WYN WILLIAMS:** Yes, well I'm just reminding him he has  
23 a choice.

24 **MR STEIN:** Yes.

25 Mr Patterson?

244

1 **SIR WYN WILLIAMS:** I mean it is the reality, Mr Patterson,  
 2 isn't it, that by listening to all the evidence first,  
 3 you will have a much better idea about the culpability  
 4 of Fujitsu, if any; isn't that the reality of it?  
 5 **A.** Yes, it is, Sir Wyn.  
 6 **SIR WYN WILLIAMS:** Fine. Thank you.  
 7 **MR STEIN:** So the end result of this is that we know the  
 8 Post Office has indicated that they wish to bring  
 9 forward restorative justice proposals. Will Fujitsu  
 10 commit to supporting that?  
 11 **A.** So you asked me a question a moment ago: do I trust the  
 12 Post Office?  
 13 **Q.** Well, you've got a choice, Mr Patterson. You can reject  
 14 working with the Post Office as you like. Will Fujitsu  
 15 commit to supporting restorative justice proposals?  
 16 **A.** So the new management team inside the Post Office,  
 17 I would welcome that opportunity to sit down and talk to  
 18 them about those topics, yes, Mr Stein.  
 19 **Q.** Sooner rather than later, Mr Patterson?  
 20 **A.** I spoke to the Post Office Executives on Friday, and I'm  
 21 speaking to them again on Thursday. So sooner rather  
 22 than later, yes.  
 23 **Q.** Avoiding any other problems, will you commit also to  
 24 meeting with Mr Enright and his team from Howe+Co sooner  
 25 rather than later --

1 **A.** Mr Stein, you've asked me that question before as well,  
 2 and the answer is I won't commit to that.  
 3 **Q.** You won't commit to that?  
 4 **A.** No, not sooner rather than later. You've just given me  
 5 a whole bunch of caveats to that meeting. You've just  
 6 offered to me that you've got some experience in those  
 7 areas. I will talk to my team about how do we get the  
 8 value from that conversation. But I'm not going to sit  
 9 down and commit to meeting Mr Enright tomorrow or today  
 10 or whenever. I need to have that conversation first.  
 11 **Q.** All right, well that's avoiding tomorrow --  
 12 **A.** Well, you said the words "tomorrow" and "today" and you  
 13 gave me a number of caveats.  
 14 **Q.** How about before Christmas, Mr --  
 15 **SIR WYN WILLIAMS:** That's enough, gentlemen. That's enough.  
 16 I think I've got the picture.  
 17 Thank you very much, and it's finishing dead on  
 18 time, Mr Stein, so well done.  
 19 **MR STEIN:** Thank you, sir.  
 20 **SIR WYN WILLIAMS:** Right. Good.  
 21 We'll resume again at 10.00 tomorrow, but first --  
 22 or lastly, today -- I should thank you, Mr Patterson,  
 23 for appearing again at the Inquiry, for producing  
 24 witness statements on behalf of Fujitsu, and making the  
 25 commitments to the extent that you have. Thank you.

1 **THE WITNESS:** Thank you, Sir Wyn.  
 2 (5.21 pm)  
 3 (The hearing adjourned until 10.00 am the following day)  
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**I N D E X**

JONATHAN NEIL REYNOLDS MP (sworn) .....	1
Questioned by MR BLAKE .....	1
Questioned by MR STEIN .....	45
Questioned by MS SHAH .....	59
Questioned by MS PATRICK .....	71
Questioned by SIR WYN WILLIAMS .....	75
KEMI BADENOCH MP (sworn) .....	78
Questioned by MR BEER .....	78
Questioned by MR STEIN .....	151
Questioned by MS PATRICK .....	162
Questioned by MR HENRY .....	168
Questioned by SIR WYN WILLIAMS .....	171

WILLIAM PAUL PATTERSON (sworn) .....	174
Questioned by MR BLAKE .....	174
Questioned by MS PATRICK .....	226
Questioned by MR STEIN .....	232

<p><b>MR BEER:</b> [15] 78/6 78/8 78/11 115/6 115/10 115/12 115/17 115/19 151/13 151/16 152/4 168/4 168/6 171/2 173/17</p> <p><b>MR BLAKE:</b> [27] 1/3 1/5 1/8 1/12 1/16 1/21 26/2 28/12 30/5 42/10 45/2 45/8 59/20 70/6 70/14 70/18 70/21 70/25 77/24 78/2 173/23 173/25 174/5 185/20 209/17 224/16 226/1</p> <p><b>MR HENRY:</b> [2] 168/13 170/24</p> <p><b>MR STEIN:</b> [16] 45/10 59/10 151/20 152/6 162/14 225/2 225/12 225/16 225/19 225/21 232/15 234/24 244/21 244/24 245/7 246/19</p> <p><b>MS PATRICK:</b> [9] 71/2 75/2 162/17 168/1 225/1 225/3 225/11 226/5 231/14</p> <p><b>MS SHAH:</b> [2] 59/22 70/5</p> <p><b>SIR WYN WILLIAMS:</b> [66] 1/4 1/7 1/11 1/14 1/17 25/25 26/3 28/7 28/13 29/8 30/3 42/2 45/6 70/10 70/17 70/20 75/4 77/17 77/23 78/1 78/7 115/8 115/11 115/18 168/3 168/5 168/9 171/4 171/8 171/16 172/19 172/25 173/6 173/13 173/19 173/24 174/2 185/16 185/19 208/7 208/14 208/20 208/24 209/3 209/5 209/9 209/14 224/23 225/6 225/15 225/17 225/20 225/22 226/3 231/17 232/4 232/13 234/14 234/20 234/23 244/18 244/22 245/1 245/6 246/15 246/20</p> <p><b>THE WITNESS:</b> [9] 59/19 77/21 115/13 151/15 162/15 168/2 171/1 173/12 247/1</p> <hr/> <p>'23 [1] 81/14 '24 [1] 81/15 'bugs [1] 219/4 'clearly [1] 239/7</p>	<p>'I [2] 30/20 30/22 'I think [1] 30/22 'I wish [1] 30/20 'is [1] 239/8 'moral [1] 219/9 'skills [1] 222/24 'substantial [1] 30/17 'victim' [1] 205/14 'voluntarily [1] 222/19 'you [1] 125/19</p> <hr/> <p><b>1</b></p> <p><b>1,000 [2]</b> 113/25 178/8 <b>1.09 [1]</b> 115/14 <b>1.4 million [2]</b> 222/14 223/3 <b>1.8 billion [1]</b> 10/7 <b>10 [4]</b> 86/5 132/21 179/6 225/2 <b>10 years [1]</b> 35/20 <b>10,000 [2]</b> 108/15 108/15 <b>10.00 [3]</b> 1/2 246/21 247/3 <b>10.11 [1]</b> 48/18 <b>10.59 [1]</b> 42/2 <b>100 [2]</b> 19/11 132/6 <b>100 per cent [1]</b> 160/13 <b>100,000 [1]</b> 124/3 <b>100k [2]</b> 100/22 107/19 <b>10k [1]</b> 100/12 <b>11 [2]</b> 95/4 134/14 <b>11 November 2024</b> [1] 1/1 <b>11.00 [2]</b> 1/8 41/25 <b>11.37 [1]</b> 70/22 <b>11.45 [2]</b> 70/20 70/24 <b>11.59 [1]</b> 78/3 <b>12 [1]</b> 147/23 <b>12 months [4]</b> 123/24 178/19 179/1 179/4 <b>12.14 [1]</b> 78/5 <b>13 [3]</b> 60/9 105/15 134/21 <b>13th [1]</b> 228/18 <b>14 [4]</b> 79/10 176/2 176/3 179/5 <b>14 pages [1]</b> 79/4 <b>14 September [1]</b> 174/17 <b>15 [2]</b> 77/24 225/2 <b>15 December [1]</b> 180/21 <b>15 hours [1]</b> 121/18 <b>15 September 2021</b> [1] 80/21 <b>16 [3]</b> 20/16 51/13 184/12 <b>16 September [1]</b></p>	<p>81/2 <b>163k [1]</b> 100/9 <b>167 [1]</b> 67/3 <b>168 [1]</b> 67/4 <b>17 [3]</b> 51/13 178/6 178/11 <b>17 December [2]</b> 231/21 232/8 <b>17 May [2]</b> 192/15 232/17 <b>17-month [1]</b> 81/14 <b>172 [1]</b> 37/4 <b>18 [2]</b> 217/23 217/24 <b>18 months [1]</b> 96/1 <b>19 [3]</b> 23/23 26/4 218/1 <b>19 per cent [1]</b> 179/5 <b>1999 [2]</b> 185/1 210/15 <b>1k [1]</b> 19/12</p> <hr/> <p><b>2</b></p> <p><b>2 September [1]</b> 116/1 <b>2.00 [2]</b> 115/10 115/16 <b>2010 [2]</b> 3/2 175/22 <b>2011 [1]</b> 84/14 <b>2012 [2]</b> 84/13 201/8 <b>2014 [1]</b> 174/14 <b>2017 [2]</b> 79/18 80/15 <b>2019 [12]</b> 45/13 48/12 48/14 80/16 80/18 83/11 152/25 153/5 155/10 155/19 157/15 158/1 <b>2019-24 [1]</b> 157/21 <b>2020 [5]</b> 80/21 96/1 153/6 153/6 207/7 <b>2021 [7]</b> 80/21 81/2 82/24 96/1 106/13 153/6 153/7 <b>2022 [9]</b> 81/2 81/8 83/19 116/1 153/7 153/8 153/8 153/8 174/16 <b>2023 [20]</b> 81/8 81/10 81/23 81/25 82/9 83/2 83/20 84/5 84/23 85/10 86/8 98/21 98/25 99/2 102/9 104/8 110/10 116/8 174/18 180/21 <b>2024 [18]</b> 1/1 19/10 78/17 79/3 79/8 81/11 81/18 83/12 116/19 117/22 118/8 140/2 157/17 174/19 174/21 182/23 202/14 203/9 <b>2024/25 [3]</b> 140/9 141/2 141/22 <b>2025 [2]</b> 30/12 209/23 <b>21 August [1]</b> 106/13</p>	<p><b>21 February [3]</b> 81/25 84/23 85/9 <b>21 June [1]</b> 218/5 <b>21st [1]</b> 147/3 <b>22 July [2]</b> 15/16 15/22 <b>23 [2]</b> 106/12 106/24 <b>23 August [1]</b> 183/13 <b>23 February [1]</b> 86/7 <b>23 January [1]</b> 133/1 <b>23 September [1]</b> 174/21 <b>23rd [1]</b> 136/10 <b>24 [1]</b> 157/21 <b>24 January [1]</b> 132/23 <b>24th [1]</b> 136/10 <b>25 [5]</b> 140/9 141/2 141/22 213/1 213/2 <b>25 years [1]</b> 200/22 <b>26 July [1]</b> 205/6 <b>26 September [3]</b> 2/1 78/17 79/8 <b>27 [1]</b> 176/18 <b>27 January [2]</b> 117/22 118/8 <b>28 September [1]</b> 174/14 <b>29 December [1]</b> 174/16</p> <hr/> <p><b>3</b></p> <p><b>3.23 [1]</b> 173/20 <b>3.35 [2]</b> 173/18 173/22 <b>30 [4]</b> 91/1 156/23 209/20 209/21 <b>31 March [2]</b> 20/19 209/23 <b>33 [3]</b> 198/22 223/14 223/15 <b>33 pages [1]</b> 208/19 <b>35 years [1]</b> 237/20 <b>36 [2]</b> 37/7 141/8 <b>38 [1]</b> 171/6 <b>39 [1]</b> 95/4</p> <hr/> <p><b>4</b></p> <p><b>4 July [1]</b> 49/15 <b>4.00 [1]</b> 198/7 <b>4.49 [1]</b> 225/23 <b>4.50 [1]</b> 225/6 <b>4.54 [1]</b> 225/25 <b>4.55 [1]</b> 225/18 <b>40 [1]</b> 156/23 <b>40-day [1]</b> 6/21 <b>41 [2]</b> 147/23 147/24 <b>44 [1]</b> 105/14 <b>47 [1]</b> 103/22 <b>49 [1]</b> 178/14</p> <hr/> <p><b>5</b></p> <p><b>5 July [2]</b> 81/11 81/17</p>	<p><b>5.00 [1]</b> 173/15 <b>5.20 [1]</b> 225/18 <b>5.21 [1]</b> 247/2 <b>50 years [1]</b> 35/20 <b>50,000 [3]</b> 16/5 17/18 18/10 <b>50k [4]</b> 13/16 16/16 16/17 18/3 <b>57 [1]</b> 179/1 <b>5k [1]</b> 19/11 <b>5s [2]</b> 152/2 152/9</p> <hr/> <p><b>6</b></p> <p><b>6 September [1]</b> 81/8 <b>6 September 2022 [1]</b> 81/2 <b>60 [1]</b> 217/5 <b>60 hours [1]</b> 121/15 <b>600 [1]</b> 19/10 <b>66 [1]</b> 213/1</p> <hr/> <p><b>7</b></p> <p><b>7 February [2]</b> 81/8 81/10 <b>7 November [1]</b> 66/12 <b>7 October [1]</b> 79/3 <b>72 [1]</b> 176/18 <b>75,000 [5]</b> 17/2 22/10 22/19 26/20 28/21 <b>75k [13]</b> 13/7 13/13 16/7 16/9 16/13 16/21 17/22 19/9 19/18 21/11 21/18 28/15 29/3 <b>77 [2]</b> 209/21 209/21</p> <hr/> <p><b>8</b></p> <p><b>8 August [1]</b> 174/19 <b>8 July [2]</b> 182/23 195/9 <b>85,000 [1]</b> 22/19 <b>8k [1]</b> 100/12</p> <hr/> <p><b>9</b></p> <p><b>9 August [3]</b> 74/7 99/2 104/9 <b>9.00 [1]</b> 198/6 <b>92 [1]</b> 178/16 <b>95,000 [1]</b> 22/19</p> <hr/> <p><b>A</b></p> <p><b>A2 [1]</b> 78/18 <b>ability [3]</b> 14/21 57/23 72/12 <b>able [44]</b> 2/23 6/8 10/3 14/17 15/15 16/13 20/24 22/1 22/3 22/15 23/9 23/10 24/16 24/17 28/15 30/24 36/7 38/13 42/18 44/25 49/1 50/9 67/15 71/13 98/11 100/22 147/10 150/23</p>
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<b>A</b>	168/10 169/5 170/7 172/12 176/2 176/14 177/22 182/17 186/10 188/24 188/25 197/2 197/24 198/15 200/6 200/14 201/22 203/3 207/1 207/17 207/18 208/2 208/4 210/24 212/8 213/19 218/6 218/10 220/17 221/1 221/7 221/14 223/13 223/14 224/10 224/24 225/13 229/6 229/12 229/14 229/15 230/16 230/18 231/3 231/18 234/11 235/4 236/13 237/13 237/24 241/15 242/18 243/10 243/16 244/2 244/8 244/18 244/20 245/3 245/18 246/7 246/14 <b>above [7]</b> 19/21 22/19 22/23 151/2 199/19 200/4 209/22 <b>absence [2]</b> 114/20 115/6 <b>absolutely [27]</b> 10/22 11/11 22/21 26/2 34/2 36/2 41/15 58/19 61/21 62/6 63/8 69/3 69/16 70/14 71/16 161/16 167/20 172/23 173/2 173/4 179/16 209/4 209/13 209/13 215/2 237/10 239/11 <b>abuses [2]</b> 65/21 66/6 <b>AC [1]</b> 203/5 <b>accelerate [1]</b> 95/9 <b>accelerating [2]</b> 99/4 100/21 <b>acceleration [2]</b> 104/12 142/19 <b>accept [16]</b> 17/2 20/5 21/10 21/22 22/3 24/12 148/10 164/18 167/18 177/5 177/13 177/17 214/1 217/3 244/5 244/7 <b>acceptance [2]</b> 55/18 183/20 <b>accepted [8]</b> 20/3 25/18 25/19 26/14 139/4 191/20 215/8 221/11 <b>accepting [2]</b> 36/23 61/4 <b>accepts [2]</b> 176/4 177/4 <b>access [11]</b> 23/21 52/5 71/13 71/19 72/1 72/25 73/12 146/21 183/6 183/10 199/9 <b>According [1]</b> 223/1	<b>account [4]</b> 28/4 79/14 148/13 199/24 <b>accountabilities [1]</b> 60/16 <b>accountability [13]</b> 5/10 5/12 36/23 60/13 61/2 65/14 67/17 148/17 149/1 149/5 149/13 149/24 166/15 <b>accountable [2]</b> 4/13 20/12 <b>accountant [2]</b> 186/10 187/11 <b>accounted [2]</b> 9/18 57/12 <b>accounting [7]</b> 8/4 101/4 101/23 185/8 186/19 192/23 199/22 <b>accounts [10]</b> 9/13 185/3 185/6 185/23 187/17 187/20 188/6 193/14 194/23 232/24 <b>accumulating [1]</b> 216/21 <b>accuracy [5]</b> 32/20 33/8 104/2 108/5 186/3 <b>accurate [8]</b> 6/6 7/3 120/6 120/8 136/17 136/21 160/14 188/17 <b>accurately [2]</b> 87/3 119/23 <b>accusation [1]</b> 180/16 <b>accusing [1]</b> 206/12 <b>achieve [6]</b> 30/15 104/15 138/18 144/4 205/2 214/24 <b>achieved [1]</b> 5/15 <b>acknowledge [2]</b> 62/15 128/21 <b>acknowledgement</b> <b>[1]</b> 166/25 <b>across [5]</b> 39/2 54/15 132/10 142/17 169/23 <b>act [11]</b> 33/11 34/12 38/8 39/20 71/4 84/14 124/25 138/21 162/18 192/19 203/20 <b>acted [2]</b> 138/2 139/2 <b>acting [8]</b> 69/15 112/4 138/9 138/11 138/14 148/18 207/15 211/24 <b>action [13]</b> 12/9 14/16 17/17 43/8 74/11 101/3 113/23 138/5 177/18 204/17 214/16 242/3 242/10 <b>actions [7]</b> 53/24 175/14 192/20 204/21 213/10 220/3 233/3 <b>active [1]</b> 64/9 <b>actively [3]</b> 196/16	206/17 206/22 <b>activities [7]</b> 53/2 182/2 194/11 194/22 210/16 217/4 217/6 <b>activity [2]</b> 205/16 240/13 <b>Acts [1]</b> 35/1 <b>actual [5]</b> 20/5 46/1 91/19 123/19 212/6 <b>actually [31]</b> 4/24 9/15 55/14 58/12 71/21 76/4 76/9 100/17 103/14 113/8 114/17 118/25 120/25 123/17 124/5 124/6 125/15 130/2 130/8 131/14 139/16 151/3 155/1 155/7 156/12 167/2 168/20 179/23 211/3 231/24 235/6 <b>adamant [1]</b> 95/16 <b>add [4]</b> 66/17 149/1 235/19 235/24 <b>added [1]</b> 236/1 <b>adding [1]</b> 150/15 <b>addition [2]</b> 47/25 199/11 <b>additional [4]</b> 12/6 100/19 214/13 217/12 <b>Addleshaw [1]</b> 2/25 <b>address [16]</b> 43/23 65/20 66/2 124/9 128/24 141/25 163/5 174/12 175/12 192/24 193/7 193/18 195/20 204/3 217/14 227/11 <b>addressed [8]</b> 15/21 41/13 56/16 58/4 136/10 136/11 174/25 193/10 <b>addresses [10]</b> 16/5 19/5 30/7 30/8 41/16 104/17 195/7 200/2 202/18 204/10 <b>addressing [1]</b> 218/19 <b>adequate [2]</b> 22/11 50/12 <b>adjourned [1]</b> 247/3 <b>Adjournment [1]</b> 115/15 <b>adjusted [1]</b> 178/1 <b>Admin [2]</b> 217/16 217/20 <b>administer [1]</b> 16/8 <b>administration [4]</b> 71/11 71/12 71/14 72/21 <b>administrations [1]</b> 71/20 <b>administrative [1]</b> 19/19 <b>admissibility [1]</b> 192/8	<b>admitted [2]</b> 30/14 219/3 <b>adult [1]</b> 123/22 <b>advance [2]</b> 28/8 105/6 <b>advantages [2]</b> 42/25 101/3 <b>adversarial [1]</b> 63/13 <b>adverse [1]</b> 181/9 <b>advice [34]</b> 12/14 13/19 19/24 20/20 20/25 21/1 21/6 21/9 21/14 21/19 21/23 22/4 22/16 22/20 23/21 23/24 26/12 26/19 26/23 27/3 27/6 27/8 27/14 27/21 68/6 85/25 89/6 103/11 112/13 123/11 139/4 244/9 244/15 244/20 <b>advise [4]</b> 51/22 152/19 191/4 216/17 <b>advised [3]</b> 102/16 133/3 160/18 <b>advisers [1]</b> 100/18 <b>advises [1]</b> 91/5 <b>Advisory [2]</b> 24/12 72/5 <b>advocate [2]</b> 53/17 139/5 <b>advocating [1]</b> 104/1 <b>affairs [4]</b> 3/25 34/10 72/11 84/23 <b>affected [13]</b> 30/11 45/11 57/18 57/19 57/20 57/22 58/2 63/19 99/20 220/12 227/9 238/19 244/8 <b>affecting [2]</b> 4/15 159/6 <b>affection [1]</b> 44/6 <b>afoot [1]</b> 99/25 <b>afraid [9]</b> 46/5 77/25 114/21 151/8 151/9 151/10 151/11 153/12 164/17 <b>after [39]</b> 25/2 40/14 41/21 52/23 61/12 70/14 81/17 85/24 86/7 87/8 88/16 89/12 96/23 99/9 102/8 102/11 102/14 103/3 109/12 114/2 114/8 119/14 127/19 139/19 153/6 155/14 155/19 158/17 158/17 160/7 184/14 190/14 199/25 211/7 222/18 224/15 233/14 234/6 235/21 <b>afternoon [11]</b> 78/6 78/11 115/17 162/17 168/5 168/10 173/8 173/14 173/23 173/25 226/5
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<b>A</b>	<b>alarming [1]</b> 155/6	97/17 97/19	242/20	239/13 239/16 246/2					
<b>again [46]</b> 8/17 23/19 25/22 28/20 29/25 33/6 37/11 37/18 39/12 41/21 44/18 50/24 51/7 59/13 67/8 67/15 70/1 71/11 73/9 89/11 93/25 111/14 139/16 156/1 158/15 160/1 180/15 186/20 187/24 188/19 192/3 198/3 198/23 201/22 202/17 213/19 214/4 216/12 217/13 219/2 227/2 231/2 233/19 245/21 246/21 246/23	<b>albeit [1]</b> 173/8	<b>allows [1]</b> 219/14	<b>am [39]</b> 1/2 4/17 28/7 41/14 42/6 56/13 64/21 70/22 70/24 73/10 74/2 78/3 83/5 97/5 102/18 104/14 109/25 110/11 111/20 112/14 126/23 128/7 130/18 133/7 139/7 146/11 167/2 167/9 172/2 188/21 190/4 212/4 212/8 217/23 225/25 227/8 231/24 235/11 247/3	<b>answered [4]</b> 159/3 159/7 164/23 208/15 <b>answering [2]</b> 151/14 244/18 <b>answers [7]</b> 32/17 40/5 61/1 64/18 147/18 203/7 208/19 <b>anticipate [4]</b> 1/12 4/6 160/6 211/20 <b>any [110]</b> 7/2 8/23 11/7 11/11 12/8 12/12 12/14 14/6 15/10 16/20 22/21 23/20 24/15 24/22 27/18 29/5 32/1 32/5 32/10 32/12 34/21 36/7 36/24 40/2 41/1 42/11 44/23 45/4 45/6 46/5 46/14 49/12 50/11 50/19 52/12 54/12 55/13 55/16 64/14 68/15 69/5 74/11 82/19 87/7 88/5 95/20 96/2 97/2 98/19 115/4 116/5 117/19 122/10 122/23 123/2 129/15 143/10 144/11 145/19 146/16 152/21 153/18 160/11 163/18 163/25 164/11 164/11 166/4 170/24 179/7 180/16 185/8 189/23 190/5 190/13 191/18 192/5 192/20 193/3 195/18 201/2 202/9 202/22 204/6 204/8 207/11 207/19 209/5 210/8 210/17 211/5 212/12 214/6 214/19 218/10 218/10 220/21 228/4 230/19 231/17 231/23 232/7 233/3 237/24 240/3 240/11 242/14 242/20 245/4 245/23	<b>against [13]</b> 27/15 135/6 139/3 175/14 177/18 192/19 192/21 195/14 207/25 213/11 214/17 235/9 242/11 <b>age [4]</b> 145/17 181/5 184/21 237/13 <b>agencies [2]</b> 39/11 191/9 <b>agenda [1]</b> 68/7 <b>aggregate [1]</b> 20/13 <b>aggressive [1]</b> 133/12 <b>ago [11]</b> 45/20 125/3 145/5 180/12 180/15 182/8 211/2 228/11 238/2 243/25 245/11 <b>agree [20]</b> 53/22 53/23 60/18 63/2 63/7 64/11 68/8 69/12 101/9 101/22 145/9 169/21 172/19 172/23 173/15 215/16 218/7 222/10 225/10 242/7 <b>agreed [7]</b> 10/4 15/12 101/18 103/23 134/16 135/7 210/15 <b>agreeing [2]</b> 126/13 127/8 <b>agreement [11]</b> 3/17 11/23 12/5 15/24 35/7 35/17 36/3 127/9 225/8 242/3 242/18 <b>agreements [2]</b> 12/9 185/18 <b>Ah [1]</b> 127/25 <b>ahead [1]</b> 201/15 <b>aid [1]</b> 192/6 <b>aim [3]</b> 47/2 67/10 67/18 <b>aimed [1]</b> 142/21 <b>aired [1]</b> 161/22 <b>aisle [1]</b> 35/4 <b>Alan [2]</b> 30/13 31/3 <b>Alan's [2]</b> 30/20 31/13 <b>alarm [1]</b> 132/11	<b>Aldwych [1]</b> 143/4 <b>Alex [1]</b> 66/11 <b>align [1]</b> 60/5 <b>alive [2]</b> 145/6 145/10 <b>all [140]</b> 1/14 1/17 4/3 4/10 6/24 9/12 19/9 20/5 25/6 26/3 26/14 26/15 28/18 29/4 30/12 31/16 33/22 33/24 34/24 40/2 40/13 40/20 44/8 45/7 49/5 49/11 49/18 52/9 59/1 62/15 66/1 66/8 68/16 71/17 71/23 74/14 75/8 75/11 77/19 83/1 87/13 89/1 89/1 92/10 92/16 92/16 98/14 100/4 100/5 100/10 107/10 108/19 109/3 109/4 109/7 113/19 114/15 116/20 120/2 121/12 121/23 122/3 125/9 125/10 129/15 132/13 142/6 148/24 149/11 153/3 155/8 156/19 157/3 164/11 166/1 166/2 166/3 168/9 169/12 169/16 171/13 171/17 172/21 173/8 174/12 175/4 175/7 177/13 177/22 177/23 179/24 180/7 180/13 182/9 182/12 182/16 185/24 185/24 187/2 189/6 192/5 196/16 198/13 198/14 199/19 200/16 201/2 206/2 206/4 206/10 206/23 210/13 210/25 211/4 212/18 216/1 220/10 220/13 225/8 225/15 231/24 232/4 232/13 234/11 235/19 236/14 236/23 236/24 237/7 238/16 239/3 240/4 241/20 242/22 243/11 243/23 244/10 244/12 245/2 246/11 <b>allegations [3]</b> 119/15 135/5 136/2 <b>alleged [1]</b> 192/22 <b>allocated [3]</b> 10/21 57/1 224/22 <b>allocation [1]</b> 9/23 <b>allocations [1]</b> 10/11 <b>allow [5]</b> 26/19 27/7 185/2 187/10 229/8 <b>allowed [2]</b> 51/22 88/23 <b>allowing [3]</b> 95/11	<b>alludes [1]</b> 156/25 <b>alluding [2]</b> 127/2 146/8 <b>almost [4]</b> 46/19 71/9 100/9 112/9 <b>Alok [1]</b> 153/6 <b>alone [2]</b> 64/9 125/24 <b>along [6]</b> 97/15 111/8 111/12 158/23 180/7 204/8 <b>alongside [3]</b> 14/19 67/20 214/9 <b>already [25]</b> 10/3 14/9 21/12 21/18 25/12 38/13 38/16 39/5 57/13 58/9 72/3 85/2 85/3 86/18 100/9 121/2 174/10 174/25 182/23 193/10 199/5 222/6 237/1 244/3 244/5 <b>also [74]</b> 3/24 4/14 9/5 9/22 19/19 19/21 20/23 24/8 29/16 45/15 45/24 47/14 51/19 56/23 68/18 69/4 73/5 77/6 82/11 83/12 83/21 85/19 88/22 90/22 91/4 93/6 94/6 95/7 101/21 102/15 104/21 109/13 113/2 130/11 135/13 136/21 138/25 144/1 145/25 149/19 154/2 154/4 156/1 156/25 158/5 161/23 165/3 166/20 167/21 169/23 169/25 169/25 170/2 171/24 177/15 183/21 183/23 198/9 199/10 199/14 199/22 206/2 206/18 206/21 210/24 212/15 220/1 221/7 229/8 229/16 230/7 231/6 239/18 245/23 <b>alteration [1]</b> 29/25 <b>altering [1]</b> 178/22 <b>alternative [2]</b> 42/22 181/4 <b>alternatives [1]</b> 19/14 <b>although [5]</b> 16/19 49/10 60/4 141/10 169/18 <b>always [27]</b> 11/4 17/8 18/2 18/12 20/3 21/25 22/8 22/22 23/3 27/17 32/18 52/12 55/23 56/15 64/3 64/22 76/4 95/13 135/15 138/10 138/17 139/17 164/3 165/11 172/14 172/17	<b>amount [14]</b> 9/12 10/25 13/17 16/15 17/3 21/12 21/20 28/17 108/8 108/20 109/2 135/20 196/4 234/14 <b>amounts [1]</b> 75/8 <b>analysis [3]</b> 5/17 201/3 204/8 <b>analyst [1]</b> 80/2 <b>analysts [1]</b> 114/3 <b>Andrea [1]</b> 153/5 <b>Andrew [1]</b> 126/8 <b>Angela [2]</b> 71/4 162/17 <b>angle [1]</b> 112/21 <b>angry [1]</b> 129/16 <b>announce [1]</b> 24/15 <b>announced [3]</b> 6/12 10/8 18/5 <b>announcement [5]</b> 13/8 13/9 13/12 15/10 24/11 <b>announcements [3]</b> 9/11 11/19 14/12 <b>announcing [2]</b> 100/24 133/18 <b>annual [3]</b> 140/20 140/20 140/21 <b>annually [2]</b> 9/24 11/2 <b>another [14]</b> 51/18 55/25 71/11 77/10 79/11 83/12 86/8 114/8 179/21 181/21 187/22 212/2 215/11 235/24 <b>answer [19]</b> 26/21 45/20 45/22 59/4 76/19 91/11 160/4 185/4 186/20 187/12 189/4 189/12 196/9 201/6 201/7 208/16	<b>anybody [1]</b> 22/9 <b>anyone [9]</b> 23/6 25/10 25/16 27/18 64/2 69/16 128/20 147/18 166/7 <b>anyone's [1]</b> 61/5 <b>anything [20]</b> 31/3 31/8 41/19 42/21 68/19 69/4 73/10 87/12 109/8 115/1 116/8 120/13 132/2 137/10 151/6 155/18 164/17 200/13 237/4 237/5 <b>anyway [2]</b> 27/20 129/13 <b>anywhere [1]</b> 156/2 <b>apart [3]</b> 88/10 91/19 127/4

<b>A</b>	55/13	239/5 239/6 240/14	46/3 46/22 47/9	226/18 228/11 228/21 228/22
<b>apologise [1]</b> 225/4	<b>approaching [2]</b> 56/17 178/8	<b>ARQ [11]</b> 177/14	<b>aspirations [3]</b> 22/5 43/25 58/3	<b>author [1]</b> 196/13
<b>apologised [1]</b> 219/5	<b>appropriate [26]</b> 6/20 12/8 14/20 17/12	210/24 213/5 213/23	<b>assess [1]</b> 50/10	<b>authority [4]</b> 66/14 69/22 77/1 87/18
<b>apology [1]</b> 55/3	<b>appropriate [26]</b> 6/20 12/8 14/20 17/12	214/10 215/25 216/2	<b>assessed [2]</b> 38/16 39/6	<b>available [6]</b> 12/10 16/9 25/16 46/23 52/19 201/19
<b>appalling [3]</b> 129/18 129/18 129/19	18/16 22/13 23/8 25/5 25/11 27/19 29/16	216/12 216/18 217/1 217/21	<b>assessing [3]</b> 47/14 47/21 52/25	<b>averse [1]</b> 148/2
<b>apparent [1]</b> 204/22	29/22 39/21 43/19	<b>ARQs [3]</b> 217/2 217/6 217/8	<b>assessment [11]</b> 14/22 16/14 17/15	<b>avoid [1]</b> 40/3
<b>appeal [10]</b> 6/11 25/8 37/10 38/3 49/20	46/6 75/1 76/6 160/21	<b>arrange [3]</b> 128/17 159/15 192/3	22/12 23/7 27/20	<b>avoiding [3]</b> 110/4 245/23 246/11
51/19 52/6 72/3 82/23 138/23	160/23 185/13 186/1	<b>arrangements [3]</b> 8/13 64/21 99/24	28/16 28/23 28/24 39/4 192/7	<b>await [2]</b> 160/8 243/19
<b>appealed [2]</b> 38/2 38/4	186/24 190/23 191/21 220/2 222/10	<b>arrival [1]</b> 86/20	<b>assist [14]</b> 2/23 10/7 21/21 24/9 33/14	<b>awaiting [1]</b> 13/7
<b>appeals [14]</b> 13/23 14/23 15/9 18/4 19/20	<b>appropriately [2]</b> 23/22 233/2	<b>arriving [2]</b> 31/15 32/3	42/18 176/6 210/11	<b>awaits [1]</b> 242/23
24/7 24/10 24/12	<b>approval [1]</b> 133/22	<b>arrow [1]</b> 91/17	210/19 210/20 213/15	<b>award [9]</b> 6/18 13/13 13/22 15/7 15/25
24/22 25/4 25/9 38/3 38/6 54/5	<b>approving [1]</b> 159/9	<b>article [5]</b> 30/6	215/13 219/11 223/7	16/16 21/22 22/3 23/11
<b>appear [1]</b> 161/3	<b>approximately [3]</b> 19/10 208/9 210/2	218/19 222/13 223/13 223/24	<b>assistance [5]</b> 11/14 192/5 194/24 199/21 241/9	<b>awarded [3]</b> 16/15 28/16 223/5
<b>appeared [3]</b> 10/4 174/8 239/13	<b>April [3]</b> 82/24 189/21 203/8	<b>Articles [1]</b> 134/18	<b>assisted [1]</b> 194/13	<b>awards [5]</b> 6/14 13/16 49/21 104/20 105/1
<b>appearing [2]</b> 9/13 246/23	<b>archive [1]</b> 181/1	<b>articulated [3]</b> 20/9 22/17 31/21	<b>assisting [1]</b> 211/10	<b>aware [50]</b> 12/12 14/6 17/19 23/13
<b>appears [5]</b> 55/11 101/12 233/6 241/20	<b>are [275]</b>	<b>as [388]</b>	<b>Associate [1]</b> 80/5	24/10 24/23 34/14 35/20 36/10 36/13
242/11	<b>area [5]</b> 2/23 27/19 27/23 74/25 224/9	<b>ascertain [1]</b> 199/23	<b>associated [2]</b> 180/25 181/23	36/20 37/1 38/10 39/16 41/7 46/10
<b>appendix [2]</b> 78/20 79/4	<b>areas [10]</b> 68/5 93/16 161/9 178/3 196/20	<b>ascribe [1]</b> 10/17	<b>Association [1]</b> 134/18	56/13 73/11 73/25 74/2 74/6 74/8 82/10
<b>applicants [3]</b> 19/23 21/6 21/21	221/18 240/9 240/17 242/1 246/7	<b>aside [3]</b> 39/23 40/2 210/21	<b>assume [3]</b> 26/22 40/16 221/23	82/12 85/21 89/8 96/2 97/1 119/18 131/3
<b>application [10]</b> 14/1 180/9 180/10 181/16	<b>aren't [9]</b> 29/18 37/24 38/1 76/21 102/15	<b>ask [38]</b> 2/7 25/25 45/7 52/17 53/9 59/25	<b>assumed [2]</b> 102/7 122/19	131/4 133/25 139/4 139/7 142/24 142/25
182/9 183/24 196/22	146/13 150/21 156/20 191/20	65/9 71/14 75/5 77/9 78/12 95/25 97/25	<b>assuming [1]</b> 150/24	144/11 163/2 163/8 163/25 178/7 183/3
201/24 202/3 212/16	<b>argument [3]</b> 127/7 167/6 167/9	99/11 101/25 109/19 137/1 147/20 151/16	<b>assumption [3]</b> 11/3 23/3 113/5	185/22 198/23 198/24 199/6 202/24 209/9 227/6 238/4
<b>applications [2]</b> 19/9 182/9	<b>arguments [2]</b> 113/4 150/4	158/14 158/22 165/15 165/22 168/7 171/4	<b>assurance [3]</b> 18/6 18/8 62/9	<b>away [8]</b> 108/16 112/2 114/9 114/11
<b>applies [2]</b> 100/23 236/6	<b>arise [2]</b> 102/21 184/22	171/20 171/21 176/2 187/24 189/23 195/8	<b>assure [2]</b> 27/25 28/8	161/11 164/8 189/2 228/9
<b>apply [1]</b> 38/23	<b>arises [1]</b> 171/5	207/6 208/8 222/3 226/9 228/21 229/21 230/14	<b>at [270]</b>	<b>awful [2]</b> 56/5 219/19
<b>applying [1]</b> 200/22	<b>arising [2]</b> 96/6 134/3	<b>asked [33]</b> 10/6 15/6 55/5 64/23 101/24	<b>at page 8 [1]</b> 218/22	<b>awkward [1]</b> 171/11
<b>appointed [5]</b> 115/25 157/18 157/23 169/10	<b>arm [1]</b> 155/22	108/5 114/1 115/24 118/12 119/16 124/25	<b>attached [2]</b> 215/25 216/9	
207/14	<b>arm's [9]</b> 64/10 64/16 73/6 91/1 93/16	135/22 149/20 154/11 156/1 157/7 159/22		<b>B</b>
<b>appointment [9]</b> 102/8 116/2 116/3	117/13 121/24 141/1 169/24	162/24 163/1 163/16 165/23 208/21 208/24		<b>B19 [2]</b> 127/22 127/23
133/19 139/22 140/4	<b>arm's-length [8]</b> 64/10 64/16 91/1	209/1 209/6 219/8 238/1 238/2 238/14	<b>attempt [4]</b> 17/24 18/6 103/9 133/10	<b>B28 [1]</b> 106/21
147/5 155/19 170/22	93/16 117/13 121/24 141/1 169/24	238/20 242/24 245/11 246/1	<b>attempts [1]</b> 102/12	<b>back [38]</b> 28/10 30/4 50/17 52/3 54/21
<b>appointments [4]</b> 3/16 82/17 85/12 116/5	<b>arms [1]</b> 161/10	<b>asking [14]</b> 27/23 94/2 97/22 157/5	<b>attend [1]</b> 205/9	59/15 71/11 73/8 81/22 89/10 89/11
<b>appreciate [5]</b> 10/12 27/22 34/20 37/12 69/6	<b>around [44]</b> 11/21 14/7 26/5 35/15 35/19	159/20 160/4 160/18 185/7 187/25 188/24	<b>attending [2]</b> 15/3 170/5	104/7 110/25 113/17 116/1 116/21 119/4
<b>appreciated [1]</b> 205/4	41/20 43/25 49/21 49/23 54/3 58/22	188/25 196/8 203/20 213/22	<b>attends [1]</b> 70/16	122/12 128/11 132/18 135/13 155/3 164/18
<b>approach [13]</b> 16/19 20/9 20/14 24/5 24/6	60/10 60/12 65/7 65/15 71/21 77/1	<b>asks [3]</b> 203/21 214/14 231/17	<b>attention [7]</b> 113/22 134/9 183/2 196/19	175/11 185/13 200/20 201/8 207/10 209/16
54/1 54/9 101/8 104/1	96/14 110/4 110/4 110/17 116/11 116/12	<b>aspect [2]</b> 14/13 133/16	197/4 212/13 239/4	209/19 210/14 212/25
142/20 143/10 193/2 204/19	141/3 146/6 149/17 154/6 176/15 179/22	<b>aspects [1]</b> 86/12	<b>attest [2]</b> 184/1 196/25	
<b>approached [2]</b> 34/11 56/12	187/5 197/8 211/14 212/3 212/6 212/15	<b>aspiration [4]</b> 29/16	<b>attesting [1]</b> 196/2	
<b>approaches [1]</b>	219/20 221/6 225/5 229/16 229/24 238/8		<b>attractive [1]</b> 35/2	
			<b>audit [5]</b> 149/8 149/23 177/14 181/1 185/7	
			<b>August [17]</b> 74/7 74/12 98/21 98/25	
			99/2 104/8 104/9 104/11 106/13 110/10 174/19 183/13 226/18	

<b>B</b>	<b>bearing [2]</b> 18/1 99/8	82/11 83/21 83/21	<b>beginning [7]</b> 24/19	<b>BEIS0001228 [1]</b>
<b>back... [6]</b> 214/3	<b>became [8]</b> 27/13	83/24 84/7 85/2 85/19	75/11 81/22 118/25	15/17
219/18 228/9 238/1	36/13 79/21 80/13	89/5 94/23 96/11	154/11 161/22 221/10	<b>belief [7]</b> 2/12 22/8
240/20 243/18	84/12 96/20 142/24	96/24 100/7 107/12	<b>begins [1]</b> 42/8	22/8 78/25 79/15
<b>backbench [1]</b> 97/1	142/25	108/24 109/12 110/19	<b>behalf [8]</b> 58/10	175/5 208/15
<b>backbenches [1]</b>	<b>because [91]</b> 9/16	111/3 112/13 119/24	59/25 78/12 91/20	<b>believe [48]</b> 6/5 7/21
80/15	10/11 11/2 19/2 21/14	121/2 122/2 123/10	225/2 226/9 228/14	19/12 24/14 25/9
<b>backed [1]</b> 134/19	23/10 26/17 28/20	125/4 129/16 129/20	246/24	25/19 29/7 35/5 35/6
<b>background [6]</b> 2/21	31/15 32/7 34/6 35/22	129/24 129/24 130/19	<b>behaviour [5]</b> 133/13	35/23 36/2 39/4 39/12
79/17 115/24 143/18	35/24 37/5 37/9 39/1	131/3 131/3 132/9	193/5 193/16 205/19	40/6 40/13 41/19 44/5
156/13 203/18	41/1 44/18 46/9 62/9	136/23 137/12 137/14	233/1	44/16 46/8 49/24
<b>backlog [2]</b> 30/18	66/4 67/2 69/12 83/19	137/24 138/6 139/2	<b>behaviours [2]</b> 112/3	54/10 55/18 56/22
216/21	83/24 84/25 87/12	139/20 140/19 140/23	205/11	57/7 62/18 73/2 79/25
<b>bad [2]</b> 167/22 169/8	88/8 89/5 96/23 97/9	141/10 143/1 143/15	<b>behind [9]</b> 2/5 11/3	88/8 89/1 101/1
<b>Badenoch [19]</b> 2/20	102/20 108/12 108/22	143/24 144/3 144/11	11/11 14/8 35/18 55/7	121/15 122/16 138/25
70/16 78/8 78/9 78/11	110/1 110/5 110/15	144/18 145/18 147/17	113/4 113/12 162/8	139/12 141/10 145/23
78/14 89/25 99/5	110/23 110/25 114/21	152/11 152/15 153/15	<b>being [94]</b> 4/10 6/1	145/24 153/20 161/16
115/21 151/13 151/20	120/3 121/4 121/10	153/20 154/17 155/13	6/6 6/12 6/14 7/2 9/23	164/6 165/13 167/5
152/14 155/19 162/14	131/6 131/24 132/8	155/18 155/23 155/23	10/21 11/7 12/16 14/6	186/11 209/8 223/11
162/17 168/1 171/5	132/13 135/22 137/22	156/4 156/6 156/6	14/12 21/19 23/10	228/16 229/23 231/7
173/7 248/14	138/7 138/12 138/16	158/13 158/13 159/5	25/16 26/16 32/20	<b>believed [5]</b> 14/20
<b>baked [2]</b> 148/3	143/17 144/18 144/23	163/24 167/6 167/15	32/21 33/5 33/7 33/8	22/1 22/9 29/25
149/4	145/15 147/8 147/9	168/17 168/18 169/7	35/17 38/15 43/18	166/22
<b>balance [1]</b> 178/23	149/8 154/7 154/18	169/8 170/14 173/8	51/1 55/24 57/1 59/8	<b>believing [1]</b> 172/6
<b>balances [6]</b> 18/5	154/20 156/1 156/9	175/8 175/11 176/4	61/23 64/23 65/3	<b>belongs [1]</b> 166/12
97/12 98/15 149/9	158/2 160/25 161/9	177/8 177/17 180/7	66/21 69/23 71/13	<b>below [7]</b> 17/22
166/14 204/6	164/6 165/1 166/12	181/3 181/15 183/3	76/22 77/2 89/2 91/10	21/12 21/18 192/2
<b>ball [2]</b> 87/12 231/3	169/16 169/22 170/13	183/19 186/2 189/8	93/17 94/11 94/21	216/12 217/8 223/6
<b>banging [1]</b> 117/10	170/17 171/9 179/13	189/10 189/14 197/18	95/6 96/22 97/11	<b>benches [1]</b> 73/18
<b>bank [3]</b> 80/4 80/6	181/20 182/1 188/18	199/6 199/17 199/25	99/16 101/8 103/4	<b>beneficial [1]</b> 73/11
93/17	195/20 195/21 196/23	201/1 201/19 202/7	103/5 103/15 107/9	<b>benefit [5]</b> 15/4 24/3
<b>banking [3]</b> 43/13	206/5 212/11 219/14	202/8 203/9 207/12	108/8 113/6 113/8	62/24 130/11 234/16
76/8 76/17	229/21 232/5 237/16	208/22 208/25 212/13	114/1 114/1 114/6	<b>benefits [2]</b> 24/5
<b>Banks [1]</b> 122/3	238/8 240/10 240/15	215/18 217/6 219/4	116/9 116/14 117/23	100/21
<b>barrier [1]</b> 72/15	<b>become [4]</b> 36/12	220/10 221/3 221/6	119/1 126/24 135/14	<b>beside [1]</b> 228/24
<b>Bartlett [3]</b> 190/10	70/12 90/7 114/3	223/5 223/9 224/22	139/14 153/14 153/17	<b>bespoke [2]</b> 187/22
197/2 203/17	<b>becomes [1]</b> 114/8	231/14 238/13 238/19	153/20 158/3 159/23	187/23
<b>Bartlett's [1]</b> 191/25	<b>becoming [3]</b> 25/2	240/21 242/23 244/8	161/22 163/14 164/16	<b>best [20]</b> 2/11 14/15
<b>base [1]</b> 142/18	85/6 168/9	<b>BEER [9]</b> 78/10	165/8 165/8 178/1	35/5 44/17 45/23
<b>based [11]</b> 32/6	<b>been [200]</b> 4/4 5/10	78/12 115/8 151/24	178/1 179/10 186/21	78/25 79/14 101/8
39/14 77/1 85/25	5/17 5/21 5/23 5/25	152/10 165/20 167/17	189/2 190/16 191/6	101/19 108/4 109/9
155/10 178/7 199/17	6/2 6/5 6/8 8/21 8/23	168/10 248/16	193/8 194/20 195/23	110/13 130/18 169/3
220/1 235/24 236/3	9/1 10/3 11/4 11/10	<b>Beer's [1]</b> 157/9	197/6 197/7 200/25	169/11 171/19 175/5
243/15	11/19 11/22 14/9	<b>before [58]</b> 3/1 9/10	201/17 203/12 206/3	205/2 208/15 224/23
<b>basis [11]</b> 46/19	15/15 16/20 16/22	25/25 26/9 28/23 29/5	213/20 214/5 214/16	<b>better [6]</b> 98/17
131/6 135/9 135/11	16/23 20/12 22/17	29/11 33/12 41/13	220/16 226/20	108/24 120/17 225/9
148/21 186/17 193/17	23/3 23/14 23/18 25/5	49/15 53/14 55/21	<b>BEIS [1]</b> 86/19	244/1 245/3
233/4 233/21 234/21	26/18 27/17 32/15	56/16 57/12 58/1	<b>BEIS0000705 [2]</b>	<b>betterment [1]</b> 68/10
236/5	32/19 33/2 33/4 34/7	70/16 72/11 75/4	104/5 111/14	<b>between [38]</b> 5/18
<b>Bates [1]</b> 30/13	36/8 36/18 37/4 38/13	79/18 80/9 82/8 85/2	<b>BEIS0000716 [1]</b>	6/11 8/21 9/2 17/14
<b>bath [1]</b> 125/24	38/24 39/19 39/25	85/5 89/8 90/6 91/11	106/12	18/20 18/25 29/19
<b>battle [6]</b> 126/10	42/24 46/11 46/17	95/22 97/4 99/11	<b>BEIS0000808 [1]</b>	35/6 43/1 43/4 57/6
126/11 126/16 126/18	48/8 48/9 49/18 49/25	112/14 115/19 120/4	98/24	57/14 60/11 60/16
126/25 172/14	50/5 50/11 52/12	120/24 132/24 139/4	<b>BEIS0000868 [1]</b>	67/12 72/13 73/18
<b>BB25 [3]</b> 141/18	52/22 52/23 53/4	155/7 156/18 158/21	136/8	81/7 89/5 93/22
141/19 157/9	54/16 54/17 55/2	160/16 163/12 166/21	<b>BEIS0000888 [1]</b>	126/23 129/23 134/4
<b>BB3 [2]</b> 152/4 152/5	55/13 55/18 56/23	173/9 193/21 195/8	12/24	154/8 168/16 173/15
<b>BBC [2]</b> 30/21 218/19	58/3 58/3 59/18 60/22	198/25 230/2 230/11	<b>BEIS0001059 [1]</b>	178/13 182/19 182/23
<b>BBC Breakfast [1]</b>	63/6 63/12 63/13	230/15 231/10 231/17	118/6	192/13 195/18 207/22
30/21	63/14 63/19 64/19	232/15 233/17 236/9	<b>BEIS0001061 [4]</b>	215/19 217/18 232/8
<b>be [466]</b>	65/12 65/18 66/4	236/20 243/5 243/19	83/16 89/11 116/22	242/3 242/15
<b>bear [3]</b> 71/16 109/15	68/17 72/4 72/11	246/1 246/14	151/21	<b>beyond [5]</b> 65/9
127/25	72/15 72/20 73/4 74/9	<b>beforehand [1]</b>	<b>BEIS0001070 [1]</b>	86/24 94/20 97/12
	76/9 76/9 77/4 81/18	128/17	140/1	103/8

<b>B</b>	<b>bogged [1]</b> 158/7	116/21 116/23 143/1	<b>business [51]</b> 2/18	62/19 65/22 69/2
<b>bias [1]</b> 60/12	<b>bold [1]</b> 141/23	<b>briefings [2]</b> 95/9	3/12 3/15 4/12 5/1	69/18 70/1 70/8 74/25
<b>bible [1]</b> 92/12	<b>bolts [1]</b> 43/6	112/6	5/13 7/14 8/3 8/11 9/3	75/4 78/6 78/12 81/22
<b>Bickerton [2]</b> 86/9	<b>bonuses [1]</b> 137/23	<b>briefly [5]</b> 165/16	9/8 9/9 40/23 41/8	83/15 84/2 84/25
87/10	<b>books [2]</b> 200/11	165/25 228/17 228/21	43/6 43/17 44/8 44/14	89/10 89/23 89/25
<b>bidding [5]</b> 187/14	200/17	228/21	46/12 48/18 50/20	92/1 92/10 95/1 95/1
222/15 222/19 224/6	<b>borderline [3]</b> 22/10	<b>bring [16]</b> 3/5 3/7	61/2 61/18 63/20 69/6	95/25 98/24 104/4
224/12	27/2 27/9	12/23 13/14 67/19	76/6 77/10 81/11 85/2	104/10 106/11 107/10
<b>bids [2]</b> 223/8 224/4	<b>bosses [1]</b> 218/20	75/22 107/13 175/24	85/7 86/10 88/1 88/14	107/22 108/2 109/6
<b>big [6]</b> 61/19 76/16	<b>Boston [2]</b> 39/24	178/5 209/19 212/25	88/19 93/16 93/17	109/9 109/10 110/1
124/2 125/25 132/8	43/9	214/7 214/9 218/18	120/25 121/15 122/3	110/24 111/15 112/7
150/6	<b>both [18]</b> 20/23 43/17	229/17 245/8	125/8 126/1 142/1	112/11 112/11 114/24
<b>bigger [1]</b> 149/25	43/18 47/19 52/13	<b>brings [1]</b> 224/17	146/12 183/25 194/3	115/17 115/21 116/21
<b>biggest [1]</b> 167/16	58/13 77/13 85/21	<b>British [4]</b> 10/2 66/5	194/21 205/15 212/7	116/22 118/5 118/6
<b>Bill [1]</b> 46/13	99/19 101/18 103/16	93/17 122/3	219/3 221/4 221/5	119/4 120/15 121/16
<b>billion [1]</b> 10/7	136/18 139/16 172/2	<b>broad [1]</b> 72/2	<b>business-like [1]</b>	122/18 124/25 125/1
<b>bit [13]</b> 27/23 52/21	191/4 207/14 225/10	<b>broader [1]</b> 170/8	126/1	127/11 128/15 132/18
58/15 84/3 91/4	232/9	<b>broadly [5]</b> 14/9 61/6	<b>businesses [1]</b> 47/21	135/17 136/8 137/10
106/14 113/17 120/20	<b>bother [1]</b> 26/23	73/17 94/24 99/5	<b>busy [2]</b> 56/19 76/4	139/21 140/1 140/10
150/5 157/25 168/14	<b>bottom [14]</b> 13/3	<b>Brocklesby [1]</b>	<b>but [303]</b>	141/16 141/16 142/23
170/21 222/22	106/23 128/3 128/8	180/21		144/25 147/2 147/3
<b>bite [1]</b> 145/19	128/9 128/11 129/3	<b>broken [2]</b> 166/22	<b>C</b>	148/8 148/22 149/11
<b>bits [2]</b> 36/22 36/22	141/20 148/5 193/24	167/1	<b>Cabinet [4]</b> 9/5 75/21	149/15 150/8 150/13
<b>Blake [45]</b> 1/4 1/20	213/2 215/21 216/3	<b>brought [8]</b> 79/13	170/5 170/6	150/19 151/1 151/3
3/23 4/3 8/25 11/20	223/14	82/18 113/14 113/15	<b>calendar [2]</b> 230/12	151/16 151/21 154/7
14/6 15/14 17/5 20/3	<b>bound [1]</b> 232/6	114/19 134/9 156/4	231/10	158/15 158/15 159/14
21/1 21/24 25/25	<b>box [12]</b> 87/1 87/2	174/13	<b>call [17]</b> 45/13 76/12	161/10 164/10 164/21
27/17 30/4 31/2 34/20	89/12 89/16 91/18	<b>buck [1]</b> 36/25	78/8 89/12 117/23	165/14 167/7 167/11
35/19 36/10 39/3 40/5	97/7 114/14 134/25	<b>buckets [1]</b> 153/24	118/6 118/7 119/4	167/14 168/7 171/17
42/2 42/20 45/7 63/16	135/1 135/1 136/6	<b>budget [7]</b> 9/12 9/20	127/11 128/20 129/1	171/18 172/19 173/14
77/23 168/3 173/17	213/23	9/22 10/4 10/8 10/13	132/1 132/24 139/18	173/23 174/5 174/23
174/4 175/3 177/10	<b>boxes [5]</b> 84/16	56/25	139/19 153/1 192/1	175/1 175/3 175/4
184/20 185/7 186/9	84/16 84/18 84/22	<b>budgeted [1]</b> 144/14	<b>called [14]</b> 30/13	176/6 178/5 178/6
186/20 188/21 197/14	86/25	<b>bug [1]</b> 243/12	35/11 35/11 40/1 49/3	180/18 184/3 185/9
201/7 206/17 209/16	<b>bracket [1]</b> 47/4	<b>bugs [14]</b> 180/8	53/14 53/18 65/25	188/3 189/23 190/10
222/1 225/13 237/13	<b>branch [11]</b> 142/18	183/4 183/8 183/18	73/25 74/3 79/21	192/14 194/17 195/5
248/4 249/3	142/22 143/4 161/25	183/21 184/11 184/15	175/11 217/14 227/6	200/18 202/13 205/2
<b>Blake's [1]</b> 45/20	183/6 186/5 187/8	184/21 186/1 186/2	<b>calls [3]</b> 120/2 129/1	210/11 213/15 215/20
<b>blame [2]</b> 36/25	194/12 199/9 199/23	187/5 189/10 199/7	137/11	215/23 216/3 216/10
238/9	204/14	204/9	<b>came [18]</b> 10/12	216/12 216/23 218/8
<b>blanket [3]</b> 26/19	<b>branches [5]</b> 45/16	<b>building [2]</b> 181/16	11/12 33/11 58/20	218/16 219/11 222/7
27/5 39/19	57/19 142/20 194/4	212/1	71/12 117/21 130/6	222/11 223/6 223/7
<b>block [1]</b> 106/14	214/21	<b>bullet [17]</b> 75/15 84/4	135/3 136/5 136/9	224/20 224/23 224/24
<b>blockers [1]</b> 96/2	<b>brand [1]</b> 44/5	85/11 87/1 87/1 89/16	137/12 153/17 158/23	225/9 228/21 229/12
<b>Bloody [1]</b> 65/6	<b>breach [1]</b> 214/18	91/7 92/4 107/16	166/21 197/5 213/17	229/15 229/21 230/2
<b>blue [1]</b> 32/10	<b>breadth [2]</b> 53/1	107/17 116/24 142/11	217/14 230/1	230/3 230/14 231/18
<b>blue-sky [1]</b> 32/10	105/5	142/15 152/14 153/14	<b>campaigner [1]</b>	231/25 232/16 232/18
<b>board [25]</b> 28/5	<b>break [14]</b> 70/13	157/10 157/11	30/13	236/14 240/10 240/22
66/14 66/19 66/20	70/15 70/15 70/18	<b>bunch [1]</b> 246/5	<b>campaigning [1]</b>	240/23 241/8 244/2
81/7 85/11 88/13	70/23 77/23 78/4	<b>bundle [6]</b> 2/3 2/4	227/10	244/19 245/13
93/20 94/3 94/16	115/7 168/5 168/7	24/25 78/18 196/18	<b>can [201]</b> 1/15 1/21	<b>can't [32]</b> 29/4 43/24
116/12 125/13 126/20	173/13 173/21 225/17	201/14	2/7 2/8 2/10 3/6 7/1	46/5 49/9 49/14 60/22
126/25 127/5 127/14	225/24	<b>burden [5]</b> 32/14	7/12 8/25 9/5 10/1	61/25 71/18 77/11
128/4 129/4 133/13	<b>breakdown [4]</b> 6/19	148/7 150/12 150/14	10/7 10/21 14/24	90/23 97/22 97/23
133/21 133/21 136/16	43/1 66/24 207/22	201/17	15/11 16/4 21/21 24/9	97/25 102/12 109/8
139/15 139/17 158/9	<b>Breakfast [1]</b> 30/21	<b>bureaucracy [5]</b>	25/7 25/24 26/22	111/16 137/2 140/18
<b>Board's [2]</b> 24/12	<b>breakthrough [2]</b>	95/11 97/8 97/17	27/25 31/9 32/12	142/25 149/5 151/5
72/5	36/3 37/2	97/19 102/1	33/13 33/23 37/19	156/4 158/21 159/17
<b>bodies [9]</b> 64/16	<b>brief [2]</b> 83/17 216/1	<b>bureaucrats [1]</b>	41/25 43/7 44/10 46/1	166/11 185/11 188/8
67/25 68/3 93/17	<b>briefed [1]</b> 116/8	102/19	46/6 47/3 48/24 49/8	188/17 196/25 221/16
117/13 121/24 141/1	<b>briefing [15]</b> 81/25	<b>Burrows [2]</b> 163/11	49/15 50/16 52/2 52/6	234/4 244/20
156/23 169/24	83/2 83/15 83/22	227/2	52/8 53/9 53/24 54/20	<b>Canadian [1]</b> 79/23
<b>body [1]</b> 73/6	84/24 92/9 95/5 96/23	<b>bursaries [1]</b> 239/23	54/21 54/24 55/25	<b>candour [1]</b> 66/1
	96/24 97/3 99/9 112/6	<b>Burton [1]</b> 150/13	59/22 59/24 61/12	<b>cannot [11]</b> 7/13 40/6

<b>C</b>	144/20	<b>challenges [2]</b> 182/6 210/5	163/6 163/19 163/21 164/13 172/15 226/19 226/25 227/7 227/9 238/6 239/23	232/10
<b>cannot... [9]</b> 64/19 75/7 141/9 184/1 200/5 234/1 235/6 235/12 237/23	<b>caused [6]</b> 15/8 66/23 161/25 165/23 179/17 217/4	<b>challenging [1]</b> 182/3	<b>children's [1]</b> 57/24	<b>clarity [5]</b> 13/22 206/8 212/6 231/18 232/9
<b>canvas [1]</b> 28/20	<b>causes [1]</b> 243/16	<b>champions [1]</b> 68/2	<b>Chisholm [1]</b> 66/11	<b>Clark [1]</b> 42/15
<b>cap [2]</b> 16/5 17/19	<b>causing [1]</b> 180/14	<b>chance [5]</b> 4/4 4/7 4/8 44/2 123/13	<b>choice [7]</b> 17/14 17/24 18/25 22/2 244/21 244/23 245/13	<b>class [1]</b> 124/25
<b>capability [2]</b> 142/6 185/15	<b>cautious [5]</b> 70/1 148/2 152/15 153/15 154/17	<b>Chancellor [11]</b> 9/6 80/25 98/22 99/13 101/25 102/5 105/11 105/16 110/24 112/14 125/11	<b>choices [1]</b> 62/24	<b>classic [2]</b> 57/20 93/17
<b>capability' [1]</b> 222/24	<b>caveat [1]</b> 223/9	<b>Chancellor's [1]</b> 104/4	<b>choose [3]</b> 16/11 111/1 148/10	<b>clauses [3]</b> 176/10 176/11 210/13
<b>capacity [10]</b> 6/20 18/21 23/8 23/10 25/20 33/3 85/24 89/2 141/21 142/6	<b>caveats [6]</b> 196/14 197/25 198/15 198/15 246/5 246/13	<b>chances [11]</b> 74/1 74/3 74/10 163/3 163/11 164/13 164/23 227/7 227/9 227/11 230/4	<b>chose [1]</b> 121/16	<b>clear [25]</b> 15/20 22/1 25/15 28/9 31/22 34/18 52/11 60/13 87/18 95/10 109/25 110/2 135/15 135/19 137/7 155/1 169/15 178/13 180/7 187/2 187/2 192/18 205/12 207/8 240/2
<b>capped [1]</b> 16/16	<b>cent [7]</b> 160/13 178/14 178/17 179/1 179/5 179/5 179/6	<b>change [48]</b> 7/8 7/10 7/20 29/4 29/11 33/8 40/9 40/22 40/23 41/8 42/16 43/7 44/14 49/3 53/7 60/25 62/10 63/3 63/21 68/15 85/1 85/6 110/2 113/11 114/12 120/13 124/23 124/23 125/20 126/2 126/9 126/20 145/13 149/16 156/19 159/25 167/18 170/18 171/20 171/21 182/11 182/15 205/23 212/19 214/1 214/2 215/8 240/15	<b>Christmas [2]</b> 184/14 246/14	<b>clearing [1]</b> 30/17
<b>Capping [1]</b> 13/16	<b>central [3]</b> 64/18 77/3 142/21	<b>changed [10]</b> 7/12 10/10 40/3 60/3 71/15 113/23 158/11 193/15 202/17 233/1	<b>CI [1]</b> 203/5	<b>clearly [10]</b> 23/12 33/4 33/18 63/12 66/20 68/13 68/18 158/4 206/15 239/7
<b>caps [1]</b> 25/11	<b>centrally [1]</b> 63/24	<b>changes [19]</b> 8/4 8/11 48/16 51/1 52/3 52/18 54/4 54/10 63/17 63/23 64/4 64/4 65/17 69/6 152/21 156/14 182/7 184/21 207/12	<b>circles [1]</b> 110/4	<b>clears [1]</b> 77/25
<b>Capture [3]</b> 6/13 49/21 54/3	<b>centre [1]</b> 76/25	<b>change [48]</b> 7/8 7/10 7/20 29/4 29/11 33/8 40/9 40/22 40/23 41/8 42/16 43/7 44/14 49/3 53/7 60/25 62/10 63/3 63/21 68/15 85/1 85/6 110/2 113/11 114/12 120/13 124/23 124/23 125/20 126/2 126/9 126/20 145/13 149/16 156/19 159/25 167/18 170/18 171/20 171/21 182/11 182/15 205/23 212/19 214/1 214/2 215/8 240/15	<b>circuit [1]</b> 103/9	<b>client [1]</b> 58/11
<b>careful [1]</b> 182/17	<b>centric [2]</b> 124/11 125/6	<b>changes [19]</b> 8/4 8/11 48/16 51/1 52/3 52/18 54/4 54/10 63/17 63/23 64/4 64/4 65/17 69/6 152/21 156/14 182/7 184/21 207/12	<b>circumspect [1]</b> 233/2	<b>close [11]</b> 22/22 41/25 51/9 55/10 56/7 160/8 160/12 197/4 231/20 242/23 243/19
<b>carefully [2]</b> 111/1 199/20	<b>century [1]</b> 147/3	<b>changed [10]</b> 7/12 10/10 40/3 60/3 71/15 113/23 158/11 193/15 202/17 233/1	<b>circumstances [9]</b> 26/22 35/16 35/25 39/6 39/14 66/18 77/7 108/2 112/10	<b>closely [1]</b> 4/20
<b>Carl [2]</b> 136/12 136/18	<b>CEO [12]</b> 60/4 123/19 130/4 133/24 159/19 168/22 169/4 169/8 169/9 205/10 205/10 211/24	<b>changes [19]</b> 8/4 8/11 48/16 51/1 52/3 52/18 54/4 54/10 63/17 63/23 64/4 64/4 65/17 69/6 152/21 156/14 182/7 184/21 207/12	<b>cite [1]</b> 35/25	<b>closing [2]</b> 21/2 51/11
<b>carried [4]</b> 93/7 94/8 102/10 172/4	<b>CEOs [3]</b> 169/23 170/1 207/15	<b>changes [19]</b> 8/4 8/11 48/16 51/1 52/3 52/18 54/4 54/10 63/17 63/23 64/4 64/4 65/17 69/6 152/21 156/14 182/7 184/21 207/12	<b>cited [2]</b> 105/15 184/13	<b>closure [4]</b> 20/18 20/21 20/22 76/17
<b>carry [7]</b> 91/3 91/5 97/12 117/9 119/6 129/13 138/4	<b>certain [10]</b> 8/20 22/18 41/15 100/12 109/10 112/14 120/17 160/24 177/14 205/11	<b>changes [19]</b> 8/4 8/11 48/16 51/1 52/3 52/18 54/4 54/10 63/17 63/23 64/4 64/4 65/17 69/6 152/21 156/14 182/7 184/21 207/12	<b>citizen [1]</b> 240/16	<b>CMMA [1]</b> 122/1
<b>carrying [10]</b> 85/3 87/13 88/10 91/14 91/22 93/4 93/10 93/23 102/23 154/12	<b>certainly [16]</b> 24/18 44/12 68/13 72/8 115/8 116/4 120/8 126/12 134/13 139/18 143/23 145/23 160/10 161/7 165/1 169/10	<b>changes [19]</b> 8/4 8/11 48/16 51/1 52/3 52/18 54/4 54/10 63/17 63/23 64/4 64/4 65/17 69/6 152/21 156/14 182/7 184/21 207/12	<b>City [11]</b> 183/14 189/21 189/24 190/4 190/12 190/25 191/2 192/1 192/5 192/6 192/25	<b>CMG [1]</b> 79/21
<b>case [37]</b> 22/9 27/9 32/25 33/24 38/16 45/12 72/16 76/9 82/12 103/3 108/11 108/25 110/9 112/21 127/18 128/5 128/10 129/9 140/17 145/22 147/14 149/19 155/23 165/11 170/8 170/12 171/22 171/24 190/17 190/20 194/10 203/21 210/10 210/12 211/13 223/23 235/9	<b>cetera [1]</b> 234/18	<b>changes [19]</b> 8/4 8/11 48/16 51/1 52/3 52/18 54/4 54/10 63/17 63/23 64/4 64/4 65/17 69/6 152/21 156/14 182/7 184/21 207/12	<b>claim [13]</b> 6/1 6/23 16/14 21/12 25/11 25/17 28/16 28/24 29/19 30/18 31/10 32/6 242/15	<b>Co [4]</b> 54/16 225/2 241/2 245/24
<b>cases [25]</b> 14/15 20/4 25/21 26/24 27/2 27/24 33/8 33/21 36/16 39/15 39/18 39/21 66/5 165/5 177/22 177/23 179/23 186/16 194/6 197/13 198/21 208/10 208/14 208/21 209/5	<b>CGI [2]</b> 79/19 79/22	<b>changes [19]</b> 8/4 8/11 48/16 51/1 52/3 52/18 54/4 54/10 63/17 63/23 64/4 64/4 65/17 69/6 152/21 156/14 182/7 184/21 207/12	<b>claimant [8]</b> 6/18 7/3 16/20 26/11 26/11 27/2 28/22 100/23	<b>cohort [9]</b> 18/23 33/18 36/4 36/17 38/13 38/18 39/3 39/7 39/18
<b>cash [5]</b> 43/13 76/16 145/22 188/11 188/12	<b>chain [13]</b> 15/4 107/1 179/12 182/10 189/12 195/24 195/25 196/24 197/16 201/25 212/17 215/18 235/5	<b>changes [19]</b> 8/4 8/11 48/16 51/1 52/3 52/18 54/4 54/10 63/17 63/23 64/4 64/4 65/17 69/6 152/21 156/14 182/7 184/21 207/12	<b>claimant's [1]</b> 21/16	<b>coincidentally [1]</b> 227/14
<b>catching [1]</b> 40/17	<b>chair [21]</b> 9/8 48/23 115/25 116/10 116/25 117/24 131/2 133/18 134/15 135/5 135/8 136/3 136/15 138/14 139/23 139/23 140/4 140/18 157/23 158/15 170/20	<b>changes [19]</b> 8/4 8/11 48/16 51/1 52/3 52/18 54/4 54/10 63/17 63/23 64/4 64/4 65/17 69/6 152/21 156/14 182/7 184/21 207/12	<b>claimants [14]</b> 12/5 13/14 13/19 14/15 16/13 16/24 19/11 19/12 19/16 23/4 24/2 28/14 100/25 104/23	<b>close [11]</b> 22/22 41/25 51/9 55/10 56/7 160/8 160/12 197/4 231/20 242/23 243/19
<b>category [1]</b> 37/25	<b>Chairman [3]</b> 121/11 126/8 159/19	<b>changes [19]</b> 8/4 8/11 48/16 51/1 52/3 52/18 54/4 54/10 63/17 63/23 64/4 64/4 65/17 69/6 152/21 156/14 182/7 184/21 207/12	<b>claimed [1]</b> 19/23	<b>closing [2]</b> 21/2 51/11
<b>cater [1]</b> 11/15	<b>chairs [1]</b> 122/3	<b>changes [19]</b> 8/4 8/11 48/16 51/1 52/3 52/18 54/4 54/10 63/17 63/23 64/4 64/4 65/17 69/6 152/21 156/14 182/7 184/21 207/12	<b>claims [23]</b> 5/25 6/21 10/14 10/24 16/8 16/10 18/22 19/7 23/1 29/21 31/15 31/20 31/23 32/3 32/21 37/4 37/9 37/15 51/22 60/23 100/11 100/15 153/24	<b>closure [4]</b> 20/18 20/21 20/22 76/17
<b>caught [2]</b> 171/10 228/4	<b>challenge [10]</b> 33/16 92/5 147/14 148/20 151/8 151/9 151/10 151/11 172/23 181/21	<b>changes [19]</b> 8/4 8/11 48/16 51/1 52/3 52/18 54/4 54/10 63/17 63/23 64/4 64/4 65/17 69/6 152/21 156/14 182/7 184/21 207/12	<b>clarified [1]</b> 217/7	<b>CMMA [1]</b> 122/1
<b>cause [2]</b> 12/8		<b>changes [19]</b> 8/4 8/11 48/16 51/1 52/3 52/18 54/4 54/10 63/17 63/23 64/4 64/4 65/17 69/6 152/21 156/14 182/7 184/21 207/12	<b>clarify [2]</b> 217/1	<b>CMG [1]</b> 79/21

<b>C</b>	<b>communication [3]</b> 129/23 168/16 221/6	198/7 205/21 208/10	216/23	<b>constituency [3]</b> 77/7 80/14 83/14
<b>come... [6]</b> 206/18 218/16 220/6 228/9 236/17 239/9	<b>communications [1]</b> 190/5	<b>completing [1]</b> 216/15	<b>confirmation [2]</b> 10/20 14/25	<b>constituents [1]</b> 40/12
<b>comes [13]</b> 55/7 71/20 76/7 90/16 90/18 109/12 138/9 154/15 155/11 185/25 188/1 196/21 236/18	<b>communities [3]</b> 8/2 76/18 81/4	<b>complex [8]</b> 18/21 23/6 115/2 115/3 200/21 206/8 243/14 243/22	<b>confirmed [2]</b> 174/11 204/1	<b>constitution [1]</b> 72/14
<b>coming [13]</b> 29/19 31/20 35/9 43/7 79/18 91/17 96/15 102/11 130/3 168/21 188/8 205/1 221/13	<b>community [3]</b> 76/3 76/10 77/10	<b>complexity [2]</b> 27/18 181/23	<b>confirming [1]</b> 204/12	<b>constitutional [4]</b> 34/3 34/13 34/16 35/23
<b>comment [7]</b> 60/23 178/20 185/7 185/12 200/21 211/14 212/15	<b>companies [3]</b> 120/19 120/19 121/14	<b>complicated [1]</b> 22/9	<b>confirms [1]</b> 9/21	<b>constructive [1]</b> 133/23
<b>commentary [2]</b> 24/1 212/9	<b>company [25]</b> 40/1 42/16 42/18 62/25 69/14 69/15 79/21 121/17 125/24 142/5 154/9 154/13 154/19 154/20 188/7 198/4 201/4 205/16 206/12 219/21 229/15 230/22 239/4 240/3 241/14	<b>components [2]</b> 198/13 243/24	<b>confronted [1]</b> 56/23	<b>consult [1]</b> 149/10
<b>commented [1]</b> 152/10	<b>company's [2]</b> 219/16 235/12	<b>comprehensive [3]</b> 87/4 196/18 206/21	<b>congratulations [1]</b> 140/3	<b>consultants [2]</b> 39/24 156/4
<b>comments [2]</b> 117/25 191/20	<b>comparison [2]</b> 169/25 170/1	<b>computing [1]</b> 200/23	<b>connected [2]</b> 40/23 66/1	<b>consultation [2]</b> 133/20 152/23
<b>commercial [7]</b> 80/4 90/22 90/24 145/19 146/4 154/19 205/16	<b>compatibility [1]</b> 181/25	<b>conceivable [1]</b> 34/2	<b>connection [1]</b> 214/18	<b>consultations [2]</b> 149/11 166/2
<b>commercially [1]</b> 146/15	<b>compensate [2]</b> 100/4 220/12	<b>concentration [1]</b> 225/7	<b>connects [1]</b> 182/12	<b>consulted [1]</b> 143/7
<b>Commission [1]</b> 33/21	<b>compensation [86]</b> 5/22 5/23 6/6 6/9 6/18 7/1 8/19 9/13 9/17 14/18 21/2 21/10 22/7 23/22 29/17 30/17 51/5 51/9 51/16 52/9 52/14 54/5 55/9 55/15 56/6 73/24 82/25 95/2 95/6 95/19 96/3 96/6 96/22 98/18 99/5 99/7 99/15 99/21 99/24 100/2 100/18 101/14 102/13 104/13 104/15 104/24 105/7 106/5 107/6 107/9 108/14 112/1 134/2 138/12 138/20 149/18 153/24 159/3 160/18 161/4 161/16 162/23 163/22 164/4 164/22 165/2 165/24 166/6 175/15 218/17 219/8 220/3 221/15 228/5 240/17 240/24 241/15 241/16 241/18 241/22 242/9 242/9 242/14 242/20 243/20 243/21	<b>concept [1]</b> 138/25	<b>conscious [1]</b> 107/11	<b>consulting [3]</b> 39/24 43/9 79/23
<b>commissioned [3]</b> 58/21 172/3 201/20	<b>comparisons [2]</b> 169/25 170/1	<b>concern [6]</b> 7/7 164/20 179/10 193/7 197/2 213/21	<b>consequences [1]</b> 148/11	<b>consumer [2]</b> 68/2 161/13
<b>commit [12]</b> 30/20 30/25 59/1 200/11 232/7 238/15 245/10 245/15 245/23 246/2 246/3 246/9	<b>compatibility [1]</b> 181/25	<b>concerned [16]</b> 87/16 95/5 95/18 96/21 107/8 143/18 143/20 168/9 176/7 176/20 186/19 193/5 213/19 221/12 231/19 242/19	<b>consequent [1]</b> 181/6	<b>contact [13]</b> 3/1 37/2 37/10 37/13 37/20 74/11 82/18 128/18 163/17 190/13 190/22 221/3 227/15
<b>commitment [11]</b> 52/2 52/6 52/8 53/7 54/23 62/7 69/9 160/5 202/16 204/25 223/4	<b>compensation [86]</b> 5/22 5/23 6/6 6/9 6/18 7/1 8/19 9/13 9/17 14/18 21/2 21/10 22/7 23/22 29/17 30/17 51/5 51/9 51/16 52/9 52/14 54/5 55/9 55/15 56/6 73/24 82/25 95/2 95/6 95/19 96/3 96/6 96/22 98/18 99/5 99/7 99/15 99/21 99/24 100/2 100/18 101/14 102/13 104/13 104/15 104/24 105/7 106/5 107/6 107/9 108/14 112/1 134/2 138/12 138/20 149/18 153/24 159/3 160/18 161/4 161/16 162/23 163/22 164/4 164/22 165/2 165/24 166/6 175/15 218/17 219/8 220/3 221/15 228/5 240/17 240/24 241/15 241/16 241/18 241/22 242/9 242/9 242/14 242/20 243/20 243/21	<b>concerning [2]</b> 81/25 82/7	<b>consequential [2]</b> 19/24 182/15	<b>contacted [3]</b> 36/8 206/12 226/17
<b>commitments [2]</b> 182/2 246/25	<b>competition [1]</b> 146/22	<b>concerns [24]</b> 24/21 31/17 31/21 34/15 66/15 76/19 101/5 132/2 132/3 132/5 132/22 133/3 135/5 136/14 136/19 136/23 137/1 137/7 137/7 158/24 176/15 192/17 205/11 207/16	<b>conservative [3]</b> 34/9 81/19 162/7	<b>containing [1]</b> 198/5
<b>committed [7]</b> 65/24 104/14 159/1 226/13 226/16 242/14 244/3	<b>complaints [2]</b> 130/21 130/24	<b>conclude [3]</b> 56/16 98/16 233/17	<b>conservatives [1]</b> 145/23	<b>contemplating [1]</b> 241/21
<b>committee [14]</b> 9/9 55/2 62/14 66/13 67/6 67/19 67/24 68/20 124/12 135/5 158/21 187/20 207/7 219/4	<b>complete [5]</b> 48/23 179/12 216/15 224/20 235/4	<b>concluded [2]</b> 158/18 160/16	<b>consider [23]</b> 13/20 13/21 17/10 18/21 20/6 20/8 31/4 32/7 34/21 44/8 55/9 56/17 57/24 66/4 69/4 73/3 101/1 185/5 195/19 195/21 221/25 238/25 239/12	<b>content [4]</b> 15/4 107/20 174/11 195/17
<b>committing [2]</b> 32/1 40/20	<b>completing [1]</b> 3/1	<b>conclude [3]</b> 56/16 98/16 233/17	<b>considerable [5]</b> 17/3 20/11 52/15 63/23 169/17	<b>contents [2]</b> 78/24 185/13
<b>common [5]</b> 35/1 82/21 114/19 114/20 115/6	<b>completely [7]</b> 49/11 161/9 170/11 176/17	<b>concluded [2]</b> 158/18 160/16	<b>considerably [2]</b> 17/22 37/5	<b>context [14]</b> 34/21 92/8 106/4 108/4 108/23 113/24 121/1 129/11 164/6 177/18 181/19 182/25 214/6 237/15
<b>Commons [1]</b> 24/17	<b>communication [3]</b> 129/23 168/16 221/6	<b>concluding [1]</b> 156/7	<b>consideration [5]</b> 18/9 25/6 42/11 50/14 71/22	<b>continue [18]</b> 22/5 42/7 49/13 54/19 123/9 134/15 135/8 171/16 184/20 189/11 193/19 195/5 199/7 204/12 207/8 207/11 208/3 211/12
<b>communicate [1]</b> 184/18	<b>communications [1]</b> 190/5	<b>conclusion [2]</b> 154/22 165/14	<b>considerations [3]</b> 101/9 108/9 108/21	<b>continued [8]</b> 67/18 144/22 160/25 161/1 161/2 180/25 181/21 183/4
<b>communicated [2]</b> 135/18 184/16	<b>communities [3]</b> 8/2 76/18 81/4	<b>conclusions [8]</b> 48/3 130/6 157/14 157/20 158/5 170/10 170/17 232/2	<b>considered [9]</b> 11/6 20/13 25/7 29/9 31/12 33/8 165/1 197/17 205/15	<b>continues [7]</b> 60/19 180/8 180/9 183/18 205/13 212/3 213/4
<b>communicating [1]</b> 190/4	<b>community [3]</b> 76/3 76/10 77/10	<b>conditions [1]</b> 210/17	<b>considering [4]</b> 49/5 100/16 135/25 242/8	<b>continuing [6]</b> 61/11 193/13 212/12 222/22 228/19 232/23
	<b>companies [3]</b> 120/19 120/19 121/14	<b>conduct [5]</b> 132/23 133/4 133/11 135/7 210/5	<b>considers [4]</b> 58/6 190/6 199/18 199/24	<b>continuity [1]</b> 207/17
	<b>company [25]</b> 40/1 42/16 42/18 62/25 69/14 69/15 79/21 121/17 125/24 142/5 154/9 154/13 154/19 154/20 188/7 198/4 201/4 205/16 206/12 219/21 229/15 230/22 239/4 240/3 241/14	<b>conducting [1]</b> 192/9	<b>consistent [6]</b> 16/19 62/22 69/5 189/9 197/21 204/19	<b>contract [15]</b> 3/2 3/3 144/21 176/10 176/12 180/22 207/25 209/19
	<b>company's [2]</b> 219/16 235/12	<b>confidence [4]</b> 61/12 63/5 68/25 69/12	<b>consistently [1]</b> 63/6	
	<b>comparison [2]</b> 169/25 170/1	<b>confident [3]</b> 64/21 186/13 200/14	<b>consolation [1]</b> 129/15	
	<b>compatibility [1]</b> 181/25	<b>confirm [6]</b> 2/8 2/10 20/24 174/23 175/4	<b>constant [2]</b> 221/3 221/6	
	<b>compensate [2]</b> 100/4 220/12		<b>constantly [1]</b> 89/2	

<b>C</b>	33/20 34/14 36/5 36/18 37/3 38/5 38/15 39/9 40/15 49/20 54/6 71/6 82/23 82/24 100/10 162/20 226/11 <b>contract...</b> [7] 209/22 210/9 210/15 210/18 214/19 218/21 223/18 <b>contracts</b> [11] 161/1 161/12 187/14 222/15 223/3 223/4 223/7 223/15 223/16 223/21 224/12 <b>contracts'</b> [1] 222/20 <b>contractual</b> [5] 47/20 184/9 204/13 223/11 223/22 <b>contrary</b> [1] 125/15 <b>contribute</b> [8] 56/7 58/12 161/3 219/8 220/14 221/20 240/8 244/2 <b>contributed</b> [3] 48/11 176/24 243/12 <b>contributing</b> [4] 219/22 221/25 222/9 241/16 <b>contribution</b> [8] 55/20 159/2 220/3 220/18 220/20 238/17 241/21 242/20 <b>contributions</b> [3] 55/9 55/15 243/21 <b>control</b> [3] 142/16 211/1 211/5 <b>controlled</b> [1] 135/21 <b>convenient</b> [1] 56/18 <b>conversation</b> [42] 11/8 14/7 44/3 44/3 46/24 56/13 64/18 65/19 73/19 74/11 74/15 87/8 102/16 123/22 126/19 127/9 127/18 129/2 130/12 130/15 135/12 143/3 155/6 161/7 164/15 190/15 190/15 191/1 202/5 203/10 203/11 220/17 220/24 229/16 230/23 240/13 241/12 242/2 242/17 242/21 246/8 246/10 <b>conversation'</b> [2] 239/8 239/8 <b>conversations</b> [20] 35/3 39/12 40/8 44/12 46/18 49/15 55/24 74/19 74/24 77/15 89/8 98/12 141/2 144/17 155/5 156/18 160/1 163/18 164/3 189/23 <b>conveyed</b> [1] 137/15 <b>convicted</b> [5] 33/19 71/5 162/19 226/10 226/21 <b>convictions</b> [18] 6/10	83/21 95/16 95/23 95/24 98/1 100/8 106/20 109/22 111/11 111/24 112/19 113/9 120/21 121/6 121/18 124/1 127/8 127/20 127/21 132/2 132/3 134/15 138/8 149/22 159/22 159/24 160/1 160/22 164/8 168/6 169/4 170/22 175/24 176/1 178/15 179/17 180/4 180/14 180/14 180/19 181/9 182/20 183/12 183/15 186/13 190/17 190/21 197/10 197/23 199/25 203/14 209/11 209/19 212/25 213/23 214/7 216/17 218/17 229/6 230/9 230/11 230/24 230/25 231/1 231/9 234/11 238/9 238/21 <b>couldn't</b> [12] 41/11 72/24 95/14 125/23 125/24 128/20 131/7 185/4 196/10 197/15 198/19 207/4 <b>counsel</b> [2] 154/10 173/15 <b>counted</b> [1] 188/15 <b>country</b> [6] 57/20 65/8 65/18 185/20 187/14 239/5 <b>couple</b> [1] 107/13 <b>course</b> [35] 7/6 9/7 9/15 14/16 14/19 17/16 17/25 34/13 38/25 43/8 51/3 52/12 52/15 53/9 69/5 117/22 118/3 123/25 130/1 139/19 154/3 162/1 166/7 168/19 169/7 169/14 169/15 182/20 186/16 197/14 207/5 221/9 224/2 224/11 241/12 <b>court</b> [15] 45/12 47/14 48/12 82/12 82/23 98/4 103/3 114/24 148/23 152/25 210/10 210/11 211/13 225/8 235/23 <b>courts</b> [2] 35/2 148/17 <b>Coutts</b> [1] 80/5 <b>cover</b> [7] 12/2 71/8 114/23 162/21 163/18 176/8 179/11 <b>coverage</b> [1] 42/24 <b>covered</b> [4] 38/1 162/22 165/17 180/10 <b>covering</b> [2] 16/3 134/22	<b>covers</b> [2] 12/16 93/15 <b>Covid</b> [1] 156/17 <b>create</b> [7] 100/24 103/9 132/12 148/12 149/8 150/18 158/8 <b>created</b> [3] 94/21 149/22 166/15 <b>creates</b> [2] 103/17 138/14 <b>creating</b> [6] 18/20 149/1 149/5 150/3 150/20 164/11 <b>creation</b> [1] 86/20 <b>creative</b> [3] 239/22 240/9 240/10 <b>Credence</b> [1] 182/12 <b>Creswell</b> [2] 136/12 136/18 <b>crime</b> [2] 192/10 234/13 <b>criminal</b> [14] 33/21 40/20 177/6 191/8 192/22 192/24 194/6 194/11 195/14 196/4 200/2 204/3 210/22 213/11 <b>crisis</b> [1] 124/2 <b>criteria</b> [1] 38/8 <b>criticised</b> [2] 16/23 23/25 <b>criticising</b> [2] 48/14 149/13 <b>criticism</b> [5] 100/2 100/5 150/24 151/2 169/16 <b>criticisms</b> [4] 19/22 23/15 47/13 233/2 <b>cross</b> [5] 3/15 35/7 35/17 36/2 99/4 <b>Cross-government</b> [1] 3/15 <b>cross-heading</b> [1] 99/4 <b>cross-party</b> [3] 35/7 35/17 36/2 <b>crossed</b> [2] 96/5 96/16 <b>crossrefer</b> [1] 105/19 <b>crossreference</b> [1] 107/23 <b>Crown</b> [1] 202/23 <b>crusade</b> [1] 126/3 <b>crystallisation</b> [1] 105/4 <b>culminating</b> [1] 60/17 <b>culpability</b> [1] 245/3 <b>cultural</b> [9] 7/8 7/10 63/3 125/21 126/5 142/4 146/1 173/4 205/13 <b>culture</b> [11] 7/11 44/21 60/3 60/15	60/20 61/11 61/15 126/1 126/2 148/2 210/5 <b>curiosity</b> [2] 206/8 214/4 <b>curious</b> [3] 197/7 197/8 199/3 <b>current</b> [19] 8/22 21/7 24/9 55/11 145/5 152/21 158/7 175/13 178/4 178/8 183/20 188/5 198/2 201/5 209/15 210/22 212/24 215/14 224/13 <b>currently</b> [14] 45/25 48/7 67/12 76/14 76/21 178/12 183/5 184/6 184/12 194/20 199/8 204/16 209/24 241/22 <b>customer</b> [1] 187/22 <b>customer's</b> [1] 146/25 <b>customers</b> [1] 222/23 <b>cut</b> [3] 38/5 101/25 173/14 <b>cut-off</b> [1] 173/14 <b>CWU</b> [1] 68/1
			<b>D</b>	
			<b>daily</b> [1] 178/22 <b>damaged</b> [1] 58/2 <b>Dan</b> [2] 217/25 218/14 <b>danger</b> [2] 61/18 62/2 <b>dangerous</b> [1] 224/9 <b>Daniel</b> [1] 218/5 <b>Darfoor</b> [1] 124/24 <b>data</b> [71] 6/14 54/2 177/14 177/14 180/17 191/6 191/13 193/17 193/19 194/2 194/14 194/17 194/20 194/21 195/1 196/3 200/3 200/12 203/4 203/24 204/7 208/24 210/7 210/25 210/25 211/4 211/19 212/25 213/5 213/5 213/13 213/13 214/5 214/6 215/12 217/21 217/22 218/10 223/1 232/25 233/4 233/14 233/16 233/20 234/1 234/3 234/4 234/5 234/11 234/18 235/1 235/2 235/7 235/8 235/13 235/25 236/3 236/9 236/12 236/13 236/13 236/18 236/20 236/21 236/22 236/23 236/24 237/1 237/2 237/4 237/6	



<b>D</b>	134/14 152/20 172/10 230/21	<b>delegated [5]</b> 85/15 86/10 88/19 169/17 170/13	93/16	<b>did [71]</b> 2/25 3/3 20/24 28/8 35/23 40/12 40/15 78/22 84/22 89/18 91/23 93/10 94/2 94/15 96/12 103/1 106/2 110/1 111/2 113/10 117/2 117/3 117/19 118/4 119/11 120/24 121/23 122/5 122/8 122/9 122/12 122/21 123/7 126/17 127/6 134/8 136/1 139/9 139/10 139/16 143/10 144/16 145/24 153/18 156/1 159/12 159/14 159/17 159/18 160/11 162/23 162/25 163/14 163/17 163/21 169/7 170/17 171/24 197/6 213/22 219/12 219/20 222/22 227/21 227/25 232/10 233/7 233/9 237/18 240/16 243/10
<b>date [21]</b> 20/18 20/21 22/7 51/14 51/19 52/5 53/24 74/9 74/12 79/8 83/24 84/5 84/23 85/9 116/3 133/1 136/10 141/5 209/5 217/23 232/3	<b>decided [4]</b> 38/9 90/6 135/9 155/24	<b>delegating [2]</b> 88/6 88/9	<b>depend [1]</b> 162/3	<b>didn't [45]</b> 4/5 15/19 17/17 18/19 38/6 69/21 69/21 72/6 96/12 98/19 109/14 114/25 117/6 117/11 117/13 118/3 118/8 118/11 119/16 120/22 121/8 122/6 122/10 122/17 122/23 123/2 127/5 127/7 130/8 131/8 132/15 135/20 137/16 139/12 149/21 159/23 197/10 201/15 214/1 219/20 222/3 227/24 229/17 243/8 243/11
<b>dated [18]</b> 1/25 78/16 79/3 83/18 98/25 98/25 99/2 104/8 104/11 116/1 116/4 174/14 174/16 174/17 174/19 174/21 205/6 232/17	<b>deciding [2]</b> 172/13 172/15	<b>delegation [9]</b> 85/4 85/20 86/2 86/24 87/5 87/24 87/25 88/1 92/21	<b>depending [1]</b> 12/17	<b>die [1]</b> 95/18
<b>dates [4]</b> 20/22 21/2 84/5 159/21	<b>decision [30]</b> 18/11 22/15 23/5 23/12 23/18 24/7 27/3 35/22 43/24 57/10 73/9 85/24 88/9 88/16 88/18 88/22 89/9 93/11 98/14 114/2 124/23 147/24 148/20 148/20 149/6 154/23 165/17 169/18 172/12 244/14	<b>deleted [1]</b> 119/25	<b>depends [3]</b> 89/21 93/13 93/25	<b>differed [1]</b> 170/15
<b>David [2]</b> 86/9 87/10	<b>decision-making [1]</b> 85/24	<b>deliberate [1]</b> 154/25	<b>deprived [1]</b> 68/5	<b>difference [3]</b> 89/5 112/23 154/8
<b>day [42]</b> 6/21 88/11 88/11 88/15 88/15 88/19 88/19 92/22 94/8 94/8 94/22 94/22 112/3 112/3 131/6 131/6 132/7 143/15 143/15 144/21 144/21 153/25 153/25 156/9 187/17 188/6 188/6 191/6 194/3 194/3 194/21 194/21 197/9 197/9 208/3 208/3 218/2 224/14 225/8 228/25 229/1 247/3	<b>decisions [30]</b> 3/18 6/7 17/23 18/14 26/25 38/11 49/18 50/6 50/16 53/19 53/25 56/24 71/19 72/2 88/23 89/2 89/4 90/24 91/13 93/4 110/5 123/12 126/1 143/15 146/5 147/10 148/6 166/1 166/3 172/18	<b>deliberation [1]</b> 154/18	<b>depth [1]</b> 182/23	<b>difficult [15]</b> 26/25
<b>days [5]</b> 86/7 132/24 218/6 218/6 218/15	<b>decline [1]</b> 8/6	<b>delineated [1]</b> 88/5	<b>derive [1]</b> 109/1	
<b>DBT [8]</b> 46/1 56/2 57/14 60/16 86/20 89/18 101/4 101/22	<b>decode [1]</b> 179/10	<b>deliver [10]</b> 27/16 34/19 97/13 107/22 146/19 148/13 150/6 156/9 161/10 204/13	<b>describe [4]</b> 11/20 84/25 99/23 105/24	
<b>DBT/UKGI [1]</b> 60/16	<b>deemed [2]</b> 74/20 202/23	<b>delivered [13]</b> 5/19 22/6 24/4 29/17 32/16 33/2 46/11 76/21 95/6 96/22 107/9 165/9 165/11	<b>described [9]</b> 7/8 16/22 80/14 86/25 87/3 92/21 167/15 177/12 242/23	
<b>dead [1]</b> 246/17	<b>defects [14]</b> 180/8 183/4 183/9 183/18 183/21 184/11 184/16 184/21 186/2 186/3 187/6 189/10 199/7 204/9	<b>demand [3]</b> 9/25 77/13 158/10	<b>describes [1]</b> 85/17 109/20	
<b>deadline [4]</b> 30/7 30/13 30/16 31/9	<b>defence [1]</b> 113/13	<b>demands [2]</b> 10/19 138/24	<b>deserving [1]</b> 109/20	
<b>deadlines [1]</b> 6/21	<b>defensible [1]</b> 24/4	<b>demonstrate [1]</b> 53/25	<b>deserve [4]</b> 30/2 31/24 32/8 104/16	
<b>deal [8]</b> 25/21 31/2 32/16 62/7 115/23 124/2 239/3 243/16	<b>define [1]</b> 91/9	<b>demonstrated [1]</b> 54/11	<b>deserved [2]</b> 34/5 34/6	
<b>dealing [15]</b> 28/3 40/7 42/25 51/5 138/3 147/24 153/24 156/16 156/20 156/22 158/7 167/15 170/7 218/8 243/5	<b>definitely [4]</b> 76/24 84/8 161/20 170/15	<b>demutualisation [2]</b> 124/19 155/4	<b>design [1]</b> 25/4	
<b>deals [1]</b> 243/20	<b>definition [5]</b> 12/18 58/24 180/1 180/2 201/23	<b>denied [1]</b> 97/5	<b>designation [1]</b> 11/2	
<b>dealt [4]</b> 32/22 98/10 128/3 218/14	<b>definitions [1]</b> 12/2	<b>department [38]</b> 3/12 4/11 5/13 8/21 9/3 9/10 32/3 38/20 43/10 46/7 46/12 46/16 46/20 50/17 63/4 71/22 72/23 73/7 73/8 74/19 81/3 85/2 85/5 87/7 88/14 102/23 109/24 111/9 117/16 134/13 134/24 136/12 138/2 141/10 146/14 221/4 221/4 232/11	<b>desirable [1]</b> 14/10	
<b>decade [1]</b> 65/4	<b>definitive [3]</b> 92/8 92/19 232/3	<b>Department's [1]</b> 136/19	<b>desire [1]</b> 44/6	
<b>decades [1]</b> 243/15	<b>degree [3]</b> 31/4 73/17 185/3	<b>departmental [5]</b> 9/24 44/23 73/14 118/13 133/2	<b>desk [2]</b> 96/5 96/16	
<b>December [6]</b> 51/13 174/16 180/21 211/22 231/21 232/8	<b>DEL [1]</b> 9/24	<b>departments [3]</b> 4/17 62/11 87/16	<b>despite [7]</b> 7/24 75/11 75/19 75/25 105/17 121/16 172/21	
<b>decent [1]</b> 17/11	<b>delay [8]</b> 13/21 15/6 15/8 31/14 53/2 165/23 216/24 217/4	<b>departments' [1]</b>	<b>detail [16]</b> 8/17 50/12 82/14 83/4 83/7 85/22 87/8 90/25 102/12 131/21 136/1 136/24 137/10 144/2 202/15 228/18	
<b>decide [12]</b> 29/15 50/23 88/24 89/7 90/5 90/5 91/6 109/9	<b>delaying [1]</b> 216/22		<b>designed [9]</b> 7/8 16/22 80/14 86/25 87/3 92/21 167/15 177/12 242/23	

<b>D</b>	<b>discovered [1]</b> 119/14	89/15 89/23 91/3 91/23 92/12 92/22 92/23 95/16 95/23 95/24 97/25 98/5 99/12 99/12 100/19 102/7 103/4 103/5 103/15 106/19 110/3 110/8 110/8 111/1 112/19 113/2 114/18 114/22 114/23 115/1 115/24 119/20 121/5 121/18 121/21 121/21 122/16 123/17 124/10 124/20 125/16 125/22 126/6 127/3 129/20 131/16 132/15 134/10 135/14 138/2 140/13 140/14 140/15 140/22 141/1 143/13 146/23 147/2 147/2 147/11 147/12 147/16 148/4 148/9 148/10 148/22 148/24 149/6 150/1 151/3 151/6 152/6 152/7 155/4 158/15 159/14 159/22 160/7 160/19 160/20 161/15 161/25 162/6 162/9 164/20 164/21 165/5 165/7 166/11 166/16 166/17 169/11 170/12 171/21 171/21 172/8 172/23 173/1 179/7 179/19 180/3 185/5 185/11 187/19 188/4 188/16 189/12 196/9 200/10 201/3 201/11 203/23 205/20 207/2 209/4 211/6 211/20 218/9 219/1 219/10 219/11 219/21 220/25 221/24 223/25 224/4 224/8 225/10 229/5 229/11 229/12 229/19 230/25 231/4 233/24 235/18 236/18 237/21 237/21 237/22 240/24 241/5 241/15 242/7 242/25 243/11 243/24 245/11 246/7	<b>does [36]</b> 9/20 11/15 20/1 35/13 43/7 60/4 76/14 87/20 91/8 108/21 125/6 129/1 143/20 144/11 148/19 149/25 161/15 161/18 162/12 167/4 167/5 177/5 177/13 177/17 184/23 185/1 189/2 204/16 207/21 217/3 219/21 230/1 231/19 231/22 234/14 241/6 <b>doesn't [12]</b> 59/17 109/7 118/24 131/7 146/5 146/14 150/16 155/18 158/3 158/10 174/13 188/13 <b>doing [49]</b> 4/18 34/3 35/5 52/1 54/12 73/7 77/15 77/20 83/13 86/19 90/18 91/25 94/14 98/20 103/6 103/14 103/16 103/17 103/19 103/20 107/10 113/3 114/14 117/18 122/7 122/10 122/23 122/25 123/3 127/19 129/17 130/18 131/22 134/13 135/14 135/16 138/9 153/23 161/8 161/11 161/19 163/15 169/3 170/6 171/25 202/4 202/9 239/21 240/5 <b>domain [3]</b> 23/15 50/7 72/4 <b>don't [94]</b> 8/8 17/2 17/20 22/20 31/7 35/23 37/12 42/21 43/14 46/14 50/10 50/18 51/23 53/21 64/1 72/15 73/3 73/5 73/10 74/2 76/5 77/4 88/8 90/4 90/24 95/20 96/9 96/9 98/3 102/20 103/12 109/17 110/23 111/23 115/4 117/5 119/9 119/9 119/9 120/1 120/3 125/12 126/7 130/23 131/22 132/4 132/5 132/15 136/24 137/3 138/4 138/22 142/22 146/7 146/7 147/15 147/17 148/23 150/17 151/25 153/22 154/8 161/3 164/25 169/9 171/8 171/18 177/22 185/8 186/11 186/20 188/18 189/4 189/15 197/12 201/6 201/6 201/13 201/14 209/1 209/8 210/13 218/7 220/23 224/6 228/17 229/3	230/10 231/12 233/11 237/8 237/10 237/22 244/11 <b>done [39]</b> 32/10 33/5 33/7 56/11 58/14 72/20 87/11 87/17 96/9 97/6 97/9 102/20 108/16 110/10 112/7 113/6 113/8 127/1 140/19 140/23 140/24 145/13 149/21 153/20 155/18 155/21 160/15 161/17 164/8 166/3 170/25 172/5 176/19 202/6 208/4 224/13 238/21 240/24 246/18 <b>door [10]</b> 29/20 41/18 57/17 95/23 103/24 117/11 153/11 157/25 159/25 166/18 <b>double [2]</b> 179/5 179/23 <b>doubled [1]</b> 6/2 <b>doubt [3]</b> 129/15 130/11 179/7 <b>down [75]</b> 3/10 7/23 18/7 18/8 19/1 19/2 20/16 21/17 22/12 23/2 23/6 27/20 28/13 28/22 30/19 42/7 43/24 57/19 72/22 87/23 89/14 92/3 95/1 104/6 106/14 108/20 115/19 118/13 123/24 124/4 124/7 127/6 128/22 131/24 132/18 132/22 133/10 139/21 141/13 144/25 148/19 148/24 149/12 150/16 158/7 166/6 166/17 178/19 180/24 182/25 183/15 184/3 185/20 187/14 190/9 195/10 197/3 202/15 215/23 218/16 218/22 218/24 219/24 220/25 221/19 222/16 224/2 224/7 227/22 231/3 231/25 232/18 243/11 245/17 246/9 <b>Downey [2]</b> 163/10 227/1 <b>draft [3]</b> 141/5 141/8 168/14 <b>drafted [1]</b> 67/5 <b>drama [1]</b> 112/22 <b>draw [1]</b> 183/1 <b>drawer [1]</b> 72/23 <b>drawing [1]</b> 196/19 <b>drawn [1]</b> 50/11 <b>driving [1]</b> 7/8 <b>dropping [1]</b> 87/12 <b>due [16]</b> 7/5 12/10 19/20 19/23 64/10
----------	---------------------------------	---	---	---

<b>D</b>	<b>efficient [2]</b> 16/8 142/17	114/18 148/23 148/24 156/9 159/24 161/13 180/9 180/11 180/12 180/19 181/2 181/6 181/12 182/2 182/4 187/6 187/6 187/7 187/7 187/17 187/19 188/12 188/15 188/16 189/11 200/14 200/14 200/25 202/2 202/2 202/7 209/22 220/7 220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	87/11 90/8 98/18 104/14 104/22 144/21 165/8	<b>et cetera [1]</b> 234/18
<b>due... [11]</b> 103/25 163/6 181/5 182/20 197/13 209/22 219/1 221/9 224/2 224/11 241/12	<b>efforts [3]</b> 11/10 37/14 181/17	187/6 187/6 187/7 187/7 187/17 187/19 188/12 188/15 188/16 189/11 200/14 200/14 200/25 202/2 202/2 202/7 209/22 220/7 220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>entire [5]</b> 150/24 158/11 189/15 196/24 200/14	<b>Europe [2]</b> 175/20 188/7
<b>during [12]</b> 8/23 13/9 96/23 170/23 198/8 205/17 218/20 227/12 227/16 227/21 228/20 233/15	<b>either [16]</b> 21/11 27/3 32/10 50/20 73/13 76/21 114/13 117/20 131/8 136/17 190/22 214/15 214/23 223/22 233/11 235/21	187/6 187/6 187/7 187/7 187/17 187/19 188/12 188/15 188/16 189/11 200/14 200/14 200/25 202/2 202/2 202/7 209/22 220/7 220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>entitled [2]</b> 19/9 169/12	<b>European [2]</b> 54/25 158/20
<b>duties [1]</b> 87/13	<b>elaborate [1]</b> 89/23	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>entity [3]</b> 90/20 145/19 145/24	<b>even [21]</b> 8/4 9/16 31/8 31/20 38/6 47/3 62/3 77/6 84/6 85/4 87/21 92/20 103/24 132/14 146/12 147/13 149/19 155/4 156/22 198/14 229/3
<b>duty [2]</b> 19/6 65/25	<b>elderly [1]</b> 16/25	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>entrepreneurial [1]</b> 238/23	<b>event [4]</b> 15/10 116/5 190/5 209/23
<b>dysfunctional [1]</b> 158/9	<b>elected [1]</b> 3/2	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>entry [1]</b> 179/6	<b>events [1]</b> 170/10
<b>E</b>	<b>election [10]</b> 3/3 4/6 5/21 6/8 14/11 32/18 33/12 35/9 35/10 72/11	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>envelope [1]</b> 85/13	<b>eventually [3]</b> 111/5 111/10 137/4
<b>each [9]</b> 17/23 53/25 66/2 104/23 142/12 192/24 208/8 224/22 227/23	<b>electronic [2]</b> 78/22 79/11	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>environment [2]</b> 146/24 200/21	<b>ever [5]</b> 10/15 42/13 117/6 159/12 187/21
<b>earlier [29]</b> 26/16 27/18 40/5 60/8 74/22 108/5 112/22 130/12 134/11 135/13 136/22 149/21 152/1 157/10 161/17 180/11 196/23 198/4 200/20 206/6 211/14 212/15 216/20 220/16 220/22 234/24 235/4 236/22 241/24	<b>electronically [1]</b> 78/23	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>environments [1]</b> 206/9	<b>every [12]</b> 18/11 61/7 76/9 93/1 97/6 100/23 114/14 146/24 148/12 148/20 148/22 191/6
<b>earliest [1]</b> 46/10	<b>element [4]</b> 14/7 56/16 59/6 74/23	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>envisaged [1]</b> 55/23	<b>everybody [9]</b> 77/24 110/5 146/21 150/5 150/19 161/10 218/9 232/2 232/5
<b>early [6]</b> 74/12 131/14 159/22 207/13 211/4 226/18	<b>elements [1]</b> 67/17	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>envisages [1]</b> 210/1	<b>everyone [6]</b> 12/3 115/21 150/19 165/14 173/14 238/8
<b>earn [1]</b> 40/24	<b>elicit [1]</b> 127/10	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>equal [1]</b> 19/14	<b>everyone's [2]</b> 6/25 125/1
<b>earning [1]</b> 76/5	<b>eligibility [3]</b> 36/17 36/18 38/8	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>Equalities [2]</b> 83/10 83/11	<b>everything [18]</b> 4/11 4/13 5/12 7/21 85/21 87/19 92/9 130/23 135/11 144/23 150/4 179/11 196/25 199/1 212/20 227/23 230/15 230/17
<b>easier [1]</b> 32/14	<b>eligible [3]</b> 12/4 37/17 37/24	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>equipment [2]</b> 181/20 237/16	<b>evidence [92]</b> 10/8 24/21 25/6 25/7 37/25 46/4 51/10 54/9 54/13 55/2 55/12 55/22 59/12 60/2 66/11 66/12 71/10 75/5 75/11 77/19 81/17 99/1 104/10 139/12 144/7 148/16 149/23 152/2 155/12 158/21 158/24 160/6 163/12 166/3 168/15 169/15 173/7 175/10 176/9 177/1 177/7 177/11 177/25 179/22 184/5 185/24 186/12 187/3 187/5 187/21 192/8 195/13 195/23 196/5 196/6 196/13 196/17 197/21 198/8 198/20 199/17 200/8 201/8 202/19 202/21 202/23 203/1 206/6 210/3 213/18 219/1 220/6
<b>easily [1]</b> 147/11	<b>else [9]</b> 12/1 111/23 112/20 168/1 212/20 230/6 235/2 236/8 236/18	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>Ernst [1]</b> 184/25	
<b>easy [3]</b> 27/16 35/2 145/21	<b>elsewhere [1]</b> 103/18	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>err [1]</b> 98/17	
<b>economic [1]</b> 96/14	<b>email [22]</b> 12/24 16/3 106/13 107/1 107/2 128/24 134/21 189/19 190/10 192/2 195/24 195/25 197/2 197/16 198/25 201/15 203/17 203/18 215/18 217/8 217/14 218/5	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>error [2]</b> 188/19 188/25	
<b>economically [1]</b> 68/5	<b>emails [1]</b> 216/20	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>errors [16]</b> 180/8 183/4 183/9 183/18 183/21 184/11 184/15 184/21 186/2 186/2 187/5 189/10 199/7 204/9 219/4 236/14	
<b>edited [1]</b> 178/1	<b>embarrassment [2]</b> 121/6 135/21	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>escalate [1]</b> 205/10	
<b>education [7]</b> 57/23 58/4 80/19 172/11 229/13 229/17 238/24	<b>emerge [1]</b> 22/24	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>escalation [6]</b> 85/23 102/2 102/3 102/4 102/11 137/18	
<b>effect [9]</b> 51/15 75/6 91/15 91/22 93/4 93/10 93/23 238/4 238/10	<b>emerged [1]</b> 210/4	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>essence [1]</b> 242/7	
<b>effective [5]</b> 25/23 66/23 68/16 68/18 142/9	<b>emotive [1]</b> 224/7	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>essential [3]</b> 145/12 173/4 195/2	
<b>effectively [12]</b> 14/16 17/18 20/4 25/15 64/22 85/4 87/5 87/15 97/5 145/21 183/22 220/6	<b>employees [2]</b> 176/14 238/10	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>essentially [20]</b> 9/19 14/11 18/21 51/17 73/7 83/2 86/21 86/24 94/2 101/16 102/2 105/10 109/20 112/23 143/22 153/2 159/1 159/11 160/7 193/16	
<b>effectiveness [1]</b> 44/21	<b>Employment [2]</b> 46/12 138/7	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>establish [3]</b> 65/10 104/11 204/19	
<b>efficiency [1]</b> 148/11	<b>enable [2]</b> 47/19 47/20	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>established [4]</b> 14/10 175/16 191/5 204/17	
	<b>Enabling [1]</b> 142/8	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>establishing [1]</b> 191/6	
	<b>enclose [1]</b> 195/24	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>estate [1]</b> 3/4	
	<b>encourage [2]</b> 105/5 162/8	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>estimated [1]</b> 223/3	
	<b>encouraged [2]</b> 112/16 212/5	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7	<b>et [1]</b> 234/18	
	<b>end [60]</b> 22/20 45/6 45/7 75/8 95/15 98/4 102/24 110/11 111/2	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7		
	<b>ensures [2]</b> 24/5 220/4	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7		
	<b>ensuring [8]</b> 62/14	220/8 221/13 226/13 229/24 230/2 230/12 230/15 230/17 230/20 231/10 231/19 242/25 243/4 243/25 244/10 244/14 244/16 245/7		

<b>E</b>	85/4	239/2	failed [5] 63/6 66/19 66/22 133/23 153/3	features [1] 14/8
<b>evidence... [20]</b>	<b>existing [13]</b> 11/24 14/21 57/6 67/11	<b>explanations [2]</b> 103/7 199/23	<b>failing [1]</b> 60/17	<b>February [21]</b> 80/21 81/8 81/10 81/14
220/10 220/11 220/16	68/17 141/25 181/5	<b>exploratory [1]</b> 190/14	<b>failings [2]</b> 67/2 176/20	81/23 81/25 82/9 83/2 83/18 83/20 84/23
221/7 221/7 221/10	222/4 222/23 223/8	<b>explore [4]</b> 69/10 105/5 190/18 231/2	<b>failure [5]</b> 38/22 39/15 53/5 181/8 181/13	85/9 86/7 96/1 102/9 116/8 184/13 198/25 211/4 211/7 236/23
221/13 226/12 226/13	223/15 223/21 228/4	<b>Export [1]</b> 122/2	<b>failures [4]</b> 142/1 176/4 176/7 220/12	<b>fed [5]</b> 29/1 122/12 183/24 186/2 201/25
227/16 231/25 233/25	<b>exists [1]</b> 67/12	<b>expressed [9]</b> 57/25 75/10 101/5 136/14 136/19 136/23 137/6 158/24 159/20	<b>fair [21]</b> 5/6 5/14 5/18 6/6 7/3 17/25 18/23 20/13 96/3 104/15 104/24 105/7 138/23 150/18 165/8 165/8 165/14 204/19 225/20 228/6 228/15	<b>Federation [1]</b> 60/1
234/24 235/3 236/11	<b>exit [1]</b> 210/2	<b>expressing [1]</b> 27/1	<b>fairly [11]</b> 12/1 18/14 50/7 63/19 72/9 73/4 122/4 133/7 138/13 138/16 233/6	<b>feed [1]</b> 189/3
236/25 237/2 237/12	<b>exonerated [1]</b> 39/20	<b>extend [6]</b> 11/23 57/10 100/13 140/3 144/17 192/5	<b>fairness [5]</b> 16/17 18/17 189/7 198/10 212/17	<b>feedback [5]</b> 28/5 51/7 54/8 203/8 203/16
243/9 245/2	<b>expand [1]</b> 67/11	<b>extended [1]</b> 200/25	<b>falls [1]</b> 223/9	<b>feel [17]</b> 14/15 17/11 25/5 50/13 54/13 58/2 63/10 72/15 73/10 76/1 77/13 97/8 109/15 120/22 197/10 198/7 220/23
<b>evidential [2]</b> 32/13 32/22	<b>expanding [1]</b> 201/22	<b>extension [10]</b> 12/8 180/22 208/2 209/18 210/1 210/8 210/17 211/17 221/6 237/25	<b>fall [4]</b> 10/24 22/18 94/16 144/24	<b>feeling [3]</b> 7/3 125/8 190/16
<b>evidentially [1]</b> 191/5	<b>expansion [2]</b> 11/15 11/17	<b>extensions [1]</b> 12/4	<b>fallen [1]</b> 14/11	<b>feels [1]</b> 131/2
<b>exact [1]</b> 108/20	<b>expect [11]</b> 4/5 13/8 141/1 143/12 144/1 144/8 144/16 186/21 211/11 220/13 244/11	<b>extensive [1]</b> 46/17	<b>fallout [2]</b> 153/25 156/17	<b>fees [2]</b> 21/9 21/16
<b>exactly [13]</b> 9/10 11/20 16/2 89/23 92/8 92/12 116/3 168/25 177/12 179/13 196/23 208/9 234/3	<b>expected [6]</b> 10/15 19/8 146/24 176/5 193/15 232/25	<b>extensively [1]</b> 60/25	<b>falls [1]</b> 223/9	<b>fell [1]</b> 117/7
<b>examine [5]</b> 48/24 49/1 49/4 167/10 205/22	<b>expecting [5]</b> 111/7 140/13 140/14 140/15 144/3	<b>extent [8]</b> 10/10 51/23 55/6 105/3 205/23 223/7 223/8 246/25	<b>false [2]</b> 119/15 192/22	<b>felt [23]</b> 32/4 32/5 34/8 45/23 69/20 71/25 72/6 72/15 73/17 108/23 130/7 137/24 160/21 169/4 197/14 198/18 206/11 206/14 207/12 213/25 219/17 233/22 238/5
<b>examined [1]</b> 202/2	<b>expedited [3]</b> 14/17 35/10 50/13	<b>external [2]</b> 39/23 201/20	<b>familiar [7]</b> 8/5 33/15 82/16 177/22 189/19 189/20 232/18	<b>female [1]</b> 126/3
<b>example [26]</b> 5/9 11/14 36/21 38/2 47/5 50/24 72/20 84/4 88/13 91/25 93/18 95/14 130/4 131/5 154/16 161/21 168/22 178/19 186/8 186/13 188/10 188/17 188/20 193/8 201/8 218/13	<b>expenditure [4]</b> 9/24 9/25 11/3 21/16	<b>extra [6]</b> 66/17 100/18 124/2 149/1 188/12 188/13	<b>families [23]</b> 57/18 58/16 58/25 59/15 73/23 162/23 163/7 163/23 164/2 164/4 164/5 164/9 165/6 221/17 226/14 226/16 227/13 238/5 238/24 239/23 240/6 240/16 244/4	<b>few [13]</b> 5/5 15/20 20/21 30/10 93/18 103/8 115/5 180/23 182/20 182/21 182/21 211/2 218/23
<b>examples [1]</b> 176/22	<b>expensive [2]</b> 61/20 114/17	<b>extrapolating [1]</b> 33/25	<b>far [19]</b> 24/10 54/21 72/8 103/13 110/3 115/3 133/25 143/20 163/25 169/20 176/7 184/8 185/22 186/18 188/20 209/9 231/19 242/19 244/11	<b>figure [8]</b> 9/14 10/7 11/15 160/22 160/23 178/25 221/19 229/20
<b>exceeds [1]</b> 16/17	<b>experience [13]</b> 8/23 143/23 143/24 143/25 144/1 179/16 196/13 229/2 237/20 240/5 240/11 240/24 246/6	<b>extreme [1]</b> 75/8	<b>figure 8 [1]</b> 178/25	<b>figures [2]</b> 84/7 179/7
<b>excellent [1]</b> 123/7	<b>experienced [7]</b> 45/24 163/6 163/19 164/13 178/25 179/2 210/23	<b>extremely [3]</b> 4/7 113/20 121/4	<b>final [15]</b> 2/7 29/11 37/6 39/22 141/9 152/14 153/14 154/22 157/1 195/8 218/16 220/8 222/11 223/20 231/21	<b>finally [5]</b> 13/25 80/9 155/11 174/20 195/7
<b>excessive [1]</b> 150/14	<b>experiences [3]</b> 164/19 179/8 227/13	<b>eye [1]</b> 54/19	<b>Finance [1]</b> 122/2	<b>finances [1]</b> 104/22
<b>exchange [3]</b> 12/24 74/21 189/19	<b>experiencing [2]</b> 178/17 179/15	<b>face [3]</b> 100/3 100/5 219/7	<b>financial [16]</b> 20/5 55/6 100/20 141/22 142/9 158/11 161/5 163/4 164/3 165/2 165/3 214/25 222/13 227/10 238/18 239/19	<b>financial [16]</b> 20/5 55/6 100/20 141/22 142/9 158/11 161/5 163/4 164/3 165/2 165/3 214/25 222/13 227/10 238/18 239/19
<b>exchanges [4]</b> 35/15 38/11 39/13 73/13	<b>expert [18]</b> 73/3 178/5 195/13 196/4 196/5 196/12 199/22 199/23 200/1 200/10 200/12 200/17 202/19 202/21 202/23 202/25 203/21 220/7	<b>faced [1]</b> 210/6	<b>feasibility [1]</b> 181/21	<b>feature [1]</b> 134/8
<b>Exchequer [8]</b> 80/22 95/25 96/7 96/11 96/12 96/13 98/22 102/5	<b>expertise [4]</b> 67/16 90/25 241/6 242/1	<b>facilitate [1]</b> 210/2		
<b>excise [1]</b> 134/17	<b>EXPG000007 [1]</b> 178/6	<b>facilitating [1]</b> 210/2		
<b>excluding [2]</b> 78/20 79/4	<b>explain [4]</b> 91/8 108/2 180/4 192/16	<b>facing [1]</b> 68/23		
<b>excuses [1]</b> 103/7	<b>explained [2]</b> 197/16 228/3	<b>fact [32]</b> 18/13 22/25 23/7 31/14 36/20 49/9 51/25 52/10 83/8 86/18 93/3 106/17 117/25 121/2 124/22 124/22 125/1 125/16 125/19 129/16 149/17 157/7 168/4 197/21 202/8 208/18 211/1 211/20 212/9 213/14 231/2 240/2		
<b>Exec [1]</b> 124/7	<b>explaining [2]</b> 119/17 203/18	<b>factor [1]</b> 23/18		
<b>execute [1]</b> 229/3	<b>explains [1]</b> 194/1	<b>factors [3]</b> 20/8 38/21 43/16		
<b>executive [8]</b> 66/21 121/11 133/14 139/6 175/19 175/19 207/13 237/1	<b>explanation [2]</b> 92/20	<b>facts [4]</b> 84/7 124/23 170/9 186/17		
<b>Executive's [1]</b> 213/18		<b>fail [1]</b> 100/4		
<b>executives [5]</b> 154/25 159/18 197/6 208/1 245/20				
<b>exercising [2]</b> 109/19 193/3				
<b>exist [4]</b> 171/12 171/16 171/17 171/18				
<b>existed [2]</b> 10/19				

<b>F</b>	<b>fix [1]</b> 166/24	<b>form [16]</b> 59/13	<b>freezes [1]</b> 179/17	193/2 195/4 195/13
<b>find [19]</b> 57/1 57/17	<b>fixed [36]</b> 6/14 6/18	145/5 161/17 178/18	<b>frequently [1]</b> 122/5	195/19 196/2 196/5
98/5 121/23 127/8	13/7 13/13 13/17	213/22 213/23 214/8	<b>Friday [6]</b> 1/8 3/25	196/10 197/7 197/23
127/21 132/16 153/18	13/18 13/20 13/22	214/8 214/10 215/9	12/25 15/21 208/1	198/14 199/8 199/11
157/8 167/2 167/3	14/14 14/17 14/23	215/20 216/16 217/1	245/20	199/18 199/24 200/5
172/18 172/24 209/11	15/7 15/25 17/8 17/14	217/4 217/11 219/12	<b>Friday's [1]</b> 15/19	200/15 201/4 201/9
215/25 229/7 231/5	18/25 19/16 19/18	<b>formal [3]</b> 88/18	<b>front [6]</b> 1/25 41/18	201/19 202/20 202/25
240/9 241/2	21/11 21/22 22/3	88/22 133/20	125/5 153/22 174/24	203/6 203/10 203/12
<b>finding [1]</b> 116/13	22/11 23/2 23/11	<b>formally [3]</b> 24/15	189/11	203/20 203/21 204/1
<b>findings [8]</b> 12/20	24/20 24/22 25/18	88/6 140/12	<b>front-door [1]</b> 41/18	204/12 204/25 205/18
52/16 55/21 60/5 60/8	25/19 26/9 26/15	<b>format [1]</b> 230/10	<b>frontline [4]</b> 8/16	207/18 207/22 208/15
60/18 152/19 220/1	27/14 49/21 54/5	<b>former [2]</b> 73/20	44/19 63/10 77/3	209/6 209/10 209/24
<b>finds [1]</b> 205/18	100/22 104/19 105/1	226/25	<b>frustrated [2]</b> 31/19	210/6 210/14 210/16
<b>fine [16]</b> 1/7 1/11	<b>fixed-sum [9]</b> 6/14	<b>formerly [1]</b> 9/8	74/16	210/19 213/4 213/9
28/18 70/14 70/17	21/22 22/3 23/2 23/11	<b>forms [1]</b> 214/7	<b>frustrating [1]</b> 121/4	213/11 214/3 215/19
129/7 173/19 185/19	49/21 54/5 104/19	<b>forth [3]</b> 71/23 75/24	<b>frustration [7]</b> 29/1	216/4 216/13 216/23
208/20 209/3 209/14	105/1	92/24	31/13 32/2 37/18 49/8	217/2 217/18 218/9
225/22 226/3 234/20	<b>fixes [1]</b> 184/13	<b>fortuitously [1]</b>	99/10 102/14	218/20 219/7 219/25
243/3 245/6	<b>fixing [1]</b> 68/20	227/14	<b>frustrations [1]</b>	220/4 220/9 221/24
<b>finish [4]</b> 75/4 225/9	<b>flag [2]</b> 132/8 197/6	<b>forum [1]</b> 68/11	36/24	221/25 222/14 222/18
225/18 231/24	<b>flagged [2]</b> 176/15	<b>forward [20]</b> 6/20	<b>FUJ00126035 [1]</b>	228/14 228/19 230/21
<b>finished [2]</b> 59/10	218/14	14/22 31/3 31/21	174/15	231/15 231/19 232/10
224/5	<b>flagging [1]</b> 197/5	41/20 43/2 55/21 57/3	<b>FUJ00243157 [1]</b>	235/19 238/15 238/22
<b>finishing [1]</b> 246/17	<b>flat [1]</b> 107/19	64/6 64/15 66/9 69/2	189/18	238/24 239/17 239/21
<b>firm [4]</b> 54/17 79/23	<b>flatout [1]</b> 111/22	69/7 74/20 101/2	<b>FUJ00243199 [2]</b>	240/23 241/20 242/4
80/6 219/9	<b>flawed [1]</b> 178/21	101/19 152/17 155/16	192/15 232/17	242/5 242/8 242/11
<b>firm's [1]</b> 219/6	<b>flaws [1]</b> 112/13	182/7 245/9	<b>FUJ00243201 [1]</b>	242/14 242/16 242/23
<b>firmly [1]</b> 75/10	<b>flexible [1]</b> 112/12	<b>forwards [1]</b> 146/2	193/23	243/4 243/19 244/6
<b>first [59]</b> 4/3 4/10	<b>floating [1]</b> 28/21	<b>found [4]</b> 77/11	<b>FUJ00243204 [2]</b>	244/15 245/4 245/9
5/16 7/7 9/12 13/11	<b>floor [2]</b> 17/19 18/3	128/13 128/14 153/2	182/22 195/9	245/14 246/24
26/3 46/16 47/7 47/9	<b>focus [10]</b> 8/18 33/3	<b>founded [1]</b> 130/24	<b>FUJ00243209 [1]</b>	<b>Fujitsu's [11]</b> 158/25
49/7 49/16 49/17	66/10 141/2 141/14	<b>four [26]</b> 5/24 6/2 6/3	202/13	160/24 161/24 177/3
68/16 71/9 74/14	141/21 142/16 176/11	9/17 28/13 46/16	<b>FUJ00243211 [1]</b>	191/16 210/8 220/12
78/16 87/1 89/16 92/4	181/18 208/3	49/17 56/1 60/22	205/5	221/12 230/1 230/18
95/5 104/7 107/1	<b>focused [4]</b> 83/13	64/20 75/14 113/18	<b>FUJ00243213 [1]</b>	235/16
107/16 109/9 110/18	163/4 181/3 181/15	121/19 125/4 198/23	214/8	<b>full [23]</b> 1/21 5/6 5/14
111/3 115/22 116/11	<b>focuses [1]</b> 107/22	208/13 208/14 208/14	<b>FUJ00243227 [1]</b>	16/8 16/10 16/14
116/24 118/9 118/9	<b>focusing [2]</b> 142/5	208/20 212/2 212/13	214/9	25/22 28/16 28/22
118/15 124/8 132/20	201/16	212/21 218/6 218/6	<b>FUJ00243233 [1]</b>	28/23 37/6 78/13
136/13 142/24 142/25	<b>FOI [1]</b> 131/25	218/15 234/9	215/20	78/14 82/14 92/25
152/2 157/11 162/22	<b>follow [6]</b> 7/18 74/10	<b>fourth [3]</b> 142/15	<b>FUJ00243299 [1]</b>	96/3 102/12 104/15
169/6 174/12 174/25	74/17 114/22 143/20	174/18 174/25	180/20	105/5 105/7 131/10
175/12 177/5 183/15	144/11	<b>fowl [1]</b> 90/21	<b>FUJ00243303 [1]</b>	169/22 174/5
192/16 193/22 196/16	<b>follow-up [2]</b> 74/10	<b>frames [1]</b> 33/25	183/12	<b>fully [8]</b> 24/6 83/7
198/18 211/22 214/14	74/17	<b>framework [2]</b> 67/12	<b>Fujitsu [151]</b> 54/24	85/17 90/22 98/25
215/6 230/23 232/18	<b>followed [3]</b> 114/25	152/22	54/25 55/1 55/3 55/6	101/13 200/11 244/19
245/2 246/10 246/21	138/6 149/3	<b>frameworks [1]</b>	55/8 55/13 56/4 56/12	<b>functions [2]</b> 64/17
<b>firsthand [1]</b> 169/20	<b>following [14]</b> 4/4	240/25	56/17 57/5 57/7 57/14	85/10
<b>firstly [4]</b> 33/22 79/19	13/8 49/20 107/14	<b>frank [15]</b> 8/14 11/3	58/12 58/13 59/3 59/6	<b>fund [4]</b> 172/13 219/8
95/25 136/17	114/15 116/19 117/22	11/9 12/19 29/9 29/17	74/7 74/10 74/12	222/6 239/22
<b>fish [1]</b> 90/21	133/20 133/21 141/14	36/11 44/3 50/10	74/24 144/18 158/19	<b>fundamental [6]</b>
<b>fished [1]</b> 72/24	141/22 192/2 192/10	63/15 76/25 77/6	158/20 159/1 159/11	42/12 42/16 43/10
<b>fit [2]</b> 47/24 230/21	247/3	131/11 169/22 228/1	161/8 161/10 162/1	43/18 64/25 66/5
<b>five [22]</b> 60/4 60/24	<b>follows [3]</b> 133/25	<b>frankly [20]</b> 10/14	162/7 162/8 163/5	<b>fundamentally [4]</b>
61/12 70/18 85/10	215/24 216/25	37/16 39/17 41/19	163/17 163/18 175/16	44/18 65/13 69/19
85/10 85/18 86/25	<b>foot [3]</b> 125/5 163/10	53/9 53/21 57/4 57/9	175/22 176/4 176/7	76/11
97/16 99/9 116/2	227/1	57/15 59/15 72/12	176/20 177/5 177/13	<b>fundamentals [2]</b>
134/8 157/22 158/17	<b>force [1]</b> 18/6	76/7 155/18 202/7	177/17 177/20 180/3	145/16 185/21
158/17 174/9 211/17	<b>forensic [1]</b> 199/22	221/1 229/19 231/4	180/7 183/5 184/23	<b>funded [2]</b> 27/21
211/17 211/23 212/22	<b>foresee [1]</b> 76/20	234/12 237/8 240/10	185/21 186/14 189/24	41/11
225/5 225/17	<b>forgive [7]</b> 53/16	<b>Fraser [2]</b> 47/13 48/3	190/2 190/3 190/6	<b>funding [10]</b> 11/16
<b>five-year [1]</b> 60/4	185/18 187/2 188/16	<b>fraud [2]</b> 192/22	190/7 190/13 190/23	12/6 12/10 13/23
<b>five/six [1]</b> 99/9	188/21 188/21 235/7	214/18	191/1 191/11 191/12	41/10 85/13 90/16
	<b>forgotten [1]</b> 185/16	<b>free [2]</b> 3/17 23/10	191/21 192/5 192/18	143/22 146/24 202/4

<b>F</b>	95/11 95/12 95/17 95/21 95/23 97/6 97/17 97/19 98/19 99/6 99/21 99/22 102/13 102/20 102/24 103/13 105/23 106/2 106/10 107/21 107/25 108/25 109/21 111/10 111/10 112/6 113/15 117/15 119/23 120/14 121/9 124/2 124/3 124/5 124/14 125/5 126/10 126/21 127/6 128/20 132/1 138/19 157/17 166/18 179/13 189/13 193/21 199/1 204/6 211/20 231/18 236/17 237/8 243/25 246/7	232/2 232/3 233/25 234/10 243/22 244/3 246/4 <b>gives [2]</b> 84/5 178/19 <b>giving [12]</b> 55/12 126/21 128/7 130/11 131/10 135/17 135/25 172/11 172/11 173/7 239/13 240/3 <b>glad [2]</b> 110/11 162/20 <b>GLO [22]</b> 13/15 16/19 19/15 20/23 30/8 31/15 32/11 45/13 61/12 82/25 100/4 100/11 100/14 100/23 101/2 101/14 104/20 105/1 107/7 107/19 153/1 158/18 <b>global [2]</b> 159/19 159/19 <b>go [76]</b> 13/1 14/22 17/17 18/7 22/11 23/6 27/14 27/20 28/10 31/21 37/11 37/20 38/6 38/14 41/6 43/7 51/17 59/22 62/10 65/9 76/2 84/9 89/7 89/10 89/25 96/16 97/11 98/4 101/24 103/8 104/7 110/25 113/15 114/11 114/13 116/21 116/22 119/3 127/6 128/11 129/8 132/18 132/22 134/7 149/9 152/2 155/2 156/10 157/23 168/4 168/14 170/24 182/20 184/13 190/9 191/15 194/25 201/15 202/14 204/4 214/3 218/22 222/25 228/17 232/16 233/14 234/6 236/3 239/20 240/19 240/20 240/20 241/14 243/18 244/11 244/12 <b>go-slow [1]</b> 134/7 <b>goal [1]</b> 69/15 <b>God [1]</b> 126/11 <b>Goddard [1]</b> 2/25 <b>goes [15]</b> 28/22 35/12 92/3 92/17 100/2 124/8 126/4 133/5 146/20 181/12 187/7 187/13 196/25 197/25 204/3 <b>going [107]</b> 3/5 5/15 5/20 8/10 10/25 15/18 16/5 17/20 20/22 26/5 26/24 29/19 31/12 31/19 32/5 40/15 41/6 43/2 45/17 48/22 48/23 49/1 49/4 50/6 50/16 51/17 52/1 52/3	52/19 53/16 64/6 64/14 65/12 66/9 68/16 70/7 74/20 88/12 89/12 95/7 98/13 98/14 109/19 110/4 114/11 119/13 120/17 121/12 122/13 122/15 126/11 126/15 126/16 126/17 126/24 127/14 127/19 131/12 133/7 135/13 136/25 143/5 143/19 146/2 147/3 147/7 150/3 151/24 152/16 153/12 153/15 154/17 168/25 170/3 170/18 171/9 172/2 172/13 172/15 172/16 173/25 177/1 182/7 182/18 184/24 186/20 197/9 198/21 201/9 207/19 220/11 220/14 222/1 224/11 224/12 226/1 232/22 235/21 235/24 236/7 236/7 236/10 236/17 238/9 239/25 244/19 246/8 <b>gone [17]</b> 7/20 40/13 40/18 62/20 67/2 69/25 82/15 124/22 150/22 157/15 186/4 188/18 188/22 197/9 227/24 244/10 244/11 <b>good [31]</b> 1/3 1/4 34/8 58/14 59/25 62/4 64/12 68/9 69/7 69/18 69/18 71/2 71/4 72/9 78/6 78/11 107/21 115/17 119/6 123/24 124/3 124/5 130/21 131/22 162/17 167/21 167/24 173/23 184/14 226/5 246/20 <b>goodwill [1]</b> 159/23 <b>got [43]</b> 25/6 26/10 31/20 31/22 33/25 34/5 34/21 44/7 46/7 64/17 65/17 66/2 66/4 66/7 66/7 68/24 98/18 103/10 106/9 110/11 112/8 118/22 119/3 120/16 120/18 120/21 125/1 125/20 125/25 184/10 198/25 206/24 212/18 218/13 229/2 237/1 237/2 237/20 240/4 240/11 245/13 246/6 246/16 <b>gov.uk [1]</b> 3/8 <b>govern [1]</b> 155/17 <b>governance [20]</b> 5/2 7/14 7/22 8/13 40/9 40/22 41/2 42/23 44/17 60/20 61/2	61/16 63/17 63/25 64/4 65/16 68/15 69/6 77/2 133/17 <b>government [120]</b> 3/15 4/15 4/16 4/17 4/18 10/2 10/23 14/13 18/12 19/18 33/5 33/16 36/22 37/20 38/10 39/4 41/3 43/13 43/19 46/11 46/17 49/10 49/14 49/25 55/14 56/1 56/3 56/4 56/11 56/11 58/9 58/13 59/8 61/15 61/20 61/23 62/7 62/10 62/13 62/22 63/4 64/8 64/17 65/24 67/7 67/12 68/2 69/14 71/24 73/20 74/18 75/16 85/1 94/2 97/21 108/6 108/22 110/3 113/22 113/25 115/2 120/13 123/25 125/16 128/25 134/3 134/5 134/24 144/6 145/24 146/5 147/25 148/6 148/11 148/13 149/25 149/25 150/10 151/10 155/13 156/14 159/25 161/2 161/2 161/8 162/13 163/25 164/10 165/18 165/24 165/25 166/10 166/22 167/1 167/4 167/5 172/8 173/1 220/2 220/15 220/17 220/19 220/25 221/19 222/5 222/9 222/24 223/1 224/2 224/8 224/9 224/10 231/25 239/18 239/20 239/25 240/4 240/7 241/16 241/21 <b>government's [6]</b> 34/9 84/10 123/11 147/19 148/17 155/22 <b>governmental [1]</b> 5/8 <b>governments [3]</b> 6/11 10/16 38/25 <b>Grant [3]</b> 60/5 61/10 156/5 <b>grasp [2]</b> 53/5 169/21 <b>grasped [2]</b> 58/13 59/18 <b>grateful [8]</b> 4/3 4/7 13/5 77/18 105/8 190/21 192/4 231/15 <b>Gratton [4]</b> 123/20 126/22 136/11 136/18 <b>grave [1]</b> 48/10 <b>great [7]</b> 31/2 32/16 58/17 101/3 182/23 239/3 243/16 <b>greater [11]</b> 6/20 6/21 8/14 9/12 9/20
<b>G</b>				
<b>G20 [1]</b> 3/19 <b>G7 [1]</b> 3/19 <b>Gareth [1]</b> 30/15 <b>gave [10]</b> 59/12 69/22 91/11 144/6 158/20 169/22 187/20 219/1 226/12 246/13 <b>general [14]</b> 3/2 4/6 5/21 6/8 35/8 93/14 116/12 116/12 117/16 126/19 154/14 157/18 177/24 239/14 <b>generally [1]</b> 156/15 <b>generation [1]</b> 6/3 <b>generosity [2]</b> 53/15 53/18 <b>generous [1]</b> 157/22 <b>gentlemen [1]</b> 246/15 <b>genuine [4]</b> 17/24 39/14 41/17 77/12 <b>genuinely [4]</b> 8/25 10/15 56/15 76/1 <b>gesture [2]</b> 220/23 220/24 <b>get [69]</b> 7/5 7/9 8/17 14/17 31/5 31/23 32/8 34/1 40/11 49/6 51/8 51/11 70/7 90/23	18/6 18/8 23/8 43/22 44/20 46/1 46/5 47/3 52/8 53/9 54/22 54/23 69/11 75/14 77/18 78/13 92/11 97/22 109/7 109/8 113/21 114/10 127/3 130/1 135/2 138/22 142/11 155/12 157/24 158/24 164/16 168/19 170/11 174/5 181/19 188/10 195/13 197/10 197/13 222/4 237/15 <b>given [60]</b> 4/8 23/25 25/11 42/11 46/22 50/18 55/1 56/19 72/24 84/3 85/23 86/17 95/13 101/5 105/3 108/3 108/23 108/23 109/12 112/14 120/7 123/10 123/11 123/14 127/18 130/23 136/1 139/8 146/2 146/22 158/16 160/10 160/21 163/12 166/20 167/7 169/9 171/11 171/23 172/6 175/10 176/22 177/24 182/3 190/19 197/11 197/18 197/22 206/13 230/15 230/17 231/23 231/25	222/2 232/3 233/25 234/10 243/22 244/3 246/4 <b>gives [2]</b> 84/5 178/19 <b>giving [12]</b> 55/12 126/21 128/7 130/11 131/10 135/17 135/25 172/11 172/11 173/7 239/13 240/3 <b>glad [2]</b> 110/11 162/20 <b>GLO [22]</b> 13/15 16/19 19/15 20/23 30/8 31/15 32/11 45/13 61/12 82/25 100/4 100/11 100/14 100/23 101/2 101/14 104/20 105/1 107/7 107/19 153/1 158/18 <b>global [2]</b> 159/19 159/19 <b>go [76]</b> 13/1 14/22 17/17 18/7 22/11 23/6 27/14 27/20 28/10 31/21 37/11 37/20 38/6 38/14 41/6 43/7 51/17 59/22 62/10 65/9 76/2 84/9 89/7 89/10 89/25 96/16 97/11 98/4 101/24 103/8 104/7 110/25 113/15 114/11 114/13 116/21 116/22 119/3 127/6 128/11 129/8 132/18 132/22 134/7 149/9 152/2 155/2 156/10 157/23 168/4 168/14 170/24 182/20 184/13 190/9 191/15 194/25 201/15 202/14 204/4 214/3 218/22 222/25 228/17 232/16 233/14 234/6 236/3 239/20 240/19 240/20 240/20 241/14 243/18 244/11 244/12 <b>go-slow [1]</b> 134/7 <b>goal [1]</b> 69/15 <b>God [1]</b> 126/11 <b>Goddard [1]</b> 2/25 <b>goes [15]</b> 28/22 35/12 92/3 92/17 100/2 124/8 126/4 133/5 146/20 181/12 187/7 187/13 196/25 197/25 204/3 <b>going [107]</b> 3/5 5/15 5/20 8/10 10/25 15/18 16/5 17/20 20/22 26/5 26/24 29/19 31/12 31/19 32/5 40/15 41/6 43/2 45/17 48/22 48/23 49/1 49/4 50/6 50/16 51/17 52/1 52/3	52/19 53/16 64/6 64/14 65/12 66/9 68/16 70/7 74/20 88/12 89/12 95/7 98/13 98/14 109/19 110/4 114/11 119/13 120/17 121/12 122/13 122/15 126/11 126/15 126/16 126/17 126/24 127/14 127/19 131/12 133/7 135/13 136/25 143/5 143/19 146/2 147/3 147/7 150/3 151/24 152/16 153/12 153/15 154/17 168/25 170/3 170/18 171/9 172/2 172/13 172/15 172/16 173/25 177/1 182/7 182/18 184/24 186/20 197/9 198/21 201/9 207/19 220/11 220/14 222/1 224/11 224/12 226/1 232/22 235/21 235/24 236/7 236/7 236/10 236/17 238/9 239/25 244/19 246/8 <b>gone [17]</b> 7/20 40/13 40/18 62/20 67/2 69/25 82/15 124/22 150/22 157/15 186/4 188/18 188/22 197/9 227/24 244/10 244/11 <b>good [31]</b> 1/3 1/4 34/8 58/14 59/25 62/4 64/12 68/9 69/7 69/18 69/18 71/2 71/4 72/9 78/6 78/11 107/21 115/17 119/6 123/24 124/3 124/5 130/21 131/22 162/17 167/21 167/24 173/23 184/14 226/5 246/20 <b>goodwill [1]</b> 159/23 <b>got [43]</b> 25/6 26/10 31/20 31/22 33/25 34/5 34/21 44/7 46/7 64/17 65/17 66/2 66/4 66/7 66/7 68/24 98/18 103/10 106/9 110/11 112/8 118/22 119/3 120/16 120/18 120/21 125/1 125/20 125/25 184/10 198/25 206/24 212/18 218/13 229/2 237/1 237/2 237/20 240/4 240/11 245/13 246/6 246/16 <b>gov.uk [1]</b> 3/8 <b>govern [1]</b> 155/17 <b>governance [20]</b> 5/2 7/14 7/22 8/13 40/9 40/22 41/2 42/23 44/17 60/20 61/2	61/16 63/17 63/25 64/4 65/16 68/15 69/6 77/2 133/17 <b>government [120]</b> 3/15 4/15 4/16 4/17 4/18 10/2 10/23 14/13 18/12 19/18 33/5 33/16 36/22 37/20 38/10 39/4 41/3 43/13 43/19 46/11 46/17 49/10 49/14 49/25 55/14 56/1 56/3 56/4 56/11 56/11 58/9 58/13 59/8 61/15 61/20 61/23 62/7 62/10 62/13 62/22 63/4 64/8 64/17 65/24 67/7 67/12 68/2 69/14 71/24 73/20 74/18 75/16 85/1 94/2 97/21 108/6 108/22 110/3 113/22 113/25 115/2 120/13 123/25 125/16 128/25 134/3 134/5 134/24 144/6 145/24 146/5 147/25 148/6 148/11 148/13 149/25 149/25 150/10 151/10 155/13 156/14 159/25 161/2 161/2 161/8 162/13 163/25 164/10 165/18 165/24 165/25 166/10 166/22 167/1 167/4 167/5 172/8 173/1 220/2 220/15 220/17 220/19 220/25 221/19 222/5 222/9 222/24 223/1 224/2 224/8 224/9 224/10 231/25 239/18 239/20 239/25 240/4 240/7 241/16 241/21 <b>government's [6]</b> 34/9 84/10 123/11 147/19 148/17 155/22 <b>governmental [1]</b> 5/8 <b>governments [3]</b> 6/11 10/16 38/25 <b>Grant [3]</b> 60/5 61/10 156/5 <b>grasp [2]</b> 53/5 169/21 <b>grasped [2]</b> 58/13 59/18 <b>grateful [8]</b> 4/3 4/7 13/5 77/18 105/8 190/21 192/4 231/15 <b>Gratton [4]</b> 123/20 126/22 136/11 136/18 <b>grave [1]</b> 48/10 <b>great [7]</b> 31/2 32/16 58/17 101/3 182/23 239/3 243/16 <b>greater [11]</b> 6/20 6/21 8/14 9/12 9/20

<b>G</b>	113/14 115/24 117/25 118/7 119/14 119/17 120/3 120/4 121/2 121/4 121/10 123/13 127/6 127/18 128/22 130/3 130/5 130/9 130/12 133/10 133/12 133/17 133/23 134/10 135/11 136/19 136/23 137/6 137/12 137/14 137/22 137/22 137/24 140/19 140/23 141/3 143/3 143/17 144/18 145/21 147/4 149/21 153/5 153/7 153/8 153/11 153/18 153/20 154/4 154/17 155/3 155/23 156/4 156/6 156/6 156/16 156/16 159/19 160/21 161/7 161/21 162/19 163/17 163/24 164/8 164/19 165/17 168/21 169/7 169/12 169/14 169/16 169/20 170/13 179/2 179/9 183/6 183/17 190/13 192/1 197/17 199/9 201/4 203/9 210/15 211/25 212/2 212/12 219/4 220/9 220/9 226/11 227/15 227/17 227/24 228/8 228/20 228/21 229/1 229/2 229/25 230/23 230/25 241/11 242/17 244/8	95/24 97/4 113/7 117/12 123/15 127/14 131/8 149/8 154/20 155/7 172/15 172/16 228/15 236/7 237/18 237/24 <b>happened [12]</b> 52/22 58/2 58/7 73/11 74/15 75/12 88/25 93/1 127/7 130/23 158/1 230/6 <b>happening [18]</b> 26/15 48/25 50/8 58/17 85/21 95/20 99/11 102/14 102/15 102/25 113/9 113/25 135/19 137/1 151/4 156/13 241/20 242/7 <b>happens [4]</b> 35/10 112/8 149/7 187/8 <b>happy [7]</b> 51/4 54/23 74/18 109/22 109/25 116/14 122/20 <b>hard [11]</b> 61/20 106/19 112/2 127/20 131/14 132/13 138/4 141/16 151/23 151/25 158/8 <b>hardware [2]</b> 223/12 223/23 <b>harms [2]</b> 12/18 58/23 <b>has [167]</b> 2/14 3/11 5/10 5/16 5/21 5/23 5/25 6/1 6/2 6/5 7/20 8/2 8/21 9/23 10/3 10/4 10/10 11/4 13/6 15/6 16/22 20/7 22/9 23/3 23/14 23/18 27/3 30/14 31/10 32/15 32/18 32/19 32/21 33/2 33/4 40/9 40/22 40/23 41/8 41/15 41/21 43/11 46/16 48/2 48/8 49/3 52/12 52/22 53/3 54/16 54/17 54/25 55/1 55/1 55/25 56/3 56/11 56/11 58/7 61/9 62/21 63/8 63/13 63/14 65/24 66/19 66/23 67/5 67/6 69/2 71/14 73/11 74/15 76/9 76/9 76/24 85/24 87/21 93/14 94/23 98/2 100/14 101/4 109/12 110/9 113/22 114/12 123/11 129/16 130/23 132/9 143/13 145/25 146/21 147/18 148/11 150/1 150/17 150/21 155/18 158/1 158/11 162/11 163/16 166/20 173/1 173/15 179/18	180/7 180/21 181/3 182/15 183/5 183/9 183/17 183/21 188/14 190/12 190/19 193/15 194/18 196/6 197/9 198/4 199/8 199/17 199/25 201/4 202/16 202/24 204/1 206/18 208/15 208/21 208/22 208/25 209/5 210/4 210/6 212/13 213/9 213/12 214/3 215/18 217/4 217/5 217/15 217/18 219/9 219/9 220/6 220/10 222/5 223/2 223/9 224/4 228/13 232/2 233/1 233/18 234/13 239/5 239/21 242/24 243/12 244/22 245/8 <b>hasn't [2]</b> 25/5 74/16 <b>haste [1]</b> 138/17 <b>have [431]</b> <b>haven't [22]</b> 8/25 11/6 12/14 16/20 37/8 72/1 72/15 73/12 73/19 74/14 138/6 174/24 175/8 201/20 202/6 202/10 209/3 227/19 231/23 240/18 241/7 241/10 <b>having [27]</b> 27/15 28/21 36/11 37/2 38/4 46/18 50/15 60/21 64/19 64/19 73/4 98/4 101/20 105/15 122/20 136/3 139/19 143/13 155/5 157/22 158/6 164/7 164/15 191/13 207/12 208/11 220/11 <b>he [115]</b> 26/11 28/23 28/24 34/11 54/16 54/20 54/21 55/1 55/1 59/12 60/2 66/12 66/17 67/1 85/3 85/5 85/22 85/24 85/25 86/18 88/24 89/7 89/8 94/9 95/8 96/24 96/25 101/19 101/20 101/23 104/8 104/17 105/8 112/14 112/15 115/25 116/5 116/6 117/23 119/1 119/18 119/22 122/12 122/14 122/17 122/19 122/21 124/2 124/3 124/3 124/5 124/8 126/20 126/21 126/22 127/13 129/3 129/7 129/18 130/12 130/17 133/10 133/12 133/15 133/17 133/23 134/7 139/5 139/17 139/18 155/12 155/20 157/19 158/23 158/24	159/3 159/7 159/7 169/4 169/8 169/10 169/14 169/20 169/22 170/22 189/7 190/10 193/24 194/1 194/9 194/15 194/19 194/25 195/7 202/15 202/15 202/18 202/19 203/2 203/3 203/21 204/3 204/4 204/10 204/10 204/24 219/3 219/9 225/9 230/7 230/7 241/6 244/19 244/20 244/22 <b>he's [8]</b> 1/6 52/11 54/15 105/8 139/19 203/18 203/20 204/21 <b>head [7]</b> 26/6 28/21 111/17 187/9 188/7 210/13 231/12 <b>headed [1]</b> 83/17 <b>heading [3]</b> 99/4 132/22 140/8 <b>headline [1]</b> 222/13 <b>health [2]</b> 172/13 229/14 <b>healthier [1]</b> 64/6 <b>hear [17]</b> 48/16 48/20 50/24 50/25 59/22 74/16 78/6 115/17 121/8 155/11 162/20 162/23 165/14 173/23 174/1 220/10 226/1 <b>heard [25]</b> 3/25 4/21 10/8 24/20 37/25 39/25 42/14 53/6 58/8 64/7 66/11 71/10 75/5 83/6 121/25 173/17 199/17 200/8 206/2 206/14 220/10 220/11 220/15 220/21 221/17 <b>hearing [8]</b> 1/5 11/13 15/19 51/18 100/12 138/23 155/6 247/3 <b>heart [2]</b> 63/15 126/4 <b>heavily [2]</b> 9/19 48/14 <b>held [7]</b> 20/12 36/15 61/7 62/9 62/12 82/18 169/1 <b>help [19]</b> 16/17 24/8 26/6 69/13 95/8 101/24 119/4 119/6 140/10 152/24 159/14 189/23 221/18 229/15 229/15 231/1 232/9 237/18 240/22 <b>helped [1]</b> 111/8 <b>helpful [7]</b> 74/20 114/13 127/5 132/16 154/21 154/25 221/3 <b>helps [1]</b> 200/13 <b>hence [5]</b> 141/5 199/3 200/24 200/25
<b>H</b>	<b>had [195]</b> 14/9 14/11 15/12 20/12 21/18 22/7 25/22 32/6 33/16 33/22 33/25 34/2 34/4 34/8 34/19 35/8 35/9 35/16 36/4 36/18 37/2 37/8 38/13 38/14 38/14 38/15 38/16 39/5 39/13 39/19 46/16 46/25 52/23 56/13 56/14 58/17 60/3 69/25 71/6 72/1 72/3 72/6 72/7 72/9 72/10 72/20 73/12 73/19 74/6 74/11 74/14 74/21 77/7 82/10 82/13 82/15 82/16 82/18 83/12 85/1 85/5 86/8 87/6 87/18 88/24 89/8 90/1 90/7 91/20 93/3 93/22 94/18 95/9 95/17 96/24 96/24 97/3 101/19 102/25 103/10 103/11 107/3 108/11 108/24 109/15 110/19 110/24 112/5 113/3	<b>hadn't [2]</b> 82/18 232/3 <b>haggle [2]</b> 110/15 111/5 <b>half [7]</b> 47/7 47/7 47/9 70/11 92/14 92/18 121/19 <b>half-hour [1]</b> 92/14 <b>halfway [3]</b> 20/16 171/11 203/3 <b>hall [1]</b> 42/5 <b>hand [9]</b> 20/10 84/18 106/23 145/20 151/16 159/12 171/10 214/12 236/20 <b>handful [1]</b> 120/18 <b>handing [1]</b> 214/5 <b>handle [2]</b> 137/16 137/25 <b>handling [1]</b> 47/24 <b>handover [1]</b> 71/10 <b>hands [2]</b> 170/21 224/20 <b>hang [3]</b> 56/4 157/21 208/20 <b>Hansard [1]</b> 35/14 <b>happen [20]</b> 29/24 86/1 87/21 90/11		

<b>H</b>	95/8 104/5 116/3 117/23 127/6 128/6 128/22 128/24 130/18 130/18 130/21 130/22 130/24 133/4 133/11 134/15 135/7 139/11 139/18 139/20 140/3 158/24 160/6 168/7 169/11 169/22 170/13 207/18 227/16 244/21 245/24	153/25 160/25 162/1 175/13 175/13 178/5 178/12 178/18 178/21 179/3 179/10 179/20 180/1 180/10 181/1 181/4 181/7 181/16 181/22 182/4 182/7 182/8 183/5 183/17 183/24 184/1 184/6 184/8 186/1 186/15 186/18 187/6 187/15 188/14 188/16 189/3 189/6 190/17 192/7 193/17 194/2 194/17 194/20 195/1 196/3 196/22 196/23 198/13 199/8 199/11 199/18 200/3 201/5 201/23 201/25 202/2 203/5 203/13 204/8 205/4 208/25 209/22 210/7 210/9 211/18 211/19 212/7 212/15 212/24 213/5 213/6 218/21 219/5 227/10 232/25 233/4 233/14 233/20 234/3 234/5 234/18 235/2 235/5 235/8 235/25 236/9 236/20 236/20 236/22	191/3 202/12 207/18 208/9 220/11 221/20 222/3 223/25 229/3 229/15 229/20 240/10 244/2 246/7 246/14 <b>How's [1]</b> 236/10 <b>Howe [4]</b> 54/16 225/2 241/2 245/24 <b>However [9]</b> 19/12 24/2 91/3 172/8 193/5 195/19 206/17 209/23 222/22 <b>HSS [10]</b> 6/15 13/23 14/23 18/4 25/16 26/8 72/3 100/12 100/25 105/3 <b>Hubs [2]</b> 43/14 76/8 <b>Hudgells [3]</b> 71/7 74/9 228/13 <b>huge [4]</b> 40/14 135/20 147/14 169/16 <b>human [1]</b> 114/6 <b>humility [1]</b> 66/7 <b>Hunt [2]</b> 98/22 104/7 <b>Hunt's [1]</b> 105/20 <b>hurt [1]</b> 58/3 <b>hurts [1]</b> 238/16	<b>I believe [31]</b> 7/21 24/14 25/9 25/19 29/7 35/5 35/6 39/4 39/12 40/6 41/19 44/5 44/16 49/24 54/10 55/18 56/22 57/7 62/18 73/2 79/25 89/1 101/1 153/20 161/16 164/6 165/13 223/11 228/16 229/23 231/7 <b>I believed [1]</b> 22/1 <b>I call [2]</b> 78/8 132/1 <b>I can [24]</b> 2/10 8/25 9/5 10/1 27/25 49/8 49/15 52/8 59/24 69/2 69/18 70/1 74/25 84/25 89/25 92/1 110/1 111/15 121/16 125/1 141/16 167/14 175/3 185/9 <b>I can't [15]</b> 46/5 49/9 49/14 60/22 97/23 102/12 111/16 140/18 142/25 156/4 158/21 159/17 185/11 188/17 221/16 <b>I cannot [2]</b> 184/1 237/23 <b>I chose [1]</b> 121/16 <b>I committed [1]</b> 226/16 <b>I completed [1]</b> 3/1 <b>I consider [2]</b> 195/19 195/21 <b>I could [10]</b> 10/6 11/5 11/9 30/20 106/20 111/24 112/19 121/6 121/18 127/21 <b>I couldn't [1]</b> 185/4 <b>I cover [1]</b> 176/8 <b>I described [1]</b> 92/21 <b>I did [20]</b> 2/25 3/3 28/8 78/22 111/2 117/3 118/4 121/23 127/6 136/1 139/9 139/16 144/16 156/1 159/18 162/25 163/21 169/7 170/17 171/24 <b>I didn't [15]</b> 114/25 117/6 117/13 118/11 119/16 120/22 127/5 127/7 130/8 135/20 137/16 139/12 222/3 229/17 243/8 <b>I disagree [1]</b> 158/2 <b>I discovered [1]</b> 119/14 <b>I do [21]</b> 6/4 50/4 76/1 76/20 89/15 110/8 111/1 121/21 121/21 122/16 129/20 132/15 148/9 152/7 170/12 172/8 188/4 189/12 205/20 207/2
<b>hence... [1]</b> 201/1 <b>Henry [13]</b> 115/22 115/23 116/25 130/9 130/14 136/15 136/20 149/20 168/4 168/6 168/11 168/12 248/22 <b>here [50]</b> 1/15 1/17 4/4 5/21 10/14 14/4 23/3 24/8 29/14 34/22 36/3 50/18 52/21 53/12 56/18 58/14 62/16 66/18 68/12 69/25 75/19 77/21 87/25 91/12 92/2 97/16 106/13 114/6 120/16 126/19 128/15 147/24 153/14 154/6 161/15 163/11 167/14 186/22 187/9 207/10 210/24 213/21 224/11 230/5 230/8 230/8 235/3 239/4 242/7 244/3 <b>here's [2]</b> 92/23 172/16 <b>herself [1]</b> 130/8 <b>Hi [1]</b> 71/3 <b>high [12]</b> 16/10 45/12 47/14 48/12 57/21 76/13 76/17 92/11 105/4 123/10 144/3 152/25 <b>higher [1]</b> 21/19 <b>highlighted [1]</b> 141/20 <b>highlighting [1]</b> 183/8 <b>Hillsborough [2]</b> 65/5 65/25 <b>him [49]</b> 3/25 51/6 53/11 54/19 54/22 88/7 88/16 88/23 102/2 116/16 117/1 117/5 119/1 121/2 121/5 121/10 122/12 123/17 123/22 123/24 124/4 124/6 127/4 127/7 127/10 130/10 130/11 131/1 134/16 134/18 135/7 135/10 135/20 135/22 135/25 136/3 139/12 140/2 140/3 140/5 140/17 141/3 149/21 156/1 157/18 169/17 211/3 241/4 244/22 <b>himself [1]</b> 103/11 <b>hindsight [3]</b> 122/18 122/21 234/16 <b>his [40]</b> 46/4 51/6 53/10 54/17 60/2 60/4 66/12 81/18 86/17	259/8 260/5 261/3 262/23 262/24 263/18 263/18 263/21 263/22 263/24 263/4 263/11 263/15 263/7 263/11 263/18 263/20 263/3 263/24 263/6 263/7 263/11 263/12 263/17 263/18 263/19 263/20 263/21 263/22 263/23 263/24 263/25 263/26 263/27 263/28 263/29 263/30 263/31 263/32 263/33 263/34 263/35 263/36 263/37 263/38 263/39 263/40 263/41 263/42 263/43 263/44 263/45 263/46 263/47 263/48 263/49 263/50 263/51 263/52 263/53 263/54 263/55 263/56 263/57 263/58 263/59 263/60 263/61 263/62 263/63 263/64 263/65 263/66 263/67 263/68 263/69 263/70 263/71 263/72 263/73 263/74 263/75 263/76 263/77 263/78 263/79 263/80 263/81 263/82 263/83 263/84 263/85 263/86 263/87 263/88 263/89 263/90 263/91 263/92 263/93 263/94 263/95 263/96 263/97 263/98 263/99 263/100	259/8 260/5 261/3 262/23 262/24 263/18 263/18 263/21 263/22 263/24 263/4 263/11 263/15 263/7 263/11 263/18 263/20 263/3 263/24 263/6 263/7 263/11 263/12 263/17 263/18 263/19 263/20 263/21 263/22 263/23 263/24 263/25 263/26 263/27 263/28 263/29 263/30 263/31 263/32 263/33 263/34 263/35 263/36 263/37 263/38 263/39 263/40 263/41 263/42 263/43 263/44 263/45 263/46 263/47 263/48 263/49 263/50 263/51 263/52 263/53 263/54 263/55 263/56 263/57 263/58 263/59 263/60 263/61 263/62 263/63 263/64 263/65 263/66 263/67 263/68 263/69 263/70 263/71 263/72 263/73 263/74 263/75 263/76 263/77 263/78 263/79 263/80 263/81 263/82 263/83 263/84 263/85 263/86 263/87 263/88 263/89 263/90 263/91 263/92 263/93 263/94 263/95 263/96 263/97 263/98 263/99 263/100	<b>I absolutely [3]</b> 36/2 172/23 237/10 <b>I act [2]</b> 71/4 162/18 <b>I again [1]</b> 37/11 <b>I agreed [1]</b> 103/23 <b>I also [12]</b> 4/14 68/18 73/5 83/12 88/22 102/15 138/25 144/1 156/1 169/23 206/2 210/24 <b>I always [1]</b> 138/10 <b>I am [30]</b> 4/17 28/7 41/14 42/6 56/13 64/21 73/10 74/2 83/5 97/5 102/18 104/14 109/25 110/11 111/20 112/14 126/23 130/18 133/7 139/7 146/11 167/2 167/9 172/2 188/21 190/4 212/4 212/8 227/8 231/24 <b>I anticipate [1]</b> 160/6 <b>I apologise [1]</b> 225/4 <b>I appreciate [3]</b> 10/12 27/22 69/6 <b>I are [1]</b> 99/19 <b>I ask [9]</b> 2/7 59/25 78/12 95/25 99/11 189/23 195/8 226/9 229/21 <b>I asked [5]</b> 119/16 159/22 238/2 238/14 238/20 <b>I assure [1]</b> 28/8 <b>I became [1]</b> 36/13	



<b>I</b>	<b>I imagine [2]</b> 143/9 161/20 <b>I just [15]</b> 25/25 71/14 75/5 97/24 98/4 140/7 147/20 148/15 165/22 168/6 168/14 177/4 230/14 231/18 240/6 <b>I knew [2]</b> 111/9 243/8 <b>I know [17]</b> 9/1 27/10 35/25 41/1 62/10 65/19 94/9 111/4 119/17 121/8 121/12 147/17 161/20 163/8 206/18 229/22 233/8 <b>I lay [1]</b> 206/15 <b>I lead [1]</b> 7/16 <b>I left [1]</b> 3/1 <b>I listened [1]</b> 179/21 <b>I look [4]</b> 8/3 65/2 161/8 179/9 <b>I looked [1]</b> 171/24 <b>I looking [1]</b> 128/7 <b>I made [5]</b> 25/1 25/2 135/13 136/22 180/15 <b>I make [1]</b> 42/2 <b>I may [3]</b> 31/21 171/13 199/4 <b>I mean [16]</b> 7/24 8/5 33/15 34/2 42/21 43/3 43/22 62/2 68/17 75/20 90/16 125/3 153/22 186/8 207/4 245/1 <b>I mentioned [1]</b> 182/8 <b>I met [3]</b> 117/5 207/13 240/1 <b>I might [1]</b> 57/10 <b>I need [4]</b> 77/19 99/13 191/4 246/10 <b>I needed [3]</b> 9/10 72/1 88/24 <b>I needn't [2]</b> 101/11 119/3 <b>I never [2]</b> 121/13 121/25 <b>I note [2]</b> 157/9 191/20 <b>I observed [1]</b> 102/22 <b>I only [3]</b> 71/7 162/20 226/11 <b>I ought [1]</b> 81/17 <b>I owe [1]</b> 231/8 <b>I please [2]</b> 222/11 224/23 <b>I prefer [1]</b> 131/20 <b>I produce [1]</b> 232/8 <b>I promise [1]</b> 69/3 <b>I propose [2]</b> 42/4 70/8 <b>I put [1]</b> 98/5 <b>I raised [2]</b> 205/21	207/3 <b>I read [2]</b> 105/16 201/15 <b>I reading [1]</b> 217/23 <b>I really [3]</b> 31/13 35/3 59/10 <b>I recall [6]</b> 39/12 82/20 87/9 110/20 159/21 164/15 <b>I receive [1]</b> 54/7 <b>I received [1]</b> 133/1 <b>I recognise [2]</b> 100/24 227/5 <b>I reflect [2]</b> 176/9 221/16 <b>I regularly [1]</b> 178/21 <b>I remember [6]</b> 95/19 97/21 117/8 139/8 153/23 164/7 <b>I report [1]</b> 231/22 <b>I represent [2]</b> 45/10 45/14 <b>I respect [1]</b> 50/8 <b>I retained [1]</b> 88/21 <b>I said [20]</b> 27/17 32/16 40/5 59/10 93/6 93/6 101/24 110/25 123/19 124/11 129/11 170/16 182/24 196/23 206/6 217/13 219/18 229/4 236/22 243/24 <b>I sat [1]</b> 243/7 <b>I saw [8]</b> 87/24 94/10 111/2 112/17 169/11 171/24 201/13 206/21 <b>I say [9]</b> 7/13 33/3 41/21 42/21 57/15 76/4 146/9 167/3 221/13 <b>I see [6]</b> 4/10 25/15 61/22 85/9 106/4 237/7 <b>I seem [2]</b> 156/3 177/25 <b>I send [1]</b> 99/12 <b>I sent [1]</b> 31/17 <b>I serve [1]</b> 85/23 <b>I set [1]</b> 155/25 <b>I shall [1]</b> 170/25 <b>I share [1]</b> 31/16 <b>I should [8]</b> 35/7 38/24 46/9 56/23 110/8 134/14 141/5 246/22 <b>I simply [3]</b> 36/25 122/19 163/22 <b>I speak [1]</b> 63/18 <b>I spoke [2]</b> 208/1 245/20 <b>I stand [1]</b> 219/21 <b>I stated [1]</b> 205/17 <b>I summarise [1]</b> 150/8 <b>I support [1]</b> 173/5	<b>I suspect [6]</b> 90/7 91/7 119/22 120/5 127/18 167/17 <b>I take [7]</b> 5/11 26/20 28/5 75/15 151/21 172/19 206/3 <b>I talk [2]</b> 25/3 36/23 <b>I talked [1]</b> 61/22 <b>I tell [1]</b> 173/14 <b>I tend [1]</b> 110/7 <b>I than [1]</b> 173/24 <b>I then [1]</b> 188/16 <b>I think [219]</b> 5/9 6/7 7/1 7/13 7/24 8/1 8/4 8/10 8/14 10/16 10/23 12/8 12/15 14/9 15/18 18/11 18/18 18/24 20/5 22/21 25/13 26/22 27/1 27/25 29/12 29/13 29/22 31/11 32/23 33/12 33/23 34/20 34/24 35/14 38/12 39/25 40/9 40/10 40/16 42/22 42/23 44/1 44/12 44/14 44/24 46/22 51/13 53/24 54/11 57/2 58/8 59/4 61/3 61/6 61/21 62/2 62/11 62/13 62/15 63/18 63/24 65/5 65/6 65/6 65/7 65/14 65/16 66/1 68/21 69/20 70/11 70/12 72/8 74/21 76/4 76/8 76/11 76/15 76/18 76/24 78/17 78/19 79/5 79/17 79/23 80/2 80/5 80/15 81/2 81/23 83/19 87/3 92/7 94/12 97/13 97/21 98/21 99/1 106/15 107/23 108/4 110/9 110/11 112/3 112/12 112/24 113/24 114/2 114/13 118/8 118/15 122/21 123/7 123/18 124/7 125/13 126/6 126/9 126/19 128/6 128/25 129/23 130/25 133/25 135/15 138/4 139/1 143/13 146/8 147/14 147/22 152/9 154/7 160/4 160/14 161/13 161/23 165/1 167/1 167/3 167/10 168/16 171/20 173/3 173/8 175/22 176/8 176/13 176/22 176/25 177/11 177/24 178/2 179/22 180/10 183/23 184/14 185/24 187/10 196/17 198/8 198/21 199/4 200/13 200/20 200/24	201/10 201/22 202/1 202/4 203/5 206/19 207/10 210/24 211/3 211/12 211/22 211/24 212/20 213/17 214/11 214/11 217/25 218/7 218/9 218/12 219/14 219/15 220/23 221/16 222/1 223/12 223/13 223/16 223/20 224/2 224/6 224/18 225/1 225/5 225/8 227/6 228/23 229/4 229/7 229/13 229/16 230/6 231/1 231/2 231/6 232/5 232/9 233/15 233/25 236/25 239/6 239/8 246/16 <b>I thought [4]</b> 98/17 176/17 221/1 235/24 <b>I took [1]</b> 130/21 <b>I trust [1]</b> 245/11 <b>I turn [3]</b> 54/24 81/22 95/1 <b>I understand [7]</b> 5/16 5/19 29/2 50/15 184/8 203/25 208/7 <b>I urge [1]</b> 173/15 <b>I use [1]</b> 188/20 <b>I visited [1]</b> 143/4 <b>I walked [1]</b> 212/1 <b>I want [10]</b> 28/20 32/7 40/25 73/16 73/22 98/8 99/14 123/13 171/4 212/24 <b>I wanted [9]</b> 87/5 87/17 95/12 102/25 109/24 135/19 140/17 156/7 165/15 <b>I was [57]</b> 3/2 31/25 34/14 79/25 80/23 81/9 82/10 82/11 82/16 83/7 83/11 83/13 85/6 85/7 87/13 87/15 87/16 88/8 95/5 95/16 95/17 97/1 98/6 98/7 102/16 102/17 102/22 105/22 108/13 109/19 109/22 111/7 119/18 120/8 121/11 122/15 127/10 130/11 130/15 130/16 133/3 135/24 139/7 143/9 143/17 146/8 146/11 157/1 160/10 165/4 169/25 169/25 170/7 211/1 240/12 240/15 241/24 <b>I wasn't [4]</b> 32/1 119/22 127/3 131/6 <b>I welcome [3]</b> 200/15 204/25 221/8 <b>I were [2]</b> 215/6 239/9
----------	--	--	---	---

<b>I</b>	91/19 94/2 96/10 106/2 116/3 117/8 117/9 120/23 121/8 121/15 121/24 127/1 127/8 127/17 128/4 128/6 128/9 128/9 129/9 129/16 131/19 139/14 150/11 151/24 152/8 153/12 154/16 163/8 164/17 167/7 168/9 171/9 177/10 177/22 184/24 186/20 187/11 188/24 188/25 196/8 202/10 206/11 208/10 222/1 224/11 224/20 229/11 231/15 232/22 235/11 240/18 242/19 244/18 244/19 244/22 245/20 246/8 <b>I've [56]</b> 2/4 4/4 9/6 12/14 29/9 31/2 31/20 31/21 31/22 53/14 53/18 55/16 56/23 57/16 60/25 71/25 73/15 73/17 77/7 111/3 120/3 120/3 120/18 120/19 121/14 123/10 123/15 128/13 128/13 167/6 175/10 176/22 185/16 186/9 187/4 197/3 197/4 198/3 198/3 198/15 206/6 207/14 207/15 221/17 229/2 233/15 233/25 234/4 236/11 237/4 237/20 241/10 243/8 243/22 244/3 246/16 <b>idea [8]</b> 35/8 35/9 101/7 186/7 186/9 237/20 244/1 245/3 <b>ideally [3]</b> 17/17 57/8 57/9 <b>ideas [5]</b> 28/21 40/2 42/15 58/15 229/1 <b>identified [2]</b> 39/10 194/11 <b>identify [1]</b> 37/15 <b>identifying [1]</b> 37/23 <b>ie [3]</b> 84/23 88/6 161/5 <b>ie financial [1]</b> 161/5 <b>ie the [1]</b> 84/23 <b>ie which [1]</b> 88/6 <b>if [220]</b> 3/10 5/6 6/7 6/18 6/19 8/18 9/11 10/9 10/24 11/2 11/4 11/7 11/8 11/16 11/22 12/4 12/7 13/2 14/19 14/24 15/11 15/15 16/9 16/14 16/17 17/1 17/20 18/19 19/1 19/2 20/15 21/4 23/1 23/9 28/15 29/24 30/6	30/25 31/18 32/2 32/24 34/2 35/14 39/12 39/23 40/2 42/3 42/6 43/17 44/23 45/6 46/6 46/7 49/16 50/12 50/23 51/3 51/14 53/23 54/13 56/14 62/3 67/9 69/20 70/7 70/18 72/19 74/19 75/13 75/20 77/11 79/2 84/2 84/9 84/25 87/9 89/7 91/21 96/12 96/16 97/10 97/23 98/3 98/6 98/7 98/13 100/3 102/20 103/24 104/5 105/14 106/13 106/17 107/16 107/21 108/13 108/24 109/7 110/23 110/24 111/18 113/17 113/24 114/9 114/10 114/18 117/10 119/22 124/1 124/3 124/24 128/11 129/15 130/13 131/2 132/21 134/16 135/16 137/12 139/1 140/23 141/13 145/4 147/13 147/21 148/6 148/10 148/19 149/21 150/15 150/20 151/11 152/2 152/13 152/22 155/24 156/15 156/16 159/22 159/23 164/10 164/20 164/23 166/21 166/22 167/21 171/13 171/16 172/6 172/14 175/24 178/15 178/19 178/24 179/12 180/24 182/22 182/25 183/14 184/10 186/21 187/14 188/3 188/10 189/17 189/18 190/1 190/9 190/9 190/21 191/15 191/24 192/14 194/25 195/10 199/16 202/15 203/2 204/4 208/9 208/21 208/24 209/3 209/4 209/9 210/17 212/19 212/25 214/3 214/8 214/12 215/6 215/20 215/23 216/3 216/10 216/19 216/25 217/13 217/24 218/22 218/24 219/24 221/16 222/16 222/25 225/9 231/6 232/9 235/20 236/12 237/7 237/18 237/21 237/22 237/22 239/9 240/22 242/19 245/4 <b>ii [2]</b> 181/25 232/19 <b>illustrating [1]</b> 136/21 <b>illustration [1]</b> 93/2 <b>imagine [3]</b> 31/9	143/9 161/20 <b>immediate [2]</b> 49/23 153/9 <b>immediately [4]</b> 34/14 102/8 119/25 128/17 <b>impact [9]</b> 58/20 58/24 59/7 138/17 156/24 161/21 163/6 166/16 181/9 <b>impacted [3]</b> 43/11 114/7 138/11 <b>impacting [1]</b> 204/14 <b>impacts [2]</b> 176/12 182/15 <b>imperative [1]</b> 145/9 <b>implemented [3]</b> 14/12 63/3 158/3 <b>Implementing [1]</b> 13/12 <b>implications [1]</b> 58/6 <b>importance [1]</b> 5/20 <b>important [20]</b> 4/8 7/7 7/11 8/1 8/7 25/14 31/7 69/13 103/6 103/15 103/16 103/19 124/6 144/23 177/3 183/23 191/3 206/15 211/3 241/9 <b>importantly [1]</b> 45/16 <b>impossible [2]</b> 191/3 198/14 <b>impression [4]</b> 160/10 190/19 197/18 203/11 <b>impropriety [1]</b> 214/19 <b>improve [3]</b> 151/4 167/12 211/19 <b>improved [3]</b> 48/2 60/3 61/16 <b>improving [1]</b> 142/5 <b>inability [1]</b> 60/9 <b>inaccurate [2]</b> 177/20 178/3 <b>inadvertently [1]</b> 188/11 <b>inappropriate [6]</b> 176/17 190/6 195/22 198/7 198/9 214/1 <b>incapable [1]</b> 196/5 <b>incarnation [1]</b> 9/9 <b>incidents [1]</b> 204/15 <b>include [5]</b> 3/13 25/18 39/21 45/14 118/24 <b>included [4]</b> 47/12 134/1 135/5 159/18 <b>includes [3]</b> 47/21 60/9 67/24 <b>including [14]</b> 100/3 105/3 142/9 142/18 152/20 181/1 182/1 194/3 194/14 194/22	204/13 213/5 220/3 227/1 <b>incomplete [4]</b> 177/8 177/21 178/3 212/16 <b>inconceivable [1]</b> 40/19 <b>inconclusive [1]</b> 190/14 <b>incorrect [1]</b> 243/14 <b>increase [7]</b> 5/22 6/5 9/15 19/17 32/18 111/21 181/14 <b>increased [2]</b> 50/19 64/12 <b>increases [1]</b> 33/1 <b>increasing [2]</b> 181/8 181/13 <b>increasingly [1]</b> 182/3 <b>incredible [1]</b> 8/2 <b>incredibly [2]</b> 7/25 75/18 <b>incur [1]</b> 105/2 <b>incurring [1]</b> 21/15 <b>indeed [9]</b> 28/4 52/15 54/6 75/20 81/7 86/15 161/5 200/20 226/8 <b>independent [15]</b> 66/12 133/19 135/4 193/3 194/7 196/6 196/11 196/12 199/21 200/7 200/9 201/4 201/18 202/22 203/20 <b>indicate [1]</b> 35/15 <b>indicated [1]</b> 245/8 <b>indication [2]</b> 46/20 231/16 <b>indicative [1]</b> 46/8 <b>indirectly [2]</b> 190/16 203/12 <b>individual [14]</b> 14/21 17/14 22/12 23/7 27/20 32/5 39/5 65/9 112/10 166/5 166/21 186/16 188/24 238/7 <b>individuals [5]</b> 22/18 67/7 68/6 93/21 127/4 <b>industrialisation [2]</b> 176/16 211/14 <b>industry [1]</b> 237/21 <b>ineffective [1]</b> 110/22 <b>Inflexibility [1]</b> 112/12 <b>influence [1]</b> 94/4 <b>inform [3]</b> 36/16 50/16 117/21 <b>information [20]</b> 32/6 47/15 47/18 54/22 55/16 72/8 129/25 132/6 137/14 168/18 177/19 186/24 190/13 196/7 213/20 213/20 213/24 214/23 215/3 235/5
----------	---	--	---	---

<b>I</b>	<b>Inquiry's [4]</b> 2/16 51/24 175/9 220/6 <b>inside [8]</b> 176/8 179/11 182/10 187/8 211/5 218/9 236/22 245/16 <b>insofar [2]</b> 176/20 221/11 <b>instance [9]</b> 7/21 9/11 11/22 17/21 18/4 38/19 41/4 46/13 72/2 <b>instances [1]</b> 16/20 <b>instantly [2]</b> 149/7 149/8 <b>instead [2]</b> 16/15 132/1 <b>institution [4]</b> 7/19 8/1 44/5 173/4 <b>instruct [1]</b> 217/10 <b>instructed [1]</b> 71/7 <b>insufficient [3]</b> 5/10 25/20 235/8 <b>integrated [1]</b> 94/11 <b>integrity [1]</b> 185/3 <b>intend [5]</b> 44/1 205/20 207/2 224/4 224/6 <b>intended [4]</b> 24/4 214/16 217/2 217/9 <b>intends [1]</b> 213/13 <b>intense [1]</b> 147/9 <b>Intensifying [1]</b> 141/25 <b>intention [2]</b> 21/24 224/14 <b>interact [1]</b> 154/3 <b>interacting [1]</b> 92/11 <b>interaction [2]</b> 93/19 94/8 <b>interactions [1]</b> 130/7 <b>interchangeable [1]</b> 234/22 <b>interconnected [1]</b> 182/10 <b>interest [12]</b> 27/11 46/22 75/1 86/17 120/7 122/7 122/10 122/23 122/24 122/25 123/3 137/14 <b>interested [6]</b> 25/22 81/15 97/5 147/7 154/21 201/17 <b>interesting [4]</b> 29/13 59/5 71/16 90/19 <b>interim [5]</b> 37/9 53/10 100/9 139/23 140/4 <b>intermediate [1]</b> 28/19 <b>internal [4]</b> 7/22 66/22 124/24 154/13 <b>internally [1]</b> 152/18 <b>international [2]</b> 81/6	121/17 <b>Internet [1]</b> 145/18 <b>interpreted [1]</b> 191/11 <b>intervention [2]</b> 19/7 24/3 <b>intimidating [1]</b> 133/12 <b>into [46]</b> 6/16 7/5 10/13 13/2 31/19 36/13 37/11 37/20 49/13 74/20 76/3 77/5 79/14 82/3 82/18 91/14 91/22 92/19 93/4 93/10 93/23 98/19 101/13 110/6 127/11 133/11 144/2 146/7 146/8 153/18 155/17 159/9 165/5 177/1 181/18 181/18 189/3 198/22 200/7 201/20 202/15 211/8 212/1 215/21 218/22 222/20 <b>introduce [4]</b> 13/13 24/7 124/13 217/1 <b>introduced [3]</b> 26/9 40/14 217/5 <b>introduction [3]</b> 13/21 15/6 217/3 <b>introductions [1]</b> 118/24 <b>introductory [3]</b> 32/17 81/24 83/17 <b>investigated [3]</b> 179/25 180/17 199/20 <b>investigation [20]</b> 133/11 137/2 189/21 190/8 191/23 192/9 193/1 193/6 194/14 194/17 199/25 200/7 200/10 201/20 203/11 203/14 203/25 211/8 214/15 236/15 <b>investigations [10]</b> 189/15 192/25 194/7 204/3 204/7 207/9 207/11 210/21 211/5 234/9 <b>investigative [1]</b> 193/4 <b>investigator [1]</b> 183/14 <b>Investigators [1]</b> 205/19 <b>investing [1]</b> 181/4 <b>investment [3]</b> 46/13 202/9 212/12 <b>involve [1]</b> 27/13 <b>involved [11]</b> 39/25 54/16 54/17 57/8 61/7 90/24 124/6 144/9 166/4 190/5 230/9 <b>involvement [6]</b>	21/17 33/13 33/14 57/5 57/11 59/6 <b>involves [1]</b> 23/16 <b>irony [1]</b> 160/24 <b>irrational [1]</b> 114/12 <b>irrespective [1]</b> 1/9 <b>is [749]</b> <b>isn't [17]</b> 10/10 28/19 91/17 91/18 113/17 120/5 131/18 136/21 151/3 165/2 166/22 194/20 215/11 228/4 228/11 245/2 245/4 <b>issue [43]</b> 4/22 9/4 14/4 15/23 16/23 20/25 36/21 58/10 58/10 58/19 64/16 71/12 73/23 74/13 82/11 90/13 93/13 95/10 96/25 105/22 106/9 110/16 113/11 115/22 117/14 123/11 126/23 126/25 137/21 138/15 144/15 154/6 162/1 162/13 162/13 169/4 169/10 175/15 176/15 188/3 193/18 195/20 215/2 <b>issued [2]</b> 99/2 110/14 <b>issues [56]</b> 7/7 9/1 11/20 14/3 22/24 33/3 39/19 40/6 41/10 41/13 42/12 44/8 49/23 50/5 51/5 51/16 52/2 52/4 53/5 53/8 54/20 54/22 57/13 60/19 61/11 62/17 64/14 68/7 72/12 82/6 82/21 82/21 86/17 86/18 88/2 94/18 116/11 116/12 130/9 130/13 134/1 134/9 136/3 137/22 144/12 157/3 158/7 169/21 175/12 178/18 178/25 179/15 179/19 184/6 205/13 236/14 <b>it [578]</b> <b>it'll [3]</b> 58/15 109/17 111/18 <b>it's [166]</b> 3/7 5/1 5/1 9/15 12/6 15/15 15/18 15/18 16/23 17/19 18/6 22/22 25/13 26/4 26/25 27/8 28/13 32/13 36/24 37/5 40/19 41/1 45/8 46/14 46/15 50/23 51/8 54/4 54/14 56/17 58/15 59/12 62/16 62/17 64/5 68/13 69/8 69/12 70/3 70/3 70/10 72/15 75/13 75/16 78/18	78/19 79/17 81/14 83/18 86/4 90/20 90/21 90/22 93/1 93/20 95/4 98/25 98/25 101/18 104/6 104/7 105/13 105/15 106/12 107/2 112/8 112/17 113/1 113/17 113/20 116/25 120/18 121/12 121/13 121/13 123/18 123/25 124/2 124/21 125/4 125/13 125/19 125/20 126/4 126/5 126/6 126/7 126/10 126/11 126/15 127/2 128/13 129/15 131/14 132/10 132/13 132/21 136/10 136/10 136/21 136/24 137/5 138/4 138/17 140/20 142/14 144/13 145/9 146/9 146/13 147/1 147/22 147/23 149/12 149/19 149/23 150/4 150/8 151/5 152/10 154/20 154/21 165/2 165/11 166/4 171/6 172/21 173/2 173/8 176/2 177/2 180/20 182/22 185/1 185/13 186/1 186/11 187/2 187/2 201/22 202/1 202/7 203/5 205/5 205/6 206/2 206/9 207/9 209/20 212/12 212/18 212/20 213/2 214/4 214/8 222/11 225/6 225/8 230/22 233/10 234/3 237/16 238/5 242/13 244/10 246/17 <b>items [1]</b> 85/18 <b>its [42]</b> 5/2 43/18 44/8 54/24 55/3 55/6 60/11 66/19 67/13 69/14 69/15 73/7 92/4 94/2 105/4 145/5 145/19 147/16 154/5 156/18 172/21 179/18 184/9 184/10 185/13 188/17 191/22 193/15 194/22 197/24 198/4 202/17 204/13 209/25 213/6 221/13 222/24 233/1 235/8 235/8 244/6 244/6 <b>itself [11]</b> 24/16 41/12 50/3 53/3 63/11 90/20 143/13 158/6 158/9 167/11 205/14 <b>ITV [2]</b> 112/23 113/18
			<b>J</b>	
			<b>January [15]</b> 84/5	

<b>J</b>	47/1 48/5 50/5 54/15 56/20 59/6 61/9 61/18 61/19 61/19 61/20 61/23 62/12 62/16 62/20 64/23 66/6 66/10 67/3 69/23 71/14 72/17 73/2 73/4 74/24 75/5 75/14 84/2 86/8 86/21 87/9 87/10 89/7 90/25 91/18 94/14 97/2 97/22 97/24 97/25 98/4 102/19 102/24 103/4 103/6 105/19 105/25 106/14 107/16 109/13 109/23 110/10 110/24 111/18 112/3 112/8 112/17 114/8 114/19 115/19 115/24 120/6 121/13 121/19 122/8 123/15 125/3 125/4 126/3 126/9 126/21 127/2 128/11 129/25 130/5 130/5 130/19 130/25 131/4 131/6 131/11 131/20 132/11 132/22 136/21 137/8 137/25 139/19 140/7 143/18 145/1 145/21 145/25 146/4 146/7 146/9 146/14 146/22 147/20 148/15 148/25 149/5 149/23 150/5 152/24 154/19 156/20 157/3 157/22 157/25 158/2 158/17 160/19 161/22 162/4 163/12 165/2 165/2 165/22 166/11 166/18 167/14 168/4 168/6 168/6 168/14 168/19 168/23 170/12 171/9 172/6 174/11 176/22 177/4 177/12 180/23 181/11 182/20 188/14 193/21 196/12 197/3 198/5 198/12 202/2 207/17 208/8 214/5 218/11 218/23 220/5 222/3 222/16 228/4 228/17 228/21 230/14 231/18 232/20 234/1 237/4 239/6 239/25 240/6 240/18 243/22 243/25 244/22 246/4 246/5 <b>justice [35]</b> 31/24 33/23 34/5 34/19 36/14 37/14 37/21 38/14 39/2 40/6 47/13 48/3 58/6 62/17 65/21 97/4 97/5 150/20 150/21 159/4 161/5 164/1 164/23 165/9 165/10 165/10 167/16	176/24 191/8 228/5 240/25 243/13 243/17 245/9 245/15 <b>justifiable [1]</b> 51/22 <b>justify [1]</b> 172/5	<b>K</b> <b>Katie [4]</b> 163/10 163/10 227/1 227/2 <b>keen [3]</b> 43/13 107/9 189/14 <b>keep [10]</b> 52/8 54/19 132/12 132/13 145/10 147/2 150/15 150/20 173/5 237/23 <b>keeping [2]</b> 52/18 145/6 <b>Kelly [1]</b> 241/4 <b>Kelly's [1]</b> 241/3 <b>Kemi [5]</b> 2/20 78/8 78/9 78/14 248/14 <b>kept [1]</b> 98/4 <b>Kevin [33]</b> 72/10 85/1 85/19 86/11 86/17 87/18 88/4 89/6 90/6 94/25 95/7 95/12 96/24 99/19 100/7 103/11 103/23 122/5 122/9 122/12 122/20 130/1 130/1 135/12 135/12 136/10 143/9 168/19 168/19 169/11 169/24 170/2 170/13 <b>key [14]</b> 4/17 6/7 14/8 14/13 18/15 60/5 60/8 64/13 67/7 67/17 67/22 116/23 173/2 194/21 <b>keyed [1]</b> 188/15 <b>keying [1]</b> 179/24 <b>kicking [1]</b> 231/3 <b>kind [15]</b> 18/25 20/8 22/21 43/5 43/10 50/14 55/24 58/23 58/24 69/1 69/4 76/14 84/6 127/8 144/9 <b>kindly [1]</b> 78/15 <b>kinds [2]</b> 25/21 65/11 <b>Kingdom [2]</b> 39/2 243/13 <b>knew [3]</b> 95/15 111/9 243/8 <b>know [154]</b> 3/24 6/25 7/22 9/1 9/16 10/17 10/18 17/10 23/14 23/15 23/16 23/18 27/10 28/3 32/24 34/12 34/21 34/24 34/25 35/21 35/25 40/10 40/11 40/20 41/1 41/4 41/17 42/24 43/11 44/24 48/24 49/10 49/15 49/16 50/4 50/8 57/24 60/23	62/10 63/16 63/18 64/24 65/12 65/18 65/19 65/24 69/23 70/2 71/25 72/6 73/5 73/12 75/23 75/23 76/3 77/1 88/23 92/20 94/9 94/16 95/22 97/2 97/23 98/5 99/1 102/16 111/4 112/11 112/18 113/1 113/13 114/10 114/24 117/5 119/9 119/9 119/11 119/17 119/17 119/20 120/1 120/3 121/8 121/12 121/19 121/21 121/21 122/1 122/17 123/1 125/4 126/7 126/24 127/20 131/14 132/15 134/11 136/22 137/3 137/4 137/5 138/4 138/7 139/11 140/12 145/20 146/22 147/16 147/17 148/25 149/20 157/4 158/16 158/19 159/1 159/11 159/14 160/1 160/5 161/20 163/8 166/9 169/9 172/8 177/22 186/20 188/18 189/4 189/12 197/12 198/20 200/20 200/23 201/6 201/6 206/18 209/1 212/21 214/4 219/18 225/7 229/3 229/22 230/10 230/16 231/12 232/1 233/8 237/21 241/18 243/8 243/14 243/24 245/7 <b>knowing [3]</b> 111/8 159/24 164/18 <b>knowledge [8]</b> 2/12 56/1 56/3 67/20 78/25 79/14 175/5 208/15 <b>known [7]</b> 2/17 38/22 102/10 113/4 123/14 183/10 204/9 <b>knows [2]</b> 103/17 131/25 <b>KPMG [1]</b> 201/9 <b>Kwarteng [1]</b> 153/7	<b>large [7]</b> 25/13 33/18 45/11 57/2 75/20 86/12 86/15 <b>largest [1]</b> 243/12 <b>last [26]</b> 5/24 6/2 31/17 56/1 59/11 60/24 84/4 91/11 121/10 125/4 147/20 167/17 175/16 178/19 178/25 184/10 212/13 216/2 219/1 219/19 223/18 224/13 229/22 231/21 233/15 243/9 <b>lastly [6]</b> 57/18 145/1 159/3 162/4 242/22 246/22 <b>late [2]</b> 19/8 95/22 <b>later [15]</b> 29/5 53/21 55/12 86/7 98/16 110/6 162/10 218/2 218/6 218/6 219/2 245/19 245/22 245/25 246/4 <b>latest [1]</b> 216/7 <b>latterly [1]</b> 165/20 <b>law [23]</b> 2/23 65/25 148/7 148/12 150/9 150/12 150/13 150/14 150/17 150/17 150/25 151/1 151/1 151/5 151/11 151/12 165/19 167/19 167/20 167/22 240/14 240/14 240/15 <b>laws [3]</b> 167/21 167/22 167/24 <b>lawyer [3]</b> 114/25 177/10 196/8 <b>lawyers [7]</b> 23/17 51/21 52/5 100/17 134/24 178/2 219/14 <b>lay [3]</b> 35/17 82/10 206/15 <b>layer [1]</b> 66/17 <b>laying [1]</b> 208/19 <b>lead [2]</b> 7/16 75/15 <b>Leader [4]</b> 81/19 81/20 162/5 167/7 <b>leaders [1]</b> 212/5 <b>leadership [1]</b> 56/2 <b>leading [4]</b> 16/11 26/17 77/5 94/25 <b>Leadsom [1]</b> 153/5 <b>leak [1]</b> 135/23 <b>leaked [2]</b> 121/3 129/17 <b>learned [3]</b> 182/2 228/20 228/22 <b>learning [2]</b> 47/12 92/17 <b>learnt [9]</b> 66/8 198/3 198/3 198/4 198/15 206/6 214/3 219/18 243/15 <b>least [14]</b> 1/13 2/3
----------	---	--	--	--	---

<b>L</b>	<b>letter [38]</b> 8/6 37/16 98/21 99/1 99/5 99/9 99/16 101/12 101/16 101/18 102/14 104/6 104/9 104/11 105/15 105/19 110/24 111/14 112/15 112/19 125/14 134/11 140/1 140/8 140/11 157/17 182/22 183/13 184/3 184/24 185/1 192/15 195/17 195/24 205/25 232/17 232/21 233/6	150/2 <b>limit [4]</b> 23/20 26/13 59/6 74/24 <b>limited [10]</b> 48/2 58/3 84/11 84/13 100/11 130/8 143/21 175/17 189/25 225/7 <b>Limited's [1]</b> 47/22 <b>limits [2]</b> 9/24 151/17 <b>line [17]</b> 13/14 79/8 88/5 88/5 89/13 89/14 105/23 106/2 106/10 107/21 107/25 111/2 111/20 114/8 129/14 136/13 188/13 <b>line/seventh [1]</b> 88/5 <b>lines [5]</b> 28/13 97/15 97/16 148/4 182/21 <b>link [1]</b> 62/4 <b>list [6]</b> 86/14 133/5 134/8 178/24 229/13 230/25 <b>listed [1]</b> 85/18 <b>listen [1]</b> 229/1 <b>listened [3]</b> 179/21 228/8 232/2 <b>listening [6]</b> 63/1 128/21 128/21 154/24 243/9 245/2 <b>litany [1]</b> 53/1 <b>litigating [1]</b> 219/15 <b>litigation [5]</b> 45/13 82/22 153/1 153/1 158/18 <b>little [6]</b> 30/19 84/3 94/20 150/5 168/14 170/20 <b>live [3]</b> 72/19 145/17 158/11 <b>lives [4]</b> 98/11 100/1 238/7 238/12 <b>living [1]</b> 57/22 <b>LLP [1]</b> 2/25 <b>lobbying [1]</b> 240/14 <b>local [3]</b> 76/3 76/10 77/10 <b>located [1]</b> 141/9 <b>Logica [1]</b> 79/21 <b>London [10]</b> 183/14 189/21 189/24 190/4 190/12 190/25 191/2 192/1 192/6 192/25 <b>long [12]</b> 28/23 29/5 41/22 45/24 90/6 95/17 103/7 108/23 109/12 114/17 145/5 167/6 <b>long-term [1]</b> 45/24 <b>longer [5]</b> 60/10 70/12 92/17 94/23 100/2 <b>look [64]</b> 6/7 8/3 9/11 14/24 23/19 41/6 41/14 43/21 49/16	53/24 65/2 68/13 68/13 69/8 77/16 83/15 84/2 86/3 87/8 88/16 89/11 96/13 98/24 104/4 104/5 106/11 106/20 107/16 110/9 110/23 111/14 113/24 118/5 123/23 136/8 137/17 140/1 140/7 140/18 147/21 150/23 151/1 151/24 152/13 156/1 157/24 158/15 161/8 161/14 161/23 165/5 170/9 176/1 179/9 179/14 182/18 212/24 214/12 217/13 218/22 220/18 231/8 236/12 236/13 <b>looked [8]</b> 35/14 43/18 59/8 86/8 92/7 96/13 159/9 171/24 <b>looking [38]</b> 8/12 11/19 11/22 24/18 28/1 34/17 49/25 50/5 58/23 87/10 91/2 94/16 96/10 96/25 100/7 100/13 108/13 112/9 114/4 114/4 114/5 128/7 129/3 132/19 152/8 153/23 155/16 155/24 164/18 167/12 170/2 170/6 177/2 178/11 190/25 198/22 200/9 234/12 <b>looks [5]</b> 62/16 85/22 165/10 231/9 231/13 <b>Lord [2]</b> 125/10 153/6 <b>Lorna [9]</b> 94/10 123/19 123/20 124/21 126/3 126/22 130/8 136/11 136/17 <b>lose [3]</b> 103/21 172/14 172/17 <b>losing [1]</b> 17/3 <b>loss [6]</b> 19/24 20/5 77/12 100/12 165/3 165/3 <b>losses [1]</b> 204/17 <b>lost [20]</b> 33/22 73/25 74/3 74/10 135/22 146/1 163/2 163/5 163/11 163/19 164/12 164/23 227/7 227/9 227/11 228/3 230/4 239/24 240/6 244/4 <b>lot [21]</b> 5/5 5/17 33/22 34/16 56/5 57/22 82/13 112/3 114/20 117/9 117/10 117/14 120/19 127/1 139/9 144/14 146/22 154/18 171/23 219/15 219/19	<b>lots [1]</b> 97/12 <b>love [1]</b> 147/4 <b>loved [2]</b> 234/15 238/6 <b>low [1]</b> 24/1 <b>lower [6]</b> 13/17 16/15 16/21 19/14 19/16 28/16 <b>lowering [1]</b> 32/13 <b>lunch [3]</b> 115/7 163/13 173/9
<b>least... [12]</b> 28/9 45/16 70/15 110/20 120/16 124/4 139/23 180/4 197/24 209/11 215/11 244/7 <b>leave [2]</b> 38/2 135/22 <b>leaver [4]</b> 123/24 124/1 124/3 124/5 <b>leaving [1]</b> 128/6 <b>led [6]</b> 9/25 35/3 35/16 53/3 123/11 132/19 <b>ledger [1]</b> 114/9 <b>left [10]</b> 3/1 26/18 51/7 84/17 84/18 168/10 190/15 197/1 214/12 241/3 <b>left-hand [2]</b> 84/18 214/12 <b>legacy [1]</b> 229/16 <b>legal [42]</b> 12/1 13/19 19/24 21/5 21/8 21/14 21/16 21/16 21/19 21/23 22/4 22/16 22/20 23/21 23/24 24/1 26/12 26/19 26/23 27/3 27/6 27/8 27/14 27/21 66/22 114/23 134/24 142/19 167/16 190/3 190/3 190/24 191/16 196/9 219/14 235/11 235/11 242/18 242/19 244/9 244/15 244/20 <b>legally [1]</b> 185/14 <b>legislation [7]</b> 6/10 35/12 36/9 38/1 39/1 39/8 49/20 <b>legislators [1]</b> 167/25 <b>legitimate [2]</b> 39/19 40/10 <b>length [13]</b> 48/11 51/8 64/10 64/16 73/6 78/20 79/4 91/1 93/16 117/13 121/24 141/1 169/24 <b>lens [1]</b> 196/24 <b>less [5]</b> 19/11 19/12 57/15 108/15 169/4 <b>lessons [6]</b> 4/25 28/2 47/13 66/3 66/8 182/1 <b>let [11]</b> 4/3 88/23 125/24 127/20 137/4 137/4 140/12 152/25 168/6 208/8 229/6 <b>let's [16]</b> 70/20 86/3 95/3 120/11 151/6 157/21 158/19 189/17 211/7 221/23 232/20 233/19 233/19 235/19 238/1 243/18	<b>letters [5]</b> 182/21 182/21 182/25 192/13 193/22 <b>level [29]</b> 5/8 7/3 7/23 8/14 10/1 10/24 14/20 17/9 17/11 18/10 44/24 46/22 50/12 56/14 61/7 61/23 76/6 90/12 92/11 93/20 102/7 102/11 123/10 137/21 144/3 147/8 185/18 187/3 217/19 <b>Levelling [1]</b> 81/4 <b>levels [6]</b> 18/17 24/1 43/19 142/6 147/9 184/9 <b>licence [1]</b> 223/20 <b>lie [1]</b> 66/20 <b>life [13]</b> 8/1 62/19 180/9 180/11 180/12 180/19 181/2 181/6 181/12 182/4 187/20 200/25 202/7 <b>life's [1]</b> 102/18 <b>lifetime [1]</b> 161/4 <b>light [10]</b> 68/8 100/20 130/10 135/12 195/22 201/10 203/16 210/3 211/18 233/1 <b>lightly [2]</b> 83/22 84/6 <b>like [52]</b> 15/20 23/18 26/6 28/4 31/22 33/6 33/10 41/10 43/17 43/21 44/20 49/9 50/9 62/16 71/22 72/5 75/13 76/8 76/16 77/16 97/22 97/24 98/14 100/22 121/22 123/15 126/1 131/23 131/24 136/24 137/24 138/5 139/10 140/11 141/14 141/21 165/10 166/12 174/11 176/2 183/1 197/10 220/18 221/19 221/23 224/10 231/9 231/13 232/4 237/3 239/11 245/14 <b>liked [1]</b> 161/18 <b>likelihood [2]</b> 105/4 111/21 <b>likely [3]</b> 46/1 96/19	<b>limited's [1]</b> 47/22 <b>limits [2]</b> 9/24 151/17 <b>line [17]</b> 13/14 79/8 88/5 88/5 89/13 89/14 105/23 106/2 106/10 107/21 107/25 111/2 111/20 114/8 129/14 136/13 188/13 <b>line/seventh [1]</b> 88/5 <b>lines [5]</b> 28/13 97/15 97/16 148/4 182/21 <b>link [1]</b> 62/4 <b>list [6]</b> 86/14 133/5 134/8 178/24 229/13 230/25 <b>listed [1]</b> 85/18 <b>listen [1]</b> 229/1 <b>listened [3]</b> 179/21 228/8 232/2 <b>listening [6]</b> 63/1 128/21 128/21 154/24 243/9 245/2 <b>litany [1]</b> 53/1 <b>litigating [1]</b> 219/15 <b>litigation [5]</b> 45/13 82/22 153/1 153/1 158/18 <b>little [6]</b> 30/19 84/3 94/20 150/5 168/14 170/20 <b>live [3]</b> 72/19 145/17 158/11 <b>lives [4]</b> 98/11 100/1 238/7 238/12 <b>living [1]</b> 57/22 <b>LLP [1]</b> 2/25 <b>lobbying [1]</b> 240/14 <b>local [3]</b> 76/3 76/10 77/10 <b>located [1]</b> 141/9 <b>Logica [1]</b> 79/21 <b>London [10]</b> 183/14 189/21 189/24 190/4 190/12 190/25 191/2 192/1 192/6 192/25 <b>long [12]</b> 28/23 29/5 41/22 45/24 90/6 95/17 103/7 108/23 109/12 114/17 145/5 167/6 <b>long-term [1]</b> 45/24 <b>longer [5]</b> 60/10 70/12 92/17 94/23 100/2 <b>look [64]</b> 6/7 8/3 9/11 14/24 23/19 41/6 41/14 43/21 49/16	<b>53/24 65/2 68/13</b> 68/13 69/8 77/16 83/15 84/2 86/3 87/8 88/16 89/11 96/13 98/24 104/4 104/5 106/11 106/20 107/16 110/9 110/23 111/14 113/24 118/5 123/23 136/8 137/17 140/1 140/7 140/18 147/21 150/23 151/1 151/24 152/13 156/1 157/24 158/15 161/8 161/14 161/23 165/5 170/9 176/1 179/9 179/14 182/18 212/24 214/12 217/13 218/22 220/18 231/8 236/12 236/13 <b>looked [8]</b> 35/14 43/18 59/8 86/8 92/7 96/13 159/9 171/24 <b>looking [38]</b> 8/12 11/19 11/22 24/18 28/1 34/17 49/25 50/5 58/23 87/10 91/2 94/16 96/10 96/25 100/7 100/13 108/13 112/9 114/4 114/4 114/5 128/7 129/3 132/19 152/8 153/23 155/16 155/24 164/18 167/12 170/2 170/6 177/2 178/11 190/25 198/22 200/9 234/12 <b>looks [5]</b> 62/16 85/22 165/10 231/9 231/13 <b>Lord [2]</b> 125/10 153/6 <b>Lorna [9]</b> 94/10 123/19 123/20 124/21 126/3 126/22 130/8 136/11 136/17 <b>lose [3]</b> 103/21 172/14 172/17 <b>losing [1]</b> 17/3 <b>loss [6]</b> 19/24 20/5 77/12 100/12 165/3 165/3 <b>losses [1]</b> 204/17 <b>lost [20]</b> 33/22 73/25 74/3 74/10 135/22 146/1 163/2 163/5 163/11 163/19 164/12 164/23 227/7 227/9 227/11 228/3 230/4 239/24 240/6 244/4 <b>lot [21]</b> 5/5 5/17 33/22 34/16 56/5 57/22 82/13 112/3 114/20 117/9 117/10 117/14 120/19 127/1 139/9 144/14 146/22 154/18 171/23 219/15 219/19	<b>lots [1]</b> 97/12 <b>love [1]</b> 147/4 <b>loved [2]</b> 234/15 238/6 <b>low [1]</b> 24/1 <b>lower [6]</b> 13/17 16/15 16/21 19/14 19/16 28/16 <b>lowering [1]</b> 32/13 <b>lunch [3]</b> 115/7 163/13 173/9
			<b>M</b>	
			<b>machine [8]</b> 97/21 165/24 165/25 166/22 167/1 167/18 167/19 167/20 <b>Machinery [1]</b> 85/1 <b>made [59]</b> 6/1 6/6 6/23 11/19 15/10 17/24 24/11 25/1 25/2 26/10 26/16 26/25 29/6 29/11 30/22 32/20 37/10 47/13 51/1 53/19 53/20 54/1 54/10 56/6 59/11 91/13 100/9 112/23 113/7 117/24 118/9 119/15 119/18 120/9 130/16 131/4 135/7 135/13 136/22 144/11 160/5 160/17 164/16 165/14 167/18 169/7 170/21 180/15 195/20 199/2 199/14 200/1 207/8 209/10 231/3 231/22 234/24 239/6 240/2 <b>magazine [1]</b> 80/10 <b>magnitude [1]</b> 116/18 <b>Mail [2]</b> 146/21 154/3 <b>main [3]</b> 85/5 86/1 141/20 <b>maintain [3]</b> 29/14 142/16 146/2 <b>maintained [1]</b> 179/20 <b>maintaining [1]</b> 202/8 <b>Majesty's [1]</b> 81/18 <b>major [1]</b> 33/19 <b>majority [4]</b> 39/7 125/13 178/13 178/16 <b>make [77]</b> 6/8 8/8 11/4 11/10 18/11 18/22 19/8 22/1 22/15 23/12 25/4 27/3 29/25 31/5 31/22 31/25 33/5 37/22 41/21 42/2 44/13 49/18 50/2 52/4 54/11 55/19 56/24 57/5 57/10 57/11 68/15 69/9 70/20 79/5	

<b>M</b>	208/9 238/2 239/5 240/1 240/1 243/15 243/15 <b>March [4]</b> 13/8 20/19 30/12 209/23 <b>marked [1]</b> 132/14 <b>massive [3]</b> 120/15 120/15 125/21 <b>massively [1]</b> 185/14 <b>master [1]</b> 216/14 <b>material [12]</b> 48/11 188/1 197/11 202/9 206/9 206/20 206/21 206/24 206/24 208/21 212/12 234/10 <b>materially [1]</b> 48/2 <b>matter [17]</b> 1/16 27/11 50/23 53/11 54/17 54/18 54/24 98/10 190/3 193/6 194/12 195/18 204/2 206/4 206/22 207/19 208/4 <b>mattered [1]</b> 156/15 <b>matters [23]</b> 4/2 4/15 7/6 8/22 11/1 15/21 32/12 51/18 53/11 55/12 103/21 199/19 205/21 207/3 210/22 211/7 218/8 239/16 243/5 243/14 243/20 243/23 244/13 <b>may [55]</b> 9/22 16/25 16/25 19/3 19/17 20/19 28/24 29/10 31/21 39/24 42/5 49/6 49/25 63/2 78/8 83/21 96/9 108/3 117/7 119/10 119/10 131/20 138/15 140/2 157/17 160/13 165/12 169/8 171/13 171/22 183/19 184/1 184/21 186/1 186/2 186/3 192/15 193/13 196/15 197/13 197/21 198/20 199/4 201/16 202/22 204/18 211/20 219/7 232/17 232/23 234/7 238/21 241/3 242/1 242/7 <b>maybe [11]</b> 35/25 46/7 56/18 62/4 96/23 110/8 111/22 119/25 131/24 132/15 155/21 <b>me [98]</b> 1/14 4/3 5/3 9/5 34/11 34/11 34/18 36/24 50/12 51/3 54/9 54/15 59/22 72/16 75/10 75/14 75/21 83/7 85/25 87/9 88/17 88/23 89/4 89/7 91/8 91/18 92/22 95/7 95/10 96/24 99/12 101/19 108/5 109/13	112/15 116/4 117/19 117/19 121/9 122/13 122/17 122/22 123/12 124/16 127/20 127/25 129/25 130/1 131/4 131/7 131/7 131/19 139/18 141/16 143/6 144/23 145/1 152/25 153/22 155/8 163/11 168/1 168/4 168/18 168/20 169/22 172/20 173/8 173/23 176/14 179/24 185/7 185/18 187/2 187/9 188/16 188/21 188/21 190/19 190/21 191/18 198/18 208/8 221/5 225/16 226/17 227/2 229/17 235/7 237/5 240/3 241/25 244/3 245/11 246/1 246/4 246/6 246/13 <b>mean [43]</b> 7/24 8/5 33/15 34/2 42/21 43/3 43/22 62/2 68/17 69/3 72/18 75/20 89/21 89/22 89/24 90/16 122/8 123/2 125/3 131/7 131/16 132/2 132/3 135/17 139/16 148/16 150/4 150/16 153/22 158/3 159/13 186/8 207/4 210/11 213/15 230/1 231/20 231/22 233/7 233/9 233/11 242/25 245/1 <b>meaning [1]</b> 4/6 <b>meaningful [1]</b> 200/1 <b>means [12]</b> 48/7 48/21 51/9 51/15 51/19 94/3 149/7 150/25 181/12 212/18 230/5 239/8 <b>meant [11]</b> 14/11 32/3 32/21 130/22 145/21 176/11 180/12 180/13 181/17 202/7 212/11 <b>measure [1]</b> 19/13 <b>measures [4]</b> 67/1 100/13 111/20 142/21 <b>mechanics [1]</b> 71/9 <b>mechanism [11]</b> 14/24 15/9 24/7 24/10 24/13 24/23 25/4 51/20 64/24 65/22 65/22 <b>mechanisms [3]</b> 11/24 52/6 65/10 <b>media [5]</b> 41/1 42/24 118/20 120/7 127/19 <b>medium [1]</b> 142/10 <b>medium-term [1]</b> 142/10	<b>meet [17]</b> 47/19 54/18 69/16 98/3 108/21 117/1 117/2 117/11 117/13 117/15 117/19 117/19 122/17 122/22 130/8 159/18 176/5 <b>meeting [37]</b> 15/3 56/21 56/22 74/8 85/9 86/8 86/9 88/12 92/18 94/9 95/20 107/4 117/17 127/14 128/4 129/4 131/6 143/17 159/15 159/15 159/21 205/9 211/23 226/14 226/16 226/25 227/18 227/21 228/20 228/22 229/18 230/18 241/4 244/4 245/24 246/5 246/9 <b>meetings [12]</b> 3/20 88/12 88/13 92/15 117/11 122/12 122/20 143/2 149/10 159/17 229/4 241/11 <b>meets [1]</b> 69/13 <b>Melanie [1]</b> 179/21 <b>member [6]</b> 4/17 65/3 80/13 81/18 98/7 114/5 <b>members [14]</b> 9/5 11/15 11/22 11/23 40/11 58/25 59/7 100/4 101/14 133/13 133/14 159/7 228/24 236/25 <b>membership [1]</b> 67/24 <b>memory [1]</b> 231/6 <b>mental [1]</b> 229/14 <b>mention [2]</b> 43/3 142/14 <b>mentioned [8]</b> 1/8 44/1 59/3 142/23 182/8 200/4 237/12 239/18 <b>merely [1]</b> 145/9 <b>mess [1]</b> 125/19 <b>message [1]</b> 124/14 <b>met [12]</b> 74/6 117/5 118/1 121/13 124/24 207/13 207/14 207/15 226/18 227/18 232/15 240/1 <b>metric [1]</b> 137/23 <b>micromanaged [1]</b> 89/3 <b>mid [3]</b> 118/24 120/11 153/8 <b>mid-2022 [1]</b> 153/8 <b>mid-sentence [2]</b> 118/24 120/11 <b>middle [3]</b> 15/1 84/17 153/8	<b>might [41]</b> 12/7 12/13 12/21 15/8 22/18 25/18 34/23 40/3 43/20 57/10 58/12 64/8 66/10 68/21 72/17 77/16 89/5 98/3 98/16 108/10 108/15 109/11 111/15 111/16 114/4 114/5 115/1 115/7 124/2 132/7 143/1 143/24 146/4 149/15 154/3 154/14 163/17 205/24 215/12 227/6 230/21 <b>million [2]</b> 222/14 223/3 <b>mind [9]</b> 18/1 29/4 71/17 99/8 124/21 145/8 146/18 151/20 156/20 <b>mindedness [1]</b> 63/25 <b>mindful [3]</b> 101/8 151/17 159/23 <b>minds [2]</b> 58/20 75/23 <b>mindset [1]</b> 202/17 <b>mine [3]</b> 79/12 128/13 170/14 <b>minimum [2]</b> 31/7 177/8 <b>minister [44]</b> 4/20 4/20 12/25 13/10 15/1 15/4 15/13 18/12 30/14 31/16 34/10 34/10 44/1 45/25 46/3 50/25 56/20 71/2 71/14 72/11 72/24 73/22 75/21 80/24 81/3 83/10 83/11 84/20 85/22 86/11 86/19 87/21 94/8 107/11 108/10 112/5 117/16 131/5 132/6 137/17 143/24 148/19 156/16 167/8 <b>minister's [1]</b> 93/11 <b>ministerial [24]</b> 3/20 82/17 83/8 83/12 83/14 85/15 86/14 87/7 88/15 90/11 105/22 106/10 106/12 107/20 107/25 108/3 108/11 109/6 109/11 109/16 110/14 110/16 110/22 111/11 <b>ministers [42]</b> 33/4 52/13 62/10 71/18 85/21 86/13 87/8 89/1 90/5 90/5 90/7 90/23 91/5 91/23 92/13 93/8 123/1 125/16 125/18 131/19 144/6 152/15 152/19 152/19 152/20
----------	--	---	--	--

<b>M</b>	234/9 243/25 245/11	149/10 149/22 149/24	59/25 60/1 61/9 63/16	1/20 3/23 4/3 8/25
<b>ministers... [17]</b>	<b>Monday [3]</b> 1/1	149/25 150/1 150/2	73/23 75/4 77/17	11/20 14/6 15/14 17/5
152/24 153/11 153/13	127/14 129/5	150/15 150/15 150/20	77/23 78/10 80/24	20/3 21/1 21/24 25/25
153/15 154/6 154/15	<b>money [92]</b> 9/21 9/23	151/6 151/7 152/15	80/24 84/20 85/15	27/17 30/4 31/2 34/20
154/17 154/24 156/12	10/9 10/9 10/11 10/19	153/15 154/21 156/12	101/13 101/17 104/7	35/19 36/10 39/3 40/5
156/20 157/14 157/20	10/19 10/21 10/25	156/14 157/25 164/17	105/9 105/20 115/8	42/2 42/20 45/7 63/16
159/25 165/11 166/10	11/4 12/7 12/15 16/7	166/14 166/14 166/15	116/9 116/24 117/2	77/23 168/3 173/17
166/21 170/6	16/18 16/25 17/3 18/9	166/15 166/15 166/15	117/20 117/21 118/8	174/4 175/3 177/10
<b>ministers' [1]</b> 93/24	18/13 18/16 19/5	168/18 169/5 169/20	119/14 119/20 120/11	184/20 185/7 186/9
<b>Ministry [3]</b> 36/14	19/13 20/2 21/15	170/21 171/23 172/6	122/16 122/24 122/25	186/20 188/21 197/14
37/14 37/21	29/19 40/24 43/6 56/5	193/22 195/10 211/17	123/5 123/6 123/7	201/7 206/17 209/16
<b>minor [1]</b> 132/3	95/13 95/17 96/15	212/6 215/11 229/9	132/19 132/23 133/4	222/1 225/13 237/13
<b>minority [1]</b> 167/2	96/15 97/23 98/2	233/19 237/3 237/5	134/4 134/15 135/3	248/4 249/3
<b>minute [5]</b> 41/11 42/8	100/17 101/5 101/8	238/11 239/21 240/9	135/6 138/3 139/5	<b>Mr Blake's [1]</b> 45/20
70/15 77/23 225/17	101/25 103/23 106/2	240/10 240/13	139/10 151/19 151/24	<b>Mr Brocklesby [1]</b>
<b>minute's [3]</b> 1/9 42/5	108/7 108/9 108/12	<b>more creative [1]</b>	152/10 153/7 153/9	180/21
42/9	108/17 108/17 108/19	240/9	153/10 155/11 155/20	<b>Mr Enright [4]</b> 54/15
<b>minutes [11]</b> 1/13	108/20 108/21 109/1	<b>morning [19]</b> 1/3 1/4	157/8 157/9 157/12	241/2 245/24 246/9
70/19 77/24 119/7	109/2 109/7 109/9	48/18 49/19 59/25	157/17 158/20 159/3	<b>Mr Fujitsu [1]</b> 244/15
119/23 120/6 120/8	109/12 110/15 110/17	70/12 71/2 71/4 73/16	160/6 162/22 163/16	<b>Mr Henry [3]</b> 168/4
225/2 225/5 225/13	110/18 110/18 111/23	75/10 107/4 162/24	165/20 166/20 167/17	168/6 168/11
225/16	112/8 112/24 114/1	165/17 165/23 172/20	168/3 168/4 168/6	<b>Mr Hollinrake [8]</b>
<b>misalignment [1]</b>	114/9 114/10 114/11	206/21 212/1 221/2	168/10 168/11 168/12	84/20 85/15 101/13
60/15	114/15 124/4 142/17	224/21	169/1 169/2 172/20	101/17 105/9 123/6
<b>miscarriage [3]</b>	144/4 146/13 147/1	<b>morning's [1]</b> 240/12	173/17 174/1 174/4	123/7 169/1
176/24 243/13 243/17	147/1 150/3 156/10	<b>most [17]</b> 7/10 14/2	174/8 175/3 177/10	<b>Mr Hunt [1]</b> 104/7
<b>miscarriages [2]</b>	159/14 165/18 166/9	17/9 25/21 38/12	180/21 182/19 184/20	<b>Mr Hunt's [1]</b> 105/20
65/20 167/16	166/12 166/12 166/18	40/10 46/10 81/10	185/7 185/16 186/9	<b>Mr Johnson [1]</b>
<b>misinformation [1]</b>	171/22 172/1 172/6	81/15 83/13 94/7	186/20 187/1 187/13	80/24
130/19	172/9 172/24 173/1	125/22 133/18 143/2	188/21 190/2 190/10	<b>Mr Justice Fraser [2]</b>
<b>misogyny [1]</b> 135/6	188/14 221/24 222/5	162/4 165/20 222/10	191/19 191/25 192/13	47/13 48/3
<b>missing [4]</b> 83/9	229/13 234/7 239/25	<b>mount [1]</b> 235/9	193/23 197/2 197/14	<b>Mr Kelly [1]</b> 241/4
179/5 180/6 215/15	240/3 244/6	<b>mouth [1]</b> 244/6	199/3 201/7 203/17	<b>Mr Kelly's [1]</b> 241/3
<b>mistakes [3]</b> 130/17	<b>month [3]</b> 81/14	<b>move [14]</b> 33/10 77/9	206/17 207/15 208/7	<b>Mr Kwarteng [1]</b>
138/19 169/7	104/4 219/1	98/11 102/13 111/9	209/16 211/2 221/2	153/7
<b>mitigates [1]</b> 19/21	<b>months [27]</b> 5/24 6/2	111/12 112/2 127/11	222/1 224/19 224/24	<b>Mr Patterson [34]</b>
<b>Mm [23]</b> 48/6 84/15	6/3 13/24 29/5 46/17	138/16 158/19 189/17	225/4 225/9 225/13	54/25 55/5 55/11
84/21 85/14 86/22	49/17 56/2 60/22	209/18 212/3 218/16	226/2 226/5 226/22	56/18 59/11 158/20
88/3 89/15 92/7 100/6	64/20 96/1 99/9 103/8	<b>moved [2]</b> 9/23 80/5	231/11 231/14 231/17	159/3 160/6 174/1
105/21 123/21 136/7	116/2 123/24 125/3	<b>moves [2]</b> 160/1	231/18 232/13 232/14	174/8 185/16 187/1
141/12 144/10 153/4	149/11 178/19 179/1	204/10	232/15 232/21 233/10	187/13 208/7 225/9
155/15 165/21 171/15	179/4 205/1 219/19	<b>moving [9]</b> 104/17	233/12 233/23 234/9	226/5 226/22 231/14
193/9 197/20 199/15	224/13 226/18 228/11	120/17 125/7 127/9	234/14 234/25 236/10	231/18 232/15 233/12
204/23 237/17	238/2 243/9	165/15 178/4 210/25	237/13 239/2 240/18	234/14 234/25 236/10
<b>Mm-hm [4]</b> 123/21	<b>moral [3]</b> 55/19	223/19 228/1	240/20 241/2 241/3	240/20 241/7 242/8
197/20 204/23 237/17	219/11 219/17	<b>MP [9]</b> 1/19 78/9	241/4 241/7 241/11	242/12 244/5 244/25
<b>mobile [1]</b> 128/22	<b>morally [1]</b> 219/22	80/13 82/10 83/14	242/8 242/12 242/13	245/1 245/13 245/19
<b>MoD [1]</b> 223/11	<b>more [98]</b> 1/13 9/16	97/1 98/22 248/2	242/17 244/5 244/15	246/22
<b>model [16]</b> 5/1 7/14	10/6 10/18 16/8 16/11	248/14	244/25 245/1 245/13	<b>Mr Railton [7]</b> 49/3
8/3 8/11 40/22 40/23	18/21 22/9 23/6 27/6	<b>MPs [1]</b> 219/3	245/18 245/19 245/24	155/11 155/20 157/8
41/8 42/13 43/6 44/14	40/24 41/24 43/10	<b>Mr [212]</b> 1/4 1/5 1/20	246/1 246/9 246/14	157/12 157/17 211/2
48/19 49/2 50/21 61/2	46/5 51/4 54/23 64/9	3/23 4/3 8/25 11/20	246/18 246/22 248/4	<b>Mr Read [7]</b> 60/1
63/20 69/6	64/20 64/25 77/1	14/6 15/14 17/5 20/3	248/6 248/16 248/18	169/2 182/19 192/13
<b>models [2]</b> 42/23	81/19 82/10 87/3 87/4	21/1 21/24 25/25 26/6	248/22 249/3 249/7	193/23 199/3 232/21
64/1	91/12 94/11 96/17	26/20 27/17 28/8 30/4	<b>Mr Bartlett [3]</b>	<b>Mr Recaldin [1]</b> 58/8
<b>modern [3]</b> 58/25	97/5 100/2 102/20	31/2 34/20 35/19	190/10 197/2 203/17	<b>Mr Rees-Mogg [1]</b>
66/5 167/16	103/14 103/24 106/14	36/10 39/3 40/5 42/2	<b>Mr Bartlett's [1]</b>	153/9
<b>Mogg [1]</b> 153/9	108/15 114/17 114/18	42/20 45/7 45/8 45/9	191/25	<b>Mr Reynolds [16]</b> 1/5
<b>moment [16]</b> 48/7	115/4 121/17 122/7	45/10 45/20 47/13	<b>MR BEER [8]</b> 78/10	26/6 26/20 28/8 45/10
49/6 51/10 59/17	122/11 122/24 122/25	48/3 49/3 49/4 50/22	115/8 151/24 152/10	49/4 50/22 52/7 52/21
120/23 124/16 151/22	123/3 124/6 124/11	50/25 52/7 52/21	165/20 167/17 168/10	58/18 59/18 59/25
180/15 182/8 197/12	129/24 132/16 137/10	54/15 54/25 55/5	248/16	75/4 77/17 172/20
198/23 202/11 229/21	137/13 137/17 144/14	55/11 56/18 58/8	<b>Mr Beer's [1]</b> 157/9	221/2
	148/1 148/12 149/1	58/18 59/11 59/18	<b>Mr Blake [45]</b> 1/4	<b>Mr Shapps [1]</b>

<p><b>M</b></p> <p><b>Mr Shapps... [1]</b> 153/10</p> <p><b>Mr Staunton [21]</b> 116/9 116/24 117/2 117/20 117/21 118/8 119/14 119/20 120/11 122/16 122/24 122/25 123/5 132/19 134/4 134/15 135/3 135/6 138/3 139/5 139/10</p> <p><b>Mr Staunton's [2]</b> 132/23 133/4</p> <p><b>Mr Stein [27]</b> 45/8 45/9 61/9 73/23 162/22 163/16 166/20 224/19 224/24 225/4 226/2 231/17 232/13 232/14 233/10 233/23 234/9 239/2 240/18 241/11 242/13 242/17 245/18 246/1 246/18 248/6 249/7</p> <p><b>Mr Sunak [1]</b> 80/24</p> <p><b>Mr Thomas [1]</b> 50/25</p> <p><b>Mr Walton [2]</b> 190/2 191/19</p> <p><b>Mr Woodley [1]</b> 207/15</p> <p><b>Ms [30]</b> 59/20 59/21 70/7 70/16 70/25 71/1 78/11 89/25 99/5 115/21 151/13 151/20 152/14 153/5 155/19 162/14 162/16 162/17 168/1 171/5 173/7 224/19 224/24 226/2 226/4 226/9 248/8 248/10 248/20 249/5</p> <p><b>Ms Andrea [1]</b> 153/5</p> <p><b>Ms Badenoch [13]</b> 70/16 78/11 89/25 99/5 115/21 151/13 152/14 155/19 162/14 162/17 168/1 171/5 173/7</p> <p><b>Ms Patrick [12]</b> 70/7 70/25 71/1 162/16 224/19 224/24 226/2 226/4 226/9 248/10 248/20 249/5</p> <p><b>Ms Shah [3]</b> 59/20 59/21 248/8</p> <p><b>much [88]</b> 1/21 1/24 2/14 6/4 12/13 15/2 26/16 28/1 28/6 28/10 30/5 35/12 35/15 35/20 41/7 42/10 45/2 50/9 50/15 58/15 58/20 64/5 70/5 70/21 72/19 77/1 77/17 78/2 78/7 78/24 79/2 79/10 79/17 87/16 92/19</p>	<p>95/12 97/8 97/18 97/20 107/12 110/4 111/3 112/19 115/12 118/12 120/17 122/6 122/7 122/10 122/23 122/25 123/3 127/11 131/2 131/13 131/16 131/18 137/13 138/25 139/2 139/13 141/2 144/4 146/2 151/6 151/14 168/13 170/2 170/7 170/18 172/13 173/6 173/25 174/5 175/7 175/24 176/1 176/11 184/3 193/24 201/13 205/4 206/7 209/17 234/15 238/11 245/3 246/17</p> <p><b>multiple [7]</b> 92/13 102/11 179/17 201/24 212/18 233/16 236/12</p> <p><b>muscle [1]</b> 55/7</p> <p><b>must [10]</b> 40/13 83/19 104/21 124/10 124/10 148/10 167/19 167/20 167/21 170/13</p> <p><b>muted [1]</b> 129/2</p> <p><b>mutualisation [2]</b> 41/5 42/23</p> <p><b>my [142]</b> 2/10 2/25 3/1 3/3 4/10 4/14 4/20 11/3 11/10 17/8 21/25 22/8 22/8 23/2 26/6 26/8 27/5 28/9 28/21 29/16 31/17 32/2 32/16 32/19 36/24 39/22 40/5 42/7 43/9 43/15 45/10 46/21 47/9 50/16 52/12 53/16 55/17 56/15 71/4 71/18 72/8 72/14 75/7 76/3 77/7 78/11 78/14 83/8 83/13 83/14 85/18 86/12 86/20 87/9 87/13 88/9 95/1 95/5 95/20 96/16 98/9 99/10 100/19 101/18 101/24 102/3 102/19 102/25 103/5 103/9 107/13 108/18 109/14 109/17 110/8 111/1 111/17 111/21 113/11 117/9 122/4 125/12 126/25 130/7 134/13 137/19 143/18 143/23 143/25 144/14 146/9 146/17 151/13 156/11 159/3 159/7 162/17 166/5 170/19 173/14 176/9 176/15 177/10 178/21 179/9 179/10 185/15 186/11 187/12 190/23 197/2 201/14 205/17 207/9</p>	<p>207/16 207/17 210/13 211/13 211/23 212/9 212/9 212/15 215/9 216/20 218/16 219/15 219/16 224/13 225/7 226/9 228/7 229/17 231/6 231/12 235/4 235/11 236/11 237/2 237/20 241/3 243/18 246/7</p> <p><b>myself [12]</b> 1/15 10/22 26/1 32/1 73/3 98/5 101/25 112/5 129/23 131/19 168/16 232/7</p> <p><b>N</b></p> <p><b>nail [3]</b> 123/24 124/4 124/7</p> <p><b>name [10]</b> 1/22 45/10 71/4 78/11 78/13 78/14 162/17 174/6 215/23 226/9</p> <p><b>namely [1]</b> 85/11</p> <p><b>names [1]</b> 159/17</p> <p><b>narrow [9]</b> 12/17 92/3 180/1 180/1 189/16 197/3 198/5 213/19 236/16</p> <p><b>national [6]</b> 8/1 9/13 44/3 46/22 60/1 62/19</p> <p><b>natural [5]</b> 42/4 76/10 94/12 102/19 218/11</p> <p><b>Naturally [1]</b> 194/16</p> <p><b>nature [14]</b> 39/2 61/22 63/20 64/10 69/7 69/19 70/2 84/25 86/1 90/17 154/16 155/4 157/1 191/22</p> <p><b>NBIT [14]</b> 72/19 142/18 142/22 142/24 142/25 143/3 143/8 143/11 143/21 144/12 154/2 171/24 212/14 212/14</p> <p><b>near [2]</b> 22/23 118/16</p> <p><b>necessarily [17]</b> 18/7 43/14 59/5 74/24 117/11 117/17 120/10 131/20 138/15 139/8 140/21 154/21 161/12 167/4 167/5 169/22 210/9</p> <p><b>necessary [8]</b> 35/7 35/19 55/24 56/22 152/22 194/23 195/19 204/18</p> <p><b>necessitate [1]</b> 63/23</p> <p><b>NEDs [1]</b> 139/15</p> <p><b>need [102]</b> 4/19 4/23 7/15 7/18 20/19 28/3 49/17 49/23 53/5 53/7 53/11 53/12 53/13</p>	<p>53/20 54/7 54/10 57/4 58/4 58/5 59/15 60/6 60/25 63/2 67/8 70/13 70/15 76/11 77/19 77/24 89/6 99/12 99/13 101/6 101/13 102/19 107/13 109/8 110/2 110/17 112/20 113/13 115/4 123/17 123/22 124/7 124/11 124/13 124/20 124/23 125/5 125/21 125/25 126/6 126/7 126/9 126/20 127/17 128/5 128/10 129/9 132/4 137/16 141/7 145/7 147/12 148/7 149/2 149/10 149/15 155/4 160/11 161/13 161/15 166/3 166/11 167/10 167/12 167/23 170/24 171/8 171/21 172/17 174/13 179/25 182/11 182/16 189/24 190/18 191/4 198/9 198/11 198/11 199/19 215/12 221/18 225/12 230/19 236/19 237/2 243/23 244/6 246/10</p> <p><b>needed [22]</b> 9/10 12/3 23/9 29/25 39/8 40/21 72/1 87/11 87/17 88/24 95/8 95/24 120/4 120/22 127/1 143/6 144/5 144/19 166/24 170/19 170/20 222/24</p> <p><b>needing [1]</b> 63/20</p> <p><b>needn't [3]</b> 58/14 101/11 119/3</p> <p><b>needs [20]</b> 7/20 50/13 57/24 57/25 64/2 92/7 96/15 145/12 146/17 146/19 150/6 166/25 171/23 180/16 208/3 211/8 212/10 236/15 236/15 243/19</p> <p><b>negotiations [1]</b> 3/17</p> <p><b>NEIL [3]</b> 1/19 1/23 248/2</p> <p><b>neither [5]</b> 57/7 90/21 112/17 187/12 196/6</p> <p><b>nervous [1]</b> 218/10</p> <p><b>nervousness [2]</b> 218/12 237/24</p> <p><b>net [2]</b> 178/11 178/15</p> <p><b>network [7]</b> 3/21 67/16 85/13 124/15 124/17 142/19 179/18</p> <p><b>neutrally [1]</b> 208/11</p> <p><b>never [19]</b> 23/18 29/9 34/4 34/5 67/15 71/25</p>	<p>102/24 117/19 118/1 120/3 120/3 120/4 121/13 121/25 124/21 149/7 156/7 186/9 202/17</p> <p><b>new [50]</b> 10/9 10/9 10/11 14/13 19/3 24/15 25/6 33/4 33/5 33/10 37/6 46/11 48/18 48/19 49/2 57/12 59/12 71/12 71/17 71/17 71/23 76/7 76/15 84/7 94/20 113/19 131/9 133/19 142/18 142/22 144/17 157/23 167/4 180/12 181/16 181/18 181/25 187/15 207/15 212/5 214/7 215/20 216/1 221/8 222/7 223/8 224/12 231/8 231/12 245/16</p> <p><b>news [2]</b> 83/2 83/7</p> <p><b>newspapers [1]</b> 97/2</p> <p><b>next [22]</b> 2/20 13/9 20/21 24/19 30/18 30/22 31/19 44/2 46/4 47/5 47/6 47/7 47/7 47/10 49/7 128/4 129/21 189/13 199/4 216/17 227/2 243/1</p> <p><b>NFSP [3]</b> 67/5 67/25 69/10</p> <p><b>NHS [2]</b> 113/12 172/11</p> <p><b>Nick [15]</b> 126/2 130/4 168/22 169/3 169/5 169/8 170/20 170/23 182/24 205/8 205/8 205/10 205/17 206/5 207/13</p> <p><b>Nigel [4]</b> 139/22 147/5 155/25 170/22</p> <p><b>nightmare [2]</b> 37/15 120/21</p> <p><b>nights [1]</b> 113/18</p> <p><b>nine [3]</b> 78/19 226/25 230/11</p> <p><b>no [93]</b> 8/25 13/17 14/6 18/25 19/14 19/16 27/5 29/2 33/7 35/8 35/9 42/2 55/16 60/6 61/21 64/20 67/8 70/10 74/2 74/8 74/14 75/2 82/10 82/20 93/6 96/4 99/13 102/10 103/17 110/14 110/15 110/18 111/5 111/22 113/9 116/6 116/15 116/17 116/20 117/3 117/3 117/6 118/11 118/11 119/2 123/7 123/7 123/7 123/7 127/15 131/2 131/5</p>
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<b>N</b>	10/16 12/25 21/19 26/15 31/13 31/25 34/22 37/7 42/4 42/5 42/8 47/11 48/9 50/8 50/10 51/5 53/3 55/7 58/8 59/22 59/23 61/5 64/19 67/5 70/11 70/18 73/25 80/1 97/23 99/8 110/1 113/13 115/2 118/8 118/22 118/22 120/17 122/16 123/12 123/16 130/14 130/18 131/19 140/21 142/22 145/22 147/7 151/4 152/24 155/11 157/21 158/16 158/19 160/13 163/12 163/16 166/20 168/3 169/9 171/23 173/13 196/8 198/20 201/6 207/14 207/15 208/9 214/12 216/21 217/7 219/7 219/17 220/6 225/6 227/5 227/14 228/11 228/13 230/15 231/6 231/7 233/6 238/1 238/2 239/21 242/24 243/8 243/24	<b>obligation' [1]</b> 219/10 <b>obligations [6]</b> 47/20 66/13 66/15 204/13 223/16 223/22 <b>observation [1]</b> 56/9 <b>observe [1]</b> 169/23 <b>observed [1]</b> 102/22 <b>observers [1]</b> 91/9 <b>obsolescence [1]</b> 181/25 <b>obtain [3]</b> 201/9 201/18 203/7 <b>obtaining [2]</b> 27/8 48/10 <b>obvious [3]</b> 7/17 26/21 191/14 <b>obviously [24]</b> 6/9 9/4 12/1 14/14 17/6 17/13 18/18 27/8 31/3 31/25 32/7 32/17 34/5 36/14 37/5 38/9 38/22 41/9 47/12 65/4 70/3 74/16 74/23 206/25 <b>occasion [2]</b> 59/12 120/5 <b>occasions [3]</b> 71/20 101/20 177/18 <b>occur [3]</b> 67/15 210/3 236/14 <b>occurred [4]</b> 82/13 89/8 214/20 222/6 <b>occurrence [1]</b> 35/1 <b>occurring [1]</b> 131/15 <b>October [1]</b> 79/3 <b>odd [2]</b> 48/8 51/7 <b>off [22]</b> 29/2 42/22 61/17 111/16 145/20 149/4 160/15 173/14 181/20 185/14 186/6 186/25 187/11 223/19 231/12 237/15 237/19 237/22 239/21 239/25 240/18 242/10 <b>offences [3]</b> 33/11 40/20 206/13 <b>offer [22]</b> 6/1 6/17 13/20 16/17 21/10 23/11 26/10 26/14 26/16 26/17 26/20 27/21 29/5 48/1 68/6 100/22 100/25 101/3 107/19 124/1 134/16 205/3 <b>offered [4]</b> 6/14 13/17 21/19 246/6 <b>offering [4]</b> 14/16 19/16 23/24 160/3 <b>offers [1]</b> 26/9 <b>office [321]</b> <b>Office's [20]</b> 43/4 85/12 92/5 93/5 133/24 142/1 142/5 143/10 143/21 179/11 182/10 187/23 194/5	197/16 203/7 205/23 210/5 210/7 211/1 236/23 <b>Officer [3]</b> 101/4 101/23 175/20 <b>officer's [1]</b> 203/11 <b>offices [1]</b> 76/3 <b>official [5]</b> 12/14 88/8 89/6 118/17 132/14 <b>officially [1]</b> 92/22 <b>officials [18]</b> 19/12 20/18 31/18 56/14 89/22 95/10 95/14 98/12 99/11 101/22 109/14 118/13 133/2 135/7 154/14 154/24 160/17 166/11 <b>often [18]</b> 89/4 90/24 94/6 97/8 103/17 109/11 109/16 111/4 112/6 117/14 131/18 154/7 154/8 154/15 155/3 170/8 170/10 178/22 <b>oh [4]</b> 123/25 151/5 172/16 226/24 <b>okay [21]</b> 8/17 55/10 62/21 70/5 70/14 78/1 99/3 116/21 119/13 133/9 151/23 157/21 163/10 165/15 171/7 209/14 226/7 231/13 235/19 237/13 243/3 <b>old [8]</b> 33/3 181/19 181/20 182/14 200/22 214/8 215/10 237/16 <b>old-fashioned [1]</b> 33/3 <b>older [2]</b> 68/4 216/13 <b>Oldnall [2]</b> 189/22 190/19 <b>omissions [1]</b> 236/14 <b>on [371]</b> <b>once [10]</b> 8/17 26/9 29/3 29/3 61/13 96/20 148/1 174/12 224/4 231/24 <b>one [124]</b> 1/9 11/21 15/9 20/10 26/1 26/5 28/4 40/10 41/15 41/23 41/24 42/3 42/9 42/14 42/23 51/5 58/25 61/4 63/13 63/14 64/17 65/5 68/11 68/16 68/24 71/10 71/11 72/18 75/22 76/24 79/5 84/18 84/18 84/19 87/20 90/13 90/19 90/20 90/25 91/24 92/15 92/22 94/15 95/19 101/19 102/18 103/17 104/10 106/15 112/12 113/9 116/5	117/12 121/25 122/18 123/18 136/1 137/24 142/14 147/4 147/6 154/10 156/20 162/22 163/1 163/9 167/13 167/15 170/14 171/4 171/9 172/9 180/17 181/11 182/9 182/11 183/1 183/8 183/13 186/9 188/15 192/24 196/24 197/5 198/17 200/6 203/9 207/16 208/18 212/15 212/16 212/19 213/18 214/12 215/1 215/2 215/3 215/11 218/2 221/6 222/10 223/13 223/17 223/24 224/19 224/19 224/22 225/12 225/13 226/12 229/21 231/18 233/19 234/1 234/4 234/25 234/25 235/7 236/1 237/4 237/6 237/12 240/2 242/4 <b>one's [2]</b> 120/20 120/20 <b>one-hour [1]</b> 92/15 <b>one-minute's [1]</b> 42/9 <b>one-year [1]</b> 172/9 <b>ones [8]</b> 32/22 38/12 48/17 100/12 139/17 146/13 175/8 238/6 <b>ongoing [5]</b> 49/5 107/6 191/23 222/21 223/25 <b>only [31]</b> 9/20 10/20 15/15 32/4 34/18 35/5 49/15 57/18 64/11 66/24 68/9 69/15 71/7 83/9 89/25 100/11 121/10 152/18 162/4 162/20 171/11 183/1 183/20 194/5 198/16 198/23 199/24 203/9 224/18 226/11 238/7 <b>onside [2]</b> 120/22 120/23 <b>onto [7]</b> 3/5 3/7 12/23 15/18 209/19 212/25 214/7 <b>open [8]</b> 25/10 54/12 63/25 68/11 78/17 147/6 148/20 178/20 <b>opening [6]</b> 111/9 127/3 140/2 200/11 200/17 201/2 <b>openly [1]</b> 221/1 <b>openness [1]</b> 54/3 <b>operate [6]</b> 126/5 160/25 161/1 184/23 185/1 222/6 <b>operated [1]</b> 26/9 <b>operates [6]</b> 43/12
----------	---	---	--	--

<p><b>O</b></p> <p><b>operates... [5]</b> 178/13 186/15 186/18 188/5 197/24</p> <p><b>operating [1]</b> 151/18</p> <p><b>operation [3]</b> 158/25 160/25 178/5</p> <p><b>operational [3]</b> 143/15 145/25 211/11</p> <p><b>operationally [1]</b> 207/24</p> <p><b>operations [1]</b> 161/24</p> <p><b>operators [1]</b> 30/11</p> <p><b>opined [1]</b> 87/21</p> <p><b>opinion [10]</b> 27/1 167/3 178/21 195/13 196/4 196/6 196/7 201/14 202/21 202/25</p> <p><b>opinions [1]</b> 169/13</p> <p><b>opportunities [5]</b> 163/5 163/19 227/11 228/3 239/24</p> <p><b>opportunity [13]</b> 21/18 44/15 56/19 77/21 134/17 135/17 135/25 149/14 162/6 220/9 220/9 221/8 245/17</p> <p><b>opposed [1]</b> 27/6</p> <p><b>opposite [2]</b> 68/22 138/15</p> <p><b>opposition [7]</b> 33/17 49/13 50/11 81/18 81/20 162/5 167/7</p> <p><b>option [6]</b> 13/18 16/11 69/11 88/25 215/11 215/11</p> <p><b>options [6]</b> 74/22 91/6 100/16 103/10 105/6 215/1</p> <p><b>or [230]</b> 1/13 1/15 6/6 7/3 10/9 11/14 12/17 13/24 16/16 17/16 18/3 19/11 19/16 21/12 22/11 22/19 22/23 25/19 26/1 26/11 26/13 26/14 27/3 27/18 28/4 28/23 28/24 28/25 29/5 32/11 32/11 32/14 32/21 33/8 35/2 36/25 38/3 41/24 42/6 45/21 46/13 50/1 50/20 53/10 54/5 54/5 54/9 54/13 56/2 63/1 63/3 63/4 64/22 64/24 68/21 69/6 69/24 72/7 72/7 72/8 72/12 72/15 72/18 72/21 72/22 73/9 73/11 73/14 74/11 82/19 84/5 88/1 89/7 90/18 91/14 98/7</p>	<p>98/15 99/24 100/17 101/19 102/9 103/8 106/17 108/15 108/17 109/4 110/21 112/16 112/21 112/22 113/18 114/2 114/5 114/24 116/9 116/15 116/16 117/16 127/14 128/24 129/5 131/25 131/25 132/4 133/21 134/3 134/5 136/18 136/18 136/18 138/3 138/22 138/23 140/14 143/1 143/7 143/24 145/13 147/21 149/17 150/3 154/22 156/23 158/17 159/15 159/19 160/17 160/22 161/4 161/13 164/1 164/12 165/5 166/22 175/7 175/15 177/6 177/8 177/20 178/22 179/7 179/15 179/15 179/24 180/1 180/14 184/2 185/13 186/1 186/11 187/11 189/8 190/13 190/23 191/5 192/4 192/21 192/22 193/4 194/7 201/11 201/15 201/25 202/4 202/9 204/9 206/7 206/19 208/11 208/16 210/7 211/10 211/20 212/14 212/21 213/11 213/13 213/24 213/24 214/16 214/16 214/17 214/19 214/24 217/16 218/6 218/11 219/12 219/20 220/18 221/7 222/6 222/8 222/8 222/23 223/23 224/14 224/21 226/23 227/3 227/11 227/14 228/5 228/23 230/8 231/22 233/11 233/15 233/17 234/13 235/5 235/22 236/5 236/14 236/14 236/18 237/23 238/10 238/24 239/25 240/5 240/6 240/14 243/1 243/10 243/20 244/15 246/9 246/10 246/22</p> <p><b>oral [5]</b> 25/1 51/13 73/14 88/10 231/21</p> <p><b>order [21]</b> 17/6 29/14 31/23 37/20 39/8 41/9 50/14 57/11 63/4 63/24 97/13 109/21 110/16 116/18 138/21 145/13 149/16 171/19 171/22 237/8 242/9</p> <p><b>orderly [1]</b> 210/2</p> <p><b>ordinary [1]</b> 121/23</p> <p><b>organisation [38]</b></p>	<p>3/19 42/17 43/2 44/22 63/10 63/11 63/24 67/2 69/17 73/25 74/3 77/3 92/15 94/13 124/11 125/22 140/16 145/4 145/19 146/4 146/15 146/25 147/2 147/11 156/21 157/2 158/6 158/9 163/2 163/2 163/4 169/6 170/19 179/21 222/7 229/5 230/4 243/16</p> <p><b>organisational [1]</b> 241/25</p> <p><b>organisations [8]</b> 65/11 90/21 91/1 122/4 163/9 219/20 229/7 243/10</p> <p><b>organised [1]</b> 117/7</p> <p><b>original [1]</b> 205/9</p> <p><b>originated [1]</b> 72/7</p> <p><b>originating [1]</b> 107/2</p> <p><b>other [70]</b> 4/16 9/25 19/1 32/12 38/18 39/10 39/11 48/20 53/14 58/5 61/16 64/7 66/2 76/19 83/8 84/18 87/7 91/1 93/15 99/1 99/13 100/17 105/5 107/5 108/9 131/19 133/13 137/22 156/12 159/6 161/1 161/9 161/24 165/4 170/6 171/10 181/15 182/12 182/14 182/16 183/9 183/24 184/2 188/12 188/16 193/3 197/2 198/13 198/15 198/21 207/16 208/9 211/16 212/18 214/19 219/20 229/12 235/1 236/3 236/8 236/19 236/19 238/17 239/22 240/17 242/1 242/5 243/10 243/10 245/23</p> <p><b>others [6]</b> 67/8 68/7 69/10 100/19 238/16 238/18</p> <p><b>otherwise [6]</b> 51/11 51/18 103/21 144/23 177/8 177/20</p> <p><b>ought [5]</b> 81/17 124/25 155/20 155/21 159/9</p> <p><b>our [37]</b> 2/20 12/20 35/4 49/16 58/20 72/14 76/17 92/23 94/9 94/10 101/23 104/21 115/7 125/11 134/11 148/6 166/12 169/12 173/13 176/14 186/23 194/6 198/4 201/23 205/17 207/7 207/25 216/2 216/12</p>	<p>220/7 220/17 235/12 237/24 239/4 242/18 242/19 244/20</p> <p><b>ourselves [6]</b> 14/12 35/6 65/9 151/8 219/22 222/8</p> <p><b>out [83]</b> 7/14 19/21 26/18 28/25 29/19 38/5 40/6 52/24 53/10 55/14 56/4 56/8 61/23 72/24 84/2 84/10 84/16 84/22 85/3 87/13 88/10 91/4 91/5 91/17 93/7 94/8 94/18 95/13 95/17 95/21 95/23 97/12 99/12 102/10 102/13 103/24 110/10 114/18 116/23 117/9 119/6 120/25 121/23 122/4 124/14 124/17 125/2 126/15 133/8 134/1 136/25 137/12 138/4 138/20 141/23 143/11 145/2 154/12 155/16 155/25 157/11 162/6 166/18 167/22 172/4 185/25 188/1 188/7 188/8 196/21 198/16 198/17 200/18 206/15 208/19 221/19 222/22 223/6 229/20 240/10 241/6 241/7 241/10</p> <p><b>outcome [7]</b> 82/12 97/14 138/18 156/8 191/14 205/2 220/5</p> <p><b>outcomes [2]</b> 167/13 191/7</p> <p><b>outcry [1]</b> 222/18</p> <p><b>outline [1]</b> 15/7</p> <p><b>outlined [2]</b> 110/19 221/10</p> <p><b>outlines [1]</b> 67/23</p> <p><b>outlining [1]</b> 3/8</p> <p><b>outside [5]</b> 91/9 124/22 235/2 238/16 242/21</p> <p><b>outsourcing [1]</b> 68/19</p> <p><b>outstanding [1]</b> 216/18</p> <p><b>over [50]</b> 16/4 19/11 20/15 21/4 41/5 60/23 62/11 65/4 66/22 70/10 84/9 92/1 92/17 94/16 94/23 105/8 105/23 106/2 106/10 107/21 107/25 110/15 112/18 118/3 133/5 140/22 142/3 144/24 151/16 168/11 178/15 178/24 190/1 194/1 194/25 199/16 203/2 204/4 205/1 210/6</p>	<p>211/19 211/21 213/8 214/6 217/5 219/24 222/25 228/11 236/20 243/15</p> <p><b>overall [11]</b> 3/11 3/14 5/23 8/11 10/12 19/13 63/11 89/17 89/19 90/2 90/10</p> <p><b>overcome [1]</b> 14/5</p> <p><b>overlapped [1]</b> 86/25</p> <p><b>overlooked [2]</b> 164/24 164/25</p> <p><b>overly [1]</b> 110/12</p> <p><b>overnight [1]</b> 134/25</p> <p><b>overpay [1]</b> 108/24</p> <p><b>overpaying [1]</b> 108/22</p> <p><b>overpayment [4]</b> 19/6 19/17 20/4 23/1</p> <p><b>overrule [3]</b> 108/12 109/4 109/10</p> <p><b>overrunning [1]</b> 144/13</p> <p><b>Overseas [1]</b> 3/21</p> <p><b>oversee [2]</b> 157/13 157/19</p> <p><b>overseeing [1]</b> 4/1</p> <p><b>oversight [18]</b> 34/17 51/15 51/24 53/3 62/23 64/3 64/9 64/12 65/10 65/16 66/10 66/13 66/19 67/6 73/9 85/15 124/12 143/10</p> <p><b>overspent [1]</b> 9/19</p> <p><b>overstate [1]</b> 191/3</p> <p><b>overstated [1]</b> 154/7</p> <p><b>overstepping [1]</b> 185/15</p> <p><b>overturn [2]</b> 34/13 35/1</p> <p><b>overturned [9]</b> 6/9 36/5 36/18 38/15 39/9 49/19 54/6 82/24 100/10</p> <p><b>overturning [2]</b> 33/20 82/23</p> <p><b>overturns [1]</b> 38/5</p> <p><b>overview [5]</b> 84/3 92/11 123/10 144/3 154/15</p> <p><b>owe [1]</b> 231/8</p> <p><b>owed [1]</b> 234/7</p> <p><b>Owen [2]</b> 202/14 211/24</p> <p><b>own [20]</b> 22/15 31/17 39/1 42/7 53/10 56/2 73/7 102/25 130/7 130/18 143/18 147/16 163/13 186/16 186/17 193/25 197/24 211/5 235/8 238/10</p> <p><b>owned [1]</b> 69/14</p>
---	--	---	---	--

<b>P</b>	116/22 127/12 128/1 128/13 129/8 218/23 <b>pages [4]</b> 67/3 78/19 79/4 208/19 <b>pages 167 [1]</b> 67/3 <b>paid [11]</b> 5/23 10/16 11/6 19/10 19/11 99/7 101/14 108/8 112/1 134/2 137/24 <b>painful [1]</b> 227/22 <b>pair [1]</b> 117/25 <b>pan [1]</b> 84/2 <b>pandemic [1]</b> 156/18 <b>panic [1]</b> 132/12 <b>panned [1]</b> 110/9 <b>paper [12]</b> 43/25 44/10 44/17 45/22 45/23 46/2 46/3 47/4 49/6 68/17 72/23 132/5 <b>papers [2]</b> 71/13 71/19 <b>paragraph [43]</b> 16/5 16/6 17/6 17/18 19/4 20/9 20/16 20/17 23/23 26/4 28/11 79/5 86/5 87/25 95/4 97/15 99/23 99/25 103/22 104/17 104/25 105/10 105/14 132/21 134/21 140/3 141/8 141/20 147/23 147/24 171/6 176/2 176/18 180/23 182/5 192/16 198/17 199/4 203/3 207/1 209/21 209/21 213/1 <b>paragraph 1 [2]</b> 180/23 182/5 <b>paragraph 10 [2]</b> 86/5 132/21 <b>paragraph 13 [1]</b> 134/21 <b>paragraph 14 [1]</b> 176/2 <b>paragraph 16 [1]</b> 20/16 <b>paragraph 19 [2]</b> 23/23 26/4 <b>paragraph 2 [1]</b> 79/5 <b>paragraph 36 [1]</b> 141/8 <b>paragraph 38 [1]</b> 171/6 <b>paragraph 39 [1]</b> 95/4 <b>paragraph 41 [2]</b> 147/23 147/24 <b>paragraph 44 [1]</b> 105/14 <b>paragraph 47 [1]</b> 103/22 <b>paragraph 5 [1]</b> 104/17 <b>paragraph 6 [6]</b> 16/5	17/6 17/18 28/11 104/25 105/10 <b>paragraph 66 [1]</b> 213/1 <b>paragraph 72 [1]</b> 176/18 <b>paragraph 77 [2]</b> 209/21 209/21 <b>paragraph 9 [2]</b> 19/4 20/9 <b>paragraphs [3]</b> 107/13 111/19 207/10 <b>paramount [1]</b> 104/21 <b>parcel [3]</b> 59/13 148/25 149/24 <b>parents [1]</b> 226/20 <b>park [1]</b> 28/18 <b>Park's [1]</b> 179/22 <b>Parliament [15]</b> 14/10 24/15 25/2 34/12 35/1 38/9 39/13 39/20 62/13 65/4 66/16 73/13 79/18 80/9 162/13 <b>Parliamentary [6]</b> 38/11 80/18 85/16 88/10 97/3 158/23 <b>part [38]</b> 4/14 4/21 12/20 23/21 27/22 35/9 44/9 44/22 46/8 49/7 49/16 50/2 50/14 54/8 54/12 59/4 59/13 63/17 65/19 66/21 76/18 118/25 129/21 129/22 130/25 148/25 149/4 149/24 158/5 166/9 180/4 182/11 212/16 212/16 212/19 213/5 232/22 237/24 <b>Participations [4]</b> 19/4 45/3 151/16 224/18 <b>participate [2]</b> 4/7 31/1 <b>participating [1]</b> 16/1 <b>particular [28]</b> 4/22 22/24 27/11 27/24 31/4 41/10 42/25 62/14 66/18 75/1 77/5 82/7 89/9 100/21 107/6 121/5 127/4 134/7 170/4 187/5 208/4 220/21 221/21 221/24 225/14 229/18 232/7 237/10 <b>particularly [10]</b> 7/7 11/21 23/14 71/21 72/10 95/18 107/8 195/22 206/11 224/9 <b>particulars [1]</b> 142/11 <b>parties [5]</b> 47/19 182/14 194/8 197/25 199/12	<b>partly [1]</b> 202/3 <b>partner [2]</b> 54/16 76/10 <b>partners [3]</b> 57/23 238/6 238/10 <b>parts [3]</b> 43/1 198/13 200/22 <b>party [12]</b> 35/4 35/7 35/17 36/2 74/19 81/19 139/22 179/19 183/25 189/5 193/3 201/3 <b>Party's [1]</b> 162/7 <b>pass [3]</b> 35/11 39/1 190/24 <b>passage [6]</b> 101/11 126/13 128/15 141/6 183/1 222/16 <b>passages [3]</b> 30/10 180/23 218/23 <b>passed [3]</b> 6/10 90/8 164/8 <b>passing [6]</b> 36/25 41/5 91/14 108/16 129/25 168/18 <b>past [9]</b> 5/5 5/9 10/12 32/23 33/9 40/4 62/20 179/3 202/6 <b>patches [1]</b> 184/12 <b>Patrick [14]</b> 70/7 70/25 71/1 71/4 162/16 162/18 224/19 224/24 226/2 226/4 226/9 248/10 248/20 249/5 <b>Patterson [38]</b> 54/25 55/5 55/11 56/18 59/11 74/7 158/20 159/3 160/6 174/1 174/3 174/7 174/8 185/16 187/1 187/13 208/7 225/9 226/5 226/22 231/14 231/18 232/15 233/12 234/14 234/25 236/10 240/20 241/7 242/8 242/12 244/5 244/25 245/1 245/13 245/19 246/22 249/1 <b>Paul [4]</b> 74/6 174/3 174/7 249/1 <b>pause [10]</b> 1/11 1/18 42/1 42/4 42/9 167/14 170/25 222/19 223/24 229/21 <b>paused [1]</b> 168/17 <b>pay [5]</b> 10/3 27/4 29/20 197/4 218/20 <b>paying [4]</b> 103/24 114/18 149/18 242/8 <b>payment [7]</b> 13/7 19/16 19/19 96/2 96/5 100/23 106/4 <b>payments [5]</b> 32/20	95/23 100/9 160/16 160/19 <b>payouts [1]</b> 30/12 <b>peak [1]</b> 184/14 <b>peers [1]</b> 104/24 <b>penny [1]</b> 108/20 <b>Pensions [1]</b> 38/20 <b>people [126]</b> 8/5 8/15 11/25 14/18 17/6 17/10 17/16 17/24 18/6 18/7 18/19 18/23 20/7 20/10 22/1 22/14 22/22 23/8 23/11 25/5 25/13 26/21 30/1 31/5 31/23 32/8 33/6 33/15 33/18 33/22 34/4 34/16 34/23 35/21 35/25 36/4 36/8 36/17 37/2 37/3 37/8 37/10 37/19 37/23 37/25 38/13 38/13 38/18 40/17 40/19 41/17 42/5 45/14 45/14 45/15 45/18 51/22 57/19 57/22 61/7 62/11 63/5 63/9 63/18 63/21 64/24 67/19 68/4 68/4 68/21 74/17 75/20 77/4 87/22 88/12 93/18 95/22 97/9 98/18 108/25 110/12 113/3 114/21 114/23 116/13 117/10 117/13 125/14 131/23 132/12 135/19 139/1 139/8 147/7 147/12 148/14 150/10 150/21 151/5 151/12 154/8 154/20 155/6 159/5 166/4 166/7 166/13 166/18 167/23 170/8 170/10 172/16 197/5 198/16 201/16 219/20 229/5 230/4 235/14 238/22 239/24 240/21 241/6 241/8 243/10 244/8 <b>per [7]</b> 160/13 178/14 178/16 179/1 179/5 179/5 179/6 <b>perceived [1]</b> 68/21 <b>perception [6]</b> 9/2 62/3 69/23 103/20 112/25 113/22 <b>perfect [2]</b> 98/20 109/1 <b>perfectly [2]</b> 122/20 202/4 <b>perform [1]</b> 185/11 <b>performance [4]</b> 52/9 142/10 184/2 184/9 <b>performing [1]</b> 184/9 <b>performs [1]</b> 185/10 <b>perhaps [21]</b> 4/5
----------	--	--	---	--

<b>P</b>	<b>piece [4]</b> 72/7 72/21 72/22 147/16	26/12 26/20 27/25 28/5 29/2 34/7 35/8 37/19 41/4 48/15 50/2 50/9 51/5 55/24 72/9 84/5 85/23 87/13 89/17 91/7 92/4 99/17 102/17 106/1 107/16 107/17 110/18 111/15 113/1 116/24 117/8 135/13 136/22 137/18 137/24 142/15 152/14 153/14 155/9 157/1 157/10 157/11 170/16 173/14 180/15 180/17 189/16 197/14 198/6 198/24 199/14 204/10 231/3 231/18 234/24 235/1 235/4 237/2 237/12 243/1	154/9 154/9 154/12 154/13 154/13 <b>political [4]</b> 34/21 143/14 154/9 154/15 <b>politician [3]</b> 45/24 103/18 114/4 <b>politicians [4]</b> 90/14 90/17 90/18 91/14 <b>politicians' [1]</b> 93/4 <b>politics [2]</b> 10/13 49/12 <b>POLSAP [2]</b> 182/12 189/3 <b>ponder [1]</b> 232/5 <b>poor [2]</b> 133/15 133/16 <b>portfolio [3]</b> 5/13 86/13 169/16 <b>posed [2]</b> 186/21 208/17 <b>position [43]</b> 6/24 10/12 17/1 20/1 22/3 22/20 23/6 23/12 24/9 28/19 29/7 30/24 31/5 32/1 35/16 36/3 36/16 37/19 38/7 38/21 38/24 39/7 41/22 48/8 51/7 55/11 57/9 60/25 61/5 63/8 80/18 84/22 116/7 117/24 130/17 139/20 177/3 178/4 209/15 210/8 215/6 230/3 235/16 <b>positive [3]</b> 70/2 159/7 239/13 <b>positively [1]</b> 159/8 <b>possibility [1]</b> 110/21 <b>possible [21]</b> 6/17 12/6 14/19 17/1 17/7 22/14 29/23 32/9 46/24 58/16 74/22 75/13 98/10 99/22 126/6 166/19 209/24 211/18 212/10 212/22 214/9 <b>possibly [4]</b> 11/14 50/25 199/22 225/9 <b>post [339]</b> <b>postal [7]</b> 3/25 11/1 30/14 34/10 72/11 77/8 84/13 <b>postmaster [14]</b> 47/23 63/1 67/25 124/11 124/13 124/14 124/17 125/6 204/11 214/17 214/24 216/22 217/9 235/21 <b>postmasters [56]</b> 7/24 8/8 13/7 13/16 15/25 21/9 21/17 23/25 24/3 40/24 44/19 47/15 47/20 48/1 61/13 62/23 62/25 63/9 63/22	69/11 69/20 76/5 77/2 82/14 82/16 95/18 99/20 100/10 103/2 104/14 107/7 107/19 125/9 125/20 138/12 138/20 144/20 162/2 163/23 165/5 191/7 192/19 192/21 193/14 194/4 194/22 195/2 195/6 195/14 204/18 205/3 205/15 210/23 213/11 232/20 232/24 <b>postmasters' [1]</b> 100/1 <b>posturing [2]</b> 109/21 109/23 <b>pot [1]</b> 221/23 <b>potential [22]</b> 12/16 15/8 19/20 20/18 21/2 30/7 34/11 34/12 41/4 52/18 53/3 63/16 64/14 76/22 101/6 190/20 192/11 194/11 204/21 209/25 214/18 214/19 <b>potentially [7]</b> 49/24 76/15 76/20 191/7 211/17 216/21 229/9 <b>pouch [2]</b> 188/11 188/12 <b>pound [1]</b> 161/3 <b>power [7]</b> 65/13 65/21 66/6 69/21 77/1 109/19 134/17 <b>powerful [1]</b> 171/14 <b>PowerPoint [1]</b> 92/12 <b>powers [2]</b> 193/5 225/7 <b>practical [3]</b> 64/8 72/17 231/23 <b>practice [4]</b> 16/21 25/9 71/15 112/1 <b>practised [1]</b> 2/24 <b>pre [3]</b> 116/1 116/4 145/18 <b>pre-dated [2]</b> 116/1 116/4 <b>pre-Internet [1]</b> 145/18 <b>precedent [2]</b> 35/23 35/24 <b>precedents [1]</b> 34/22 <b>preceding [1]</b> 6/3 <b>precisely [2]</b> 74/13 95/15 <b>preclude [1]</b> 161/18 <b>predecessor [2]</b> 2/20 153/9 <b>predecessors [3]</b> 42/15 152/16 153/16 <b>predecessors' [1]</b> 13/12 <b>prefer [2]</b> 42/6 131/20
<b>perhaps... [20]</b> 4/16 9/2 13/2 15/15 27/18 41/25 51/23 54/8 70/18 84/6 94/11 149/15 150/6 156/17 162/9 162/9 180/18 214/7 227/14 234/15 <b>period [10]</b> 6/11 6/22 24/18 81/14 81/23 92/17 94/23 102/14 232/6 232/7 <b>periodically [1]</b> 66/16 <b>periods [1]</b> 29/18 <b>permanent [7]</b> 101/23 107/12 134/23 145/7 146/10 171/12 171/17 <b>person [11]</b> 98/7 116/10 131/21 138/18 156/15 187/16 190/22 190/23 209/6 209/11 235/11 <b>personal [11]</b> 5/3 9/4 22/2 32/19 47/9 103/1 116/15 116/16 126/22 163/13 196/13 <b>personally [5]</b> 12/12 75/16 206/4 229/3 240/15 <b>perspective [13]</b> 16/7 17/5 18/17 65/3 67/21 88/9 122/19 130/22 137/19 138/10 162/6 170/3 197/17 <b>persuaded [1]</b> 236/8 <b>pertains [1]</b> 4/23 <b>pertinent [1]</b> 68/7 <b>Peters [2]</b> 125/12 125/12 <b>petulant [3]</b> 205/24 206/2 206/9 <b>phase [8]</b> 71/10 174/15 174/16 174/18 174/22 184/25 205/23 220/8 <b>Phase 2 [3]</b> 71/10 174/15 184/25 <b>Phase 3 [1]</b> 174/16 <b>Phase 4 [1]</b> 174/18 <b>Phase 7 [2]</b> 174/22 205/23 <b>Phases [1]</b> 174/19 <b>Phases 5 [1]</b> 174/19 <b>phone [3]</b> 117/23 118/7 128/22 <b>phrase [2]</b> 55/19 234/15 <b>pick [4]</b> 61/9 127/4 198/16 198/17 <b>picked [1]</b> 76/10 <b>picking [1]</b> 91/18 <b>picture [1]</b> 246/16	<b>pieces [2]</b> 104/10 132/6 <b>PIN [1]</b> 179/19 <b>place [32]</b> 6/22 9/21 12/10 18/18 25/12 29/10 29/23 45/25 48/16 48/21 57/12 58/9 76/7 109/11 110/18 113/4 113/10 114/16 116/14 119/25 137/16 144/19 149/17 153/1 153/18 154/19 158/4 165/4 169/6 233/18 234/13 241/22 <b>placed [4]</b> 51/21 134/25 201/17 210/14 <b>places [2]</b> 16/24 236/13 <b>plan [5]</b> 11/16 50/10 50/11 85/13 222/4 <b>planning [2]</b> 39/24 39/25 <b>platform [1]</b> 223/19 <b>play [8]</b> 8/2 62/14 62/19 64/9 146/8 180/13 231/20 236/15 <b>played [1]</b> 49/11 <b>playground [1]</b> 206/3 <b>playing [1]</b> 62/18 <b>please [82]</b> 1/22 2/7 3/7 3/7 12/23 14/25 15/11 16/4 20/15 21/4 25/24 25/24 28/11 45/6 46/13 78/8 78/13 78/17 83/15 84/2 84/3 84/9 86/3 89/10 89/11 98/24 104/7 106/11 106/18 115/10 115/22 116/22 118/5 127/12 128/12 132/20 136/8 140/1 141/13 147/22 151/17 151/21 173/18 174/6 174/12 176/1 178/6 178/16 180/19 180/20 183/12 183/15 188/20 188/21 189/18 190/1 190/9 191/15 191/18 192/14 194/1 194/25 195/11 199/16 204/4 209/20 213/8 215/20 215/21 215/25 216/8 216/17 216/19 217/13 218/18 218/18 219/24 222/11 222/17 222/25 224/23 232/19 <b>pleased [1]</b> 74/14 <b>pm [8]</b> 78/5 115/10 115/14 115/16 173/20 173/22 225/23 247/2 <b>pocket [1]</b> 159/12 <b>point [64]</b> 21/24 21/25 22/4 26/10			

<b>P</b>	156/25	<b>procurement [1]</b> 223/1	<b>proposition [2]</b> 29/13 35/3	<b>provisional [1]</b> 27/1
<b>prejudice [2]</b> 32/5 137/3	<b>prioritisation [1]</b> 113/16	<b>produce [6]</b> 64/5 185/2 185/6 185/23 201/21 232/8	<b>propositions [1]</b> 177/5	<b>provisions [2]</b> 210/10 210/12
<b>preliminary [1]</b> 58/21	<b>prioritise [2]</b> 103/23 132/7	<b>produced [5]</b> 72/21 174/9 185/12 192/8 200/4	<b>prosecuted [4]</b> 38/19 39/11 40/21 226/20	<b>public [53]</b> 3/16 8/9 16/7 17/5 22/22 23/15 40/11 40/25 42/17 44/6 50/7 66/25 69/11 72/4 75/25 76/1 76/16 76/19 77/12 77/13 90/22 104/22 112/25 114/5 121/22 125/2 133/15 135/18 146/25 147/9 147/13 148/7 148/12 151/1 152/16 152/23 153/16 154/18 154/20 155/5 156/10 157/2 181/10 187/20 191/9 222/14 222/18 222/19 222/20 222/23 223/2 223/15 223/25
<b>premise [1]</b> 218/7	<b>priority [4]</b> 5/3 9/4 46/15 113/11	<b>produces [3]</b> 187/17 188/6 188/7	<b>prosecuting [1]</b> 191/9	<b>publication [3]</b> 6/13 6/13 54/2
<b>premises [1]</b> 57/22	<b>private [11]</b> 42/18 80/6 106/15 106/17 107/2 134/21 145/4 146/16 147/11 157/4 170/1	<b>producing [1]</b> 246/23	<b>prosecution [3]</b> 202/23 205/15 213/25	<b>publish [1]</b> 44/2
<b>preparation [1]</b> 31/16	<b>privilege [1]</b> 158/23	<b>product [1]</b> 187/21	<b>prosecutions [8]</b> 39/17 194/1 194/7 198/22 204/4 208/5 213/21 218/11	<b>published [4]</b> 54/4 118/19 175/8 175/8
<b>prepared [9]</b> 50/22 51/1 54/18 55/6 105/22 106/9 133/2 147/12 160/7	<b>proactively [1]</b> 160/3	<b>professional [1]</b> 185/9	<b>prosecutorial [2]</b> 193/4 202/18	<b>purely [1]</b> 188/25
<b>prerequisite [1]</b> 117/18	<b>probably [8]</b> 32/23 44/17 119/24 120/5 130/17 132/11 151/24 152/10	<b>profit [3]</b> 69/15 146/6 146/6	<b>prosecutors [1]</b> 191/12	<b>purporting [2]</b> 196/11 196/12
<b>prescriptive [1]</b> 64/2	<b>problem [20]</b> 34/18 53/17 61/19 98/16 109/13 109/17 120/15 125/25 129/21 129/22 131/1 131/21 137/15 137/20 137/23 144/20 180/2 196/22 200/16 201/2	<b>profound [1]</b> 65/8	<b>prosecutory [1]</b> 176/10	<b>purpose [19]</b> 43/11 43/18 47/24 60/10 60/14 67/13 67/22 68/3 69/14 119/22 140/10 150/18 165/13 200/12 205/10 213/12 213/16 217/22 219/12
<b>present [2]</b> 12/5 201/16	<b>problematic [1]</b> 116/9	<b>progress [7]</b> 30/22 51/1 54/21 60/23 75/24 190/18 203/15	<b>prospect [1]</b> 219/7	<b>purposes [2]</b> 152/11 186/19
<b>presentation [1]</b> 14/14	<b>problematically [5]</b> 130/5 168/23 168/24 168/25 170/17	<b>progressing [2]</b> 44/12 44/14	<b>protections [2]</b> 34/17 35/18	<b>pursuance [1]</b> 99/6
<b>presented [3]</b> 24/17 186/10 191/8	<b>problems [21]</b> 19/24 33/19 37/9 43/23 52/24 52/24 53/1 53/12 66/3 68/20 68/25 102/20 103/18 115/3 131/14 149/22 157/25 172/21 179/14 180/15 245/23	<b>project [3]</b> 143/5 143/19 144/13	<b>proved [1]</b> 139/1	<b>pursue [5]</b> 16/10 101/10 193/14 232/24 235/14
<b>preserved [1]</b> 75/13	<b>procedural [1]</b> 35/11	<b>projections [1]</b> 12/12	<b>provide [45]</b> 12/18 15/25 16/18 17/24 30/1 36/7 43/2 44/25 63/21 66/23 77/11 83/23 107/20 107/24 133/23 146/13 150/7 151/25 157/14 157/20 159/14 160/11 161/15 161/15 170/22 189/1 190/21 192/19 193/19 196/7 196/10 197/23 200/5 202/20 202/22 203/22 213/4 213/10 223/12 223/22 236/9 236/18 239/15 240/8 241/8	<b>pursued [2]</b> 39/19 194/7
<b>preserving [1]</b> 75/17	<b>proceed [1]</b> 152/22	<b>projects [2]</b> 142/19 144/2	<b>provided [25]</b> 8/5 21/6 21/22 47/15 47/18 65/14 77/2 78/15 83/5 85/25 143/7 145/21 177/6 177/7 177/14 177/19 179/18 179/20 180/3 185/21 208/22 208/25 215/1 223/10 231/15	<b>pursuing [1]</b> 235/17
<b>President [2]</b> 81/7 175/19	<b>proceedings [4]</b> 177/7 195/14 196/4 200/2	<b>prolonged [1]</b> 62/21	<b>provider [3]</b> 203/7 222/14 223/1	<b>pursuit [2]</b> 193/11 232/19
<b>pressure [2]</b> 16/24 100/25	<b>process [34]</b> 6/20 11/12 14/1 16/9 16/10 17/8 17/20 23/16 25/8 25/12 28/9 29/1 33/21 34/7 35/10 38/23 44/9 50/3 97/10 101/4 103/9 111/12 124/20 130/10 132/18 138/24 148/25 184/16 205/22 216/8 216/13 216/23 217/10 219/14	<b>prompt [2]</b> 5/6 5/14	<b>provides [6]</b> 19/13 76/2 184/23 195/5 202/25 235/5	<b>puts [1]</b> 188/11
<b>presumably [3]</b> 103/14 187/13 215/2	<b>processed [1]</b> 217/7	<b>prompted [1]</b> 236/1	<b>providing [19]</b> 8/15 13/19 41/18 68/23 68/24 76/13 77/8 149/23 159/2 162/1 172/9 194/14 196/5 215/3 221/7 238/15 239/14 239/19 241/19	<b>putting [5]</b> 31/25 69/1 69/7 200/6 210/21
<b>pretty [1]</b> 76/4	<b>processes [15]</b> 47/14 47/18 47/22 100/8 131/9 133/18 133/21 137/15 138/6 149/2 166/1 166/17 183/25 185/8 204/7	<b>promptly [1]</b> 204/14	<b>provision [4]</b> 96/6 180/25 191/10 213/6	
<b>prevents [1]</b> 148/18		<b>proper [5]</b> 99/21 133/17 156/8 199/23 202/1		
<b>previous [24]</b> 9/9 9/14 14/11 22/7 22/25 23/25 38/10 39/4 49/10 49/25 61/1 71/13 71/19 72/21 82/17 126/13 140/24 143/25 156/2 176/9 203/25 216/1 217/11 220/22		<b>properly [12]</b> 29/10 57/12 58/1 129/17 138/9 138/13 138/16 160/15 160/20 172/5 179/25 180/16		
<b>previously [11]</b> 9/17 38/4 136/14 136/19 137/6 137/13 174/8 175/10 183/6 199/9 229/10		<b>property [1]</b> 143/17		
<b>price [2]</b> 121/17 161/21		<b>proportion [1]</b> 19/8		
<b>Primarily [1]</b> 154/7		<b>proposal [19]</b> 16/22 18/3 59/5 59/13 67/5 67/10 67/19 67/23 68/14 69/1 69/10 69/19 70/2 104/19 105/11 107/22 110/19 111/13 155/16		
<b>primary [1]</b> 94/3		<b>proposals [2]</b> 245/9 245/15		
<b>Prime [3]</b> 80/24 156/16 167/8		<b>propose [3]</b> 5/14 42/4 70/8		
<b>principal [1]</b> 93/23		<b>proposed [3]</b> 66/12 67/24 68/11		
<b>principally [1]</b> 175/12		<b>proposing [2]</b> 55/15 221/15		
<b>principle [2]</b> 139/3 165/6				
<b>principles [3]</b> 14/8 114/22 166/10				
<b>printout [2]</b> 3/5 3/8				
<b>prior [3]</b> 44/10 56/3 86/19				
<b>priorities [11]</b> 46/11 140/7 140/9 140/22 140/23 141/15 141/22 141/23 155/25 156/18				

<b>Q</b>	244/11 244/12 244/12	180/23 182/19 182/24	54/7 100/14 109/2	7/2 7/4 7/9 7/9 7/18
<b>quadrupled... [1]</b>	<b>quieten [1]</b> 115/19	192/13 193/23 199/3	150/20	8/18 8/22 9/18 9/20
121/18	<b>quietly [2]</b> 1/15 1/17	201/15 205/8 206/5	<b>received [17]</b> 9/6	9/23 10/1 10/21 11/5
<b>qualified [1]</b> 187/11	<b>quite [35]</b> 5/17 12/17	218/23 222/16 232/20	12/15 13/6 15/16 21/1	11/11 11/13 12/19
<b>quality [1]</b> 47/25	12/17 23/12 26/25	232/21 234/17	27/13 37/4 55/16	13/9 14/18 14/21
<b>quantum [2]</b> 5/23	27/11 47/2 50/1 56/17	<b>Read's [1]</b> 170/23	61/25 81/24 116/21	15/25 17/7 17/11
18/1	63/23 65/8 72/13 73/5	<b>readily [1]</b> 72/13	133/1 194/18 203/8	17/21 17/25 18/1
<b>quashed [3]</b> 71/6	75/10 87/16 90/19	<b>reading [4]</b> 47/16	217/10 218/20 229/23	18/17 18/23 22/11
162/20 226/11	93/6 93/18 94/6 95/10	97/2 177/10 217/23	<b>receiving [3]</b> 16/20	22/13 23/2 23/9 25/23
<b>queries [2]</b> 47/23	109/11 115/5 125/1	<b>readout [1]</b> 13/5	36/6 37/16	27/15 29/12 29/15
241/9	143/17 146/23 147/14	<b>reads [2]</b> 168/23	<b>recent [7]</b> 152/15	29/17 29/20 30/1 31/6
<b>question [44]</b> 22/25	148/21 161/14 166/8	198/16	152/24 153/15 154/17	31/24 32/8 32/15
27/5 40/12 41/2 45/20	207/21 211/12 224/9	<b>ready [2]</b> 46/9 144/22	162/4 216/6 222/12	32/20 33/2 34/6 36/6
49/9 51/6 51/20 51/21	227/21 234/2 240/19	<b>real [6]</b> 3/4 9/21	<b>recently [8]</b> 15/15	36/19 37/3 40/7 49/19
52/5 52/17 60/21	<b>quotes [1]</b> 219/24	31/14 92/17 110/5	46/25 65/7 73/4 73/5	49/23 50/5 50/20 54/2
61/21 62/6 66/10 71/9	<b>R</b>	161/5	81/19 133/18 223/5	54/6 54/13 55/7 55/7
71/16 75/18 97/22	<b>racism [1]</b> 135/6	<b>realise [2]</b> 51/23	<b>receptive [1]</b> 111/20	59/7 61/24 61/24 62/4
108/4 112/25 112/25	<b>radical [1]</b> 101/2	232/6	<b>reciprocity [1]</b> 41/16	62/17 68/23 74/22
145/15 149/20 164/1	<b>radically [1]</b> 100/8	<b>realised [1]</b> 24/6	<b>reckons [1]</b> 234/7	75/24 82/14 95/2
164/22 171/4 173/2	<b>Railton [11]</b> 49/3	<b>realises [1]</b> 28/24	<b>recognise [8]</b> 22/17	95/12 95/21 96/6
185/4 186/21 187/24	139/23 147/5 155/11	<b>realistic [1]</b> 42/14	66/7 66/8 75/21	97/18 97/20 164/1
193/21 195/8 196/9	155/20 155/25 157/8	<b>reality [2]</b> 245/1	100/24 124/24 132/8	164/12 164/22 175/15
202/11 202/18 212/8	157/12 157/17 170/22	245/4	227/5	193/18 193/20 195/7
212/23 218/7 225/14	211/2	<b>really [32]</b> 8/7 22/5	<b>recognises [1]</b> 62/20	213/24 214/25 215/4
243/18 244/19 245/11	<b>raise [2]</b> 72/12	31/13 34/18 35/3	<b>recognition [1]</b> 63/20	216/22 217/4 217/6
246/1	226/12	36/20 43/5 43/10 47/2	<b>recommend [5]</b>	217/9 218/11 218/17
<b>Questioned [26]</b> 1/20	<b>raised [10]</b> 13/9 61/9	58/14 59/10 71/16	16/12 16/15 24/6	219/22 220/14 222/5
45/9 59/21 71/1 75/3	73/23 101/6 113/16	77/3 92/9 94/14 94/22	28/14 131/9	228/5 238/18 240/25
78/10 151/19 162/16	194/10 203/4 205/21	94/24 108/8 124/18	<b>recommendation [8]</b>	241/17
168/12 171/3 174/4	207/3 227/15	137/2 153/11 155/21	15/7 16/2 28/7 52/11	<b>reduce [2]</b> 19/17
226/4 232/14 248/4	<b>raising [1]</b> 110/21	158/21 159/13 164/20	72/5 117/5 135/3	148/7
248/6 248/8 248/10	<b>range [8]</b> 8/7 9/1	164/23 190/18 206/4	135/24	<b>reduced [1]</b> 32/20
248/12 248/16 248/18	11/20 12/1 58/22 65/2	206/4 206/11 206/14	<b>recommendations</b>	<b>reduces [1]</b> 19/19
248/20 248/22 248/24	159/5 194/21	230/19	<b>[3]</b> 12/21 13/10 15/5	<b>reducing [1]</b> 142/21
249/3 249/5 249/7	<b>rapidly [1]</b> 99/22	<b>reason [8]</b> 31/10	<b>recommended [3]</b>	<b>Rees [1]</b> 153/9
<b>questions [55]</b> 26/1	<b>rarely [1]</b> 88/25	95/13 99/16 139/11	103/12 116/25 134/14	<b>refer [5]</b> 134/20
40/10 41/25 44/16	<b>rather [36]</b> 30/8	158/5 179/7 214/2	<b>recompense [2]</b> 27/6	136/4 191/18 192/25
45/3 45/4 51/19 55/5	40/17 48/8 53/6 53/21	241/10	238/16	195/25
57/2 58/4 58/23 59/20	56/23 63/12 69/14	<b>reasonable [7]</b> 6/17	<b>recompensed [1]</b>	<b>reference [15]</b> 2/15
59/25 62/1 62/5 64/23	90/14 91/8 92/5 96/15	20/13 21/9 27/25 29/6	26/12	15/17 17/18 25/1
65/8 65/15 70/7 70/11	97/2 97/6 98/19	34/15 62/6	<b>record [2]</b> 81/17	47/12 47/17 48/4
73/14 73/15 75/2	108/14 108/19 112/9	<b>reasonably [1]</b> 26/22	134/19	48/22 101/22 106/11
76/16 78/12 97/25	131/11 134/17 138/19	<b>reasons [9]</b> 122/18	<b>recorded [4]</b> 119/5	106/19 135/2 151/23
115/20 151/13 154/10	138/21 147/5 150/6	128/7 147/4 160/11	119/11 119/21 120/2	151/25 193/8
157/5 158/22 159/4	151/4 156/10 162/9	160/17 194/3 196/23	<b>recording [5]</b> 47/23	<b>referenced [5]</b> 22/24
159/8 162/23 163/1	176/12 181/4 191/18	200/4 243/22	118/5 119/19 119/23	39/3 46/4 86/14
163/16 168/7 189/14	205/24 214/5 245/19	<b>reassurance [1]</b>	120/10	112/22
198/5 198/18 203/4	245/21 245/25 246/4	44/21	<b>recording/resolving</b>	<b>references [1]</b> 83/6
203/8 208/16 208/16	<b>rational [1]</b> 148/21	<b>reassure [2]</b> 33/6	<b>[1]</b> 47/23	<b>referencing [1]</b>
208/19 214/13 220/22	243/6	198/1	<b>records [8]</b> 36/15	102/17
224/17 224/19 226/9	<b>rationale [2]</b> 77/14	<b>reassures [1]</b> 193/24	36/24 37/10 37/13	<b>referred [8]</b> 134/20
231/17 238/1 238/3	243/6	<b>Rebekah [3]</b> 163/10	84/11 183/7 199/9	137/8 153/14 165/24
239/16 242/25	<b>RBS [1]</b> 80/2	227/1 231/3	210/7	199/4 203/6 217/8
<b>quicker [2]</b> 32/14	<b>reach [2]</b> 122/4 162/6	<b>Recaldin [1]</b> 58/8	<b>recourse [1]</b> 240/17	234/25
35/12	<b>reached [6]</b> 35/17	<b>recall [18]</b> 15/13	<b>recover [2]</b> 204/17	<b>referring [8]</b> 73/8
<b>quickly [19]</b> 14/18	48/3 56/4 217/19	39/12 82/20 87/9 96/9	204/22	84/19 84/20 90/4
16/25 98/10 98/18	241/7 241/10	96/9 102/12 110/20	<b>recoveries [1]</b>	106/3 139/14 204/21
99/7 102/13 109/1	<b>read [34]</b> 16/6 19/4	137/10 142/24 142/25	204/20	214/10
113/9 138/10 138/11	30/9 60/1 92/18	155/24 159/21 160/13	<b>recovery [2]</b> 204/17	<b>refers [3]</b> 87/25
138/14 138/20 166/19	101/11 105/16 105/19	164/10 164/15 177/25	237/22	116/24 218/24
182/20 192/14 193/21	120/11 130/4 133/8	241/3	<b>recruiting [1]</b> 145/8	<b>reflect [3]</b> 84/22
218/13 218/13 218/14	145/2 157/11 168/22	<b>receive [12]</b> 7/4 7/24	<b>red [1]</b> 132/8	176/9 221/16
<b>quiet [4]</b> 244/10	169/2 169/3 169/5	18/2 20/11 20/20	<b>redress [102]</b> 4/23	<b>reflecting [2]</b> 186/3
	169/8 171/9 178/9	20/24 30/12 37/17	5/5 5/6 5/14 5/18 6/14	188/1

<b>R</b>	63/13 64/6 64/11 67/11 72/10 77/5 84/10 87/6 122/6 122/9 122/13 207/22	85/12 135/4 <b>rep [1]</b> 94/9 <b>repeat [2]</b> 25/15 37/18 <b>repeated [1]</b> 130/19 <b>repeatedly [1]</b> 133/10 <b>repeating [1]</b> 188/19 <b>repercussions [1]</b> 138/8 <b>repercussive [2]</b> 101/6 105/2 <b>repetition [1]</b> 40/4 <b>replaced [1]</b> 201/1 <b>replacement [3]</b> 41/10 56/25 144/22 <b>replied [1]</b> 228/19 <b>reply [5]</b> 104/4 104/5 104/8 105/20 229/22 <b>report [22]</b> 6/13 52/3 53/10 54/3 54/21 60/6 60/7 66/16 72/21 160/8 178/5 178/7 178/9 179/9 192/10 201/4 201/9 201/11 201/18 218/24 231/22 232/8 <b>reported [4]</b> 60/8 178/17 188/14 194/12 <b>reporting [4]</b> 66/13 131/13 185/25 204/13 <b>reports [1]</b> 243/2 <b>represent [4]</b> 45/10 45/14 58/11 74/4 <b>representation [4]</b> 24/1 93/7 94/17 239/10 <b>representative [6]</b> 67/25 68/2 89/14 93/8 94/3 94/7 <b>representatives [4]</b> 68/1 226/19 239/10 240/21 <b>representing [2]</b> 189/8 240/21 <b>represents [1]</b> 187/7 <b>Reputational [1]</b> 165/3 <b>request [23]</b> 24/12 104/18 131/25 157/18 195/20 195/21 202/25 208/2 209/10 209/25 211/23 211/25 211/25 212/2 214/15 215/25 216/1 216/6 216/8 216/15 217/14 217/23 227/18 <b>requested [6]</b> 114/1 203/23 213/5 213/20 217/2 217/5 <b>requester [1]</b> 217/15 <b>requesting [2]</b> 195/12 217/21 <b>requests [12]</b> 117/19 143/22 164/16 194/2	194/5 199/2 216/2 216/13 216/18 216/21 216/24 217/21 <b>require [5]</b> 8/10 11/25 185/11 196/15 197/13 <b>required [14]</b> 10/1 43/8 61/4 67/1 79/9 82/14 97/13 133/22 186/6 186/24 188/2 204/7 212/22 236/24 <b>requirements [7]</b> 98/3 109/10 150/1 182/1 187/23 212/4 212/7 <b>requires [2]</b> 120/13 147/16 <b>requiring [1]</b> 144/13 <b>rescued [1]</b> 75/7 <b>research [2]</b> 72/22 91/5 <b>Reserve [3]</b> 9/19 10/15 10/18 <b>resign [3]</b> 134/17 135/17 135/25 <b>resilience [1]</b> 142/6 <b>resistance [4]</b> 105/17 105/24 106/7 111/1 <b>resolution [1]</b> 220/4 <b>resolve [4]</b> 53/13 109/4 115/3 137/21 <b>resolved [1]</b> 53/13 <b>resolving [5]</b> 19/20 47/23 62/17 64/14 194/23 <b>respect [31]</b> 4/1 12/13 15/9 16/24 20/1 21/5 32/10 32/11 36/8 50/8 54/12 63/14 167/19 167/20 174/24 175/14 177/4 178/12 180/18 182/6 194/19 196/14 198/1 200/10 200/17 210/20 210/22 211/7 215/6 215/19 233/2 <b>respectful [1]</b> 188/22 <b>respectively [1]</b> 136/13 <b>respects [1]</b> 187/7 <b>respond [2]</b> 7/17 49/24 <b>responded [1]</b> 179/2 <b>responding [1]</b> 68/14 <b>response [19]</b> 6/1 102/3 111/10 190/2 191/16 191/25 193/23 194/10 195/9 202/14 205/5 205/6 205/25 216/3 216/4 216/10 216/19 217/25 227/17 <b>responses [3]</b> 73/13 167/17 178/8 <b>responsibilities [12]</b>	3/6 3/9 3/13 60/14 66/19 85/8 85/19 86/2 86/15 154/4 210/14 210/16 <b>responsibility [20]</b> 3/11 3/14 4/1 4/11 5/7 68/20 88/18 88/22 89/19 90/2 90/13 92/4 93/3 93/10 93/23 96/17 104/22 109/15 166/23 169/17 <b>responsible [5]</b> 4/12 55/19 91/13 91/22 121/24 <b>responsiveness [1]</b> 8/15 <b>rest [3]</b> 4/18 10/25 189/12 <b>restating [3]</b> 87/4 87/9 87/23 <b>rested [1]</b> 90/14 <b>restorative [9]</b> 58/5 159/4 161/5 164/1 164/22 228/5 240/25 245/9 245/15 <b>restore [2]</b> 59/15 63/5 <b>restraints [1]</b> 56/19 <b>restricted [1]</b> 146/23 <b>resubmit [1]</b> 216/8 <b>result [17]</b> 23/1 25/10 25/17 25/20 38/4 74/5 109/21 145/6 152/17 156/11 156/12 181/9 203/13 213/12 226/20 227/13 245/7 <b>resulted [2]</b> 74/16 176/23 <b>resulting [1]</b> 191/14 <b>resume [6]</b> 70/17 115/9 224/4 224/6 225/18 246/21 <b>retail [2]</b> 80/4 205/16 <b>retained [4]</b> 85/10 88/18 88/21 199/13 <b>retaining [1]</b> 67/13 <b>retire [1]</b> 77/9 <b>retired [1]</b> 181/17 <b>retrieved [1]</b> 119/25 <b>return [11]</b> 13/18 16/14 28/15 30/6 50/22 51/2 51/3 51/18 165/16 184/4 224/21 <b>returned [1]</b> 216/14 <b>revert [2]</b> 61/18 229/23 <b>reverting [1]</b> 215/9 <b>review [14]</b> 32/24 33/21 40/1 52/10 52/18 61/10 72/19 98/2 131/8 148/21 156/14 157/13 157/19 172/10 <b>reviewed [2]</b> 15/12
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<b>R</b>	<b>risk [17]</b> 16/10 17/2 17/16 17/21 19/7 19/17 23/24 32/24 101/6 105/2 105/3 108/18 148/2 181/8 181/13 181/14 181/23	117/14 153/25 169/5 <b>rushing [1]</b> 92/14	<b>say [121]</b> 4/3 4/10 5/16 6/4 7/6 7/13 8/25 9/5 14/7 17/13 18/15 22/19 23/13 27/7 27/12 29/4 31/11 31/18 33/3 34/24 35/8 35/19 35/21 37/12 38/25 40/25 41/21 42/21 43/4 46/9 49/10 49/16 53/12 53/23 56/23 57/15 60/21 60/24 63/8 64/16 65/2 70/18 71/24 72/9 73/3 73/10 75/19 76/4 77/6 86/6 89/23 90/8 90/14 95/4 97/15 99/18 99/25 103/22 105/16 106/9 112/6 117/6 120/18 121/7 123/23 124/19 125/18 126/12 127/17 128/4 129/6 129/8 129/19 132/23 141/13 146/9 147/25 151/2 151/5 157/23 159/13 167/3 171/13 176/3 185/9 186/14 187/9 188/8 188/16 188/17 192/17 193/1 193/12 193/18 195/11 195/16 196/1 199/10 202/20 205/7 207/4 209/21 210/24 211/7 213/3 213/23 218/15 219/25 221/13 221/14 224/11 226/22 227/3 227/12 228/8 232/2 233/12 235/3 235/10 240/22 244/19 <b>saying [23]</b> 41/6 52/23 53/6 72/3 73/2 95/19 101/20 109/17 122/24 126/24 127/15 128/9 129/11 130/25 139/8 149/6 150/3 150/11 159/11 191/17 241/23 241/24 242/16	<b>scale [6]</b> 7/13 7/24 23/19 75/19 87/11 176/25 <b>scandal [31]</b> 4/24 7/13 7/25 30/12 31/6 45/12 55/4 57/18 58/7 67/14 67/17 68/8 74/6 77/5 82/8 82/19 96/7 99/20 100/1 134/4 158/25 159/6 163/7 219/6 222/21 227/10 230/19 238/4 238/11 238/13 244/9 <b>scenario [3]</b> 37/15 108/13 108/25 <b>scenes [1]</b> 113/5 <b>scheme [48]</b> 6/9 6/11 6/12 6/15 13/14 13/14 13/15 16/1 16/19 18/4 19/15 19/22 20/21 20/23 21/6 21/8 24/2 25/9 25/16 25/21 26/8 26/10 30/8 30/9 31/15 32/11 37/4 37/6 37/7 38/5 49/19 49/20 54/5 54/6 54/8 72/3 82/24 82/25 83/1 100/23 101/2 103/3 104/20 104/24 164/12 222/9 228/5 238/17 <b>schemes [27]</b> 6/22 9/18 11/24 18/20 21/3 23/22 28/4 32/12 52/9 52/12 52/14 52/19 52/22 52/24 53/2 54/2 83/6 99/24 100/21 107/9 222/4 240/25 241/1 241/16 241/17 241/18 241/22 <b>schoolboy [1]</b> 206/3 <b>schools [2]</b> 114/10 114/11 <b>scope [2]</b> 12/2 12/16 <b>scratch [1]</b> 160/2 <b>screen [22]</b> 1/15 3/5 3/7 12/23 15/18 26/5 83/16 86/5 111/18 128/11 132/21 151/22 171/9 174/14 175/24 179/14 179/17 209/19 212/25 214/7 214/9 218/18 <b>scroll [31]</b> 3/10 14/25 15/11 19/2 20/15 21/4 104/6 106/13 106/18 141/13 178/19 178/24 180/24 182/25 183/15 190/1 190/9 191/24 195/10 199/16 202/15 203/2 215/23 216/3 216/10 216/19 217/24 218/24 219/24 222/16 232/18
<b>reviewed... [1]</b> 20/20 <b>reviews [2]</b> 147/17 166/2 <b>revised [1]</b> 14/1 <b>revolving [4]</b> 153/11 154/6 157/25 159/25 <b>reworked [1]</b> 152/11 <b>Reynolds [19]</b> 1/5 1/19 1/23 26/6 26/20 28/8 45/10 49/4 50/22 52/7 52/21 58/18 59/18 59/25 75/4 77/17 172/20 221/2 248/2 <b>Richard [1]</b> 125/8 <b>right [132]</b> 1/14 1/17 2/22 7/23 11/24 15/14 15/14 17/13 24/22 26/14 28/18 30/1 33/15 35/22 37/23 41/20 45/7 47/7 52/1 57/3 58/19 61/21 64/1 68/25 73/2 75/9 77/23 78/1 79/7 79/18 79/20 79/24 80/4 80/7 80/11 80/16 81/1 81/21 81/22 82/1 83/3 83/11 84/1 84/17 95/5 97/13 101/2 101/16 102/6 103/1 103/4 103/5 103/6 103/14 103/15 103/16 103/19 103/20 106/16 106/17 106/23 108/2 108/20 110/15 113/2 113/3 113/15 114/23 115/11 115/25 116/13 123/17 128/16 128/19 135/14 135/15 136/1 137/18 138/23 138/23 139/24 153/3 154/11 160/20 161/12 161/15 161/16 163/14 163/15 163/15 164/21 164/21 168/9 169/9 169/19 170/24 171/4 171/13 171/23 172/19 173/13 197/1 202/1 204/6 208/7 208/14 209/5 209/9 209/14 209/16 224/23 225/6 225/10 225/15 226/15 229/5 229/5 231/6 232/4 232/13 234/5 234/8 234/23 235/8 235/16 235/19 236/4 237/9 240/23 241/3 246/11 246/20 <b>right-hand [1]</b> 106/23 <b>rightly [10]</b> 5/17 27/11 40/7 50/2 104/15 166/8 181/15 191/11 195/17 202/20	<b>risk-averse [1]</b> 148/2 <b>risked [1]</b> 103/24 <b>risks [2]</b> 22/17 180/25 <b>risky [1]</b> 182/3 <b>RLIT0000276 [1]</b> 218/18 <b>RLIT0000349 [1]</b> 3/7 <b>RLIT0000413 [2]</b> 25/24 30/7 <b>RLIT0000433 [1]</b> 222/11 <b>road [2]</b> 127/5 231/4 <b>robotic [1]</b> 112/9 <b>role [22]</b> 4/14 8/2 54/24 55/3 62/14 62/18 64/9 68/5 82/8 83/14 86/1 91/20 96/14 134/15 140/5 147/19 153/12 190/23 202/18 219/6 221/12 230/18 <b>roles [2]</b> 60/14 83/8 <b>rolling [1]</b> 143/11 <b>rollout [1]</b> 144/8 <b>room [6]</b> 1/6 42/7 77/25 111/24 115/19 243/7 <b>Rose [1]</b> 106/15 <b>rote [1]</b> 112/4 <b>roughly [2]</b> 5/24 6/1 <b>round [1]</b> 55/25 <b>route [17]</b> 17/7 18/7 19/1 22/12 23/2 23/7 27/15 27/19 27/21 28/22 29/12 33/20 34/3 43/2 54/5 101/2 164/11 <b>routes [2]</b> 29/14 61/24 <b>Royal [2]</b> 146/20 154/3 <b>rubric [1]</b> 84/11 <b>ruined [1]</b> 100/1 <b>rule [14]</b> 73/1 150/8 150/11 150/13 150/14 150/17 150/17 150/25 151/5 165/19 167/19 167/20 167/22 222/22 <b>rules [4]</b> 114/16 114/25 150/15 166/16 <b>run [14]</b> 5/2 23/22 41/6 43/14 44/9 47/21 63/3 65/10 76/10 114/17 125/24 125/24 145/20 146/16 <b>rundown [1]</b> 166/20 <b>running [5]</b> 48/9 56/8	<b>sack [2]</b> 137/5 138/22 <b>sacking [3]</b> 130/10 135/16 138/14 <b>safeguard [1]</b> 25/14 <b>safeguards [2]</b> 25/11 29/23 <b>Saffron [1]</b> 80/13 <b>said [85]</b> 20/11 27/17 30/15 30/21 32/16 33/12 40/5 46/25 47/1 55/8 56/4 59/10 60/2 61/1 73/13 86/21 91/11 93/3 93/6 93/6 95/23 101/24 103/12 110/25 110/25 116/8 118/12 119/17 119/18 123/15 123/19 124/11 125/9 126/3 129/11 129/20 130/12 131/18 134/22 136/9 137/13 139/18 139/18 141/5 144/6 147/25 159/7 159/8 165/17 165/22 170/16 175/10 176/18 179/2 182/24 187/4 196/23 206/6 211/19 214/13 217/13 219/9 219/18 220/13 221/2 222/18 228/8 228/19 229/4 230/7 230/14 230/16 230/16 230/18 233/15 234/4 235/18 236/11 236/22 237/14 239/1 239/17 240/6 243/24 246/12 <b>sake [1]</b> 64/5 <b>salami [1]</b> 150/4 <b>Sam [1]</b> 45/10 <b>same [18]</b> 30/24 39/15 52/4 53/7 54/20 55/17 87/6 100/25 104/4 144/6 149/19 156/15 170/9 170/10 195/7 234/2 234/3 236/5 <b>sat [2]</b> 50/18 243/7 <b>satisfaction [2]</b> 6/25 61/6 <b>satisfactory [1]</b> 22/2 <b>satisfied [2]</b> 178/14 237/3 <b>save [2]</b> 100/17 171/22 <b>saving [1]</b> 172/21 <b>saw [13]</b> 87/24 94/10 111/2 112/17 149/17 169/11 171/24 178/11 184/25 190/10 195/25 201/13 206/21		



<b>S</b>	50/2 52/21 54/13 55/22 57/21 61/22 69/2 69/18 70/1 73/16 74/25 78/6 83/16 83/18 84/4 84/16 85/9 87/5 89/12 91/17 92/10 98/24 103/12 104/5 104/6 106/4 106/13 106/14 107/1 107/20 111/2 111/24 113/9 115/17 118/6 118/23 121/13 123/15 125/1 128/15 140/8 141/16 144/16 148/4 148/8 149/15 152/25 160/5 165/14 167/7 173/23 175/1 177/4 180/18 188/3 190/10 191/15 198/11 210/9 215/23 216/3 216/10 216/12 217/15 219/22 220/14 220/16 222/8 223/6 223/25 236/18 237/7 238/9 240/23 <b>seeing [3]</b> 102/22 102/25 112/10 <b>seek [3]</b> 12/5 21/9 21/19 <b>seeking [2]</b> 7/17 12/18 <b>seeks [1]</b> 15/24 <b>seem [13]</b> 59/18 70/11 122/6 122/10 122/17 122/23 123/2 153/13 155/18 156/3 177/25 212/5 241/23 <b>seemed [3]</b> 86/16 159/9 160/15 <b>seems [11]</b> 14/23 53/16 56/6 56/8 124/5 158/1 160/24 193/13 205/12 232/23 233/12 <b>seen [45]</b> 2/4 8/20 9/22 12/14 16/2 24/25 32/17 32/24 33/1 40/4 65/3 65/7 67/10 68/14 68/19 97/3 103/4 103/5 103/15 103/20 106/7 108/4 109/22 112/5 112/17 113/3 135/14 161/18 163/14 164/21 165/8 170/1 180/21 182/23 185/24 185/25 186/9 192/12 199/17 201/8 206/20 207/16 211/16 215/18 237/4 <b>sees [2]</b> 195/1 205/13 <b>Select [6]</b> 9/8 55/2 62/13 158/21 207/7 219/3 <b>self [5]</b> 42/13 42/13 52/4 53/7 54/20	<b>self-same [2]</b> 52/4 54/20 <b>self-sufficiency [1]</b> 42/13 <b>sell [1]</b> 187/19 <b>selling [2]</b> 187/15 187/16 <b>seminal [2]</b> 48/13 153/2 <b>send [1]</b> 99/12 <b>sending [1]</b> 125/14 <b>Senior [2]</b> 133/19 135/4 <b>sense [18]</b> 17/15 26/15 33/7 36/21 39/14 46/14 50/7 83/4 85/20 102/4 107/13 114/19 114/20 115/6 146/15 155/1 158/10 237/7 <b>sensible [2]</b> 86/16 202/5 <b>sensitive [3]</b> 33/17 52/10 132/14 <b>sent [5]</b> 31/17 131/7 203/17 203/19 216/12 <b>sentence [10]</b> 28/13 97/16 118/24 120/11 147/21 171/5 171/9 183/23 234/17 235/24 <b>sentences [1]</b> 148/16 <b>sentiment [1]</b> 159/20 <b>separate [4]</b> 20/20 24/7 40/6 222/6 <b>separated [1]</b> 7/14 <b>separately [4]</b> 101/1 101/21 161/14 161/24 <b>September [14]</b> 2/1 78/17 79/8 80/21 81/2 81/2 81/8 96/1 116/1 174/14 174/17 174/21 223/5 228/18 <b>sequence [1]</b> 121/5 <b>series [1]</b> 136/4 <b>serious [12]</b> 17/2 110/5 144/20 192/16 205/25 206/11 206/13 207/18 207/21 220/25 233/6 244/13 <b>seriously [2]</b> 206/4 206/5 <b>seriousness [1]</b> 136/2 <b>servant [1]</b> 120/14 <b>servants [5]</b> 72/25 90/15 125/17 147/13 148/22 <b>serve [1]</b> 85/23 <b>service [14]</b> 48/1 66/23 76/2 90/22 131/17 132/10 145/20 146/20 148/3 154/5 181/6 182/4 185/18 202/23	<b>services [23]</b> 8/5 8/7 8/15 40/25 41/18 43/12 63/10 63/22 76/14 76/20 77/8 77/13 84/14 150/9 175/17 181/10 189/24 195/4 199/12 210/10 210/12 211/13 213/6 <b>serving [3]</b> 45/18 45/24 77/3 <b>session [2]</b> 134/11 184/17 <b>sessions [1]</b> 55/23 <b>set [26]</b> 17/9 18/5 19/21 20/8 35/24 38/21 43/16 47/11 52/25 53/4 53/10 55/14 56/20 72/22 84/16 84/22 94/23 134/1 140/21 141/23 155/25 189/13 196/18 206/8 210/14 222/7 <b>sets [5]</b> 23/17 99/24 116/23 223/6 224/18 <b>setting [16]</b> 18/10 52/25 84/10 89/17 89/19 90/2 90/10 90/13 91/21 92/6 94/13 142/1 154/9 155/16 239/22 240/5 <b>settled [4]</b> 21/12 21/13 21/18 155/7 <b>settlement [2]</b> 82/22 242/15 <b>settlements [4]</b> 19/20 37/6 156/14 172/10 <b>settling [1]</b> 242/10 <b>seven [2]</b> 226/18 243/9 <b>seventh [1]</b> 88/5 <b>several [9]</b> 13/24 36/13 140/23 202/10 219/19 224/13 230/25 233/25 236/25 <b>severe [1]</b> 100/5 <b>severity [1]</b> 120/7 <b>Shah [3]</b> 59/20 59/21 248/8 <b>shall [7]</b> 27/7 29/4 70/17 100/3 115/8 170/25 232/2 <b>shapes [1]</b> 59/1 <b>Shapps [1]</b> 153/10 <b>share [4]</b> 31/13 31/16 121/17 161/21 <b>shared [3]</b> 60/10 73/15 227/23 <b>shareholder [15]</b> 60/12 67/11 84/12 85/8 85/11 89/14 90/23 94/7 131/4 133/22 140/5 146/7 146/11 146/12 220/15	<b>shareholder's [1]</b> 93/8 <b>shareholders [1]</b> 91/25 <b>shares [1]</b> 202/15 <b>sharing [2]</b> 133/21 206/23 <b>Sharma [1]</b> 153/6 <b>she [8]</b> 26/11 28/23 28/24 107/3 123/25 125/23 125/24 189/8 <b>she's [1]</b> 220/23 <b>sheer [2]</b> 87/11 136/2 <b>shift [2]</b> 125/21 126/5 <b>shoes [1]</b> 98/6 <b>shop [1]</b> 69/24 <b>short [12]</b> 24/18 70/18 70/23 78/4 92/9 103/9 109/16 115/15 173/21 209/25 225/24 229/22 <b>short-circuit [1]</b> 103/9 <b>shorter [1]</b> 70/12 <b>shortest [1]</b> 212/10 <b>shortfall [18]</b> 6/12 13/14 16/1 19/15 19/22 20/23 21/7 24/2 30/9 32/11 82/25 211/9 233/4 233/17 233/21 235/9 235/21 236/3 <b>shortfalls [15]</b> 20/12 192/22 193/11 193/14 194/19 204/11 204/22 210/21 210/22 215/14 232/19 232/24 233/14 235/14 235/17 <b>shortly [9]</b> 1/5 7/9 8/18 14/24 20/22 25/2 99/11 102/9 184/4 <b>should [81]</b> 1/24 2/5 15/16 16/13 17/9 21/14 21/22 26/14 28/15 35/7 38/24 41/19 42/21 46/9 46/20 51/21 53/19 54/14 56/23 62/15 62/19 64/3 75/12 79/8 85/25 86/10 89/1 90/17 92/13 95/7 99/21 99/21 101/1 101/9 102/7 103/23 104/2 110/8 110/10 110/16 127/13 127/16 129/24 129/24 131/3 131/3 134/14 134/16 135/15 138/2 141/5 146/1 150/23 150/25 151/2 161/17 161/23 164/25 165/1 168/17 168/18 173/3 177/8 193/16 200/25 201/1 202/3 210/9 221/25
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S				
<b>should... [12]</b> 233/3 233/13 233/16 233/20 234/5 234/12 234/17 234/17 235/1 240/3 244/12 246/22	<b>simple [4]</b> 97/25 115/2 195/12 213/22	186/22 228/24 230/4	32/14 32/23 33/2 33/13 35/14 35/18 37/25 41/9 42/12 42/15 42/17 42/24 42/25 43/3 43/11 43/22 43/23 44/16 46/10 49/13 49/18 49/25 50/6 55/23 56/23 57/13 57/15 58/21 59/2 61/1 62/8 63/16 63/23 65/8 65/15 65/17 65/19 66/3 72/1 72/20 73/15 75/5 76/15 84/5 95/8 100/16 101/5 105/17 106/2 108/7 120/19 125/25 127/8 128/17 130/2 136/25 138/19 138/21 144/16 148/7 151/14 153/20 154/4 154/14 156/3 157/6 157/24 160/18 161/17 163/1 163/16 167/11 168/20 178/18 179/14 179/23 180/4 180/12 181/19 181/20 182/18 183/18 187/6 197/23 198/1 200/9 200/23 201/8 206/20 206/21 207/21 213/17 224/8 229/2 229/6 237/15 237/16 239/14 240/8 240/17 242/1 242/8 242/24 243/1 243/7 246/6	219/9 227/21 230/6 233/11 235/2 236/8 236/19 239/11 239/21 240/11 <b>sometimes [4]</b> 10/16 93/20 238/9 238/12 <b>somewhere [2]</b> 72/23 210/24 <b>soon [5]</b> 17/7 32/9 46/24 47/2 50/7 <b>sooner [7]</b> 53/21 138/2 162/9 245/19 245/21 245/24 246/4 <b>sop [2]</b> 131/1 131/2 <b>sorry [21]</b> 48/13 70/10 74/2 74/8 92/1 121/8 127/17 127/20 128/4 128/9 128/13 129/9 141/16 185/16 185/19 193/21 218/5 222/7 226/6 226/24 228/23 <b>sort [29]</b> 28/20 42/17 46/14 49/25 65/21 68/19 72/3 73/10 73/19 74/19 87/5 87/6 92/19 93/7 96/10 97/3 109/21 117/10 118/23 125/17 131/9 143/12 143/14 146/3 146/5 146/16 149/16 169/6 200/9 <b>sorting [3]</b> 61/23 120/25 126/15 <b>sorts [3]</b> 140/22 155/5 157/3 <b>sought [2]</b> 94/4 228/13 <b>source [6]</b> 69/25 234/1 234/4 235/7 237/4 237/6 <b>sources [1]</b> 236/12 <b>spare [1]</b> 121/5 <b>sparks [1]</b> 192/12 <b>speak [7]</b> 49/9 49/14 63/18 92/1 94/6 163/21 225/13 <b>speaking [7]</b> 14/3 30/21 121/1 127/12 131/19 132/24 245/21 <b>speaks [1]</b> 197/24 <b>special [1]</b> 67/1 <b>specific [24]</b> 12/15 38/8 39/3 43/1 46/5 52/11 55/16 65/15 66/2 67/20 68/6 73/19 104/19 111/12 116/15 116/16 133/3 156/8 163/1 164/11 164/17 165/5 166/5 194/10 <b>specifically [20]</b> 9/3 27/23 37/15 40/25 50/13 59/3 71/24 93/13 93/25 97/24
<b>shouldn't [8]</b> 87/19 90/18 103/8 151/8 151/9 151/10 151/11 172/6	<b>since [20]</b> 5/21 6/8 26/4 32/18 48/2 71/6 74/9 74/12 130/23 152/25 153/5 158/1 162/19 189/9 216/2 217/4 222/15 223/3 226/11 241/7	<b>slicing [1]</b> 150/4 <b>slide [1]</b> 89/22 <b>slightly [5]</b> 22/19 52/17 188/10 195/10 231/7 <b>slow [8]</b> 21/17 113/8 134/7 148/19 149/11 150/16 166/6 166/17 <b>slower [1]</b> 148/13 <b>slowing [2]</b> 87/23 148/24 <b>slowly [2]</b> 138/21 195/10 <b>small [5]</b> 19/7 45/3 57/19 70/6 70/11 <b>smaller [1]</b> 76/25 <b>so [374]</b> <b>so-called [1]</b> 35/11 <b>social [5]</b> 67/13 67/21 67/22 68/3 69/14 <b>society [2]</b> 76/17 239/5 <b>soft [1]</b> 109/19 <b>software [6]</b> 79/19 162/2 223/18 223/19 223/23 243/12 <b>sold [1]</b> 187/21 <b>sole [6]</b> 84/12 85/8 85/11 131/4 140/5 146/11 <b>solely [7]</b> 234/17 234/21 235/7 235/7 235/13 235/25 236/5 <b>solicitor [4]</b> 2/21 90/23 146/12 191/16 <b>solicitors [6]</b> 54/16 71/7 74/9 228/13 228/18 230/1 <b>solution [1]</b> 103/10 <b>solutions [1]</b> 181/4 <b>solve [3]</b> 61/20 109/13 113/13 <b>some [122]</b> 6/22 8/10 10/8 10/13 16/23 18/8 19/21 20/4 20/7 20/10 21/2 22/23 24/16 24/20 26/24 29/22	<b>situation [14]</b> 10/10 17/12 18/24 29/9 29/21 31/9 31/18 57/16 67/14 73/5 120/4 180/19 240/22 242/22 <b>six [5]</b> 29/5 99/9 124/21 223/2 225/5 <b>sixth [1]</b> 88/5 <b>size [2]</b> 85/13 94/13 <b>sizes [1]</b> 59/1 <b>sky [1]</b> 32/10 <b>SLA [1]</b> 185/17 <b>SLAs [2]</b> 184/10 185/10 <b>slide [1]</b> 150/4 <b>slide [1]</b> 89/22 <b>slightly [5]</b> 22/19 52/17 188/10 195/10 231/7 <b>slow [8]</b> 21/17 113/8 134/7 148/19 149/11 150/16 166/6 166/17 <b>slower [1]</b> 148/13 <b>slowing [2]</b> 87/23 148/24 <b>slowly [2]</b> 138/21 195/10 <b>small [5]</b> 19/7 45/3 57/19 70/6 70/11 <b>smaller [1]</b> 76/25 <b>so [374]</b> <b>so-called [1]</b> 35/11 <b>social [5]</b> 67/13 67/21 67/22 68/3 69/14 <b>society [2]</b> 76/17 239/5 <b>soft [1]</b> 109/19 <b>software [6]</b> 79/19 162/2 223/18 223/19 223/23 243/12 <b>sold [1]</b> 187/21 <b>sole [6]</b> 84/12 85/8 85/11 131/4 140/5 146/11 <b>solely [7]</b> 234/17 234/21 235/7 235/7 235/13 235/25 236/5 <b>solicitor [4]</b> 2/21 90/23 146/12 191/16 <b>solicitors [6]</b> 54/16 71/7 74/9 228/13 228/18 230/1 <b>solution [1]</b> 103/10 <b>solutions [1]</b> 181/4 <b>solve [3]</b> 61/20 109/13 113/13 <b>some [122]</b> 6/22 8/10 10/8 10/13 16/23 18/8 19/21 20/4 20/7 20/10 21/2 22/23 24/16 24/20 26/24 29/22	<b>show [4]</b> 60/18 94/12 114/24 159/22 <b>showed [3]</b> 103/2 133/15 134/12 <b>showing [3]</b> 92/22 109/14 157/6 <b>shown [2]</b> 62/21 152/1 <b>shows [2]</b> 61/10 92/2 <b>shut [1]</b> 133/10 <b>sic [2]</b> 182/19 244/16 <b>sick [1]</b> 172/16 <b>SID [2]</b> 124/20 126/8 <b>side [10]</b> 15/9 35/4 37/22 44/14 84/18 98/17 125/23 186/23 200/6 214/12 <b>sides [2]</b> 100/5 172/2 <b>Sight [1]</b> 201/10 <b>sign [6]</b> 24/21 78/23 185/14 186/24 187/11 210/16 <b>signal [1]</b> 122/16 <b>signalling [1]</b> 109/24 <b>signature [8]</b> 2/9 2/10 78/20 78/22 79/10 79/11 106/14 175/1 <b>signed [1]</b> 186/6 <b>significance [3]</b> 4/22 145/25 146/1 <b>significant [31]</b> 4/14 5/3 5/22 8/11 9/16 10/23 11/21 12/4 19/8 21/16 22/14 23/4 23/4 23/11 29/18 31/4 31/14 34/13 34/15 37/8 38/12 46/10 46/21 49/14 60/19 65/5 100/24 105/2 132/4 138/5 205/13 <b>significantly [2]</b> 22/6 76/25 <b>signify [1]</b> 207/21 <b>silence [3]</b> 1/9 42/5 42/9 <b>silent [4]</b> 199/1 230/12 230/13 230/14 <b>similar [5]</b> 67/14 74/21 82/17 102/4 141/11 <b>Simon [3]</b> 189/22 190/19 218/13

<b>S</b>	<b>start [22]</b> 13/2 42/4 46/24 60/24 102/25 115/20 138/10 146/17 158/15 160/1 160/15 182/22 187/4 189/9 189/17 189/18 192/14 202/13 215/21 219/5 224/12 224/14 <b>started [7]</b> 59/16 100/14 116/7 116/11 125/2 162/4 173/9 <b>starting [4]</b> 1/12 48/15 124/18 155/9 <b>starts [3]</b> 111/5 118/23 156/18 <b>starvation [2]</b> 171/12 171/17 <b>state [77]</b> 1/24 2/17 3/6 3/9 3/11 3/24 5/4 5/11 7/16 10/2 20/7 25/3 36/12 36/23 41/24 42/11 43/25 45/2 60/22 64/20 64/22 66/15 80/19 81/3 81/6 81/11 82/4 82/6 82/9 83/18 83/23 84/12 84/19 84/23 85/6 86/12 86/20 87/20 87/22 89/3 95/9 96/21 107/7 107/14 107/18 116/2 116/7 117/17 121/20 124/18 131/10 137/21 140/24 145/7 146/10 153/13 156/22 157/16 157/16 158/14 159/13 162/11 162/12 162/24 163/24 164/20 167/8 170/5 171/12 171/16 171/18 175/13 197/12 220/22 221/9 227/16 230/7 <b>State's [1]</b> 143/25 <b>stated [4]</b> 135/2 168/15 205/17 223/17 <b>statement [60]</b> 1/25 2/11 2/14 25/1 25/3 33/13 63/7 73/14 78/24 79/3 79/13 81/24 86/3 86/4 95/3 102/18 103/22 105/13 105/14 106/1 107/24 115/23 118/10 118/15 132/20 141/7 145/2 146/9 147/21 147/23 171/6 174/10 174/13 174/15 174/17 174/18 174/20 175/25 176/2 176/9 180/11 192/4 195/18 196/2 196/10 196/11 196/21 197/11 197/23 200/1 200/5 200/6 200/9 203/22 207/7 207/10 209/7 209/12 209/20 213/1	<b>statements [21]</b> 78/16 88/11 136/24 140/25 142/23 170/11 173/11 174/9 175/1 175/2 175/4 175/7 176/16 177/23 178/1 191/10 192/4 202/22 207/6 211/15 246/24 <b>states [2]</b> 66/17 181/24 <b>stating [1]</b> 125/11 <b>status [5]</b> 124/1 124/5 140/10 181/6 181/12 <b>Staunton [28]</b> 115/22 115/23 116/9 116/24 116/25 117/2 117/20 117/21 118/8 119/14 119/20 120/11 122/16 122/24 122/25 123/5 130/9 130/14 132/19 134/4 134/15 135/3 135/6 136/20 138/3 139/5 139/10 149/20 <b>Staunton's [3]</b> 132/23 133/4 136/15 <b>stave [1]</b> 242/10 <b>stay [4]</b> 123/23 230/12 230/13 230/14 <b>stayed [1]</b> 156/16 <b>staying [1]</b> 122/14 <b>steer [1]</b> 50/1 <b>steers [1]</b> 15/13 <b>Stein [30]</b> 45/8 45/9 45/10 61/9 73/23 151/19 162/22 163/16 166/20 224/19 224/24 225/4 226/2 231/17 232/13 232/14 233/10 233/23 234/9 239/2 240/18 241/11 242/13 242/17 245/18 246/1 246/18 248/6 248/18 249/7 <b>stenographer [1]</b> 70/8 <b>step [2]</b> 113/17 129/21 <b>steps [4]</b> 26/17 166/24 216/17 231/20 <b>still [37]</b> 6/25 7/25 8/2 8/6 26/4 26/18 31/19 37/7 44/6 45/18 48/20 69/21 69/21 71/17 72/19 76/1 76/2 77/12 77/14 83/24 87/13 88/8 98/13 99/10 102/15 117/8 162/1 172/21 176/18 178/21 196/22 197/13 210/17 215/9 229/11 229/19 233/24 <b>stop [2]</b> 149/16 222/15	<b>stopped [2]</b> 201/10 201/14 <b>stopping [1]</b> 122/8 <b>stories [1]</b> 227/22 <b>story [3]</b> 114/6 135/18 135/21 <b>straight [2]</b> 49/11 232/16 <b>straightforward [4]</b> 23/5 27/16 37/1 44/24 <b>strategic [12]</b> 40/1 72/19 85/12 140/7 140/8 140/23 142/12 143/16 155/25 157/7 157/13 157/19 <b>strategically [1]</b> 181/3 <b>strategy [21]</b> 3/14 45/17 60/11 92/5 93/5 99/6 142/20 152/8 152/13 152/17 153/17 153/19 155/2 155/17 155/24 156/3 158/2 158/3 158/8 158/10 158/12 <b>strategy-wise [1]</b> 45/17 <b>strategy/policy [1]</b> 152/17 <b>stream [1]</b> 145/22 <b>street [3]</b> 75/21 76/13 76/17 <b>streets [1]</b> 57/21 <b>strength [1]</b> 137/7 <b>stress [2]</b> 145/7 146/10 <b>stringent [1]</b> 142/16 <b>strong [3]</b> 44/7 139/5 139/14 <b>stronger [1]</b> 64/6 <b>structure [13]</b> 5/2 7/15 7/22 41/2 41/8 43/20 55/14 61/3 65/16 68/17 69/22 231/9 231/13 <b>structure/governanc e [1]</b> 41/2 <b>structured [3]</b> 146/15 229/9 231/7 <b>structuring [1]</b> 229/8 <b>struggled [3]</b> 213/15 229/20 231/4 <b>struggling [2]</b> 26/18 240/9 <b>study [1]</b> 228/20 <b>sub [2]</b> 107/17 142/15 <b>sub-bullet [2]</b> 107/17 142/15 <b>subbing [1]</b> 241/21 <b>subject [4]</b> 26/13 158/22 197/25 217/12 <b>submission [21]</b> 13/1 13/4 14/9 15/6 15/12	15/16 15/19 15/22 18/16 19/3 133/1 134/10 134/14 134/20 134/22 134/25 136/5 136/9 137/8 137/12 155/13 <b>submissions [6]</b> 13/1 27/12 51/12 51/13 166/2 231/21 <b>submit [1]</b> 48/23 <b>submitted [1]</b> 177/11 <b>subpostmaster [20]</b> 53/20 74/4 108/14 139/6 139/15 163/3 164/8 179/12 180/16 186/7 188/5 188/11 189/7 215/13 227/7 227/9 234/7 235/9 235/22 240/2 <b>subpostmaster's [2]</b> 186/4 187/8 <b>subpostmasters [56]</b> 5/7 45/11 45/15 45/19 53/14 53/21 60/1 66/25 71/5 74/5 98/6 134/3 139/10 139/17 153/3 162/18 163/14 163/20 163/22 164/2 164/4 164/14 175/14 176/13 177/19 178/8 178/17 179/8 184/19 185/2 185/6 185/20 188/22 193/12 198/10 200/13 206/13 219/23 221/17 222/10 226/10 226/14 226/16 227/1 233/14 234/6 235/6 235/17 238/5 238/8 238/12 238/17 238/23 239/9 239/19 240/1 <b>subpostmasters' [1]</b> 238/7 <b>subsequent [3]</b> 20/25 143/2 200/2 <b>subsequently [2]</b> 117/21 134/8 <b>subservient [1]</b> 62/23 <b>subsidise [1]</b> 147/1 <b>substance [3]</b> 104/18 137/11 191/22 <b>substantial [5]</b> 30/22 82/19 176/19 176/21 176/23 <b>substantially [1]</b> 100/13 <b>substantive [3]</b> 2/7 143/3 176/25 <b>success [4]</b> 62/16 77/8 142/2 142/8 <b>successful [3]</b> 104/20 105/7 111/21 <b>successfully [1]</b> 120/20
----------	--	---	---	--

<b>S</b>	216/14 <b>summer [2]</b> 30/18 207/4 <b>summer' [1]</b> 30/23 <b>Summit [1]</b> 46/13 <b>sums [4]</b> 15/7 18/15 124/6 229/12 <b>Sunak [1]</b> 80/24 <b>Sunday [2]</b> 65/6 119/15 <b>super [1]</b> 182/16 <b>suppliers [1]</b> 181/15 <b>supply [8]</b> 179/12 182/10 189/12 196/24 201/25 207/5 212/17 235/5 <b>support [35]</b> 9/6 10/5 63/11 66/16 133/24 163/4 170/23 173/5 176/10 176/14 192/18 192/20 195/5 207/8 207/11 210/10 211/5 211/13 213/10 214/23 217/6 217/9 217/16 217/20 227/11 235/16 235/20 236/9 236/19 238/18 238/25 239/4 239/15 239/19 241/19 <b>supporter [2]</b> 139/5 139/14 <b>supporting [15]</b> 142/4 144/18 194/4 194/6 194/14 194/22 195/2 196/16 206/16 206/17 206/23 238/22 244/8 245/10 245/15 <b>supportive [2]</b> 107/19 111/25 <b>suppose [1]</b> 235/22 <b>supposed [1]</b> 137/3 <b>sure [60]</b> 4/18 11/4 11/10 18/22 25/4 25/12 25/22 31/5 31/25 33/5 37/22 41/21 42/2 44/13 57/5 57/11 58/24 62/9 67/9 68/15 83/5 85/17 94/15 96/10 97/6 98/19 103/1 108/6 108/25 111/25 114/14 116/3 120/6 120/23 122/14 123/13 138/13 138/22 139/7 145/7 146/21 148/15 148/23 149/14 159/5 160/14 160/19 165/7 166/8 166/11 167/21 167/23 172/3 172/25 173/1 182/11 189/14 202/10 240/19 244/18 <b>surprised [5]</b> 96/12 96/16 125/17 154/16 240/16 <b>surprising [1]</b> 155/8	<b>surveyed [1]</b> 178/17 <b>survivors [1]</b> 4/24 <b>suspect [6]</b> 90/7 91/7 119/22 120/5 127/18 167/17 <b>suspected [1]</b> 214/20 <b>suspension [1]</b> 47/24 <b>suspicious [1]</b> 199/2 <b>sustainability [1]</b> 42/13 <b>sustainable [2]</b> 41/9 41/22 <b>swift [2]</b> 13/5 220/4 <b>swiftly [2]</b> 24/4 99/15 <b>Swiss [2]</b> 121/16 121/16 <b>switch [2]</b> 129/1 168/8 <b>sworn [6]</b> 1/19 78/9 174/3 248/2 248/14 249/1 <b>system [88]</b> 25/14 33/11 33/23 34/25 36/15 37/11 37/21 38/14 39/4 40/18 49/21 54/13 57/6 57/11 57/12 82/11 115/2 137/19 137/19 144/18 150/18 150/24 151/9 161/1 167/1 167/12 178/18 179/20 180/3 180/12 181/1 181/16 181/22 182/1 182/4 182/7 183/5 183/17 183/20 184/7 184/8 184/23 185/10 185/21 185/22 186/18 187/15 187/16 187/19 187/19 188/5 188/6 188/8 188/17 188/25 189/3 189/3 189/5 189/15 190/17 191/8 192/8 196/3 196/24 197/18 197/24 198/2 198/11 199/8 199/11 200/3 200/8 200/19 200/24 201/5 201/21 201/23 202/1 202/8 203/5 203/7 203/13 204/8 205/4 212/7 212/11 213/7 237/13 <b>systems [7]</b> 80/2 182/13 182/16 183/25 184/2 200/14 212/19	42/1 42/3 46/14 48/16 48/21 62/11 70/9 70/13 70/15 70/18 75/15 86/23 88/25 89/2 91/7 103/7 109/25 114/9 115/7 119/9 121/16 125/9 125/25 132/18 138/21 146/6 149/2 149/11 149/17 151/21 157/8 161/2 166/23 168/7 172/19 189/2 189/15 192/13 193/22 195/10 198/9 202/12 202/17 204/16 206/3 222/11 222/12 225/16 228/9 230/2 232/11 232/22 <b>take' [1]</b> 125/20 <b>taken [20]</b> 27/10 38/12 51/8 53/24 58/9 108/24 118/16 123/12 137/13 143/16 148/23 153/18 186/16 192/20 213/10 214/16 214/16 227/12 233/18 234/13 <b>takes [4]</b> 113/18 113/23 154/18 207/18 <b>taking [19]</b> 1/9 55/21 76/7 77/18 85/7 87/15 91/13 110/5 113/4 113/10 152/17 158/4 170/7 173/9 192/3 221/13 231/20 231/24 236/16 <b>talk [13]</b> 25/3 36/23 72/12 73/22 94/21 110/1 126/2 137/2 221/1 221/8 224/10 245/17 246/7 <b>talked [6]</b> 5/5 61/22 63/15 163/22 229/14 229/14 <b>talking [15]</b> 43/23 57/3 69/24 88/13 90/9 94/1 94/22 97/24 113/1 120/23 128/6 170/7 208/8 211/2 224/24 <b>talks [3]</b> 71/22 223/14 234/11 <b>tape [2]</b> 118/13 118/22 <b>taxman [1]</b> 186/8 <b>taxpayer [2]</b> 108/7 161/13 <b>taxpayers [3]</b> 16/18 18/10 18/13 <b>taxpayers' [1]</b> 147/1 <b>Taylor [1]</b> 125/9 <b>teachings [1]</b> 92/14 <b>team [34]</b> 89/13 89/16 89/18 90/1 91/8 91/12 91/18 91/20 92/23 93/9 93/14	93/19 93/22 94/25 133/14 179/9 190/24 191/16 193/6 203/6 203/14 207/13 215/22 216/11 217/10 217/15 217/16 217/16 217/20 218/12 228/19 245/16 245/24 246/7 <b>teams [10]</b> 66/22 91/3 91/4 92/10 92/14 94/6 94/10 194/6 242/19 242/19 <b>technical [3]</b> 181/23 184/13 199/21 <b>technically [2]</b> 23/1 182/3 <b>technology [2]</b> 43/11 143/18 <b>tell [13]</b> 50/16 64/19 81/23 95/3 99/12 105/13 121/12 141/6 141/16 145/1 173/14 187/16 244/19 <b>telling [2]</b> 50/12 244/16 <b>tells [1]</b> 237/5 <b>template [2]</b> 216/7 216/9 <b>temporary [1]</b> 68/5 <b>ten [1]</b> 216/17 <b>tend [6]</b> 87/20 110/7 111/1 131/23 140/25 166/17 <b>tended [1]</b> 117/15 <b>tends [1]</b> 85/22 <b>Teneo [2]</b> 40/1 43/5 <b>tension [1]</b> 5/18 <b>tensions [2]</b> 9/2 157/6 <b>tenure [2]</b> 60/4 170/23 <b>term [10]</b> 8/24 41/22 45/24 60/11 142/10 179/10 184/13 206/2 209/25 220/23 <b>terminated [1]</b> 238/13 <b>termination [1]</b> 47/24 <b>terms [60]</b> 4/18 6/21 7/9 8/13 10/5 14/2 22/10 24/20 27/12 27/24 28/2 34/13 38/22 42/25 43/20 47/12 47/16 48/4 48/21 50/4 68/22 72/17 73/21 83/6 90/9 90/10 94/13 99/14 101/3 120/16 122/13 123/1 126/1 131/13 138/5 138/11 138/14 141/11 144/15 145/12 147/15 147/19 154/4 154/11 154/13 156/24 160/3 161/5 161/6
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<b>T</b>	178/4 183/12 184/3 189/18 193/23 204/12 209/17 211/16 212/24 213/2 216/4 216/6 224/16 225/19 226/1 226/8 231/11 231/14 232/11 232/15 234/20 241/11 245/6 246/17 246/19 246/22 246/25 247/1	29/12 36/5 36/17 36/17 36/18 37/14 37/22 38/14 38/16 39/1 39/5 39/8 47/20 47/21 48/1 52/25 55/11 57/22 57/23 57/23 57/23 57/24 58/3 58/4 59/16 66/21 71/6 75/7 75/23 98/7 98/11 98/18 104/24 108/25 112/2 114/22 136/18 152/16 153/16 156/5 161/21 162/19 163/7 163/23 164/4 164/5 165/6 174/11 179/16 181/15 181/16 181/17 185/2 185/6 186/16 186/17 192/6 193/14 193/25 194/4 194/23 196/17 196/19 200/10 207/9 207/15 208/2 211/5 212/18 215/14 215/23 226/11 226/14 226/20 227/6 227/12 227/13 227/15 227/17 227/18 227/22 228/3 228/3 228/14 232/24 238/5 238/5 238/6 238/6 238/10 238/10 238/24 239/10 239/10	238/12 <b>then [104]</b> 8/18 10/7 11/16 21/21 25/7 30/6 33/16 34/6 34/9 38/5 39/7 41/13 43/18 49/13 54/24 66/23 67/23 69/9 73/8 79/21 80/2 80/4 80/9 80/14 80/21 81/10 81/17 81/22 84/16 84/17 86/14 88/16 88/23 91/6 98/1 98/3 98/16 98/22 99/23 99/25 101/11 104/17 104/25 105/8 105/19 109/9 111/11 118/19 119/18 120/2 124/18 125/7 127/9 129/8 130/23 131/3 133/5 135/4 135/17 136/13 141/23 142/3 142/7 142/11 145/1 147/19 148/4 149/21 150/21 151/6 152/14 152/19 152/20 153/6 153/7 153/9 153/12 160/4 167/22 168/7 168/7 168/17 168/23 175/24 178/4 183/12 188/16 190/24 192/12 192/24 193/18 195/7 196/1 198/16 199/1 203/2 204/3 204/10 205/5 209/18 226/2 226/19 236/18 238/14	238/11 <b>these [66]</b> 6/24 19/11 20/7 22/23 28/21 32/8 34/14 36/11 37/2 44/8 48/20 49/5 51/18 52/2 52/24 53/10 54/19 54/22 57/22 60/18 62/8 62/11 65/11 66/1 66/8 68/20 68/25 77/11 77/14 84/6 84/7 98/2 100/13 100/19 122/3 129/1 131/8 149/15 150/1 156/17 157/6 164/7 164/15 166/16 179/14 179/24 182/2 182/25 199/2 204/7 208/10 216/23 217/6 218/8 223/4 223/8 223/15 223/21 238/3 240/5 240/5 241/9 242/1 243/14 243/22 244/12 <b>they [195]</b> 14/19 16/15 17/1 17/2 17/11 17/12 17/17 18/2 18/7 20/12 21/11 22/2 22/10 23/1 23/9 24/22 26/23 28/16 28/25 29/1 29/10 30/2 31/24 32/8 33/18 34/5 34/6 34/6 36/5 37/12 38/4 38/15 38/19 39/5 40/15 40/16 42/6 42/6 43/15 44/13 44/20 53/13 53/20 55/8 55/9 55/20 58/2 59/16 59/16 61/25 62/10 69/21 69/21 69/22 72/4 73/20 74/6 75/15 75/21 75/22 76/2 79/1 83/2 83/4 83/23 87/18 90/4 90/7 90/8 92/12 93/9 97/10 97/11 98/9 99/12 99/21 100/18 104/15 109/2 109/8 109/10 109/14 109/15 114/23 114/24 117/15 119/24 120/22 120/24 128/21 129/1 129/2 129/20 131/7 131/22 132/14 133/5 134/10 136/17 137/6 137/21 137/25 143/6 144/4 144/4 144/6 146/7 146/13 147/13 148/22 148/24 152/21 159/12 159/15 159/19 159/22 159/23 160/8 160/11 160/11 160/15 160/19 160/20 160/22 160/25 161/1 161/2 161/3 161/9 161/11 161/17 161/20 162/3 163/6 164/25 165/1 175/6
<b>terms...</b> [11] 169/3 170/17 170/19 172/9 184/10 194/4 195/12 212/3 222/3 224/25 228/1 <b>terrible [1]</b> 124/16 <b>terrific [1]</b> 66/24 <b>test [1]</b> 212/20 <b>tests [1]</b> 212/18 <b>text [1]</b> 134/22 <b>than [73]</b> 9/16 10/19 11/5 16/8 16/21 19/12 22/6 30/8 35/12 40/18 46/6 50/20 51/4 53/6 53/21 54/23 57/15 63/12 64/20 69/15 82/10 90/14 91/8 92/5 94/11 96/15 97/2 97/6 98/19 100/18 103/15 103/24 108/15 108/19 109/1 112/9 114/18 121/17 124/6 131/11 132/16 134/17 139/2 144/14 147/6 148/1 150/6 151/4 152/16 153/16 156/10 157/25 162/9 164/17 169/21 170/25 173/24 176/12 181/4 191/18 214/5 229/10 229/12 236/8 236/20 237/4 237/5 238/11 239/22 245/19 245/22 245/25 246/4 <b>thank [121]</b> 1/21 1/24 2/5 2/8 2/14 3/5 7/5 12/23 15/1 15/3 15/17 19/2 20/15 21/4 23/23 24/20 27/10 28/10 30/3 30/5 33/10 39/22 41/24 42/10 45/2 59/18 59/19 59/24 60/21 64/7 70/5 70/6 70/21 70/25 73/22 75/2 77/17 77/19 77/21 78/2 78/2 78/7 78/15 78/24 79/2 79/10 79/17 80/13 81/16 89/10 95/1 96/20 98/21 104/9 106/22 106/25 115/12 115/13 115/18 115/21 127/25 128/14 129/12 136/4 139/21 141/19 144/25 147/19 151/13 151/15 151/18 152/5 152/6 162/14 162/15 164/18 168/1 168/2 168/13 171/1 173/6 173/7 173/9 173/10 173/12 173/17 173/24 173/25 174/5 175/7 175/24 175/25 177/13	<b>thanked [1]</b> 51/6 <b>Thanks [1]</b> 30/4 <b>that [1511]</b> <b>that I [1]</b> 238/1 <b>that's [144]</b> 1/7 2/8 2/10 2/19 2/22 5/2 7/3 8/10 9/15 10/9 15/14 15/14 17/7 21/5 21/6 25/12 26/5 26/15 28/12 31/6 33/15 38/1 42/23 43/5 46/9 47/6 53/4 54/1 54/3 56/1 56/10 57/16 58/19 61/3 62/5 64/17 67/3 70/14 75/8 75/18 75/23 77/4 79/4 79/7 79/9 79/9 80/8 81/1 81/21 83/9 84/1 85/21 87/20 90/13 90/19 90/21 92/2 93/6 94/12 99/16 102/6 104/10 106/2 106/16 107/23 108/8 108/24 110/12 110/20 111/24 112/9 114/10 114/11 120/8 120/24 123/4 123/5 123/20 124/8 124/20 125/12 126/10 127/1 128/16 128/19 132/24 134/12 139/10 139/16 139/19 140/8 143/12 146/23 147/4 147/13 147/14 150/11 152/11 155/8 156/23 157/4 157/21 157/24 158/2 159/8 160/10 161/16 167/13 168/24 169/19 173/4 174/25 175/25 178/16 185/12 186/5 188/14 189/5 189/6 193/10 198/10 199/14 201/19 202/4 208/20 209/3 209/14 222/2 223/12 228/7 228/11 232/4 232/17 234/2 236/1 240/10 241/23 242/11 242/18 242/22 244/21 246/11 246/15 246/15 <b>theft [3]</b> 214/18 233/18 234/13 <b>their [102]</b> 16/14 21/9 21/12 22/15 25/11 25/17 28/16 28/24	<b>them [75]</b> 3/1 7/4 14/16 17/25 18/8 27/20 31/16 38/4 38/24 44/20 45/7 45/12 47/1 51/23 52/25 53/13 54/11 63/12 69/22 76/23 78/16 83/6 85/20 91/14 91/14 94/10 97/11 97/22 98/3 103/16 108/19 112/2 112/4 117/14 121/12 131/6 133/5 133/8 135/17 136/2 137/16 138/22 140/13 140/14 140/24 141/1 143/5 151/14 151/17 160/3 160/21 161/19 162/9 173/15 174/12 185/14 192/10 192/13 192/24 198/16 206/23 208/17 212/10 227/5 227/12 227/18 227/22 227/23 228/9 228/25 229/9 237/23 238/8 245/18 245/21 <b>theme [2]</b> 177/24 230/8 <b>themes [1]</b> 232/1 <b>themselves [12]</b> 6/19 27/4 44/19 57/8 63/22 114/21 167/24 200/18 201/19 229/8 235/6	<b>theory [1]</b> 112/1 <b>there [268]</b> <b>There'd [1]</b> 151/24 <b>there's [63]</b> 8/6 18/3 18/22 20/7 21/4 22/21 26/19 28/19 36/21 37/7 43/16 44/5 52/21 53/4 55/2 55/18 56/18 59/15 60/6 60/9 60/12 60/13 60/15 63/18 63/25 64/25 65/18 65/21 71/25 73/10 73/17 79/5 84/9 93/14 98/13 99/13 101/11 114/15 125/8 127/1 130/19 131/13 132/8 137/2 139/11 146/22 151/6 154/18 155/13 169/15 170/24 171/4 183/1 187/10 196/17 198/20 198/21 207/12 225/12 234/9 236/8 241/10 242/20 <b>thereafter [1]</b> 102/9 <b>therefore [15]</b> 16/12 28/14 37/8 39/6 67/18 81/20 100/7 113/23 118/22 129/4 169/20 194/12 207/19 232/22	

<b>T</b>	119/18 120/17 124/8 125/17 126/15 127/10 130/3 131/24 132/11 137/25 138/9 140/22 141/3 148/19 148/24 149/7 149/11 149/15 150/1 150/16 156/13 156/19 161/14 165/4 166/2 166/16 166/17 168/21 172/2 179/17 179/25 180/13 186/25 197/3 197/6 197/6 200/23 201/24 206/3 213/18 221/11 224/8 229/4 229/6 229/12 237/22 239/5 240/5 240/6 243/8	166/17 171/13 172/9 172/18 174/23 174/24 175/2 175/4 175/7 176/6 178/3 178/13 178/14 179/2 179/7 180/4 180/13 180/14 182/6 182/16 182/21 182/21 184/2 186/9 186/25 188/13 190/5 190/24 197/13 198/14 200/23 203/8 206/18 208/14 208/19 208/20 210/17 211/11 217/10 220/12 223/22 224/21 229/4 229/6 231/2 238/16 240/8 240/17 241/8 241/18 243/23 244/2 245/18 246/6	<b>tick [2]</b> 213/23 215/7 <b>ticked [2]</b> 97/7 114/15 <b>time [69]</b> 24/18 30/8 33/24 36/11 44/10 47/4 51/8 56/19 70/17 77/18 82/3 83/5 91/3 92/18 94/23 95/12 96/20 96/25 97/18 97/20 100/5 101/12 119/12 119/21 120/9 121/1 121/19 122/19 130/15 137/5 137/5 138/21 148/12 149/2 151/17 151/20 153/5 155/14 157/15 157/15 157/16 160/20 163/18 167/6 168/10 170/4 173/10 173/16 175/16 181/12 183/19 197/14 198/6 201/19 203/10 211/8 211/20 211/21 211/24 212/11 219/15 224/25 229/22 229/25 232/6 232/7 233/19 243/25 246/18 <b>timeframe [1]</b> 30/25 <b>timeframe' [1]</b> 30/20 <b>timeline [3]</b> 45/21 46/1 46/2 <b>timely [1]</b> 105/6 <b>times [9]</b> 23/14 108/8 119/15 121/19 130/2 159/21 168/20 222/13 233/25 <b>timescale [1]</b> 18/1 <b>timetable [2]</b> 56/20 229/24 <b>timing [3]</b> 13/5 20/19 45/21 <b>title [2]</b> 153/16 217/16 <b>today [35]</b> 15/3 32/21 36/4 39/22 50/19 53/16 55/12 56/18 121/22 148/1 163/12 175/11 180/11 184/8 185/10 197/22 199/14 218/17 220/16 221/10 222/12 224/11 224/21 227/2 227/14 230/6 230/16 230/18 233/25 236/1 236/11 239/16 246/9 246/12 246/22 <b>today's [2]</b> 45/16 200/22 <b>together [12]</b> 6/16 62/8 67/19 68/10 92/15 94/24 135/1 152/18 205/2 232/20 235/19 237/7 <b>Tokyo [1]</b> 219/17 <b>told [13]</b> 34/11 83/1 95/7 96/24 98/1 98/12	131/4 172/20 179/24 184/18 190/16 203/12 203/14 <b>tomorrow [7]</b> 220/7 224/14 224/21 246/9 246/11 246/12 246/21 <b>tone [1]</b> 211/13 <b>too [26]</b> 10/14 25/13 61/19 61/20 61/20 66/4 92/19 95/12 95/22 97/8 97/18 97/20 103/21 110/3 113/8 115/2 115/3 130/16 131/13 131/16 131/18 131/18 151/5 176/11 206/7 220/24 <b>took [7]</b> 12/24 80/18 82/8 130/21 153/1 153/12 165/3 <b>top [10]</b> 21/11 43/24 111/16 127/12 128/1 129/8 147/23 191/24 203/2 231/12 <b>topic [17]</b> 33/10 39/22 71/11 73/22 95/2 176/13 195/7 214/4 216/20 218/16 224/7 224/22 226/12 229/13 229/14 230/8 237/10 <b>topics [8]</b> 71/8 72/18 162/21 176/8 197/5 230/25 244/2 245/18 <b>total [3]</b> 19/18 52/16 223/3 <b>totally [1]</b> 146/14 <b>touch [5]</b> 4/16 37/13 121/9 122/14 192/2 <b>touched [1]</b> 107/5 <b>touches [1]</b> 201/25 <b>tough [2]</b> 26/25 126/1 <b>towards [12]</b> 9/20 24/18 30/17 55/9 123/5 124/19 159/2 222/5 229/24 242/9 242/14 243/21 <b>towns [1]</b> 57/21 <b>track [1]</b> 118/13 <b>tracker [2]</b> 215/25 216/14 <b>trade [20]</b> 2/18 3/12 3/17 3/19 4/12 5/13 9/8 46/12 71/22 81/6 81/7 81/12 85/3 85/7 87/14 88/14 117/9 149/4 221/4 221/5 <b>traditional [3]</b> 33/20 34/3 43/12 <b>traffic [1]</b> 201/15 <b>trail [2]</b> 149/9 149/23 <b>training [4]</b> 2/25 3/1 3/3 120/16 <b>transaction [2]</b> 183/6 199/9
----------	---	---	---	--

<b>T</b>	139/8 175/4 244/21 <b>truly</b> [1] 164/23 <b>trust</b> [14] 8/14 41/16 43/1 63/14 66/24 103/21 110/8 114/21 114/22 124/15 205/21 237/8 237/10 245/11 <b>trusted</b> [1] 217/21 <b>truth</b> [2] 132/16 174/11 <b>try</b> [12] 55/25 99/6 101/25 103/12 111/12 111/22 112/20 112/20 179/9 209/11 233/19 233/19 <b>trying</b> [32] 6/16 18/2 31/5 49/12 68/22 90/7 91/7 91/9 91/19 94/15 98/4 102/13 109/13 115/3 117/8 120/16 122/15 125/16 127/3 127/10 128/17 137/21 138/16 138/18 144/4 165/7 169/11 197/3 197/8 235/3 235/10 240/23 <b>Tuesday</b> [2] 127/15 129/5 <b>turn</b> [28] 2/7 16/4 20/15 25/24 45/4 54/24 60/6 67/8 79/2 81/22 95/1 95/4 105/15 115/21 127/11 127/13 129/4 141/7 178/6 178/15 180/19 183/12 205/5 215/20 216/25 237/18 237/22 238/1 <b>turned</b> [4] 61/17 112/24 181/20 237/15 <b>turning</b> [4] 128/3 129/13 141/3 145/2 <b>Tussell</b> [1] 223/2 <b>two</b> [54] 1/13 2/5 6/11 7/6 18/20 26/1 29/14 33/19 38/12 41/24 48/13 54/15 55/7 71/7 72/18 75/14 78/15 82/3 84/16 84/17 84/17 84/18 86/7 86/25 87/1 87/15 94/14 101/19 124/12 124/21 125/3 147/21 152/2 152/9 153/2 162/21 173/10 175/12 183/8 188/11 188/13 193/22 199/2 208/1 210/2 211/25 214/13 215/1 223/4 224/18 225/13 225/16 228/23 230/10 <b>two-page</b> [1] 152/2 <b>type</b> [4] 42/16 138/8 238/25 241/19	<b>types</b> [1] 211/11 <b>typo</b> [3] 83/19 83/21 83/24	<b>U</b>	<b>UCES</b> [1] 122/1 <b>UK</b> [7] 20/6 64/21 65/13 122/2 220/2 239/5 239/6 <b>UK's</b> [1] 61/13 <b>UKEF</b> [1] 122/2 <b>UKGI</b> [36] 60/16 64/17 89/14 91/24 92/3 93/3 93/6 93/22 94/7 94/9 120/22 120/23 121/11 121/12 123/20 125/14 125/23 126/9 126/20 126/23 127/2 129/20 129/22 129/24 130/7 130/13 130/22 130/24 130/25 131/3 131/10 132/15 133/2 134/24 136/12 168/17 <b>ultimate</b> [3] 5/7 105/6 169/18 <b>ultimately</b> [4] 4/12 5/11 10/24 18/13 <b>unable</b> [2] 129/2 216/7 <b>unacceptable</b> [1] 205/19 <b>unclear</b> [3] 125/14 151/20 229/12 <b>unconscionable</b> [1] 31/11 <b>unconscious</b> [1] 60/12 <b>uncovered</b> [1] 195/23 <b>under</b> [36] 3/24 6/15 6/22 10/24 17/17 19/20 19/23 25/16 26/8 37/7 38/8 52/9 52/11 54/2 56/2 56/9 60/4 72/20 80/19 85/11 92/3 100/12 100/12 132/22 134/18 142/11 142/14 142/15 151/18 152/13 153/24 157/22 158/17 183/15 211/1 223/9 <b>under-claimed</b> [1] 19/23 <b>Under-Secretary</b> [2] 3/24 80/19 <b>under-settlements</b> [1] 19/20 <b>underlines</b> [1] 49/8 <b>underlying</b> [2] 12/25 15/22 <b>underpin</b> [1] 145/16 <b>underpinning</b> [1] 181/7	<b>underpins</b> [1] 77/14 <b>underspend</b> [1] 11/7 <b>understand</b> [32] 5/16 5/19 7/19 11/18 12/19 18/19 24/14 29/2 33/23 43/22 47/11 49/8 50/15 58/22 58/25 81/15 91/19 92/1 120/9 141/9 154/8 177/3 184/4 184/8 196/10 203/25 208/7 219/11 230/23 230/24 237/18 243/23 <b>understandably</b> [2] 181/2 181/18 <b>understanding</b> [21] 26/8 55/17 56/15 60/13 71/18 72/14 82/6 133/15 149/13 184/15 185/9 192/6 195/2 201/11 201/12 201/13 207/18 212/6 215/9 215/13 228/7 <b>understood</b> [2] 83/15 148/15 <b>undertake</b> [1] 100/11 <b>undertaken</b> [2] 12/16 199/25 <b>undertaking</b> [1] 193/25 <b>unexplained</b> [6] 178/22 179/1 179/3 179/4 180/5 180/5 <b>unfair</b> [2] 23/25 138/7 <b>unfairly</b> [1] 138/22 <b>unfortunate</b> [2] 53/17 205/8 <b>unfortunately</b> [2] 29/20 216/6 <b>unified</b> [1] 60/10 <b>unions</b> [1] 68/1 <b>unique</b> [4] 2/15 15/17 35/16 35/24 <b>Unit</b> [2] 217/17 217/20 <b>Unite</b> [1] 68/1 <b>United</b> [2] 39/2 243/13 <b>universal</b> [3] 145/20 146/20 154/5 <b>unkind</b> [1] 109/20 <b>unknown</b> [2] 183/22 184/1 <b>unknowns</b> [1] 183/22 <b>unless</b> [5] 45/4 51/10 51/17 112/7 117/14 <b>unlikely</b> [1] 19/17 <b>unlock</b> [1] 60/9 <b>unpack</b> [1] 152/24 <b>unpaid</b> [1] 100/2 <b>unquestionably</b> [1] 202/16 <b>unreliability</b> [3]	187/4 187/4 189/11 <b>unreliable</b> [5] 177/15 177/20 190/17 197/19 203/13 <b>unsatisfactory</b> [1] 158/4 <b>unstable</b> [1] 123/19 <b>unsuitable</b> [2] 116/9 135/8 <b>unsure</b> [1] 241/14 <b>untenable</b> [1] 130/17 <b>until</b> [29] 13/22 36/12 48/24 48/24 55/10 80/15 80/21 81/2 81/10 81/14 83/12 95/15 96/1 102/17 109/1 130/9 137/8 139/1 144/22 154/25 155/19 160/12 230/17 230/20 243/4 244/10 244/14 244/16 247/3 <b>unvarnished</b> [2] 131/21 132/16 <b>unwelcome</b> [1] 56/24 <b>unworthy</b> [1] 62/24 <b>up</b> [97] 3/5 5/23 6/10 7/1 12/23 14/25 15/20 19/8 21/11 22/20 23/10 24/21 29/1 32/4 32/13 35/11 37/5 41/1 47/11 50/11 52/25 53/4 56/20 57/19 60/7 61/9 67/8 68/23 71/12 71/20 74/10 74/17 75/22 80/18 81/4 82/8 83/11 83/16 85/3 86/4 87/23 89/9 89/13 95/4 98/4 100/8 105/15 106/18 107/6 107/10 107/14 111/18 114/18 118/23 127/13 128/3 129/4 129/13 130/2 132/20 134/19 136/5 136/9 141/7 142/1 145/3 147/18 148/23 148/24 151/22 153/13 155/13 157/2 157/6 168/21 174/13 176/15 178/5 185/20 187/13 191/24 197/5 200/11 200/17 201/2 206/19 213/17 216/3 216/10 216/19 217/24 218/18 222/7 232/11 236/18 239/22 240/5 <b>update</b> [6] 36/7 44/15 44/25 107/22 136/23 184/10 <b>updated</b> [8] 44/11 83/22 83/24 84/6 117/15 215/25 216/16 217/1 <b>updates</b> [5] 85/24 143/7 228/14 229/25
----------	--	---	----------	---	--	---

<p><b>U</b></p> <p><b>updates...</b> [1] 231/15</p> <p><b>updating</b> [1] 181/24</p> <p><b>upfront</b> [1] 19/23</p> <p><b>upgraded</b> [1] 237/23</p> <p><b>uploaded</b> [1] 2/16</p> <p><b>upon</b> [6] 16/14 28/15 68/3 168/6 177/9 238/4</p> <p><b>urge</b> [2] 168/6 173/15</p> <p><b>urgency</b> [2] 113/14 113/15</p> <p><b>urgent</b> [3] 46/14 49/17 101/14</p> <p><b>urgently</b> [1] 141/3</p> <p><b>URN</b> [1] 78/19</p> <p><b>us</b> [56] 2/23 10/7 21/21 24/9 33/14 36/7 37/10 37/13 42/18 46/1 47/3 72/13 78/6 81/10 81/23 95/3 100/22 105/13 111/25 113/14 115/17 119/4 129/17 135/2 135/21 139/11 140/10 141/6 144/6 145/1 148/1 152/24 153/23 164/15 173/5 176/6 185/11 190/12 196/21 196/22 197/13 199/1 199/2 202/5 210/11 210/19 213/15 216/15 219/11 223/7 224/17 229/6 229/8 230/22 237/18 239/4</p> <p><b>use</b> [15] 92/25 94/2 111/11 175/13 184/24 185/20 188/20 194/2 210/7 212/24 213/19 217/2 219/12 234/15 236/5</p> <p><b>used</b> [15] 55/19 109/9 179/11 191/6 194/20 195/13 206/3 213/14 213/20 213/24 214/5 214/23 217/9 220/23 234/5</p> <p><b>useful</b> [1] 93/1</p> <p><b>user</b> [3] 188/19 188/24 189/2</p> <p><b>users</b> [1] 182/2</p> <p><b>uses</b> [2] 130/19 182/13</p> <p><b>using</b> [10] 162/2 200/15 208/10 216/8 216/13 232/25 233/13 233/17 237/3 237/5</p> <p><b>usual</b> [6] 61/19 112/2 119/8 120/10 205/16 217/7</p> <p><b>usually</b> [3] 35/12 43/15 85/23</p>	<p><b>V</b></p> <p><b>vaguely</b> [1] 82/12</p> <p><b>validity</b> [1] 184/2</p> <p><b>valuable</b> [1] 28/25</p> <p><b>value</b> [26] 16/16 16/18 18/9 19/5 19/13 20/2 21/15 98/2 101/5 101/8 108/7 108/9 108/12 108/21 110/16 110/17 111/23 112/8 112/24 114/15 142/17 150/3 165/18 166/8 172/1 246/8</p> <p><b>valuings</b> [1] 63/1</p> <p><b>vanilla</b> [7] 131/11 131/13 131/16 132/1 132/17 136/22 136/23</p> <p><b>various</b> [5] 23/14 67/7 93/21 181/24 223/7</p> <p><b>vast</b> [1] 178/16</p> <p><b>vehicle</b> [5] 34/19 35/5 39/21 76/22 241/17</p> <p><b>vein</b> [1] 157/5</p> <p><b>verbatim</b> [2] 118/16 119/3</p> <p><b>verify</b> [2] 213/12 213/16</p> <p><b>version</b> [6] 83/22 132/1 132/17 141/8 141/9 217/11</p> <p><b>versions</b> [1] 212/14</p> <p><b>versus</b> [3] 89/21 108/5 108/16</p> <p><b>very</b> [168] 1/21 1/24 2/14 4/3 4/20 5/2 6/4 8/10 15/1 19/7 22/1 24/18 24/19 27/1 27/25 28/1 28/6 28/9 28/10 30/5 34/12 35/15 35/20 41/7 41/25 42/10 43/13 45/2 45/23 46/10 50/9 50/15 52/4 52/10 53/7 54/19 57/1 57/1 58/10 58/20 69/18 70/5 70/21 72/19 74/18 75/20 75/20 77/17 77/18 78/2 78/7 78/24 79/2 79/10 79/17 94/20 96/19 107/12 109/22 109/25 110/2 111/3 112/2 112/19 114/3 115/1 115/12 117/12 118/12 120/6 120/8 120/19 122/6 122/9 123/10 123/10 123/18 123/19 124/1 125/15 125/25 129/16 130/8 131/14 132/4 132/13 138/25 141/2 141/11 143/14 144/22</p>	<p>145/15 145/16 145/21 146/3 147/11 147/20 151/14 155/3 155/3 155/5 158/8 161/24 163/1 165/16 165/25 166/23 168/9 168/13 169/14 170/2 170/8 170/9 170/18 171/13 173/6 173/25 174/5 175/7 175/24 176/1 180/1 180/1 184/3 187/2 187/2 188/21 189/9 189/16 193/24 197/8 197/8 198/5 199/2 199/2 206/8 206/8 206/13 206/20 206/22 207/24 209/17 211/2 211/14 212/8 212/20 212/20 213/19 213/22 218/9 218/9 218/13 218/13 218/14 218/16 221/1 221/2 224/7 228/1 228/17 228/21 228/25 228/25 229/22 230/22 230/23 231/15 246/17</p> <p><b>viability</b> [1] 142/10</p> <p><b>viable</b> [2] 156/8 158/13</p> <p><b>Vice</b> [1] 175/19</p> <p><b>victim</b> [4] 190/20 192/11 193/8 204/10</p> <p><b>victims</b> [2] 219/9 220/5</p> <p><b>view</b> [53] 17/4 17/8 21/25 24/24 27/12 27/17 32/19 38/7 38/15 52/13 53/10 72/9 98/9 100/19 102/19 103/5 108/18 111/22 113/11 124/16 125/11 125/12 125/13 126/22 126/25 127/6 131/11 131/11 132/15 134/23 144/14 145/12 146/17 150/8 154/14 156/11 165/12 166/5 169/12 169/14 169/23 170/8 170/13 170/20 176/19 179/13 189/16 198/9 206/1 235/12 235/12 236/16 236/16</p> <p><b>views</b> [8] 101/7 123/14 130/3 130/4 130/13 168/21 168/22 169/1</p> <p><b>villages</b> [1] 57/21</p> <p><b>virtue</b> [1] 84/13</p> <p><b>visibility</b> [1] 210/6</p> <p><b>vision</b> [1] 60/11</p> <p><b>visit</b> [1] 139/9</p> <p><b>visited</b> [1] 143/4</p> <p><b>vital</b> [1] 194/16</p> <p><b>voice</b> [2] 53/16 57/25</p>	<p><b>volumes</b> [1] 8/6</p> <p><b>voluntary</b> [1] 223/24</p> <p><b>W</b></p> <p><b>wait</b> [14] 87/19 87/22 95/15 95/16 102/16 109/1 115/19 160/11 230/20 243/4 244/9 244/9 244/14 244/16</p> <p><b>waiting</b> [5] 55/20 56/7 95/19 98/15 230/17</p> <p><b>waiving</b> [1] 24/22</p> <p><b>Waldon</b> [1] 80/14</p> <p><b>walked</b> [3] 56/25 57/16 212/1</p> <p><b>Walton</b> [4] 190/2 191/19 217/25 218/5</p> <p><b>want</b> [71] 1/14 6/4 8/9 17/15 17/17 18/7 18/14 18/22 18/24 23/20 28/8 28/20 31/7 31/25 32/7 34/24 40/25 40/25 44/18 57/8 57/9 59/1 59/5 68/15 68/18 71/14 73/2 73/16 73/22 76/1 76/2 95/20 98/8 98/9 99/14 114/23 114/23 122/17 122/21 123/13 127/6 127/7 131/20 132/5 135/20 137/3 138/12 140/7 147/20 148/6 148/15 150/17 152/21 161/3 162/21 165/22 166/18 167/23 168/14 171/4 177/4 198/17 212/24 220/25 224/7 226/12 229/11 229/19 231/1 236/5 238/21</p> <p><b>wanted</b> [26] 51/3 74/17 87/5 87/17 88/24 89/6 89/7 93/8 95/12 95/21 95/22 102/25 108/12 109/24 111/14 113/14 117/18 118/12 121/5 135/19 135/21 140/17 156/7 165/15 166/6 166/8</p> <p><b>wanting</b> [3] 16/25 75/23 160/19</p> <p><b>wants</b> [3] 6/19 155/2 243/4</p> <p><b>warehouses</b> [1] 200/12</p> <p><b>was</b> [421]</p> <p><b>wash</b> [2] 6/10 35/11</p> <p><b>wash-up</b> [2] 6/10 35/11</p> <p><b>wasn't</b> [23] 32/1 32/5 36/12 36/25 37/16 39/15 68/18 72/5 88/19 105/24 109/23</p>	<p>112/18 112/19 113/9 116/5 119/22 119/22 124/3 127/3 131/6 137/20 207/19 228/1</p> <p><b>watch</b> [1] 95/21</p> <p><b>watching</b> [1] 113/21</p> <p><b>way</b> [94] 6/20 7/11 11/7 12/8 14/10 18/22 22/13 23/20 27/14 32/4 32/14 32/19 32/21 35/24 36/24 38/17 41/7 41/20 47/1 47/1 55/15 55/25 57/3 62/19 64/1 64/22 69/4 75/25 76/23 77/4 79/17 82/19 87/3 88/6 89/7 95/11 97/9 97/17 97/19 98/5 98/20 99/14 101/19 102/22 109/16 109/20 109/22 110/3 110/9 110/13 111/5 112/9 114/4 114/5 114/13 114/24 115/24 128/25 130/18 131/2 131/17 131/18 132/11 137/14 140/20 146/15 147/2 150/9 159/2 162/11 167/11 167/23 172/3 172/8 172/18 180/7 184/24 185/1 195/6 197/23 198/1 207/21 217/7 220/13 221/15 229/9 229/10 229/11 229/15 231/5 231/9 236/3 239/14 242/10</p> <p><b>ways</b> [5] 6/24 55/8 87/9 100/7 215/10</p> <p><b>we</b> [624]</p> <p><b>we'd</b> [9] 23/7 34/24 36/3 135/22 139/2 140/22 225/5 231/1 240/7</p> <p><b>we'll</b> [26] 7/5 7/9 8/17 13/1 14/2 69/8 70/15 77/24 123/23 137/4 137/4 159/12 173/13 182/24 184/4 202/10 207/5 209/18 224/2 225/2 225/17 232/1 241/12 242/1 244/1 246/21</p> <p><b>we're</b> [46] 10/13 15/15 20/22 25/21 41/7 43/13 46/18 47/2 48/7 51/7 51/9 57/3 64/18 68/22 77/15 81/15 91/2 94/21 107/10 108/6 115/3 124/18 124/19 128/1 132/24 137/3 138/16 138/18 139/19 145/8 151/17 158/6 167/14 169/12 172/10 172/11</p>
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<p><b>W</b></p> <p><b>which...</b> [15] 214/19 218/17 221/21 224/10 229/2 232/16 233/13 234/11 236/21 237/5 237/24 238/3 239/14 242/23 243/23</p> <p><b>whichever</b> [1] 222/9</p> <p><b>while</b> [11] 52/19 104/20 114/2 114/8 163/24 204/16 212/13 213/9 222/20 223/25 227/15</p> <p><b>whilst</b> [10] 4/19 9/15 20/9 61/10 66/2 66/17 67/13 67/15 69/18 113/18</p> <p><b>whistleblowed</b> [1] 120/14</p> <p><b>whistleblowing</b> [1] 133/11</p> <p><b>Whitehall</b> [3] 113/5 114/21 115/6</p> <p><b>who</b> [97] 4/21 9/7 12/2 12/3 16/9 16/13 16/24 17/10 20/10 21/10 21/13 21/17 21/22 22/1 22/9 22/9 22/14 22/18 23/11 24/21 25/5 25/10 25/17 25/18 25/19 28/14 35/21 37/8 37/16 37/19 37/24 38/1 38/2 38/2 38/6 38/13 38/18 39/7 39/11 41/17 54/25 63/19 68/3 68/6 71/5 72/10 74/4 74/5 93/10 93/15 93/19 93/22 97/19 100/23 114/6 131/25 132/6 138/10 139/10 146/13 147/12 154/11 155/6 155/11 157/18 159/18 159/20 162/12 162/18 166/4 166/5 166/7 166/21 169/11 170/1 170/20 177/2 177/7 179/2 186/15 186/17 187/13 187/16 188/5 188/5 188/6 188/7 190/25 209/11 212/5 220/15 226/10 226/19 227/2 241/2 241/3 244/16</p> <p><b>who's</b> [3] 123/19 130/16 156/16</p> <p><b>whole</b> [17] 4/15 8/7 9/1 11/19 12/1 36/21 58/22 65/2 106/5 164/22 167/14 169/23 176/16 187/6 198/11 202/1 246/5</p> <p><b>wholeheartedly</b> [1]</p>	<p>173/5</p> <p><b>wholly</b> [1] 104/14</p> <p><b>whom</b> [2] 23/5 33/18</p> <p><b>whose</b> [4] 38/3 100/10 166/23 238/12</p> <p><b>why</b> [54] 5/20 7/19 21/21 26/18 27/5 27/23 33/23 35/4 37/12 56/7 74/25 95/14 96/21 97/22 97/25 99/16 103/7 103/12 110/14 117/4 119/4 121/8 125/1 129/11 135/22 147/4 149/20 158/5 158/14 160/11 170/21 180/15 189/8 189/13 196/9 197/10 198/18 199/3 200/24 200/25 201/1 201/14 201/17 201/18 202/6 203/18 206/5 207/4 241/7 241/10 243/4 243/18 244/9 244/12</p> <p><b>wide</b> [1] 12/17</p> <p><b>widening</b> [1] 11/13</p> <p><b>wider</b> [16] 20/8 40/8 44/2 58/6 58/19 59/7 59/14 61/25 62/4 65/17 66/3 66/25 67/21 76/19 159/5 241/19</p> <p><b>widespread</b> [2] 63/19 238/11</p> <p><b>wielded</b> [1] 65/13</p> <p><b>will</b> [159] 1/5 1/9 2/15 8/13 9/16 10/3 11/18 12/19 12/20 16/7 16/11 17/19 17/23 18/2 18/18 19/6 20/3 20/20 21/8 21/17 22/24 23/3 23/13 23/24 24/3 24/11 24/14 24/23 24/25 25/9 25/13 26/21 30/12 30/22 32/6 32/7 33/15 34/20 35/19 35/21 35/21 35/25 36/10 37/12 42/7 43/22 44/15 45/4 50/16 52/15 53/11 54/11 54/12 55/10 55/22 56/22 56/24 57/7 57/14 59/10 61/15 61/18 61/19 62/12 62/14 63/23 64/22 75/22 83/16 86/4 91/22 92/13 93/18 98/24 100/24 101/24 102/21 108/22 111/18 111/20 124/14 128/5 128/10 129/9 129/15 132/20 145/7 148/22 149/2 149/2</p>	<p>150/16 151/22 152/19 152/20 160/6 161/20 167/22 170/9 171/21 172/14 172/17 173/17 175/8 184/20 189/10 190/24 191/11 192/2 192/13 192/18 192/19 193/19 202/17 204/1 204/7 204/12 204/25 205/22 206/15 207/8 207/10 207/16 208/5 208/6 210/8 210/16 210/19 210/25 211/4 211/9 212/8 212/22 212/22 213/10 214/23 216/23 217/10 217/11 220/1 225/16 230/2 232/5 232/11 235/16 235/20 236/22 237/23 237/23 238/15 238/24 241/2 242/5 242/15 242/20 245/3 245/9 245/14 245/23 246/7</p> <p><b>WILLIAM</b> [3] 174/3 174/7 249/1</p> <p><b>WILLIAMS</b> [5] 75/3 100/3 171/3 248/12 248/24</p> <p><b>willing</b> [4] 69/9 69/16 77/10 109/14</p> <p><b>willingness</b> [1] 107/24</p> <p><b>window</b> [1] 198/12</p> <p><b>winnable</b> [1] 126/10</p> <p><b>winning</b> [1] 167/9</p> <p><b>wise</b> [1] 45/17</p> <p><b>wish</b> [10] 21/10 29/11 30/20 31/21 42/6 44/13 50/24 201/3 211/6 245/8</p> <p><b>wishes</b> [2] 77/9 239/17</p> <p><b>within</b> [33] 4/14 5/12 35/4 39/17 45/23 48/17 55/3 58/9 59/8 67/7 84/18 86/19 88/14 89/16 93/18 121/22 125/8 146/19 146/23 147/25 148/2 149/19 152/3 152/9 152/18 157/9 157/17 158/25 161/4 163/25 178/25 205/11 223/16</p> <p><b>without</b> [16] 7/2 22/15 27/3 36/2 49/12 89/2 98/14 98/15 129/17 133/20 145/2 150/14 150/23 214/6 216/15 216/24</p> <p><b>WITN00370110</b> [1] 67/9</p> <p><b>WITN06650100</b> [1] 174/14</p> <p><b>WITN06650300</b> [1]</p>	<p>174/17</p> <p><b>WITN06650400</b> [1] 174/19</p> <p><b>WITN06650500</b> [3] 174/21 175/25 213/1</p> <p><b>WITN11470100</b> [1] 2/15</p> <p><b>WITN11480100</b> [1] 78/19</p> <p><b>WITN11480200</b> [1] 86/5</p> <p><b>witness</b> [62] 1/25 2/14 2/20 52/23 52/23 64/7 78/15 79/3 79/13 81/24 86/3 86/4 95/3 102/18 103/22 105/13 105/14 106/1 107/24 115/22 118/10 118/15 132/20 141/7 142/23 145/2 146/9 147/21 147/22 170/10 170/11 171/6 173/11 174/9 174/10 174/13 174/15 174/17 174/18 174/20 176/16 177/6 177/23 178/1 180/11 191/10 192/3 195/18 196/2 196/10 196/11 196/21 197/10 200/1 203/21 207/6 209/7 209/11 209/20 211/15 212/25 246/24</p> <p><b>witnesses</b> [7] 46/25 48/20 53/15 75/6 168/8 177/6 220/7</p> <p><b>won</b> [2] 222/14 223/2</p> <p><b>won't</b> [14] 1/12 51/24 129/4 177/1 177/1 193/25 202/14 230/12 230/13 230/14 232/7 235/18 246/2 246/3</p> <p><b>Woodley</b> [3] 202/14 207/15 211/24</p> <p><b>word</b> [3] 48/7 56/20 139/11</p> <p><b>words</b> [18] 9/25 58/5 61/16 75/7 75/7 89/25 111/1 159/6 171/14 188/19 208/10 219/13 234/21 235/1 236/19 238/18 239/22 246/12</p> <p><b>work</b> [62] 4/9 4/20 5/20 7/15 12/16 12/20 24/13 24/24 28/1 31/7 38/20 43/3 43/5 43/9 46/21 49/13 49/21 52/13 58/14 58/21 64/22 68/9 72/20 73/8 77/15 83/14 85/4 86/19 87/15 88/10 88/11 88/15 91/4 92/13 107/6 112/17 113/8 115/1 117/9 133/16 136/25 146/5</p>	<p>147/8 147/16 152/16 152/17 153/16 153/17 153/18 153/20 154/12 155/2 158/3 167/22 176/19 200/18 204/25 205/3 222/23 223/9 230/19 236/10</p> <p><b>worked</b> [12] 2/25 52/24 79/19 80/2 80/9 85/18 92/20 94/24 111/9 118/15 156/6 158/12</p> <p><b>worker</b> [2] 214/17 214/24</p> <p><b>workers</b> [1] 195/15</p> <p><b>working</b> [17] 34/8 37/21 45/15 54/14 59/22 60/17 85/19 87/4 87/10 87/24 121/15 137/20 144/15 151/3 166/23 220/2 245/14</p> <p><b>works</b> [7] 85/20 92/9 92/16 111/4 115/4 146/19 172/9</p> <p><b>workstreams</b> [1] 141/25</p> <p><b>world</b> [6] 3/19 121/22 125/3 158/11 181/18 181/19</p> <p><b>worried</b> [6] 97/10 97/10 108/22 110/6 110/12 212/8</p> <p><b>worries</b> [1] 110/12</p> <p><b>worry</b> [5] 31/9 109/17 110/7 132/4 137/16</p> <p><b>worse</b> [3] 22/20 31/8 211/21</p> <p><b>worst</b> [2] 108/18 108/25</p> <p><b>worst-case</b> [1] 108/25</p> <p><b>worth</b> [4] 75/16 107/18 172/21 223/3</p> <p><b>worthwhile</b> [2] 100/20 108/10</p> <p><b>worthy</b> [1] 70/3</p> <p><b>would</b> [271]</p> <p><b>wouldn't</b> [30] 17/15 18/7 18/20 18/24 23/20 26/23 34/24 37/1 38/23 39/20 41/5 57/9 59/1 59/5 68/18 74/23 92/18 120/9 121/19 124/3 140/20 140/21 143/12 144/8 154/19 155/23 156/15 157/3 164/16 215/16</p> <p><b>write</b> [4] 46/7 66/14 99/13 128/22</p> <p><b>writing</b> [3] 102/5 131/24 205/10</p> <p><b>written</b> [13] 99/16 106/1 110/24 119/23</p>
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<b>W</b>	212/13 212/21 212/21 212/22 237/20	69/12 111/10 118/12 124/24 125/16 227/15	145/12 147/21 147/22 148/16 150/8 151/22
<b>written... [9]</b> 131/17 132/9 132/11 133/1 140/20 227/22 239/21 239/24 240/18	<b>yes [173]</b> 1/11 2/4 2/6 2/13 2/19 2/22 5/9 20/3 20/9 21/1 22/21 24/11 27/10 29/8 36/10 40/5 42/20 47/6 53/23 54/23 56/22 59/9 59/24 63/7 65/14 77/23 78/7 78/22 78/22 79/1 79/9 79/11 79/16 79/25 80/3 80/8 80/12 80/17 80/20 80/23 81/1 81/5 81/9 81/13 81/16 82/2 82/5 83/11 84/1 84/1 84/8 84/25 85/17 88/21 89/15 90/16 91/16 96/19 98/23 99/8 101/15 102/3 104/3 105/12 105/21 106/6 106/8 106/21 108/1 109/10 111/15 111/20 115/8 115/18 116/3 118/2 118/4 118/4 118/14 118/18 118/21 121/4 123/4 123/20 126/24 127/24 128/2 128/8 128/13 128/16 128/19 128/23 129/6 129/10 132/25 136/21 138/12 139/25 140/5 140/6 141/12 141/18 142/13 143/23 145/11 145/11 148/9 152/12 169/7 169/19 170/16 171/18 172/23 172/25 173/3 173/19 173/24 174/2 175/3 175/6 175/18 175/21 175/23 176/25 177/16 178/3 178/10 182/8 183/11 183/23 185/19 208/18 208/23 211/11 214/11 214/11 215/7 215/16 217/24 218/3 225/11 225/12 225/21 226/8 226/8 226/18 226/22 226/24 226/24 227/3 227/5 227/5 227/8 227/20 227/25 228/7 228/10 228/12 228/13 232/13 233/23 234/19 234/19 235/4 235/15 241/5 242/6 243/18 244/22 244/24 245/5 245/18 245/22	<b>you'll [20]</b> 46/9 54/22 58/22 65/24 83/16 83/18 84/4 84/16 91/17 104/5 104/6 106/13 107/1 118/23 140/7 157/8 162/20 167/3 167/18 189/19 <b>you're [45]</b> 17/13 17/20 18/14 24/10 27/22 41/6 45/23 45/25 56/9 58/23 69/1 69/7 72/2 73/2 102/4 103/17 108/13 121/1 122/24 140/12 140/14 140/15 143/20 147/24 157/5 157/22 160/4 163/25 172/13 178/7 183/8 185/7 186/14 188/3 188/23 196/8 226/22 227/3 232/17 235/3 235/10 236/7 238/4 241/24 242/16 <b>you've [38]</b> 4/21 27/10 29/3 33/12 34/21 47/1 49/2 53/6 56/6 67/10 78/15 81/18 86/21 120/16 136/9 155/7 157/18 157/23 162/4 162/22 163/12 176/18 197/22 199/14 206/20 211/18 230/16 230/16 230/18 231/6 236/1 239/6 239/17 245/13 246/1 246/4 246/5 246/6 <b>YouGov [4]</b> 178/6 178/7 236/12 236/13 <b>Young [1]</b> 184/25 <b>your [161]</b> 1/21 2/9 2/11 2/20 3/6 4/1 8/21 8/22 8/24 13/12 15/24 17/3 22/25 24/24 26/6 26/20 28/5 29/4 33/12 38/7 42/14 42/19 44/11 45/22 50/9 52/1 56/1 56/2 56/3 63/4 64/3 75/11 75/15 78/13 78/18 78/20 78/25 79/2 79/10 79/14 81/24 82/3 82/6 82/8 86/3 86/14 95/3 96/5 99/6 101/7 102/8 103/22 104/9 104/11 104/18 105/13 105/14 106/15 107/2 107/23 108/16 111/5 115/22 116/1 116/5 116/7 118/9 118/15 120/2 123/14 124/23 125/17 132/19 134/9 134/17 134/21 140/3 140/5 141/6 142/23 145/1	152/1 152/11 153/9 155/14 155/19 157/9 157/14 157/15 157/16 157/17 157/18 157/20 162/4 162/7 163/13 164/19 165/18 167/17 168/14 169/15 171/5 174/5 175/1 175/5 175/25 176/19 179/14 180/18 183/1 184/5 190/23 191/20 192/2 194/24 195/9 195/17 198/18 200/11 200/11 200/12 200/17 201/11 202/16 203/25 204/25 205/3 205/5 206/1 208/15 209/19 212/8 212/22 212/25 216/6 216/8 217/8 219/6 220/19 221/10 222/4 224/20 226/13 227/15 228/18 228/19 228/20 228/22 231/12 231/16 234/24 235/3 237/12 241/25 244/14 <b>yours [2]</b> 55/18 109/18 <b>yourself [4]</b> 182/19 182/24 192/13 231/7 <b>yourselves [1]</b> 41/7
<b>WTO [1]</b> 3/19			
<b>Wyn [33]</b> 27/10 29/7 50/23 50/23 51/3 51/6 51/11 51/17 52/10 52/20 53/4 53/6 53/9 75/3 75/18 76/11 77/8 77/22 171/3 173/12 205/22 208/18 209/2 209/13 231/23 234/19 236/2 242/24 243/25 245/5 247/1 248/12 248/24			
<b>X</b>			
<b>XX [1]</b> 98/25			
<b>Y</b>			
<b>yanking [1]</b> 161/11 <b>yeah [3]</b> 71/16 122/25 200/15 <b>year [41]</b> 2/1 24/19 31/19 35/20 44/2 46/4 47/5 47/6 47/7 47/8 47/10 49/7 51/12 60/4 60/8 74/7 113/19 116/19 117/22 118/3 124/4 141/22 155/11 155/13 161/23 172/9 189/22 205/6 211/17 219/2 219/4 223/20 229/24 230/2 230/12 230/15 231/10 238/2 241/8 243/1 243/1 <b>year's [1]</b> 211/8 <b>years [28]</b> 34/1 34/1 35/20 35/20 48/9 54/18 60/24 61/12 66/22 67/18 140/23 157/22 158/17 158/17 180/12 200/22 202/10 210/2 211/17 211/23 211/25 212/1 212/2			
<b>Z</b>			
<b>zeros [2]</b> 188/12 188/13			