

WITN11820100

Witness Name: Simon Hutchinson

Witness No: WITN11820100

Dated: 5 December 2024

POST OFFICE HORIZON IT INQUIRY

FIRST WITNESS STATEMENT OF SIMON HUTCHINSON

I, Simon Hutchinson, will say as follows.

INTRODUCTION

1. I am a current employee of Post Office Limited (“POL”) and have worked within the business since 11 February 2013.
2. I have made this witness statement to assist the Post Office Horizon IT Inquiry (the “Inquiry”) with the matters set out in the Rule 9 Request addressed to me and dated 12 November 2024 (the “Request”).
3. I confirm that I have received legal assistance from Ashfords LLP when drafting this statement.

BACKGROUND

4. I gained a Human Resource Management Degree from the University of Ulster, graduating in 2011 and subsequently gained a post graduate Diploma in Human Resource Development in 2012, giving me Associate Membership of the Chartered Institute of Personnel and Development (“CIPD”) - Certified Security Management Professional (“CSMP®”) Level 6 Accredited Diploma and Member of ‘The Security Institute’, (“MSyl”).

5. Prior to joining POL I worked part-time for a cash in transit delivery company, where I was responsible for the secure transportation of cash between locations. It was during this role, through word of mouth, that I learned of an upcoming vacancy at POL as a Security Manager for the Northern Ireland Region. This information was passed to me by Keith Gilchrist, who at that time was the current Northern Ireland Security Manager dealing with Physical Security, but would be stepping into a Team Leader role. I applied to POL to step into Keith Gilchrist’s Security Manger role when he vacated it, and was successful in my application. From memory, the interview process involved a written application, including my CV and an interview with Dave Pardoe and Suzanne Winter.

6. I officially started in POL as a Security Manager in Brent House Post Office in Belfast on 11 February 2013 and was responsible for the Northern Ireland region. This role entailed the following:

WITN11820100

- i. Ensuring the physical security of POL's personnel, branches and assets, including cash in transit. This was mainly achieved through implementing target hardening tactics such as improving and maintaining security alarm, safe and surveillance systems.
 - ii. Conducting investigations into alleged crimes against the business, for example, theft and fraudulent activities that caused a monetary loss to POL.

7. On 19 August 2013, I stepped into a temporary Team Leader role in the POL Security Team. I recall that Keith Gilchrist had left POL around this time and another Security Manager, Kevin Ryan, had briefly stepped into the Team Leader Role, but then stepped back to a Security Manger role after a couple of months. I then stepped into the Team Leader Role after Kevin Ryan, but also moved back to the role of a Security Manager after 5 months. Following this, Helen Dickinson took on the role of Team Leader.

8. At the time that I took on a temporary Team Leader role I had not been working at POL for very long and therefore I had little experience of POL investigations. It was therefore agreed within the team that my role as Team Leader would focus more on Physical Security, which meant that I was out on the road for a lot of my first year in the business, dealing with physical security matters at individual branches. This concerned all law enforcement crime and critical incidents such as robberies and burglaries and assisted in the management of ongoing POL and police investigations by reporting the progress of the investigations to senior security management at the monthly case review

WITN11820100

meetings. When it came to matters concerning POL investigations, it was agreed that I could rely on Suzanne Winters (another Security Manger) to assist me with this. From recollection, I believe Suzanne Winters had over 20 years' experience in POL investigations and therefore it was deemed suitable for her to support me in this way.

9. In addition to the roles I carried out as a Security Manager (as described in paragraph 7 above), my role as Team Leader involved carrying out one-to-ones and providing supervision to other Security Managers in POL's Security Team. This included: Robert Daley, Kevin Ryan, Suzanne Winters, Chris Knight, Andrew Wise and Steve Bradshaw. I was Team Leader for the North of the UK which covered Northern Ireland, Scotland and the North of England. There were robberies and/or burglaries nearly every day in Post Offices across my region and so my main responsibility was making sure that these were dealt with appropriately by Security Managers. There was also a monthly case review conference which was held in London and chaired by John Scott, POL Head of Security. However, my involvement in this was simply to collate and deliver updates from Security Managers and I did not have a direct role in decision-making or investigations.

10. I reverted back to being a Security Manager on 20 January 2014 and have remained in this role since, although there have been some name changes to the job title over the years. Currently my title is "Regional Network Crime and Risk Support Manager, Northern Ireland & Scotland". To avoid any confusion, I will refer to the role as "Security Manager" throughout this statement.

WITN11820100

Although the title of the role has changed, the role itself has remained the same apart from in around 2014, when Suzanne Winter left, I took on the management for what had been her investigations. At this time, there was a freeze on prosecutions.

11. Initially when I reverted back to a Security Manager I still only covered the Northern Ireland region, but my remit changed to both Northern Ireland and Scotland in the summer of 2024.

12. I do not think I have had any active involvement in disciplinary matters in both my roles of Security Manager and Team Leader at POL. While it may have been within my responsibilities as Team Leader to manage disciplinary matters involving those reporting to me at the time, I do not believe any such issues arose during my brief time in the role. In terms of disciplinary matters involving Sub Post Masters ("SPMs"), this has not ever been my role. As far as I am aware, this is a Contract Manager's role. I do vaguely recall an occasion a long time ago where a Contract Manager asked for my view on whether they should suspend a SPM after an incident and I remember informing them that it wasn't within my remit to make that decision. Unfortunately I cannot remember when this was or the specific details of the case. Whilst Security Managers did not make decisions to suspend SPMs, I do think on occasion they would provide relevant information to Contract Managers to assist them with coming to a decision. This information might include background to an incident being investigated and facts about the branch itself, such as whether it has been

WITN11820100

operating well. I am not now able to recall a specific occasion where I may have done this.

13. In terms of carrying out interviews under caution, this did fall within my role as a Security Manager in cases where POL carried out internal investigations. However, in the majority of interviews I have attended, I sat as the Second Investigator, meaning my role was simply to assist the Lead Investigator with setting up the interview, and perhaps asking some further questions to the interviewee to seek clarification on matters, if I felt it would assist with my own understanding about the case, or that it may help the Lead Investigator. I believe it is only on one occasion that I took on the role as a Lead Investigator in an interview and this was for the former SPM in Belcoo, Northern Ireland. From memory, this concerned an audit shortage of around £102,000, which the SPM admitted to stealing.

14. Often investigations and prosecutions did not directly concern a SPM but a branch staff member who was not a SPM. For example, it was not uncommon for SPMs to be business owners who had staff to run the branches. Where losses concerned these staff members, POL would advise the SPM to inform the Police Service of Northern Ireland ("PSNI") and they would lead the investigation. POL would subsequently liaise with the PSNI to provide information as and when required. POL would not be carrying out the investigations but simply liaising with PSNI to assist with their investigations. We called these Police Liaison cases. The Public Prosecution Service for Northern Ireland ("PPSNI") would then take over once a decision to prosecute

WITN11820100

had been made. I do not recall having any involvement with the PPSNI although I understand that POL did provide them with details in respect of Horizon as and when asked. Separately, POL did carry out the prosecutions where they concerned the actual SPM. I have provided more details about the process of prosecutions in developed nations later in my statement.

15. With regards to disclosure in criminal proceedings, I believe that the gathering of relevant documents ready for disclosure would have fallen into my remit as a Security Manger, but only if I was the Lead Investigator in a POL internal investigation and a decision had been made to take the case forward for prosecution. I vaguely remember there being lists that needed to be completed for sensitive or non-sensitive disclosure in this instance. However, I would like to flag to the Inquiry that I have never had to complete this task because as far as I can recall, no case that I have personally investigated as a Lead Investigator has ever reached the relevant stage in a prosecution where I was required to produce disclosure. In the event that any of my cases had reached that stage, whilst I would have been responsible for gathering relevant disclosure and completing the disclosure lists, I do not think I would have had responsibility for directly disclosing the documents to the Defence or the Court. As far as I am aware, we would have been required to submit disclosure to our Team Leader to check over, then they would submit this to the Security Team's Central Hub (who dealt with administrative matters, such as case allocation and case file formatting), who I suspect would then forward this on to POL lawyers, or any other external legal team representing POL in the case, to disclose out accordingly. However, I cannot recall any cases when I was Team

WITN11820100

Leader where I had to do this. In fact, apart from passing on documents to investigating officers as and when requested, I cannot recall ever being involved with disclosure.

16. I would like to flag that where investigations into alleged offences against POL were led by the PSNI, Security Managers may be approached by the police investigating officer to ask for documents to assist them in their investigation. However, I believe it would be the investigating officer in the PSNI who would be responsible for disclosing to the Defence and the Court in the event the case proceeded to that point in a prosecution.

17. In terms of disclosure in civil proceedings, I do not think I had any role in relation to this. I am not sure what the disclosure process was in such cases.

18. I do not believe I have ever had a role in relation to litigation case strategy in both my capacity as Team Leader or Security Manager. This seems to be something that POL legal teams would be responsible for, perhaps in liaison with Senior Management in POL Security, but I am unable to say for certain.

19. As far as I can recall, I would generally liaise with the following POL departments in respect of the progress of cases:

- i. **POL Audit Team** – auditors would usually be the first individuals to discover a loss during an audit at a POL branch, and therefore they would instigate a potential investigation into a matter by informing POL's

WITN11820100

Security Team about the loss. As a Security Manger I may have chased up auditors involved in the particular matter to seek relevant information to assist me with progressing an investigation. For example, to gather information about what the auditor discovered on the day, and request an account of their interactions with the SPM, including whether any explanations were provided by the SPM in relation to the loss discovered.

- ii. **POL Security's Central Hub** – the Central Hub would allocate new investigation cases out to Security Managers, so I may have had interactions with this team where a case had been allocated to me. I also may have had interactions with the Central Hub in my capacity as Team Leader, as I recall that where an investigation was carried out internally by POL, a case file would be completed by a Security Manger, who would first pass it on to their Team Leader to review, who would then pass it on to the Central Hub for processing (to ensure it had been formatted correctly) and they then send it on to Senior Management within the Security Team to consider whether to take the case forward for prosecution. However, given that I focused on Physical Security during my time as Team Leader and relied on Suzanne Winters in relation to matters concerning Investigations, it may be that I did not ever do this – I just cannot recall for certain.
- iii. **POL legal teams** – on occasion, POL's internal legal team may have approached me to seek information on cases I was involved in or to ask questions to help them with progressing a matter they were pursuing in respect of a case.

PROSECUTIONS IN DEVOLVED NATIONS

20. I became involved in the investigation and prosecution of POL cases in Northern Ireland when I took on the Security Manager role for the Northern Ireland Region on 11 February 2013. However, as explained above, within my first year at POL I also temporarily stepped into a Team Leader role from 20 August 2013 to 20 January 2014, and in this role I worked mainly on POL's Physical Security matters as opposed to POL investigations. Looking back now, I believe that even in the 6 months prior to me temporarily stepping into the Team Leader role I was more involved in Physical Security than POL investigations, because as explained above, the Security Manager role I took on was to replace Keith Gilchrist, who as far as I am aware, dealt mostly with Physical Security. Therefore, my work load as a Security Manager in my first few months naturally revolved more around Physical Security. I believe it was Suzanne Winters who dealt mainly with the investigations side in the Northern Ireland region during this early period, and where I had any involvement in investigations during this time, it would have been to shadow her on cases to learn how POL cases were conducted, in terms of both internal investigations and in police liaison cases.

21. I do not believe that I was ever involved in the investigation and prosecution of POL cases in Scotland. I believe it was Robert Daley who had this role, as he was the Security Manager for the Scotland Region. However, I do recall having to travel to Scotland on one occasion to assist in an interview of a SPM, but

WITN11820100

only as the second interviewer. I believe this was simply due to staff shortages or unavailability, and under POL's procedures, there had to be 2 interviewers present, so I was asked to step in and help. I cannot remember when this was or the specific details of that case.

22. With regards to the training I received at POL in relation to the Northern Ireland legal system, I can recall undergoing a 4 week informal induction when I first started as a Security Manager in February 2013, where I shadowed Suzanne Winters on her cases, and sat down with her to go through how POL dealt with cases in Northern Ireland. I do believe when running through the process around police liaison cases, that Suzanne would have covered the Northern Ireland legal system with me. I can also recall receiving a lot of training from Cartwright King on issues such as notebook entries, disclosure matters, cautions and carrying out interviews under caution.

23. In terms of the Scottish Legal System, I do not think I have ever received any formal training from POL on this either before or after my delegation. However, I do recall briefly reading up on it when I was required to step in as the Second Investigator during an interview of a SPM in Scotland, as mentioned in paragraph 22 above.

24. I have been asked to describe the process by which Post Office cases were investigated and prosecuted in Northern Ireland and Scotland and in particular, how the process differed from England and Wales, and any ways in which the process changed. My understanding is as follows:

WITN11820100

- i. **Northern Ireland** - when I first joined POL as a Security Manger, I believe that all ongoing cases in Northern Ireland were investigated by Suzanne Winter. Once these had been approved to proceed to prosecution by POL Head of Security, they would be submitted to the PSNI Central Process Office. The PSNI Central Process Office played a purely administrative role to check that the proper process and procedures for the investigation had been carried out. They did not re-investigate the cases but essentially played a quality assurance role. Separately, cases that involved Post Office staff, who were not SPM's would be referred to the PSNI to investigate, who we would liaise with to answer any queries that they had in relation to the case. In terms of the POL investigations process, when a POL auditor discovered a loss in a Northern Ireland branch, the matter would be referred to POL's Security Team and the case allocated out to a Security Manger within the region to conduct an investigation. The Security Manager, along with a Second Investigator, would likely conduct and interview under caution with the accused, and also gather relevant documents to assist with the investigation, for example Horizon print outs from the auditor, eye witness testimony from those present during the audit etc. They would then produce a case file of their investigation and pass it to their Team Leader for review. Eventually the file would be passed on to Senior Management within Security to consider (via POL Security Teams Central Hub). A decision would then be made as to whether the case should progress to prosecution by Senior Managers in the Security

WITN11820100

Team, I suspect with the input from POL's legal team as to the relevant charges.

- ii. **England and Wales** – I did not get involved in any Post Office cases in England and Wales, but I believe that all cases in this region were private POL investigations, carried out internally. I therefore believe the process in England and Wales would have been the same or similar to what the process became in Northern Ireland when cases increasingly became investigated internally.
- iii. **Scotland** - Other than the one occasion where I sat in on an interview as a Second Investigator in a case in Scotland, I cannot recall being involved in Post office cases in Scotland other than to provide information as and when required. From disclosure, I can see an email dated 4 October 2013 [POL0033497] where I forward on details of a Scottish case to Andy Hayward for escalation. Prior to receiving this disclosure, I could not recall this case and I do not remember what happened following this email chain. However, my assumption is that it would have been dealt with by Andy Hayward and I would have had no further involvement. Due to my limited involvement in Scottish cases I cannot recall the specifics of how Post Office cases were investigated and prosecuted in Scotland. However, I can see from [POL00164215], an email dated 3 September 2013, that I was forwarded on 'Agreed Scottish Prosecution process'. This would have been for information only.

WITN11820100

25. I have also been asked to provide details of the individuals I worked with on cases in Northern Ireland and Scotland. In Northern Ireland, I would have worked with PSNI officers investigating the case in any police liaison cases, to the extent they requested further information from me in relation to an investigation they were running. I cannot recall the details of every police investigating officer that I may have worked with on cases, but the documents provided to me with the Request do illustrate that I was in liaison with Constable Alan Gordon in one case (see [POL00333552], [POL00333555] and [POL00333558]).

26. When POL cases in Northern Ireland became investigated internally by POL, I would have worked with POL's legal teams more often if I was a Lead Investigator, for example, if I was asked to assist them with any queries or matters they needed to pursue in relation to the case. For example, this is evident from various email correspondence provided to me with the Request relating to the prosecution of Peter Damian McCartan. I would like to clarify at this stage that I was not actually the Lead Investigator in the Prosecution of Peter Damian McCartan - this was Suzanne Winters, but due to Suzanne leaving POL, I was allocated the case to manage going forward. By this point her initial investigations had already been conducted and the case had already reached the prosecution stage. I provide more detail in relation to this case under the following heading below: PROSECUTION OF PETER DAMIAN MCCARTAN.

WITN11820100

27. I do not believe that I would have worked on POL cases in Scotland, or collaborated with anyone else in relation to any Scottish cases. As mentioned above, I believe the only involvement I had in a Scottish case was when I sat in as a Second investigator to assist another Security Manager due to staff shortages and availability. As far as I can recall, I did not carry out any further work on that case myself, or to assist anyone else.

**WHEN THE SERVICES OF MCCARTAN TURKINGTON BREEN (“MTB”)
SOLICITORS WERE SECURED BY THE POST OFFICE AND FOR WHAT
PURPOSE**

28. I have reviewed the following documents:

- i) **[POL00108203]** (Tab “All Live” – Row 17; Tab “North” – Row 9) (April 2013) Summary of Cases Spreadsheet
- ii) **[POL00126931]** (June 2013) One to One Meeting Record of Suzanne Winter (Line Manager: Keith Gilchrist)
- iii) **[POL00105032]** (28/06/2013) One to One Meeting Record - Simon Hutchinson (Line Manager Kevin Ryan)
- iv) **[POL00165675]** (02/04/2015) Email from Dave Posnett to Post Office Security and Helen Dickinson re: Case closure Ballynafeigh
- v) **[POL00029744]** Interim Report into alleged problems with the Horizon System
- vi) **[POL00029849]** (09/04/2015) Initial Complaint Review Mediation Scheme: Second Sight Briefing Report - Part

WITN11820100

- vii) **[POL00294584]** (28/01/2016) Post Office Security Operations
Investigation Governance Meeting Action Points

29. I cannot recall from memory when the services of MTB solicitors were first secured by POL. I believe that it was before the time I joined POL in February 2013, as I can see there is mention in a one-to-one meeting between Keith Gilchrist and Suzanne Winters (which covers the period of 13 April 2013 to 30 May 2013), that Ernie Waterworth (solicitor for MTB) was now the official legal advisor for POL's Security Team in Northern Ireland, and that he was meeting with the DPP to establish if the police (meaning the PSNI) could be taken out of the handing over process (see **[POL00126931]**).

30. I would like to clarify to the Inquiry it was not me who engaged MTB Solicitors. I have a vague recollection of it potentially being Kieth Gilchrist in his capacity of Team Leader who contacted and lined up the services of MTB solicitors, on the instructions of Senior Management within POL Security. As such, it was not me personally who considered that the involvement of Northern Ireland solicitors was necessary, when previously Security Managers had submitted cases directly to the PSNI Central Process Office. I also would not have been involved in seeking any legal guidance from POL's legal department before MTB solicitors were contacted. I do not know if Keith Gilchrist sought such advice or guidance, but I imagine he may have done so, probably on the direction of Senior Management in POL Security. However, I cannot confirm this for certain.

WITN11820100

31. I have been asked to consider [POL00126931] and to confirm:

- i. what was the purpose of EW meeting "*DPP to establish if police can be taken out of the handing over process and EW deal directly with DPP*"?;
- ii. why did the Post Office want to remove the involvement of the police?;
and
- iii. who was involved in making this suggestion?

To assist the Inquiry with this I believe it would be useful to set out the following further context: I think the services of Ernie Waterworth of MTB Solicitors had to be lined up simply because the PSNI were terminating the existing arrangement whereby POL previously submitted cases directly to the PSNI Central Process Office. This was before I joined and so I cannot say for definite but I believe that it was PSNI Central Process who took the decision to bring their services to a close, not POL.

32. As far as I understood it, MTB Solicitors were to review and scrutinize cases investigated in Northern Ireland going forward, and to advise whether they were appropriate for onward referral to the PPSNI. In light of this, I believe MTB Solicitors were effectively instructed in Northern Ireland to replace the former function of the PSNI Central Process Office, to act as a buffer and conduit between an individual investigating a matter and the PPSNI.

WITN11820100

33. I cannot recall ever having any discussions with a DPP representative about Northern Ireland cases. As such, I am unable to provide details of any such representatives.

34. I am not sure how the role of MTB solicitors differed from the role of the POL Criminal Law Team in relation to Northern Ireland criminal investigations. My understanding of MTB Solicitor's is summarised above. I'm not sure if it is just the case that the POL's Criminal Law Team carried out this same function but in relation to cases brought in England in Wales, before they were sent on to the CPS.

35. In terms of the work being conducted by Second Sight, I do recollect being aware that Second Sight had been engaged to look into alleged problems with the Horizon IT system that had been raised by SPMs, but that was the extent of my knowledge. I do not recall having any specific knowledge of what those alleged problems may be.

36. I can see in a document provided to me detailing a one-to-one meeting I held with Suzanne Winters in September 2013 where there is mention of Second Sight's review (see [POL00127136]). This indicates that I may have been informed about the existence of Second Sight's interim report and I believe this would have been by Senior Management in a POL Security Team briefing. However, I do not recall when this may have been and I do not believe I was ever told of the specific content of such report. The first time I have ever seen

WITN11820100

and read Second Sight's interim report was when it was provided to me with the Rule 9 Request.

37. I have no knowledge as to whether MTB solicitors' initial engagement by the Post Office was influenced by the Horizon issues being investigated by Second Sight. From memory I do not think this was the case – rather, my understanding as to why MTB Solicitors were engaged is set out in paragraphs 30 to 35 of this statement.

38. I do not know if or when MTB Solicitors were made aware of the Second Sight investigation or their interim report. I do not recall ever being initiated to communicate with MTB Solicitors about this at any point. I would suspect this is something that someone more senior within POL Security would have communicated with MTB Solicitors about, but I have no knowledge of whether this did occur or when.

39. I am not aware of MTB Solicitor's role changing at any point after they had been engaged.

40. I have been asked to consider [POL00294584] (which appears to be minutes of a POL Security Meeting held on 28 January 2016 that I did not attend), and to confirm the following:

- i. what was the purpose of setting up a conference "*03 To arrange conference call with Ernie Waterworth, [Simon Hutchinson], [Martin*

WITN11820100

Smith] & [Helen Dickinson] to discuss pending PSNI cases and potential Horizon issues” ?; and

- ii. my understanding of the potential Horizon issues as at 2016.

41. I think the only role I may have had here was to assist in setting up the conference call between Ernie Waterworth (MTB Solicitor), Martin Smith (Cartwright King) and Helen Dickinson (my Team Leader), and perhaps be there to listen and take note if any of the cases to be discussed were being managed by me. However, I cannot recall this POL Security meeting taking place, or the abovementioned conference call that may have arisen out of it. As such, I am unable to comment on what the purpose was of setting up the conference call.

42. In terms of my understanding of the potential Horizon issues as at 2016, I believe I was aware that some SPMs were alleging that there were potential issues with the Horizon System, and this was being pursued as a defence in their case, however, I had no knowledge about any of the specific bugs or errors being alleged. For example, I can see in my email update on 23 March 2015 at [POL00326019] provided to Martin Smith, Lucky Thandi and Helen Dickinson, I set out my current case load for Northern Ireland (per Martin's request), and make reference to "*possible horizon issues here*" with regards to the Drumantee case (which was a police liaison Case) and also mention that in the Ballynafeigh case (an internal POL investigation) the SPM intimated that a shortage discovered at his branch during an audit may be something to do with Horizon.

WITN11820100

43. As far as I can recall, still at this stage we were told to continue with our investigatory role as Security Mangers because Horizon was robust. This message would be relayed to us in POL Security Team briefings by Senior Management in the Security Team. I do also recall going to Birmingham on one occasion with other Security Mangers to receive a briefing from POL's former CEO, Paula Vennells, who confirmed that Horizon was a robust system and that we could continue with our everyday work. Unfortunately I cannot recall exactly when this was.

**THE STEPS TAKEN BY THE POST OFFICE AND THE APPROACH OF THE PSNI
IN RELATION TO NORTHERN IRISH CASES FOLLOWING THE PUBLICATION OF
SECOND SIGHT'S INTERIM REPORT ON 8 JULY 2013**

44. I have reviewed the following documents:

- i. **[POL00146123]** (27/08/2013) Email from Communications Team to Richard Polson, Richard Poulton, Richard R Weaver & Ors RE: Strike Contingency Plan - Tuesday 27 August
- ii. **[POL00164215]** (03/09/2013) Email chain from Kevin Ryan to Simon Hutchinson RE: Agreed Scotting Prosecution process
- iii. **[POL00126976]** (11/09/2013) Email from Dave Posnett to Aftab Ali, Andrew Daley, Andrew S McCabe and others re: RMG MOU- Memorandum of Understanding and Royal Mail Group Joint Investigation Protocols
- iv. **[POL00127136]** (17/09/2013) One to One Meeting Record between

WITN11820100

Suzanne Winter and Simon Hutchinson (Line Manager) for period of
02/08/2013-17/09/2013

- v. **[POL00299454]** (17/09/2013) Email from John M Scott to Angela Van-Den-Bogerd CC'd Rob King, Andy Hayward and others RE;Horizon & Investigations
- vi. **[POL00333497]** (04/10/2013) Email chain from Simon I Hutchinson to Andy Hayward RE: Scottish protocol and emails from the Crown – Andy was my line manager as a Team Leader.
- vii. **[POL00127133]** (12/10/2013) One to One Meeting Record with Robert Daily and Line Manager: Simon Hutchinson
- viii. **[POL00127134]** (05/12/2013) One to One Meeting Record with Suzanne Winter and Line Manager Simon Hutchinson from 20/10/2013 - 05/12/2013
- ix. **[POL00105134]** (26/04/2014) One to One meeting Record between Simon Hutchinson and Helen Dickinson - Review of 2014
- x. **[POL00105145]** (14/03/2014) Performance Development Review for Robert Daily (POL Security Manager) 2013/14 year end PDR
- xi. **[POL00326019]** (23/03/2015) Email from Simon I Hutchinson to Martin Smyth, Lucky Thandi and Helen Dickinson RE: Case File Governance Northern Ireland AA
- xii. **[POL00333532]** (28/05/2015) Email from Simon I Hutchinson To: Elaine McCabe RE: 1.NOT PROTECTIVELY MARKED-All Networks: Post Office Fraud Rita O Reilly– Derrylin
- xiii. **[POL00326121]** (15/07/2015) Email from Simon Hutchinson to Martin Smith RE: Horizon Statement

WITN11820100

- xiv. [POL00333536] (04/08/2015) Email from Elaine McCabe to Simon I Hutchinson re 1.NOT PROTECTIVELY MARKED-All Networks: RE: Derrylin Post Office Investigation –
- xv. [POL00333541] (03/11/2015) Email from Simon Hutchinson to Helen Dickinson RE: Drumantee

45. As mentioned earlier in this statement, I believe that I may have been informed about Second Sight's interim report existing by Senior Management in a POL Security Team briefing, but I do not recall ever seeing or reading the content of that report at the time. I am not sure if I was made aware of Second Sight's other report at [POL00029744]. I believe the first time I have ever seen and read its content was when it was provided to me with the Request.

46. Until I started following the oral evidence given in the Inquiry, I believe that I had no previous knowledge of the Helen Rose Report existing. The first time I have seen and read it was when it was provided to me with the Request.

47. I have no knowledge as to what POL may have informed MTB Solicitors, PSNI or PPSNI about the Second Sight reports or the Helen Rose report, or whether they were even made aware of these reports by POL.

48. I am also not aware of these reports being filed in any court proceedings in Northern Ireland, or being served on the defence.

49. I am not able to comment on whether these reports had any impact on POL's

WITN11820100

investigation or prosecution strategy, for example, prosecutions or investigations being terminated as a result. Conversations about the reports and the impact they may have on POL's investigations or prosecutions strategy would be something senior management within POL Security, potentially in liaison with POL's legal teams, would discuss. If then necessary, Security Mangers would be briefed on any change in investigation or prosecution strategy in team briefings. However, I cannot recall any particular briefing on changing POL's investigation or prosecution strategy. I can, however, see in an email dated 27 August 2013 at [POL00146123] that the publication of the Second Sight Interim resulted in a mediation scheme being set up to address concerns raised by SPMs. I had no involvement in this and the email would have been for information only.

50. I do vaguely recall that a group of more senior individuals within POL Security were allocated to address any Horizon related matters and they did have Horizon related conference calls. I cannot recall who in particular made up this group, but I can confirm that I was not part of it and I did not attend such calls. From my review of the documents, I believe that it would be within these meetings where topics such as the potential impact of the reports by Second Sight or Helen Rose on prosecution or investigation strategy may have been discussed. For example, the email from John Scott (Head of POL Security) to Angela Van-Den-Bogerd at [POL0029945] (which copies in others from the Security Team) illustrates that Dave Posnet had been allocated as a point of contact for 'new Second Sight cases, queries, spot lights etc.' and that he co-

WITN11820100

ordinated Wednesday morning Horizon conference calls.

51. I do not know exactly when PSNI was first made aware of Horizon issues with the potential to impact upon prosecutions. I can see from my email to Ben Beabey (Senior Legal Counsel at POL) on 8 October 2019 [POL00043066] that I mention to him the following: *“we have a generic letter from Mark Raymond (attached) that I pass to all Police investigating officers connected with a POL criminal investigation and I verbally inform, normally at our first meeting, that there is ongoing civil litigation which involves Horizon and other business matters.”* I can see that the generic letter signed off by Mark Raymond is at [POL00333578], but there are earlier versions signed off by Amy Quirk dating back to 2016 and 2015 at [POL00333553] and [POL00333548]. To confirm, Amy Quirk and Mark Raymond were Senior Managers in POL Security. I can also see that a version of this letter was provided to me and others in the Security Team by Helen Dickinson via email on 9 December 2015, with an instruction to offer it for every case that is currently with the CPS, PF or PSNI (see email chain at [POL00322903]). From these documents it appears that I would have been passing across the information in this generic letter to the PSNI from as earlier as 9 December 2015, at least up until 8 October 2019. I do not think I would have been sending these letters directly to the PPSNI, as I would have expected this to be done by any PSNI investigating officer dealing with a case that I sent it to.
52. I can then see from an email chain at [POL00043157] on 21 October 2019 that Ben Beabey attached further update letters setting out POL’s position in

WITN11820100

relation to Horizon issues. He informed in such email that these were drafted and approved by POL legal and external POL lawyers, with an instruction for these to be sent out by POL Security Managers to the relevant prosecutors. The specific letter that I was tasked to sign off and send out is at **[POL00333601]**, which provides more detailed and specific information in relation to Horizon issues being raised by SPMS in group litigation, and answers questions posed from the Defence about Horizon issues in the case of Andrea Gourley. It appears from the email chain at **[POL00333600]** that I sent this out to the PSNI investigating officer dealing with the case, Thomas Ross, on 20 October 2019. It appears he then passed this on to the PPSNI on 21 October via email. The PPSNI representative, Cathy McGaile, then chose to contact me directly on 23 October 2019 (as opposed to liaising with me via the PSNI, which was the usual process) to inform that she had responded to the questions posed by the Defence in accordance with the responses contained in my letter, but that she did not disclose the letter in its entirety to the Defence as she was satisfied that the unreliability issues raised relate to the preceding Horizon IT system, which was not relevant to this case. I deal more with this topic under the following subheadings of this statement: "LEA LETTER".

53. I do not know if any cases in Northern Ireland were reviewed in light of the interim Second Sight report. I can recall carrying out general case reviews of ongoing cases, to ensure they were all being conducted in order and case files being completed correctly. However this was just standard procedure, and not carried out in a Horizon issues context. If there were case reviews of

WITN11820100

Northern Ireland cases specifically in light of Second Sight's interim report, this may have been carried out by the group of senior individuals within POL Security who had been allocated to address any Horizon related matters and held Horizon related conference calls (as mentioned in paragraph 53 above). However, this is just speculation and I cannot confirm this for certain.

54. I have been asked to confirm how I line-managed Suzanne Winters in light of Second Sight's interim report, and what advice I gave her in relation to prosecutions in Northern Ireland. From memory, I do not think I gave any recommendations or advice to Suzanne in respect of this. I can see in a one to one I had with her on 17 September 2013, in my brief time as a Team Leader (see [POL00127136]) that it says the following under the subheading '*understanding priorities*' – "*The significant impact the SS review may have on my POL cases and for future investigations*". I have no recollection of discussing this with Suzanne. This priority may be something that Suzanne has determined solely by herself following briefings from Senior Management within POL Security following the publication of Second Sight's interim report, but as far as I can recall, all briefings I received by Senior Management in POL Security, was to carry on as normal as Horizon was robust.

55. Although I cannot recall any changes to the way investigations were carried out, I do recall that things got busier after the publication of the Second Sight report as I think that more SPMs were raising questions and queries based on the findings in the Second Sight report. This recollection is in line with the record of a one-to-one meeting I had with Helen Dickinson on 26 February

WITN11820100

2014 (by which point she was Team Leader), that next to a subheading of 'Team Leader Role', I mention the following: *"I have been acting as temporary Team leader of Sec Ops Team North. This has come at an exceptionally busy time with significant impact to daily investigations into theft/ fraud of POL assets, regarding the recent 2nd Sight Report into POL Horizon (...)"* (see [POL00105134]).

56. As far as I can remember, I do not think I made any particular changes to my own approach to investigations or prosecutions shortly after the publication of the Second Sight interim report, however, I can see much later on 1 July 2015 that I informed a PSNI officer dealing with the case involving Rita O'Reilly and Derrylin Post Office, that POL were of a mind to close the case as Ms O'Reilly had mentioned a Horizon Defence, and Post Office were some time away from employing a subject matter expert to appear in Court to help POL oppose claims of such defence. As such, it appears that there was some change to the approach in prosecutions in that we appeared to now need expert evidence in Northern Ireland cases where there were issues being raised in respect of the Horizon IT system. As mentioned above, I do not think expert evidence was ever used previously in any Northern Ireland cases.

57. I do not know if or when the PSNI was informed about the Second Sight interim report. I also do not remember the approach being taken by the PSNI ever changing in relation to Northern Ireland POL cases following the publication of Second Sight's interim report. However, as shown in an email chain of 6 July 2016 at [POL00333558] I did speak to PSNI about Horizon's

WITN11820100

integrity and offered to put PSNI in contact with a POL senior manager in case they wanted to discuss the matter further. However again, [POL00333536] indicates that there was some change to the approach by July 2015, in that POL would need to be able to produce expert evidence in Northern Ireland cases where a Horizon Defence was raised, in order for the PSNI to proceed with the case.

58. Other than the letters and information mentioned in paragraphs 52 and 53 above, I do not know how else the PSNI were kept updated in respect of Horizon issues following the Second Sight interim report. I was not ever tasked to update them regularly in any way about this. I do recall on occasion that PSNI officers may approach me to seek further information about Horizon issues in cases they were dealing with, but this was much later on, particularly following release of the BBC Panorama documentary in 2015 (for example, see my email chain with Constable Alan Gordon at [POL00333558] in July 2016 – I deal with this chain in further detail below).

59. I am unsure if there were any specific requests made of POL by PSNI for evidence, expert or otherwise, attesting to the operation in the Horizon system and how this was resolved.

60. I am not aware of Cartwright King's role in relation to reviewing cases in Northern Ireland. I can see from [POL00326019] that I email Martin Smyth details about my case load in Northern Ireland, following a request for this by him. However, I was not involved in any wider role of instructing Cartwright

WITN11820100

King or setting out the ambit of their role so I don't know any further detail about this.

61. I am not sure if MTB Solicitors reviewed any Northern Ireland cases in light of Second Sight's interim report, or if they were ever instructed to do this. I have set out what I believe MTB Solicitors were specifically engaged for earlier in this statement.

62. As far as I am aware, it was not usual for POL to have direct dealings with PPSNI. In terms on myself, I would usually liaise with PSNI investigating officers in Police Liaison cases, who would then onward liaise with PPSNI. As already mentioned above, there was one occasion where a PPSNI representative contacted me directly in the case of Andrea Gourley (see [POL00333600]). I have also had direct contact with PPSNI earlier this year, but this concerned a compensation order which came to POL. I think that POL legal representative had direct dealings with PPSNI in matters which were not Police Liaison cases I did not have any regular contact with them.

63. I have been asked to review [POL00333541] (an email update I have sent to Helen Dickinson in respect of the Drumantree case on 3 November 2013) and to comment on how PPSNI were made of the Horizon integrity issues raised in this matter. From reading this email update, it appears that I had spoken with PSNI Detective Constable Mary Campbell, who must have been the Investigating Officer dealing with this case. My interpretation of this email update is that Mary Campbell informed the PPSNI of any integrity issues

WITN11820100

being raised by the defense, and had told me she had done so.

64. I do not believe I was ever made aware of the advices of Simon Clarke dated 15 July 2013 [WITN06740105] and 2 August 2013 [POL00006799] and I do not know who these advices were distributed to. I also do not believe that anyone communicated any views to me taken by POL in relation to such advices. As far as I am aware, the first time that I have seen and read these advices was when they were provide to me with the Request. I do however recall receiving training from Simon Clarke on the topic of Disclosure, which particularly concentrated on the need to retain documents. I cannot recall exactly when but this would have been early on in my career.

65. I am not aware if any action was taken by POL as a result of Simon Clarkes' advice in respect of prosecutions in Northern Ireland.

66. As far as I am aware, Gareth Jenkins did not produce any expert evidence in respect of any Northern Ireland prosecutions.

67. I have reviewed the following documents:

- i. [POL00333552] (06/06/2016) Post Office and PSNI emails re Mossley PO - SPM - pleaded not guilty and trial commencing April 2016; attaching POL Horizon letter.
- ii. [POL00333553] (01/06/2016) Post Office letter re disclosure for PPS in light of BBC Panorama programme.

WITN11820100

- iii. **[POL00333554]** (20/06/2016) PSNI email to PO re Mossley PO (Liza Coleman) case- re what issues Horizon's defects will cause for the case.
- iv. **[POL00333555]** (22/06/2016) Email chain from Simon Hutchinson to Alan Gordon RE: Mossley Post Office
- v. **[POL00333558]** (06/07/2016) Post Office and PSNI emails re Mossley PO (Liza Coleman) case - PO confident in Horizon's integrity.
- vi. **[POL00333565]** (17/01/2017) PSNI email to PO re Dumintree PO - seeking report on Horizon glitches and whether discrepancies were reported in the branch before 2014.
- vii. **[POL00333569]** (21/02/2017) Post Office and PSNI emails re Dumantree PO - postmaster pleaded guilty to fraud by false representation and false accounting.
- viii. **[POL00248785]** (21/03/2017) Email from Mark Raymond to Rodric Williams and Jane MacLeod
- ix. **[POL00333575]** (06/04/2017) Email chain from Mandy Campbell to Simon Hutchinson RE: Drumantee Post Office
- x. **[POL00248682]** (19/04/2017) Email from Mark Raymond to Rodric Williams, CC Simon I Hutchinson and Helen Dickinson re: FW: Horizon Issues- Strangford case
- xi. **[POL00333584]** (04/10/2019) Email chain from Simon Hutchinson to Paula Mcgale RE: Cabragh Investigation
- xii. **[POL00293025]** (28/01/2020) Email chain between Nick Vamos and Ben Beabey cc: Rodric Williams and others re: Legal privilege/confidential - POL criminal matters - Cabragh and Howard

WITN11820100

Street [PP-DOCS.FID119697]

68. I note in the email chain at [POL00333558], Constable Alan Gordon (PSNI) wrote to me on 1 July 2016 that “...prosecutors feel they are in the dark regarding this, bearing in mind the standard of proof required then further clarification is needed”. I do not know why prosecutors felt that they had been left in the dark and I do not know what was done to seek the clarification which was considered necessary nor what further steps were taken by PPSNI. I also do not think I hold any further documents or correspondence with the PPSNI in relation to this to assist the Inquiry further. From looking at the email chains at [POL00333552], [POL00333554] and [POL00333555] it looks like I sent over the generic LEA letter setting out POL’s position on Horizon issues signed off by Amy Quick at [POL00333553] to Constable Alan Gordon and asked him to provide it to the PPSNI in relation to the case involving Mossley Post Office. As a result, it looked like the PPSNI wanted to seek further clarification on Horizon issues. The responses that I provide to address this query in the email chain at [POL00333558] repeats the message being delivered to Security Managers by Senior Management within POL Security about POL’s stance on Horizon issues and the Horizon system. I can see that my emails to Constable Alan Gordon don’t explicitly state what the specific Horizon issues are, and the generic LEA letter I asked him to pass to PPSNI doesn’t either. As such, perhaps prosecutors felt they were left in the dark because they didn’t have clarity on what the alleged flaws or defects specifically were. From my recollection, I don’t believe that I ever understood or knew myself what the specific technical issues being alleged were.

WITN11820100

69. I have been asked on what basis did I hold and express the belief that I was “*confident with Horizon integrity*” and that Post Office Ltd were “*confident in the integrity of the Horizon system*”, in light of the Second Sight reports, Helen Rose report, and the Simon Clarke advices. Firstly, as mentioned earlier in this statement, although I knew that Second Sight were engaged by POL, I do not think I ever actually had sight of those reports or knew about their specific content. In terms of the Helen Rose Report and Simon Clarke’s advice, I do not believe I had any knowledge of these at all. In light of this, these statements I made would not have been based on any reports. Rather, I believe that they simply reflect the message being delivered to Security Managers by Senior Management within POL Security during Team briefings. This was also the message I remember receiving during a briefing in Birmingham from Paula Vennels.

70. As far as I can recall, I have never attended Court as a POL witness for the PPSNI, whether in the Strangford case or otherwise. In an email chain at [POL00248682] it is indicated that I was summonsed to attend Crown Court in relation to the Strangford case, but I do not think this went ahead. I can also see from this email chain that I was seeking advice from my Team Leader, Helen Dickinson, in relation to having a business legal response, should Horizon Issues be raised by the defence in court. It appears that she and Mark Raymond (Head of Security Operations) took my query to Rodric Williams in POL Legal to seek further advice. I think this illustrates further that any statement I ever made in relation to myself and POL being confident in

WITN11820100

the integrity of Horizon, would have been a reflection of what the agreed position of the business was, as communicated to me by more senior members of POL's Security Team, who may have sought further input on this from POL legal.

THE STEPS TAKEN BY THE POST OFFICE AND THE APPROACH OF THE CROWN OFFICE AND PROCURATOR FISCAL SERVICE ("COPFS") IN RELATION TO SCOTTISH CASES FOLLOWING THE PUBLICATION OF SECOND SIGHT'S INTERIM REPORT ON 8 JULY 2013

71. I have reviewed the following documents:

- i. [POL00127133] (12/10/2013) One to One Meeting Record with Robert Daily and Line Manager: Simon Hutchinson
- ii. [POL00333579] (p.271) (12/12/2013) Post Office Ltd Rosemary Stewart Gorbals Post Office-Emails, request for write off

72. I was not responsible for the Scotland Region as a Security Manager, as this was Robert Daily's region. In light of this I do not feel able to provide any detailed account of the steps taken by POL and the approach of the COPFS in relation to Scottish cases following the publication of Second Sight's interim report on 8 July 2013.

73. I have no awareness of when COPFS was first made aware of Horizon issues with the potential to impact upon prosecutions, nor what COPFS was told and

WITN11820100

by who.

74. I do not know what cohort of Scottish cases were reviewed in light of the interim Second Sight report. I appreciate within the meeting record of the one-to-one I held with Robert Dailey on 12 October 2013 (see [POL00127133]) there is mention of case reviews, but I cannot recall discussing this with Robert at all. Whilst I would have line managed Robert Daley in my short time as a Team Leader, I believe that Suzanne Winters took more of a lead with supporting him in his role. As previously mentioned, my role as a Team Leader was more focused on Physical Security, and I would rely on Suzanne for assistance in relation to investigation matters.

75. I cannot recall giving any advice to Robert Daley in relation to the integrity of Horizon data in the prosecutions in Scotland. If I did give such advice, it would have been whatever messages were being relayed to me in Team briefings by Senior Management within POL Security.

76. I do not know what role BTO Solicitors had in relation to reviewing Scottish cases. I can only rely on the one-to-one meeting document at [POL00127133], which states that Robert Daley, in full consultation with Jarnail Singh, *“secured the services of Brechin Tindall Oatts to advise on all casework within Scotland. Advising BTO and Crown Office Procurator Fiscal (COPFS) over cases previously submitted in view of the Second Sight report”*. Any discussions around these services would have been dealt with by senior management and so I do not feel able to comment on why they were

WITN11820100

engaged.

77. I do not know if BTO Solicitors, or Laura Irvine from that firm, were ever made aware of the Second Sight Investigation or their reports.

PROSECUTION OF PETER DAMIAN MCCARTAN

78. I have reviewed the following documents:

- i) **[POL00141654]** (22/11/2013) Record of taped interview - Peter Damian McCartan – SW was a perfectionist.
- ii) **[POL00325844]** (12/05/2014) Email from Ernie Waterworth to Jarnail Singh, Martin Smith CC'd to Lesley Jennings RE;FW: prepared statement
- iii) **[POL00326019]** (23/03/2015) Email from Simon I Hutchinson to Martin Smyth, Lucky Thandi and Helen Dickinson RE: Case File Governance Northern Ireland AA
- iv) **[POL00326065]** (14/04/2015) Letter from Ernie Waterworth to Mr John Scott re: Peter Damian McCartan
- v) **[POL00326064]** (19/05/2015) Email from Rob King to John M Scott and cc'd Simon I Hutchinson and Martin Smith re: BALLYNAFEIGH - MTBRef:1040590004 Post Office v Damian McCartan
- vi) **[POL00274689]** (pp. 4-5) (29/05/2015) Email from Post Office Security to Denis Reid, Amy Quirk, Andy Hayward and others (Case closure Ballynafeigh)
- vii) **[POL00165675]** (01/06/2015) Email from Dave Posnett to Post

WITN11820100

Office Security and Helen Dickinson re: Case closure Ballynafeigh.

- viii) **[POL00132405]** (17/06/2015) Subpostmaster Debt Claims.
Checklist of documents to be provided by former agent debt team (Chesterfield) to External lawyers (Bond Pearce & Beachcroft) (in particular Case closure Ballynafeigh dated 09/06/2015)
- ix) **[POL00274689]** (p.1) (28/07/2015) POL FAD File RE: Ballynafeigh Post Office Branch (Letter from Simon Hutchinson to Peter McCartan) – my closure letter to Damian
- x) **[POL00274689]** (p.55) (11/06/2018) POL FAD File RE: Ballynafeigh Post Office Branch (email from Peter McCartan to Simon Hutchinson)
- xi) **[POL00112224]** (10/05/2019) Email from Ben Beabey to Josh Harris cc Ben Beabey re: Draft Email Re Ballynafeigh - civil recovery case of Peter Damian McCartan former PMR at Northern Irish branch Ballynafeigh 168704
- xii) **[POL00112259]** (17/05/2019) Email chai from Ben Beabey to Larissa Bayliss, re Agent Debt Matter - Mr Damian McCartan and Ballynafeigh

80. I could not recollect all the details of the prosecution of Peter Damian McCartan, nor what my specific involvement was in the case, until I reviewed the documents mentioned in paragraph 79 above. From these documents I can see that this was a POL internal Investigation in Northern Ireland and not a police liaison case, and it was initiated just prior to me joining POL. Suzanne Winters was the Lead Investigator in this case, but it was

WITN11820100

eventually passed over to my caseload when Suzanne left POL in 2014 and then I was involved thereafter. I also assisted with bringing the case to a close.

81. I can see that the investigation related to a cash shortage of £45,555.22 in the office accounts at the Ballynafeigh Post Office Branch in Belfast, which had been identified at an audit on Thursday 03 January 2013.

82. It appears that I first became involved in this case when a second interview under caution was conducted with Mr McCarten on 22 November 2013. A record of this interview is at [POL00141654]. I attended as a Second Investigator to assist Suzanne as Lead Investigator. I believe it was POL's standard procedure to have 2 Security Managers present in an interview. My role in the interview would have been to help Suzanne set up, and also ask any further questions of Mr McCarten that I thought might help with gaining clarity on matters during the course of the interview. I can see that I did ask Mr McCarten some questions towards the end of this interview, but from reviewing the transcript I believe I asked these questions purely for my own benefit to get clarification on matters. At this stage in my POL career I was still very new to POL investigations and this interview was still a learning experience for me.

83. Other than sitting in as the Second Investigator in the interview with Mr McCarten on 22 November 2013, I do not think I had any further involvement in the initial investigation stages. I may have made a statement for the case

WITN11820100

file following me sitting in the second interview, but I do not know for certain. By the time the case was passed to me when Suzanne left, the case was at the prosecution stage.

84. I could not recall from memory any allegations made by Peter McCartan relating to the reliability of the Horizon IT system. I note that it is indicated in various documents listed in paragraph 79 above that Mr McCartan asked his union representative following the second interview whether he should raise the horizon issue now, and he was advised not to at that stage. I cannot recall this, but if I had witnessed this myself, it would probably be confirmed in any witness statement I completed for the case file, put together by Suzanne as part of her investigation.
85. I am not sure who authorized the prosecution of Peter McCartan, or who made the charging decision in this case. I suspect it would have been John Scott (Head of Security) in both instances, but in liaison with POL Legal teams.
86. I do not know if any Horizon data (in particular ARQ logs) were requested from Fujitsu in this case. I can remember Suzanne Winters would request Horizon data in cases, but I am not sure whether she did here, or if she did, whether it was ARQ logs. As far as I am aware, I did not request any Horizon data, including ARQ logs, in this case after it was passed to me to manage.
87. As Lead Investigator, I believe that Suzanne Winters would have been the

WITN11820100

disclosure officer in this case. I don't think I had any role in disclosure in this case at any point. I should flag that although Suzanne's caseload was passed to me when she left, they were all completed and my role was simply to manage the outcome of them. I cannot recall having any involvement in disclosure.

88. I do not believe at the interview on 22 November 2013 (or at any time thereafter), that I had any concerns about the integrity of Horizon. As previously explained in this statement, the message I recollect being conveyed to Security Mangers was that the Horizon system was robust and there was nothing to be concerned about.
89. Whilst the case closure form at [POL00165675] states I attended, I do not remember attending a meeting with John Scott, Rob King and Ernie Waterworth on 2 April 2015 in Belfast. If I did attend, I have no recollection of what was discussed before the following decision was made: "*regarding the unresolved Horizon issue concerning any prosecution in this case.... [d]ue to Human Rights (ECHR) issues surrounding the potential delay to trial it has been recommended to close the case at this time.*" It is likely that I may have assisted with setting up this meeting, given that the case had been passed to me following Suzanne Winters leaving POL. However, I do not think I would have played any active part in the discussions had or decision making that took place– rather, I believe this would have been a meeting between a POL lawyer (Ernie Waterworth) and two senior POL security managers (John Scott and Rob King) to decide a way forward for the case.

WITN11820100

90. From my review of pages 24 and 25 of [POL00132405] (an email update from myself to Dawn Colclough in POL's debt recovery team) it appears that my understanding as to why Mr McCartan's case was closed on the ground of *"Human Rights (ECHR) issues surrounding the potential delay to trial"*, was as follows: Ernie Waterworth's advice to POL was that a Horizon subject matter expert would need to address and resolve the Horizon issues being raised by Mr McCartan, before the case could proceed to a trial. However, the identification of an appropriate expert by POL and any report they could provide to deal with this was not forthcoming. I do vaguely recall that POL had previously lined up a University Professor from England to be their Horizon subject matter expert, but this didn't materialize and I was not involved in any discussions around experts. I can see that Ernie Waterworth had stated it could take a further 6 to 9 months before a specialist report from a Horizon expert would be available, by which point the case had already been running for over 2 years. His advice seemed to be that it would be a breach of Mr McCartan's human rights (particularly Article 6 of ECHR, a right to a fair trial) to impose such further delays to his trial. This was because Article 6 ECHR includes the right to have a public hearing within a reasonable time.
91. I have been asked to confirm what my understanding was when Ernie Waterworth mentioned that a *"specialist report would be needed as the Horizon issue remains unresolved"*, and what my understanding was on the need to obtain a "specialist report" on Horizon. I believe that my personal understanding would have simply been that a report was needed by someone

WITN11820100

who was an expert on the Horizon IT system so that during the trial POL could effectively respond to and clarify any points being raised by the Defence in respect of any alleged Horizon integrity issues. My recollection was that there was always an expert who spoke to Horizon issues from Fujitsu.

92. I don't think that Ernie Waterworth's comment that it may take "*a further six to nine months before a specialist report will be available*" caused me to have any concerns about the integrity of Horizon data. As previously mentioned in this statement, the message I recall being delivered to Security Managers is that Horizon was robust and that there was nothing to be concerned about. Looking back, I think I would have probably just thought that lawyers would be looking into matters when Horizon integrity issues were mentioned by the Defence in cases, and unless I was explicitly informed directly by those lawyers or through Senior Management within POL Security that serious problems existed, I wouldn't have suspected there was anything to be concerned about.
93. I don't recall having any concerns when POL continued to enforce the judgment in default against Mr McCarten in 2018 after he had two serious car crashes. Nevertheless I did feel great empathy towards him and his circumstances.

WITN11820100

EXPERT EVIDENCE ABOUT THE HORIZON SYSTEM IN NORTHERN IRELAND

94. As far as I am aware, I do not think that POL instructed any experts to provide evidence or testimony relating to the Horizon IT system or the reliability of information extracted from it, in Northern Ireland. I am not entirely sure why this was not considered important. One potential reason could be that, as far as I can recall, the majority of prosecutions brought in Northern Ireland were not based solely on Horizon data. There was other relevant evidence being relied on in order to pursue a prosecution, with the primary evidence being ARQ data and admissions either during the audit or at interviews under caution.
95. I have no knowledge as to whether PPSNI was ever made aware of the advices of Simon Clarke dated 15 July 2013 ([WITN06740105]) and 2 August 2013 ([POL00006799]). As explained earlier in this statement, I do not think I even had any previous knowledge myself of the Simon Clarke advices until they were provided to me with the Request.

“LEA” LETTER

96. I have reviewed the following documents:
- i) [POL00322903] (09/12/2015) Email from Christopher G Knight to Andrew Wise re: FW: Confidential - Horizon Notification
 - ii) [POL00322904] (09/12/2015) DRAFT RELEASE TO CPS –

WITN11820100

- iii) **[POL00333548]** (11/12/2015) Letter from Post Office to XXX RE;
Disclosure for CPS
- iv) **[POL00294584]** (28/01/2016) Post Office Security Operations I
nvestigationGovernance Meeting Action Points
- v) **[POL00333553]** (01/06/2016) Post Office letter re disclosure for
PPS in light of BBC Panorama programme
- vi) **[POL00333578]** (30/05/2017) 30/05/2017 Letter from Mark
Raymond RE: Disclosure for CPS
- vii) **[POL00334091]** (04/10/2019) Disclosure for CPS
- viii) **[POL00043066]** (08/10/2019) Email chain from Simon Hutchinson
to Ben Beabey, Helen Dickinson, Mark Raymond and others re
Confidential FW: Solicitors Enquiry -
Pond Park Investigation - legal privilege / confidential / do not share
- ix) **[POL00043157]** (21/10/2019) Email chain between Simon
Hutchinson, Ben Beabey, Helen Dickinson and others RE: Update
Letter to Prosecutors on Horizon - Legal Priviledede/confidential / do
not share
- x) **[POL00333601]** (22/10/2019) Letter from Post Office to Public
Prosecution Service (Belfast) RE: Andrea Gourley
- xi) **[POL00333600]** (23/10/2019) Email from McGalie Cathy to Simon
I Hutchinson CC'd Thomas Ross RE;OFFICIAL-SENSITIVE
[CRIMINAL JUSTICE PARTNERS]: RE: RE: Andrea Gourley -
Case Ref No; 988883 [OFFICIAL]
- xii) **[POL00333601]** (22/10/2019) Letter from Post Office to Public
Prosecution Service (Belfast) RE: Andrea Gourley

WITN11820100

- xiii) **[POL00292987]** (28/01/2020) Email chain between Christopher G Knight, Ben Beabey and Mark Dinsdale cc: Mark Raymond and others re: CoH Spreadsheet - legal privilege/confidential/do not share this email
- xiv) **[POL00293011]** (28/01/2020) Email from Ben Beabey to Eamon McCarthy-Keen, Nick Vamos c.c. Rodric Williams

97. I believe that "LEA" stands for "Law Enforcement Agency", which is an overarching term for the PSNI, PPSNI, CPS, Police and COPFS. To confirm, "LEA Letter" was the description given to the letters which Security Managers were instructed to send out to Law Enforcement Agencies, as I have described in paragraphs 54 and 55 of this statement.
98. I think the purpose of the LEA letters was to formally lay out POL's message to the PSNI, PPSNI, CPS, Police and COPFS in relation to Horizon Integrity issues, as questions around this were in the public domain following the 2015 BBC Panorama programme and because in some prosecutions challenges, were being raised by defence teams about this.
99. I have been asked to confirm whether I considered there was an urgency in sending out "LEA" letters to the prosecution authorities in Northern Ireland and Scotland in each case, following Helen Dickinson's instructions on 9 December 2015 (see **[POL00322903]**). Firstly, I would like to clarify that I did not send any LEA letters out in respect of cases in Scotland. I believe this would have been Robert Daley's responsibility as Scotland was his

WITN11820100

region. In terms of Northern Ireland, I can't recall feeling any urgency as such in respect of any cases, but from a professional stand point, I would always deal with a task swiftly if I was instructed to do something.

100. I have considered [POL00294584] (28/01/2016) Post Office Security Operations Investigation Governance Meeting Action Points, where it states, *"[o]ngoing circulation and recording of disclosure notice to inform LEA's about the potential Horizon issues with prosecutions. All submissions to be reported to Casework to be logged on a central register including date sent, to whom, any response, etc"*
101. I can see that I did not attend this Post Office Security Operations Investigation Governance Meeting. I can only assume that the purpose of ongoing circulation and recording of who LEA letters were sent to was just to ensure that POL's position of Horizon Integrity issue was formally communicated to the relevant Law Enforcement Agencies in all cases, and that POL could keep track of this.
102. I do not know for certain who kept the central register which included a record of date sent, to whom, any response, etc. Perhaps this was kept by the POL Security Admin Team, which I believe was made up of Chris Knight, Andrew Wise and some other assistants.
103. I am not aware of which public authorities that LEA letters were sent to in Scotland, as I was not responsible for sending them out in Scotland. In

WITN11820100

Northern Ireland, I sent LEA letters to the PSNI, with a request for them to be sent on to the PPSNI in cases.

104. I recall that the criteria for sending out LEA letters in Northern Ireland was just to send them out to all PSNI Investigation Officers working on POL cases.
105. I do not know when public prosecution authorities in Northern Ireland and Scotland were made aware of the specific Horizon issues referred to in these "LEA" letters.
106. I am not entirely sure who drafted the earlier LEA letters signed off by Amy Quirk and Mark Raymond (see [POL00333548], [PO00333553] and [POL00333578]). I note that when Helen Dickinson instructed us to send LEA letters out on 9 December 2015, she also stated in her email that Rodric Williams in POL Legal was our contact, and we were to address any legal queries with POL legal in the first instance. Perhaps this means that Rodric Williams had some involvement in drafting them.
107. In terms of the update letter I was tasked to send out specifically to the PSNI officer dealing with the case of Andrea Gourley in 2019 (see [POL00333601]), I can see from the documents provided to me that Ben Beaby (POL Legal Counsel) informed me that POL Legal were drafting it.
108. I have been asked to explain why the "LEA" letters were sent through 2016,

WITN11820100

2017, 2018 and 2019 (up to October 2019) to the police officers, but not to the prosecution authorities (e.g. PPSNI in Northern Ireland or the Crown Office in Scotland) on an institutional level. I am not able to comment in respect of Scotland, but in terms of Northern Ireland, it would be usual practice for a Security Manager to send the LEA letters to the relevant investigating officers on POL cases in the PSNI, who would then send them on to the PPSNI if the case had been submitted to them. I do not believe there was a protocol in POL which would have required me to go directly to the PPSNI in police liaison cases. It would not make sense to me to bypass a PSNI officer when something needed to be passed on to the PPSNI, because in police liaison cases the PSNI Investigating officer was the individual responsible for the investigation.

109. I do not know why it was not until late 2019 that *“the December 2019 letter went generically to CPS Area Offices”*. I also do not know why there were changes in sending the letters to “CPS Area Offices” instead of the police (see [POL00293011]). This would likely have been a decision discussed and made at a much more senior level to me in POL Security, and I would not have been involved in making those decisions. To be clear, I had no dealings with the CPS or the police here as this was in England and Wales.

110. I do not recall having any concerns when PPSNI decided not to disclose the letter entitled “Post Office Group Litigation – Horizon” to the Defence? (see [POL00333600] and [POL00333601]). It is clear that Cathy McGaile from PPSNI had carried out her own review of POL’s response and was satisfied

WITN11820100

that the case against Andrea Gourley could proceed as the Horizon unreliability issues related to the old Horizon system (Horizon Legacy) and was therefore not relevant in this case because the IT system used by POL at the time of the alleged offences was Horizon Online. There is also more context here, in that the case of Andrea Gourley was not one where the prosecution was relying solely on Horizon data. I believe this is why Cathy McGaile states the following in here email at [POL00333600]: *"I expect that the Defence are aware of the issues with the preceding IT system in an event and that they may be asking these questions in order to provide a distraction from the evidence presented in this case against their client"*

GENERAL

111. As explained earlier in this statement, although I was aware of some cases where an accused SPM had stated that there were issues with the Horizon system, the message I always recall being delivered to Security Managers from Senior Management within POL's Security Team, as well as in briefings from Paula Vennels, was that Horizon was a robust system and there was no need to be concerned about its integrity. I relied on this message and I don't think I ever thought there was a need to scrutinise it, especially when it was being delivered from CEO level down. In light of this, I do not think it ever crossed my mind that a challenge to the integrity of Horizon in one case may be relevant to other ongoing or future cases.

WITN11820100

112. I have followed the Inquiry and feel a lot of anger about what has come out from it and the fact the legal process was abused with disclosure not being properly following which has resulted in miscarriages of justice.

113. Other than the matters set out in this statement, there are no other matters that I would like to bring to the attention of the Inquiry Chair.

STATEMENT OF TRUTH

I believe the contents of this statement to be true.

Signed:



GRO

Dated: 5th December 2024

INDEX TO THE FIRST WITNESS STATEMENT OF SIMON HUTCHINSON

No	URN	Document Description	Control Number
1.	POL00333552	Post Office and PSNI emails re Mossley PO - SPM pleaded not guilty and trial commencing April 2016; attaching POL Horizon letter.	POL-0180992
2.	POL00333532	Email from Simon I Hutchinson To: Elaine McCabe RE: 1.NOT PROTECTIVELY MARKED- All Networks: Post Office Fraud Rita O Reilly - Derrylin	POL-0180971
3.	POL00333555	Email chain from Simon Hutchinson to Alan Gordon RE: Mossley Post Office	POL-0180995
4.	POL00333558	Post Office and PSNI emails re Mossley PO (Liza Coleman) case - PO confident in Horizon's integrity.	POL-0180998
5.	POL00108203	Summary of Cases Spreadsheet	POL-0106332
6.	POL00126931	One to One Meeting Record of Suzanne Winter from 13/4/13 - 30/5/13	POL-0134071
7.	POL00105032	One to One Meeting Record – Simon Hutchinson	POL-0080664
8.	POL00165675	Email from Dave Posnett to Post Office Security and Helen Dickinson re: Case closure Ballnafeigh	POL-0161031
9.	POL00029744	Interim Report into alleged problems with the Horizon System	POL-0026226
10.	POL00029849	Initial Complaint Review Mediation Scheme: Second Sight Briefing Report – Part Two	POL-0026331
11.	POL00294584	Post Office Security Operations Investigation Governance Meeting Action Points	POL-0170663

WITN11820100

12.	POL00126931	One to One Meeting Record of Suzanne Winter from 13/4/13 – 30/5/13	POL-0134071
13.	POL00127136	One to One Meeting Record between Suzanne Winter and Simon Hutchinson (Line Manager) for period of 02/08/2013-17/09/2013	POL-0133361
14.	POL00326019	Email from Simon I Hutchinson to Martin Smyth, Lucky Thandi and Helen Dickinson RE: Case File Governance Northern Ireland AA	POL-0173122
15.	POL00146123	Email from Communications Team to Richard Poulton, Richard R Weaver & Ors RE: Strike Contingency Plan – Tuesday 27 August	POL-BSFF-0005250
16.	POL00164215	Email chain from Kevin Ryan to Simon Hutchinson RE: Agreed Scottish Prosecution process	POL-0159571
17.	POL00126976	Email from Dave Posnett to Aftab Ali, Andrew Daley, Andrew S McCabe and others re: RMG MOU- Memorandum of Understanding and Royal Mail Group Joint Investigation Protocols	POL-0134075
18.	POL00299454	Email from John M Scott to Angela Van-Den-Bogerd CC'd Rob King, Andy Hayward and others RE; Horizon & Investigations	POL-BSFF-0137504
19.	POL00333497	Email chain from Simon I Hutchinson to Andy hayward RE: Scottish protocol and emails from the Crown	POL-0180934
20.	POL00127133	One to One Meeting Record with Robert Daily and Line Manager: Simon Hutchinson	POL-0133358
21.	POL00127134	One to One Meeting Record with Suzanne Winter and Line Manager Simon Hutchinson from 20/10/2013 – 05/12/2013	POL-0133359
22.	POL00105134	One to One meeting Record between Simon Hutchinson	POL-0080762

WITN11820100

		and Helen Dickinson – Review of 2014	
23.	POL00105145	Performance Development Review for Robert Daily (POL Security Manager) 2013/14 year end PDR	POL-0080770
24.	POL00326121	Email from Moss Lane to Martin Smyth. RE: Horizon Statement	POL-0173144
25.	POL00333536	Email from Elaine McCabe to Simon I Hutchinson re 1.NOT PROTECTIVELY MARKED- All Networks: RE: Derrylin Post Office Investigation	POL-0180975
26.	POL00333541	Email from Simon Hutchinson to Helen Dickinson RE: Drumantee	POL-0180980
27.	POL00029744	Interim Report into alleged problems with the Horizon System	POL-0026226
28.	POL00043066	Email chain from Simon Hutchinson to Ben Beabey, Helen Dickinson, mark Raymond and others re Confidential FW: Solicitors Enquiry – Pond Park Investigation – legal privilege / confidential / do not share	POL-0039548
29.	POL00333578	Letter from Mark Raymond RE: Disclosure for CPS	POL-0181018
30.	POL00333553	Post Office Letter re disclosure for PPS in light of BBC Panorama Programme	POL-0180993
31.	POL00333548	Letter from Post Office to XXX RE; Disclosure for CPS	POL-0180987
32.	POL00322903	Email from Christopher G Knight to Andrew Wise re: FW: Confidential – Horizon Notification	POL-BSFF-0160953
33.	POL00043157	Email chain between Simon Hutchinson to Ben Beabey, Helen Dickinson, and others RE: Update Letter to Prosecutors on Horizon – Legal Priviledge/confidential / do not share	POL-0039639
34.	POL00333601	Letter from Post Office to Public Prosecution Service (Belfast) RE: Andrea Gourley	POL-0181041

WITN11820100

35.	POL00333600	Email from McGalie Cathy to Simon I Hutchinson CC'd Thomas Ross RE;OFFICIAL-SENSITIVE [CRIMINAL JUSTICE PARTNERS]: RE: RE: Andrea Gourley – Case Ref No; 988883 [OFFICIAL]	POL-0181040
36.	POL00333558	Post Office and PSNI emails re Mossley PO (Liza Coleman) case – PO confident in Horizon's integrity.	POL-0180998
37.	WITN06740105	Appellants' note for directions hearing on 18/12/20 in Hamilton & Ors – disclosure of Clarke advice	WITN06740105
38.	POL00006799	Advice on Disclosure and the Duty to Record and Retain Material	POL-0017591
39.	POL00333554	PSNI email to PO re Mossley PO (Liza Coleman) case – re what issues Horizon's defects will cause for the case.	POL-0180994
40.	POL00333555	Email chain from Simon Hutchinson to Alan Gordon RE: Mossley Post Office	POL-0180995
41.	POL00333565	PSNI email to PO re Dumintree PO – seeking report on Horizon glitches and whether discrepancies were reported in the branch before 2014.	POL-0181005
42.	POL00333569	Post Office and PSNI emails re Dumantree PO – postmaster pleaded guilty to fraud by false representation and false accounting.	POL-0181009
43.	POL00248785	Email from Mark Raymond to Rodric Williams & Jane MacLeod RE: Drumantee Post Office	POL-BSFF-0086848
44.	POL00333575	Email chain from Mandy Campbell to Simon Hutchinson RE: Drumantee Post Office	POL-0181015
45.	POL00248682	Email from Mark Raymond to Rodric Williams, CC Simon I Hutchinson and Helen	POL-BSFF-0086745

WITN11820100

		Dickinson re: FW: Horizon Issues – Strangford case	
46.	POL00333584	Email chain from Simon Hutchinson to Paula Mcgale RE: Cabragh Investigation	POL-0181024
47.	POL00293025	Email chain between Nick Vamos and Ben Beabey cc: Rodric Williams and others re: Legal privilege/confidential – POL criminal matters – Cabragh and Howard Street [PP-DOCS.FID119697]	POL-BSFF-0131088
48.	POL00333579	Post Office Ltd Rosemary Stewart Gorbals Post Office- Emails,request for write off	POL-0181019
49.	POL00141654	Record of taped interview – Peter Damian McCartan	POL-0143038
50.	POL00325844	Email from Ernie Waterworth to Jarnail Signh, Martin Smith CC'd to Lesley Jennings RE;FW; prepared statement	POL-0172990
51.	POL00326065	Letter from Ernie Waterworth to Mr John Scott re: Peter Damian McCartan	POL-0173272
52.	POL00326064	Email from Rob King to John M Scott and cc'd Simon I Hutchinson and Martin Smith re: BALLYNAFEIGH – MTBRef:1040590004 Post Office v Damian McCartan	POL-0173271
53.	POL00274689	POL FAD File RE: Ballynafeigh Post Office Branch	POL-BSFF-0112752
54.	POL00132405	Subpostmaster Debt Claims. Checklist of documents to be provided by former agent debt team (Chesterfield) to External lawyers (Bond Pearce & Beachcroft)	POL-0121676
55.	POL00112224	Email from Ben Beabey to Josh Harris cc Ben Beabey re: Draft Email Re Ballynafeigh – civil recovery case of Peter Damian McCartan former PMR at Northern Irish branch Ballynafeigh 168704 – whether POL should accept reduced recovery amount	POL-0109768

WITN11820100

56.	POL00112259	Email chai from Ben Beabey to Larissa Bayliss, re Agent Debt Matter – Mr Damian McCartan and Ballynafeigh	POL-0109791
57.	POL00322904	Draft Release to CPS	POL-BSFF-0160954
58.	POL00334091	Letter from Mark Raymond to Sir / Madam RE: Disclosure for CPS	POL-0181367
59.	POL00292987	Email chain between Christopher G Knight, Ben Beabey and Mark Dinsdale cc: Mark Raymond and others re: CoH Spreadsheet – legal privilege/confidential/do not share this email	POL-BSFF-0131074