

Witness Name: Mr M J Shiels
Statement No.: WITN11150100
Dated: 27th March 2024

POST OFFICE HORIZON IT INQUIRY

FIRST WITNESS STATEMENT OF MATTHEW JAMES SHIELS

I, Matthew James Shiels will say as follows:

INTRODUCTION

1. I am the Compliance Officer for Legal Practice ("**COLP**") and a director at AWH Acquisition Corp Ltd t/a Cartwright King (Company No: 12450173) ("**New CK**").
2. This witness statement is made to assist the Post Office Horizon IT Inquiry (the "**Inquiry**") with the matters set out in the Rule 9 Request dated 18/12/2023 (the "**Request**").
3. On 23/12/2022, Cartwright King Limited (now called CK Realisations 2022 Limited, company no: 10143062) ("**Old CK**"), was put into administration and certain assets of Old CK were purchased by New CK (the "**Acquisition**").

4. The senior management of Old CK were not involved in the purchase of the assets by New CK and were not retained by New CK post-Acquisition. Additionally, none of the senior management of New CK had been employed by or connected in any way with Old CK prior to the Acquisition.

5. Accordingly, none of the senior management of New CK have any firsthand knowledge of the matters set out in the Request or indeed any of the work conducted by Old CK on behalf of The Post Office (“PO”). I am therefore making this statement as a corporate statement on behalf of New CK to assist the Inquiry as far as we possibly can, given the limitations set out above.

BACKGROUND

6. I have been asked to set out the internal structure of the private prosecutions team [at Old CK] dealing with PO cases (prosecutions and the subsequent review) in the period 2012 to 2015, which should include the relative seniority of all relevant individuals during this period (including any changes) and the structure of management. In addition, I have been asked to specifically confirm the position of Rachel Panter, whether she was a paralegal or a Junior Associate (and when), and who she was supervised by or reported to.

7. As set out above, neither I nor any of the senior management team have any firsthand knowledge of the matters set out within the request, nor are any of the solicitors or in-house counsel who we are aware of having worked in the

private prosecutions team at Old CK presently in the employ of New CK, all but one of whom having left prior to the Acquisition and the one remaining solicitor, Andy Cash, having left during the course of 2023.

8. I have however been able to locate a number of historic documents which assist my ability to respond to the Request to a certain extent. Those documents are as follows (the descriptions that appear below represent the names that the documents have been saved under):

- a) Staff List Location & Supervision V2 March 2012 ("**Staff List 1**") (WITN11150101)
- b) Copy of Staff List Location & Supervision Crime October 2014 ("**Staff List 2**") (WITN11150102)
- c) Staff List – Roles & Departments @ 31.10.14 ("**Staff List 3**") (WITN11150103)
- d) Staff List – Roles & Departments @ 12.1.15 ("**Staff List 4**") (WITN11150104)
- e) CK Admin Roles & Management Chart ("**Chart 1**") (WITN11150105)
- f) CK Admin Roles & Management Chart 07.10.14 ("**Chart 2**") (WITN11150106)
- g) Operational Director – Role Specifics ("**OD Spec**") (WITN11150107)
- h) Copy of Staff Reporting List – crime ("**Reporting 1**") (WITN11150108)
- i) Staff Reporting List ("**Reporting 2**") (WITN11150109)
- j) Staff Reporting List @ 14.05.15 ("**Reporting 3**") (WITN11150110)

9. Whilst these documents do go some way to identifying management and

supervision structures that were in place at Old CK during the period from 2012 to 2015, one key question that the documents do not provide an answer to is the identity of the individuals who made up the private prosecutions team.

10. In the circumstances I have focused my interrogation of the documents on the individuals identified by Andrew Bolc, during his evidence to the Inquiry on 15/12/2023, as being members of the private prosecutions team, namely, Andy Cash, Martin Smith, Andrew Bolc, Simon Clarke, Harry Bowyer and Rachel Panter.

STAFF LISTS 1,2, 3 & 4

11. Staff List 1 (WITN11150101) comprises a list of Old CK Staff by department, with additional columns detailing the grade, office, qualifications, supervisors and resident directors for each member of staff/department. The departments are listed as Nottingham Crime, Leicester Crime, Derby Crime, Business Defence, Immigration, Mental Health, Higher Courts, Child Care/Family and Administration.

12. Staff List 2 (WITN11150102) appears to be an updated version of Staff List 1, but only includes members of the various crime departments. In addition to the departments listed in Staff List 1, there are Birmingham Crime, Sheffield Crime, Chambers and Milton Keynes Crime.

13. Staff List 3 (WITN11150103) comprises a list of Old CK staff in alphabetical order with additional columns detailing the department, office, grade and job title for each member of staff, with a final column identifying if the individual concerned is a Higher Court Advocate (“HCA”) or barrister. The departments are listed as Admin, Civil, Crime Unlimited, Divorce & Financial Remedy, Family and Professional Discipline.

14. Staff List 4 (WITN11150104) also comprises a list of Old CK staff in alphabetical order and includes the same columns as Staff List 3, plus columns detailing the title, start date and admission date for each member of staff. The title column includes the letters A, SA and D against certain members of staff. Whilst there is no Key to define these titles, I have worked on the basis that the titles are Associate, Senior Associate and Director. The departments remain as with Staff List 3, but with the addition of Employment. Crime Unlimited is however further defined as Crime Unlimited (Crime, HCA/Crown Court/Business Defence/Motoring/Road Haulage etc).

CHARTS 1 & 2

15. Charts 1 & 2 (WITN11150105 and WITN11150106 respectively) both comprise a list of Administration Staff and Management with some limited detail of their roles. Chart 1 was created in the latter part of 2013.

OD SPEC

16. The OD Spec document (WITN11150107) was created in May 2013 and lists the following specifics or responsibilities that apply to the role to all Central Operational Directors (“OD”). Andy Cash and Mark Hopwell are listed as Central ODs for Crime:

- a) Develop yearly department budget and agree with MD.
- b) Own the budget and deliver it in terms of turnover, cost, margin, & cash.
- c) Explain monthly variances in the above areas
- d) Report back monthly to the MD on department performance & variances from budget. Also provide strategies to remedy adverse variance by department and fee-earner.
- e) Aim to move all staff to the high efficiency / high time box per mgt accounts
- f) Manage underperformers per the ‘performance management’ protocol (updated version April 13’)
- g) Assess resource in your departments on a regular basis and act accordingly
- h) Work on any personnel issues with the HR Director (where appropriate)
- i) Apply resource across department (and beyond) efficiently.
- j) Ensure all billing is timely and accurate
- k) Ensure fee-earners are managing case loads efficiently
- l) Develop (along with IT Director) systems within the department
- m) Fully utilise work flows
- n) Work with marketing support to grow your departments turnover

- o) Encourage your teams to market your departments
- p) Regularly visit your staff / offices and talk to your teams
- q) Deliver a suitable culture in your teams
- r) Ensure work done is of the quality expected by CK, the client, and other shareholders (LSC for example)
- s) Ensure work is done as efficiently and quickly as possible
- t) Identify training needs and liaise with the HR director accordingly

ANDY CASH

17. In Staff List 1 (WITN11150101) Andy Cash is recorded as grade SS (which is defined as Solicitor or Barrister) and a member of the Derby Crime department, with supervisory responsibilities within that department and the Nottingham Crime department. Andy Cash is also listed within this document as being the sole resident director of the Derby and Nottingham Crime departments and joint resident director of the Leicester Crime department and the Business Defence teams in Birmingham and Sheffield.

18. In Staff List 2 (WITN11150102) Andy Cash is recorded as grade SS and a member of the Derby Crime department, with supervisory responsibilities within that department. Andy Cash is not listed as having any supervisory responsibilities outside the Derby Crime department and is recorded as being the joint resident director of the Derby Crime department, alongside Mark Hopwell.

19. In Staff List 3 (WITN11150103) Andy Cash is recorded as a Crime Solicitor and member of the Crime Unlimited department at the Derby Office.

20. Staff List 4 (WITN1115014) contains the same information for Andy Cash as Staff List 3 but with the addition of the title column, which records him as D (presumed to stand for Director).

21. In Charts 1 & 2 (WITN11150105 and WITN11150106) Andy Cash is listed under the heading CK Management as Special Services OD for Prosecutions. In Chart 1 Mark Hopwell is listed as the Central OD for Crime Unlimited, HCA & Prison Law. In Chart 2 Mark Hopwell is listed as the Central OD for Crime.

MARTIN SMITH

22. In Staff List 1 (WITN11150101) Martin Smith is recorded as grade SS and a member of the Derby Crime department, with his supervisor being recorded as S (the Key to the document does not include a definition of S). Martin Smith is recorded as being the supervisor to two paralegals and his resident director is recorded as being Andy Cash.

23. Staff List 2 (WITN11150102) holds the same details for Martin Smith as Staff List 1, except that he is not recorded as holding any supervisory responsibilities and his resident directors are recorded as Andy Cash and Mark Hopwell.

24. In Staff List 3 (WITN11150103) Martin Smith is recorded as a Crime Solicitor and HCA and member of the Crime Unlimited department at the Derby Office.

25. Staff List 4 (WITN11150104) contains the same information for Martin Smith as Staff List 2 but with the addition of the title column, which records him as SA, (presumed to stand for Senior Associate).

26. Martin Smith does not appear in Chart 1 or 2.

ANDREW BOLC

27. In Staff List 1 (WITN11150101) Andrew Bolc is recorded as grade SS and a member of the Leicester Crime department, with his supervisor being recorded as S. Andrew Bolc is not recorded as having any supervisory responsibilities and his resident directors are recorded as Andy Cash and Imogen Cox. In Charts 1 & 2 (WITN11150105 and WITN11150106) Imogen Cox is listed under the heading CK Management as Special Services OD for Road Traffic.

28. Staff List 2 (WITN11150102) holds the same details for Andrew Bolc as Staff List 1, except that his resident directors are recorded as Imogen Cox and Mark Hopwell.

29. In Staff List 3 (WITN11150103) Andrew Bolc is recorded as a Crime Solicitor and HCA and member of the Crime Unlimited department at the Leicester Office.

30. Staff List 4 (WITN11150104) contains the same information for Andrew Bolc as Staff List 3 but with the addition of the title column, which records him as SA, (presumed to stand for Senior Associate).

31. Andrew Bolc does not appear in Chart 1 or 2.

SIMON CLARKE

32. In Staff List 1 (WITN11150101) Simon Clarke is recorded as grade SS and a member of the Higher Courts department at the Nottingham Office, with his supervisor being recorded as S. Simon Clarke is not recorded as having any supervisory responsibilities and his resident director is recorded as Steve Gelsthorpe. In Charts 1 & 2 (WITN1115010 and WITN11150106) Steve Gelsthorpe is listed under the heading CK Management as Quality Director, COLP and member of the Strategy Board.

33. In Staff List 2 (WITN11150102) Simon Clarke is recorded as grade SS and a member of the Chambers department at the Derby Office. He is not recorded as holding any supervisory responsibilities, but his name does appear in bold, which denotes him as a director, albeit he does not appear to be a resident director for any department/office, his resident director being recorded as Alwyn Jones and Mark Hopwell. Alwyn Jones does not appear in Charts 1 or 2.

34. In Staff List 3 (WITN11150103) Simon Clarke is recorded as a Crime Barrister

and member of the Crime Unlimited department at the Nottingham Office.

35. Staff List 4 (WITN11150104) contains the same information for Simon Clarke as Staff List 3 but with the addition of the title column, which records him as D, (presumed to stand for Director).

36. Simon Clarke does not appear in Chart 1 or 2.

HARRY BOWYER

37. In Staff List 1 (WITN11150101) Harry Bowyer is recorded as grade SS and a member of the Higher Courts department at the Nottingham Office, with his supervisor being recorded as S. Harry Bowyer is not recorded as having any supervisory responsibilities, although his name does appear in bold, which denotes him as a director, albeit he does not appear to be a resident director for any department/office, his resident director being recorded as Steve Gelsthorpe.

38. Staff List 2 (WITN11150102) holds the same details for Harry Bowyer as Staff List 1, except that his resident directors are recorded as Alwyn Jones and Mark Hopwell.

39. In Staff List 3 (WITN11150103) Harry Bowyer is recorded as a Crime Barrister and member of the Crime Unlimited department at the Nottingham Office.

40. Staff List 4 (WITN11150104) contains the same information for Harry Bowyer as Staff List 3 but with the addition of the title column, which records him as D (presumed to stand for Director).

41. Harry Bowyer does not appear in Chart 1 or 2.

RACHEL PANTER

42. In Staff List 1 (WITN11150101) Rachel Panter is recorded as grade PL (which is defined as Para legal [sic] clerk) and a member of the Nottingham Crime department, with her supervisor and resident director being recorded as Andy Cash.

43. Rachel Panter does not appear in any of the other documents. It appears from historic payroll records, that she left Old CK in August 2013.

REPORTING 1, 2 & 3

44. Reporting 1, 2 & 3 (WITN11150108, WITN11150109 and WITN11150110 respectively) were created in May 2015 with Reporting 1 being the earliest version and Reporting 3 being the latest. I have dealt with these documents separately as they present a slightly confused picture of in terms of the information they hold.

45. The documents comprise a list of staff and include columns recording the OD and Head of Department ("**HD**") for each member of staff.

46. Reporting 1 and 2 (WITN11150108 and WITN11150109) record Mark Hopwell as being the OD for Harry Bowyer, Andrew Bolc and Martin Smith. Alwyn Jones is recorded as being Harry Bowyer's HD, Imogen Cox is Recorded as being Andrew Bolc's HD and Simon Clarke is recorded as being Martin Smith's HD. No OD or HD is recorded for either Andy Cash or Simon Clark.

47. Reporting 3 (WITN11150110) records Mark Hopwell as being the OD and HD for Andy Cash, Harry Bowyer and Andrew Bolc and the OD for Martin Smith. Martin Smith's HD is recorded as being Simon Clarke. No OD or HD is recorded for Simon Clarke.

Statement of Truth

I believe the content of this statement to be true.

GRO

Signed: _____

Dated: 27 / 03 / 2024

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<u>No.</u>	<u>URN</u>	<u>Document Description</u>	<u>Control number</u>
1	WITN11150101	Staff List Location & Supervision V2 March 2012 (" Staff List 1 ")	WITN11150101
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5	WITN11150105	CK Admin Roles & Management Chart (" Chart 1 ")	WITN11150105
6	WITN11150106	CK Admin Roles & Management Chart 07.10.14 (" Chart 2 ")	WITN11150106
7	WITN11150107	Operational Director – Role Specifics (" OD Spec ")	WITN11150107
8	WITN11150108	Copy of Staff Reporting List – crime (" Reporting 1 ")	WITN11150108
9	WITN11150109	Staff Reporting List (" Reporting 2 ")	WITN11150109
10	WITN11150110	Staff Reporting List @ 14.05.15 (" Reporting 3 ")	WITN11150110