

Witness name: Nick Read

Statement No: WITN00760500

Dated: 2 December 2024

THE POST OFFICE HORIZON IT INQUIRY

FIFTH WITNESS STATEMENT OF NICK READ ON BEHALF OF POST OFFICE LIMITED IN THE POST OFFICE HORIZON IT INQUIRY

I, Nick Read of 100 Wood Street, London, EC2V 7ER, will say as follows:

A. Introduction

1 I am Nick Read, Group Chief Executive Officer ("**CEO**") at Post Office Limited ("**Post Office**"). This is my Fifth Witness statement to the Inquiry. As CEO I am giving this witness statement in a corporate capacity on behalf of Post Office, in response to the Rule 9 request dated 13 November 2024 ("**R9(64)**"). I am aware of the steps Post Office has taken to respond to this R9(64) and, as such, I consider that I am the appropriate person to give this witness statement on behalf of Post Office.

2 I have aimed to include within this witness statement evidence relating to R9(64) insofar as the relevant facts are within my own knowledge. The facts in this witness statement are true, complete and accurate to the best of my

knowledge and belief. Where my knowledge and belief, as set out in this witness statement, has been informed by another person or by documents that I have reviewed, I acknowledge that person or those documents. I have been assisted in preparing this witness statement by Burges Salmon LLP and Fieldfisher LLP (together "**BSFf**"), who act on behalf of Post Office in the Post Office Horizon IT Inquiry (the "**Inquiry**").

B. Response

Question 1: Identification of who the "all" are in the "Dear All" salutation in the first line of the POL00448701

- 3 I understand that Post Office has taken steps to identify the original recipients of this document (POL00448701). Post Office located an email originating from Nick Vamos of Peters and Peters Solicitors LLP ("**P&P**") with the email subject line "*Ministerial consideration of POL's role in appeals [PP-DOCS.FID71323]*" dated 7 January 2024 timed 7:53:28 PM (the "**Email**"). POL00448701 looks to be a PDF print out of the Email as it contains identical content. A copy of the Email is to be produced to the Inquiry in PROD0157 (POL00460853).
- 4 The Email was addressed to the following recipients within Post Office:
- (a) Simon Recaldin (Remediation Unit Director);
 - (b) Ken Kyriacou (Remediation Unit, Horizon Shortfall Scheme contractor);
 - (c) Nicola Munden (Remediation Unit - Legal Services Director); and
 - (d) Stuart Lill (Senior Legal Counsel - Criminal Law).
- 5 Accordingly, I presume that 'Dear All' is to those individuals listed above.

- 6 The Email was also copied to Maria Cronin, and Charlotte Tregunna, both Partners at P&P. To my knowledge, and Post Office's knowledge, no individuals were blind copied (BCC'd) into the email, but I cannot confirm this.
- 7 Post Office has carried out further reviews to identify whether Nick Vamos sent any other email with the content in POL00448701 to other individuals at Post Office. Post Office has not identified any such email.

Question 2: Identification of to whom POL00448701 was distributed within POL after receipt by POL

- 8 R9(64) refers to document POL00448701 which, following reviews conducted by Post Office (via BSFf), I understand to be from the Email referred to above. The Inquiry has requested that Post Office identifies individuals within the business to whom POL00448701 was distributed. Following identification of the Email, and for completeness, Post Office has interpreted the scope of the Inquiry's request of "*to whom POL00448701 was distributed*" to include (i) any copy of POL00448701; and (ii) any communication or document which includes the same detail as contained in POL00448701.
- 9 Following the receipt of R9(64), Post Office took the following steps:
- (a) Engagement with Post Office's cyber department to run various keyword searches (using keyword phrases and text strings from

POL00448701) across the following repositories within Post Office's data universe:

- (i) Mimecast, for email data;
 - (ii) Microsoft Exchange, for email data and Microsoft Teams messages data; and
 - (iii) SharePoint and OneDrive, for any documents created or saved to those locations.
- (b) Engagement with KPMG to run the searches across Post Office's Relativity databases.

10 Following the completion of the above searches, responsive documents were harvested and reviewed by BSFf (for Post Office) for relevancy as against questions 2 of the annexure to R9(64) (and the rest of the notice). Appendix 1 to this witness statement lists to whom POL00448701 was distributed within the scope as described at paragraph 8 above.

Question 3: How and in what circumstances POL00448701 came to be posted on POL's main website

11 Post Office has made enquiries within the business to confirm why this document was published on its website and also reviewed documents responsive to this question. I understand the position to be as follows:

- (a) After being forwarded the email from Nick Vamos by Simon Recaldin on 7 January 2024 (POL00460857) I sent a copy of the Email (which as explained, contained the contents of POL00448701), together with

a covering letter to Alex Chalk MP (as Lord Chancellor) dated 9 January 2024 (the “**Letter**”) (POL00448381). This email (POL00461820) was circulated to various group mailboxes within the UK Government.

(b) The circulation of the Letter and POL00448701 attracted attention from the public and Government:

- (i) On 24 January 2024, the *Financial Times* published an article which reported on the existence of the Letter (RLIT0000438);
- (ii) On 18 February 2024, Post Office received a request under the Freedom of Information Act 2000 for copies of both the Letter and POL00448701. I understand that Post Office also anticipated that it would receive further requests for disclosure, in the context of growing media attention.
- (iii) On 21 February 2024, Post Office received an email from Christopher Hodges (Chair of the Horizon Compensation Advisory Board ('*HCAB*')) requesting copies of the Letter and POL00448701. This email copied in Rob Brightwell, Deputy Director at the Department of Business and Trade (DBT). Post Office provided the Letter and POL00448701 to Christopher Hodges by email on 22 February 2024 (POL00461053) and advised that both would be published on Post Office's website in the interests of transparency.
- (iv) On 22 February 2024, Post Office received a letter from the Business and Trade Committee (POL00448612) requesting that Post Office “*provide the following documents to the*

Business and Trade Committee before the oral evidence session at which you [Nick Read] will appear on Tuesday 27 February 2024". That letter stated that the Committee "has a general presumption in favour of publication of documents, which will apply in this case". Post Office provided copies of both the Letter and POL00448701 on 23 February 2024 and confirmed by its letter of response (POL00461138) that "on 22 February, Post Office published the correspondence from 9 January 2024, sent by the Post Office to the Ministry of Justice, on its corporate website".

- 12 I understand that, as a result of the events listed above, including that the content of POL00448701 was already in the public domain, and the document itself was due to be made public by way of Post Office's FOI response, Post Office took the decision to publish both POL00448701 and the Letter on its website for the sake of transparency and to provide context by way of a covering statement, as follows:

"Post Office is today publishing correspondence from 9th January 2024, sent by the Post Office to the Ministry of Justice, copied to the Department for Business and Trade.

The purpose of the correspondence was to explain the work that Post Office had requested its legal counsel, Peters & Peters, undertake to proactively identify, on the papers available, any convictions that could

be unsafe. This was primarily to offer the Government any support that might assist them as they consider relevant issues in advance of passing legislation, without any value judgement on what the correct course of action might be.

The letter references a note provided by Post Office's legal counsel, this note was not solicited by Post Office and, as can be seen, was sent to express the personal views of its author. Post Office was in no way seeking to persuade Government against mass exoneration.

Post Office are fully supportive of any steps taken by Government to speed up the exoneration of those with wrongful convictions and to provide redress to victims, with the information having been provided to inform that consideration.” (POL00461068)

- 13 The actual publication of POL00448701 was supported by a ‘publication handling plan’ (POL00460717) (the “**Plan**”), which outlined Post Office’s engagement with (i) key stakeholders and (ii) members of the Post Office team in advance of the actual publication. In particular, Owen Woodley emailed Carl Cresswell, Director of Business Resilience at DBT, on 21 February 2024 to notify him that the Letter and POL00448701 would be provided to the HCAB the following day (on 22 February 2024) and would be simultaneously published on Post Office's website. Carl Cresswell responded stating "*that's a very good call from my point of view*" (POL00461005).

- 14 Separately, and as detailed in the Plan, Post Office instructed BSFf to notify the Inquiry of the publication of both the Letter and POL00448701. BSFf informed the Inquiry on 22 February 2024, providing links to both documents on the Post Office website.

C. Documents produced to the Inquiry in response to R9(64)

- 15 R9(64) also requests Post Office to search for documents and, if found, provide disclosure to the Inquiry of such documents. Post Office will respond to those disclosure requests in writing.
- 16 One of the requests is "*the contemporaneous notes made by Nick Read as referred to by Mr Read in his oral evidence on 9 October 2024 (see Transcript p.102 lines 12 to 19 (INQ00001193))*". The relevant extract of the transcript (INQ00001193) is as follows:

Q. You essentially explained it on the basis that the Government said that the Post Office needed to feel some of the pain?

A. Yes.

Q. Was that phrase used?

A. I looked at my contemporaneous notes and I think I may well have disclosed something to this effect: that the way it was portrayed to me was that Treasury were of the opinion that the chaos -- I think was the word that was used -- had been caused by the Post Office. There was a desire for the Post Office to experience some of the discomfort that had been caused. You could

understand why that might be the case but I just think it's missing the point completely.

17 I have taken photographs of extracts of my notebooks that I consider are relevant to this point and have produced them to the Inquiry. They consist of 9 images:

- (a) POL00461674 and POL00461675: These are extracts from my notebook from September 2019.
- (b) POL00461677: This is an extract of my notebook from March 2020.
- (c) POL00461672, POL00461673, and POL00461676: These are extracts of my notebook from May 2020.
- (d) POL00461678 and POL00461680: These are extracts of my notebook from August 2020.
- (e) POL00461679: This is an extract of my notebook from September 2020.

18 These notes make various reference to concerns around how Post Office could administer compensation schemes, and 'Good Bank / Bad Bank', which was the phrase used around this time to describe the idea that compensation should be hived off from Post Office's usual business (akin to the way that banks hived off parts of their business following the financial crisis) and be dealt with by an entirely separate entity. My notes also make reference to the conversations with the Shareholder, particularly the Treasury, around this time and the overall reluctance of BEIS / DBT to fund litigation costs and compensation.

19 Further, my recollection is that Tom Cooper told me, during a conversation in person, that the Treasury wanted Post Office to share in the 'chaos' of its own making and therefore handle compensation. I recall reading a note to this effect in one of my notebooks, but I have not been able to locate it when searching through my notebooks in response to R9(64). I am continuing to search for this and will provide it to the Inquiry if I can find it.

20 On this topic, I note that I wrote to Mr Paul Scully MP on 5 March 2021 (UKGI00013382) expressing my view that the Shareholder, not Post Office, should handle the administration of compensation for overturned convictions. Mr Scully responded on 22 April 2021 (UKGI00013544) confirming that Post Office needed to administer the compensation scheme for overturned convictions. He stated that, "*I believe it is more appropriate for Post Office to continue to have ownership over its past historical issues rather than Government*".

Statement of Truth

I believe the content of this statement to be true.

GRO

...Nick Read.....

Date: 2 December 2024

APPENDIX 1: INDIVIDUALS WITHIN POST OFFICE LIMITED TO WHOM**POL00448701 WAS DISTRIBUTED**

Name	Date first received
Simon Recaldin <i>(original recipient)</i>	7 January 2024
Ken Kyriacou <i>(original recipient)</i>	7 January 2024
Stuart Lill <i>(original recipient)</i>	7 January 2024
Nicola Munden <i>(original recipient)</i>	7 January 2024
Ben Foat	7 January 2024
Richard Taylor	7 January 2024
Nick Read	7 January 2024
Diane Wills	7 January 2024
Chris Brocklesby	7 January 2024
Michelle Storey	7 January 2024
Benjamin Tidswell	8 January 2024
Evelyn Hocking	8 January 2024
Andrew Mortimer	8 January 2024
Patrick Bourke	8 January 2024
Melanie Corfield	8 January 2024
Henry Staunton	8 January 2024

Shabegh Singh Srail	8 January 2024
Brian Gaunt	8 January 2024
Andrew Mortimer	9 January 2024
Philippa Hankin	9 January 2024
Kate Dixon	10 January 2024
Alice Cookson	10 January 2024
Deirdre Gadsby	21 February 2024
Karen McEwan	21 February 2024
Kathryn Sherratt	21 February 2024
Chrysanthy Pispinis	21 February 2024
Andy Jennings	21 February 2024
Post Office internal Data Protection and FOI lawyer	21 February 2024
Gemma Ludgate	21 February 2024
Natalie Tomecki	21 February 2024
Jane Inskip	21 February 2024
Andrea Beveney	21 February 2024
Richard Paddington	22 February 2024
Mark Cazaly	22 February 2024
Jonathan Knox	22 February 2024
Owen Woodley	22 February 2024
Jack Foden	23 February 2024

Rachel Scarrabelotti	23 February 2024
Saf Ismail	23 February 2024
Elliot Jacobs	23 February 2024
Karim Aziz	23 February 2024
Andrew Darfoor	1 March 2024
Jamie Park	1 March 2024
Simon Jeffreys	4 March 2024
Amanda Burton	4 March 2024
Julie Cummings	10 May 2024
Daniel Chumbley	18 October 2024

Index to the Fifth Witness Statement of Nick Read

No.	URN	Document Description	Control Number
1.	POL00448701	A PDF printout of an email starting "Dear All" from Nick Vamos of Peters and Peters Solicitors LLP ("P&P")	POL-BSFF-WITN-006-0029319
2.	POL00460853	An email originating from Nick Vamos of "P&P" with the email subject line " <i>Ministerial consideration of POL's role in appeals [PP-DOCS.FID71323]</i> " dated 7 January 2024.	POL-BSFF-157-0000075
3.	POL00460857	An email from Simon Recaldin to Ben Foat, Richard Taylor and Nick Read attaching the email listed at number 1.	POL-BSFF-157-0000079
4.	POL00448381	A covering letter to Alex Chalk MP (as Lord Chancellor) dated 9 January 2024.	POL-BSFF-WITN-012-0000019
5.	POL00461820	An email from Nick Read to the Shareholder attaching the covering letter and P&P advice.	POL-BSFF-157-0000908

No.	URN	Document Description	Control Number
6.	RLIT0000438	<i>Financial Times</i> article dated 24 January 2024 titled ' Post Office told UK government it would oppose appeals by half convicted sub-postmasters'	RLIT0000438
7.	POL00461053	An email from Post Office that provided the Letter and POL00448701 requested by Chrisopher Hodges on 22 February 2024.	POL-BSFF-157-0000275
8.	POL00448612	A letter from the Business and Trade Committee on 22 February 2024.	POL-BSFF-WITN-021-0000017
9.	POL00461138	A letter of response from Post Office to the Business and Trade Committee on 23 February 2024.	POL-BSFF-157-0000360
10.	POL00461068	Email from Mark Cazaly to Owen Woodley; Jonathan Knox, re: Lord Chancellor – attachment. Pdf.	POL-BSFF-157-0000290

No.	URN	Document Description	Control Number
11.	POL00460717	Post Office's 'publication handling plan' relating to POL00448701.	POL-BSFF-157-0000001
12.	POL00461005	An Owen Woodley email to Carl Cresswell, Director of Business Resilience at DBT, on 21 February 2024.	POL-BSFF-157-0000227
13.	INQ00001193	Nick Read's Oral evidence transcript	INQ00001193
14.	POL00461674	Extracts from Nick Read's notebook from September 2019.	POL-BSFF-157-0000901
15.	POL00461675	Extracts from Nick Read's notebook from September 2019.	POL-BSFF-157-0000902
16.	POL00461677	Extracts from Nick Read's notebook from March 2020.	POL-BSFF-157-0000904
17.	POL00461672	Extracts from Nick Read's notebook from May 2020.	POL-BSFF-157-0000899
18.	POL00461673	Extracts from Nick Read's notebook from May 2020.	POL-BSFF-157-0000900
19.	POL00461676	Extracts from Nick Read's notebook from May 2020.	POL-BSFF-157-0000903

No.	URN	Document Description	Control Number
20.	POL00461678	Extracts from Nick Read's notebook from August 2020.	POL-BSFF-157-0000905
21.	POL00461680	Extracts from Nick Read's notebook from August 2020.	POL-BSFF-157-0000907
22.	POL00461679	Extracts from Nick Read's notebook from September 2020.	POL-BSFF-157-0000906
23.	UKGI00013382	Nick Read letter to Mr Paul Scully MP on 5 March 2021.	UKGI024175-001
24.	UKGI00013544	Mr Scully MP's letter on 22 April 2021, sent in response to Nick Read's letter.	UKGI024337-001