

Tuesday, 29 November 2022

1
 2 (9.58 am)
 3 **MR BLAKE:** Good morning, sir.
 4 **SIR WYN WILLIAMS:** Good morning.
 5 **MR BLAKE:** Our first witness today is Sir Stephen Robson.
 6 **SIR STEPHEN ROBSON (sworn)**
 7 **Questioned by MR BLAKE**
 8 **MR BLAKE:** Thank you very much, can you give your full name,
 9 please?
 10 **A.** Stephen Arthur Robson.
 11 **Q.** Sir Stephen, thank you very much for attending today.
 12 You should have in front of you a witness statement
 13 dated 13 September of this year?
 14 **A.** That's right.
 15 **Q.** Thank you. On the final page of that witness statement,
 16 page 11, you see a signature there?
 17 **A.** That's right.
 18 **Q.** Is that your signature?
 19 **A.** It is.
 20 **Q.** Is that statement true to the best of your knowledge and
 21 belief?
 22 **A.** Yes, it is.
 23 **Q.** Thank you very much?
 24 **A.** Although I should probably bring to the Inquiry's
 25 attention the very first paragraph of my witness

1

1 **Q.** You've described your role as looking at the Horizon
 2 project with a fresh set of eyes. How is it you became
 3 selected for that role?
 4 **A.** Well, when the phrase "a fresh set of eyes" is actually
 5 one I think was put to me by the ministers at the time
 6 rather than one that I subsequently thought up. The
 7 honest answer, I'm not quite sure how it came to be that
 8 I was selected for the role. There had been two other
 9 people who'd looked at -- reviewed the Horizon project
 10 previously, Corbett and Montague, and I think, probably
 11 as the eyes went round, it was very hard to find who the
 12 third person was going to be, so I drew the short straw.
 13 **Q.** Did you have technical expertise?
 14 **A.** I had no technical expertise in IT or software at all.
 15 **Q.** Did you see your role as requiring those kinds of
 16 expertise?
 17 **A.** No, there were plenty of people around the project who
 18 had views on the software and on the IT equipment
 19 themselves and indeed, there'd been a review chaired by
 20 Montague in the middle of 1998 which had looked at the
 21 software -- well, the Horizon System. So there were
 22 plenty of other people around who had knowledge of these
 23 matters.
 24 **Q.** Your involvement included acting as a liaison with the
 25 chief executive of the ICL, Keith Todd; is that right?

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1 statement, because it is important. As we all know,
 2 these are events of over 20 years ago and my involvement
 3 lasted about six months. So very much what I say in the
 4 witness statement and, indeed, what I say today, should
 5 all be sort of -- have the implicit qualification that
 6 it's as far as I recall.
 7 **Q.** Absolutely. Thank you very much, your witness
 8 statement, for the record, is WITN03360100, and that
 9 statement will go into evidence, so the questions I'll
 10 ask you today will be supplementary to that. Thank you
 11 very much.
 12 Starting with your background, you joined the Civil
 13 Service in 1969?
 14 **A.** That's correct.
 15 **Q.** Apart from a secondment in the 1970s you held a series
 16 of posts in the Treasury until 2001; is that right?
 17 **A.** Correct.
 18 **Q.** You became Second Permanent Secretary and was Second
 19 Permanent Secretary at the relevant time?
 20 **A.** Yes.
 21 **Q.** Your involvement in Horizon, I believe, began in
 22 January 1999 --
 23 **A.** Yes, that's right.
 24 **Q.** -- and ended around May 1999?
 25 **A.** That's right.

2

1 **A.** He was the person that I -- in discharging the remit
 2 that ministers gave to me, he was the person that
 3 I dealt with at ICL, along with Richard Christou who
 4 I think was the finance director there at the time.
 5 **Q.** Was Mr Christou the negotiator for ICL or was he seen as
 6 the negotiator?
 7 **A.** Probably slightly more -- I mean, they both negotiated
 8 at different times. I think probably Mr Christou was
 9 slightly more the negotiator.
 10 **Q.** We'll get to it shortly but you also joined a meeting
 11 with the Prime Minister and senior executives from
 12 Fujitsu; is that right?
 13 **A.** Oh, there was a meeting with the Prime Minister, with
 14 Mr Naruto, who was the Vice-Chairman of Fujitsu at that
 15 point, yes, and I joined that meeting.
 16 **Q.** Who else were your main points of contact during this
 17 period, whether it be the Post Office, the Federation,
 18 the unions?
 19 **A.** The main points of contact were Mrs Graham of the
 20 Department of Social Security, Stuart Sweetman of the
 21 Post Office, and David Sibbick of DTI.
 22 **Q.** To what extent was it considered appropriate during your
 23 involvement for the Government or civil servants to be
 24 negotiating directly with ICL rather than the Post
 25 Office?

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- 1 **A.** Um ... it was the agreed position of the ministers of
2 the various departments that I should be the point of
3 contact for those discussions.
- 4 **Q.** How did the Post Office feel about that?
- 5 **A.** I never asked them how they felt about it but they went
6 along with it.
- 7 **Q.** I'm going to start today talking about your background
8 knowledge, the knowledge that you obtained when you
9 first started in your role. Were you aware of any of
10 the detail of the procurement process when you started?
- 11 **A.** I was aware of procurement policies generally in the
12 public sector.
- 13 **Q.** Were you aware that Pathway, which was ICL, was the
14 least preferred bidder, from a technical perspective, in
15 the original procurement exercise?
- 16 **A.** No, I wasn't aware of that. When you asked me the
17 question about procurement, I was responding in general
18 terms about procurement policy, not about the
19 procurement of this particular project.
- 20 **Q.** Were you aware of any concerns that were raised at the
21 procurement stage, such as that the system could prove
22 unreliable and had a fragile software system?
- 23 **A.** No, I wasn't aware of that.
- 24 **Q.** You were aware of the Montague report when you started?
- 25 **A.** Yes.

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- 1 **A.** Because the views of the different parties were not
2 alive.
- 3 **Q.** Can you expand on that slightly?
- 4 **A.** Well, it was the case that, if you sat in a meeting with
5 the various parties and tried to have a discussion about
6 the state of the project, you got a lot of complaint,
7 criticism, and lack of trust between the different
8 parties as to what the state of the project was, to the
9 extent that the state of the project wasn't
10 satisfactory, why it wasn't satisfactory and whose fault
11 it was that it wasn't satisfactory. And that -- you
12 know, this was like a cloud over the whole project at
13 the time.
- 14 **Q.** So was it your view that, because you didn't know what
15 the end product would look like, because it may have
16 a benefits card, it may have a smartcard, it may have
17 something else, it wasn't appropriate at that time to
18 carry out technical feasibility tests?
- 19 **A.** I mean, my feeling at that time -- at that time, we were
20 focused very much -- or the work was focused very much
21 on the Benefits Payment Card. And my view at the time
22 was that, given the statement of the management of the
23 project, that it was very unlikely that it would ever
24 deliver a Benefit Payment Card.
- 25 **Q.** Were you aware, when you joined, or during your period

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- 1 **Q.** I think you've said in your witness statement, at
2 paragraph 11, that his report had concluded that the
3 infrastructure was robust by industry standards and, in
4 your view, the issue of technical feasibility couldn't
5 be assessed as the three parties, that is ICL, DSS or BA
6 and the Post Office, took different views on a range of
7 technical issues.
- 8 You used the word "infrastructure" in relation to
9 the Montague report. Did you understand the Montague
10 report as somehow signing off the abilities and
11 reliability, for example, of the Horizon System, or did
12 you see it as focused simply on -- or particularly on
13 the overall feasibility of the system?
- 14 **A.** Yeah, I think I took it to be the latter.
- 15 **Q.** Did everybody you dealt with take it to be the latter or
16 were there differing opinions as to the importance of
17 the Montague report?
- 18 **A.** There was not a great deal of discussion of the Montague
19 report, to be honest. The discussion was focused much
20 more on the situation in the project at the time, which
21 was, as I say in my evidence, you know, one of
22 criticism, distrust and a lack of any real agreement on
23 a way forward.
- 24 **Q.** Why did you feel, at that stage, the technical
25 feasibility couldn't be assessed?

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- 1 of involvement, of concerns at the ICL side regarding
2 what we know as the Electronic Point of Sale System, the
3 EPOS System?
- 4 **A.** No, I wasn't.
- 5 **Q.** Were you aware of a report from Project Mentors in
6 December 1998 which was critical of the Horizon System?
- 7 **A.** No, I wasn't.
- 8 **Q.** To what extent were you aware of any concerns about
9 technical issues with Horizon when you started?
- 10 **A.** Well, I was only aware to the extent that, when one sat
11 down with the various parties, they were very ready to
12 say, in their view, that the project was not working as
13 it should be working and that most of the fault lay with
14 one of the other parties.
- 15 **Q.** Did you form a view during your time as to the technical
16 aspects of Horizon?
- 17 **A.** No, I didn't.
- 18 **Q.** I'm going to ask you about the smartcard option, which
19 seems to be the principal issue that you were
20 addressing. Can we start by looking at CBO00100001_039,
21 please. Thank you very much. This is a letter from
22 10 Downing Street, from the private secretary, on
23 14 January 1999. You started in January 1999?
- 24 **A.** Yes.
- 25 **Q.** Do you remember when abouts it was?

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1 A. Towards the end of the month.
 2 Q. Would this have been a letter you saw at the time?
 3 A. Well, it's interesting you should ask that question
 4 because it was sent to me by the Inquiry yesterday or
 5 the day before yesterday, and I -- it didn't ring a bell
 6 with me at all. And which I find quite surprising
 7 because when you come on -- you get involved in
 8 something in the Civil Service, and Number 10 has
 9 expressed, you know, a rather clear view about the whole
 10 thing, one would expect to have seen it and to have
 11 absorbed it. But I don't recall doing that.
 12 Q. From your experience, is that kind of wording, in bold
 13 there, is that common for issues of this nature or was
 14 that something you hadn't seen before?
 15 A. I'd seen it before. It isn't common.
 16 Q. If we could scroll down, please, this sets out the Prime
 17 Minister's position as at 14 January 1999, and it says:
 18 "The Prime Minister believes that:
 19 "our key objectives should be to develop the Horizon
 20 Project, by negotiating with ICL the earliest possible
 21 move to smart cards. It will be extremely important to
 22 get the Post Office to take this negotiation seriously.
 23 "but at the end of the day, if this negotiation does
 24 not succeed in improving upon the existing Benefit
 25 Payment Card project, it would be better to accept this
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1 Prime Minister came up with three very clear -- what
 2 were described by Number 10 as political objectives for
 3 the negotiation and, in the latter stage of the
 4 negotiation, they were very important.
 5 Q. But --
 6 A. I mean, as I've seen this thing -- as I say, I don't
 7 recall having seen it before, but it is sort of
 8 reflected in the negotiating brief I was given as set
 9 out in paragraph 9.
 10 Q. Thank you. Moving now to February 1999, can we look at
 11 HMT00000020, please. Thank you very much. This is
 12 a note from Peter Schofield to yourself. Who was Peter
 13 Schofield?
 14 A. Peter Schofield was one of the key people working with
 15 me on this project.
 16 Q. Which Department was --
 17 A. He was a Treasury person.
 18 Q. Thank you. This note begins with:
 19 "You met with Keith Todd and Richard Christou ... on
 20 29 January."
 21 So in your first month of involvement you had met
 22 with Keith Todd and Richard Christou --
 23 A. Yeah.
 24 Q. -- and Peter Schofield was also present. I'm going to
 25 read to you the final few paragraphs. Can we look at

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1 project than to pull out of the negotiation with ICL
 2 completely, with all the damage it could do."
 3 Were you aware, when you joined in January 1999,
 4 that the Prime Minister had this opinion?
 5 A. No, I wasn't.
 6 Q. Were you aware that he supported the smartcard option?
 7 A. No, I became aware at that the policies at Number 10
 8 were well disposed towards a smartcard option.
 9 Q. At paragraph 15 of your witness statement, you've said
 10 that, as a result of your negotiations, the benefit card
 11 would be abandoned and the smartcard would be
 12 introduced. That's obviously very consistent with the
 13 Prime Minister's position set out here. Where was your
 14 negotiating position coming from?
 15 A. Well, it was coming from the negotiating brief I was
 16 given by ministers, which is set out in paragraph 9 of
 17 my evidence.
 18 Q. And which ministers was that?
 19 A. Well, it would have been combined efforts of the
 20 Secretary of State for Social Security, Secretary of
 21 State for DTI, and the Chief Secretary of the Treasury.
 22 Q. To what extent during your involvement, did you consider
 23 you were taking forward the Prime Minister's decision,
 24 as opposed to those ministers' decisions?
 25 A. Well, at a later stage in the inquiry, in May time, the
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1 the page, the bottom of the second page, and it's
 2 paragraph 5. I'm going to read it for the record.
 3 Paragraph 5 says:
 4 "You asked whether the payment of benefits into
 5 these social bank accounts, accessed by a smartcard,
 6 would be a way of moving to ACT without the transitional
 7 phase of a benefit payment card. This would take the BA
 8 out of the contract, leaving them to concentrate on
 9 getting their own IT systems ready for ACT. For people
 10 who wanted it, there could be some means of transferring
 11 money from social bank accounts to conventional bank
 12 accounts, but many people would still go to post offices
 13 to obtain their benefits -- either because they do not
 14 have another bank account or just because of inertia.
 15 This would help maintain footfall, and give a customer
 16 base from which to launch Citizen-centric Government and
 17 other applications for the smartcard.
 18 "Christou said they would look at this over the
 19 weekend -- at the commercial and financing implications
 20 and whether it was technically possible without making
 21 significant changes to hardware. He hoped to have
 22 complete a broadbrush 'stress test' of this option by
 23 Monday (1 February).
 24 "Todd emphasised the pressure he was under on
 25 timing."

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1 Now, the reference there, "Christou said he would
2 look at it over the weekend", do you think it was
3 appropriate at this stage -- so February 1999 -- for
4 there to be yet another option on the table with regards
5 to the Horizon project, in this case the smartcard
6 option?

7 **A.** Yes, I think there was because, as I say, it was -- it
8 seemed clear to me, and I think to others, that the
9 situation of the benefit card project was such that it
10 was never going to be successfully delivered, so it made
11 sense to start looking at alternatives.

12 **Q.** The mention there by Mr Christou, that they would look
13 at it over the weekend, it seems as though things are
14 moving quite rapidly and considerations such as this are
15 happening at quite some speed. Do you agree with that?

16 **A.** Yes.

17 **Q.** Again, do you think it was appropriate for quite
18 fundamental changes to be being discussed at this stage
19 in respect of the Horizon project at speed?

20 **A.** Well, yes, it was because, as far as I was concerned,
21 the project was going down a cul-de-sac and, therefore,
22 it made sense to start looking for some alternative,
23 because every day that passed was consuming more time
24 and more money.

25 **Q.** To what extent do you think that these kinds of further

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1 it should have been.

2 So, as far as I was concerned, these differences of
3 view and of behaviour were such that the Benefit Payment
4 Card was most unlikely ever to be delivered
5 satisfactory -- or to be delivered at all, and it made
6 sense, therefore, to consider what the alternatives
7 were, which is kind of what bringing a fresh pair of
8 eyes is all about, I think.

9 **SIR WYN WILLIAMS:** Could I ask you, Sir Stephen, the
10 impression you're giving me is that you formed the view
11 that the Benefit Payment Card would not come to fruition
12 pretty early on in your involvement; is that correct?

13 **A.** That's right.

14 **SIR WYN WILLIAMS:** Thank you. Yes.

15 **MR BLAKE:** One thing that you have just mentioned is
16 discussions about testing, for example. I'd like to
17 take you to a couple of letters that you have seen from
18 David Miller at the Post Office. Can I just ask, it's
19 paragraph 31 of your witness statement. You say that,
20 in April 1999, POCL were concerned that more testing
21 would delay the project. Can you tell us a little more
22 about that, please.

23 **A.** Simply that this is what was -- is -- was said at the
24 time in these letters and, you know, I took to be their
25 view. And the Benefits Agency wanted to carry on doing

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1 options, that were being discussed at this stage,
2 impacted or detracted from looking at the technical
3 issues that were arising at that stage?

4 **A.** Well, I don't think they were because, in the pack of
5 paper you sent me, there's evidence that the people
6 working on the project were still exchanging letters
7 about it, as late as May.

8 **Q.** With regard to, for example, the Government's approach
9 to the project?

10 **A.** No, this was regards, you know, questions about whether
11 it should go in to live testing or not. So a lot of
12 work -- all I'm trying to respond to your point is that
13 work was continuing on the project, despite the fact
14 that these alternatives were being looked at.

15 **Q.** Absolutely, but in your statement you said that, for
16 example, because there were so many different opinions
17 at that stage, it wasn't really appropriate to be
18 looking into the technical side of things, because we
19 didn't know where it was going to end up?

20 **A.** No, I don't think that's quite what I was saying. What
21 I was saying was it wasn't very -- it wasn't possible
22 to -- for me to draw conclusions on the technical state
23 of the project because, whichever of the parties you
24 talked to, had different views about it and different
25 opinions on whose fault it was that it wasn't working as

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1 more testing before it went into a live trial, and POCL
2 took a different view. It was, you know, it was part of
3 the -- it was a small example of the problems of the
4 project.

5 **Q.** Were you aware of the Benefits Agency's concerns about
6 the need for more testing?

7 **A.** Yes, I was.

8 **Q.** What did you think about them at the time?

9 **A.** Well, as I say in the witness statement, my view was
10 that, in the context of moving to a new project of some
11 sort, it was important that the contracts were set up in
12 a way that allowed the proper exceptions test to be set
13 out.

14 **Q.** Let's look at those two documents. Can we start with
15 POL00028407, please. This is a letter of 1 April to
16 Vince Gaskell. Perhaps we can just look at the final
17 page. It says there, in the "Conclusion" in this letter
18 from David Miller, the Horizon project programme
19 director:

20 "One can always argue that more comfort could be
21 gained from a further Model Office test cycle. However,
22 the results from the Target Testing, together with other
23 points made above, lead us to the very clear conclusion
24 that:

25 "there are no outstanding faults that prevent entry

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1 to Live Trial

2 "the stability of the solution in Target Testing

3 gives confidence that there is no major risk of new

4 faults arising ...

5 "the BA and POCL can obtain further assurance by the

6 planned additional testing activities ...

7 "required changes can be included in the Pathway

8 service in a controlled manner ...

9 "the current testing status cannot justify two more

10 months of additional Model ... testing.

11 "The Post Office and ICL and Fujitsu, strongly

12 endorse this conclusion, and this view will be

13 represented at the highest levels. We could not agree

14 to a continuation of testing that effectively would

15 result in a 6-month delay to rollout until after

16 Year 2000. I trust that the BA will also be able to

17 support this conclusion."

18 Is that an example of the kind of thing that you've

19 talked about in your witness statement, about the Post

20 Office being concerned that more testing -- in this

21 case, model office testing -- would delay the project?

22 **A.** Correct, yes.

23 **Q.** Can we look at one more example POL00028406, thank you

24 very much. I'd just like to look at the paragraph under

25 "General Points". Again, this a letter to Vince Gaskell

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1 Benefit Payment Card could be delivered successfully.

2 I mean, in my mind, it was a vain hope but I think they

3 still did and they worked accordingly, and I think they

4 found it very hard to see how any alternative was going

5 to serve them well in the future.

6 **Q.** These kinds of discussions about not carrying out

7 further model office testing at that stage, for example,

8 were you or anyone around you concerned that the

9 impression given by the Post Office was that they wanted

10 to rush things out?

11 **A.** Well, they certainly wanted to press on. I mean, they

12 were certainly concerned about slippage of the timescale

13 of the whole project. So yes, in that sense, it was.

14 **Q.** Thank you very much. I'm going to move on to

15 a different topic now and that's matters relating to the

16 Prime Minister. You were present during a meeting

17 between the Prime Minister and Mr Naruto in April 1999;

18 is that right?

19 **A.** Yes.

20 **Q.** Was that the only such meeting that you were present at?

21 **A.** Yes.

22 **Q.** Would you, when you came to this project, have expected

23 such a level of Prime Ministerial involvement in the

24 matter?

25 **A.** Yes, I think I would. I mean this was a major project

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1 from David Miller in his position as Horizon programme

2 director, and it says there:

3 "I understand your concern about the impact of

4 errors on the DSS and our joint need for a high quality

5 system. But we are not asking the DSS to accept the

6 system or to proceed with rollout at this time. We are

7 moving to a live trial in 300 offices with 4 to 5 months

8 of further operational experience before a decision on

9 contractual acceptance. This gives the opportunity to

10 evaluate the fitness for purpose of the solution in the

11 field while in parallel carrying out continuing testing,

12 for example in the multi-benefit model office. What we

13 have to judge at this time is the manageability of the

14 risk of the entry to Live Trial and to balance this with

15 the cost and delay to all parties of a further

16 postponement of rollout."

17 Were these kinds of points quite typical during your

18 period of involvement?

19 **A.** Yes, they were.

20 **Q.** Thank you very much. To what extent do you consider

21 that all of the various options that were still in play

22 as at April 1999 influenced the decision of the Post

23 Office to just get on with Horizon, irrespective of

24 where they were at on a technical level?

25 **A.** Well, I think the Post Office still hoped that the

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1 that was going wrong and it had, potentially, widespread

2 repercussions, not just for the public sector but for

3 all the subpostmasters involved in running the Post

4 Office system.

5 **Q.** What do you recall of that particular meeting in April

6 1999?

7 **A.** Um ... it was fundamentally a courtesy meeting on the

8 Prime Minister's part. Mr Naruto came to press the case

9 for getting a legally binding agreement quite quickly,

10 he said, I think, at the time before the Fujitsu board

11 meeting in late April. The Prime Minister gave him no

12 such commitments but did it very pleasantly.

13 **Q.** To what extent did Fujitsu's financial position at that

14 stage affect the Prime Minister's position, as far as

15 you could tell?

16 **A.** Well, I think the Prime Minister was conscious of

17 Fujitsu being a major inward investor in the UK and he

18 also was aware that they -- the prospect of this project

19 not working would have adverse consequences for them.

20 I'm not sure whether, at that stage, he'd quite been

21 informed about the possible impact on their accounts of

22 having to make a provision for the Pathway Project but

23 he'd become conscious of it at a later stage.

24 **Q.** Thank you. Can we look at one document that you have

25 seen very recently, and that's CBO00000046. This is

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1 a letter from the Prime Minister, and to Mr Sekizawa of
2 Fujitsu, and it says there:
3 "I was most grateful to receive your kind letter of
4 19 March.

5 "I have indeed maintained a close personal interest
6 in developments at Aycliffe and have been enormously
7 encouraged by your company's unreserved and wholehearted
8 commitment to the work of the Response Group."

9 Do you recall what happened at Aycliffe?

10 **A.** Not really. I seem to remember there was a closure of
11 a Fujitsu establishment there.

12 **Q.** Thank you. Perhaps we could go to the next paragraph.
13 Just to summarise this letter -- I think you've seen it
14 very recently, so I'll just read couple of lines. It
15 says there --

16 "The fate of your former employees was of particular
17 concern to me."

18 Then the next paragraph says:

19 "Meanwhile, however, it was also important that
20 every possible opportunity should be explored in order
21 to find a buyer for the plant who could make use of the
22 existing skills base."

23 Perhaps we could go over the page, please -- thank
24 you -- and the final paragraph there says:

25 "The Aycliffe closure was a major set back for all

21

1 **A.** No. I mean, when the Prime Minister, or indeed any
2 minister, meets someone who has had some involvement
3 with their constituency, albeit not the main meeting --
4 point of the meeting, it often does get mentioned.

5 **Q.** Thank you. Can we look at CBO00000022_002, please.
6 This is a letter from 10 Downing Street to the Chief
7 Secretary's office. It's from Jeremy Heywood, the
8 Principal Private Secretary, and this is towards the end
9 of your period of involvement. I'm just going to read
10 to you three paragraphs from that letter. Perhaps we
11 could just scroll down slightly.

12 So the first substantive paragraph there says:

13 "The Prime Minister has now discussed this with the
14 Chancellor, who set out in more detail the Treasury's
15 concerns about signing up today to Option B1."

16 I think option B1 was the smartcard option; is that
17 right?

18 **A.** That's right.

19 **Q.** "The Chancellor said that this would be something of
20 a leap in the dark. For example, it was not clear what
21 discussions had taken place with the banks on the
22 viability of this option; what demand there would be for
23 the new smart card; or how willing benefit recipients
24 who already had bank accounts would be to use the
25 proposed POCL bank accounts. We needed more time to

23

1 concerned, but I assure you that my colleagues and
2 I place great value on Fujitsu's deep and longstanding
3 commitment to the United Kingdom. Your contribution to
4 the competitiveness of our telecommunications and IT
5 industries has been outstanding, and I wish you every
6 success for the future."

7 Were there at the meeting that you were at, shortly
8 after this letter was sent, any discussions about
9 Fujitsu's plants closing in the Prime Minister's
10 constituency?

11 **A.** Not that I recall.

12 **Q.** What do you recall about the Prime Minister's
13 discussions at that meeting?

14 **A.** The one with Mr Naruto?

15 **Q.** Yes.

16 **A.** As I say, Mr Naruto came along and pressed for
17 a decision on the Horizon project and pressed for one to
18 be made in time for his board meeting in April. The
19 Prime Minister listened to him, politely, but gave no
20 such commitment.

21 **Q.** If the Prime Minister had mentioned matters relating to
22 his constituency, do you think you would have remembered
23 that?

24 **A.** Probably not, to be honest.

25 **Q.** Would it have surprised you?

22

1 bottom [out] these issues. It would be wrong to commit
2 the Government now to an option that would cost
3 £400 million more over the CSR2 period than the best
4 alternative. This would simply divert resources away
5 from the Government's key priorities [to] the next CSR.

6 "Against this background, the only sensible course
7 of action would be to buy more time to consider all the
8 options in much more depth. The most rational option
9 would probably be termination."

10 Can I just pause there. Were you aware, at that
11 stage, that the Prime Minister's view was that the most
12 rational option would probably be termination?

13 **A.** No, I wasn't. I actually think those words might be the
14 words of the Chancellor at the time. I mean, my reading
15 of this letter was that that was still the Chancellor's
16 opening kind of commentary.

17 **Q.** Was that a view that was shared by others, to the best
18 of your recollection?

19 **A.** I don't think ... I mean, there were certainly people
20 involved in it who thought that termination might have
21 been the best option, you know, if we were starting with
22 a kind of clean sheet, as it were, but I don't think
23 there were many people who thought that termination was
24 very attractive, because the -- quite apart from the
25 problems with the Post Office and what were you going to

24

1 do to make the counters more efficient and win more
2 business, there were real risks with a termination that
3 we could well -- we the Government, the public sector --
4 could well have been seen as doing this termination for
5 convenience, in which case the cost, in terms of
6 settling with ICL, would have been high.

7 **Q.** Thank you. I'm going to continue. It says:

8 "But given where we are starting from with ICL, it
9 would probably be best to commit now to Option B3 and
10 agree to do further intensive work on Option B1 over the
11 next three months. He therefore proposed that Steve
12 Robson should write to ICL this evening along the lines
13 of the attached draft", and there's a draft attached to
14 this letter.

15 It continues:

16 "The Prime Minister said that he had not had time to
17 look into ... the options in detail. Starting with
18 a clean sheet, it was doubtful whether we would want to
19 devote substantial new resources to a project that
20 appeared to be designed largely to prop up the Post
21 Office network. However, we were not starting from
22 a clean sheet. He was content for the Chancellor to go
23 over his concerns in more detail with Lord Falconer and
24 other interested parties, to try to find an agreed way
25 forward. Any solution should meet three key political

25

1 being totally abandoned, then it could indeed trigger
2 a huge row, but things that were less than total
3 abandonment, how big a row they would produce was
4 something of conjecture.

5 **Q.** Do you know where the message was coming from in respect
6 of the subpostmasters? So there's reference there to
7 the Post Office and subpostmasters, where was the
8 message coming from, in respect of the concern being
9 that the rural network might be put in danger?

10 **A.** Well, I mean, I don't think a message was, at that time,
11 being received but messages of that sort had been
12 received in the past, and they tended to come from the
13 Post Office itself, from DTI as a sponsor Department,
14 and also from the National Federation of SubPostmasters.

15 **Q.** Can we look at HMT00000028, please. This a note from
16 yourself on 20 May 1999, so quite close to the end of
17 your involvement, to the Chief Secretary. Perhaps we
18 could start at page 2, please. This sets out some of
19 the background. Paragraph 3 says:

20 "Against this background, we have been seeking
21 a deal with ICL based on option B3. This involves
22 abandoning the benefit ... card. POCL would buy the
23 basic ICL Horizon platform. BA would move to ACT over
24 the period 2003-05. This option could provide
25 a platform on which to build POCL's network banking

27

1 requirements."

2 I think these were the ones you were referring to at
3 the beginning of your evidence --

4 **A.** That's right.

5 **Q.** -- and those are:

6 "(i) we did not want a huge political row, with the
7 Post Office or the SubPostmasters' lobby claiming that
8 the entire rural network had been put in danger by the
9 Government;

10 "(ii) we should not put ICL's whole future at risk;
11 and

12 "(iii) it would be important to ensure that the
13 Government had a fully defensible position vis à vis the
14 PAC."

15 Were you aware of what the first of those political
16 requirements meant, in respect of not wanting a huge
17 political row with the Post Office or the
18 subpostmasters?

19 **A.** I know what it meant in terms of the words on the piece
20 of paper. What it meant in practice was less easy to
21 fathom.

22 **Q.** Can you expand upon that?

23 **A.** Well, simply, you know, who -- it was hard to know what
24 it -- what might trigger -- I mean, one can see that if
25 the Post Office and subpostmasters had felt they were

26

1 strategy and for Modern Government services."

2 So, toward the end of your involvement, was this the
3 position that was being reached, or discussed?

4 **A.** This was a position that had been reached, yes.

5 **Q.** Can we look over to page 4, please, at the bottom of
6 that page. I'm just, again, going to read, for the
7 record, a few paragraphs; it's going to be paragraphs 9
8 to 11. Paragraph 9 says:

9 "As regards the Post Office and subpostmasters,
10 I cannot claim the Post Office are happy with this deal.
11 Their chairman's views were set out in his letter of
12 18 May (attached) [and I'll take you to that letter in
13 a moment]. They really want the option A -- the Benefit
14 Payment Card. If the proposed deal goes ahead, the
15 chairman set out certain terms including a delay in the
16 start of ACT until 2005. This would have a seriously
17 adverse impact (some £200-250 million) on the NPV of the
18 deal.

19 "He also wants guarantees on income from, and
20 funding by, the Government and a firm commitment by the
21 Government to use the POCL system 'extensively for
22 existing and new services'. It is hard to see how these
23 can be given. The Government will presumably want to
24 use the best value suppliers for its services and not
25 tie itself to POCL regardless of cost.

28

1 "The subpostmasters will no doubt be unhappy with
2 the loss of the [Benefit Payment Card] and the timing of
3 the move to ACT. But we would be providing them with
4 an IT system which will automate their basic services,
5 and provide a platform for Modern government and Network
6 banking."

7 I'm going to take you to the letter from the
8 chairman. Just so that it's in your mind, one thing I'm
9 going to be asking you is where that information from
10 subpostmasters -- that's paragraph 11 -- was coming
11 from.

12 Perhaps we can look at the letter, that is
13 POL00028612. I'll take this letter relatively quickly,
14 because I think you have seen it, and the detail doesn't
15 really matter, save that it doesn't really go into any
16 detail about the views of the subpostmasters. Perhaps
17 if we scroll down and over to the next page and scroll
18 down to the bottom of the next page.

19 There is there concern in the penultimate paragraph.
20 It says:

21 "In such circumstances it would be impossible for us
22 to sustain the current nationwide network."

23 So there are concerns there being raised by the Post
24 Office about the network but I don't believe there is
25 anything in that letter that raises concerns in

29

1 it doesn't mean it didn't happen.

2 **Q.** It says:

3 "Things continue to move forward (but slowly). It
4 is clear there will be further meetings during the day
5 preparing for another meeting of Ministers tomorrow
6 afternoon."

7 So I suppose -- well, it's 4.46 on 18 May so perhaps
8 the first meeting happened on 17 May, further meetings
9 on 18 May. Was that a particularly busy period of
10 discussions with the --

11 **A.** Yes, it was, actually.

12 **Q.** "I now need some sleep and to be in London tomorrow."

13 So it may be that the Royal Hotel isn't in London,
14 somebody might be able to tell me:

15 "I now need some sleep and to be in London tomorrow.
16 I feel really guilty not coming to your conference and
17 bringing your executive and delegates up to date with
18 progress -- but I need to be in London. Please pass on
19 my apologies to the Conference."

20 Over the page:

21 "My message is that there has not yet been
22 a decision by Ministers, matters remain finely balanced.
23 I can confirm that the Ministers involved with the
24 decision making are very aware of the concern that
25 exists in the minds of subpostmasters up and down the

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1 particular from the subpostmasters.

2 I'll take you to another document, and that relates
3 to a meeting that you had with Stuart Sweetman on
4 18 May. Perhaps we can look at that, that's
5 NFSP00000157. So this is a fax to Colin Baker from
6 Stuart Sweetman, and it seems to the effect that he's
7 staying in a hotel in London. I will read that letter
8 out to assist. It says:

9 "Dear Colin

10 "It is now 4.15 am and I've just arrived home having
11 been at the Treasury with Steve Robson (2nd Permanent
12 Secretary) and then a meeting with Stephen Byers and
13 Alan Milburn at the House of Commons."

14 Just pausing there, do you remember that meeting at
15 all?

16 **A.** No, I don't.

17 **Q.** You don't remember the meeting?

18 **A.** I don't remember --

19 **Q.** No?

20 **A.** Well, I had quite a lot of meetings with Milburn and
21 Byers.

22 **Q.** And with Sweetman?

23 **A.** I'm not quite sure what the date of this is.

24 **Q.** If we look at the top, it's 18 May 1999?

25 **A.** I certainly don't recall a meeting around that time but

30

1 country. The Post Office Board and my team in POCL
2 remain steadfast in our aims to secure a deal that is in
3 the interests of all those in the business.

4 "My commitment is that within 24 hours of a decision
5 on the way forward I will meet with the NFSP Executive
6 Committee to explain to you what has been decided and
7 the implications for all concerned."

8 Thank you very much, that can be taken down.

9 So we're turning back to that note that you produced
10 on 20 May to the Chief Secretary, which says that the
11 subpostmasters will no doubt be unhappy with the loss of
12 the Benefit Payment Card, et cetera. Where would the
13 information about the subpostmasters' views have come
14 from? Was Stuart Sweetman and the Post Office the
15 ordinary route to express subpostmasters' views, or were
16 you hearing directly from the National Federation, the
17 CWU or something else?

18 **A.** No, I wasn't hearing directly from the National
19 Federation. I had heard from Stuart Sweetman that, you
20 know, that the subpostmasters were going to be unhappy
21 about the BPC being lost. The fact it's said in this
22 submission of mine that -- I can't remember the precise
23 words -- that by giving them the Horizon infrastructure,
24 that may mean that they weren't quite so angry is purely
25 speculation on my part.

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1 Q. We saw earlier those letters from David Miller and his
2 views on further testing. In this period, in what were
3 quite considerable crunch talks, what, if anything, was
4 being said to you about concerns of the operation of the
5 Horizon system?
6 A. Nothing was being said to me at this stage about that.
7 I mean, apart from this sort of flow of letters that one
8 saw now and again.
9 Q. Oh, do you mean the letters regarding not testing,
10 not --
11 A. No -- yes, these letters that we've just been talking
12 about.
13 Q. At the time of your involvement, from what you saw, what
14 extent of consideration of the subpostmasters' position
15 focused on ensuring the network had Horizon, had
16 automation, rather than, for example the reliability or
17 effectiveness of such a system?
18 A. Well, I think they were both were considerations.
19 I mean, there was clearly no point in giving people IT
20 systems that don't work, or not extant, anyhow. But the
21 situation in these latter months was that the benefit --
22 I don't think anybody was really arguing that the
23 benefit card payment project was going to succeed. I
24 mean, the Post Office were hoping that it was going to
25 succeed but I never had a robust case put to me by them

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1 MR JACOBS: Yes, Chair, could I just ask if you can see and
2 hear me.
3 SIR WYN WILLIAMS: I can hear you and no doubt in a moment
4 I will see you. It normally takes a second or two.
5 Yes, I can see you clearly now, Mr Jacob.
6 **Questioned by MR JACOBS**
7 MR JACOBS: Good morning, I ask questions on behalf of 156
8 subpostmasters who were the victims of this scandal and
9 who, in the main part, gave evidence in February to May
10 of this year.
11 I want to ask you about the meeting that you
12 attended with Mr Naruto in April 1999. You've said that
13 Mr Naruto was pressing for a decision but do you recall
14 whether he said anything else at that meeting?
15 A. I don't -- I regret to say don't recall him saying -- he
16 may well have said other things but, I mean, the main
17 message he gave at that meeting was very much he and his
18 board needed a decision by, I think, 23 April. It was
19 a very precise date, anyhow.
20 Q. You said in answer to questions from Mr Blake that the
21 Prime Minister was aware of adverse consequences
22 surrounding Fujitsu and the project.
23 A. Well, he was aware, by the latter stages of this debate
24 in May, that Fujitsu were very concerned about the
25 prospect of having to make a large provision in their

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1 that it was going to succeed and when, you know, the
2 view was expressed that it was dysfunctional and not
3 going to succeed, nobody really pushed back hard on that
4 statement.
5 Q. To what extent were the discussions of the
6 subpostmasters' position really focused on the fact that
7 subpostmasters would want automation, rather than any
8 wider concerns about the actual technical abilities or
9 reliability of such a system?
10 A. Yes, the view was very much as you say: that the
11 subpostmasters would want automation of the counters.
12 I mean, nobody actually suggested that it was all
13 right if it was automation but it was flawed automation,
14 but yes, the view was very much that they wanted
15 automation and, by implication, automation that worked.
16 Q. It may be a given that they would want a system that
17 worked but, to what extent during your period of
18 involvement, was anybody raising with you concerns of
19 subpostmasters regarding the Horizon system at that
20 stage?
21 A. Nobody was raising any concerns of the subpostmasters at
22 that stage.
23 MR BLAKE: Thank you very much. I have no further
24 questions. I'm not sure that anybody else -- yes,
25 Mr Jacobs has some questions.

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1 accounts for the Pathway project and was aware that this
2 was a matter of considerable concern to Fujitsu. And he
3 was also aware that Fujitsu, if they weren't going to
4 make this provision, really needed a decision from the
5 Government in the latter part of May.
6 Q. Could I turn up a document, and this BEIS0000336. It's
7 a note from the British Embassy in relation to a meeting
8 held with Mr Naruto in December 1998. If we could go,
9 please, to paragraph 9.
10 I'm afraid that's scrolling further down. Yes, just
11 slightly further up.
12 So there were three concerns that the British
13 Embassy communicated as a result of their meeting with
14 Mr Naruto a few months before, and one can see at
15 paragraph 9, firstly, that Fujitsu would publicise their
16 criticisms of the project management; secondly, the
17 damage to the relationship between Her Majesty's
18 Government and Japanese companies invested in Britain;
19 and, thirdly, that:
20 "The waves created would be damaging politically at
21 home and to the UK's position of strength vis à vis our
22 European competitors".
23 The question I have for you is: did this reflect the
24 view of the Government at the time when you attended the
25 meeting in April 1999 with Mr Naruto?

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1 A. No, I don't think it did. I mean, as I say, the meeting
2 was -- he was the one that made most of the running at
3 the meeting. As I recall it, the Prime Minister
4 listened to him, you know, politely, and conspicuously
5 avoided giving any commitments to him. I don't recall
6 the material in paragraph 9 here influencing the
7 meeting.

8 Q. You were taken by Mr Blake to a document that was
9 authored by you. If we could go back to that briefly,
10 it's HMT00000028, thank you.

11 If we go to page 2 of 5. So these are the Prime
12 Minister's three key political requirements that you set
13 out, and you can see "we did not want a huge political
14 row with the Post Office or subpostmasters lobby,
15 claiming the entire rural network had been put in danger
16 by the Government"; and (ii) we shouldn't put ICL's
17 whole future at risk; and (iii) it would be important to
18 ensure that the Government had a fully defensible
19 position vis à vis the POCL.

20 I want wanted to look at (ii). This political
21 objective not to put ICL's whole future at risk, was
22 that linked to the damage to international trade with
23 Japan that that could cause?

24 A. Yes, I think it was reflective of his concerns that
25 Britain should remain an attractive area for inward

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1 MR JACOBS: I'm just going to see if there are any more
2 questions I have to ask of you. Nothing else. Thank
3 you very much.

4 A. Thank you.

5 MR BLAKE: Ms Page has some questions as well, sir.

6 **Questioned by MS PAGE**

7 MS PAGE: Flora Page, appearing for a group of the
8 subpostmasters also.

9 A. Sorry, I didn't catch the last bit.

10 Q. I'm also appearing for a group of subpostmasters. Thank
11 you.

12 We've looked at one section of this document but I'd
13 like to look again please at HMT00000020. This is
14 a note from Mr Schofield about a meeting that you
15 attended with the representatives of ICL, Mr Christou
16 and Mr Todd. So it took place on 29 January and, if we
17 page go down to paragraph 4 on page 2, and we can just
18 look really pretty much at that first sentence:

19 "Todd made the following points:

20 "he felt that the move to compulsory ACT was not as
21 simple as the BA suggested."

22 He then goes on to set out number of the issues
23 which he felt at that time were problematic, about
24 moving to ACT, rather than having the benefit card
25 continue; is that right?

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1 investment. What I would say, now you've brought up
2 these three objectives, as it turned out, objectives
3 (ii) and (iii) did actually kind of end up with the same
4 outcome, namely buying the hardware of the system, which
5 also turned out to be the cheapest solution for the
6 Government.

7 Q. Thank you. Finally, the question that I am asked to put
8 on behalf of my clients is: looking back, do you accept
9 that the financial and political motivations that we see
10 here overrode the need to produce a system that was
11 suited to the need of the subpostmasters who were to
12 operate Horizon on the ground, so to speak?

13 A. No, I don't, actually. I mean, oddly enough, the
14 easiest thing would have been to let the Horizon project
15 continue and watch it slowly come to the end of the
16 cul-de-sac it was already in, leaving, you know,
17 subpostmasters and the Post Office with nothing at all.

18 That would have, you know, kind of accorded with
19 what the Post Office really wanted to do. It would have
20 meant a considerable time of wasted effort and money,
21 and one of the hardest things for a Government ever to
22 do is to accept that a path it has set upon has been the
23 wrong path; it has gone wrong. Whatever else one might
24 say about this episode was that, in the end, ministers
25 did accept that and faced up to it.

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1 A. Yes, I guess so, yes.

2 Q. So, in other words, he, at that stage, was sort of more
3 or less aligned with the Post Office position and
4 wanting the Benefit Payment Card to continue; is that
5 a fair representation?

6 A. I'm not sure it was. I think the -- ICL, at that stage,
7 were already quite interested in the smartcard solution.

8 Q. Certainly, when we get to Mr Christou's interjection
9 a bit later down, that's the one you've already seen,
10 where he says, "We will look at it over the weekend",
11 but this section from Mr Todd appears to be expressing
12 reservations about it, does it not?

13 A. Well, it ... the third inset there, "likewise natural
14 points of access which could be supported by a smartcard
15 and Horizon infrastructure, but there probably would
16 need to be a period of exclusivity" suggests to me that
17 his mind wasn't closed --

18 Q. Wasn't firmly set against, no?

19 A. Sorry?

20 Q. Not firmly set against, no.

21 A. No, not at all.

22 Q. But expressing number of reservations --

23 A. Well, yes. I mean, all these things, you know, one has
24 to sort of look at the context as well as the words.

25 And, you know, Christou -- sorry, Todd, in this case, in

40

1 a sense -- not in a sense, in reality, he was
 2 negotiating from the off and, therefore, one had to sort
 3 factor this into anything that you were saying, you
 4 know, quite how far was it the whole truth and nothing
 5 but the truth, or how far was it coloured by
 6 negotiations.
 7 **Q.** Yes, I see, so to some extent, this will have been,
 8 perhaps from your perspective as a negotiator, a window
 9 of opportunity in the sense that he wasn't closed to
 10 that idea --
 11 **A.** That's right.
 12 **Q.** -- completely?
 13 **A.** Yeah.
 14 **Q.** Well, that may then account for the document that I was
 15 going to take you to next, if I may, which is
 16 DWP00000202, and you may or may not be able to assist
 17 with this. It's the final page of this, which is
 18 seemingly tacked on to a document which was sent to you,
 19 but it also refers -- it's dated 2 February and a little
 20 further down it refers to the same meeting that took
 21 place, it says, last Friday, and I've sort of looked at
 22 the dates and it's clearly the same meeting between you:
 23 "Apparently Steve Robson had a meeting with Richard
 24 Christou and Keith Todd last Friday."
 25 The author of this document says:

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1 relates to a meeting again with ICL. At the second
 2 paragraph, this is Peter Schofield, the author of this.
 3 He says:
 4 "By the second meeting, ICL (Todd in particular)
 5 were clearly quite worked up. We therefore allowed them
 6 to do most of the talking."
 7 This is in the context of the reservation on
 8 accounts. So, evidently, things were becoming difficult
 9 for ICL at this stage. Were you under the impression
 10 that Mr Todd, in particular, that his personal position
 11 was on the line?
 12 **A.** I had heard some suggestion of that.
 13 **MS PAGE:** Thank you. Those are my questions.
 14 **MR BLAKE:** Thank you very much.
 15 Sir, do you have any questions at all?
 16 **SIR WYN WILLIAMS:** No, I don't. Thank you very much.
 17 At the commencement of your evidence, Sir Stephen,
 18 Mr Blake expressed his gratitude for you attending. Can
 19 I repeat my gratitude for you attending and also reading
 20 a good many documents, no doubt, before making a witness
 21 statement. Thank you.
 22 **A.** Thank you, sir.
 23 **MR BLAKE:** Thank you very much, sir. Can I ask that we take
 24 a ten-minute break now and then we will have
 25 Lord Darling on screen.

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1 "There was a firm proposal from ICL that the Benefit
 2 Payment Card should be abandoned and that the DSS should
 3 move to ACT."
 4 Was this perhaps a slightly wishful gloss on --
 5 **A.** Well, as I said to you when you first raised the
 6 previous document, that I thought that ICL were more
 7 open minded than that -- than the paragraph that you
 8 drew my attention to, immediately suggested. So,
 9 I mean, this again may be slightly -- slightly
 10 optimistic view of the meeting but it's not entirely
 11 wrong.
 12 **Q.** Yes, I see. Perhaps you can help me with this. I don't
 13 know if you can. It's not clear who wrote this. At the
 14 top it bears a reference "LCB", does that mean anything
 15 to you?
 16 **A.** Sorry, I can't see the top now.
 17 **Q.** If we just scroll up, the reference seems to be somebody
 18 called "LCB".
 19 **A.** No, it kind of looks like -- I mean, I don't know who
 20 "LCB" is. Just looking at who was at the meeting, it
 21 suggests to me it was maybe a Benefits Agency document
 22 but that's pure speculation.
 23 **Q.** Yes, all right, thank you. There's only one other
 24 document in question that I'd like to take you to, and
 25 that's HMT00000013, and this goes forward to May, and

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1 **SIR WYN WILLIAMS:** Certainly, yes. What time will that be,
 2 just so I'm prompt?
 3 **MR BLAKE:** 11.10.
 4 **SIR WYN WILLIAMS:** Fine, all right. Thank you very much.
 5 (11.02 am)
 6 (A short break)
 7 (11.11 am)
 8 **MR BEER:** Good morning, sir. Can I call Lord Alistair
 9 Darling, please.
 10 **SIR WYN WILLIAMS:** Yes. Obviously there is a difference
 11 between the clock in the hall and my computer clock,
 12 which meant I joined a little early, so if anybody was
 13 listening, Lord Darling and I were exchanging
 14 pleasantries but nothing more, all right.
 15 **MR BEER:** Thank you, sir.
 16 **LORD ALISTAIR DARLING (affirmed)**
 17 **Questioned by MR BEER**
 18 **MR BEER:** Thank you very much, Lord Darling. My name is
 19 Jason Beer and I ask questions on behalf of the Inquiry.
 20 Can I ask your full name, please?
 21 **A.** It's Alistair Maclean Darling.
 22 **Q.** Can I start by expressing the Inquiry's thanks for you
 23 providing a witness statement to us of 41 pages and for
 24 giving evidence via video link today. Can we look at
 25 your witness statement, please. It's WITN04200100, and

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1 on page --

2 **A.** Yes, I've got it.

3 **Q.** Thank you. On page 41 there should be a signature. Is

4 that your signature?

5 **A.** That's my signature, and that's the date on which

6 I signed it.

7 **Q.** Thank you. Can we just go back to page 33 of the

8 witness statement, please.

9 **A.** Sorry, one moment. Yes, I've got it.

10 **Q.** Yes, thank you. In paragraph 97 there is a date, it

11 says, "by April 1998." Should that read "April 1999"?

12 **A.** Yes, it should, yes.

13 **Q.** Thank you very much, with that correction, are the

14 contents of the witness statement true to the best of

15 your knowledge and belief?

16 **A.** Yes, they are true to the best of my knowledge and

17 belief. As I say in the opening paragraphs of my

18 statement, I have read all the papers the Inquiry has

19 sent to me and I'm satisfied, on the basis of my own

20 knowledge of what happened and what I've seen, that this

21 is a true account of what happened. But I do make the

22 point that I know that I've not seen all the papers

23 I saw at the time.

24 **Q.** Yes and, in particular, I think, you're concerned about

25 papers that would have been marked up or marginally

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1 Government that came to power after the general election

2 on 1 May 1997, having been an opposition MP for about

3 10 years before that?

4 **A.** Yes, I was elected in 1987, so 10 years in opposition.

5 I then was appointed as Chief Secretary and I remained

6 a member of the Cabinet for 13 years until May 2010.

7 Important to the Inquiry, I was Secretary of State,

8 first, for Social Security and then, as we re-engineered

9 it, the Department of Work and Pensions for four years

10 between 1998 and 2002.

11 **Q.** Thank you. So just after appointment or coming to

12 power, you were appointed Chief Secretary to the

13 Treasury, a period that you held for about a year and

14 three months, until 27 July 1998; is that right?

15 **A.** Yes, that's right.

16 **Q.** So you were Stephen Byers' predecessor?

17 **A.** Yes, he was the Chief Secretary for a fairly short

18 period after me, before he became Secretary of State for

19 Trade and Industry.

20 **Q.** On that day, ie 27 July 1998, you became Secretary of

21 State for Social Security, a position that are you held

22 for just under three years until 8 June 2001; is that

23 right?

24 **A.** That's right.

25 **Q.** They're the two posts with which the Inquiry is most

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1 annotated by you; is that right?

2 **A.** Yes. What these papers don't record are meetings that

3 I might have had. What is very important too is, in

4 terms of my knowledge, you don't get letters just put in

5 front of you. You'll have a covering note from your

6 private office saying, "You should be aware of this,

7 this is what it's about, what do you want to do?" But

8 I cannot think of an instance where I saw papers during

9 the time that I was a minister that I didn't put some

10 remark on them, even a tick. I know that because I saw

11 papers from my time at the Treasury about 10 years ago

12 and absolutely everything was the original documents

13 that had seen.

14 No, I don't know if they still exist for the DSS or

15 the DWP but I just make that point. Having said that,

16 I think what I've got in my statement is an attempt to

17 answer all the questions the Inquiry put to me and it's

18 done on the best of my knowledge and belief. A lot of

19 it, though, comes from my own recollection but it is

20 fortified by some of the stuff that I've seen. But just

21 that caveat there may be stuff around that I haven't

22 seen, you know, in the last 25 years, but if that's the

23 case, no doubt you will draw that to my attention.

24 **Q.** Thank you. Can I start with your background and

25 experience. I think you were part of the Labour

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1 concerned but, after that, you held a series of posts

2 within Government until May 2010, when a new

3 administration came to power?

4 **A.** That's right.

5 **Q.** Amongst those positions, there is one that I'm going to

6 ask you about right at the end of our evidence session

7 today, Secretary of State for Trade and Industry between

8 5 May 2006 and 28 June 2007, so about 14 months?

9 **A.** Yes, that's correct.

10 **Q.** Can I start, please, with some questions concerning your

11 first awareness of Horizon, the Horizon project in

12 Government. The first communication that the Inquiry

13 has been able to track down is a letter written to you

14 by John Denham dated 12 August 1997. Can we look at

15 that, please. It should come up on your screen.

16 DWP00000095.

17 **A.** I'm not seeing anything yet. Should I be?

18 **Q.** No, we're not either. I'm getting a shake of the head

19 from the document displayer. DWP00000095.

20 Just bear with us, please. Thank you.

21 Is that displayed on your screen, Lord Darling?

22 **A.** Not yet -- oh, it is now, yes -- oh, it's back again.

23 Right. I can see it now, yes.

24 **Q.** Thank you very much. You'll see that it's a letter

25 dated 12 August 1997. You can see that amongst the

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1 extended copy list on the right-hand side.

2 **A.** Yes.

3 **Q.** It's from John Denham, then a minister in the DSS, more
4 formally the Parliamentary under Secretary of State for
5 Social Security. Can you see that from the top?

6 **A.** I can, yes.

7 **Q.** If we just go to the third page, it's signed off, "PP'd"
8 for Mr Denham, and scroll down, please.

9 **A.** Yes, I can see that.

10 **Q.** Thanks. If we go back to the first page, please. It's
11 addressed to you in your position as Chief Secretary.
12 Paragraph 1, if we read together:
13 "... our predecessors announced in May last year
14 that the post office network and the payment of social
15 security benefits across Post office counters should be
16 automated through a major PFI project. The contract,
17 rather unusually has three parties: my department and
18 [POCL] as purchasers and ICL Pathway, originally
19 a specially formed consortium but now a subsidiary
20 company of ICL, as supplier."
21 Did you know anything about this contract before you
22 took up your post as Secretary of State, as Chief
23 Secretary?

24 **A.** I can't be sure of that because I haven't seen any
25 papers from the Treasury. However, as I sort of alluded

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1 timetable, with equally serious consequences for the
2 business case between our predecessors."

3 Then if we can look at paragraph 5, at the foot of
4 the page, please, beginning "However", and then look at
5 the sentence three from the bottom:
6 "The National Federation of SubPostmasters mounted
7 vociferous campaigns against ACT [Automated Credit
8 Transfer] when the previous Government gave any ...
9 encouragement to ACT and has sought to maintain the role
10 of post offices in paying benefits. The decision by the
11 previous government to go ahead with the current
12 automation project appears to have been strongly
13 influenced by this context."
14 **A.** Yes --
15 **Q.** Then:
16 "My view [Mr Denham's view] is that, if the
17 commitment to this project had not already been made, we
18 should at the very least question whether it is sensible
19 to sustain an expensive and outmoded pattern of payment
20 delivery as a means of delivering a hidden subsidy to
21 the post office. The question of whether we think it
22 right to subsidise post offices is quite distinct from
23 questions about the most efficient and secure way of
24 paying benefits. The problem with the previous
25 government's approach is they have become inextricably

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1 to at the start of my evidence, I would not just have
2 had this letter put in front of me, there would have
3 been a covering note from my private secretary saying,
4 you know, "What's this about, you ought to be concerned
5 about it". That sort of thing. It could be that I had
6 been previously advised about it. I was advised about
7 an awful lot of things as Chief Secretary because of the
8 nature of the job but this is the first written evidence
9 I've seen. But I am relying, as I've said to you
10 before, on what the Inquiry has been able to retrieve
11 from the archives.

12 **Q.** Yes, and, in turn, what your former Department has
13 disclosed to the --

14 **A.** Yes, yes.

15 **Q.** -- to the Inquiry.

16 **A.** Yes.

17 **Q.** The second paragraph provides that:
18 "The ambitions of the project are very large."
19 Then if we go to paragraph 3, please:
20 "A project to automate a wide range of functions in
21 19,000 post offices as well as social security payments
22 to over 20 million people is inevitably complex, and
23 that complexity brings with it serious risks. The
24 purpose of this letter is to alert you to the fact that
25 the project is already seriously behind its original

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1 confused."

2 To your recollection what view did you form about
3 this at that time, with your Chief Secretary to the
4 Treasury hat on?

5 **A.** Well, there's two elements. I suppose the first one,
6 that what John Denham was saying is that the Treasury
7 ought to be aware of this, the project has slipped and
8 therefore there will be financial consequences and, you
9 know, that's a direct Treasury concern for obvious
10 reasons. But, looking at the bigger picture, if you
11 like, I had a great deal of sympathy with what John
12 Denham was saying. He was a minister that I valued his
13 judgement on things generally.

14 But, you know, I fully understand that, for the Post
15 Office point of view, having guaranteed footfall is
16 very, very important to them and, at that time, the
17 majority of people in receipt of benefits would have to
18 go to the Post Office to cash their giro to get their
19 money.

20 Now, I can see that the last government, that's the
21 government that was in power until 1997, was trying to
22 find what you might call an elegant solution, whereby
23 the Benefits Agency had a more secure way of making
24 payments through a card but it would also mean, because
25 the hard had to be used in a Post Office, it would

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1 guarantee footfall.
 2 Now my view of it, and when I looked at John's
 3 letter in the subsequent correspondence, was that there
 4 were a number of problems with this, but the
 5 in-principle objection I had was, firstly, I did not
 6 think it was right that we should require people to go
 7 to a Post Office if they didn't want to. Most people in
 8 their salaries got paid through ACT. ACT had been up
 9 and running for years, the banks ran it and it worked.
 10 And there was no reason why the then DSS should not also
 11 use the ACT system. In fact, I think I'm right in
 12 saying, even at that time, nearly a third of benefit
 13 payments were being made through ACT, it would save the
 14 Department about £400 million a year.

15 So I could not see the sense of using a card which,
 16 in any event, you know, it was subsequently clear to me,
 17 would have a limited life, because it would be
 18 redundant.

19 I think the second point, you know, which --
 20 **Q.** Just before you go on, that document can come down from
 21 the screen.

22 This is just so the Chair can see you when you're
 23 giving your evidence, Lord Darling.

24 **A.** Sorry.

25 **Q.** No, of course. You were about to move to a second

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1 a common interest. And it seemed to me the project was
 2 doomed. So, on principle, I was against what was
 3 proposed and, in practical terms, I was also concerned
 4 that the thing was never going to work.

5 And, you know, that's really -- that was in the
 6 front of my mind from the time that I arrived at the DSS
 7 until the problem was resolved, as far as the Benefit
 8 Payment Card was concerned, in the summer of 1999.

9 **Q.** Thank you very much for that, Lord Darling. We'll see
 10 expression of those two or three points, I think, across
 11 your evidence --

12 **A.** They're in the statement, yes.

13 **Q.** -- this morning.

14 Can we turn to your reply, please, to Mr Denham's
 15 letter, CBO0000018. If we just look at the second
 16 page, please, we'll see that it's signed off -- if we go
 17 down, please, thank you -- by you.

18 **A.** Yes.

19 **Q.** Then go back to the first page, it's dated
 20 29 August 1997, and --

21 **A.** Yes.

22 **Q.** -- thanks Mr Denham for his letter of 12 August. You
 23 thank him for giving you early warning of the further
 24 difficulties this major project is experiencing and say,
 25 in your paragraph 2, that you need to establish urgently

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1 point, I think.

2 **A.** Yes. My second point was this, that, you know, part of
 3 the approach that we had towards welfare reform was we
 4 wanted to make it easy for people who'd got out -- come
 5 out of employment for whatever reason to get back in.
 6 And, in particular, you know, the Inquiry may recall
 7 that there was at that time there was a lot of stigma
 8 attached to people who were on benefits, political
 9 stigma, if you like, and I wanted to avoid a situation
 10 where if people came out of work, they would have to get
 11 their money paid through a card and had to go to the
 12 Post Office to get it, if they didn't want to do so.

13 Using the Post Office is fine but they shouldn't be
 14 forced to do it and I don't want to create a group of
 15 people who were somehow different. So the more people
 16 were included in the financial system, through ACT, as
 17 far as I was concerned, the better, for a whole variety
 18 of reasons.

19 Then, of course, the third problem was this: that,
 20 you know, the more people you've got in a contract, the
 21 more likely it is that it's going to start to go wrong.
 22 And from what I saw, especially when I became Secretary
 23 of State, when the Montague -- Adrian Montague's
 24 Commission produced its report, it was evident that you
 25 had a problem here, you had parties who did not have

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1 whether the current project can be brought back on
 2 track:

3 "I hope it can, both in your Department's and the
 4 Post Office's interests."

5 Given what you've just said about the "in-principle"
 6 objection to the inclusion of the Benefit Payment Card
 7 in the programme and, therefore, the inclusion of the
 8 Benefits Agency or the DSS within it, why were you
 9 expressing a hope that the project can be brought back
 10 on track in his Department and the Post Office's
 11 interests?

12 **A.** Well, this is at the early stage. You know, as you say
 13 it was -- I don't know if it was the first, but
 14 certainly the first sight I'd had of it. And,
 15 obviously, from the Treasury's point of view if you're
 16 terminating a contract, it is possible that you're going
 17 to incur costs, and if the thing was -- can be made to
 18 work, then, you know, that's something the Treasury
 19 would support. However, as I said to you, I think, if
 20 you go further down the letter, I think, from
 21 recollection, you know, I do say that there's -- whether
 22 or not we're doing the right thing is questionable, and
 23 I think --

24 **Q.** We're about to turn to that and in particular, the
 25 suggestion that there's some contingency planning that

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1 should be undertaken?

2 **A.** (Unclear).

3 **Q.** If we go --

4 **A.** Sorry, I don't want to jump ahead of myself -- of you,

5 rather, but I do recall that Margaret Beckett wrote in

6 similar terms and she got a more expansive reply from

7 me, you know, really questioning whether or not this was

8 the right thing to do. But, you know, this was -- you

9 know, we were, what, two months into Government at that

10 stage? We were committed to pretty tight spending

11 totals, and the Chief Secretary and me would naturally

12 say, "Well, you know, is it fixable?" But the more

13 I looked at this, the more, as I said to you, I came to

14 the conclusion it was wrong in principle as well as

15 wrong in practice.

16 **Q.** Just looking at the matter generally, was that your

17 position when you were Chief Secretary or did that only

18 become your position when you moved over to be Secretary

19 of State for the DSS?

20 **A.** I think, from recollection of the material that I've

21 seen, you will see in the correspondence, you know, I am

22 gradually coming to this view. Obviously, when I got to

23 the Department of Social Security, where I was wholly

24 responsible for the policy from then on, I came very

25 quickly to the view that, you know, it was on the wrong

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1 Benefits Agency, on the grounds that the objective can

2 be achieved from its perspective through the use of ACT,

3 would have the effect of undermining a central tenant of

4 the project, namely to drive people into the Post

5 Office?

6 **A.** Yes, I mean, you know, and Margaret Beckett, if you

7 remember, wrote to me, making that point. But you still

8 have to stand back from these things and ask yourself:

9 is this the right thing to do? Of course, this wasn't

10 a static situation. John Denham was writing alerting me

11 to the problems and the slippage, which I comment on.

12 You know, he also mentioned, you know, we should be

13 looking at whether or not it was the right thing to do

14 in the first place.

15 And when you've got that, where clearly the contract

16 is running into difficulties, it would make sense to

17 look at the alternatives. And throughout the

18 correspondence, you know, at this time, you know, mostly

19 when I was Secretary of State for Social Security, you

20 know, I did make the point that we need to look at ways

21 in which you can subsidise, if you like, the Post Office

22 Network. As I said in my statement, right from the

23 start, as a Government, we had two policies: one is to

24 reform the welfare system and the second was to maintain

25 a network of post offices, which proved to be difficult

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1 tack. And, you know, it -- also, it was also clear by

2 that time that the technical problems with it were

3 becoming more and more apparent.

4 It was running, what, 18 months late, even at that

5 stage, and had been signed in 1996? You know, when

6 I saw John Denham's letter, we raised all these

7 difficulties, yes, in some ways, it was a holding reply.

8 But, you know, I think the more I looked at it, the more

9 I came to the view that we were actually -- it was the

10 wrong thing to do.

11 **Q.** Sticking with this early phase at the moment, is

12 paragraph 4 a reflection of that emerging view that you

13 held, reflected because you are suggesting some

14 contingency work, looking for the case for ACT in the

15 event that the contract is pulled?

16 **A.** Yes, and my guess also is that I would have had, if not

17 written, then certainly verbal advice from the Treasury

18 to say "Look" -- because it's understood, to both the

19 Department and the Treasury, that ACT is much, much

20 cheaper to run than what we were dealing with here. But

21 what I'm saying here is that, you know, clearly you --

22 you, that is John Denham -- was flagging up

23 difficulties, we should be looking at an alternative way

24 of making payment, ACT in this case.

25 **Q.** Would you have understood that the withdrawal of the

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1 and I think is still difficult to this day.

2 **Q.** You copied the letter to, amongst others, Margaret

3 Beckett, who was then the Secretary of State for Trade

4 and Industry and, therefore, held overall responsibility

5 for the Post Office. So they and the DTI would have

6 been under no illusions that this was going on, ie the

7 suggestion from the Treasury to look at ACT as

8 a contingency plan?

9 **A.** Yes, and obviously we don't know what advice was given

10 to ministers in the previous government because we're

11 not told that. But I think my recollection is that the

12 DVLA had also raised with -- you know, in general the

13 position of using the Post Office as well. So it would

14 not be new. It was known within Government, and it

15 really -- what ministers had was clearly a -- you know,

16 a project that was stalling and, you know, certainly as

17 time went on, it was very clear that it had stalled and,

18 indeed, our view was that the suppliers were in breach

19 of contract.

20 So, you know, it was an evolving view but the more

21 I looked at it, and certainly by the time I got to the

22 DSS, I was very clear that this was just the wrong way

23 to proceed and that, you know, even if you'd been able

24 to salvage it, it would have been wrong in principle to

25 be doing this.

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1 Q. Thank you. That letter can come down. Can we look at
2 Mr Denham's reply to complete this series of
3 correspondence, CBO00000013. Thank you. You'll see
4 this is a letter to you of 14 September 1997 --

5 A. Yes.

6 Q. -- replying to the one that we've just seen. Can we
7 look at the first paragraph, first substantive
8 paragraph:

9 "PA Consulting, who were undertaking the review ...
10 were committed to delivering their review document on
11 19 September [so within the following week]. I am
12 content to make it available."

13 Then paragraph 3:

14 "However, I would not want you to harbour any hopes
15 that the project can be brought back on track fully.
16 I understand it emerging view of the consultants
17 undertaking the review is that the completion of rollout
18 is likely to be at least 18 months beyond the original
19 contractual date; this is at least an additional
20 six months slippage beyond that reflected in the figures
21 attached to my letter of 12 August; and this assumes the
22 achievability and success of substantial organisational
23 and contractual changes which the consultants are likely
24 to propose. Further, I understand the consultants'
25 initial view is that the original business cases of all

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1 delivering; is that right?

2 A. Well, the quality is inextricably linked to this, and
3 when you see something going wrong, you do stand back
4 and say "Well, are we going in the right direction in
5 the first place?" You know, to have spent time trying
6 to fix something, you know, which was clearly going
7 wrong and which obviously there's no guarantee it
8 wouldn't go wrong again -- you know, regardless of
9 whether or not you're going in the right direction --
10 would seem to me to be odd.

11 As it happened, these things were happening in
12 parallel, if you like, the technical problems, you know,
13 the difficulty in delivery, were becoming more and more
14 apparent and got more and more, you know, obvious. And
15 I don't know if, you know, I think I would have been --
16 it would have been very odd if I hadn't asked myself
17 "Well, should we be doing this in the first place?"
18 I was pretty clear we shouldn't have been doing it.

19 Q. Can we push forward a little later in 1997 and look at
20 DWP00000072. I think this is maybe the letter you were
21 looking at earlier, when you said you were getting ahead
22 of yourself --

23 A. Yes.

24 Q. -- from Margaret Beckett --

25 A. Yes, it looks like it, yes.

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1 three parties are highly vulnerable to slippage."

2 That can be taken down. Thank you.

3 What effect did that new news have, to your
4 recollection?

5 A. Well, it fortified my belief that this was a project
6 that was running into considerable difficulties and, you
7 know, as I said to you, you know, the more I looked at
8 it, the more I thought this is just going in the wrong
9 direction. We had a contract, that is the Government
10 had a contract, which brings with it certain
11 obligations. Naturally, if it could have been sorted
12 out to everybody's satisfaction, that would have been
13 fine, except it didn't. It was getting worse
14 progressively. But, you know, as I make clear in my
15 statement, my overall view of this, in this entire
16 period until the Government decided, you know, as the
17 agreement with ICL came to an end, that, you know, that
18 having a Benefit Payment Card was just inappropriate,
19 and that, if the Post Office Network was going to
20 survive, then another way would have to be found to do
21 that.

22 Q. We'll come on to this in more detail a little later but,
23 just picking up what you've said there, that reason
24 you've just given is one of principle, that doesn't
25 depend on the quality of the system that ICL is

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1 Q. -- who was the Secretary of State for Trade and
2 Industry -- to you, dated 17 October 1997.

3 A. Yes, that's correct.

4 Q. If we can skip over the first part of the first
5 paragraph and pick up four lines in:

6 "... I have seen copies of the recent letters
7 between John Denham and you about slippage in the PFI
8 project for automating post offices and benefit
9 payments."

10 A. Yes.

11 Q. I think that's a reference to the correspondence we've
12 just looked at.

13 A. Yes.

14 Q. "I have been reflecting carefully on the issues raised
15 and the potential implications for POCL.

16 "For a variety of reasons, the future viability of
17 this most politically sensitive of the Post Office
18 businesses looks increasingly fragile."

19 A. Yes, I see that.

20 Q. So do you understand the part of the business that she's
21 referring to is --

22 A. Is the Post Office, yes.

23 Q. -- is the POCL part, Post Office Counters Limited --

24 A. Yes.

25 Q. -- part of the Post Office business?

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1 A. Yes, yes. That's right.
 2 Q. Is she referring there to the entirety of the business,
 3 ie the Post Office Counters Limited business?
 4 A. Yes, and, you know, as I said to you, I was fully aware
 5 of the general problem that, you know, for a number of
 6 years, the Post Office Network was, you know, in
 7 an increasingly difficult position, in that people, for
 8 a variety of reasons, were not going there because they
 9 could do whatever they needed to do elsewhere. Sale of
 10 stamps is a case in point where, you know, you could buy
 11 them through shops, and so on.

12 But, I mean, it comes back to the wider point, which
 13 I think John Denham raised, a fairly good point, is that
 14 if the Government decides there should be a network of
 15 post offices, it's a perfectly legitimate position to
 16 take, then, you know -- and it needs to be subsidised
 17 which, you know, certainly for most post offices,
 18 certainly outside urban areas, that's certainly the
 19 case, then there would have to be some sort of subsidy.
 20 That's a decision the Government should have to take.

21 From, you know, my point of view, firstly, as Chief
 22 Secretary, I was concerned about expenditure and certain
 23 expenditure on the contract that was going wrong, but
 24 then, subsequently, as Secretary of State for Social
 25 Security and then Work and Pensions, it didn't seem to

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1 delayed, and was published subsequently.
 2 Q. Thank you.
 3 A. And, sorry, the other thing is that when we formed the
 4 Government in 1997, we had very strict spending totals,
 5 but we undertook to do a comprehensive spending review
 6 in, I think, 1999. So anything we decided with the Post
 7 Office, if we -- you know, whatever we decided, there
 8 was almost certainly public expenditure support, so that
 9 would have been in the spending review. So I think what
 10 I'm referring to there is the White Paper, although
 11 I think that proved to be -- you know, it didn't come
 12 along for a while.

13 Q. You continue:
 14 "[I] am clear that it should also include
 15 an examination of the current relationships between POCL
 16 and other parts of the public sector."

17 Then in 4 you make this point:
 18 "We have to consider other aspects of the
 19 Government's service to the public. For example, should
 20 the DSS be bound to use the Post Office when, with new
 21 technology, it could use more automatic management and
 22 payment systems which are, arguably, to the benefit and
 23 convenience to its customers? There could also be
 24 substantial reductions in costs. At the moment, the DSS
 25 has a huge IT project which is over budget and behind

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1 me to be right that that Department was being asked to
 2 take on something which it did not need and did not
 3 want, when there was another means of paying people's
 4 benefit direct into their bank account.
 5 Q. Thank you. Can we look at your reply, please, which is
 6 CBO00100005_087. Thank you. This is your reply. You
 7 thank Mrs Beckett for her letter of 17 October and say
 8 that you're aware that any fundamental changes to the
 9 business relationships between POCL, BA and DVLA, which
 10 resulted in business moving out of post offices, would
 11 impact in a major way on POCL.

12 A. Yes, yes.
 13 Q. You're aware of the widespread perceived importance of
 14 the Post Office Network and the sensitivities attached
 15 to it and then, over the page, please -- and scroll
 16 down, thank you. You say:

17 "That is not to say however we should avoid asking
 18 questions about the optimum size of the Post Office
 19 network and the most sensible way of sustaining it.
 20 I agree that the Post Office review offers us the
 21 opportunity to look at these fundamental issues ..."

22 What were you referring to there as the "Post Office
 23 review"?

24 A. Well, the Government had promised to publish a White
 25 Paper on the Post Office which, because all this was

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1 schedule and which is designed to use POCL rather than
 2 other means of payment. The BA contract is worth about
 3 a third POCL income -- about £360 [million] per annum.
 4 You are also aware that the DETR is concerned about the
 5 level of payments made by the DVLA to POCL.

6 "The CSR process should allow us to discuss these
 7 costs as well as implications for the Post Office. If
 8 we are in fact subsidising POCL, should we not say so?"

9 A. Yes.
 10 Q. Are you referring there to what was an indirect or
 11 hidden subsidy of POCL being broken out into a more
 12 transparent way for the public?
 13 A. Yes, as I said to you earlier, if the Government wants
 14 to maintain a Post Office Network -- and, you know,
 15 there's nothing wrong in policy terms in saying, "And to
 16 do that we will subsidise it", because I have said
 17 a number of these branches were at that time, you know,
 18 financially incapable of standing on -- alone. And it's
 19 a perfectly legitimate position to take. What I'm
 20 saying here is -- and I referred to this in my previous
 21 answer, I think -- that the CSR, as the comprehensive
 22 spending review process, would allow us to look at all
 23 those costs.

24 But, you know, what I am driving at, is the theme
 25 of, you know -- my statement is that if you're going

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1 to -- if your starting point is we need to subsidise the
2 Post Office Network, that's fine. But what you
3 shouldn't be doing is spending a lot of money on
4 devising an elaborate way of doing it, which was
5 inappropriate for all the reasons that I've stated, and
6 as we -- this correspondence was proceeding all the
7 time, it was becoming increasingly obvious that it was
8 never going to be delivered on time, if ever.

9 **Q.** Thank you. That letter can come down. Thank you.

10 So far as we've been able to establish, nothing
11 further happened, so far as your role as Chief Secretary
12 to the Treasury occurred later in 1997 and early 1998,
13 in relation to the Horizon project. I don't suppose
14 you've got any independent recollection of whether
15 that's correct or not; you'd be reliant on the papers
16 too?

17 **A.** I would be reliant on the papers. During that time
18 I was involved in the preparation of the Government's
19 comprehensive spending review, which was a major
20 undertaking so, as part of that, the Post Office would
21 have figured, but I'm afraid without seeing
22 contemporaneous papers, it's very difficult for me to
23 say. You know, this is getting on for 25 years ago, and
24 my memory is okay but it's not that accurate.

25 **Q.** Can we move forwards, then, to the period March/July
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1 know, everyone concerned, that this was a project
2 running into difficulty. One of the things that, you
3 know, you ought to be aware of is that ministers do
4 speak to each other. We don't just deal with each other
5 through correspondence and, you know, my recollection is
6 that, you know, throughout this period, I raised it from
7 time to time with colleagues and, certainly, as we get
8 later on to this process, you know, when there was quite
9 a division between what we should be doing about the
10 Benefit Payment Card, there was a lot of conversations.

11 But I think my evidence to you is this: that it was
12 becoming obvious, you know, right from the time that --
13 you know, probably starting with John Denham's letter,
14 that this project was in trouble, and therefore we
15 needed to look and see what we could do about it. The
16 Treasury obviously wasn't taking a policy view of
17 whether we should be -- the Benefit Payment Card or
18 whatever. The Treasury rightly took the view that, if
19 something is in trouble, there's almost certainly going
20 to be a financial consequence.

21 **Q.** Can we scroll down the page, please. You say:

22 "A meeting will be useful ... But before we can
23 reach any conclusions I think we need to ask our
24 officials to prepare an agreed analysis of the options,
25 including an assessment of:

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1 1998, still in your role as Chief Secretary to the
2 Treasury, and a letter you wrote to Margaret Beckett who
3 was still, I think, Secretary of State for Trade and
4 Industry. CBO00000017.

5 If we go to the second page, please, and scroll
6 down, you will see that it was PP'd on your behalf,
7 approved by you in your absence.

8 **A.** Yes, that was my Principal Private Secretary at that
9 time.

10 **Q.** Mr Schofield, yes.

11 **A.** Yes.

12 **Q.** If we go back to the first page, we'll see it's a letter
13 dated -- if we scroll down a little bit, thank you --
14 3 March 1998 to Margaret Beckett. You say "Dear
15 President", you have seen Harriet Harman's letter of
16 27 February, and you say:

17 "I am increasingly concerned about this project and
18 I agree we need an urgent review ..."

19 We don't have a copy, as I understand it, of Harriet
20 Harman's letter of 27 February 1998. Can you recall
21 what led to your increasing concern?

22 **A.** I haven't seen, you know, a copy of Harriet Harman's
23 letter.

24 **Q.** No, it's not been disclosed to us either.

25 **A.** Yes, I think it was just a gradual realisation from, you
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1 "whether the project is technically viable; and if
2 so, how it can be completed and at what cost to
3 government."

4 That phrase "technically viable" is one that you
5 obviously use in this letter here and is one that we
6 will see is picked up in the subsequent Montague report,
7 later in the year.

8 **A.** Yes.

9 **Q.** What did you mean by your use of the phrase "technically
10 viable"?

11 **A.** Well, in blunt terms, whether it would work or not.

12 **Q.** Is that right or do you mean that it's feasible in
13 principle?

14 **A.** Well, it's both, isn't it? If it's not feasible in
15 principle, it's difficult to see how it could ever work.
16 But, you know, my interpretation of the "technically
17 viable" used here, and in Adrian Montague's report --
18 and you're right that he does use that term -- as to
19 whether or not it was going to, you know, be delivered
20 in a way that would be satisfactory to the end user,
21 which is -- it was the DSS and indeed, you know, other
22 parts of it, to Post Office Counters.

23 **Q.** Can we go over the page, please. You're asking there
24 for an assessment of -- and this is the second bullet
25 point:

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1 "... the direct and indirect costs of cancellation
2 and of any alternative available to deliver the
3 project's objectives."

4 **A.** Yes.

5 **Q.** So, essentially, a financial assessment?

6 **A.** Yes, the Treasury, as you would expect, before any
7 decision was to be made, would have a rigorous
8 examination, which would start off "Is the status quo
9 going to work?" If it's not going to work then you look
10 at the alternatives. And, you know, not surprisingly,
11 the Treasury would be concerned about any aspects of
12 expenditure, no matter how they arose, whether it was
13 cancellation or anything else for that matter.

14 So that's why I raised that point. You know,
15 I think you see in paragraph 3 it says "The Treasury is
16 in ... a good position to see both sides of the case".

17 Yes, as you would expect, from, you know, one of the
18 most important Departments in the Government, that it
19 would take a rigorous view of everybody's point of view,
20 but obviously, the Treasury has a particular interest in
21 public expenditure.

22 **Q.** You say in that paragraph 3 that you suggest the setting
23 up of a small working group, and list the
24 representation, to report within two to three weeks, and
25 the sentence that you've just highlighted. Is that

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1 alternatives.

2 **Q.** You continue:

3 "The group would need to appoint consultants to
4 address the first question", that's technical viability.

5 **A.** Yes.

6 **Q.** So you were proposing here the setting up of a small
7 working group, reporting within two to three weeks, with
8 the assistance of consultants, yes?

9 **A.** Yes, that's right.

10 **Q.** That was on 3 March. Can you recall what came of that
11 suggestion? Was it the creation of the working party
12 led by Adrian Montague?

13 **A.** I think that's right but I've not seen any papers that
14 would guide me to that conclusion but, I think, if
15 I remember rightly, that the Adrian Montague thing
16 was -- probably the main driver of that would probably
17 be the Treasury because the Treasury used Adrian
18 Montague to do a number of reports, in my experience,
19 you know, he was quite good at it.

20 So I suspect -- I think that is right. But, you
21 know, PA, I recollect, did look at some aspect. Whether
22 they were doing it under the aegis of this short
23 examination or not, I can't be sure because I just had
24 not seen the papers which would allow me to reach a firm
25 conclusion on that.

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1 a reflection of the fact that there were very divided
2 positions, in particular between the DSS and BA, on the
3 one hand, and the DTI and the Post Office on the other,
4 to an extent they were warring, with the Treasury sat in
5 the middle?

6 **A.** Well, I'm not sure I'd use that term but, you know,
7 you're right that the DSS, and the Benefits Agency by
8 extension, had a clear view, and it was becoming clearer
9 by the day, that this was the wrong solution and, you
10 know, to be blunt, they didn't want it. Obviously, if
11 you look at it from the DTI as the sponsor Department of
12 the Post Office, you know, it could see all too clearly
13 that, if you did not have a mechanism that built in
14 footfall, if you like, there would be a big problem with
15 the Post Office, and that you then had to look at direct
16 subsidy or other matters, which is to say that that's
17 a problem that's existed and -- you know, is still there
18 now.

19 But the Treasury here was not -- you know, I would
20 regard it as three groups of people and, certainly,
21 three ministers, all of whom were acting in good faith
22 and looking at it from an overall Government point of
23 view as to what's right. It was just an attempt to have
24 a look at this, see whether or not you could make it
25 work. If it couldn't, then we'd have to look at the

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

2 You were appointed as Secretary of State for Social
3 Security on 27 July 1998. Did you require to be briefed
4 as to the Department's position in relation to the
5 Horizon project when you took over your new role or was
6 that unnecessary because you had picked it up as Chief
7 Secretary to the Treasury.

8 **A.** Well, look, I picked it up but, in my experience,
9 whenever you arrive in a new department, you know,
10 including the Treasury, for the first two or three days,
11 they will tell you about, you know, if you like, going
12 concerns. I mean by going concerns, things that they're
13 concerned about. But, you know, I -- there's certainly
14 no papers here, as, you know, I fear we've found out,
15 that would tell you what exactly I saw but I do remember
16 on the first evening I was there having a long
17 conversation with then the Permanent Secretary, who
18 frankly reeled off a tale of woe about just everything,
19 just about, but I can't remember whether or not this was
20 part of it.

21 But I would have seen papers and again this is what
22 I was talking about right at the start, the stuff that
23 I know I would have seen, you know, the briefings on
24 things and I'm pretty sure because this was such a big
25 concern to the Department that they would have told me,

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1 quite rightly, these are the things they were concerned
2 about. But I wasn't coming fresh to it, for reasons we
3 discussed. I knew about it and, actually, as I said to
4 you, I could see the Department point of view long
5 before I got to the Department.

6 **Q.** Can we look at your witness statement, please, at
7 page 8. It'll come up on the screen for you. At
8 paragraph 21, at the top, you say:

9 "In my role as Secretary of State I was committed to
10 delivering the Government's policy on welfare reform
11 and, following my arrival in the Department, it became
12 clear to me that fundamental reform was required across
13 the board and in particular in relation to the way in
14 which benefits were being paid to approximately
15 15 million people every week. In particular, I came to
16 the view that the BPC [the Benefit Payment Card] was not
17 the right way to achieve the effective and long-term
18 reform of benefit payment systems, principally for three
19 reasons."

20 Then you set them out.

21 When you say, "I came to the view", was that then
22 upon arrival in the Department, or was it something that
23 developed iteratively over the following ten or so
24 months until May 1999?

25 **A.** No. As I said to you, the view was forming in my mind

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1 account, just in the way as if they were in work, they'd
2 get their wages and salaries paid into a bank account.

3 **Q.** You've set out the three reasons, and in the first of
4 them at paragraph 22, if you just read that to yourself.

5 **A.** Yes, I can see it.

6 **Q.** "... it stigmatised benefit recipients, created two
7 classes in society ... By contrast, ACT was a way to
8 tackle social exclusion ..."

9 **A.** Yes.

10 **Q.** "I also considered that it was wrong in principle to
11 require people to go to the Post Office to receive their
12 benefits when there was a more convenient method of
13 benefit payment available."

14 That overall, would you agree, is a reason of
15 principle not related to the planning, delivery, timing
16 or quality of the Horizon System?

17 **A.** Yeah, absolutely. But I thought, you know, you asked to
18 me through the questions I got initially, why did
19 I reach the decisions that I did? And I thought it was
20 right to tell you that one of them was in principle. It
21 was actually -- you know, it was before the Inquiry, but
22 in amongst the DSS papers I was sent, there's a very
23 good academic work by Professor Elaine Kempson who goes
24 into some detail about the stigmatised benefit
25 recipients, and mentioned that ACT is one of the ways

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1 all the time I was Chief Secretary and this matter came
2 before me. And, you know, at a very early stage -- you
3 know, I can't tell you whether it was days or weeks, but
4 I think, you know, it was very soon -- I came -- well,
5 sorry, there's two stages here. One is I was very
6 clear, before I got to the Department of Social
7 Security -- and I think it's in the public domain it was
8 well known I was going there because things had gone,
9 you know, rather wrong. So I was very clear that some
10 major changes were going to be needed, in particular in
11 the way in which we paid benefits and, you know, the way
12 that the Benefits Agency was there to pay money to
13 people who were out of work but it wasn't there to get
14 them back into work.

15 So, you know, there was big changes that were needed
16 there which ultimately led to the DWP being formed, you
17 know, 18 months or so later. But in relation to the
18 Benefit Payment Card, I came to the view very quickly
19 that frankly it was just wasn't the right way to achieve
20 the long-term reform of benefits systems, including --
21 you know, I mentioned it in the following paragraphs --
22 I thought it was just wrong in principle. You know, if
23 we wanted to get people included in the system then, you
24 know, one of the ways you did that was to make sure that
25 if they could, you'd pay their money into their bank

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1 you can help, although it's not the only way, by any
2 means. But, you know, it's a theme of my statement.
3 I just thought it was wrong in principle, and because
4 the thing had run -- the contract had run into such
5 difficulties, it was right to start looking at this from
6 the start, if you like, and what would you do if you
7 were doing that?

8 **Q.** Can we scroll down to the second reason that you give in
9 paragraph 23, the card was not the most cost effective
10 or best solution, particularly as it was not intended
11 for long-term use.

12 **A.** Yes, as I say, the long-term use thing, I think it was
13 probably after got it to the DSS that I was told by
14 officials that, because it wasn't immediately obvious in
15 the Treasury that that was the case, but that was added
16 my doubts about this project. It was a temporary fix,
17 if you like.

18 **Q.** You say in the last two lines:

19 "... by moving straight to ACT, it was estimated
20 that the DSS would save £400 [million] per year and the
21 banks had been delivering ACT for years ..."

22 You've mentioned that already.

23 **A.** Yes.

24 **Q.** "... so it had a proven track record ... In those
25 circumstances I didn't consider the BPC to be a good

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1 investment of public funds and I believed there were
2 better ways to manage loss of income to POCL that would
3 result from the adoption of ACT as a means of payment of
4 benefits."

5 So that second reason, that's essentially a reason
6 of principle run along with the financial case for ACT,
7 and against the Benefit Payment Card, not related to the
8 planning, delivery, quality or timing of the Horizon
9 System; would you agree?

10 **A.** Yes, that's a fair summary of my position.

11 **Q.** Then the third reason you give in paragraph 24:

12 "By July 1998, the project was thoroughly stalled.
13 In November 1997, ICL had been placed in breach of
14 contract by public sector parties for failure to meet
15 a key operational milestone and the DSS/BA had issued
16 a notice of 'cure' which was due to expire on
17 12 August 1998 and was unlikely to be met."

18 Is that reflective of the view that you expressed
19 earlier: that the project was doomed failure?

20 **A.** Yes. And indeed, I think at the end of last week you
21 sent -- the Inquiry sent me another document which it
22 had just uncovered, I assume, you know, which added to
23 that. You know, it was an assessment by outside
24 reviewers of the contract which is, you know -- and
25 obviously I had not seen that until the end of last

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1 to minister?

2 **A.** Yes, I do remember it. As I say, I knew Adrian Montague
3 so, you know, it was an added thing, if you like, that,
4 you know, I'd thought it was important. But, yeah, I'm
5 very certain there would have been a covering note or
6 a submission to go with it.

7 **Q.** What's your practice? What was your practice then?
8 Would you read the attachment, or would you read the
9 submission where officials told you what you should make
10 of the attachment?

11 **A.** No, I would read both. If somebody sent me a report --
12 you know, I'm saying this after having been in
13 Government for 13 years -- if somebody gives you
14 a report, you should read the whole thing. I've seen
15 ministers in the past make the mistake of not doing so.
16 You need to look at the whole thing. I'm pretty sure
17 the whole of the Montague report would have been given
18 to me, and not just bits of it. Although, you know, if
19 you were going through it, there are bits of it that
20 jump out, and certainly jumped out to me.

21 **Q.** The Chair of the Inquiry is very familiar with the
22 report. A number of witnesses have been taken to it
23 previously, so I'm only going to take you to limited
24 parts, if I may. But if there are parts that you have
25 in mind that jumped out to you and I don't mention them,

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1 week, but there was a growing recognition, as I've said
2 before, that this was a project that had stalled and
3 that, you know, the timescale for it being fixed, if
4 ever that was going to be possible, was slipping off
5 into the distance.

6 **Q.** So that third reason is related to the performance of
7 the project, and accordingly the performance of
8 ICL Pathway within it?

9 **A.** Yes.

10 **Q.** Now one of the first things -- that can come down, thank
11 you. One of the first things to confront you on
12 entering your new position as Secretary of State would
13 have been the report of the independent panel of experts
14 led by Adrian Montague. The report, we know, was
15 delivered the week before your arrival in your new
16 position on 27 July 1998.

17 I wonder whether we could look at it, please.

18 POL00028094.

19 You can see, if we scroll down, it's dated
20 July 1998.

21 **A.** Yes, I see it.

22 **Q.** Thank you. Then if we go over the page, and the page
23 again, to page 3.

24 Now, you would have presumably received this with
25 a backing paper or a cover note, or a formal submission

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1 then please do say so.

2 Can we look at the findings first, please.

3 **A.** Yes, do that.

4 **Q.** On that page, under the first bullet point of findings
5 on page 3, the authors say:

6 "The programme is complex, probably the biggest of
7 its kind. Its scale, particularly the development work
8 required, were underestimated initially. Parties have
9 since increased the resources devoted to the programme
10 but a range of issues remain to be resolved."

11 Secondly:

12 "Our view is the programme is technically viable.
13 There must be some risk around scalability and
14 robustness because the system has had to be tested at
15 the level of component parts, but we are satisfied these
16 risks are being well managed by Pathway."

17 Did you understand "technically viable" in the sense
18 that we discussed before, namely feasible, as opposed to
19 the existing elements of the system, whether alone or in
20 combination, are presently technically robust?

21 **A.** I regarded that as being feasible, but if you look at
22 all of the findings, they're heavily qualified. You
23 know, that -- and again, if you look at the POCL -- and
24 the way forward, you know, they looked at -- they
25 mentioned, I think it was the second option, it was

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1 stopping the Benefit Payment Card altogether. And
 2 again, if you look at the part 2 in, I think it is an
 3 appendix, they outline a series of problems. So I think
 4 what I took from this was it was technically possible to
 5 produce a card, but there was an awful lot of
 6 difficulties here. And one of them, you know, which
 7 I think they highlight, is that, you know, this was a
 8 massive project and it wasn't helped by the fact that
 9 you had, if you like, on the Government's side, two
 10 sponsored departments which had completely different
 11 objectives.

12 **Q.** Can we go to page 22, please. Sorry, page 23. "The
 13 panel's view of a possible way forwards".

14 **A.** Yeah. Sorry, I've got notes in front of me of the
 15 original, but I'll look at it on the screen, that will
 16 be better. Sorry, what do you want me to look at here?

17 **Q.** Page 22, annexe A. "The panel's view of a possible way
 18 forwards."

19 **A.** Yes, I can see that here, yes.

20 **Q.** Thank you, Lord Darling.

21 "We sought to find a way forward on which all the
 22 parties might agree in principle, subject to
 23 negotiations about the detail. We considered all of the
 24 options."

25 Then six of them are set out.

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1 specified for its short-term needs."

2 The third bullet point I think is option 4:
 3 "Continuing the programme as currently planned would
 4 leave Pathway below break even on its investment with
 5 infrastructure ... incomplete for a move into banking
 6 and Financial Services. The introduction of the card
 7 for the short period remaining of the initial contract
 8 term would expose customers to disruption if BA moved
 9 full ACT immediately thereafter."

10 Then, lastly, at the last bullet point, which
 11 I think is option 3:
 12 "A simple extension would delay the Benefits
 13 Agency's move to increase use of ACT, prolonging its
 14 exposure to high unit cost of benefit payments. POCL
 15 would have little incentive to modernise further."

16 Did you, on reading that, accept that those four
 17 options were each fatally flawed and were therefore
 18 ruled out?

19 **A.** Yeah, I mean, I could see the strength in the
 20 conclusions they reached in paragraph 2. This also
 21 raises a point which we haven't touched on so far, which
 22 you will see generally the Government did consider and
 23 that is it had a contract with Pathway, as it was then
 24 called, and governments have to think long and hard, if
 25 it's got a contract, if it's going to terminate, it has

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1 **A.** Yes.

2 **Q.** Just take a moment to read them.

3 **A.** Yes, I'm familiar with them. I've --

4 **Q.** Thank you.

5 Then the authors say:
 6 "Taking the options in reverse order, each of the
 7 last four has fatal flaws. If an agreed way is sought,
 8 one or more of the parties would be unable to accept
 9 it."

10 If we just run through them, then. The first bullet
 11 point, "Termination of the complete programme". So
 12 that's option 6.

13 **A.** Yes.

14 **Q.** This was said to have -- it would leave POCL's
 15 automation plans set back for at least two years with
 16 potential for litigation, with the likely loss of
 17 non-government business in the meantime, "Pathway would
 18 face a significant loss of prospects, reputation and
 19 revenue".

20 The second is option 5, "Partial termination -- no
 21 Benefit Payment Card". So:
 22 "Partial termination with no restructuring to scrap
 23 the BPC, reduce the programme to POCL automation, plus
 24 OBCS would unacceptably reduce Pathway's revenue stream
 25 and leave POCL with an infrastructure too highly

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1 to have a reason for doing so, and one that will stand
 2 up in public as well as in any proceedings. So that was
 3 in our minds.

4 But, you know, other points they make about partial
 5 termination, continuing but extending it, and, you know,
 6 the difficulties with, you know, an extension which
 7 would just, if you like, postpone the inevitable in my
 8 view.

9 So yeah, you know, I agreed with the conclusions
 10 they reached.

11 **Q.** Then scrolling down very quickly to option -- to
 12 paragraph 3:
 13 "We took the opportunity to set out Options 1 and 2
 14 as the most likely to provide an agreed way forward."

15 That's restructuring the full programme or
 16 restructuring part of the programme with no Benefit
 17 Payment Card, options 1 and 2 respectively.

18 "... Options 1 and 2 as the most likely to provide
 19 an agreed way forward. We invited the parties to
 20 respond, indicating whether either might be acceptable.
 21 POCL and Pathway supported Option 1, restructured full
 22 program. BA preferred Option 2, a restructured partial
 23 programme without a Benefit Payment Card."

24 Then the authors proceed to address their view on
 25 each of those two options. I'm not going to take you

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1 through that, in the interests of time.
 2 As we've seen already, the report discusses
 3 technical viability.
 4 That can come down from the screens, thank you.
 5 Were you ever aware, Lord Darling, that the issue of
 6 the technical viability of the project had been
 7 addressed in a rather long and detailed procurement
 8 process?
 9 **A.** No, because that would have been done before our time in
 10 the Government. So -- because this is a contract, if
 11 I remember rightly, that was procured and signed in
 12 1996.
 13 **Q.** Correct.
 14 **A.** I wouldn't have been aware of discussions that took
 15 place with ministers of a different administration, you
 16 can't see the papers of ministers of a previous one,
 17 except in some exceptional circumstances.
 18 **Q.** You weren't aware of the nature of the procurement
 19 exercise --
 20 **A.** That was done by a previous government. And, you know,
 21 it's my observation, from what you're now just telling
 22 me, is that, even if something had been thought to be
 23 technically viable, ie it worked or ever could work, in
 24 1996, it doesn't therefore follow that 18 months/two
 25 years later, that you would reach the same conclusion.

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1 later everything hadn't turned out quite as anticipated.
 2 As I say, I'd not seen those papers so I really, you
 3 know, can't comment on them.
 4 **Q.** So you wouldn't have been aware, thinking back to your
 5 time in 1998, that the procurement process had involved,
 6 at a number of stages, the seeking and the provision of
 7 specialist advice from outside contractors?
 8 **A.** I wouldn't have been surprised if that was done but, you
 9 know, again, this comes back to an important point:
 10 I had not seen papers or any advice about that. I'm not
 11 saying it doesn't exist but I have not seen it and
 12 I don't recollect it. My approach was driven by the
 13 evidence that I saw with my own eyes, if you like, in my
 14 own experience in Government, rather than by, you know,
 15 material that may or may not have been available to
 16 a previous administration. And, indeed, you know, if my
 17 officials were now telling me it doesn't work, they
 18 wouldn't necessarily have told me "Oh, but we thought it
 19 was all right 2 years ago."
 20 **Q.** What about the obverse? Say you'd been told that, in
 21 the course of the procurement process, the ICL bid had
 22 been asset as the weakest on technical grounds but it
 23 came in lowest on cost?
 24 **A.** I would certainly have been surprised about that and
 25 extremely concerned if that was the case. But I am

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1 We were dealing with what we saw in this case, you know,
 2 in 1997/98.
 3 **Q.** But the obverse might be true: that if the procurement
 4 exercise, would you agree, had thrown up substantial
 5 issues of concern with the Pathway project, those are
 6 matters that the current decision-makers may wish to
 7 know about?
 8 **A.** Well, if that had been the case, certainly, you know,
 9 I wasn't aware of what happened in the procurement
 10 process prior to us becoming the Government. But as
 11 I say, what I and my colleagues had to deal with is the
 12 emerging evidence that you can see from this and other
 13 papers that this was a project that was stalled. You
 14 know, the things that we thought were going to be
 15 delivered weren't being delivered. It was clear that
 16 several months, if not longer, were going to be needed
 17 to put the thing back into a state where it works.
 18 I know from my subsequent experience in the DSS with
 19 another computer system, you know, when you start off,
 20 it's all full of wonderful possibilities and how much
 21 life is going to be easier and then, actually, when you
 22 start going along the process you discover it's not
 23 quite like that.
 24 So I would even if I'd seen stuff from 1996, which
 25 I haven't, it wouldn't then surprise me if two years

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1 afraid I'm not aware of that because I hadn't seen any
 2 papers in relation to that.
 3 **Q.** What, if any, prohibition was there on you or your
 4 ministers seeing material of the kind that I've just
 5 described, or a summary of it?
 6 **A.** Well, there's a general rule that you can't see the
 7 advice given by civil servants to ministers in
 8 a previous government. In relation to technical
 9 material, you know, I'm afraid I would need to take
 10 advice on that as to what you can and can't see. All
 11 I can tell you is that -- and actually my gut instinct,
 12 if you like, is if there was some horror that you should
 13 have been aware of, then someone should have told you
 14 because that's not so much advice; that's a matter of
 15 fact, I would have thought, about price and, you know,
 16 the assessment.
 17 But as I say, I had not seen that. But, in some
 18 ways, you know, I've been saying throughout my evidence
 19 so far, my view of this whole thing statement not so
 20 much from what might have that in the past but what
 21 I was looking at then, you know, at that present time,
 22 which led me to the conclusion that this was going
 23 wrong, and that, you know, the sooner it was -- the
 24 contract was -- we were out of it, and they looked at
 25 some other solution with the Post Office, the better.

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1 Q. The convention that you've described about seeing the
2 papers of a previous administration, where do you obtain
3 your understanding of that convention from?

4 A. Numerous conversations with civil servants. You know,
5 over many years, you know, you'd say, "Well, how did
6 that happen?" They'd say, "Well, we can't tell you the
7 advice we gave to ministers".

8 And, yeah, I think if you look at the various
9 constitutional, you know, commentaries that you get,
10 it's a fairly, you know -- it's fairly well established.
11 You know, the point you're raising was a technical
12 thing: that, you know, I do not -- if someone had said
13 to me "You do know, don't you, that this was, you know,
14 ranked as low as -- you know, at the bottom rung when it
15 came to technical stuff", then I would have -- you know,
16 obviously I came into this, if you like, two years down
17 the road -- you know, it would have certainly fortified
18 me in my belief that this contract was going wrong.

19 But if you're asking me am I in a position to pass
20 comment on the efficacy and the quality of ICL, I can't
21 do that because I just have not seen the papers that
22 would entitle me to reach a conclusion, and, you know,
23 and I wouldn't want to reach a conclusion without having
24 seen some evidence of it, although what you're saying
25 does not surprise me, now that you tell me.

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1 you, from the stuff I have seen that you provided me
2 with, the view I reached on the efficacy, if you like,
3 of this project, was reached on the evidence I saw,
4 rather than something that might have happened before
5 that. And, you know, to the best of my knowledge, until
6 you raised the matter five minutes ago, the ranking of
7 ICL's bid is not something I was aware of.

8 Q. Thank you. Can we turn to paragraph 27 of your witness
9 statement, which is on page 10.

10 A. You're going to put that on the screen, are you?

11 Q. Yes, it will come up, Lord Darling. Paragraph 27,
12 please. You say:

13 "My view on reading the report ..."

14 That's the Montague report.

15 A. Yes.

16 Q. "... was that a huge project where there was fundamental
17 disagreement between the two sponsor departments was
18 doomed. For the reasons stated, I concluded that DSS
19 should withdraw from the project and proceed to ACT and
20 that Government should find a different way to make up
21 the loss in income to POCL."

22 To be clear, that was a view that you took in
23 July 1998, if not before then; is that right?

24 A. Well, this is the statement of a view I took having read
25 the Montague report but, as I said to you earlier, it's,

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1 Q. I'm not asking you to do that; I'm just at the moment
2 exploring with you the limits of the convention as you
3 then understood it.

4 A. Well, I -- sorry, you know, had I known you were
5 interested in this then I suppose I could have made
6 further enquiries and done some further reading but that
7 is my understanding of the position: you cannot see
8 advice offered to previous ministers. I mean, certainly
9 when we came into office in 1997, I frequently used to
10 asked, as Chief Secretary, and say, "How the hell did we
11 get into this position?" and they would say, "We can't
12 tell you".

13 Q. Did you understand it, in the interests of continuity of
14 policy, to sometimes have a need to access minutes or
15 documents not written your predecessor politicians, or
16 containing a view expressed by such predecessor
17 politicians but to see, for example, technical reports
18 and the like?

19 A. Well, I don't know because, you know, that -- the
20 question was never -- you know, what ICL's -- the bid
21 that ICL put in was not raised with me. And I don't --
22 you know, again, this is without knowing exactly what
23 I did see either as Chief Secretary or Secretary of
24 State for Social Security, you know, it would be
25 a form -- a firm conclusion on it. What I'm saying to

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1 you know, it's -- it was a view that was formed --
2 pretty much formed in my mind that this was probably --
3 you know, having read all this, I set out here what the
4 conclusion that I came to: that this project was doomed,
5 as far as I can see.

6 Q. Did you communicate that view, that the project was
7 doomed, within Government there and then? Because as
8 we'll see, the Department, your Department, continued to
9 participate in tripartite negotiations for many months
10 to come, up until April/May of the following year?

11 A. That -- I'm expressing there my view and, you know, to
12 any of my colleagues I spoke to, I would have said the
13 same thing. You must understand, though, you know, this
14 was a situation -- the Government found itself in
15 a situation where it had a contract, a legally binding
16 contract although, you know, we thought ICL was in
17 breach, and we also, you know -- I was Secretary of
18 State for Social Security but I was also the, you know,
19 a member of the Government that had, as one of its
20 policy objectives, as I set out in my statement, was
21 maintaining a Post Office Network.

22 So I don't think there's anything inconsistent in
23 having that view, but saying "Look, we've got to work
24 something out". I also had to -- you know, from looking
25 at -- if I was, you know, looking at it from my

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1 colleagues' perspectives, they would have had a slightly
2 different perspective, particularly from the DTI. We
3 had to go through a number of steps to get collective
4 agreement, which we eventually reached in I think it was
5 May 1999. So -- they're not -- you know, me standing up
6 and saying it was doomed would not have broken into the
7 thing.

8 There were a lot of parties involved, not least the
9 Prime Minister and the Chancellor -- the then Chancellor
10 had a view on it.

11 **MR BEER:** Thank you. Sir, we've been going about an hour
12 and 15 minutes now. Because of the slightly unusual
13 start time for the commencement of Lord Darling's
14 evidence, it means that it would fall to take a break
15 now, given the shorthand writers prefer, I think, to go
16 for an hour and 10, hour and 15, at most.

17 **SIR WYN WILLIAMS:** Yes, well, I certainly think we should
18 take a break. The only issue is whether we take a lunch
19 break or a short break. What do you suggest, Mr Beer?

20 **MR BEER:** I think probably a lunch break, sir.

21 **SIR WYN WILLIAMS:** Right. So we'll take --

22 **MR BEER:** Maybe come back --

23 **SIR WYN WILLIAMS:** So we'll take our hour's lunch break now
24 and start again at 1.30?

25 **MR BEER:** Yes, thank you very much, sir.

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1 Inquiry in relation to why I reached the view that
2 I did.

3 **Q.** I understand that, Lord Darling. The purpose of asking
4 the question was whether the information would have been
5 helpful in ascertaining whether what you were being told
6 was -- as to the technical viability of the project, was
7 an isolated and recent problem or was something that had
8 been heralded for a number of years in the build-up to
9 the preparation of the Montague report?

10 **A.** I see that, although the fact is we had a contract. And
11 obviously what happened during our time was the
12 company -- it became clear that ICL wasn't in breach.
13 The fact that they had been ranked unfavourably, as you
14 said, wouldn't actually have helped us in that regard.

15 **Q.** Can we look at the minute of 17 August 1998, to you from
16 Sarah Graham.

17 **A.** I see it, yes.

18 **Q.** This is one of the minutes we have been provided with,
19 although I don't think it's one that's been marked up by
20 you. Can we look down, please, to the "Issues" and then
21 scroll down, please, to "Recommendations", discuss this
22 with Stephen Byers before the 19th -- this was the 17th
23 -- "he is on holiday after that, his office do not know
24 for how long".

25 Then summary, if we can read that, please:

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1 **SIR WYN WILLIAMS:** Fine. Thank you both.

2 (12.26 pm)

(The Short Adjournment)

4 (1.30 pm)

5 **MR BEER:** Sir, good afternoon. Can you see and hear me?

6 **SIR WYN WILLIAMS:** Yes, I can, thank you.

7 **MR BEER:** Lord Darling, can you see and hear me?

8 **A.** Yes, I can see both, yes, thank you.

9 **Q.** Thank you very much. We had looked at the period of
10 July 1998. Can we move on to August 1998, please, and
11 look at WITN04200101.

12 **A.** Just before you do that, it occurred to me over the
13 luncheon break, you referred to the ranking of ICL and
14 the tender process with, you know, the previous
15 government. It's just I would have added that, even had
16 I known that, if you have a legally binding contract, it
17 doesn't help you that it was perhaps ill advisedly
18 signed by a previous government. As you know,
19 governments -- the British governments have historically
20 taken the view that if one government enters into
21 a contract it will be honoured by the next government.
22 And I don't know of what consequence this is, but I'm
23 just making that observation.

24 You know, what you've told me, you know, I note, but
25 it doesn't alter at all my evidence that I gave to the

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1 "There have been a number of developments over the
2 past two weeks, including the emerging findings of the
3 Post Office Review, all of which appear to support your
4 preferred outcome to cancel the project, or at least the
5 [BPC] elements of it on grounds of ICL Pathway's failure
6 to deliver."

7 So was it your pre-existing preferential outcome to
8 cancel the project or at least the Benefit Payment Card
9 elements of it?

10 **A.** Well, as I've told you, it was a view that I formed,
11 pretty much formed in a permanent way when I -- both in
12 the lead-up to, but certainly on becoming Secretary of
13 State. This is dated August --

14 **Q.** 17 August.

15 **A.** 17 August 1998. But I would have thought, you know, by
16 this time, I would have had meetings with, you know, the
17 team and Sarah, in particular, and they would be well
18 aware of my view, and I suspect that's what led to the
19 drafting of this note, as it was.

20 **Q.** You see that it mentions in the last part of that
21 sentence "on grounds of ICL Pathway's failure to
22 deliver". Is that a reflection that that was being used
23 as a vehicle or a fig leaf to cover the real reason for
24 getting out of the contract, namely an in-principle
25 objection to it?

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1 A. No, I don't think it was at all. Look, had this whole
2 project been going well, and they were delivering, then
3 my views would have been, you know, interesting but they
4 wouldn't have been compelling in terms of us terminating
5 the contract. Like I say, all three -- the three points
6 that I made, both my in-principle and actually the
7 practical elements of it go together, and that, you
8 know, yes, I thought it was the wrong thing to do but,
9 at the same time, I was receiving advice which was that
10 the whole thing was going wrong and that it wasn't going
11 to deliver. So I put the two things together, you know,
12 they run together.

13 Q. So although earlier today we looked at your three
14 reasons and the "problems with the project" reason was
15 the third of the three reasons, that was equally
16 substantial a reason as the other two; is that right?

17 A. The three points I made in my statement are that, you
18 know, that they rank together, if you like. Now
19 obviously, you know, if the whole thing had been
20 working, you know, and there was no technical problems
21 with it, then, you know, you have a contract, you're
22 stuck with that contract. As it happened, one of the
23 reasons that I came to form a view -- and you form
24 a view in the light of what's going on at the moment,
25 you know, all the facts in front of you -- my view was

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1 the same time, the thing was clearly grinding to a halt.
2 So when I was asked in the questions that were sent to
3 me when I drew up my statement, I said -- right at the
4 start, I said "Look, these are the three points that
5 drove me to the conclusion that I did". I thought it
6 was wrong in principle and actually, in practice, it
7 wasn't working.

8 I mean, I didn't -- you know, I think that's
9 a perfectly logical way of looking at things.

10 Q. Can we go over the page, please, to look at paragraph 4.
11 Thank you. Three options are set out and I'm just
12 looking at them at the moment, because we need to know
13 what they were to make sense of the next document we're
14 going to look at.

15 A. Okay.

16 Q. Ms Graham records that:

17 "The three options on the table from [the] working
18 group are ... as follows:

19 "Option 1: continuing with the project but extending
20 the overall period of the project from the original end
21 date of May 2005 to at least September 2007; thus
22 securing DSS indirect subsidy of the Post Office Network
23 for a longer period, and offering ICL a better prospect
24 of payback for its investment, despite its failure to
25 deliver.

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1 that, firstly, it was the wrong thing to be doing
2 anyway, for the reasons I stated, but also they clearly
3 weren't delivering on it. And that's why I devoted, you
4 know, a considerable amount of time, insofar as this
5 matter is concerned, to doing my best to persuade
6 colleagues that the Benefit Payment Card ought not to be
7 part of it.

8 I think you have to look at these things together
9 because they go together. That's life, you know, that's
10 the way you look at things.

11 Q. Just to understand that finally, then, if the thing had
12 been going swimmingly, your first two reasons of
13 principle wouldn't have risen to the surface; is that
14 right?

15 A. Something might be going swimmingly in the sense that,
16 you know, it was being delivered, it still wouldn't stop
17 me thinking that we shouldn't ever have been doing this
18 in the first place because, you know, I wanted people to
19 move -- us to move to ACT. I wanted benefit recipients
20 to be treated the same way as everybody else and not to
21 compel them to do something they didn't want to do.

22 I could have held all those views, you know, in
23 perpetuity but, if there was a contract and we had no
24 reason to rescind that contract, I'd have been stuck
25 with it. As it happened, those were my views and, at

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1 "Option 2: proceeding with the project in name, but
2 withdrawing from the benefit payment card elements of
3 it; POCL to offer ICL the task of bolting on a banking
4 facility to the 'Horizon' automation platform. DSS to
5 plan its migration to ACT to take account of the Post
6 Offices developing capability ...

7 "Option 3: cancellation of the whole project on the
8 grounds of ICL's failure to deliver; otherwise
9 essentially as option 2 but leaving POCL free to run
10 a proper competition and to utilise other companies
11 rather than ICL; this would probably mean around
12 12-18 months to procure a new partner for POCL to
13 establish a banking facility in post offices ..."

14 Can we then go forward, please, and look at
15 WITN04200106. Thank you. Remembering that that note
16 from Ms Graham was the previous day, 17 August 1998. We
17 have a note of a meeting with you, rather unusually,
18 a note of who said what rather than a summary of events.
19 I don't think it purports to be verbatim.

20 A. No, it looks like a note that somebody took during the
21 course of the meeting.

22 Q. Yes.

23 A. It would ultimately end up as, you know, a summary. It
24 was very rare -- and that isn't verbatim anyway. It
25 looks like somebody's notes.

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1 Q. "The [Secretary of State -- that's you] said that
2 neither the DSS nor the Treasury were particularly
3 enthusiastic for carrying on as under Option 1."
4 Then if we go over the page, please, and look at the
5 foot of the page, you're recorded as saying:
6 "We have grounds to terminate the contract and want
7 to terminate the contract. We do not want the card ...
8 anyway."
9 Then, at the top of the next page, please:
10 "SG [which I think is Graham]: But we need to avoid
11 an allegation of termination for convenience. There are
12 also opportunity costs now because of ICL's delay."
13 Then three answers or three sections on:
14 "[Secretary of State]: we would have to say that we
15 were terminating for ICL's failure. We need a strategy
16 worked out for ACT and the post office by the time of
17 the decision to terminate."
18 Those sentences together culminating in "We would
19 have to say that we were terminating for ICL's failure",
20 does that reflect the fact that you wouldn't be
21 terminating for ICL's failure but you would be saying
22 that you were terminating for ICL's failure?
23 A. No, remember that this is somebody's note of
24 a discussion. Look, let me just be clear about it. If
25 the contract was working, we could not terminate it.

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1 "The reality is we can't unilaterally. I am in no
2 doubt that I want to get out of this contract."
3 A. Yes. And I made that clear, that I did, because in the
4 light of the fact, you know -- in the light of the fact
5 that that is contract was in difficulties, I think it
6 was perfectly open to me to say what do we want to get
7 out of it? And, you know, I was pretty clear, as
8 increasingly others became clear that the Benefit
9 Payment Card was a mistake. It was getting complicated,
10 this contract. It was the wrong thing to do.
11 Would I say you can't act unilaterally? No, because
12 I was the Secretary of State in one Department, clearly,
13 my colleagues in the DTI and, indeed, elsewhere had
14 a different view, but what I'm, you know, what I'm
15 saying to you is I was faced with a situation where it
16 looked to me that the contract was in breach, therefore
17 we'd need -- we could perfectly legitimately reopen the
18 whole thing and, you know, come to a different
19 conclusion than the one reached by the previous
20 Government.
21 Q. Thank you. Can we move on. I think it's fair to say --
22 that can come down, thank you.
23 I think it's fair to say that you were receiving
24 communications to precisely the opposite effect from the
25 National Federation of SubPostmasters; do you recall

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1 You know, that's the end of it. But it was not working.
2 There were serious delays in it; there were problems
3 with the actual, you know, what it was going to be able
4 to do, and so on.
5 But I was very clear, for the reasons I have set out
6 both in my statement and during the course of my
7 evidence today, that I did not think that we ought to be
8 part of this because it was the wrong solution, but here
9 we were with the fact -- remember that ICL had already
10 been served with the necessary notice together that we
11 were, you know, suspending or going to terminate the
12 contract, and, you know, I therefore thought it was
13 prudent that we should look at what else we should be
14 doing, like ACT, for example.
15 Without wishing to labour the point, it was quite
16 clear to me that this contract was not working
17 perfectly. It was not delivering. It was being
18 delayed, and there was some doubt -- and you'll see that
19 from a lot of the material that you've managed to
20 recover -- there was a lot of doubt about whether it
21 would ever be recovered, and what I will also say is
22 that, as time went on, more and more of my colleagues
23 came to the same conclusion as I did.
24 Q. In the middle of the page, you record that -- if we just
25 scroll down slightly:

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1 that?
2 A. Yes, well, I can I perfectly well understand why the
3 Federation came to the view that it did: it saw the
4 whole project as a way of guaranteeing footfall into the
5 members' Post Offices. And that is a perfectly, you
6 know, understandable position for a federation trade
7 union to take. However, my job as Secretary of State
8 for Social Security, as it then was, and as a member of
9 the Government, would deciding what was best for the
10 Government, and that is, you know -- you know. You can
11 criticise my judgement, you know, if you will, but my
12 judgement is that we should not have been in it. And
13 I think, you know, looking back it was absolutely right.
14 Q. When you say your job was to decide what was best for
15 the Government, you mean what was best for the public as
16 a whole?
17 A. Well, yes, the Government acting on behalf of the public
18 as a whole, but, you know -- nor does that in any way
19 undermine the fact I also thought we needed to do
20 something to maintain the Post Office Network because of
21 the social use of that. Incidentally, the Benefit
22 Payment Card would not have done that because you
23 couldn't actually control where people -- which offices
24 they were going into, and the offices that were most
25 vulnerable tend to be the ones with, you know, a lower

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1 population round it rather than the ones in the middle
2 of a city, for example.

3 **Q.** Can we just look quickly, then, at what the Federation
4 were saying to you at this time and look first, please,
5 at NFSP00000425. Thank you.

6 You'll see that this is a letter from the general
7 secretary of the NFSP, Colin Baker --

8 **A.** Yes.

9 **Q.** -- to you directly, dated 4 August 1998. If we scroll
10 down, please, you'll see there are some pleasantries in
11 the first two paragraphs. In the third he says:

12 "Clearly Post Offices feature highly as being
13 central to the way people receive their pension or
14 allowance and we are looking forward to the day when the
15 delivery of this services is automated using the Horizon
16 platform. The platform will also be crucial in the
17 development of other products and services resulting
18 from Welfare Reform and Social Banking."

19 Then in the next paragraph:

20 "Because of recent press rumours that the Horizon
21 programme is about to be aborted we were extremely
22 pleased to have had the rousing endorsement of Frank
23 Field MP ..."

24 Stopping there, Can you recall at this stage,
25 4 August 1998, what role or position if any Frank

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1 could not be expected to take this lying down. So
2 reassuring statements such as those of Frank Field MP
3 are very helpful at the moment, although given
4 subpostmasters' current mood, and until they see Horizon
5 rolling out in their post offices, we do not be
6 surprised at their occasional outpourings of concern."

7 That's the end of the letter, essentially. The NFSP
8 seem to be suggesting that they wanted the system rolled
9 out and rolled out sooner rather than later.

10 **A.** Yes, I think that was the position and, as I say, for
11 trade union people representing subpostmasters, I can
12 understand why they took that position. I'm not sure --
13 and this is, you know, in the press reports that were
14 there -- I'm not sure they went up into that much detail
15 as to what exactly was going wrong.

16 But it's not uncommon for the government to receive
17 representations, you know, on things like this, but that
18 should not stand in the way of the government reaching
19 a decision as to what it thought was in the public
20 interest to do. And, you know, as I say, well, we've
21 explored in some detail what our position was on that,
22 but, you know, Colin Baker was always very reasonable
23 when he put his point of view and -- you know, on the
24 occasions that I met him, and his successors for that
25 matter -- but, you know, that was a view that the

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1 Field MP held?

2 **A.** I think he'd returned to the backbenches.

3 **Q.** I think that's right. I think he'd ceased to be the
4 minister for Welfare Reform with effect from 28 July, on
5 that reshuffle?

6 **A.** Yes, and that reshuffle, both Secretary of State and
7 Frank Field both left the Government.

8 **Q.** Yes.

9 **A.** So I'm not aware of anything else he might have been
10 doing but I think, in August, which is, you know,
11 a month later, he would have been on the backbenches.

12 **Q.** Anyway, continuing:

13 "... the rousing endorsement of Frank Field MP to
14 the automation platform and confirmation that the
15 payment card will only be usable at Post Offices.
16 I cannot stress how importance these reassurances are
17 and I have been coming under considerable pressure as
18 General Secretary to 'raise the profile' of what is at
19 risk for subpostmasters. As I am sure you are aware, if
20 the Horizon project or the payment card were to be
21 cancelled, the effect would be dire on subpostmasters
22 and their £1 billion investment in the network. They
23 would reasonably conclude that despite all promises of
24 the past, the Government had given up on them. They
25 would see their livelihoods as being on the line, and

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1 Federation held and, you know, they're entitled to hold
2 it. I just -- you know, I didn't share that view from
3 inside Government.

4 **Q.** When you met Colin Baker, and in any other
5 correspondence that you had with him, were any concerns
6 expressed on behalf of his membership as to the
7 reliability, integrity or operability of the Horizon
8 System, to the best of your recollection?

9 **A.** Not to my recollection but then, you know, the
10 project -- at this stage, we're talking about 1998/99,
11 this, you know, this Horizon platform wasn't actually
12 installed; it was still being development. Remember it
13 hadn't been accepted by either us or the Post Office
14 Counters Limited, so it wouldn't have been in the post
15 offices. That came later, you know, after the Benefit
16 Payment Card had come out of it. So, you know, my
17 conversations with Colin Baker at this time were, you
18 know, really in connection with the proposed Horizon
19 programme rather than the actual.

20 **Q.** So if there were concerns being raised by subpostmasters
21 involved, in the testing process, in model office
22 testing at this time, they weren't reflected to you
23 through the Federation?

24 **A.** No, and I would have thought, given the letter you're
25 showing me just now, if there were concerns, you'd

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1 expect there to be another paragraph saying, "Having
2 said that, you ought to be aware", and then put whatever
3 the concerns were. So I'm not aware of it and I've not
4 seen anything in the material that's been sent to me
5 that would suggest that that matter had been raised with
6 me.

7 **Q.** Can we go on to another letter from Mr Baker within this
8 period, please, NFSP00000250, and look at the second
9 page, please. Thank you. This is 5 November from
10 Mr Baker to you.

11 **A.** Yes.

12 **Q.** If we go to the next page, please, and scroll down. I'm
13 not going to look at this in detail. You'll see he
14 encloses an extract from *Computer Weekly* of 5 November
15 1998.

16 **A.** Yes.

17 **Q.** If we go back to the previous page, please. He says:

18 "I was shocked to read the report in *Computer Weekly*
19 this morning which purported to have senior Government
20 officials as its source.

21 "The suggestion that the [BPC] is to be dropped
22 would completely contradict assurances given by Kate
23 Hoey on behalf of your Department at the National
24 Federation of SubPostmasters' annual conference in May,
25 and by the [Right Honourable] Peter Mandelson yesterday

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1 we just looked at?

2 **A.** Yes, and well, as I said to you, he was putting forward
3 his view and his members' views that they'd held out
4 very high hopes for the Benefit Payment Card. I'll just
5 say this. Suppose the thing had gone ahead despite
6 everything that was becoming clear over this period, and
7 the Benefit Payment Card hadn't worked, you know, there
8 were two risks: one is to the subpostmasters themselves
9 but also, and again I mention this in the statement, for
10 people who are on benefit, if they don't get the payment
11 when it's due and the exact amount that they are
12 entitled to, this can have catastrophe effects on that
13 individual.

14 You know, the sums may seem small to somebody
15 outside but benefits by their very nature, you know,
16 a slight, you know, drop in such people are entitled to,
17 and not getting the full amount when it's due can have
18 really very adverse consequences on people who are in
19 receipt of benefits and their families.

20 So let's assume for this purpose, if the Benefit
21 Payment Card had been introduced, knowing what we knew
22 at the time all this was going on, it would be taking
23 a massive risk and, you know, the initial anticipation
24 was there would be about 15 million people who were
25 using the Benefit Payment Card, it can have huge, huge

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1 at the Trade and Industry Select Committee.

2 "It would also appear to undermine the proposals put
3 forward by the Prime Minister at the Labour Party
4 conference in September for a single account -- pilots
5 of which I understood were going to be developed jointly
6 between yourselves and The Post Office.

7 "I would like to make it quite clear that any
8 proposal to automate the post office network which does
9 not involve the continuation of the [BPC] would be
10 wholly unacceptable to subpostmasters, who have invested
11 their livelihoods on the basis of assurances given by
12 your Government.

13 "The continued payment of benefits via the post
14 office network is crucial to the survival of thousands
15 of sub post offices, removing this income would leave
16 the network unstable and unable to survive in the long
17 term.

18 "I look forward to a speedy response to clarify, you
19 will not let subpostmasters down by renegeing on previous
20 promises. I also hope you will do everything possible
21 to prevent your officials from helping further
22 scurrilous articles appearing in the press, which can
23 only serve to undermine subpostmasters' confidence in
24 the integrity of this Government."

25 So to the similar effect to the communication that

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1 consequences, adverse consequences. And, you know,
2 I had to have regard to that. You know, equally -- and
3 say to you earlier, that in relation to the Post Office
4 Network, the Government's policy was also to try to
5 maintain that, but that does not mean you, therefore,
6 continue with a project which you can see increasingly
7 is, you know -- in my view, was flawed and was never
8 going to deliver and is, therefore, highly risky.

9 You've got to remember, as a government yes, you
10 have to consider the wellbeing of postmasters and the
11 post office network, you've also got to consider a very
12 large number of people who depend on benefits to make
13 ends meet. It's more than one consideration you've got
14 in front of you.

15 **Q.** Just exploring that for a moment, what would you say to
16 the suggestion that that answer sounds as if you were
17 not prepared to tolerate risk to 15 million individuals
18 in receipt of benefits payments, but were prepared to
19 tolerate risk to subpostmasters who had to administer
20 the system?

21 **A.** What I'd say is there are two different risks here.
22 Let's say 15 million people relying on benefits every
23 week need to get the exact amount they're due and when
24 they're expecting to get it. And I would not take the
25 risk of putting in place a payment card, even if it

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1 worked -- and, remember, it didn't look like it was ever
2 going to work -- knowing that there was a chance that
3 this would happen. What would you say to the 15 million
4 people who suddenly found they weren't getting the right
5 amount of money when they were expecting it?

6 Now, there is clearly a separate risk in relation to
7 a post office network, which is a slightly different
8 thing. You know, and I fully accept that somebody who
9 had bought a business, a Post Office business, you know,
10 needed to have some certainty. But there are other ways
11 the government could find to support that network and,
12 indeed, actually, you know, when we -- when the Benefit
13 Payment Card came out of it and the Government pursued
14 a different course of action, you know, that's what it
15 did.

16 But, you know, if you just look at this and -- you
17 know, I cannot pre-empt whatever the Inquiry comes up
18 with, of what I know is public knowledge, with the
19 problems with the Horizon programme, it rather suggests
20 to me that, you know, when we make decisions, we need to
21 be as sure as we possibly can be that if we're putting
22 computer systems in place, that they actually work. And
23 the way things were with the Benefit Payment Card at
24 this stage, I could not be certain of that.

25 Q. Thank you. Can we take that down from the screen,

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1 A. Yes, I know he was appointed, yes.

2 Q. Why was that period allowed and why was he appointed if,
3 in your view, and the view of the DSS, was crystal clear
4 as we've seen, that the Benefit Payment Card was not
5 going to be a part of this programme going forwards?

6 A. Because that was my view and, obviously, it follows it
7 was the Department's view. But, remember, on the other
8 side, if you like, the DTI Post Office Counters Limited
9 had a different view. They thought the thing was still
10 salvageable and, equally, as I said to you in my
11 evidence this morning, the Treasury would want to be
12 satisfied that whatever you did represented, you know,
13 good value for public money and spending, and also in
14 relation to the costs.

15 And, you know, when I looked at all this material
16 earlier in the summer, you know, I thought: well, you
17 know, one criticism might be why did you take so long
18 reach the decision? Because it was, you know, almost
19 a year before we finally reached the decision. Part of
20 it was that there were competing views within Government
21 and, therefore, due process, if you like, had to be
22 followed before we reached the decision. And, you know,
23 the Corbett appointment was clearly another attempt to
24 see what could be salvaged.

25 Q. Indeed, that has been a criticism that has been made by

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1 please, and return to the narrative.

2 You'll remember we've been looking at your meeting
3 with Ms Graham and others on 18 August 1998, and the
4 discussion over giving as a reason or presenting as
5 a reason for backing out of the contract, ICL being in
6 breach of contract. Can we turn to paragraph 30 of your
7 witness statement, please, which is on page 11. Thank
8 you. 30 at the top. You say:

9 "By September 1998, ICL had missed the 12 August
10 contractual deadline and the view of ministers was that
11 ICL was in breach of contract; a claim that was disputed
12 by ICL."

13 You give references to each of those things.

14 "On 15 September ... the Chief Secretary to the
15 Treasury, Stephen Byers, wrote to ICL to inform them
16 that Ministers had decided to allow a period of one
17 month for discussion between the parties to see whether
18 satisfactory commercial terms could be agreed for
19 continuing the project and that a special advisor would
20 be appointed to work with the parties towards finding
21 a solution."

22 That can come down. Thank you.

23 Now, you know, I think, that Graham Corbett was
24 appointed as that special advisor or troubleshooter or
25 honest broker.

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1 the others, with the suggestion that 1998 was "a lost
2 year" in the programme, but your response to that is the
3 one you've just given: namely there were competing
4 principles and objectives at play, different interests
5 that required to be served, and it took time to work
6 through those?

7 A. There was also a lot of change of personnel during the
8 course of '98.

9 Q. The reasons for which I'm not going to explore with you.

10 A. You know, but there were, as a matter of fact.

11 Q. Yes. Can we look, please, at BEIS00000284. Thank you.
12 This is a letter from Mr Byers to Mr Todd, the CEO of
13 ICL, dated 15 September and, effectively, puts to him
14 the suggestion of the Corbett negotiation. Can we see
15 in the first paragraph he says:

16 "As you know, Ministers have been reviewing the
17 future of this project in view of the serious delays to
18 the implementation timetable, and [ICL's] failure to
19 deliver a key contractual milestone for which [ICL] has
20 been placed in breach of contract."

21 That's what you referred to earlier.

22 A. Yes.

23 Q. In paragraph 2, second line:

24 "However, we have decided without prejudice to our
25 legal rights ... to allow a period of one month for

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1 discussion between the parties ..."

2 Over the page, please:

3 "To facilitate this process, I am proposing to
4 appoint an adviser to work with the parties towards
5 finding a solution ... His terms of reference are
6 attached."

7 Then this:

8 "To provide a satisfactory outcome, the conclusion
9 of the discussions must meet a number of basic
10 criteria ...

11 "any adjustment to the contracts must of course be
12 compatible with procurement law

13 "the contract must provide a firm date after which
14 the Benefits Agency will have no further commitment to
15 using the [BPC]. We anticipate that the Benefits Agency
16 will wish to complete a transition to ACT-based payment
17 methods by this date."

18 You see there that this seems as if the proposal was
19 being put to ICL Pathway on the basis that the Benefit
20 Payment Card would be a part of the project -- indeed,
21 it was one of the basic criteria, as the letter
22 describes it -- but that, in future, there would be
23 a date when you could transition out of its use and move
24 to ACT.

25 Isn't that a fundamentally different proposition to
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1 increasingly like it was going to be out of date at the
2 beginning of the following century. So I read it
3 differently to the way you're reading it.

4 **Q.** I understand. You read this as meaning that the BPC
5 will have no part of the system?

6 **A.** Well, what it -- what it's saying is, it's there but
7 it's coming to an end. Now, if I was ICL, that's the
8 way I would read it. And that's what I'm assuming that
9 Stephen Byers was hinting at here. But, you remember
10 I said there were divisions with the -- due to competing
11 views within Government. Remember we're also dealing
12 with a firm with its stated view was it was not in
13 breach of contract but, you know, that doesn't stop, you
14 know, those of us in Government from thinking "Well, you
15 know, what -- how could we do this better?"

16 So what I'm reading here, in the way I read it is,
17 this is -- you begin to see the Government's thinking is
18 starting to change. Of course, you see a lot more of
19 that by the time you go into 1999.

20 **Q.** Can we move forwards then. I'm not going to take you
21 through the protracted interdepartmental correspondence
22 of December 1998, largely because it was superseded by
23 events, but there are just two letters I want to draw to
24 your attention, if I may, and ask for your views on
25 them.

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1 what had been agreed in your Department?

2 **A.** Well, I'm reading it rather differently. You know, it
3 doesn't say it was going to -- remember the Benefit
4 Payment Card was a fundamental part of the contract that
5 we're talking about, you know, it was in there with the
6 bricks, if you like. What I am -- the way I read this
7 is that you can already see that government thinking is
8 shifting somewhat, in that you're talking about the
9 contract must provide an end date, if you like.

10 Now, you know, if you thought this was going to
11 pursue -- was going to run in perpetuity you wouldn't
12 put into something like that. What it's doing is
13 acknowledging the fact this has got a shorter shelf life
14 than might have been thought and then it says, "We
15 anticipate that the agency will wish to complete
16 a transition to ACT by this date."

17 In other words, it's signalling an end to it. And,
18 if you like, that really adds to my point: why on other
19 would you produce a new card when you knew that you
20 weren't going to be using it for very long? Indeed,
21 I think in the other correspondence that I've seen, and
22 on other papers I've seen, the point is made on a number
23 of occasions that, you know, in fact, John Denham raised
24 it in his first letter -- or second letter -- that this
25 was using technology which, you know, was looking

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1 Firstly a letter you wrote to Stephen Byers on
2 11 December 1998, BEIS0000417. Just to put this in
3 context, because we have skipped forward a little bit,
4 the context was that Adrian Montague had reported the
5 Corbett negotiations had failed, the Government had
6 invited ICL to make new proposals. ICL had made new
7 proposals in a letter of 9 December 1998, which had been
8 sent to you by Keith Todd, the chief executive of ICL,
9 and you are offering your views on the Keith Todd
10 letter, not back to Mr Todd but to Mr Buyers in the
11 Treasury, yes?

12 **A.** Yes.

13 **Q.** If we could just read it:

14 "Keith Todd has written to me with a copy of the
15 letter he sent to you on Wednesday [that was the letter
16 of 9 December] setting out ICL's final offer in response
17 to your letter of 20 November. I understand that this
18 letter constitutes the essential components of the
19 proposed offer, on which ICL are not prepared to move
20 further; and that this letter is underpinned by
21 3 supporting papers on acceptance testing, funding and
22 commercial proposals (ie pricing etc) on which they say
23 they are willing to negotiate the detail."

24 Scroll down, please.

25 "In preparation for our meeting on Monday, you and

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1 colleagues may find it helpful to have my initial
2 response to the proposals as I understand them."

3 I'm going to skip over the first one, which is the
4 Fujitsu support for £600 million, to fund the project.

5 **A.** Yes.

6 **Q.** Then if we can go to the second one over the page:

7 "[It] does not make any significant change to the
8 9 November proposals, which we rejected ..."

9 Then the third one is the one I wanted to ask you
10 about:

11 "On the specific conditions that the proposals seem
12 to involve, I couldn't agree to the proposed approach to
13 'acceptance testing'. ICL persist in asking for
14 acceptance on the basis of a laboratory test of the
15 systems, as opposed to a live trial, particularly
16 important when, for our customers it's the service that
17 is the crucial end product. In fact, the approach being
18 suggested by ICL is almost exactly that followed under
19 the NIRS2 two project, where the system was fully
20 accepted in a test environment, but did not work in the
21 field. I am not prepared to sign up to another NIRS2
22 experience. In any event, when we're talking about
23 a system which is affecting around 15 million people,
24 many of whom are dependent on timely and accurate
25 payment of their benefits for their livelihoods, the

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1 suggesting in this letter that it was a laboratory test
2 of the system, not a live trial involving 300 or any
3 number of hundred post offices on the ground. Was that
4 your understanding at the time?

5 **A.** It was a -- well, it was a laboratory test, which, as we
6 all know, is not the same thing as, you know, in the
7 field.

8 **Q.** In any event, Ian McCartney MP, the Minister of State,
9 effectively, for the Post Office, replied to what you
10 said. Can we look at his reply, please. BEIS0000400.

11 We see it's a letter to you -- sorry, a letter to
12 Mr Byers.

13 **A.** Yes.

14 **Q.** Commenting on your letter, essentially.

15 **A.** Yes.

16 **Q.** We should just look at the top of the page to see it is
17 from Mr McCartney.

18 **A.** Yes, I see that.

19 **Q.** Then scroll down:

20 "I am grateful to Alistair Darling for copying to
21 Peter Mandelson and myself his letter to you dated
22 11 December, in which he set out his initial reactions
23 to ICL's proposals. [He's writing to you] in the
24 following terms, as our own initial reactions differ
25 substantially on a number of points."

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1 political risks are huge if the system is not tested
2 properly beforehand to make sure it works. This is
3 a risk I am not prepared to make."

4 That's essentially the point you were making about
5 ten minutes ago.

6 **A.** Yes.

7 **Q.** Your understanding was, therefore, that ICL were
8 proposing to set out acceptance criteria that were
9 related to a laboratory test of the system, as opposed
10 to a live trial; is that right?

11 **A.** Yes, I think my recollection is that they were proposing
12 to test it in 300 post offices of a network, which
13 I think then was 18 or 19,000. You know, I wasn't
14 prepared to accept that, on advice of my officials,
15 I took that into consideration. Before you, you know,
16 without labouring the point, you're dealing with
17 15 million people here and you need to be pretty sure
18 the system is going to work because, remember, if it
19 doesn't work, it's no easy matter to suddenly start
20 putting in place a manual payment system to help people
21 who have basically run out of money.

22 So, no, I didn't regard the acceptance testing
23 programme they were suggesting because I thought it was
24 far too risky and a risk I wasn't prepared to take.

25 **Q.** Just on a point of detail here, you appear to be

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1 Essentially, this is letter and its three and a bit
2 pages worth goes through, point by point, seeking to
3 comment on or rebut some of the points that you make.

4 **A.** Yes.

5 **Q.** If we look at the third paragraph, "Taking Alistair's
6 points in turn," and then he commences.

7 Can we go over the page to the second page, and the
8 middle paragraph, "Third, acceptance testing", which is
9 the point I'm asking you about.

10 **A.** Yes.

11 **Q.** "Third, acceptance testing. Alistair states that 'ICL
12 persist in asking for acceptance on the basis of
13 a laboratory test of the systems, as opposed to a live
14 trial ...'. We agree with him that this is a hugely
15 important point. It would be unthinkable to sign off
16 acceptance of the system until it has been on shown
17 convincingly to work on a reasonable scale in a live
18 environment. But Alistair is, we believe, mistaken --
19 ICL are asking no such thing. The company have moved
20 substantially from their 9 November position and have
21 now conceded that acceptance will follow live trials
22 based on the NR2 software release at 300 offices. More
23 specifically, there are 24 separate components of the
24 acceptance test procedure. Some do indeed involve
25 elements of bench and/or model office testing but

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1 [underlined] all also include live trial in 300 offices.
 2 Beyond that, there is contractual provision for any
 3 significant fault not defined in the acceptance process,
 4 but which manifests itself during live trial, to be
 5 rectified before acceptance is signed off. Finally, the
 6 contracting parties can withhold the release
 7 authorisation for national rollout if they remain
 8 dissatisfied at the performance of the system during the
 9 live trial phase. Peter and I are not clear what
 10 further reassurance Alistair requires."

11 So this letter is saying that you were wrong to be
 12 making the point about ICL being prepared to accept
 13 laboratory testing: there was going to be a live trial
 14 in 300 post offices. What was your reaction to the news
 15 or the suggestion that it was all okay, because there
 16 were going to be trials in 300 post offices?

17 **A.** Much the same as my reaction I just discussed short
 18 while ago. 300 offices out of 19,000, it might expose
 19 difficulties but then it might not. Look I'm sorry
 20 I keep coming back to the point, you are dealing here --
 21 or would have been dealing here with a system that was
 22 paying out benefits to maybe 15 million people and, you
 23 know, the risks that it goes wrong -- and remember, with
 24 everything we knew about the difficulties there'd been
 25 up until now, which are well documented and we've

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1 please, is BEIS0000418. A letter from Peter Mandelson,
 2 Secretary of State for Trade and Industry, to Stephen
 3 Byers, Chief Secretary to the Treasury. If we just go
 4 to the second page, foot of the page -- just scroll
 5 down, please -- we can see that you are one of the
 6 people copied.

7 **A.** Yes.

8 **Q.** So back to the first page, please.

9 "I was disappointed that our meeting yesterday was
 10 again unable to reach a clear decision on the way
 11 forward ... The continued uncertainty is becoming
 12 increasingly damaging for all parties concerned. As
 13 I see it, the choice is a straightforward one ..."

14 I'm not going to look at the choices.

15 If we go to the second page, please. Mr Mandelson
 16 said:

17 "There is still some way to go to complete the
 18 Horizon project, but the basic development work has been
 19 thoroughly evaluated by independent experts who have
 20 pronounced it viable, robust and of a design which
 21 should accommodate future technological developments."

22 To your knowledge, by December 1998, which
 23 independent experts had carried out an evaluation,
 24 a thorough evaluation, that came up with a pronouncement
 25 such as that?

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1 discussed extensively today, you are taking a huge risk.
 2 So no, it didn't reassure me.

3 And, you know, I just thought, you know, let's leave
 4 aside the principal points that I made earlier, that, in
 5 relation to the practicalities here, this didn't look
 6 like it was going to work, or it was going to take a lot
 7 longer if it ever was going to work.

8 But I've made the point and I don't want to repeat
 9 it again. You know, it might help you to know that,
 10 separately, sometime after that, you know, I remember
 11 one weekend the Child Benefit agency made a mistake --
 12 or its computer system made a mistake and, actually, it
 13 overpaid people quite a lot of money because, which we
 14 never got back because it's very difficult to go back to
 15 people and say, "You were overpaid by, you know, £5, £6,
 16 £10 or something", and ask for it back when people are
 17 on low incomes.

18 It's -- you know, the benefit system works, but if
 19 it goes wrong, it can go wrong -- horribly wrong, and
 20 this was a brand new system, for all the reasons I've
 21 stated. It's frankly what was being offered here did
 22 not satisfy me.

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

24 The second set of correspondence from the
 25 December '98 period, I would just like to look at,

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1 **A.** Well, looking at this again, I don't know. Remember the
 2 Montague report had flagged up the difficulties inherent
 3 on a large complicated project like this, as well as
 4 mentioning some of the other difficulties, and also --
 5 I'm not sure if you're coming to this, but on Friday
 6 night of this last week, the Inquiry sent me a paper
 7 which I'd not seen before, which listed endless problems
 8 with the thing. You know, really quite serious ones.
 9 So I don't know, I'm not sure what Peter was referring
 10 to here, I really don't.

11 Hello?

12 **Q.** Did you agree at this stage with his apparent conviction
 13 that continuing with the Horizon solution for a payment
 14 card, plus front end banking, was the only sensible
 15 course?

16 **A.** No, I didn't agree with him, as is clear from all the
 17 correspondence that follows.

18 **Q.** Did you ever think that the DTI had got too close to
 19 ICL, even being captured by them to push their own
 20 agenda?

21 **A.** No, I think the DTI, for reasons that I can understand,
 22 was concerned with the political problem it had in
 23 relation to trying to maintain a, you know, viable Post
 24 Office Network. The post office network was, and
 25 remains today, I think to a slightly lesser extent,

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1 a big political issue. You know, people like, you
2 know -- they like their post offices. And I think the
3 problem was -- and certainly if you look at the internal
4 stuff which the Inquiry has sent me, which I've
5 obviously not seen before, but, you know, in their
6 dealings with ministers, it was clear that the DTI were
7 very wedded to this.

8 So I can see why ministers, you know, wrote the
9 letters that they did. I just took a different view
10 from this and, you know, I'm sure we'll get to that
11 point but, at the end of the day, that -- my argument
12 won the day.

13 **Q.** Can we get to that point, then, and move to CBO00000058.
14 We can see from the fax header, if we just go to the
15 top, please, that this document appears to have been
16 faxed on 23 April 1998.

17 **A.** Yes.

18 **Q.** You will see that it's a note to the Prime Minister. If
19 we go to the third page, please, at the foot of the
20 page, we can see that it's from Alan Milburn and also
21 dated 23 April 1998.

22 **A.** '99.

23 **Q.** '99, sorry. We can see, if we just scroll up to 7, that
24 the minute was copied to, amongst others, you.

25 **A.** Yes.

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1 This recollection, or this statement in Alan
2 Milburn's memorandum accords with my recollection that,
3 you know, the thing wasn't working and, you know, we
4 were rapidly reaching the end of the road.

5 **Q.** He lists over a series of eight or so bullet points --

6 **A.** Yes, and I see the model office testing, for example,
7 was delayed by two months.

8 **Q.** Yes, looking at them:

9 "all planned release dates have been missed ...

10 "... Model Office Testing -- was delayed by 2 months

11 "every release has been subject to reductions in ...
12 planned functionality

13 "... even when each release has gone live, there
14 have been faults and problems which have resulted in the
15 need for Pathway to reimburse DSS

16 "in the current trials, known problems have risen
17 from 46 in November 1998 to 139 at the end of
18 March 1999; and currently 146 have not been resolved

19 "... 16 million people should have by now been paid
20 by the Benefit Payment Card. In fact only 30,000+
21 people are currently being paid [by that means]

22 "rollout of the system to 19,000 post offices should
23 have been completed by the end of 1998. But only
24 limited functionality is currently available in 204 post
25 offices

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1 **Q.** The minute has attached to it some lines to take if ICL
2 withdrew from the project. Can we go to page 11 of the
3 document, please, and if we scroll down, please. Is
4 that readable to you? This is a photograph of
5 a document from within the National Archive.

6 **A.** Yes, I can read it. It's a bit twisted at the top but
7 I can read it.

8 **Q.** "Independent reviews of the Horizon project by external
9 IT experts have all concluded (most recently this week)
10 that [ICL] have failed and are failing to meet good
11 industry practice in taking this project forward, both
12 in their software development work and in their
13 management of the process."

14 Do you know what that's a reference to? So the week
15 of 23 April 1999, external IT experts concluding that
16 ICL Pathway have failed and are failing to meet good
17 industry practice?

18 **A.** Well, look, I'm sorry, I don't have all these papers
19 immediately in front of me to be able to tell you what
20 was concluded in the week before 23 April. But it fits
21 with my recollection that we had a growing body of
22 evidence that it wasn't going to work and, you know, it
23 comes back to what you asked me just a few moments ago,
24 you know, whether I agreed or disagreed about another
25 independent expert.

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1 "delays to the programme have already cost the
2 Government's over £200 [million] in savings they [or it]
3 would have otherwise expected to make."

4 These were the lines to take in the event that ICL
5 backed out of the contract, terminated the contract.
6 That's a comprehensive list of failings there, isn't it?

7 **A.** It is and, you know, you were asking me earlier about,
8 you know, about whether or not I was wise not to take
9 the risk of rolling this out to 15 million people. It
10 strikes me, looking at this, well, there you have it.
11 There was an awful lot wrong with this. I could not, in
12 all conscience, have agreed to the rollout of something
13 like this. It would have been a disaster.

14 **Q.** Was there any discussion, given the Government was
15 prepared to say this about ICL's comprehensive failures,
16 if ICL withdrew from the contract, that that ought to be
17 taken into account in deciding whether to proceed with
18 the contract at all?

19 **A.** No, I don't remember any discussion like this. Are you
20 showing me -- is this a line to take?

21 **Q.** Yes.

22 **A.** Yes. It was very common in my experience, in all
23 Government Departments I was in, for people to produce
24 lines to take. I always treated them with, you know,
25 a slightly degree of hesitation in what I would actually

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1 use but I don't know where these lines to take came
2 from. Certainly, if you were going to say this, I would
3 want to be satisfied that, you know, that they'd been
4 legalised, as they say. That's not to say that what I'm
5 seeing here is -- you know, it accords with my
6 recollection. Whether or not you'd want to say that in
7 public, I don't know.

8 But that's -- to the best of my recollection, this
9 was not discussed and it wasn't discussed with me as
10 a line to take.

11 **Q.** Thank you. Can we go to paragraph 102 of your witness
12 statement, please, which is on page 35. You say in 102,
13 at the top of the page there:

14 "In a letter from the Prime Minister's Principal
15 Private Secretary dated 11 May 1999 the Prime Minister
16 indicated that any solution should meet three key
17 objectives: (a) conflict with the Post Office and the
18 subpostmasters lobby should be avoided; (b) ICL's whole
19 future should not be put at risk; and (c) the Government
20 should have a fully defensible position before the
21 Public Accounts Committee."

22 Can we just briefly look at that, please,
23 CBO00000022_002 at 2, please. This is the document
24 I think you're referring to. If we go to the second
25 page, please, and see that it's signed off by the late

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1 **A.** Yeah, well, that's what Prime Ministers do, you know.
2 They've got to look at what's happening generally. You
3 know, I'd regarded it just as a -- it was a view in
4 a meeting, but, you know, the end was different to that.

5 **Q.** Were you involved after it had been decided that the
6 Benefits Agency's BPC should be pulled from the project
7 in any decision making as to the reconfiguration of the
8 contract?

9 **A.** No. That would have been done by, I assume, the DTI
10 and, you know, the ICL. Certainly, you know, I say in
11 my statement that, you know, there would have been
12 tidy-up things, for example payments in respect of the
13 Order Book Control System, which I think are referred
14 into some of the papers that you've got, and also
15 I would have seen stuff about how you do migrate to ACT.
16 But, in terms of the renegotiation of the contract,
17 remember this is a different contract. It was one
18 between Post Office Counters Limited and ICL.

19 The DWP would not, I think, have been involved in
20 it, and certainly I have asked, during the course of
21 somehow getting these papers, "is there anything else?"

22 And I haven't seen anything else, and it was
23 certainly my recollection that we were not involved in
24 that because, you know, we were out of it, you know,
25 we'd reached the situation where the Benefit Payment

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1 Jeremy Heywood --

2 **A.** It's a readout from a meeting between the Prime Minister
3 and the Chancellor.

4 **Q.** Yes.

5 **A.** Yes.

6 **Q.** The Prime Minister said any solution should meet the
7 three key political requirements, and they're there set
8 out:

9 "We did not want a huge political row, with the Post
10 Office or the subpostmasters' lobby claiming the entire
11 rural network had been put in danger by the
12 Government ..."

13 The three requirements set out there, reflected in
14 your witness statement, do not say anything as to the
15 reliability or integrity of the system. Do you know why
16 that wasn't included as a requirement?

17 **A.** No, I don't. I mean, I wasn't in this discussion, and
18 I think the reference to these three points have been
19 made earlier but, I mean, obviously, I don't know who
20 decided the terms of this readout or what was said.
21 I just wasn't there. It doesn't alter anything I've
22 said to you so far, though.

23 **Q.** Would you agree that the three key political
24 requirements appear to be focused on how things might
25 look from the outside?

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1 Card was no longer part of this and, therefore, our
2 locus had disappeared.

3 **Q.** Thank you. That document can come down.

4 Finally, Lord Darling, you were Secretary of State
5 for Trade and Industry for 14 months between May 2006
6 and June 2007.

7 **A.** Yes.

8 **Q.** As part of your role, I think you would have held
9 overall responsibility for oversight of the Post Office?

10 **A.** Yes, that's right.

11 **Q.** Was there a Minister of State with specific
12 responsibility for the Post Office in that time?

13 **A.** There would probably have been but I'm afraid I have not
14 seen any of the papers that I saw and I would not want
15 to inadvertently name one of my former colleagues as
16 being responsible if he or she wasn't. But the way
17 things work in all Government Departments is that the
18 Secretary of State is in charge of everything but there
19 are three or four junior ministers who take, you know,
20 particular interest in -- so there would have been. But
21 I have not seen any papers at all in relation to my
22 time. It is pure recollection that I have to go on when
23 I'm talking to you today.

24 **Q.** Yes, I'm asking you these questions with that knowledge,
25 and on a relatively light touch basis. Was there a Post

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- 1 Office Board, to your knowledge, at that time?
- 2 **A.** Yes, there was because I used to have fairly regular
- 3 meetings with the chairman of that board and, you know,
- 4 from time to time, I think, the chief executive. And
- 5 the main concern then was how did you maintain the Post
- 6 Office Network? And that was becoming highly
- 7 contentious at that time because, you know, I remember
- 8 doing a lot of media about it. But -- I'm sorry,
- 9 I ought to say, for the sake of completeness, at that
- 10 time they were also responsible for the Royal Mail, it
- 11 was before it was privatised, and there were occasional
- 12 discussions about that, usually Labour relations, rather
- 13 than anything else.
- 14 **Q.** Did Government have a seat on the board at that time?
- 15 **A.** I don't think it did. That's not to say it didn't --
- 16 wasn't nominating people to the board but, again,
- 17 I would need to see the papers that I saw and, better
- 18 still, the actual papers I saw, before I can really
- 19 answer your questions. I don't want to mislead this
- 20 Inquiry, but I do remember meeting the chair of the
- 21 board on a regular basis.
- 22 **Q.** Can you remember who that was now?
- 23 **A.** It was Allan Leighton, I think.
- 24 **Q.** Can you remember who the CEO was, the chief executive?
- 25 **A.** I'm afraid I don't.

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- 1 So it was really -- and, you know, I think the
- 2 board, to some extent, felt it was a victim, you know,
- 3 that here they were, they were having to put up with the
- 4 Government's policy, and the Government's policy was
- 5 clear but it's actually difficult to implement, which is
- 6 why, at the time, we were looking at what can you do to
- 7 put into post offices things other than postal services
- 8 to make them attractive? You know, the ones that
- 9 actually survive to this day are the ones who tend to
- 10 have other businesses in there, which is getting them
- 11 footfall, rather than the pure and simple Post Office
- 12 function.
- 13 **Q.** Lord Darling, thank you very much --
- 14 **A.** I just want to emphasise this point: if the Inquiry is
- 15 interested in all this, I need to see these papers.
- 16 **Q.** Yes, we're interested but not, in particular, in the
- 17 period of -- in which you held the office. It was more
- 18 to take some general evidence from you --
- 19 **A.** Sure.
- 20 **Q.** -- as to the way in which oversight and supervision
- 21 occurred at that time.
- 22 **A.** Yes. Well, as I say to you, the Secretary of State for
- 23 Trade and Industry clearly has oversight and, remember,
- 24 as with a lot of things, the dispatch box risk, if you
- 25 like, the political responsibility, would always be with

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- 1 **Q.** Does Alan Cook ring a bell?
- 2 **A.** Yes, it does now you mentioned it.
- 3 **Q.** What's your recollection of the extent of your contact
- 4 with both men?
- 5 **A.** Well, I used to meet them fairly regularly, that's my
- 6 recollection. And it was mainly to do, as I say, with
- 7 the maintenance of the Post Office Network and one of
- 8 these -- it's inevitable the way that -- you know,
- 9 that's the way this agency works. Normally, with
- 10 an agency like the Environment Agency, it has a budget,
- 11 it has staff and it gets on with, you know, pursuing
- 12 whatever the Government's policy is. Or you get
- 13 an agency that does things like the Benefits Agency did,
- 14 or Jobcentre Plus, it's got a particular task, it does
- 15 it.
- 16 But this agency, the Post Office, is slightly
- 17 different, in that a lot of its business depends on the
- 18 government being willing to, for example, subsidise the
- 19 Post Office Network. You know, it's -- what it does is
- 20 heavily dependent on the decision, in other words, of
- 21 third parties, not the actual board itself. Because the
- 22 board is autonomous only to the extent that, for
- 23 example, it maintained a Post Office Network. You know,
- 24 a commercially-minded board might take a different view
- 25 to that.

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- 1 the Secretary of State, no matter what the Post Office
- 2 Board happened to be doing.
- 3 **MR BEER:** Thank you. They are all of the questions I ask
- 4 you at the moment. Other Core Participants have
- 5 indicated an intention that they wish to ask some
- 6 questions.
- 7 I don't know whether that is going to be realised or
- 8 not, but can I start with Mr Jacobs, whether he has any
- 9 questions to ask.
- 10 **Questioned by MR JACOBS.**
- 11 **MR JACOBS:** There is one point that has just arisen.
- 12 Lord Darling, can you see and hear me?
- 13 **A.** I can see you now.
- 14 **Q.** Thank you. You have said in your evidence that you had
- 15 a growing body of evidence that shot that the system
- 16 wasn't going to work, and you've said there was an awful
- 17 lot wrong with the system, and you couldn't, in all
- 18 conscience, have allowed it to roll out.
- 19 Then, when you were the Secretary of State for Trade
- 20 and Industry from 2006 to 2007, you had overall
- 21 responsibility for the Post Office. Were you aware,
- 22 during any of this time, that 736 subpostmasters were
- 23 being prosecuted as a result of the system from 2000 to
- 24 2015?
- 25 **A.** No, I have no recollection of that but, as I said to

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1 Mr Beer earlier, if you want to pursue that, I need to
2 see all the papers to be absolutely sure of it. But
3 I think if -- you mentioned 750 postmasters -- I think
4 I would have recalled that, had it been put in front of
5 me.

6 **Q.** Do you remember Lord Arbutnot -- James Arbutnot then,
7 raising the matter in Parliament, which led to the
8 appointment of Second Sight in 2012 to investigate on
9 behalf of the MPs?

10 **A.** No, I don't.

11 **MR JACOBS:** Okay, I just need to ask if I have any more
12 questions to ask you. Thank you.

13 **A.** Thank you very much. Thank you.

14 **MR BEER:** In fact, I think that's all of the questions that
15 any Core Participant has indicated a wish to ask.

16 Thank you very much for coming to give evidence
17 today, Lord Darling.

18 **A.** Okay, thank you very much indeed.

19 **Questioned by SIR WYN WILLIAMS**

20 **SIR WYN WILLIAMS:** Lord Darling can I just follow up what
21 Mr Beer was asking you about right at the end, and I'm
22 conscious that you haven't seen the papers, so I'm
23 looking for general evidence, as opposed to specific
24 evidence, if that's a distinction proper to draw.

25 It's the relationship between the minister and the
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1 basis --

2 **SIR WYN WILLIAMS:** No, I think I followed that, really. I'm
3 just trying to understand the difference between
4 day-to-day operational running, which I fully accept
5 would be a matter which the board would undertake
6 normally, and where the Government would step in.
7 Where's the line, so to speak, if there is a line?

8 **A.** I think the line is where, you know, if something was
9 going wrong, or you are aware that there's something
10 that questions ought to be asked, then, you know, the
11 Government would intervene then it's difficult for me to
12 lay down lines that would cover every eventuality of
13 what might possibly happen, you know, because there are
14 none. You know, it used to be said that the Government
15 needs to know there's not a whole lot contentious but,
16 you know, that in itself is a bit general.

17 I'm sorry, I'm trying to be helpful here.

18 **SIR WYN WILLIAMS:** No, no. I follow. It's just that in --

19 **A.** Let me put it this way, if I may: if something -- if the
20 board knew something was happening and that it thought
21 that ministers ought to know about it, then that would
22 be a good reason for the government to, you know,
23 intervene or, at the very least, ask questions. But on
24 a day-to-day basis, you know, the running of the network
25 and how it operated, the Government would not -- no one

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1 board, and the impression you've just given me is that,
2 ultimately, it was the minister who called the shots on
3 what I might call any important issue relating to the
4 direction that the Post Office should take; is that too
5 general?

6 **A.** It is a bit general. Ultimately, where, you know, the
7 Secretary of State, therefore the Government, is
8 ultimately responsible for whatever a board is doing
9 but, in fact, you know, in a routine day-to-day basis
10 the Post Office Board would take decisions as to how
11 they thought -- for example, in this case, how the
12 business ought to develop, and so on. And, as for the
13 day-to-day running, only the board could know about
14 that.

15 There's no way, unless someone brought a particular
16 issue to a minister, would the government, as such, know
17 that there was a particular issue that needed to be
18 looked at. You know, in this case, the Post Office
19 case, the government set up the board to run the Post
20 Office. It clearly had an influence in what the network
21 might look at -- look like, because it could decide to
22 intervene or not intervene to make the network larger,
23 or smaller, and so on. But on day-to-day running, no,
24 as you know the day-to-day running of the Jobcentre
25 Plus, that does not come to ministers on a day-to-day

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1 in the Government would necessarily be told about that.
2 Because why else would you set up a board to run the
3 Post Office network?

4 **SIR WYN WILLIAMS:** So is this a fair summary: in terms of
5 dictating policy issues as to how the Post Office should
6 evolve, the government would take the lead. In terms of
7 matters which might arise from day to day, then they
8 would only reach the government if the board thought
9 them appropriate for the government?

10 **A.** Yes. I'm not aware of any mechanism where the
11 government would routinely ask every month "Is there
12 something that's happened that we ought to know about?"
13 The other way, of course, the government does become
14 involved is if Members of Parliament raise issues in the
15 House of Commons, in which case it's entirely proper,
16 you know, for the minister to ask the Department to find
17 out what's behind the question, if you like. But one of
18 the things that -- the day-to-day running of the post
19 offices and how it was operating and, you know,
20 decisions like, you know, this is a live issue for the
21 Inquiry, prosecutions and stuff, would be taken by the
22 board, I don't think they would ever come to ministers.

23 **SIR WYN WILLIAMS:** Okay. Just so that I can complete my
24 picture, there's the Post Office Board and there's
25 ministers, but there are civil servants with particular

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1 knowledge and/or expertise, shall we say --

2 **A.** Yes.

3 **SIR WYN WILLIAMS:** -- in how the Post Office operates. What

4 would their role be in this rather -- well, what would

5 their role be?

6 **A.** Well, it's largely undefined. Certainly, as a minister,

7 you would expect your civil servants to be, you know,

8 keeping in touch with me, not on the detail but what the

9 issues are. But suspect the issues they would be

10 keeping in touch with -- I mentioned, you know, the Post

11 Office, for example -- if it is if it's obvious the network

12 is starting to shrink in an uncontrolled sort of way,

13 you'd expect your civil servants to be familiar with

14 what's being thought, and so on. But, you know, there

15 isn't, as far as I'm aware, or hasn't been, a mechanism

16 whereby a civil servant would be having, if you like,

17 a supervisory board function and they would be every

18 day, actually proactively going round saying, "What's

19 happening here? What's happening here? Is there

20 something we need to know about?" It's not laid down

21 anywhere, it really depends on the individuals, I think.

22 The decision as to whether or not to elevate

23 something, if something has gone wrong, I would think

24 you'd expect the board and/or its chair or its chief

25 executive to say to ministers "You'd better have a look

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1 **MR BEER:** Thank you.

2 (2.45 pm)

3 (A short break)

4 (3.55 pm)

5 **MR STEVENS:** Sir, can you see and hear me?

6 **SIR WYN WILLIAMS:** Yes, I can, thank you.

7 **MR BEER:** The next witness is Mr Kearns.

8 **ANTHONY KEARNS (affirmed)**

9 **SIR WYN WILLIAMS:** Mr Kearns, can I thank you for agreeing

10 to change the day on which you are giving evidence.

11 That's very helpful to the Inquiry.

12 **MR STEVENS:** Please can you stay your full name?

13 **A.** Anthony Paul Kearns.

14 **Q.** Mr Kearns, as you know, my name is Sam Stevens and I ask

15 questions on behalf of the Inquiry and, again, thank you

16 very much for giving your evidence both in writing and

17 orally today. In front of you, you should have

18 a witness statement, dated 12 October of this year,

19 running to 8 pages. Could I ask you please to turn to

20 page 7 of that statement. Is that your signature?

21 **A.** It is.

22 **Q.** Are the contents of your statement true to the best of

23 your knowledge and belief?

24 **A.** They are.

25 **Q.** That statement now stands as evidence in the Inquiry.

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1 at this". But there is no automatic mechanism that I'm

2 aware of that would guarantee that something was

3 happening, it would go straight to ministers. That's as

4 helpful as I can be, I think.

5 **SIR WYN WILLIAMS:** All right. So that we're both clear, you

6 were speaking of your experience in 2006/2007, and

7 that's the extent of your knowledge as it relates to the

8 Post Office?

9 **A.** Based on my recollection --

10 **SIR WYN WILLIAMS:** Yes, yes, sure --

11 **A.** -- without seeing the papers but my dealings with the

12 Post Office, you know, at that time were really all

13 about how big should the network be, because, you know,

14 we were looking at ways to try to, you know, frankly

15 make it a little bit more sustainable. But that's

16 an argument that's still going on today.

17 **SIR WYN WILLIAMS:** All right. Well, thank you very much,

18 Lord Darling, for taking the time and trouble to make

19 a very detailed witness statement and also to sit here

20 for some hours answering very many questions. I'm

21 obliged to you.

22 **A.** Okay, thank you very much indeed. I appreciate it.

23 **MR BEER:** Sir, can we break now for ten minutes for our next

24 witness, Mr Kearns, that would make it 2.55.

25 **SIR WYN WILLIAMS:** Fine, thanks.

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1 I'll be asking you some questions today about both your

2 and the CWU's involvement in the issues that this

3 Inquiry is looking at in Phase 2. I won't be covering

4 issues that it will look at later on in phases 4 and 5.

5 I want to start with some background and, in your

6 statement, you say you were employed as an assistant

7 secretary of the CWU between late 1997 and early 2002;

8 is that right?

9 **A.** That's correct.

10 **Q.** Before you worked for the CWU, had you worked for the

11 Post Office?

12 **A.** I had.

13 **Q.** What roles had you had?

14 **A.** I was Post Office counter clerk.

15 **Q.** What roles did you work in for the CWU itself, prior to

16 becoming an assistant secretary?

17 **A.** I was an elected member of the national executive

18 council, still employed by the Post Office and but

19 released from the duty to undertake union activity.

20 **Q.** Immediately before becoming assistant secretary what was

21 your role?

22 **A.** I was a member of the national executive council, I was

23 substituting for the then assistant secretary, who was

24 substituting up, because the then general secretary,

25 Alan Johnson, in May of that year, left the union as

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1 a general secretary to become MP.

2 **Q.** You say you stopped being an assistant secretary in
3 early 2002. Since then, what role have you had with the
4 CWU?

5 **A.** Since then, I've been the senior deputy general
6 secretary.

7 **Q.** Thank you. I want to ask you some questions about the
8 CWU itself. Between 1995 and 2002, who within the Post
9 Office did the CWU represent?

10 **A.** Post Office Counters clerks at Crown Offices, people who
11 worked in cash centres, who handled the cash that was
12 then consequently distributed to Crown Offices and sub
13 offices and administration staff who worked back office
14 admin work.

15 **Q.** When you say Crown Offices, do you mean branches of the
16 Post Office run centrally by the Post Office itself?

17 **A.** Crown Post Offices, yes.

18 **Q.** Did the CWU represent any subpostmasters during this
19 period?

20 **A.** No.

21 **Q.** Did the CWU represent any Post Office employees who were
22 involved in carrying out audits of subpostmasters?

23 **A.** From memory, I want to say yes, because part of the Post
24 Office staffing complement were people whose duty it was
25 to audit sub offices. From memory, I think a number of

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1 **Q.** But what you did receive would have been letters such as
2 this, updating the CWU on the progress of the project to
3 date; is that right?

4 **A.** Yes.

5 **Q.** Did the CWU take any steps around this time to try to
6 involve itself in the Horizon project, other than simply
7 by receiving updates from the Post Office?

8 **A.** What we would have done, because it was our normal way
9 of working would be to ask the Post Office how that
10 project and other projects would impact upon our
11 members. So we would ask "Is it going to change the
12 nature of work?" With regards to the Horizon project,
13 given that we were moving from manual -- what we'd call
14 using the date stamp -- to electronic processing, "Where
15 were the terminals going to fit? What training would be
16 given?" And we would take the opportunity to ask
17 whether that was a reskilling opportunity to argue or
18 ask for increased terms -- better terms and conditions.

19 So we would respond by asking how it would affect --
20 impact upon our members and then work out a strategy
21 around that, how we would approach the Post Office.

22 **Q.** Do you recall yourself being involved in any of those
23 discussions?

24 **A.** At the time when Ernie Dudley was the assistant
25 secretary, if he felt the need, he would take either

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1 people on there might have been in those grades that we
2 represented.

3 **Q.** Did the CWU represent any Post Office employees that
4 were involved in the prosecutorial function of the Post
5 Office?

6 **A.** Not as I recall, no.

7 **Q.** Not as you recall, was that?

8 Please could we bring up a document, CWU00000089 and
9 if we could turn to the second page. This is a letter
10 from March 1997, it's from Mena Rego at Post Office.

11 **A.** Do we know where this is, in the bundle?

12 **Q.** Sorry, you should be able to see it on the screen next
13 to you.

14 **A.** Sorry.

15 **Q.** No problem at all. Just confirm, can you see that?

16 **A.** I can.

17 **Q.** Very good. It's letter from Mena Rego to Ernie Dudley,
18 who was the assistant secretary of the CWU at the time.
19 Now, would you have seen this letter at the time?

20 **A.** More than likely, yes.

21 **Q.** In your witness statement, you say that, prior to
22 May 1999, when a Horizon working group was started, the
23 CWU didn't have any direct involvement the Horizon
24 project itself; is that correct?

25 **A.** Yeah, that's as I remember, yeah.

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1 myself or other executive members along to meet, if he
2 thought we would add value. I don't recall being
3 involved in meetings around '95/'96. I was his
4 substitute, insofar as, if he was on leave or off sick,
5 I would take over his role. So I would have been
6 shared -- I'd have seen copies of those letters at the
7 time.

8 **Q.** Can we please bring that letter back up and go to the
9 third page?

10 Thank you, I'm just going to read for the recorded
11 the first paragraph. It says:

12 "A trial of [the Order Book Control System] will
13 begin from the end of April 1997 in 200 post offices in
14 the North East and South Wales and South West Regions.
15 This will be followed by introduction of BPS to these
16 offices in June and then in September AP and EPOS will
17 be added. At this stage a further 100 outlets will be
18 added to the trial. It is any at then that Branch
19 Offices will be added as clearly it is only at this
20 point that ECCO can be replaced by Horizon. A decision
21 to roll out will be made in November following the full
22 and detailed evaluation."

23 So this is referring to a slow rollout of a few
24 branches to trial the system. Do you agree that a live
25 trial was important to test how Horizon would affect the

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1 working lives of those working in the post offices
 2 themselves?
 3 **A.** Yeah, I would agree that would be important.
 4 **Q.** When it refers to branch offices, is that referring to
 5 the Crown Office branches?
 6 **A.** Yes.
 7 **Q.** As for you, the Crown Office branches, that's where the
 8 majority of your counter staff -- members who were
 9 counter staff, would be working?
 10 **A.** Yes.
 11 **Q.** The reference to ECCO, could you just expand on what
 12 that is?
 13 **A.** That's the name that was given to the system, the
 14 accounting system that was in before Horizon.
 15 **Q.** That was in Crown Office branches, was it?
 16 **A.** Yes.
 17 **Q.** The letter goes on to state, on the third paragraph:
 18 "Again due to the fact that evaluation will not have
 19 been completed and a final decision on national rollout
 20 not made until November, only a limited number of Branch
 21 Offices will be included in this stream, principally to
 22 ensure completion of installation in discrete
 23 geographical areas. This is because -- in the event of
 24 any teething problems with Horizon -- we do not want to
 25 create disruption in our larger outlets which already

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1 get satisfactory answers.
 2 **Q.** If in this live trial, the vast majority were going to
 3 be subpostmasters, how would you have found out about
 4 those -- or how did, I should say -- how did the CWU go
 5 about finding out what the experience of those
 6 subpostmasters were?
 7 **A.** I think they were represented at the Horizon Working
 8 Group that the then newly-elected Labour Government had
 9 set up. Those issues were being represented, and we
 10 would have -- how would you describe this? Not sort of
 11 formal communication with -- so there was another trade
 12 union involved, the CMA, which is the Communication
 13 Managers Association, and when we were going to formal
 14 meetings, you know, you would have side conversations,
 15 you know, "What have you picked up?"
 16 There were also -- like, we were in I want to call
 17 continuing negotiation with the Post Office, as just
 18 part of our day job, terms and conditions, health and
 19 safety requirements, you know, normal day-to-day
 20 operations and, in those conversations, you would just
 21 generally ask "What's happening with Horizon?" Outside
 22 of the formal set piece DTI negotiations or DTI set-up
 23 of the Horizon project group, we were almost in daily
 24 contact, on industrial relations level, with the Post
 25 Office and, depending which manager you were talking to,

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1 use an automated system (ECCO) that has to be removed at
 2 the time of installing the Horizon system."
 3 That document can be taken down now, thank you.
 4 Do you recall when Horizon was actually rolled out,
 5 which was later, when the first Crown Office branch was
 6 migrated?
 7 **A.** I'm afraid I don't.
 8 **Q.** Did you have any concerns about this plan, that there
 9 would not be a significant number of Crown Office
 10 branches within a live trial and it would be mainly
 11 subpostmasters?
 12 **A.** No, I mean, from memory that wouldn't have been our
 13 concern. Our concern would have been that it had been
 14 trialled and it worked and that the rollout was
 15 manageable in terms of the staff who would be, if you
 16 like, impacted by the rollout. So it wouldn't have been
 17 whether we wanted it to be slower or quicker; it would
 18 have been that it could be managed properly and, you
 19 know, any changes within the offices were flagged up,
 20 because moving from one system to another, I mean health
 21 and safety issues, we'd want to make sure before they
 22 moved on to a further rollout that any teething
 23 problems, if you like, that our members had experienced
 24 that were relayed to us, we would have had time to, you
 25 know, pick them up represent them to the employer and

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1 and whether you understood them to have any knowledge or
 2 involvement with the system, you would ask "How's it
 3 going?" type of thing. So you would have picked that
 4 up.
 5 In a formal sense, the issues we picked up -- and
 6 I think I mentioned this in the statement -- from some
 7 of the queries at the Horizon project group,
 8 particularly by the National Federation of
 9 SubPostmasters, about some of the issues that they'd
 10 identified, and I think, again, as I say in my
 11 statement, our questions would be "Are they being
 12 resolved before you roll this out, are they getting
 13 resolved?"
 14 **Q.** We'll come to the Horizon Working Group in a moment.
 15 What I want to ask is, before you attended the working
 16 group formally, can you recall what level of knowledge
 17 you or the CWU had about any problems or issues in the
 18 Horizon software itself?
 19 **A.** Going back 20-odd years, I don't, if I'm being honest.
 20 **Q.** Before we get to the working group, I want to just ask
 21 a couple of points, again, about the CWU's interests.
 22 Before automation itself, if there were errors or
 23 discrepancies in accounts prepared by staff, presumably
 24 those discrepancies would be put down either to human
 25 error or possibly theft?

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1 **A.** Well, what would happen is you would have a very large
2 double-sided sheet of paper, manual process, when you
3 paid out to -- benefits, pensions, green giros, you'd
4 pay that out and make a note of those. You'd add all
5 those up and, in one column, you would have how much
6 cash you'd paid out and another column you'd have cash
7 you'd received from people buying stamps, postal orders,
8 as well in the day, cars -- the vehicle licence stuff,
9 and you'd balance those two things.

10 And I can't remember at that particular point in
11 time but it was a degree of tolerance that losses under
12 a certain amount would be, for want of the a better
13 phrase, they'd be recorded but wouldn't be used against
14 the individual for disciplinary purposes. But if those
15 losses mounted up over a period of time or those losses
16 were huge, so if you had big losses -- if you lost
17 a couple of hundred, £500, then there would be
18 an investigation into where that money had gone.

19 If your losses were regularly £3/£4, they would, for
20 want of a better phrase, be put aside, they'd be
21 ignored. If you regularly posted losses or even gains
22 of £10, £15, £20, they would be investigated because, in
23 effect, it was evidence that, somewhere along the line,
24 a job wasn't being done properly.

25 **Q.** That's it. It's either someone is not doing the job

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1 **Q.** The introduction of Horizon, it's fair to say, would
2 significantly change the way the counter staffs' working
3 lives would operate?

4 **A.** Yes.

5 **Q.** If the Horizon System could not reliably produce
6 accounting data, and produced accounts that didn't
7 reflect the actual stock and cash in the branch itself,
8 that would give rise or could create a suspicion of
9 theft or incompetence on the part of post office counter
10 staff; is that fair?

11 **A.** That's fair, yeah.

12 **Q.** So, for that reason, was it important to the CWU to
13 understand and be satisfied that the Horizon IT System
14 would operate reliably and satisfactorily?

15 **A.** To the extent that we would make representations to, you
16 know, to seek assurances that the system they were
17 introducing was capable of doing what they'd said it was
18 going to do, yes.

19 **Q.** I'd like now, then, to turn to the working group and
20 this point on satisfactory working of the system. Could
21 we, please, on the screen bring up your witness
22 statement. It's WITN06370100. If we could turn to
23 page 3, please. Thank you.

24 You say in paragraph 9 that you attended the Horizon
25 project working group alongside the general secretary

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1 properly --

2 **A.** Yes.

3 **Q.** -- or, more sinisterly, possibly theft?

4 **A.** Yeah, and in round -- my experience was, if losses were
5 in round figures, £100, £500, £1,000 then, given that
6 cash bundles were given to counter clerks to use as part
7 of their day job in, you know, £100 and £500, the loss
8 of a round large amount, in the Post Office's eyes, and
9 their own investigation division, my take was that
10 they'd view that more likely to be theft than someone
11 just not doing the job properly.

12 **Q.** The CWU, presumably before automation, would represent
13 its members if they were accused of substandard
14 performance or misconduct?

15 **A.** Yes.

16 **Q.** I think, as you just evidenced, in order to do that, the
17 CWU would need to have a good understanding of the
18 working practices of counter staff?

19 **A.** Yes.

20 **Q.** At that stage, were the CWU aware of the Post Office
21 prosecuting members of staff for suspected theft before
22 automation?

23 **A.** I was aware of that, I've dealt with -- I've represented
24 individuals who subsequently got prosecuted, yes. So
25 yes.

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1 Derek Hodgson. You were attending this together as
2 a sort of joint project; is that right?

3 **A.** Yeah, the general secretary would determine, as the lead
4 of the Union, the general secretary, particularly when
5 dealing with matters of government or matters of state,
6 would determine himself who he would take along to
7 assist him. I went to some of these meetings with him.

8 **Q.** You say that the role was:

9 "... a) listen to and understand what the intentions
10 of [Government] and POCL were with regard to the future
11 of the Post Office Network and the Horizon project ..."

12 **A.** Mm-hm.

13 **Q.** "... b) to determine what (if any) implications this
14 would have on CWU members c) raise any points relevant
15 to the same."

16 Could we turn the page, please, and look at
17 paragraph 11. There you say:

18 "From memory I do not recall that Horizon Working
19 Group was tasked with examining nor reporting on the
20 technical issues (faults) with the development of the
21 system and as such I cannot recall if any specific
22 questions on this issue were raised."

23 Thank you.

24 I think that you do say in your statement you can
25 recall the NFSP raising some concerns at some point?

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1 A. Yeah.

2 Q. With that in mind, I want to look at some of those
3 working group meetings now, and if we could start with
4 the one on 8 June 1999. It's NFSP00000026, and if we
5 could start at page 2, please.

6 Thank you. As you see, it's a note of a meeting
7 from the Horizon working group on the 8 June. Derek
8 Hodgson is in attendance but you are not.

9 Can I ask to turn to page 6 of this now, please.
10 These are the terms of reference of the Horizon Working
11 Group said to be agreed on 8 June 1999. Would you have
12 seen these at the time?

13 A. Probably.

14 Q. The second bullet point states one of the roles is:
15 "to oversee, to contribute actively to, and to
16 facilitate solutions where problems arise, the
17 completion of the development phases of the Horizon
18 project ..."

19 It then goes on to refer to rollout and migration to
20 ACT. So is it fair to say these terms of reference
21 actually envisage that members of the working group
22 would take an active role in relation to the development
23 of Horizon itself?

24 A. Um ... I wouldn't say so, no. I would say that they
25 were there to understand what was happening with the
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1 DTI. Was it not a good opportunity to raise and
2 investigate problems so that they could be reported back
3 to your members, problems with the Horizon IT System
4 itself?

5 A. Um... I think as I said earlier, what we would have done
6 would have been to have listened to any delays and any
7 issues that were being raised by the parties and seek
8 assurances that they were going to be resolved. The
9 reason I say that is because there's actually nothing we
10 could do as the CWU to, if you like, to fix those
11 problems. That was -- it was, from our position, it was
12 almost -- the Post Office had come to us and said,
13 "We're using this new automated system" and we were like
14 "Are you sure it works?" I'm oversimplifying the
15 conversation but we would be like "Are you sure it
16 works?"

17 "Yes."

18 "Okay, well, the NFSP and we've heard that there are
19 some problems."

20 "We're working the partners to make sure that those
21 problems are resolved", is my sort of general feeling
22 for what was going on at the time.

23 Q. Let's move forward in the chronology to 22 June 1999 and
24 the second Horizon working group meeting. Please can we
25 bring up NFSP00000203. Turn to page 2, please?
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1 development stage and have that fed back to Government,
2 so as the Government, if need be -- because there was
3 friction, as I recall, between the Benefits Agency who
4 wanted the introduction of a new automation, so they
5 could, for want of a better phrase, reduce benefit
6 fraud, and the Post Office, who wanted to introduce the
7 automation because it thought it would give them
8 a gateway to more government services and, therefore,
9 grow the Post Office, or at least sustain the Post
10 Office to where it was.

11 My understanding of that was that the discussions
12 would go on between the parties, being the Post Office
13 and the designers of the system, and any delays and the
14 reasons for that would be reported back to that and, if
15 you like, a plan would be drawn up about what progress
16 could be made, what delays and how those issues were
17 being resolved. From memory -- I wasn't at that
18 meeting, but from memory, the sort of technical issues,
19 like on what was going on with the system itself -- and
20 I don't know if I remember being presented with, if you
21 like, technical detail about how the system worked or
22 didn't work.

23 Q. That can be taken down now, thank you, that document.

24 Senior members of the Post Office attended this
25 working group along with members of the NFSP and the
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1 This is a note of the meeting made by the DTI for
2 the working group on 22 June, as I say, 1999, and which
3 you were in attendance. Paragraph 2 states that:

4 "Ms Rego then presented an update for the Group on
5 POCL's negotiations with ICL. The terms of the letter
6 of agreement on 24 May meant that the contract was now
7 largely a 'given', and there was now a process of
8 codification rather than negotiation.

9 "Mr Hodgson argued that in fact there had been
10 a fundamental change to the situation -- not least
11 because this was now not a PFI project -- so this should
12 not be seen as just a matter of codification."

13 Just stopping there, can you recall what point
14 Mr Hodgson was trying to make on behalf of the CWU at
15 that stage?

16 A. Yeah, from memory, so when it was a PFI project, my
17 understanding was the onus was on the developer.
18 I might have got this wrong in the PFI, but the onus was
19 on the developer, almost like to fund this, and then
20 would, if you like, get the money back in future years.
21 Because the project or the agreement between the Post
22 Office, and I think it's ICL Pathway we're talking about
23 now, but I'll stand corrected if it wasn't them, but the
24 original agreement that changed to a new agreement, they
25 renegotiated the terms of the agreement and, because it
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1 was no longer PFI, then the funding arrangement for the
2 new system fundamentally altered.

3 And I think our concern was, from memory, that there
4 was a lot more onus on the Post Office to push funds
5 into the project, which, for our concern, would affect
6 profitability and profitability would affect our ability
7 to negotiate for better terms and conditions and higher
8 wages. So there was a real concern about the financial
9 viability of the Post Office around that for us and
10 I think, from memory, that's what Derek Hodgson was
11 referring to.

12 **Q.** So financial viability rather than the technical details
13 of the project itself?

14 **A.** That's right my understanding.

15 **Q.** Paragraph 4, I can summarise this but, essentially,
16 Ms Rego discusses three emerging issues, firstly
17 concerning technical acceptance, contractual acceptance,
18 second regarding the spare technical capacity that may
19 have been available now that the Benefits Agency had
20 pulled out and, third, over the page, concerned the pace
21 of rollout.

22 If you could turn the page, please, to look at
23 paragraph 6, seemingly in response to that,
24 Mr McCartney, the Minister of State, is noted to have
25 said that:

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1 Then skipping the paragraph, it said:

2 "Roll would proceed as planned starting
3 23/25th August, reaching 300 per week by January 2000.
4 There were some very serious issues still to confront,
5 including training and systems difficulties, which must
6 be ironed out, but there is no question of postponement
7 or delay which would cost approximately £8 million per
8 week."

9 Thank you.

10 Now the DTI minute we looked at before this document
11 didn't have specific reference to the NFSP raising
12 concerns. Can you recall, at this meeting, whether the
13 NFSP raised concerns about the experience of their
14 subpostmasters in the live trial that had been carried
15 out to date?

16 **A.** I'd be wrong to say I specifically remember that meeting
17 23 years ago. I'm not going to say I can remember that.
18 Generally aware, at the time of issues being raised,
19 about some, you know, technical issues in the trial
20 period.

21 **Q.** Could you expand on what you mean by "technical issues"?
22 What was your understanding of the technical issues that
23 were being reported by the NFSP?

24 **A.** The system was difficult to understand and learn, and it
25 didn't, for want of a better phrase, from our language,

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1 "... the rollout issue was crucial; he was
2 emphatically not prepared to accept getting away from
3 the commitment to 2001. Slippage would make the wider
4 discussions on government usage of the network
5 impossible. If there were problems with software,
6 training etc, then these should have been flagged up
7 earlier and must now be resolved in a way that enabled
8 the 2001 timetable to be recovered."

9 I just want to pause there to now bring up another
10 note of the same meeting and it's NFSP00000471, please,
11 and if we could turn to page 27. Thank you.

12 This is taken from the NFSP's national executive
13 council report, which was between 21 and 23 June 1999.
14 At the bottom, you'll see under the line, that a brief
15 report filed by Mr Peberdy, on the Horizon Working Group
16 meeting we've just been looking at. If we could ask to
17 turn the page, please. The third paragraph down, he
18 says:

19 "The subject of system faults was raised and the
20 NFSP were given assurances that there would be software
21 improvements to cure the present difficulties. The
22 Federation were asked for more precise numbers of
23 Subpostmasters who were experiencing difficulties as
24 this information would assist them to provide us with
25 the help we require."

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1 balance -- which is what myself as a counter clerk, when
2 I worked on the Post Office, you'd have to balance your
3 till once a week on a Wednesday night. And it was
4 that -- almost that was the measure of you, as
5 an employee, about whether you were capable of doing the
6 job.

7 So my understanding of "serious concerns" at the
8 time would be around like whether it actually worked.
9 So for want of a better phrase, when you pressed the
10 button, whether it did what it was supposed to do. And
11 when you balance at the end of the week, you know, it
12 did the job properly.

13 **Q.** And for the CWU's point, how significant were those
14 concerns, or how seriously did the CWU treat the
15 concerns raised by the NFSP?

16 **A.** To the extent that we would understand them at the time,
17 we would look to the Post Office to seek assurances that
18 these issues were being resolved.

19 **Q.** Thank you. That document can be taken down.

20 Let's move to 7 July 1999. It was another Horizon
21 working group meeting. You weren't in attendance at
22 this one, but I want to start first with a report that
23 the Post Office filed in anticipation of it. It's
24 NFSP00000226. If we could turn to page 2 of that
25 report, please.

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1 Do you recall seeing this report?
 2 **A.** I don't recall, no.
 3 **Q.** Would it have been something you would have seen, do you
 4 think?
 5 **A.** Probably.
 6 **Q.** If we can turn over the page to page 3, and for the
 7 record, under "Training and Support", the paragraph
 8 there states that:
 9 "The current Live Trial is revealing a number of
 10 important lessons which are being addressed for
 11 [National Rollout Plan]. Improvements in training,
 12 procedures and software which will give greater
 13 confidence in the service provided and support the
 14 achievement of the [National Rollout Plan] are being
 15 introduced. These are geared to reducing/curing the
 16 earlier problems of Wednesday cash balances that have
 17 been highlighted in the trial offices."
 18 And then if we could turn the page, please, to
 19 page 4. Under "Acceptance Tests" it says:
 20 "Contractually, ICL need to have fewer than 20
 21 medium incidents and no high incidents in order for the
 22 system to pass Acceptance and claim £68 million. At the
 23 moment there are 15 medium category incidents and
 24 2 highs. We anticipate 6 more mediums merging but work
 25 is also going on to clear or reduce all incidents."

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1 **A.** I mean that is, if you like, it would have been our day
 2 job, would be to ask: "What are we talking about here?
 3 How big are these problems? What are these problems?
 4 How are they being resolved? Who's resolving them?"
 5 And what reassurance are we getting that by the time we
 6 get to rollout for our members, these problems will have
 7 been dealt with?"
 8 **Q.** Let's look at the meeting that report was made for.
 9 It's NFSP0000200. If we could look to page 2, please.
 10 So 7 July 1999 Derek Hodgson is in attendance but
 11 you are not. Paragraph 2 of the minutes refers to
 12 Mr Sweetman's report on the negotiations with ICL:
 13 "... further to POCL's paper, which had been
 14 previously circulated to group members."
 15 At paragraph 4 it says:
 16 "On acceptance testing, Mr Miller said that work was
 17 going ahead with ICL to a pre-agreed programme.
 18 Mr Peberdy asked what defined a 'high' category
 19 incident. Mr Miller said this would be one which
 20 threatened progress within the project within the agreed
 21 timescale. He did not think there would be major
 22 problems. Mr Hodgson emphasised the need for regular
 23 progress reports."
 24 Now, do you at all recall whether Mr Hodgson
 25 reported back to you on the outcome of this meeting?

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1 Now, do you recall at the time when -- so this is
 2 early June -- sorry, early July 1999, did you, at the
 3 CWU, have an understanding of what the Acceptance
 4 Incidents were?
 5 **A.** No. My understanding at the time was that it was
 6 a contractual arrangement between POCL and ICL Pathway,
 7 because when I referred to earlier about the change in
 8 the nature of the contract between the parties, and
 9 I said it would be in PFI, it was then -- money would be
 10 paid over a period of time for usage of the system. But
 11 my understanding of that was that the POCL was sort of
 12 introducing -- I want to say something like penalty
 13 clauses, but they say well if it fails, like incidences,
 14 they wouldn't. That's why they talk about claiming the
 15 68 million. That was my recollection of it.
 16 **Q.** Is it fair to say this: that in early July 1999 the CWU
 17 were aware that there was significant problems with the
 18 Horizon IT System and the software that it was based on?
 19 **A.** We were aware there were problems because we weren't
 20 involved the trial. To what we would class them as
 21 significant at the time, I wouldn't be prepared to, from
 22 memory, to state that specifically, if I'm being honest.
 23 **Q.** If this report was raising problems, what questions were
 24 the CWU asking the Post Office to satisfy itself, or to
 25 understand how significant those problems actually were?

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1 **A.** My feel for this is that when these minutes and these
 2 notes were produced, they would have been given to me.
 3 I don't specifically remember him coming back from
 4 a meeting and asking to speak to me and talk me through
 5 all them. I don't recall that specifically. And the
 6 reason I say that is because the other name down against
 7 the CWU, Matthew Paynton, was a member of our research
 8 department. And I think in the bundle he has produced
 9 other -- he has produced reports that are contained in
 10 the bundle.
 11 So what the way we operated was, the senior
 12 negotiator -- in this case the general secretary --
 13 would go to the meeting with someone from the research
 14 department who would take notes, who would come back,
 15 and we would write up our own note and then wait for
 16 those notes, and then they would be given to me.
 17 **Q.** So at this point, the CWU are aware of problems.
 18 Mr Hodgson is saying there's a need for regular progress
 19 reports, and I think your evidence earlier was that it
 20 would be your job to keep asking questions of the Post
 21 Office and essentially keep track of these problems?
 22 **A.** Yes.
 23 **Q.** Is that fair?
 24 **A.** That would be our role, yeah.
 25 **Q.** Can we then look at 27 July 1999. It's NFSP00000006.

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1 So we can see on the attendance list that both Derek
2 Hodgson and yourself attended this meeting on
3 27 July 1999. At paragraph 2, it says that:

4 "Mr Sweetman reported that discussions with ICL had
5 gone well since the last meeting", and went on to
6 discuss about signing the contract.

7 Paragraph 4 refers to Mr Hodgson noting that there
8 had been a number of major events since the last working
9 group meeting, refers to a Select Committee hearing,
10 House of Commons debates, and on the Post Office White
11 Paper, "and suggested that the transcripts and Hansard
12 extracts he examined for points that would be of
13 interest to the group."

14 The minutes don't appear to reflect any discussion
15 on system faults or problems with training. Is that
16 accurate? Was there no discussion on those points at
17 this meeting?

18 **A.** I don't recall, if I'm being -- I don't recall.

19 **Q.** Do you think there should have been a discussion on
20 this, on system faults and training issues?

21 **A.** I mean, I'm trying to guess back 23 years here. The
22 agenda would have been -- my understanding is that these
23 agendas were agreed in advance.

24 **Q.** Can you help: what were the CWU doing at this point to
25 keep track of those -- so from in July specifically,

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1 conversations, do you have any specific recollection,
2 between July and October 1999, of meetings you attended
3 where issues relating to the Horizon software system
4 were discussed with Post Office or anyone else?

5 **A.** I don't recall.

6 **Q.** Can we turn to page 5, paragraph 5, please. Thank you.

7 This says:

8 "Mr Miller [from the Post Office] explained that
9 formal acceptance of the reconfigured Horizon System
10 planned for 18 August had been postponed because of
11 POCL's concern about training, system stability, data
12 integrity (there had been an unacceptably high level of
13 screen freezes) and the effective operation of the help
14 desk. The Post Office had accepted the system on
15 24 September on the basis that effective remedial action
16 had either been completed or was in hand."

17 Now, at this stage, do you have any recollection of
18 what problems were facing the Horizon IT System? Does
19 this note assist you at all?

20 **A.** The issue around the helpdesk stands out because part of
21 the discussion we had was well, if the system doesn't
22 work, who do you go to? And they were setting up
23 a helpdesk and our understanding was that access to that
24 helpdesk wasn't as good as it was intended. And I think
25 what springs to mind to me, from this, from David

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1 1999 -- to keep track of the problems that had been
2 raised by Post Office and whether they were being
3 satisfactorily resolved?

4 **A.** I mean, as I said earlier, it's difficult, from memory,
5 to say exactly what was going on 23 years ago, but we
6 would have -- outside of those big meetings with the
7 DTI, we'd have regular meetings. And when I say
8 regular, every day or every other day, with various Post
9 Office departments around issues that were affecting our
10 members. Sometimes Derek Hodgson would attend,
11 sometimes I would attend. Sometimes we'd devolve those
12 to NEC members, and we would constantly be raising
13 issues that we thought were going to affect our members.

14 In terms of specifics, did we ask at a particular
15 meeting a particular question, I genuinely don't recall
16 when that would have been raised.

17 **Q.** I'd like to go to the next meeting in the chronology for
18 the working group. It's quite a jump. It's to
19 11 October 1999 and the reference is NFSP00000066, and
20 if we could turn to page 4, please.

21 The attendance list has both you and Derek Hodgson
22 in attendance for this 11 October meeting. Paragraph 3
23 of the minutes, Mr Hodgson complained essentially how
24 delayed this meeting had been since the last one. Other
25 than the evidence you've already given about general

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1 Miller's comments, is the fact that -- which I've said
2 in my statement a number of times -- we were never being
3 asked to sign this off. We were never being asked do
4 agree that this system was fit for purpose? We were
5 being told that various -- through various methods that
6 there had been, if you like, issues flagged up of the
7 type mentioned in this paragraph, but they were being
8 resolved between the interested parties who were
9 developing the system. And the assurance given to us is
10 that by the time we got around rollout, this would work.

11 **Q.** You said that a few times. You said "the assurance".
12 How did the Post Office assure you that these matters
13 were in hand?

14 **A.** Through statements like this: that they'd sat down with
15 the parties concerned who were developing the IT, and
16 that they'd resolved these issues. Or they would be,
17 I think as David Miller says here, they would be
18 resolved.

19 **Q.** Was this a case of Mr Miller would sit down and say,
20 "These issues will be resolved"? Do you recall whether
21 either yourself or Mr Hodgson tested those statements by
22 questioning them or otherwise?

23 **A.** I mean not specifically, no. I don't remember ever
24 asking that specific question.

25 **Q.** I want to look at two specific things that Mr Miller

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1 says here. Can we just bring that document back up,
2 please. Just over the page, I think. Thank you very
3 much. Paragraph 5 again.

4 It says:

5 "System stability"-- so two of the problems:

6 "System stability, data integrity (there had been an
7 unacceptably high level of screen freeze) ..."

8 And at this point, did you have any knowledge that
9 the Post Office were not satisfied that Horizon could
10 reliably generate or reliably balance the cash account?

11 **A.** I'd have to say specifically, no, I don't -- I didn't
12 know that that was their specific concern.

13 **Q.** When you see the words "data integrity" raised as one of
14 the problems, what does that mean to you? Or what would
15 it have meant to you?

16 **A.** I mean, part of my role as Head of Finance of the CWU
17 and Head of Membership Records is that the data on the
18 system can be relied upon. Ie that it is accurate,
19 that it can produce for you what you want it to produce.
20 And if there's no integrity around the data, then the
21 end product is not likely to be what you want it to be.
22 So to me, that would be a failing of the system.

23 **Q.** Now the Horizon working group continues, but I think
24 a lot of the minutes go to issues such as the Government
25 Gateway and how Horizon could be used. One of the

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1 for want of a better phrase, we were never asked to get
2 under the bonnet and have a look at the mechanics to
3 satisfy ourselves that it would work. This was -- I'm
4 going back to the previous Government -- this was
5 a decision made that this was going to happen, and the
6 contractual arrangements between the parties were we
7 were being told, as a working tool, and as a kit, that
8 our members would work. By the time it arrived, it
9 would be fit for purpose.

10 **Q.** I suppose that's my question. Once it did arrive, what
11 did the CWU do to -- for example, did you take feedback
12 from your members as to how the Horizon System was
13 working?

14 **A.** So if the Horizon System wasn't working, that would
15 be -- I mean, this talks about the helpdesk -- my
16 understanding at the time. And this was a sort of
17 transition period now, because the rollout sort of took
18 place when I was leaving that role and somebody else was
19 coming in, who I think is going to be a witness further
20 down the line.

21 So the way of dealing with those issues would be
22 a number -- I mean, if there was a widespread system
23 failure, we would get to, you know, we would get to know
24 about it. And if -- and I specifically remember stuff
25 about the helpdesk; people saying they couldn't access

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1 things here you said is you sought assurances from the
2 Post Office that these matters would be fixed.
3 Following the 11 October meeting, what did the CWU do to
4 see that these issues were actually resolved, starting
5 with the helpdesk?

6 **A.** I think I come back to that point, if I can explain it
7 this way -- and again, I keep apologising for this, but
8 I'm going back 23 years. If I go back to the
9 substantive point I make is we were never asked to
10 approve the system, yeah? So for want of a better
11 phrase we were told "This system's coming in", yeah? We
12 want to make sure our members are trained properly, we
13 want to ensure that it can be fitted under the counters
14 because it was new machinery. We wanted to understand
15 how it's going to affect the day-to-day operation for
16 our members on the counter. And then we would pick up,
17 through this, through some of the questions raised
18 particularly by the NFSP, that there were problems at
19 the development and trial stage. And again, I can only
20 answer this the way I'd answered previously: you would
21 see from Derek Hodgson, you know, expressing concerns,
22 would be: are these issues going to be resolved before
23 you roll this out to our members?

24 And, you know, we were given the assurances that you
25 sort of see in these minutes that they would be. But

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1 the helpdesk, and that was no use to them.

2 And then what it would show up, going back to the
3 previous comments I made about balancing on
4 a Wednesday -- it talks about balancing on
5 a Wednesday -- would be people saying, you know, "I've
6 been able to balance for years, now my till doesn't
7 balance", and we would represent those as an individual.

8 So we had a structure of -- I want to call them
9 field reps. So some offices had their own office rep
10 who would deal with some of the stuff, and then there
11 would be what most people call a regional rep. We call
12 it the system district organiser.

13 **Q.** Sorry, could you repeat that?

14 **A.** So the complaints, for want of a better phrase, would
15 feed up through that system. So in the first instance,
16 if there was an office rep, the office rep would try and
17 deal with any problems that an individual member would
18 come to them with. If they couldn't, or if there was
19 a few offices who had those problems, they would go to
20 the regional rep.

21 **Q.** If you could slow down slightly. Sorry.

22 **A.** Sorry.

23 **Q.** Don't worry.

24 **A.** So if there were problems, they wouldn't automatically
25 go back straight to the headquarters. There's, if you

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1 like, a system of -- a structure of reps, representative
2 structures. Local rep, union rep, sort of area rep,
3 citywide rep, and then a north -- so, you know, I was
4 an office rep, then I became the Liverpool rep, then
5 I became the northwest rep, then I got made the national
6 executive rep for the council. And any problems that
7 were, if you like, at the coalface, for want of a better
8 phrase, there would be a recognised system of how they
9 would be dealt with, by formal agreement with the Post
10 Office.

11 So, you know, if somebody was what we called
12 suffering losses and gains -- ie a poor balancing
13 record -- then there was a system for that to be dealt
14 with, which would start at the local level. So the
15 point I'm making is not if there were problems, they
16 wouldn't automatically just come to us at headquarters.
17 If there were widespread problems across the whole
18 country and they were continued and, you know, not
19 necessarily being resolved to the satisfaction of the
20 local reps, then they would represent those problems to
21 us.

22 **Q.** In the rollout period, so 2000/2001, do you recall
23 having feedback given to you about your members not
24 being able to balance, and then taking that up with the
25 Post Office as a system problem?

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1 Because of that sort of structure of dealing with
2 that on a local level, it's quite possible that those
3 problems could be perceived to be resolved at a local
4 level through negotiations or representing people in, if
5 you like, fact-finding interviews or disciplinary
6 hearings. So not all of those issues would, if you
7 like, for want of a better phrase, be dumped on to the
8 CWU headquarters.

9 **Q.** The things you learnt during attending the working
10 group, including, for example, the October meeting when
11 there was an issue raised with data integrity, you were
12 at that meeting and Derek Hodgson was at the meeting
13 from the CWU -- did you pass that information on to
14 others within the union?

15 **A.** So what we used to do at the time, we would hold regular
16 meetings at the executive -- I think there's some
17 examples of letters we received in the bundle where we'd
18 put a document to our executive to explain updates, if
19 you like. What we used to do, as a union at the time,
20 was each department -- and I was the head of that
21 department that dealt with those issues -- we'd produce
22 an annual report which would explain to our branches and
23 our members that this is the work we've carried out in
24 the last year. We'd reproduce letters we'd see from
25 employers. We'd reproduce, if you like, significant

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1 **A.** I don't recall me specifically raising a national
2 problem with them that there was a widespread system
3 problem. I do recall, because part of my role was to
4 travel around the country and speak to local branches
5 for me to say -- apart from, you know, "What do you want
6 on wages, you know, reduced hours, how's the job going?"
7 type of stuff -- when I'd meet local reps, is people
8 saying, "We're getting more complaints about people not
9 balancing."

10 But more often than not, they'd try to deal with
11 those at a local level. Because we had in place
12 a system whereby -- I can't -- I'm trying to remember
13 specifically at the time, if you had so many -- I think
14 I tried to explain this earlier -- if you had so many
15 losses in a period of months, that could then lead to
16 the -- so you'd get a warning, yeah? So the boss
17 would -- the manager in the office would say, you know,
18 "You're not balancing. What's going on? Any problems?"
19 So on and so forth. Try and resolve it on a first-base
20 level.

21 But there was written down procedures that would say
22 if you've suffered so many losses over a certain amount
23 in a certain period, then that could potentially lead
24 to -- so you'd be called to explain why you think that's
25 happening. That could lead to disciplinary action.

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1 issues that had arisen during the year that we'd dealt
2 with. So that would be --

3 We also had another system which is called Letter to
4 Branches which is we'd regularly, if we'd got
5 significant updates from the employer on major issues,
6 would issue letters to branches to explain to them what
7 we'd been doing. And so if there were any significant
8 issues, that was the vehicle for sending them out to our
9 local reps, for want of a better phrase.

10 **Q.** So when the Inquiry is then looking at how information
11 was passed down through the CWU, we should look at the
12 annual reports, I think it was the first one, and the
13 second one was the letter to branches?

14 **A.** Yeah, we'd have to go to our archive and --

15 **Q.** I think you said in your evidence earlier that when you
16 attended local offices, there were people reporting
17 problems with balancing. In your mind, because you
18 knew, in October and before 1999, about problems with
19 the system, and you'd sought assurances that they would
20 be resolved, and you moved to when it's being rolled
21 out, you have numerous reports of people struggling to
22 balance, did you not think at that stage that the system
23 problems may not have been resolved?

24 **A.** The problem with me saying yes to that is my experience
25 of going round to local branches, and what I'm getting

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1 told is anecdotal, this is not -- you know, you would go
 2 to a branch meeting, talk to the staff, talk to the
 3 staff reps. You know, I'd give a report on pay
 4 negotiations or terms and conditions negotiations or --
 5 you know, the big issue that was going on at the time
 6 with the Post Office, which this was designed to
 7 resolve, was, from our point of view, the number of
 8 Crown Offices where -- that the Post Office embarked
 9 upon a programme of franchising Crown Offices out. So
 10 selling them off, from our perspective, because the Post
 11 Office believed that was a cheaper and more efficient
 12 way of doing it -- to which we objected.

13 And they were the big issues of closing offices
 14 down, a programme of wanting to close offices down. The
 15 idea of the Horizon Project was new technology would
 16 give the Post Office access to more government services
 17 and, therefore, prolong the life of the Post Office
 18 itself.

19 So I would go to local meetings and, if you like,
 20 give that information to people, and then go "Right,
 21 well, what are your problems?"

22 The problem with people saying to me, "You know, I'm
 23 having problems with Horizon, the system doesn't
 24 balance" -- the problem with that is people not
 25 balancing, like, didn't just begin on the day Horizon

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1 2000, which subsequently led to successful prosecutions.
 2 Was the CWU aware of those prosecutions in 2000?

3 **A.** I don't recall, as the lead CWU rep on this, I don't
 4 recall any of our members being subject to that process.
 5 I don't recall.

6 **Q.** And sorry, just going back in the timeline a little bit,
 7 one further point on the Horizon working group. It's
 8 been suggested to other witnesses that at the time the
 9 Horizon working group was in play, so the summer of 1999
 10 onwards, that the Post Office was simply committed to
 11 automation and Horizon at any cost, really, and not
 12 considering whether it was fit for purpose. What would
 13 you say to that?

14 **A.** Generally that -- yeah, I'd probably agree with that.
 15 So it was sold on the basis of the Benefits Agency
 16 wanted -- so the previous Government -- I don't want to
 17 get political here, but the previous Government set its
 18 stall out on reducing benefit fraud, yeah? And the
 19 Benefits Agency wanted to work with the Post Office to
 20 eliminate benefit fraud, on the one hand. On the other
 21 hand, there was a real concern about the future of the
 22 Post Office Network, because what the Benefits Agency
 23 was doing was new benefit claimants -- pensioners, Child
 24 Benefit anybody -- were going to use ACT, Automatic
 25 Credit Transfer. So instead of having the option to, in

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1 came in. There's always been occasions when people
 2 didn't balance. So it wouldn't necessarily be
 3 identifiable to us, or to me as an individual, that the
 4 problems we were experiencing were directly because of
 5 the Horizon System, other than people saying to me,
 6 "I've always balanced and now I'm not. There's
 7 something wrong with this system", which, when we would
 8 have meetings with the Post Office, we would talk to
 9 them about what had they done, the assurance we'd sought
 10 when we were at the DTI, asking them, you know, "Are
 11 these problems being resolved?" That would be our
 12 approach.

13 **Q.** So in 2000/2001, what was your view of the Horizon IT
 14 System? Did you think it was fit for purpose?

15 **A.** I mean, looking back on it, um, there were definitely
 16 more reports to me of people not balancing. There were
 17 definitely reports of the Horizon helpline not working
 18 properly and people being able to, you know, access that
 19 for assistance. So you could call it teething problems
 20 or you could call it the system failing, but we would
 21 represent that to the Post Office and say, you know,
 22 we've got more people who appear to be having problems
 23 operating the system.

24 **Q.** The Inquiry has heard evidence that the Post Office
 25 investigated employees for theft, based on Horizon, in

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1 those days, have a book -- there was a book with leaves
 2 you ripped out, and handed those over and got cash
 3 for -- inefficient, Benefits Agency claimed costly, open
 4 to fraud. So they said, "We need a new automated
 5 system. So what we're going to do is we're going to pay
 6 everyone benefits, wherever they were, straight into
 7 a bank account. Automatic Credit Transfer."

8 And then, of course, for us and the Post Office,
 9 that was like business not going into the post offices
 10 but going to banks. So what the Post Office wanted to
 11 do was to try and work with the Benefits Agency to find
 12 a system where people could still use the Post Office,
 13 but that risk of benefit fraud would be reduced, and
 14 then to try to work with the other Government
 15 departments for any Government work. And if you had
 16 a proper integrated IT or automated system, the Post
 17 Office would be the go-to for any Government services
 18 that the public could access. And that was the whole
 19 idea of the concept of it, under the previous
 20 administration.

21 When the new administration came in -- and I think
 22 we've seen that in the minutes -- my recollection was
 23 there was certainly a tolerance of delays to introducing
 24 the system. But then there became a point where this
 25 has to happen, we need to get on with it. And partly

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1 because the Benefits Agency, from my recollection,
2 was -- I'll use my language -- getting fed up with the
3 delays because they were sort of like, "We need this
4 because we need to cut down on benefit fraud and there's
5 been delays to the contract, there's been delays to it
6 being implemented, and therefore there's delays to us
7 cutting down on benefit fraud."

8 We wanted it. I'm not saying we didn't want it, but
9 we wanted it because there was a real, for want of
10 a better phrase, a real fight for the future of the Post
11 Office. Because if -- I mean, the Government work and
12 Benefit Agency work -- from memory I'm talking about
13 maybe 50 per cent of the work that was undertaken -- if
14 you take out 50 per cent of the work, from the trade
15 union's point of view, it's 50 per cent of the jobs
16 going, which is not something we wanted.

17 So to me, there was a rush to get it done, and once
18 we'd identified this -- my take on it, looking back, was
19 there a rush to get it in. I'm not saying people didn't
20 try and resolve problems. There was a rush to get it
21 in, and they'd decided that this was the system, from
22 whatever beauty parade they'd undertook to identify the
23 provider, and once they'd decided on the system, that
24 was it. All roads led to Rome, and that was the road
25 they were going down.

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1 prosecution began in 2001. I was interested to hear
2 that you talked about a loss and gains policy,
3 presumably should have been in place at that time. And
4 that should have been for all Crown Office employees,
5 should it? Not just those who were members of your
6 union?

7 **A.** That should have been for all, yeah. I would describe
8 that as part of my contract of employment. So you sign
9 your contract of employment, saying "These are your
10 terms and conditions, hours per week, money getting
11 paid."

12 And so there used to be a bundle of documents, Post
13 Office Rules and, from memory, your contract of
14 employment said "These are your terms", ie where you're
15 working and how long for and what you're getting, in
16 terms of remuneration "but you are subject to Post
17 Office rules, which are conduct, sick absence, if you
18 worked on a counter, losses and gains". They wouldn't
19 just be specific to CWU members, they would be for all
20 staff working on the front --

21 **Q.** Part of the terms, yes.

22 **A.** My recollection, yes.

23 **Q.** So anyone who experienced losses or gains should have
24 really had their process -- and Ms Felstead should have
25 had her process dealt with through that policy?

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1 **MR STEVENS:** Thank you.

2 Sir, I have no further questions. I see we've been
3 an hour. I think we only have one further set of
4 questions from Howe+Co. Would you be content to take
5 those now, and then have a short break, and then come
6 back for this is questions?

7 **MR JACOBS:** Sir, perhaps if it assists, I don't have any
8 questions to ask of this witness.

9 **MS PAGE:** On the other hand, something has come up during
10 Mr Kearns' evidence which I would like to ask about, if
11 I may.

12 **MR STEVENS:** Sir, if we can take a break for ten minutes I'd
13 be grateful. We can discuss the question which may be
14 put.

15 **SIR WYN WILLIAMS:** Well, let's have Mr Kearns.

16 Mr Kearns, would you prefer just to go through and
17 finish, or would you want a break?

18 **A.** I'll just go through and finish. I'll be fine.

19 **SIR WYN WILLIAMS:** And if Ms Page asks you a question that
20 Mr Stevens or I think shouldn't be asked, we will
21 intervene, but otherwise we'll carry on, all right?

22 **Questioned by MS PAGE**

23 **MS PAGE:** Thank you very much, sir.

24 Mr Kearns, one of those that I represent was a Crown
25 Office employee, and she was prosecuted -- her

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1 **A.** Yeah, that's my recollection, yes.

2 **Q.** What would that have entailed? Would that have entailed
3 informal interview before anything formal and
4 prosecutorial?

5 **A.** My recollection is that would depend on how you'd
6 arrived at that point. So this is the point I made
7 earlier: if you'd had a series of, you know -- if every
8 week you were mis-balancing by £5, £6, £7, one way or
9 the other, losses or gains, then to the employer that
10 signifies -- "Oh, that's only £5 or £6, £7, what does it
11 matter?" But to the employer what that signifies is
12 errors, ie you're making errors, somewhere, you're
13 continually making errors along the line, if you're
14 continually making errors in your job, you're not fit to
15 do your job, so they would start a process.

16 If there were large losses -- and I don't know the
17 case, don't need to the case -- if there were large
18 losses -- so I dealt with one where the guy. I was the
19 rep but he was working on a counter -- who lost £500,
20 yeah? Straight £500. The Post Office investigation
21 division came straight in because they would be, in
22 their minds -- and I'm not saying we agreed or disagreed
23 with them -- but in their minds, they would go "Oh, £500
24 sounds a bit more than someone just making an error,
25 sounds a bit like theft".

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1 So they would come in and their first stage of
 2 interview there would probably be with the Post Office
 3 Investigation Branch, POIB, as it was then --
 4 Investigation Branch, it's changed its name to something
 5 else now. So they would come in first off, and go "We
 6 want to have an interview with you because we think you
 7 might have stolen 500 quid", that would be the first
 8 place.

9 If it was a series of small losses there would be,
 10 from my recollection, fact-finding interviews, you would
 11 usually get a notice then to say, if you have -- and
 12 I'm, again from recollection -- you would then be told
 13 "If you have so many losses amounting to the value of X
 14 or other, in a three or six-month period, then we're
 15 going to take disciplinary action against you".

16 So it would depend on the loss and over what period
 17 that the Post Office would call in the -- their ID.

18 **MS PAGE:** I see. Thank you.

19 **Questioned by SIR WYN WILLIAMS**

20 **SIR WYN WILLIAMS:** Just so I've got this straight,
 21 Mr Kearns, was this policy back in, shall we say,
 22 1996/97, before the rollout of Horizon, was that written
 23 down anywhere or was it just understood, shall we say?

24 **A.** No, it would have been written down because I can
 25 remember --

1 **SIR WYN WILLIAMS:** Right --

2 **A.** I can remember representing individuals with that policy
 3 in my hand and --

4 **SIR WYN WILLIAMS:** There's no possibility the CWU still has
 5 it somebody where in its archives, is there?

6 **A.** Possibly.

7 **SIR WYN WILLIAMS:** Well, if you'd be good enough to have
 8 a look, I'd be very grateful.

9 **A.** I will do, sir.

10 **SIR WYN WILLIAMS:** Thank you. Anything else, anyone?

11 **MR STEVENS:** No, sir that's everything for today.

12 **SIR WYN WILLIAMS:** Fine.

13 Thank you very much, Mr Kearns, for coming to give
 14 a witness statement and coming to give evidence. I'm
 15 grateful to you.

16 **A.** Thank you, sir.

17 **MR STEVENS:** Thank you, sir.

18 We return tomorrow with Colin Baker and Sir Ian
 19 McCartney.

20 **SIR WYN WILLIAMS:** Fine, all right. Thank you very much.

21 **MR STEVENS:** Thank you.

22 **(4.04 pm)**

23 **(The hearing adjourned until 10.00 am the following day)**

24

25

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