

Tuesday, 24 September 2024

(10.00 am)

SARFARAZ GULAM ISMAIL (continued)

Questioned by MR BLAKE (continued)

MR BLAKE: Good morning, sir. Can you see and hear me?

SIR WYN WILLIAMS: Yes, thank you very much.

MR BLAKE: Thank you very much.

Mr Ismail, we're going to stick to the topic of culture and I'm going to ask you to begin with about two different branches and your experiences in respect of those, starting with Wibsey Bank branch. At paragraph 51 of your witness statement, you told the Inquiry that, after your election, you visited branches to get feedback, and one of those branches was a postmaster from Wibsey Bank, and they gave you some feedback. Can you expand upon that, please?

A. Yes. So once I had been elected, for me to understand feedback from a wide range of postmasters, it was very important that I could relate and ensure I understood what rural postmasters wanted, high street postmasters, and town centre, different types of branches, strategic partners also. Hence, I organised a visit with my own initiative to Bradford, and I was accompanied by the Area Manager, Mel Shepherd, and we visited a postmaster at Wibsey Bank. We had an interesting conversation and

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off. I've got annual leave".

And from seeing that in 2018, that was one of my motivations to try to make a difference. Hence, why I wanted to see -- have things actually changed, do postmasters feel differently? And then to hear what did at Wibsey Bank, it was tough, but I knew what my starting point was to try and ensure I can make some -- make a difference to this organisation.

Q. Moving on to another branch, the Yateley branch. You described at paragraph 207 onwards in your witness statement an issue with that particular branch. Can you tell us about that?

A. This -- I was in shock, I was stunned to learn about the situation that occurred in this branch. And the Voice of the Postmaster group, an individual called Brent, who forwarded an email to me that had been raised by this postmistress, and she's again an active postmistress who was working at the Yateley branch with her husband, and he died all of a sudden overnight. And in trying -- this business should be helping postmasters. What they put her through, the conversations that I had with her, she was in tears while she was talking to me.

Q. What was the specific problem that she faced when her husband passed away?

A. So her husband was the postmaster and, as a business, we

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what he advised me was, "If I ask you to do something, will you do this for me?"

I said, "Depends what it is. What are you thinking?"

And he said, "When you go back to Board, when you speak to the wider Executive, when you speak to the powers that be within this organisation, tell them we're not animals, we're postmasters. Please treat us fairly", and that was a comment and a quotation that I ensured I mentioned at several Board meetings and to individuals on the wider Executive.

And what was very disappointing was I didn't see any urgency, any interest, unfortunately, in addressing the specific postmaster or the issues that may be affecting them or concerning them and, for me -- and I've mentioned this in my statement -- in 2018, I lost a close friend, who was also a postmaster at the main town centre office in Preston, and he was one of the few individuals who practically held my hand when I first became a postmaster, and the business did nothing.

The business wasn't even interested, to a point at which, on the day of his funeral, nobody from the Post Office attended. He was an active postmaster and there was -- at one point, one of the staff members I spoke to actually said to me "Well, I can't attend, it's my day

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cancelled the contract within ten days and we gave her no justification for that. Instead, we provided data that was very difficult for her to understand. She was grieving, and the Post Office cancelled her contract, made her life more difficult. And what was really upsetting -- and this is a cultural test within the organisation at that point for me, this was a really important cultural test -- this case passed at least ten individuals within the organisation, none of them took accountability and the only point at which something started to happen was when it came to me, and I then had conversations with Tracy Marshall.

I also had conversations with Nick Read and, to be fair to Nick Read and credit to him, I said, "Nick, you need to have a conversation because she's not happy this is what we've done", and Nick made time that very day and called her.

So moving forward, in order to help her be in a position to still be able to operate, I then had to reach out to Martin Edwards and Paul Liddiard, who were fantastic, in assisting this postmaster so she could still stay open. Her business should have been the least of her worries. The funeral of her husband hadn't even happened yet and the Post Office was creating another major issue and obstacle for her to go through,

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1 unfortunately.

2 **Q.** I'd like to look at some correspondence. Can we please

3 turn to POL00448379, please. This is an email of 4 July

4 2023. Was this before or after it had been raised

5 internally with -- we see Nick Read is copied into this

6 email?

7 **A.** This is after that has happened. So once she's -- her

8 world has been torn apart -- and she felt very

9 vulnerable, this postmistress, may I add, and what the

10 business then did -- and this was part of a strategy

11 called Drop and Collect, and what happened was -- and

12 this wasn't specifically just for this postmistress.

13 The Post Office, in order to comply with the 11,500

14 requirement that Government has set for branches, has

15 a Drop and Collect strategy which came to the strategy

16 day in '21 and '22.

17 Now, there was challenge by myself and Elliot

18 because the radius wanted to be reduced and we also put

19 other conditions down, and the other conditions were

20 ignored, and the 0.5 radius was used in order to ensure

21 we hit 11,500. So what's happened in this scenario,

22 hence the email, was the Yateley postmistress has had

23 a customer coming in, informing her, "Why is the Post

24 Office opening other branch down the road? I thought,

25 after what you've been through, I thought you were

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1 I'd like to take you to the attachment, so that's

2 the announcement or the communication. We can find that

3 at POL00448788. I'll just read couple of passages. It

4 says:

5 "Dear Customer ...

6 "We are writing to inform you that, for reasons

7 beyond our control, Yateley Post Office had to close on

8 Thursday, 8 June 2023, and it reopened on Tuesday,

9 13 June 2023. The Post Office is temporarily operating

10 on reduced hours from Monday to Friday ..."

11 Then the next paragraph says:

12 "Additionally, the Outreach services at Datchet,

13 Crowthorne and Tudor Drive Outreach, operated by the

14 postmaster from Yateley Post Office, ceased from

15 Wednesday, 21 June 2023. Please accept my apologies for

16 the late notification on this occasion. We have

17 completed a review of the service provision in Datchet,

18 Crowthorne and Tudor Drive, and currently we are not

19 looking to open a replacement service at this time."

20 Is this the correspondence that was being referred

21 to?

22 **A.** No.

23 **Q.** This is a separate communication?

24 **A.** This correspondence was, once the postmaster had passed

25 away, in order to meet customer expectations, this was

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1 struggling". That's the conversation they that, and she

2 didn't know.

3 She then contacted her Area Manager who also said

4 they didn't know and, unfortunately, with the Drop and

5 Collect strategy, this was very, very common:

6 postmasters finding out by surprise that they wouldn't

7 necessarily be informed, unfortunately, and, like

8 I said, neither would the Area Managers.

9 **Q.** So that's the opening up of branches near existing

10 branches?

11 **A.** Yes, to meet the 11,500 criteria the Government --

12 **Q.** So that's 11,500 branches?

13 **A.** Yes.

14 **Q.** You say here:

15 "I'm extremely disappointed after everything this

16 [postmistress] has been through, we have put this

17 communication out without informing her.

18 "This is unacceptable and she's fuming as it was

19 shown to her by a customer.

20 "The number of issues this [postmistress] has been

21 through shows we still have a very long way to go as

22 a business. We need to ask some serious questions about

23 our organisation and our people, are we really changing

24 the culture within our organisation? Are we trying to

25 be postmaster centric?"

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1 the correspondence to inform day-to-day customers about

2 what's been going on.

3 **Q.** So there are two issues there --

4 **A.** Yes.

5 **Q.** -- the one that you've referred, which was the opening

6 up of the branch --

7 **A.** Yes.

8 **Q.** -- and this was the original correspondence --

9 **A.** Yes.

10 **Q.** -- following the passing of her husband, which refers to

11 her branch having to close for reasons beyond the Post

12 Office's control?

13 **A.** Yes. The other correspondence for the Drop and Collect

14 would be different, yes.

15 **Q.** What was your view of this particular notification?

16 **A.** It's what we had to do to inform customers. I think

17 it's fine. Maybe it's a bit overcomplicated for

18 customers, I would have expected it to be simpler but

19 there's a lot that the business needs to learn about

20 communication.

21 **Q.** If we scroll down on this particular communication, it's

22 from somebody called Graham Brander. Are you aware of

23 Mr Brander's involvement in this matter?

24 **A.** No.

25 **Q.** Are you aware that Mr Brander was a witness in Phase 4

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1 of the Inquiry and had been involved in the
 2 investigations of Jo Hamilton, Julian Wilson and Lynette
 3 Hutchings?
 4 **A.** No. This goes back to the point -- sorry, to clarify
 5 what I raised yesterday -- redeployment, recycling,
 6 rejoining the gravy train; it's just not helpful. And,
 7 again, I should have been aware but I've never been told
 8 until today.
 9 **Q.** Mr Brander was somebody who left the Post Office and was
 10 rehired in 2019; were you aware of that or that process?
 11 **A.** No, there's never been any specific communication to the
 12 Board of who had left the business, what terms they have
 13 left the business on, and why they've been rehired.
 14 We've never, ever actually been given that from Legal,
 15 HR, the People team.
 16 **Q.** Seeing that and knowing now what you know, does that in
 17 any way affect your views of the Yateley issue?
 18 **A.** Highly inappropriate. He should not have been involved
 19 and, if I had known this at the time, I would have
 20 definitely raised that.
 21 **Q.** Thank you. We're going to move on now to the topic
 22 of --
 23 **A.** Sorry, just one other point.
 24 **Q.** Yes, absolutely.
 25 **A.** I'm not sure even the postmistress at this branch is

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1 bottom addressing the Historic Shortfall Scheme, the
 2 Post Office IT Inquiry, and convicted postmasters. Did
 3 you receive any significant training or background
 4 information on those issues when you first joined?
 5 **A.** No, and just to give you a bit more context, I think,
 6 looking back now, from my observations at the time, that
 7 there was an understanding within the wider Executive
 8 and the Board that everybody knew about these issues,
 9 and everybody doesn't: not many customers were even
 10 aware until the ITV drama. So in hindsight, yeah, there
 11 should have been better training but it was a very high
 12 level overview of what we were provided.
 13 **Q.** Thank you. That can come down.
 14 On investigations policy, I'd like to look at
 15 a document that relates to Project Birch. Can we please
 16 turn to POL00423697, please. This is a KPMG review of
 17 the Post Office's current investigations process and
 18 it's dated 13 August 2021, so shortly after your
 19 appointment as a Non-Executive Director. Do you recall
 20 being provided with a copy of this?
 21 **A.** No. It was in the bundle that you sent me but I don't
 22 remember seeing this.
 23 **Q.** You don't remember any significant discussion about its
 24 contents?
 25 **A.** No.

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1 aware because, if they were, I'm sure they would have
 2 raised it with me.
 3 **Q.** Yes. I'm going to move on to the topic of prosecutions
 4 and investigations. Paragraph 43 of your witness
 5 statement, you've said that you received minimal and
 6 cursory information regarding ongoing issues that the
 7 Post Office has been dealing with. Can you briefly
 8 assist us with that, with your views on that?
 9 **A.** So, as part of my submission, I've included Board decks
 10 from the beginning of my tenure as an NED, and some of
 11 these decks were 811 pages, and they were -- some of the
 12 decks included cases like Jo Hamilton, Bates, Lee
 13 Castleton, and, as an economics graduate, for me to
 14 appraise data, commercials, figures, no problem, all day
 15 long I can do that. But I'm not a lawyer and not many
 16 people on the Board are lawyers. So I don't think the
 17 business did enough to equip NEDs, and other individuals
 18 on the wider Executive who are also not lawyers, to be
 19 able to appraise documents effectively.
 20 **Q.** If we look at a slide pack, I think, from your initial
 21 training, it can be found at POL00448401. This appears
 22 to be a page from a UKGI training presentation; is that
 23 right?
 24 **A.** Yes.
 25 **Q.** We see there, there are a few bullet points at the

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1 **Q.** Can we please turn to page 10 and we can see some of the
 2 Executive summary and I'll just take you to some of the
 3 key points. There's a current state assessment, it
 4 says:
 5 "[The Post Office's] decentralised model provides
 6 individual business teams with the independence to
 7 develop their own investigations framework, however
 8 there is limited central oversight over these frameworks
 9 and the policies and processes that have been adopted by
 10 individual business teams.
 11 "Whilst this model utilises the experience and
 12 expertise of staff within the business teams it means
 13 that across [the Post Office] there is no overarching
 14 consistency over:
 15 "how investigations are undertaken;
 16 "the experience and qualifications of the
 17 investigators;
 18 "the application of investigation minimum standards
 19 especially in relation to high risk cases; and
 20 "the recording and reporting of investigations
 21 data."
 22 The final paragraph at the bottom there says:
 23 "Currently investigations are often undertaken
 24 within [the Post Office] from a contractual perspective
 25 and there is little consideration at the start of

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1 an investigation as to whether it could potentially
2 result in criminal, civil or disciplinary proceedings.
3 Early engagement with [Post Office] Legal would enable
4 proper consideration of criminal or civil standards or
5 consideration of when to liaise with [I think that's law
6 enforcement agencies]."

7 It then says:

8 "In addition, there is no overall central monitoring
9 of the investigations process and no visibility over the
10 overall investigations population. As a result [the
11 Post Office] have no comprehensive analysis over the
12 number or type of investigations it undertakes including
13 those that are high risk."

14 Then it sets out some issues with governance and
15 process. The first:

16 "Investigations are not conducted consistently
17 across [the Post Office] ..."

18 If we turn over the page, we see some more points in
19 bold:

20 "Lack of overarching governance and oversight over
21 high-risk investigations ...

22 "... no clear consistent triage process ...

23 "Lack of consistent monitoring and order over all
24 investigations ...

25 "There is no consistent approach to quality

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1 email the approach was more about protecting the CEO,
2 which I was disappointed because, when it comes to
3 a postmaster, as we've seen in the past and as we spoke
4 about yesterday, the approach is very, very different.
5 Postmasters can be suspended either, and when it came to
6 this specific document, as I've said, I would have
7 expected this to be brought to Board and I would have
8 expected some kind of benchmarking in terms of where we
9 were in our approach to try and ensure we did what the
10 report said.

11 But you don't know what you don't know, hence why
12 I couldn't challenge this, because I wasn't aware of it
13 unfortunately.

14 **Q.** So having sat on the Board when this was produced and
15 subsequently, are you not aware of any significant
16 discussion in that respect, in respect of those bullet
17 points, for example?

18 **A.** No. No.

19 **Q.** Can we please turn to POL00448320. This is a report to
20 the Board of September 2022, so a year later. This is
21 entitled "Post Office Investigations: Next Steps", and
22 this is addressing what's going to happen in respect of
23 prosecutions of individuals and the relationship with
24 Post Office Investigations Team. If we scroll down, we
25 can see under the "Executive Summary" it talks about how

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1 assurance across the business teams ...

2 "There is limited evidence of 'lessons learnt' and
3 continuous improvement arising from investigations
4 across [the Post Office]."

5 Over the page, please.

6 "Business teams often use Area Managers and Line
7 Managers to conduct investigations ...

8 "There is a lack of training in respect of
9 investigations across [the Post Office] ...

10 "There is no consistent use of an investigations
11 case management tool across [the Post Office] ..."

12 Were you aware or were these matters brought to your
13 attention when you joined the Board or shortly
14 thereafter?

15 **A.** No. the investigations into postmasters are treated
16 differently, from what I've observed, and the
17 investigations into the wider Executive are treated
18 differently. In April '24, when I raised concerns into
19 the investigations into the CEO, the response I got from
20 Amanda Burton was the investigation -- I asked for very,
21 very simple parts of information, which was what's the
22 cost of the investigation and what were the
23 instructions?

24 And until today Amanda's never given that to me,
25 which was really disappointing, and she confirmed in

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1 the central investigations unit will be staffed and it's
2 the bottom bullet point I'd like to ask you about. It
3 says:

4 "Post Office has no appetite to pursue private
5 prosecutions. However, it is proposed that Post Office
6 Investigators conduct investigations into suspected
7 criminality and to report what has been evidenced to law
8 enforcement and prosecutors in all four nations of the
9 UK. The rationale being to act as a deterrent and to
10 seek financial restitution through the independent and
11 external criminal justice system."

12 Do you recall receiving this particular paper for
13 the board?

14 **A.** Not specifically, no.

15 **Q.** Do you remember discussions about Post Office
16 Investigators conducting investigations into suspected
17 criminality and reporting, thereafter, to law
18 enforcement?

19 **A.** No, and this is another example of there's so much
20 that's brought to the Board. This should be a key
21 issue, and it shouldn't be for noting, as the paper says
22 at the top. This should have been a discussion --

23 **Q.** If we scroll up, we see there "Input Sought" and it's
24 a noting paper.

25 **A.** That's unacceptable. This should have been

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1 a discussion. And it's, again, getting lost in the
2 noise because of how much information is brought to
3 Board, unfortunately.

4 **Q.** If we could turn, please, to page 4, we see the
5 recommendation there at 2.4. If we could just scroll up
6 slightly so we still have that table. It says:

7 "It is our recommendation that the minimum remit of
8 the investigation function is option 4."

9 If we look at the table above, option 4
10 investigations into Post Office and Post Office staff,
11 postmasters and postmasters' staff. So it includes
12 postmasters' staff:

13 "This would allow [the Post Office] to act in
14 determining facts relating to situations ranging from
15 allegations of theft or fraud by postmasters and/or
16 their staff using/misusing [Post Office] systems or
17 functions where either or both [Post Office] and the
18 postmasters are victims ..."

19 Just pausing there, in respect of the issue of
20 victims and the Post Office and whether it is a victim
21 or not, is that the kind of language that you've seen
22 being used in Post Office documents?

23 **A.** I've seen it being used in the documents that were
24 presented to me in the bundle for my evidence but, prior
25 to that, I was not sighted on them documents.

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1 a bit fairer to postmasters, and there were some
2 prosecutions that happened due to the postmaster being
3 responsible but it was their team or their staff members
4 as a result, and that was the discussion that we had.

5 And, like I said, yesterday, I did want to follow
6 that up to get the tonality right and that never
7 happened. But, for me, looking at this document, if the
8 business wanted to learn from the past, there's
9 a line -- where's it gone? *(Pause)*

10 So I think the starting point should have been for
11 the entire investigation element to be external. That's
12 how you learn from the past. I don't -- from my
13 observations, what I've seen, discussions with
14 postmasters, I'm not sure this business can control
15 investigations -- investigations and investigators,
16 hence why, from my perspective, the right solution would
17 be to have an external third party deal with the all of
18 that.

19 **Q.** If we turn, please, to page 6, we see there at the top
20 it says:

21 "This paper asks the Board to note that the [Central
22 Investigations Unit] staff are to conduct criminal
23 investigations within the [Investigation Branch's] remit
24 and report these matters to police when appropriate and
25 in accordance with the CLEP."

19

1 **Q.** We'll look at those documents shortly.

2 "... through to misconduct or process failings in
3 [the Post Office] and the subsidiaries. The Horizon
4 issue identified a failure to investigate beyond the
5 postmaster in determining culpability. Best practice
6 (and in some situations, law) requires that all lines of
7 inquiry to be followed, whether they point away or
8 towards the considered investigative hypothesis as it is
9 the truth that is sought, not that a case is to be made
10 against a selected individual. By investigating wider
11 than the postmasters ..."

12 It then says:

13 "... for example their staff, when relevant, we
14 demonstrate that [the Post Office] has learned from the
15 past and would seek to determine actual culpability, if
16 any, which is treating the postmasters fairly."

17 It's that reference there to "for example their
18 staff when relevant" that I wanted to ask you about.
19 Are you aware of any discussions taking place about the
20 extent to which the investigation should also look at
21 the actual underlying systems, so the Horizon system?

22 **A.** No. When I had my discussion in October '23 with JB and
23 Sarah Gray, there was no mention of the integrity of
24 Horizon, and it was a case of trying to work -- trying
25 to see what's actually going on, maybe trying to be

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1 As you said, it was a noting paper and you don't
2 recall any particular discussion about that at the
3 Board?

4 **A.** No.

5 **Q.** What is your view as to whether the investigators, or
6 even whether subpostmasters have access to sufficient
7 information in respect of investigations?

8 **A.** So, again, from what I have seen and my discussions with
9 postmasters, they are provided with data, and it's very
10 difficult to understand that data. Horizon is very
11 complex and translating that data into some form to
12 conduct an investigation is a challenge but then being
13 a normal postmaster and having to understand the way
14 it's written to defend yourself, again, is equally
15 difficult. And again, from discussions that I've had
16 with individuals, there is very limited visibility in
17 terms of investigations and material given.

18 Previously, and very recently, should I say,
19 individuals were not allowed a legal representative and
20 thanks to myself and Mr Jacobs we have pushed hard and
21 now individuals are allowed to have a legal
22 representative. It's unfair, it's unhelpful, and when
23 the business has got a starting point of defending
24 itself and not a neutral position, I think it's grossly
25 unfair.

20

1 We did challenge the investigations last year; have
 2 you got the correspondence for that?
 3 **Q.** We will probably get to that in due course.
 4 **A.** Okay, fine.
 5 **Q.** This particular Board report that we just looked at was
 6 from September 2022.
 7 **A.** Okay.
 8 **Q.** You have said in your evidence and you've said in your
 9 witness statement that it wasn't until after the ITV
 10 drama that a number of Board members told you that they
 11 hadn't understood properly the impact on subpostmasters
 12 and how they had been treated. Can you give us some
 13 examples of those kinds of conversations that you had?
 14 **A.** So the January Board meeting is something I don't think
 15 I'll be able to ever forget. It was a cultural
 16 awakening for some of the Board members. The ITV drama
 17 had happened and the Executive Team -- some of the
 18 Executive Team, should I say -- came to that Board
 19 meeting and it started with a discussion on the ITV
 20 drama. And one of the individuals who mentioned how he
 21 received threats that his children -- people hoped his
 22 children would commit suicide, it was very
 23 disappointing. The CEO received death threats. There
 24 were so many things going on.
 25 However, the Board acknowledged that they should

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1 next. It's an email from yourself to Mr Bartlett. So
 2 Mr Bartlett was the Head of the Investigation Team or
 3 the Central Investigations Unit?
 4 **A.** Yeah, he's an ex-police officer and he's the individual
 5 responsible.
 6 **Q.** You say:
 7 "I was hoping to visit your team in Chesterfield ...
 8 "Does this work for you?"
 9 Can you give us a bit of background? Why were you
 10 hopping to visit his team in Chesterfield?
 11 **A.** For me, watching the ITV drama, obviously knowing what's
 12 happened in the past and trying to get it right, I felt
 13 that was my duty, as a postmaster NED, for me to ensure
 14 the organisation is run properly, and this was a major,
 15 major issue that needed to be resolved. And it was,
 16 again, building on the conversation that we had, just to
 17 try to help put the business in a better place.
 18 **Q.** If we scroll up, please, we can see he responded to say:
 19 "Unfortunately my team is dispersed all over the
 20 country and is not based at Chesterfield. We do
 21 sometimes go to Chesterfield for training days, etc, so
 22 I'll let you know when the next session will be.
 23 Alternatively, if you're happy to speak to the team on
 24 Teams, then we can organise that very easily ...
 25 "It would be really good to speak to you and the

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1 have done more to support the wider Executive and that
 2 was a mistake on our part: hands up, no problem.
 3 However, individuals on the Board and some of the
 4 discussions that took place, some people thought it was
 5 a dramatisation, what ITV did. However, myself and
 6 Mr Jacobs at the Board meeting were pretty clear that
 7 this is the reality, this is what subpostmasters go
 8 through and the tonality, the way ITV delivered
 9 an exceptional piece, was bang on.
 10 **Q.** Were your views taken on Board in that respect?
 11 **A.** I expressed them. I'm not sure if Board members did but
 12 I definitely expressed them, and nothing's happened for
 13 me to be able to say -- or some kind of a test, in terms
 14 of okay, they definitely took it on Board. I'm sure
 15 they heard what I had to say and what Mr Jacobs had to
 16 say.
 17 **Q.** Were any contrary views expressed at that meeting?
 18 **A.** No, no. Not that I can recall, no.
 19 **Q.** Sticking with investigations and criminal
 20 investigations, can we please turn to POL00448616.
 21 We're still in the same period. We're now on 4 January
 22 at the bottom of this page into the next page. So
 23 that's during the time of the Bates drama, I think it
 24 may have finished perhaps that day. If we scroll down,
 25 please, thank you. The bottom of this page into the

22

1 team so thank you for offering to do this."
 2 If we scroll up, that's 4 January. The top email,
 3 I know it says the "1/6" but I think that's actually
 4 6 January; is that right?
 5 **A.** Yeah.
 6 **Q.** It says:
 7 "Thank you for your email, I am happy to work with
 8 your suggestions and maybe it's better to speak to the
 9 new team members early Feb? Also I'm happy to speak to
 10 them team in person when your team are in Chesterfield,
 11 let me know the dates several weeks in advance please."
 12 Then you say:
 13 "Lastly, did you have a think about our discussions
 14 regarding investigations team when we spoke at Wood
 15 Street?"
 16 Can you assist us, what was the discussion at Wood
 17 Street?
 18 **A.** As I said yesterday, it was trying to get the tonality
 19 right of what they are doing, getting postmasters
 20 involved to ensure the Investigation Team is in the
 21 right place, and watching the documentary and seeing how
 22 people were treated, how postmasters were treated,
 23 I felt morally it was my duty to try to get this in the
 24 right place.
 25 **Q.** So you had raised it with Mr Bartlett. That was

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1 a drinks reception or something, was it?

2 **A.** Yeah, in October '23 with Mr Bartlett and with Sarah

3 Gray.

4 **Q.** Was there a response to this request?

5 **A.** No.

6 **Q.** Do you know why not; was there a discussion at all?

7 **A.** No. No.

8 **Q.** I'm going to turn to some correspondence relating to

9 a criminal investigation. Could we please turn to

10 FUJ00243203. Could we please turn to page 3. This is

11 correspondence between the Post Office and Fujitsu,

12 relating to an ongoing police investigation. This email

13 is sent by Simon Oldnall. Do you know Mr Oldnall at

14 all?

15 **A.** Yes.

16 **Q.** He's there as the Horizon IT Director?

17 **A.** Yes.

18 **Q.** So he's not part of the Investigation Team?

19 **A.** No.

20 **Q.** No. He has emailed Daniel Walton, who is the Head of

21 the Post Office Account at Fujitsu, so perhaps his

22 counterpart at Fujitsu, and he says:

23 "I understand from John [that's Mr Bartlett] that

24 there have been some challenges with supporting

25 an ongoing police investigation that involves a large

25

1 "[City of London police] has informed us that they

2 have not had any additional information nor contact with

3 Fujitsu after the single, exploratory and inconclusive

4 conversation. They left the conversation with the

5 feeling that they were indirectly being told that the

6 Horizon system was unreliable and so the case could not

7 progress. We really need to explore this as this is not

8 the nuanced impression Simon Oldnall has given me.

9 "As the potential victim in the case, [the Post

10 Office] would be grateful if you can provide me with

11 contact details for either the equivalent person in

12 Fujitsu (in the UK) to my role (ie in charge of

13 investigations, or perhaps the Head of Security if you

14 do not have a dedicated investigation team) or [the]

15 appropriate person in your UK Legal Team. I will then

16 pass [these] details on to [the City of London Police]

17 who are looking to have a trilateral conversation with

18 Fujitsu, [Post Office] and [City of London Police]."

19 Just before we get to the next paragraph, what is

20 your view in respect of what's said there about Post

21 Office being the potential victim in the case and

22 needing to liaise with Fujitsu?

23 **A.** I feel it reinforces what I've said, which is the

24 starting point of Post Office Limited when it comes to

25 investigations. Hence, why I just don't feel it's

27

1 sum of money.

2 "I obviously understand broader context, but wanted

3 [to] reassure that [the Post Office] is supporting the

4 police investigation and offering any and all assistance

5 we can. Can I ask that you help with any conversations

6 that City of London police need to have with Fujitsu

7 Services Limited."

8 If we scroll up, we can see a response from

9 Mr Walton of Fujitsu. He says:

10 "As this is a legal matter, [Fujitsu Legal] are

11 communicating with the City of London Police.

12 "I am not involved in those communications, and in

13 any event, [Fujitsu] considers it inappropriate for Post

14 Office and [Fujitsu] to be discussing a police

15 investigation."

16 If we scroll, please, onto the first page, the

17 response from Mr Bartlett. Just before we get to the

18 response, were you aware this issue at this particular

19 time?

20 **A.** No.

21 **Q.** The response from Mr Bartlett is as follows:

22 "One of my team has gone back to City of London

23 Police to see how the contact you referenced below was

24 progressing as we have an open and objective engagement

25 with the [City of London Police] on this matter.

26

1 appropriate for the business to be doing the

2 investigations.

3 Again, I wasn't aware of this until I received it in

4 my bundle.

5 **Q.** It then continues:

6 "It is impossible to overstate how important this

7 is: I need to advise both the police and [the Post

8 Office] as to the evidentially-established reliability

9 (or not) of data that is being used every day additional

10 establishing outcomes with Postmasters and, potentially,

11 to be presented to the criminal justice system by the

12 police and the three public prosecuting agencies. The

13 non-provision of relevant witness statements from [the

14 Post Office] and Fujitsu will rightly be interpreted by

15 the police and prosecutors as [the Post Office] and

16 Fujitsu not having faith in the reliability of the data

17 with the obvious outcome resulting.

18 "Look forward to hearing from you and thank you in

19 advance."

20 Would you expect this kind of an issue to come to

21 the Board?

22 **A.** Yes. It's -- as I've said yesterday, it's this

23 selective and filtering of information which is given to

24 the Board which is really disappointing.

25 **Q.** There's then some correspondence between Mr Patterson,

28

1 the CEO of Fujitsu Europe, and Mr Read, the Post Office
2 CEO. Can we please have a look at FUJ00243199. I'm
3 going to read from this later, 17 May 2024. So by this
4 time had the matter reached the Board?

5 **A.** No.

6 **Q.** This is a month later.

7 "I am writing to you directly in order to raise
8 serious concerns that have come to my attention which
9 indicate that the Post Office continues to pursue
10 enforcement against postmasters and it expects [Fujitsu
11 Services Limited] to support such action.

12 "To be clear, [Fujitsu] will not support the Post
13 Office to act against postmasters. We will not provide
14 support for any enforcement actions, taken by the Post
15 Office against postmasters, whether civil or criminal,
16 for alleged shortfalls, fraud or false accounting."

17 Then he addresses three topics, "in particular:
18 Criminal Investigations", and this is a reference to
19 that particular correspondence that we've just been
20 looking at:

21 "We have become aware of a recent investigation by
22 the City of London Police into a Post Office branch.
23 The approach of [Fujitsu] is to cooperate with the
24 police and any other third party exercising independent
25 investigative, prosecutorial, regulatory or judicial

29

1 Next, "Postmaster Redress":

2 "[Fujitsu] recognises that it holds Horizon related
3 information that may assist postmasters and post office
4 workers to appeal their convictions and/or seek
5 appropriate redress."

6 Over the page, if we look at the final paragraph, he
7 says:

8 "Based on what I have seen and heard in the Inquiry,
9 there is a significant behavioural and cultural aspect
10 to the Horizon scandal. As leaders of our respective
11 organisations, I believe we are both committed to learn
12 the lessons necessary so that this appalling scandal can
13 never be allowed to happen again."

14 Now, there is a response, and we can find that at
15 FUJ00243201; this is a response from Mr Read. Were you
16 consulted about this response?

17 **A.** No.

18 **Q.** Are you aware of the Board having been consulted about
19 the response?

20 **A.** No. Maybe with -- as said yesterday, because the Board
21 is tiered, maybe there was a discussion with the more
22 important Board members but certainly not with the Board
23 as a whole. And there were discussions with Fujitsu at
24 this time regarding a contract extension, so those
25 discussions definitely took place but this didn't.

31

1 powers.

2 "However, we are concerned by the behaviour of the
3 Post Office Investigation Team on this matter. That
4 team maintains an approach of Post Office as 'victim'
5 and requires [Fujitsu] to provide a witness statement as
6 to the reliability of Horizon data stating that without
7 such statement the case will not progress. For the
8 investigations team to act in this matter seems to
9 disregard the serious criticisms raised in multiple
10 judicial findings and indeed, exhibits a lack of respect
11 to the ongoing Inquiry."

12 What's your view about what's written there?

13 **A.** I think Fujitsu are right in what they are saying and
14 I find it disappointing that this was not discussed at
15 Board.

16 **Q.** The second point:

17 "Pursuit of Shortfalls from Postmasters:

18 "It seems that the Post Office may be continuing to
19 pursue postmasters for shortfalls in their accounts
20 using Horizon data. We would have expected that the
21 Post Office has changed its behaviour additional light
22 of the criticisms and is appropriately circumspect in
23 respect to any enforcement actions. It should not be
24 relying on Horizon data as the basis for such shortfall
25 enforcement."

30

1 **Q.** The letter says as follows, 30 May 2024:

2 "I write further to your letter ... in which you
3 make a number of concerning statements about postmaster
4 enforcement."

5 If we scroll down, the letter says:

6 "I would like to reassure you that Post Office has
7 invested significant time and resource effecting
8 cultural and procedural change across the business,
9 taking on board the court's findings and ensuring that
10 our postmasters' interests are central to everything we
11 do. I would be keen to talk to you further about these
12 changes as it appears from your letter that there are
13 some fundamental misunderstandings at [Fujitsu] about
14 Post Office's current day culture and activities."

15 He then addresses each of the points.

16 "Criminal investigations", he says:

17 "I can reassure you that Post Office is not now --
18 and will not be in the future -- undertaking any
19 prosecutions against postmasters or any third parties as
20 the prosecuting body."

21 Over the page, please, thank you. He says:

22 "... in respect of enforcement, Post Office's
23 requests only relate to cases where our teams are
24 supporting criminal investigations or prosecutions
25 pursued by independent third parties, such as the police

32

or the Crown Prosecution Service."

So that's in line with the noting paper that we saw earlier:

"In response to the specific case you raised, potential criminal activities were identified in the branch and Post Office therefore reported the matter to the police. We have assisted with the police's investigation, including providing supporting data from the Horizon system.

"Naturally, it is vital to the police's investigation that it can rely on the Horizon data it has received. I am happy that you have confirmed in your letter that [Fujitsu] will cooperate with the police when it is exercising its independent investigative powers as this case would require a statement from [Fujitsu]. It is a matter for the police and [Fujitsu] to determine the necessary content of the statement."

He then addresses the other two matters. Very briefly, "Pursuit of Shortfalls", he says:

"As you are aware, civil recovery of losses was stopped by the Post Office in 2018 so Horizon data is not currently being used for civil recoveries ..."

If we go over the page, we see there the "Postmaster redress":

33

papers on; is that right?

A. That's correct.

Q. "... from a Board meeting on 23 October, regarding police investigations and postmasters, which I feel need clarifying."

Can you assist us with this email and what your concern was?

A. So there was an item discussed at the October '23 Board meeting regarding police investigations into potential wrongdoings and how the investigations team, supported by Legal, wanted to adopt a specific approach. So what myself, Mr Jacobs and also Mr Tidswell, and other Board members, all resisted saying, "No, we do not want to go down this approach". And it was agreed for the Investigation Team, so in this case JB, to come back with what he was thinking in terms of some examples. So as a Board, we could then appraise what's going on and check the tonality.

Now, my alarm bells were ringing when I saw this item had been closed. So for me, this created misinformation within the wider Executive, based on a decision that had not happened and, as my job as an NED, I ensured I called that out, which is why I've raised this with Mr Railton, and we have reopened this item but I'm not sure if there's been any discussions

35

"The reliability of Horizon data is also central to the compensation and redress schemes which Post Office is currently delivering, to right the wrongs of the past. I welcome your confirmations that [Fujitsu] will provide Post Office with information ..."

Do you have any views on that response?

A. It's disappointing this letter went out the way it did, and I think what this letter quite clearly shows is the lack of control and oversight within this organisation, where the CEO is implying a certain point, so we're not prosecuting, but yet you've got investigators doing investigating, and they are basically doing what we have already seen previously on some of the other decks.

Q. I want to take you to an email that you sent to the Chair of Post Office in June, so that is POL00448398. So that correspondence from Mr Read was 30 May this year. This is then an email unconnected of 14 June this year, entitled "Postmaster Police Investigations", and you raise a concern there that information hadn't come to the Board relating to prosecutions; is that right?

A. That's correct.

Q. You say:

"There are some additional documents on Diligent ..."

Diligent is a system that you can access Board

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with CoSec or whoever took the minutes on the day as to why such an incredibly important issue was closed when it definitely was not closed.

Q. Why was it that in June 2024 you were looking into the issue of police investigations?

A. There was no specific reason, as such. For me, there's -- I'm always thinking about how to make the organisation better, and just going through what I have to do as a director, looking at the action logs, just double checking things, were they closed? What's open? Is it assigned to the right person and, when I saw the action log and I saw that closed, that's when I thought, "Oh, hang on a minute, this is not right, I don't remember this being closed". I confirmed with Mr Jacobs, "Do you remember this being closed?", and he said no, as well.

And yeah, I sent -- I'm not sure if you've got the attachment to this -- I did also send the minutes to corroborate with what I have said here and Mr Railton agreed that this is not what was agreed.

Q. By this stage, 14 June this year, had you been informed about this correspondence between the CEOs of the Post Office and Fujitsu?

A. No.

Q. Would it have been relevant to the issues that you're

36

1 raising here?

2 **A.** 100 per cent, yes. Just looking at the dates, it's such
3 a coincidence, but yeah.

4 **Q.** Do you know if Mr Read was aware of your concern that
5 was being raised here?

6 **A.** Maybe in hindsight I should have cc'd Mr Read in. But
7 I would have expected Mr Railton to have picked that up
8 as chair with Mr Read.

9 **Q.** Thank you. Can we turn to FUJ00243204.

10 **SIR WYN WILLIAMS:** Before we do that, Mr Blake can I just be
11 clear, Mr Ismail, about what you are saying about
12 Mr Read's letter, all right?

13 As I understand it, you are certainly saying that,
14 before Mr Read sent a letter like that to Mr Patterson,
15 there should have been some awareness of that or
16 a discussion of that at Board level, yes?

17 **A.** That's correct, sir.

18 **SIR WYN WILLIAMS:** I've got that point completely. What I'm
19 not sure about is whether you actually have an issue
20 with any of the contents of Mr Read's letter and, if so,
21 could you tell me what they are, and why you have those
22 issues.

23 **A.** Yes, for me the issues are the Post Office is just still
24 not seeing what everybody else is seeing, starting from
25 a victim's -- starting -- having a starting point as

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1 an alleged crime of, say, theft or fraud to the police,
2 it should instigate an independent investigation by
3 someone other than the police before referring it?

4 **A.** Yes.

5 **SIR WYN WILLIAMS:** Is that what you're saying?

6 **A.** Yes, sir.

7 **SIR WYN WILLIAMS:** All right. I understand. Thank you.

8 **MR BLAKE:** Thank you.

9 There's now further correspondence on 8 July from
10 Fujitsu. That's FUJ00243204. That's another response
11 from Mr Patterson, I'll read to you a few passage from
12 that. He says:

13 "I am glad that we both share a commitment to learn
14 lessons from the Post Office Horizon scandal and to
15 ensure that the appalling treatment of postmasters and
16 the miscarriages of justice that occurred, could never
17 happen again. That was my reason for writing to you."

18 In the next paragraph, he says:

19 "In simple terms, the Post Office is requesting that
20 [Fujitsu] give expert opinion evidence to be used in
21 criminal proceedings against postmasters and post office
22 workers.

23 "In your letter, you rightly note that the content
24 of any witness statement is a matter between the police
25 and [Fujitsu]. However, I consider it necessary to

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1 a victim is unacceptable and, for me, Mr Read's letter
2 shows the disconnect that exists within the organisation
3 and how information just doesn't seem to be passed, and
4 the silo working mentality, unfortunately, is still
5 rife.

6 **SIR WYN WILLIAMS:** I'm playing devil's advocate now, all
7 right, so nobody should misunderstand me but, if
8 an alleged crime has been committed, like, say, theft or
9 fraud, then there is an alleged victim, all right, and
10 it can only get to the police if the alleged victim
11 makes some kind of report or investigation and then
12 reports it to the police. I think that must be right,
13 must it not?

14 So isn't inevitable that the victim -- or the
15 alleged victim, let's choose our words very carefully --
16 must have a role to play at the very start of
17 an investigation, otherwise it never gets to the police.

18 **A.** That's correct, sir, but, as the Fujitsu letter stated,
19 the -- Fujitsu were happy to provide information based
20 on an independent third party verifying. Now, once that
21 happens, then, yes, I'm in agreement with you, but to
22 start from a position that echoes the past, I find
23 disappointing.

24 **SIR WYN WILLIAMS:** All right. So am I right in thinking
25 that your point is that, before Post Office reports

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1 address this issue with you because the request was made
2 by Post Office and because I consider the request to be
3 entirely inappropriate, particularly in the light of the
4 evidence being uncovered at the Inquiry.

5 "I enclose with this letter", and it's the email
6 chain we've just been looking at.

7 He says:

8 "Mr Bartlett continues the prior narrative of seeing
9 the Post Office as the 'victim' and requests a witness
10 statement to address 'the reliability of the Horizon
11 system and the admissibility of evidence produced from
12 it'. Mr Bartlett suggests that a failure to do this
13 would 'rightly be interpreted by the police and
14 prosecutors as [the Post Office] and Fujitsu not having
15 faith in the reliability of the data with the obvious
16 outcome resulting'.

17 "A witness statement from [Fujitsu] attesting to the
18 reliability of the Horizon system and of that from it in
19 criminal proceedings would amount to expert opinion
20 evidence. [Fujitsu] is incapable of providing expert
21 opinion evidence as it is neither independent nor has it
22 sufficient information to provide such an opinion.

23 "As the Post Office is well aware, there has been
24 and there continue to be bugs, errors or defects in the
25 Horizon system. Further, [Fujitsu] currently has and

40

1 previously had access to branch transaction records.
 2 Your letter ... also acknowledges the existence of other
 3 matters ... which could have operated to create innocent
 4 discrepancies in branch accounts including '... miskeys,
 5 or omissions when remitting cash of stamp stock based on
 6 Horizon data ...' by end users."

7 It then refers to the Horizon system being reliant
 8 on the "delivery of services by Post Office and third
 9 parties". If we scroll over, he says:

10 "Based on the evidence which has been seen and heard
 11 in the Post Office Horizon IT Inquiry, [Fujitsu]
 12 considers that all of the matters mentioned above would
 13 need to be investigated carefully by the Post Office and
 14 the police, with the assistance of an independent
 15 technical IT expert, and possibly also forensic
 16 accounting expert, to ascertain proper explanations for
 17 branch account discrepancies."

18 Just pausing there, we've seen in previous phases of
 19 this Inquiry discussion about obtaining a statement from
 20 an expert who can attest to the reliability of the
 21 Horizon system. Are you aware of any discussions at
 22 Board level about that topic?

23 A. No.

24 Q. "[Fujitsu] considers that only after such
 25 an investigation has been undertaken could a meaningful

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1 evidence by the police or Crown Prosecution Service.
 2 Post Office is aware of that and has not/would not
 3 request that [Fujitsu] provides expert opinion
 4 evidence."

5 He then says, about halfway down that first
 6 paragraph:

7 "The police have raised questions regarding the data
 8 and the Horizon system, and the AC&I Team ..."

9 That's what was the Central Investigations Unit,
 10 I think; is that right?

11 A. Yes.

12 Q. "... referred the police to [Fujitsu] -- as [the Post
 13 Office's] provider of the system -- to obtain answers to
 14 those questions. The feedback they received in April
 15 2024 was that the police had only been able to have one
 16 conversation with [Fujitsu] at the time and the
 17 investigation officer's impression from that
 18 conversation was that they were indirectly being told by
 19 [Fujitsu] that the Horizon system was unreliable. As
 20 a result, the police told the AC&I Team that the
 21 investigation could not progress."

22 He then says:

23 "In light of the feedback from the police", and he
 24 discusses the discussion about the letters.

25 If we go over the page, one more paragraph that I'll

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1 expert witness statement be made in subsequent criminal
 2 proceedings which addresses the reliability of the
 3 Horizon system and the relevant data produced. For the
 4 reasons I have mentioned above, [Fujitsu] cannot provide
 5 such a statement."

6 Then he addresses the topic of shortfalls.

7 I'll ask the same question that I've asked a number
 8 of times: were you made aware of this communication?

9 A. No.

10 Q. We then have Mr Owen Woodley, acting CEO, responding on
 11 23 July, could we please turn to FUJ00243209. I know
 12 I've done a lot of reading, I'll just read a few
 13 passages from this letter. He says:

14 "I write further to your letter of 8 July addressed
 15 to Nick Read, and to thank you for coming to our offices
 16 ... to meet with me."

17 The expert evidence point is addressed at the bottom
 18 of this page. He says:

19 "Your letter said that Post Office was requesting
 20 that [Fujitsu] give expert opinion evidence, to be used
 21 in criminal proceedings against postmasters and post
 22 office workers. That was not the case. As you rightly
 23 say, [Fujitsu] is not able to provide expert opinion
 24 evidence as it is not sufficiently independent for any
 25 statements that it may provide to be deemed expert

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1 read. He says:

2 "We discussed that Post Office had used the word
 3 'victim' [so he addresses this victim issue] in
 4 correspondence with [Fujitsu]. We both acknowledged
 5 that while this may be a legally and factually accurate
 6 description, it does not reflect the change in Post
 7 Office's attitude towards postmasters."

8 Does that reflect your own opinion?

9 A. Yes.

10 Q. Yes. Did you have a discussion with Mr Woodley about
 11 that point?

12 A. No.

13 Q. No.

14 A. The first time I saw this letter was last week when
 15 I received my bundle.

16 Q. "Naturally, there will be instances where Post Office
 17 has to use the proper legal term to describe matters
 18 [for example] in correspondence with or evidence
 19 provided to the police or the CPS. However, alternative
 20 language will be used when discussing these matters with
 21 [Fujitsu], other third parties and in internal Post
 22 Office correspondence."

23 Are you aware of any kind of cultural change taking
 24 place at the Post Office in the matter that's described
 25 here, in terms of the language used within the business?

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1 Are you aware of any policies, for example, that the
 2 Post Office shouldn't be referred to as a victim, save
 3 for those circumstances identified here?
 4 **A.** No.
 5 **Q.** "I am very clear that our communications must reflect of
 6 the cultural change in the organisation."
 7 He then addresses the postmaster shortfalls point.
 8 The very final letter on this is the response from
 9 Fujitsu of 26 July, and I'd just like to take you to
 10 that. That is FUJ00243211. This is a letter sent to
 11 Mr Woodley. Is this also a letter you hadn't seen
 12 before receiving it from the Inquiry?
 13 **A.** Yes, I have not seen this letter before.
 14 **Q.** He says:
 15 "It is unfortunate that Nick was not able to attend
 16 the meeting as discussed. The original purpose of
 17 writing to Nick was to escalate, CEO to CEO the concerns
 18 relating to certain behaviours within the Post Office.
 19 It seems clear that the Post Office continues to have
 20 significant cultural issues, sees itself as a 'victim'
 21 with the enforcement and prosecution of postmasters
 22 considered as a business as usual activity of
 23 a commercial retail company. As I stated in my
 24 correspondence to Nick and during our discussion,
 25 Fujitsu finds the language and the suggested behaviour

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1 **Q.** Would you expect a letter of this sort or the
 2 correspondence that we've just been seeing to have been
 3 addressed at Board level, in light of the relationship
 4 between the two companies?
 5 **A.** Yes. As Fujitsu is one of our biggest partners, I would
 6 have expected that, yes.
 7 **Q.** And has that seeming breakdown in the relationship been
 8 addressed at board level to the best of your knowledge?
 9 **A.** No, because it's not been raised.
 10 **Q.** I'd like to ask you a few more issues on cultural issues
 11 before we take our morning break. We're only taking one
 12 morning break today but it will be 15 minutes long.
 13 Equality and diversity issues you've raised in your
 14 statement. You say at paragraph 25 that you've only
 15 been invite to one equality, diversity and inclusion
 16 meeting on 3 March 2022, despite being the EDI lead on
 17 the board. Can you give us a little bit more detail on
 18 that, please?
 19 **A.** It's -- as I said in my statement, there's -- I was
 20 appointed by Angela Williams as the lead when she was
 21 the Chief People Officer, and I was only invited once,
 22 and I'm not sure why. Some of the conversations I've
 23 had -- so last month, for example, I had a conversation
 24 with an individual of an ethnic minority, and just
 25 a polite, "Hi, who are you", kind of conversation,

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1 unacceptable from Post Office investigators.
 2 "I do not intend to engage further with the Post
 3 Office on the matters I raised. We completely trust in
 4 Sir Wyn and the Inquiry process which will examine the
 5 extent of the Post Office change in Phase 7."
 6 Aren't we back again to the school playground
 7 a little bit here, with Fujitsu refusing to engage
 8 further with the Post Office, and as seen in this
 9 exchange of letters?
 10 **A.** Yes, it does feel like that, yes.
 11 **Q.** I mean, how would you describe the relationship between
 12 the Post Office and Fujitsu, insofar as you're aware?
 13 **A.** From the updates that we received as NEDs at Board
 14 level, the relationship wasn't the best, and I can
 15 understand that, and we both need to work together, for
 16 the short-term, at least. And until we have our New
 17 Branch IT System ready, there's no way of exiting the
 18 relationship with Fujitsu. So it was a case of get on
 19 with it and make it work for the postmasters up and down
 20 the country.
 21 **Q.** The impression that's given by this correspondence is
 22 a real breakdown in the relationship between the two of
 23 you; would you agree with that?
 24 **A.** Yeah, I can see -- I can see why it does look like that,
 25 yes.

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1 introductory conversation, and when I introduced myself,
 2 he said to me, "Oh, I didn't know that you were on the
 3 Board".
 4 This organisation has a certain point where
 5 individuals with diversity can get to and then, beyond
 6 that, there is nobody, unfortunately.
 7 **Q.** I'd like to take you to some emailed correspondence from
 8 last summer. Can we please turn to POL00448378.
 9 If we start on page 2, please. You have written
 10 there to Jane Davies. So what was Jane Davies'
 11 position?
 12 **A.** She was the Chief Retail Officer -- no, she was the
 13 Chief People Officer, sorry.
 14 **Q.** Subject "Racism and employment practices". You are
 15 writing to express your deep concerns about recent
 16 issues regarding racism and employment practices at the
 17 company:
 18 "First, I was deeply troubled to learn from recent
 19 articles that racism has been identified within our
 20 business. As the D&I Board member, I am particularly
 21 concerned that I was not informed of these issues until
 22 a [postmaster] brought them to my attention. I believe
 23 that we must address these issues head-on and ensure
 24 that our company is a welcoming and inclusive
 25 environment for all employees."

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1 Sticking to that first point, what was the
 2 background to that?
 3 **A.** There was -- it's there on the article from the Computer
 4 Weekly. So there was an article on the Computer Weekly
 5 website regarding -- was it regarding a document?
 6 **Q.** If we scroll down below the link, that might assist you.
 7 **A.** Ah. So this was when individuals rang in to the call
 8 centre in their time of need to report losses, and
 9 people on the other side answering -- POL employees
 10 answering calls were using the term "I've got another
 11 Patel".
 12 **Q.** You have also mentioned here an issue with the rehiring
 13 of staff members. How does that tie into the equality,
 14 diversity and inclusion issues that you're raising?
 15 **A.** I think it reinforces what I have already said.
 16 **Q.** What do you mean by that?
 17 **A.** In terms of there's a specific make-up of individuals
 18 this organisation hires and, by rehiring, we are never
 19 deviating from that and, for me, what was clearly
 20 evident, and I've raised on numerous occasions when
 21 I started as an NED in early '21, throughout the
 22 strategy days, to various individuals who joined the
 23 organisation, the Post Office has to relate as
 24 an organisation to the demographic of its postmasters.
 25 There's got to be some kind of connection, so the

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1 And I challenged back and I said, "Well, that's --
 2 so then you're excluding postmasters".
 3 And with my conversations with Mr Jacobs, he
 4 confirmed to me as well, "Saf, I've got staff members
 5 who will be fasting also, so I wouldn't be able to
 6 attend".
 7 So I don't think the business quite understood.
 8 Now, common sense did prevail and Mr Woodley rightly,
 9 once I have raised this with him, changed the dates to
 10 afterwards. Now, the business was very keen to get them
 11 events done before Phase 5 and 6 and -- rightly or
 12 wrongly, but the timing just was not right.
 13 **Q.** If we scroll up on this email, we can see Mr Jacobs also
 14 responds. He says he had had recent reports from
 15 an Asian colleague who complained to him that he was
 16 talked down to by a team member on the Helpdesk that
 17 handles transaction correction queries. When he
 18 challenged and claimed it was inaccurate and asked to
 19 organise a visit to visit the Cash Centre to see the
 20 evidence, he claims he was repeatedly obstructed and
 21 told to accept the transaction correction.
 22 He would add:
 23 "... having visited the Cash Centre and watched the
 24 CCTV he was 100% correct -- despite the claim by [the
 25 Post Office] that the matter had been reviewed by

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1 hierarchy, the middle management, the Board, everybody
 2 understands what postmasters are going through, and
 3 an example of this was -- and it's in my witness
 4 statement -- in April '24, when there was three events
 5 organised during the month of Ramadan, and I received
 6 an email. Firstly, I wasn't invited, neither was
 7 Mr Jacobs, to postmaster listening events, and we were
 8 both shocked because we had postmasters saying to us
 9 "What's the point of you two being on the Board? We
 10 don't hear from you, we don't know what you're doing".
 11 So on the not hearing from us, in November '21
 12 Richard Taylor advised both of us not to communicate on
 13 social media or with any other postmasters, which was --
 14 the way I certainly saw it was a lack of confidence in
 15 our independence and what we're doing, and in trust.
 16 Going back to the April '24, when these events were
 17 organised, I raised the point that why we've not been
 18 invited by the senior management. That was never
 19 responded to. And my specific conversations at the time
 20 with Tracy Marshall was "Okay, Tracy, if you want to do
 21 these events throughout this period, just ensure that
 22 you cater for individuals who are fasting. So please
 23 have proper meals ready, ablution facilities, and mass
 24 prayer facilities", and the response I got was "We don't
 25 provide that."

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1 a supervisor."
 2 If we scroll up, we can see a response from
 3 Mr Tidswell, who says he thinks there are a number of
 4 strands here. First:
 5 "There is highly disturbing evidence from the
 6 Inquiry about historical racism."
 7 That was the identification codes issue; do you
 8 recall that?
 9 **A.** Yes.
 10 **Q.** Then there is a question about hiring practices:
 11 "... to ensure that [the Post Office] is alert to
 12 rehiring people who have a history at [the Post Office]
 13 ..."
 14 That's a matter we have already discussed today:
 15 "There is the important need to ensure we have
 16 a business today in which racism is not tolerated at any
 17 level."
 18 He says the report from Elliot about incidents is
 19 very concerning.
 20 Ms Davies, on the first page, at the top of the
 21 first page, also says that:
 22 "We have all been disturbed by this feedback ... and
 23 it needs to be appropriately investigated and dealt
 24 with. We are taking [steps], we should all get on
 25 a call so we can update and agree appropriate steps."

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1 Do you think that sufficient steps have been taken
2 in this regard?
3 **A.** No.
4 **Q.** Was there a conversation here where steps were agreed?
5 **A.** Not that I can recall, no. But I'm not sure how long
6 Ms Davies was in the business after this, but I would
7 have expected this to have been something -- an issue
8 that the People Team would have been taking seriously,
9 and I would have expected more than one individual to
10 take ownership of this.
11 **Q.** Thank you. Very finally before the break, the topic of
12 bonuses. Within your statement, at paragraph 68 to 75,
13 you address what you refer to as an "unhealthy and
14 unjustified obsession with bonuses and remuneration".
15 Can you assist us with what you mean by that?
16 **A.** So, from my observations throughout being on the Board,
17 there was clearly -- there is clearly a culture which is
18 bonus led. So, firstly, between January '23 and March
19 '23, there was an obfuscation of RemCo papers by the
20 wider Executive, which resulted in Bonus Gate in May
21 '23. Then we had recently discovered -- I had, should
22 I say -- that there was a RemCo pay grade over the last
23 six months. Being a Board member, I wasn't even aware
24 of this, so I challenged Amanda Burton, regarding this
25 specific RemCo pay grade, and in April '24, Amanda

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1 I went back to Amanda, and I've disclosed the email,
2 outlining key metrics that should be used. Firstly,
3 I don't believe this business should have any bonuses.
4 However, what I've been told is it's part of the
5 contracts that have been agreed. Now, if our hands are
6 tied, then surely the metrics need to be right, which
7 need to be connected to the realities of postmasters.
8 So what are postmasters receiving in remuneration? What
9 is going on in terms of the organisation, in terms of
10 profitability? What about cutting central costs?
11 So these were my counterproposals, and I did that,
12 and it was at the Board meeting in June '24 or July '24,
13 very recently, when I challenged back to Amanda advising
14 "When are we going to implement?" And Amanda Burton --
15 and I was very disappointed with the response, it was
16 again the way I perceived it, protecting the wider
17 Executive to ensure bonuses are met.
18 All I was told was, "Sorry it's been agreed. We
19 have to stick with what we've got".
20 **Q.** It might be suggested that there is a tension there
21 between being a subpostmaster and being a member of the
22 Board and potentially a conflict when it comes to those
23 kinds of remuneration issues. What would you say about
24 that?
25 **A.** I'm not sure it is. I can see why it looks like there's

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1 responded saying how, since 2019, certain individuals
2 had received pay increases up to 30 per cent since 2019,
3 whereas the reality is postmasters on the frontline have
4 not had a real increase since 2015. My own businesses,
5 my income is a couple of per cent, my costs have gone up
6 by 18 per cent in the last two years, clearly showing
7 how the culture is driven specifically, it's a bonus
8 culture within this business.

9 Then there was some communication again in April
10 with myself, Amanda Burton and Mr Jacobs regarding STIPs
11 and LTIPs. So the management put forward
12 a recommendation or their LTIPs. And, like I said,
13 yesterday, until the bonuses are being paid and until
14 the reassurance is given when they are paid, morale is
15 a little low, which we've heard on numerous occasions at
16 Board meetings last year also. And the recommendation
17 put forward for the LTIP, which is long-term incentive
18 payment, was complaints against postmasters. And when
19 myself and Mr Jacobs saw that email, we read it a few
20 times, thinking "What? How can that be?"

21 And we then went back to Amanda, and informed her
22 "Why is the wider Executive putting forward a metric
23 that they're not even in control of; how does that even
24 make sense?"

25 So then as part of my role and good governance,

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1 a conflict. It's about bringing the reality of doing my
2 duty as a director to life. So my responsibility is,
3 and my fiduciary duty is, to ensure the business is run
4 correctly and to ensure the taxpayer, the shareholder,
5 has value for money and also ensure postmasters, past,
6 present, future, are treated well and the business is
7 run in an effective manner.

8 So seeing this is culture and not calling it out,
9 I feel, compromises my responsibilities. So
10 I appreciate how it does look like a conflict but, for
11 me, my role as -- my moral duty in calling it out is my
12 first responsibility and that's what I was doing.

13 **MR BLAKE:** Thank you.

14 Sir, that might be an appropriate moment to take our
15 morning break?

16 **SIR WYN WILLIAMS:** Yes, of course. 11.40?

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

18 (11.26 am)

(A short break)

19
20 (11.40 am)

21 **MR BLAKE:** Thank you, sir. Can you see and hear me?

22 **SIR WYN WILLIAMS:** Yes, thank you, yes.

23 **MR BLAKE:** We're going to move on to a new topic and that is
24 the New Branch IT System. Could we please bring onto
25 screen your witness statement, that's WITN11170100, at

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1 page 9, please. Thank you. If we scroll down the page
2 you've set out in your witness statement a number of
3 problems that you have faced with the current Horizon
4 system. At 31.1 you say:

5 "Horizon suffers from a lack of integration with
6 other systems ..."

7 If we move on to 31.2, I think you say that Horizon
8 systems are unnecessarily complex.

9 At 31.3, "not designing to cater for human error".
10 31.4:

11 "The daily and weekly reports are not easy to
12 analyse."

13 31.5:

14 "There are issues with Horizon incorrectly reporting
15 the sum of foreign currency being held in a branch."

16 If we scroll down, 31.6:

17 "... issues with Horizon failing to recognise the
18 reversal of transactions."

19 31.7:

20 "... experience of Horizon taking payments from
21 a customer twice ..."

22 Then:

23 "... incorrectly recording ATM transactions."

24 In principle, are you favour of a new IT system?

25 A. Yes.

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1 I say -- the lack of training, the lack of
2 oversight/support. So, in order to address these
3 issues, to ensure the business doesn't make the same
4 mistakes as it has done in the past, the budget has
5 increased to ensure everything is incorporated for
6 positive implementation and a better experience.

7 Q. In your statement, you have raised number of issues,
8 starting with hardware being purchased and sitting in
9 storage. Is that relating to the NBIT project or is
10 that something else?

11 A. No, that's in relation to NBIT so, again, we were told
12 at Board that we had to decide on the purchase of this
13 hardware so, as a Board, we then authorised in late '23
14 for the purchase of 30 million, because we were
15 instructed we had to make a decision and -- in order to
16 be ready to have the goods delivered, for the
17 implementation of the new system.

18 And at the time, we were told we were getting a very
19 good deal, hence why we did it at a discount,
20 5 per cent, something along them lines. Then Zdravko
21 left the business, we had Chris Brocklesby, and now
22 we've got a new individual, Andy Nice, who's heading up
23 the new NBIT programme, and the recent Board discussions
24 that we have had has opened a totally different
25 conversation, and the conversation is as follows: are we

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1 Q. Thank you. That can come down.

2 The New Branch IT project was commissioned prior to
3 you joining the Post Office; is that right?

4 A. Yes.

5 Q. Who is responsible for that project?

6 A. So when initially joined the business, Jeff Smyth, was
7 responsible and, at some point, I think Zdravko Mladenov
8 and then more recently Chris Brocklesby.

9 Q. At paragraph 183 of your witness statement you say when
10 you first joined, the anticipated budget was
11 £280 million and that that is now in excess of
12 £1 billion; is that right?

13 A. Yes.

14 Q. What do you understand to be that main reason behind
15 that significant increase in cost?

16 A. There's a variety of different factors, firstly
17 I remember when 280 million was discussed at the Board
18 meeting late '21 and Mr Jacobs specifically questioned
19 Zdravko, saying "280 million, does that not sound too
20 cheap?" And her response was "Well, that's the costings
21 that we've got to for now".

22 But, as the project has evolved, there's been more
23 to deal with. As the Inquiry's evolved also there's
24 been more, for example, training and, on the first
25 Horizon -- the current system that we're using, should

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1 actually going to be ready for NBIT in the next two to
2 three years? It doesn't look like it. Hence, the
3 Fujitsu extension that we're looking for, which
4 I challenged in June '24, instead of going for
5 a five-year extension, to give the shareholder and
6 postmasters some reassurance that we want to get on with
7 this new IT system, go with a two years, plus one, plus
8 one, plus one, so we have a break.

9 Now, further investigating that's happened and part
10 of the strategic review that's been taking place, it's
11 clear that we are not ready; we will not be ready for
12 NBIT within the next maybe two/three years, hence why
13 buying this equipment was probably the wrong decision
14 when we did that, and this has been spoken about at
15 Board over the last few months and, again, I've not seen
16 any accountability taken for that decision yet.

17 Q. Who do you hold responsible for that decision?

18 A. The IT -- the individuals working within IT, and
19 obviously the wider Executive because everyone is aware
20 of what's been going on and what the business is trying
21 to do, in terms of implementing a new IT system.

22 Q. Is there a particular individual within the IT Team that
23 you consider should take accountability and
24 responsibility for that?

25 A. I feel it's a wider Executive issue because the decision

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1 wasn't solely based on one issue. Everyone within the
 2 wider Executive would have discussed that.
 3 **Q.** Without going into legal advice, do you feel the Board
 4 have taken into account matters that were raised by the
 5 Inquiry in Phase 2 of the Inquiry, concerning the
 6 original Horizon procurement and the difficulties that
 7 were experienced?
 8 **A.** I'm not sure they've -- the Board certainly has not been
 9 told about these specifics in terms of Phase 2. Maybe
 10 the wider Executive are probably more aware, I'm not
 11 privy to that, so I couldn't tell you.
 12 **Q.** You also raise that there are still a large number of
 13 bugs in the new system. Can you briefly summarise that
 14 for us?
 15 **A.** Yes, so recently, since the Fujitsu conversation started
 16 in June '24 at Board, we had to assess the commercials
 17 in terms of a new renewal with Fujitsu and what's the
 18 longevity, how many years tenure, et cetera. So, in
 19 order to do that, there was an assessment made by the
 20 new Chair on the current state of the NBIT programme
 21 and, basically, we were so far behind, and the Board had
 22 not been informed anywhere near to the level that it
 23 should have with regards to making decisions.
 24 **Q.** Are you aware of those issues with the bugs being
 25 resolved?

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1 clerk -- the counter clerk is actually doing, and the
 2 experience is already so complex.
 3 So, for me, I felt it's a necessity and, again, so
 4 did Mr Jacobs. And we were continually told "There's no
 5 money for it", whereas -- again, we said "It's
 6 a necessity", and maybe two or three occasions we were
 7 told "No, sorry, we can't do this".
 8 **Q.** The second issue you raise to do with dual terminal
 9 log-ins. Very briefly, can you explain that issue?
 10 **A.** Yes, so currently on Horizon, so a postmaster from
 11 Burnley who raised this with me, he's just one of
 12 a number on the existing Horizon, how it's very
 13 difficult, if you're a -- if you're serving, you can't
 14 afford to have an extra member of staff. So, if you've
 15 got account customers you want to do them on the one
 16 terminal, because you're the manager of the branch, and
 17 then next to you you've asked another terminal, so you
 18 can keep serving your customers.
 19 So the customer experience is still okay and you can
 20 still run your business and, unfortunately, on the
 21 current system, the Post Office, with their rule by
 22 exception, doesn't allow postmasters to do that.
 23 Although they did, for a very short period of time. So
 24 this is again another one of my concerns that I've
 25 raised for the new NBIT system. This should allow

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1 **A.** Not yet, no.
 2 **Q.** Do you feel that there is a sufficient grasp of the
 3 issue?
 4 **A.** The Board is aware that there are bugs, and I feel the
 5 Board is waiting for the decisions from the strategic
 6 review in order to then produce a plan in terms of what
 7 needs to be addressed in a certain order.
 8 **Q.** You've raised in your witness statement a number of
 9 issues with the usability of the new system. That's
 10 paragraph 185 of your witness statement -- I won't bring
 11 it up on to screen unless you need to see it -- but
 12 first you raise the issue of customer-facing screens.
 13 Very briefly, what is that issue?
 14 **A.** So currently, if a customer visits a Post Office, the
 15 experience that a customer has is dependent on the staff
 16 member serving them, so depending on the skill level,
 17 capability, ability of the staff member. And it's
 18 clear, so the better-trained, the better-informed staff
 19 member gives the customer a better experience.
 20 However, having a customer facing screen helps the
 21 postmaster enormously because, firstly, it helps reduce
 22 on a training level; secondly, from a governance and
 23 compliancy level, we hit high marks; and, thirdly, the
 24 overall journey, in terms of the customer choice, is
 25 better because the customer can actually see what the

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1 postmasters to operate effectively.
 2 **Q.** A third issue you raise is an issue with the retail
 3 sales facility.
 4 **A.** Yes. So there's a lack of integration, currently, and
 5 many postmasters need Horizon to provide a form of
 6 taking retail sales and, again, the business seems very
 7 reluctant to do that, and the business is very happy and
 8 very comfortable saying, "Oh, we've got costs to pay for
 9 card machines, if card payments are taken on our
 10 terminals."
 11 However, when postmasters have costs and postmasters
 12 wifi is being used, the Post Office unfortunately
 13 doesn't consider that, which is disappointing, hence me
 14 raising that point.
 15 **Q.** The fourth issue, a particular issue regarding stamps
 16 stock balancing. Is that to do with the issue we spoke
 17 about yesterday or is that a different issue?
 18 **A.** No, this helps alleviate issues like that. So, again,
 19 as I have said on numerous occasions, myself and
 20 Mr Jacobs have been ignored on so many different issues
 21 and this is another classic. Regarding the design of
 22 NBIT, for us, as postmasters, for the wider network, we
 23 want to produce something that's 2030 ready. We want to
 24 reduce the risk for postmasters but also the risk for
 25 Post Office and, as part of good governance, we felt

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1 that the Post Office should start to consider, like they
2 do with the self-serving kiosks, printing postage
3 stamps. That reduces, overnight, the liability --
4 an approximately £200 million liability that we have in
5 physical stamps stock.

6 In simple terms, a customer would come to the
7 counter, they post a letter, parcel, whatever they want,
8 and the Post Office clerk on the other side would print
9 a stamp, whether that's a first, second, it's
10 irrelevant. They would just print a stamp, either stick
11 it on for a customer; if it's a letter for tomorrow,
12 give the sticker to the customer, they can stick it on.
13 We currently do that and, unfortunately, there's been no
14 appetite to do that.

15 And it was late last year when the conversation
16 started with Chris Brocklesby, again, saying, "Why have
17 we not been informed? You're making decisions about
18 auto stock rem based on trying to correct stamp issues,
19 which is fine, to make postmaster's life easier, but why
20 are we not thinking about this when we're redesigning
21 a new system?" It reduces the time a postmaster has to
22 balance every week. So overall, controls, risk,
23 everything comes back in line.

24 **Q.** If I could take you to some board minutes, it's
25 POL00448789. This a meeting of 9 March 2023. If we

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1 now. [You] queried whether funding for customer-facing
2 screens could be applied as part of the next funding
3 submission."

4 Looking at that and looking at your experiences, do
5 you feel that you have been listened to at Board level
6 in respect of the NBIT system?

7 **A.** Clearly not. There's been a certain tunnel vision
8 approach to just get off Horizon, especially with
9 everything that's been going on, and that's led,
10 unfortunately, to the business trying to do this very
11 quickly, which is not necessarily the right way.

12 Just to give a bit more context to these minutes,
13 myself and Mr Jacobs met with one of the individuals
14 working on the Horizon Programme, and what they showed
15 us was two very simple transactions, and this was very
16 early on. The transactions we were shown were how to do
17 a return and how to post an item, and we were shown what
18 to expect from a back office perspective. It wasn't
19 working yet and, for us, as proactive postmasters,
20 myself and Mr Jacobs, this was revolutionary because it
21 would help us -- it would transform the way we run our
22 businesses and how we serve our customers. So, for us,
23 it was definitely the right approach that we were using.
24 However, it was a very, very simple model.

25 And I'm not sure people appreciate how clunky and

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1 could turn, please, to page 5. It appears from these
2 minutes that you did have some influence on the Board or
3 an opportunity to feed back to the Board. If we scroll
4 down, we see there it says:

5 "The Chair noted that SI had had sessions in
6 relation to NBIT and queried what his response had been.
7 SI replied that he and EJ [that's Mr Jacobs] had had
8 a short demonstration of the development version ... of
9 NBIT and although not all functionality was operational,
10 good progress was being made and their experience was
11 positive. [He then] spoke to the simplification of the
12 system and the ease of training."

13 If we scroll down, we can see there's reference
14 there to you advising that you are still heavily in
15 favour of customer-facing screens, so that's the issue
16 we just spoke about.

17 **A.** Yeah.

18 **Q.** "... as part of NBIT and queried whether there was a way
19 to be more targeted with customer-facing screens."

20 The response was that:

21 "... postmasters self-funding customer-facing
22 screens was another option. AC [AC was Mr Cameron]
23 noted that one of the advantages of NBIT was that it was
24 much quicker and cheaper to make changes in the future;
25 we did not wish to invite delay and change the scope

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1 how big Horizon currently is, and how even a simple
2 screen is such a big upgrade. So for us to see new
3 technology was massive, and one of the big plus points
4 for us was the printers, which, compared to what we've
5 got now, the thermal printers, saving so much time, so
6 much money for the shareholder.

7 **Q.** Thank you. I'd like to move on now to a number of
8 reports to the Board, recent reports to the Board, and
9 I'm going to start with something that is called the
10 Teneo report. Can we please turn to POL00448624. This
11 a Board pack for a meeting on 4 June this year. Was
12 that a meeting that you attended?

13 **A.** Yes.

14 **Q.** Can we please turn to page 109. There was a strategic
15 review that was carried out, and this is an update for
16 the Board by a company called Teneo; are you aware of
17 the background to this report?

18 **A.** Yes. The -- one of the conditions that Mr Railton
19 insisted on, upon his interim appointment, was to ensure
20 a strategic review is done, and that should be done
21 specifically by Teneo.

22 **Q.** If we scroll over, we can see the background. It says
23 there:

24 "Post Office Limited has invited Teneo to carry out
25 a comprehensive Strategic Review of the business and

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1 develop a clear plan for the future.
 2 "The Post Office faces a range of challenges,
 3 including", and it sets out various challenges.
 4 The final one of those is:
 5 "Need for technological overhaul of core systems,
 6 with substantial delays and overspends on Horizon
 7 replacement."
 8 That's in line with, I think, what we've just been
 9 talking about?
 10 A. Yes, correct.
 11 Q. Was this well received, this report?
 12 A. Yes, it's the beginning of a new journey, is the way the
 13 Board was looking at this, and the business, to be fair.
 14 So yeah, the starting point now, how we execute is the
 15 challenge.
 16 Q. If we scroll over the page, it has a set of key
 17 questions. One of them is "Fit-for-Purpose Technology",
 18 and the questions it asks is:
 19 "How will technology support the future operations
 20 of the Post Office?
 21 "How do we ensure new systems (eg Horizon
 22 replacement) are fit for purpose and futureproof?
 23 "How should we partner with suppliers to achieve
 24 this?
 25 "How can technology be leveraged to remove

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1 Then there is a reference.
 2 A little further down, just at the end of that
 3 bullet point, it says:
 4 "[Mr Railton] and SJ agreed that IA needed to
 5 undertake a review of procurement governance."
 6 Can you assist us with what the issues are relating
 7 to procurement governance, however brief?
 8 A. Procurement currently is a bit of a mess within the Post
 9 Office, so I've heard the Head of Procurement, as I've
 10 mentioned in my statement, say in May '24, the Board is
 11 risk averse and, at the following Board meeting
 12 I mentioned this, advising that someone needs to have
 13 a conversation with Procurement. The Board is not risk
 14 averse: if incomplete information is provided, it's very
 15 difficult for the Board to make the right decision.
 16 Then we had a situation earlier this year, June '24,
 17 where procurement basically made a mess of the spend on
 18 the new NBIT system. It went over 50 million so we had
 19 to then get retrospective approval.
 20 Prior to this, towards the end of last year, again
 21 earlier this year, there's been issues regarding
 22 procurement. There was one point raised brilliantly by
 23 Brian Gaunt, one of the NEDs, when he advised, with the
 24 conversations he's had, that Procurement were trying to
 25 agree contracts for 10 years, which is outside the norm,

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1 inefficiencies and human error?"
 2 In your view, are those matters now being taken
 3 seriously by the business?
 4 A. It depends on what the findings are once the review has
 5 been conducted, and the implementation. I think it's
 6 a bit premature for me to give you a response for that.
 7 Q. Could we please turn to minutes of a Board meeting from
 8 4 June this year, that's POL00448648. We can see there,
 9 Mr Railton is now Interim Chair by this stage, although
 10 we, if we scroll down, we can see that, given his recent
 11 appointment, it says that Mr Tidswell would act as Chair
 12 at that particular meeting.
 13 A. It was Mr Railton's first meeting, hence he asked
 14 Mr Tidswell, "If you don't mind".
 15 Q. Thank you. Can we please turn to page 4, and we're
 16 looking about halfway down page 4. So we've just seen
 17 that IT is going to be a big issue in the future and
 18 something that the company is currently getting to grips
 19 with. We see there:
 20 "SJ was discussing the position on the reporting of
 21 procurement risk exceptions between ARC and the Board
 22 with LC as there seemed to be some inconsistency.
 23 "ACTION The Chair queried whether IA or an external
 24 needed to be engaged to conduct review of procurement
 25 governance."

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1 in terms of commercial terms.
 2 The average is five years but they were trying to go
 3 for 10 years, just to avoid doing Procurement again.
 4 Hence, why I say Procurement is a mess, within the Post
 5 Office. And it's a procurement-led kind of approach
 6 which is not helpful, not a commercial, common sense
 7 approach, and this is creating wasted funds for the
 8 taxpayer on numerous occasions, unfortunately.
 9 Q. Where do you say responsibility for that lies?
 10 A. That's, again, Procurement but also the wider Executive
 11 because they're all in it together. Everyone has to be
 12 working towards the same goal. Issues like this should
 13 be dealt with way before they get to the Board and,
 14 again, it's in my evidence, the Belfast exit programme.
 15 What a disaster that was. The business wasted just
 16 under £35 million to -- again, part of the NBIT
 17 journey -- to move on to a cloud-based system, being
 18 told constantly, "We've got to do this, we've got to do
 19 this", and then being told "Oh, Amazon said we can't do
 20 this".
 21 The only thing we got from the 34.8 million that we
 22 spent, which was abandoned in January '23, was a new
 23 air-conditioning system for our Belfast data centre. So
 24 it was extremely disappointing and, again, showing
 25 a lack of accountability on that side, on procurement,

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1 to deal with issues going forward to ensure we don't
 2 make the same mistakes again.

3 **Q.** Thank you. Two further reports have been obtained in
 4 the last summer, two reports from Grant Thornton. The
 5 first is called a Board Effectiveness Report and the
 6 other is a Governance Review. Can you briefly tell us
 7 the background to obtaining those two reports?

8 **A.** So Mr Staunton, before leaving, commissioned these
 9 reports and, from my understanding, because of what the
 10 business had been through due to Bonus Gate and other
 11 issues that were arising, he wanted to have an external
 12 organisation involved and produce a framework to ensure
 13 governance and compliance is implemented in the right
 14 way, obviously looking at the issues we've got. So that
 15 process started in October '23.

16 Then, obviously, Mr Staunton left towards the end of
 17 January '24, and early February -- around February,
 18 sorry, should I say, the first draft of the Grant
 19 Thornton report was produced. And, again, you've got
 20 the emails when myself and Mr Jacobs challenged back
 21 because the first draft was highly critical. And
 22 I remember conversations being had where certain NEDs
 23 said it was unhelpful, and the response myself and
 24 Mr Jacobs sent was, "So that's a good starting point.
 25 Let's just get on with what they have advised us to do".

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1 Corporate Governance Code", et cetera.

2 Then it says:

3 "The Report has been collated from common themes
 4 identified during our point-in-time assessment of the
 5 Board and its Committees, through key findings and
 6 survey output taken from our Governance Review ...
 7 meeting observations, interviews with Board members and
 8 additional document review with fieldwork concluded mid
 9 May 2024."

10 If we look at page 43, it has, I think, your name.
 11 You were somebody who was interviewed as part of this
 12 project --

13 **A.** That's correct.

14 **Q.** -- is that right? Thank you. Can we turn back, then,
 15 please to page 8. It sets out there the key findings.

16 First:

17 "Lack of clarity on the purpose of the Board, with
 18 the shareholder relationship inhibiting the Board's
 19 effectiveness due to perceived interference in [the Post
 20 Office's] work and limited visibility around the
 21 longer-term funding and objectives of the organisation."

22 Is that a finding that you agree with?

23 **A.** Yes, it's very difficult, being the Post Office and
 24 having your shareholder, the Government, and funding
 25 being given in limited amounts. So asking for X million

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1 However, the report was then, certain parts, redone.

2 But the --

3 **Q.** Very critical of who: individuals, the company?

4 **A.** The way it was written was probably -- the way it was
 5 written, it was more critical than how it is now.

6 **Q.** At whose request were the changes made?

7 **A.** I'm not sure who specifically instructed Grant Thornton
 8 to rewrite certain parts. I'm not privy to that,
 9 unfortunately.

10 **Q.** Was anybody, in particular, calling for changes to be
 11 made?

12 **A.** I remember the UKGI rep saying that. I also remember
 13 the interim Chair, Ben Tidswell, also saying it was
 14 unhelpful.

15 **Q.** Unhelpful for who: a public audience or an internal
 16 audience or simply that it was not well drafted?

17 **A.** The words used were "unhelpful". In terms of what
 18 context, you'd have to ask them.

19 **Q.** Thank you. Can we look at the first of those, that's
 20 POL00446476. This is the Board Effectiveness Review,
 21 dated 19 June 2024. If we turn over the page we can see
 22 the background. It says:

23 "The purpose of this review is to provide
 24 an independent analysis of the [Post Office] Board's
 25 effectiveness against the requirements of the UK

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1 and then small amounts being given, it's very difficult
 2 to have a plan in place.

3 **Q.** Number 2:

4 "Low levels of trust and team identity ..."

5 Three-quarters of the way down number 2 it says:

6 "Equally, there are some views expressed of
 7 a two-tier Board in operation, where decisions are taken
 8 outside of the formal Board structure without proper
 9 debate, and not all [Non-Executive Directors] have the
 10 same visibility on Committee papers and minutes ..."

11 Is that something you agree with?

12 **A.** That's correct, yes.

13 **Q.** Those are matters you have already addressed --

14 **A.** Yes.

15 **Q.** -- in your evidence.

16 Number 3, "No unifying purpose and strategy"; do you
 17 agree with that?

18 **A.** Yes.

19 **Q.** Number 4, "Lack of succession planning"; what's your
 20 view on that?

21 **A.** Yes. We've -- we had discussions regarding succession
 22 planning and -- in private NED-only sessions, and it was
 23 clear the lack of talent that existed within the Post
 24 Office to take over if senior individuals had left the
 25 business. And an example was when Martin Kearsley was

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about to leave the business, we were looking for somebody, and at the time the CEO advised the NEDs that the second in command, Ross Borkett was too junior.

And this was -- Martin left probably last year, I can't remember the exact dates. Now, regarding Ross, there was a discussion had earlier this year who was going to succeed Martin. He was stepping in interim, and the discussion that took place was, obviously, the CEO advised that he was too junior and wouldn't possibly be taken seriously.

So we were thought -- certainly myself and Mr Jacobs were under the impression that we were looking for someone more senior to do the banking aspect because it's massive; it's 50 per cent of the Post Office's business now. And we find out a few months later that Mr Borkett has been appointed as Head of Banking so we were shocked.

Now, that again, highlights the lack of succession planning.

Q. If we move to number 5:

"Team process and meeting discipline. Rolling agendas, chairing of meetings and presentations of information from the Exec of the Board all require focus."

Is that something you agree with?

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if you're going to be the chair of RemCo, you should be well versed on at least the last 12 to 18 months of what's been happening in that Committee, and I was really disappointed when I raised the questions about salary increases and she wasn't aware.

So, again, reinforcing the point of a lack of corporate memory within the organisation, unfortunately.

Q. If we could turn to page 19 please, and that's Priority D, which addresses issues of culture. They say there, on the left-hand side, the first two bullet points:

"Trust is lacking between Board members, exacerbated by the perception that there appears to be a two-tier Board with some [Non-Executive Directors]/[Independent Non-Executive Directors] excluded from certain decision-making, which is carried out informally by a subgroup of the Board."

Is that very much in line with the evidence you've been giving?

A. Yes.

Q. "The Postmaster [Non-Executive Directors] can, understandably, become very exercised at issues affecting the postmaster community, and can on occasion be seen as 'activists' rather than contributing fully as 'part of the team'."

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A. That's correct.

Q. Number 6, "The people agenda from culture through to reward needs ownership at Board"; is that along the lines of the evidence that you've been giving yesterday and today?

A. Yes.

Q. Can we please turn to page 16. This is priority C, "Leadership capacity, composition and succession". I just wanted to ask you about the penultimate bullet on the left-hand side. It says:

"That [the Post Office] did not anticipate an issue with corporate memory until recently in terms of managing multiple simultaneous [Non-Executive Director] rotations points to poor succession planning processes. As such the Board should keep a line of [sight] over the output and debate with the NomCo in terms of its [terms of reference]."

Again, is that the same kind of issue about succession planning, this time relating to Non-Executive Director rotations?

A. Yes, and this was a point that myself and Mr Jacobs raised, and it's also a point I raised with Amanda Burton before -- sorry, it was a point that was raised with Amanda Burton, not by myself but by the -- by Henry Staunton and Jane Davies, again, on corporate memory and

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What's your response to that?

A. I can see why the report says that because we saw on the correspondence yesterday that individuals on the Board thought we were shop stewards and union reps.

However, for me, if we hadn't been blocked in November '21 continually, regarding communication to the wider Postmaster Network, and within the business -- people still don't know we were there and still are there, within the Post Office employee circle -- I think that would have helped reduce some of the frustrations massively.

Q. Can we turn to the second report, that's POL00446477. This is the governance review. If we turn over the page we can see the background to that. It says there:

"In accordance with the Statement of Work dated 12 October 2023, we present our report ... on the effectiveness of the governance practices at Post Office ..."

So the work was commissioned on 12 October 2023. It's taken quite a considerable time to produce, and are some of the reasons for that, as you've said, because some of the report was originally provided in draft and was subject to revision?

A. Yes, but also the individual, ie Mr Staunton, who commissioned the report, was exited from the business.

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1 So there was no continuity as such, following through.
 2 **Q.** Thank you. If we turn to page 7 we can briefly go
 3 through the key findings. I'll again do what I did with
 4 the previous report and we'll just take you to those
 5 headline points.
 6 "Key findings
 7 "One of the most pressing areas to address to
 8 improve the impact of governance design is
 9 a purpose/cohesive strategy at the Group level, which
 10 sets direction and ambition.
 11 "[First] The lack of a unifying purpose and
 12 group-wide strategy between [the Post Office] and the
 13 Shareholder."
 14 Is that something that you agree with?
 15 **Q.** Second, "Conflict around the role of the shareholder
 16 versus the Board"; again, are you able to give your
 17 views on that particular point?
 18 **A.** I agree.
 19 **Q.** "Leadership capacity", it says that:
 20 "... POL is currently affected by ongoing and
 21 upcoming Board rotations, which ... impact leadership
 22 ..."
 23 Do you agree with that?
 24 **A.** Yes, sir.
 25 **Q.** Fourth, "Decision making forums at Enterprise level pack
 81

1 say:
 2 "Hope all is well, both myself and Elliot need some
 3 comms out [as soon as possible] as many [postmasters]
 4 think we are doing nothing.
 5 Can we have a chat next week ..."
 6 He says:
 7 "Of course, happy to discuss ...
 8 "I can speak on a call after the Board meeting ...
 9 "Let me know what suits ..."
 10 Can you explain the concern that you had at this
 11 point in time?
 12 **A.** For myself and Mr Jacobs, it felt like a tokenist
 13 gesture in terms of putting us on the Board and
 14 basically stifling us in terms of communication. We
 15 wanted to talk to postmasters, we wanted to bring this
 16 business closer together. We were all going through
 17 a really tough time but, unfortunately, we were just not
 18 given the opportunity; we were not trusted to speak to
 19 the postmaster community, unfortunately.
 20 **Q.** Can we turn to POL00448389. Moving on in time, this is
 21 now to April this year. If we look at the bottom of
 22 this page onto the next page, you are emailing the
 23 Non-Executive Directors, and you say:
 24 "I would like to bring to your attention an issue
 25 regarding the postmaster events. We have recently
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1 lace and do not enable accountability"; what's your view
 2 on that?
 3 **A.** As I said yesterday, unfortunately, in this business,
 4 the lack of decision making and the pace at which things
 5 go through, it's very, very difficult to do something
 6 quickly. It's like moving ten oil tankers all chained
 7 together at the same time. It's really hard.
 8 **Q.** Number 5, "Culture -- a lack of trust, accountability
 9 and performance management"; is that something you agree
 10 with?
 11 **A.** Yes.
 12 **Q.** Looking at those two reports, is there anything there
 13 that stands out in particular for you as a concern with
 14 regards to the Post Office?
 15 **A.** I think it's disappointing that investigations are not
 16 part of the key findings and, in hindsight, after we've
 17 what we've seen today and what was in my bundle, I would
 18 have expected there to be a specific section on
 19 investigations, being such a sensitive issue.
 20 **Q.** Thank you. That can come down.
 21 The very final topic that I'd like to ask you about
 22 is your involvement with subpostmasters. Could we
 23 please have a look at POL00448370. This is an email
 24 exchange from quite early on in your time as
 25 a Non-Executive Director. You email Mr Taylor and you
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1 received invites with very short notice, which is
 2 a disappointment on the part of our retail team. Once
 3 again, the team has failed to keep the Board up to date
 4 and also [needs] me and Elliot informed about these
 5 Postmaster Listening events to ensure [Postmaster
 6 Non-Executive Directors] are present."
 7 Can you assist us with your concern there?
 8 **A.** This is in relation to what we discussed prior to the
 9 break: the events that were organised during the month
 10 of Ramadan.
 11 **Q.** Yes.
 12 **A.** So this all part of that conversation.
 13 **Q.** Do you feel that you are being sufficiently kept in
 14 touch with events relating to postmasters?
 15 **A.** No.
 16 **Q.** If we could turn on to POL00448391, moving on to the
 17 next month, 1 May 2024. Let's start on the bottom of
 18 the second page, please. It's an email from Tracy
 19 Marshall to you and Mr Jacobs. She says:
 20 "I'm writing to ask for your help please with the
 21 ongoing [Non-Executive Director] recruitment campaign.
 22 You may have seen in Martin Roberts' email yesterday
 23 that we've taken the decision to extend the application
 24 window ... This is as a result of ... feedback from
 25 postmasters.
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1 "The other piece of feedback received is that
2 postmasters want to understand a bit more about the role
3 itself from your perspective ..."

4 So they want you to address them in respect of the
5 recruitment drive.

6 If we go, please, over to the first page, there's
7 a response from you. At the top of the page, please,
8 top of page 1, you say:

9 "Over the past three years, we have been
10 significantly hindered from engaging with Postmasters at
11 the desired level due to a lack of response from the
12 Retail Engagement and Comms teams, despite repeat at the
13 time requests. Additionally, we are firmly opposed to
14 the way in which the replacement process is being
15 handled which we have both been vocal about.
16 Specifically with regards to the lack of continuity,
17 corporate memory, and effective postmaster oversight
18 that will be lost in the handover process."

19 There seem to be two issues there, one is a general
20 concern about the engagement you're allowed to have with
21 postmasters and the other is actually about the
22 replacement process itself. Can we take each of those
23 in terms? If we start with the first, what is the
24 concern that's expressed there about being able to
25 engage with postmasters?

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1 postmaster events, continually, myself and Mr Jacobs
2 were not invited, and I'm not sure why.

3 Regarding the second part of your question, we had
4 an initial conversation with Tracy Marshall, Martin
5 Roberts, Shaun Kerrison -- I'm not sure if Shaun
6 Kerrison was in the room but Tracy was definitely there
7 and Martin Roberts were there, and the discussion was
8 how to have -- what should the criteria be to bring
9 a new -- bring the new Postmaster NEDs?

10 And myself and Mr Jacobs put together -- we
11 recommended a certain criteria on the call to them and
12 that was totally ignored, and then the advert went out
13 with something totally different.

14 So for myself and Mr Jacobs, it was very
15 disappointing. We will leave the Board, when our time
16 is due, no problems with that whatsoever. However, all
17 the corporate memory information that we've built, we
18 want to give it to individuals, firstly, who are
19 capable; secondly, who can hold the business to account
20 with the right level of scrutiny. That's all we wanted.
21 But, again, we were totally ignored in what we
22 suggested.

23 **MR BLAKE:** Thank you, Mr Ismail. Those are all of my
24 questions.

25 Sir, we have some questions from our own Mr Jacobs.

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1 **A.** Sorry can you just repeat your question?

2 **Q.** Yes, sorry. It's a little noisy. We'll just wait for
3 the noise to die down for a second. Thank you.

4 So the first issue there -- oh, no, the noise is
5 back again. We'll just wait a moment.

6 Sorry, sir, there's some building work above us and
7 it's slightly disruptive.

8 **SIR WYN WILLIAMS:** It's a continuation of what was happening
9 yesterday, I take it.

10 **MR BLAKE:** Possibly worse.

11 **SIR WYN WILLIAMS:** Right.

12 **MR BLAKE:** Let's see if we can plough through it.

13 There is a first concern that you are being hindered
14 from engaging with postmasters. Briefly, can you assist
15 us with how you are being hindered with engaging with
16 subpostmasters?

17 **A.** So, as I've mentioned previously in November '21, when
18 Richard Taylor advised both myself and Mr Jacobs not to
19 have any communication on social media with any
20 postmasters, number 1; number 2, when I was out visiting
21 postmasters on my own time, my own initiative, again,
22 I was told that Regional Managers and individuals higher
23 up were uncomfortable with me going out on my own and,
24 for me, that was getting a flavour to ensure that
25 I bring back to the Board to do a better job; regarding

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1 **SIR WYN WILLIAMS:** Right.

2 **MR BLAKE:** I'll hand over to him.

3 **SIR WYN WILLIAMS:** Fine.

4 **Questioned by MR JACOBS**

5 **MR JACOBS:** Thank you, Mr Ismail. I represent a large
6 number of subpostmasters -- is that better. Thank you.

7 I represent a large number of subpostmasters and
8 I have a number of questions for you.

9 As part of the Post Office Board, have you been
10 informed of the Government's plans for the future of the
11 Post Office?

12 **A.** Not yet. No. Sorry, can you hear me?

13 **Q.** Yes, I can, yes. Can you hear me?

14 **A.** I'm trying to. I'm --

15 **Q.** If I need to speak up, let me know. I know there's some
16 noise in the background. You say "not yet". Are you
17 expecting to hear?

18 **A.** My assumption is once the strategic review has taken
19 place, there will be some serious discussions about the
20 future of the Post Office. I did have a conversation
21 with Johnny Reynolds a few weeks ago, at the opening of
22 Banking Hub in his constituency, and the conversation
23 was very positive, and one of the first points Johnny
24 Reynolds made was to resolve redress for postmasters and
25 to ensure current postmasters are treated fairly and

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1 postmaster remuneration is reflective of the efforts
 2 that are being put in.
 3 **Q.** Normally, we would expect the owner of a very large
 4 institution such as this to have a three or a five or
 5 a ten-year plan with the direction of travel for the
 6 future of the Post Office; is that the sort of thing
 7 that you're expecting to happen?
 8 **A.** I am, once the strategic review has been concluded, sir.
 9 Yeah.
 10 **Q.** Thank you.
 11 Now, I'm going to ask you about Board awareness of
 12 survey results. Gavin Ellison gave evidence yesterday;
 13 do you recall that?
 14 **A.** Yes.
 15 **Q.** You might have been outside the room when he did so.
 16 Have you read the YouGov report that has been provided
 17 for the Inquiry?
 18 **A.** I have been sighted.
 19 **Q.** So you'll know, won't you, that approximately 1,000
 20 current subpostmasters responded?
 21 **A.** Yes.
 22 **Q.** 70 per cent say they suffer from screen freezes;
 23 68 per cent loss of connection; 57 per cent say they've
 24 experienced unexplained discrepancies; and 65 per cent
 25 of subpostmasters surveyed experienced these types of

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1 level is, "There's a number of bugs, we have fixed X
 2 amount of bugs". That's the only detail.
 3 **Q.** This theme in your evidence about the Board not being
 4 told what's going on by the Executive, it feeds into
 5 previous employee survey results, doesn't it?
 6 **A.** Yes, sir.
 7 **Q.** You say at paragraph 125 of your statement, in relation
 8 to 2023 employee survey results, that the poor results
 9 were not accurately reported to the Board?
 10 **A.** That's correct, sir.
 11 **Q.** Do you think, then, that the Executive are deliberately
 12 downplaying the scale of problems relating to
 13 subpostmaster dissatisfaction?
 14 **A.** I don't think it's just subpostmaster dissatisfaction.
 15 The Executive, wider Executive, is cherrypicking what
 16 issues they want to bring to Board, which is not
 17 helpful.
 18 **Q.** What do you think can be done or ought to be done about
 19 this cherrypicking tendency?
 20 **A.** There has to be more oversight within this business, and
 21 the best placed individuals to provide the right level
 22 of scrutiny are existing and previous postmasters
 23 because they understand the business.
 24 **Q.** That brings me on to the next topic I wanted to address
 25 with you. Could we then go to POL00448394, please.

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1 issues at least once a month. You're aware of that?
 2 **A.** Yes, I can relate to that, yes.
 3 **Q.** I know that you've said that you have experienced
 4 similar things in your own branches, haven't you?
 5 **A.** That's correct, sir.
 6 **Q.** Do you know if the Post Office Board or senior
 7 Executives, before this survey came out, were aware of
 8 the huge dissatisfaction amongst subpostmasters with how
 9 the Horizon system is working and how they're still
 10 being treated by the Post Office?
 11 **A.** So what -- firstly, a simple answer to your question is:
 12 I'm not sure they are aware. The Board certainly is
 13 not, to the level at which YouGov broke things down and
 14 specific points, and a survey is as useful as the
 15 questions you ask.
 16 **Q.** Yes.
 17 **A.** So what's telling is the questions that are being asked
 18 in the postmaster surveys and the Post Office employee
 19 surveys, and if there's consistency applied, then
 20 there's specific data to cross-reference against, and to
 21 produce a plan to implement. And I feel, once the
 22 current Board has sight of the YouGov results, they will
 23 put them forward and hopefully produce a plan. In terms
 24 of current and existing bugs, we were never provided
 25 with any specific detail. All we were told at Board

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1 This is, while we're waiting for it to come up, an email
 2 from Elliot Jacobs to you, dated 28 May 2024, and Nigel
 3 Railton is also copied in, and it's entitled "Discussion
 4 Document"; are you familiar with this?
 5 **A.** Yes, this was a discussion document that I did and, for
 6 me, it was my views to set the new Chair up for success.
 7 **Q.** It's helpful because it follows on from what you've just
 8 been saying because you say that this captures your
 9 thinking and aims for the future, particularly after
 10 some of the evidence from the former -- the Chief
 11 Executive that was given in the Inquiry. Just looking
 12 at the second paragraph, you say that there should be
 13 a Committee called the "PM Advisory Committee", and this
 14 committee should have a clear mandate and terms of
 15 reference, bring together voices from across the
 16 postmaster community, meet four to six times a year and
 17 aim to educate and guide senior POL members on the
 18 impact of proposals and strategies. What members do you
 19 have in mind?
 20 **A.** Proactive postmasters. So obviously groups who
 21 represent postmasters. This organisation it's such
 22 a fascinating and fantastic institution. It has a wide
 23 range of stakeholders, but I don't feel having every
 24 single stakeholder on the Postmaster Advisory or
 25 Postmaster Council, whatever we want to call it, is

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1 helpful because, as I've said previously, making
 2 decisions and -- is very difficult.
 3 The lack of pace within the organisation is clearly
 4 evident and we don't want to do any more to jeopardise
 5 any further lack of pace and decision making. So
 6 producing a specific committee with individuals, where
 7 accountability can be made for specific projects,
 8 I think its really, really important and the way
 9 forward.
 10 **Q.** Okay, thank you. Which senior Post Office officials
 11 ought to be informed or educated by this committee?
 12 **A.** So, for me -- maybe I should have been a little bit
 13 clearer. I feel it's important for the senior
 14 individuals to be on the committee as well --
 15 **Q.** I see.
 16 **A.** -- to connect better. There's no point having
 17 a committee without these individuals because whatever
 18 is discussed then can't be implemented. So for example,
 19 the Chief Finance Officer, the CEO, the Chief Retail
 20 Officer, these individuals would be on this type of
 21 committee and, currently, with the scenario that we're
 22 in, the Transformation Officer as well, would be
 23 important.
 24 **Q.** Your proposal is, reading through the document:
 25 "It should have the authority to call upon senior

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1 **A.** Because I, for one, don't have the confidence,
 2 especially after what I've been sighted on, within the
 3 internal Post Office Investigations and Legal Team, for
 4 a fair hearing. Number 1.
 5 Number 2, the advantage this oversight brings is
 6 there's certain situations that can happen in a Post
 7 Office branch. For example, a customer comes to
 8 deposit -- comes to the counter to deposit £1,000,
 9 and -- sorry, to withdraw £1,000, and, in error, you
 10 press the deposit button. So I've given the customer
 11 1,000, and I've deposited 1,000. This is a very easy
 12 mistake to make. The buttons look very similar and
 13 they're next to each other.
 14 Now, for a postmaster or a postmaster council
 15 advisory committee, if a postmaster explains that issue
 16 and they're an active, live-serving postmaster, they can
 17 understand that. However, an external body may not
 18 necessarily grasp that as quickly in terms of how simple
 19 and easy an error it is to make.
 20 **Q.** Okay. So you think investigations should be conducted
 21 externally?
 22 **A.** 100 per cent.
 23 **Q.** There are three points that you raise at the
 24 conclusion -- I think it's Mr Jacobs who raises it --
 25 but you say that this is something that you put

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1 POL members to explain and challenge what is working and
 2 what is not."
 3 Are you talking about senior Executive members who
 4 would be invited to come and be challenged?
 5 **A.** Correct: held to account.
 6 **Q.** Held to account. You also say:
 7 "It should also provide [some] overwatch on
 8 [postmaster] investigations."
 9 Just on that point, you've told us yesterday that
 10 investigations had been rebranded "branch assurance
 11 visits" -- is that right --
 12 **A.** Yes.
 13 **Q.** -- and that there are difficulties with the postmasters
 14 that are ongoing in relation to understanding data,
 15 individuals until recently weren't allowed
 16 representation --
 17 **A.** Yes.
 18 **Q.** -- and you talk about the business being the victim and
 19 investigator, so it's not neutral, and the problems with
 20 tonality. Do you think that this sort of oversight by
 21 an advisory committee would resolve these issues?
 22 **A.** I think there's different strands to that. Firstly,
 23 it's got to be an external body that does
 24 investigations.
 25 **Q.** Right.

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1 together?
 2 **A.** The discussion document I put together.
 3 **Q.** Okay.
 4 **A.** This was an email following on from my discussion
 5 document --
 6 **Q.** One of the points that's made is the lack of automation
 7 is "shocking", is what's said. Can you explain that
 8 problem and why is it shocking?
 9 **A.** So we joined the board in June '21 and, within a few
 10 months, we made it very clear to the business that we
 11 need automation, our costs are going through the roof,
 12 our customer journeys are poor, they can be better, they
 13 should be better. The self-serving kiosks that we
 14 currently have are not good enough, they are not doing
 15 what they should. In terms of the new QR codes, some of
 16 them don't work. They were only processing old returns.
 17 And, unfortunately, this was just ignored and -- until
 18 October '23, when a paper was brought to the Board by
 19 Martin Roberts regarding automation, and to be clear,
 20 this was done on the back of some of our strategic
 21 partners saying, "We may leave the relationship with the
 22 Post Office unless this issue is resolved."
 23 So the wider Executive ignored the two postmaster
 24 NEDs who have been requesting this, and information
 25 about this, and some kind of innovation to help ease

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1 customer journey. However, when it came to strategic
 2 partners, they were keen to start the conversation.
 3 **Q.** Right. Okay. You talk about a point of candour.
 4 **A.** Yes.
 5 **Q.** To what extent does the Board lack candour; is that the
 6 point?
 7 **A.** I think it -- that's more from my observations based on
 8 the testimony of Paula Vennells and what she was
 9 mentioning. And again, for me, as an NED, being
 10 proactive in trying to make this organisation better,
 11 hence why I mention that point.
 12 **Q.** Okay. I just want just a quick query. You mentioned
 13 strategic partners. Can you just confirm what that
 14 means?
 15 **A.** So strategic partners are organisations such as WHSmith,
 16 Morrisons, Co-Operative, ASDA, organisations who have
 17 large -- a large number of branches with us and, again,
 18 it's in my evidence where a survey was conducted of
 19 strategic partners and also of postmasters, which was
 20 brought to the July '24 Board meeting. And again, the
 21 like-for-like comparison was not helpful.
 22 There were approximately just under 200 strategic
 23 partners interviewed, whereas over 1,000 postmasters
 24 interviewed, and the image and the narrative being
 25 portrayed by the retail team was "Here, look here, the

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1 **Q.** Yes.
 2 **A.** Yes, so again, I'm not saying someone should be
 3 a permanent fixture, not at all. However, in order --
 4 it's clear, what -- the Inquiry has produced some clear
 5 issues that this organisation has, and one of them is
 6 imbalance of power, another is materiality in relation
 7 to postmasters. But the other, with regards to the Post
 8 Office, is corporate memory. And in order to move
 9 forward, move on, and as my mum would say to me, "be
 10 a better person today than you were yesterday", in order
 11 to do that for this organisation, we have to learn from
 12 the lack of corporate memory that we have.

13 And for me, not having individuals in place who are
 14 aware of what's happened in the past, even in the short
 15 term, over the last few years, not having that kind of
 16 continuity is very disappointing because I can't see how
 17 we can learn from the past if we don't have that.

18 **Q.** My final point is: I understand that you presented this
 19 proposal to the Board; is that right?

20 **A.** I provided this discussion document to the Chair --

21 **Q.** Yes.

22 **A.** -- and then it was in the Chair's hands, and I'm not
 23 sure whether the Chair has presented it or not but, for
 24 me, it was my duty to set the Chair up for success.

25 Hence --

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1 strategic partners are very happy but these postmasters
 2 are not".

3 And then it was only once there was some scrutiny by
 4 the Board, which is when clarity was provided, in terms
 5 of numbers and, again, just to add a point on to
 6 semi-related to automation, up until Andrew Darfoor
 7 mentioned about a digital strategy last year, the Post
 8 Office did not have a clear digital strategy, which was
 9 disappointing.

10 **Q.** That's helpful. Finally, you say:

11 "... the lack of Corporate Memory is a major
 12 problem -- sighted by [the former Chief Executive]
 13 Vennells too and still a lesson unlearned ..."

14 It goes on to say:

15 "... we risk losing the learnings and experience int
 16 he desire to replace positive challenge. No NEDs other
 17 than Saf and Elliot in situ, with many not looking to do
 18 a second term."

19 Are you saying that there should be an element of
 20 continuity so that this committee isn't just for a fixed
 21 term and and then they all change?

22 **A.** Sorry, can you repeat the question?

23 **Q.** Are you saying that the committee needs to have people
 24 on it that are longstanding members, so --

25 **A.** The advisory committee?

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1 **Q.** So is it your evidence that this hasn't been responded
 2 to yet?

3 **A.** We've had a discussion, I have had a discussion, and so
 4 did Mr Jacobs, regarding this document, and the response
 5 that I received from Mr Railton was the strategic review
 6 will be addressing these points. So again, it's
 7 premature for me to say whether each point has been
 8 addressed yet.

9 **MR JACOBS:** Thank you. I just need to check if I have any
 10 more questions for you. I haven't. Thank you, that's
 11 all I have. Thank you.

12 **MR BLAKE:** Thank you, sir.

13 **SIR WYN WILLIAMS:** Is that it, Mr Blake?

14 **MR BLAKE:** Yes, unless you have any questions, sir?

15 **Questioned by SIR WYN WILLIAMS**

16 **SIR WYN WILLIAMS:** Well, actually, just one.

17 I've understood that there are, in round figures,
 18 11,500 branches. That's a goal, I think, that the
 19 Government set. When the survey was sent out, it was
 20 sent out to approximately 6,500 postmasters or
 21 subpostmasters. Can I take it that the reason for the
 22 difference is that there are some large partners, like
 23 supermarkets, et cetera, who run many branches?

24 **A.** Yes, sir, but there was, from what I have seen -- and
 25 again, when the Post Office conducts internal surveys,

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1 they are promoted to be filled in and responded back to.
 2 Regarding your survey, the NFSP pushed your survey being
 3 filled and so did the Voice of the Postmaster. I didn't
 4 see --
 5 **SIR WYN WILLIAMS:** No, I wasn't asking that.
 6 **A.** Okay.
 7 **SIR WYN WILLIAMS:** At first sight, it seemed a little --
 8 **A.** Yes.
 9 **SIR WYN WILLIAMS:** -- unusual that there was 6,500
 10 postmasters but 11,500 branches. I was simply, I think,
 11 understanding that that's because many of the branches
 12 are run by large organisations?
 13 **A.** Yes, sir, but there are also postmasters with multiple
 14 branches also. So --
 15 **SIR WYN WILLIAMS:** Sure.
 16 **A.** -- again --
 17 **SIR WYN WILLIAMS:** So that's the reason? Fine.
 18 **A.** And, from my experience, the number of postmasters is
 19 approximately 7,000, so you weren't that far off.
 20 **SIR WYN WILLIAMS:** Right. Thank you.
 21 Well, we'll end on that happy note, Mr Ismail.
 22 Thank you very much for making a very detailed witness
 23 statement and for giving evidence both yesterday and
 24 today. I'm grateful to you.
 25 **THE WITNESS:** Thank you, sir.
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1 right?
 2 **A.** Yes.
 3 **Q.** That witness statement has the unique reference number
 4 WITN11180100. Can I ask you to turn to the final
 5 substantive page, that's page 29. Can you confirm that
 6 that is your signature?
 7 **A.** I can.
 8 **Q.** Can you confirm that that statement is true to the best
 9 of your knowledge and belief?
 10 **A.** It is.
 11 **Q.** Thank you very much. That witness statement will be
 12 published on the Inquiry's website shortly. Just by way
 13 of background, you've said in your statement that in
 14 1998 you purchased a stationery company called Universal
 15 Office Equipment; is that right?
 16 **A.** Yes.
 17 **Q.** You established an online business-to-business
 18 stationery division; is that correct?
 19 **A.** Yes.
 20 **Q.** In 2014 you negotiated a franchise agreement with the
 21 Post Office?
 22 **A.** Yes.
 23 **Q.** That's grown over time and you now have eight stores,
 24 mainly in North London?
 25 **A.** North London and Hertfordshire.
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1 **MR BLAKE:** Can we come back at 1.50, please, sir.
 2 **SIR WYN WILLIAMS:** Well, I was going to ask you, are we
 3 managing the time for Mr Elliot this afternoon? I mean,
 4 that's still giving us an hour for lunch, isn't it?
 5 **MR BLAKE:** Absolutely.
 6 **SIR WYN WILLIAMS:** Yes, that's fine. Good.
 7 **MR BLAKE:** Thank you.
 8 (12.50 pm)
 9 (The Short Adjournment)
 10 (1.50 pm)
 11 **MR BLAKE:** Good afternoon, sir, can you see and hear me?
 12 **SIR WYN WILLIAMS:** I can but only faintly, Mr Blake.
 13 **MR BLAKE:** This afternoon we're going to hear from
 14 Mr Jacobs.
 15 **SIR WYN WILLIAMS:** It's still not quite right.
 16 **MR BLAKE:** I think my microphone has been turned on.
 17 **SIR WYN WILLIAMS:** Now, it's right.
 18 **MR BLAKE:** We're going to hear from Mr Jacobs this
 19 afternoon.
 20 **ELLIOT MARC JACOBS (sworn)**
 21 **Questioned by MR BLAKE**
 22 **MR BLAKE:** Can you state your full name, please?
 23 **A.** Elliot Marc Jacobs.
 24 **MR BLAKE:** Mr Jacobs you should have in front of you
 25 a witness statement, dated 15 August this year; is that
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1 **Q.** Thank you. When you say eight stores, is that eight
 2 branches of the Post Office?
 3 **A.** Correct.
 4 **Q.** You set out in your statement various other positions
 5 you've held but, for today's purpose, it's relevant that
 6 you are a Non-Executive Director of Post Office and have
 7 held that position since 2021; is that correct?
 8 **A.** That is correct. I also operate a Bank Hub.
 9 **Q.** Thank you. In terms of the Non-Executive Director
 10 position, you applied, having seen an advert in a Post
 11 Office circular; is that right?
 12 **A.** Yes.
 13 **Q.** We heard a bit about the process. I won't go over again
 14 the basic process but you in your statement have
 15 addressed an issue upon standing again for the position.
 16 You didn't satisfy criteria this time round. Can you
 17 assist us with what that criteria was?
 18 **A.** So the important part of it was around corporate memory.
 19 I was conscious that both Mr Ismail and myself had fixed
 20 terms and we had become -- although not expected when we
 21 joined, we were already the oldest standing non-execs on
 22 the Board and for us both to depart simultaneously would
 23 be a lack of corporate memory that this organisation so
 24 desperately needs. And so, having tried to express the
 25 importance of having some sort of, you know, different
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1 approach to the way we were going to be offboarded
 2 I took the decision that I wanted to stand again in
 3 order to try and keep that corporate memory going, if
 4 I wasn't going to be able to provide a decent level of
 5 transition.

6 Mr Ismail and myself met with members of the
 7 Postmaster Engagement Team to discuss the approach to
 8 appointing the next round of NEDs for postmasters. They
 9 listened and then decided upon a series of criteria that
 10 don't really provide any relevance to the role but, in
 11 fact, would favour a postmaster with less expansive
 12 business.

13 Q. So you have eight branches. Is it more likely that
 14 someone with a smaller number of branches would satisfy
 15 the criteria?

16 A. Correct.

17 Q. Do you know why that criteria was introduced?

18 A. No.

19 Q. Do you think it was intended to ensure a different type
 20 of subpostmaster to yourself and Mr Ismail joined the
 21 board?

22 A. I can't say what they were thinking. I think, from my
 23 view, we provide a robust challenge that perhaps is more
 24 of a robust challenge than they thought they would get
 25 and perhaps the hope was that by having someone with the

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1 the Board. I think the comments I've received from
 2 other Non-Execs, from members of the Executive and from
 3 the Chief Executive, Nick Read, was that he, both openly
 4 and in public and privately, has said to me that the
 5 rigour we bring, the challenge we bring, the real-world
 6 experience we bring, is greatly appreciated, and has
 7 made a significant difference to the way the Board
 8 operates but I do wonder whether -- having read some of
 9 the comments in the bundle you've provided, whether
 10 everyone feels that way.

11 Q. Is there anyone in particular who you feel doesn't feel
 12 that way?

13 A. Well, I think the readout from the meeting with Minister
 14 Hollinrake sort of implies quite a bit.

15 Q. What does it imply to you? We saw it yesterday, so we
 16 don't need to bring it up onto screen.

17 A. I was disappointed to read how Mr Ismail and myself were
 18 perceived, certainly not how it happens in real life,
 19 and that we would be perceived in that way, I think, is
 20 disrespectful to the effort that we've made.

21 Q. Do you think it was caused by any particular incidence?

22 A. I think there's a difficult balancing act, as a non-exec
 23 and as a postmaster. I've always sought to find the
 24 balance and Mr Ismail and myself are aligned in many
 25 ways because we are postmasters but we are from

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1 need to devote more time to their smaller operating
 2 business, that they might not get so much oversight.

3 Q. In terms of your original appointment and your training
 4 and experience, you've said at paragraph 35 of your
 5 statement that the Board hadn't considered the
 6 infrastructure and training required to support
 7 Postmaster Non-Executive Directors; can you expand on
 8 that, please?

9 A. We were the first and, although I've held non-executive
 10 roles before, in significantly less complex businesses
 11 than this one, I think Post Office underestimated the
 12 need to train us properly. The training was intense,
 13 but limited, and didn't really set us up for success,
 14 nor was there ongoing advice and guidance around
 15 managing conflicts, making certain that we had the right
 16 support going forward. I think they were learning on
 17 the job.

18 Q. Do you feel that the role was something that Post Office
 19 genuinely wanted to have?

20 A. Yes.

21 Q. Do you think that it is still a role that the Post
 22 Office genuinely wants to have?

23 A. That's harder to answer. I would say: in part.

24 Q. What do you mean by that?

25 A. Again, I think a lot of good has come out of us being on

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1 different viewpoints and we agree on much but we don't
 2 agree on everything.

3 But I can understand how some people on the Board
 4 may see that, in us fighting and discussing and debating
 5 actively for postmasters, both present and past, that
 6 they may feel that we are bringing a level of postmaster
 7 interaction that they didn't expect.

8 Q. We've seen in some documents reference to an oversight
 9 committee or the creation of some sort of other body.

10 A. Mm.

11 Q. What are your views on that?

12 A. I think the engagement of postmasters and all
 13 stakeholders are fundamental in making the Post Office
 14 right for the future. I don't think the word
 15 "oversight" is necessarily right. You can get caught up
 16 in the descriptive terms, but I do think that bringing
 17 experience and knowledge to the heart of Post Office is
 18 what it's about, but it needs to enable Post Office to
 19 move swiftly and effectively, and with knowledge from
 20 all parts of the business.

21 Q. You commented on the training you received. Was there,
 22 in your view, sufficient training in respect of the
 23 historic issues that the Inquiry's investigating?

24 A. Not at all.

25 Q. What kind of training do you think should be

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1 implemented?

2 **A.** I think, for a start, to understand where we're going,
 3 you have to understand our past and, for me, when
 4 I joined the Board, I think it's fair to say that I did
 5 not understand the depth and scope of what had happened
 6 in the past. I, like many postmasters, had been told,
 7 "There's a few people who were found guilty but it's
 8 okay, they were guilty", and what I learned after
 9 joining the Board and being prompted by some of the
 10 community of postmasters that I began to connect with
 11 was that there was an entire story I didn't know.

12 I took the time to read the Nick Wallis book, which
 13 was both shocking and incredibly informative.
 14 I listened to the podcasts. I had read some of the
 15 documents from the court case and case studies, and
 16 I basically did my own groundwork to find out what we
 17 had done and how it had happened and, frankly, the ITV
 18 drama should be standard practice for everybody to read
 19 and watch, because that really sets it up absolutely
 20 right.

21 **Q.** What did you feel of the knowledge of those around you
 22 on the Board; did they have a similar state of
 23 knowledge?

24 **A.** So the Board has changed a lot whilst I've been there,
 25 as I say, Mr Ismail and myself were the longest standing

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1 Non-Executive Directors sit on the Remediation
 2 Committee; do you know why that is?

3 **A.** I don't know why but that is true.

4 **Q.** Could we please turn to POL00448396. This is an email
 5 we've already seen from today from Amanda Burton to
 6 Mr Ismail and yourself, and she says:
 7 "Hi Saf and Elliot, I know you requested more
 8 information about the annual bonus scheme and the
 9 long-term bonus scheme. I had thought you had access to
 10 all the papers but now I have done some digging, I have
 11 covered you don't. I have suggested that Rachael takes
 12 this up with the Nigel as I for one would be happy for
 13 you to see everything on Diligent."

14 Can you assist us with what the difficulties were in
 15 obtaining information prior to this email?

16 **A.** So the Post Office Board covers a very wide remit of
 17 work, and within the work on the non-execs we are also
 18 assigned to various other committees that then report up
 19 to the Board, such as the Audit and Risk Committee, the
 20 Remuneration Committee, the Nomination Committee,
 21 there's lots of different committees. Each of these
 22 committees has a remit and a chair, and, if you're not
 23 on that committee, you don't have access to the data,
 24 information or notes that are made to that committee.
 25 You just get the read-out from the Chair at the Board in

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1 NEDs. So there's been quite a change on the Board.
 2 When I joined, some of the Board members had been there
 3 for quite some time and I'm sure they had some of that
 4 corporate memory. The people who are on the Board now
 5 have all been there just a matter of months or years and
 6 I don't believe they've had the immersion that perhaps
 7 they should.

8 **Q.** In terms of committees, you've said at paragraph 55 of
 9 your witness statement that Mr Staunton wanted the
 10 Postmaster Non-Executive Directors on more committees
 11 but there was push back against that. Can you tell us
 12 a little bit more about that including where that
 13 pushback was coming from?

14 **A.** Mr Staunton was very pro-postmaster I would say, he
 15 wanted this to be very postmaster centric, he wanted to
 16 drive forward an agenda of putting the postmaster at the
 17 centre of the Post Office, which we'd talked about for
 18 quite a long time but hadn't quite executed. He was
 19 keen to have us involved in some form of postmaster
 20 council, or whatever terminology you wish to use, and
 21 was keen to see both Saf and I extended, as well as
 22 additional postmasters brought onto the Board.

23 **Q.** Where was the pushback against that coming from?

24 **A.** I don't know precisely, but elsewhere.

25 **Q.** You've said also in your statement that no Postmaster

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1 a sort of two-minute update, for want of a better word.
 2 When this came about and as a result of this
 3 communication, Nigel Railton, who is the current interim
 4 Chair, took the decision -- I think excellently -- that
 5 two things would happen: first, that all committee
 6 documents would be open to all members of the Board, and
 7 any Board member could attend any committee as
 8 an observer at any time. I think that's an excellent
 9 improvement.

10 **Q.** We know that in 2021 and 2022 there was an inquiry
 11 metric in respect of the bonus scheme?

12 **A.** Yes.

13 **Q.** Were you aware of that, did you have any involvement in
 14 that?

15 **A.** No, I don't sit on RemCo.

16 **Q.** Again, you say you're not aware of the reason why you
 17 don't sit on RemCo. Has anything been communicated to
 18 you as to whether it would be a good or bad idea for you
 19 to sit on that committee?

20 **A.** Well, I assume it's potentially because being
 21 postmasters they felt there may be a conflict but you
 22 would have to take that up with someone else. I would
 23 have accepted the offer to be on RemCo, were it offered
 24 to me.

25 **Q.** You would have accepted the offer but do you think it

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1 would be a good thing or a bad thing?

2 **A.** I think it would be a 'thing'. I think for us to be on
3 any committee is good thing. I don't think there should
4 be anywhere in this organisation where a stakeholder
5 with such an important aspect within the business
6 shouldn't be involved. Now, how you balance that
7 against making certain that there is no conflict, is
8 important but I don't think there's necessarily conflict
9 when you think about the wages and bonuses that you're
10 paying staff members who should be delivering the
11 quality of service to the entire business.

12 **Q.** In terms of Board papers themselves, at paragraph 45 of
13 your witness statement, you've said that:
14 "The Post Office has a tendency to blend accurate
15 data with inaccurate data" --

16 **A.** Yeah.

17 **Q.** -- "meaning the true picture of a project is often
18 skewed."

19 **A.** Mm.

20 **Q.** Can you give us an example of that?

21 **A.** Some of the documentation that's given to Board is
22 weighty but light on information. The quality of the
23 Board papers has been up and down, over the course of my
24 time on the Board, and I'm quite detail orientated and
25 conscious of making certain that information I'm given

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1 that the [subpostmasters] serving on the Board share in
2 with them, while only approximately 15% agreed."

3 Can you assist us with what you see as the reason
4 for that?

5 **A.** Well, we were told specifically -- we were told
6 specifically that we were not to communicate directly
7 with postmasters through social media or when we asked
8 for the Communications Team to provide briefing notes
9 that we could share or stuff that they felt was
10 appropriate for us to put into the public domain,
11 nothing was given.

12 **Q.** Who asked you?

13 **A.** Sorry?

14 **Q.** You said you were asked: who by?

15 **A.** That would be the former Head of Communications, Richard
16 Taylor.

17 **Q.** Do you know why you weren't allowed to share that
18 information?

19 **A.** Well, obviously, we have a balancing act between the
20 confidentiality of being a Non-Exec Director, which
21 I absolutely respect. We also have the need to provide
22 our postmasters with confidence that we're there doing
23 the job we were elected to do, and I think "elected" is
24 an important part of this. We are the only members of
25 the Board elected by anyone and we stand there not only

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1 is full and accurate. And there have been times where
2 we've been given information on which we are to form
3 an opinion which latterly is seen to be not the entire
4 picture.

5 **Q.** Where does that come from?

6 **A.** The briefings we're given are insufficient or are
7 lacking in complete data.

8 **Q.** Is that from a particular team, or every team, some
9 teams?

10 **A.** It's not unique to one team.

11 **Q.** Is there a team in particular that you have in mind?

12 **A.** Well, when I think of examples of the situation, I'd be
13 thinking of some of the data out of the retail team, and
14 I'd also be thinking about things like Past Roles and
15 Phoenix.

16 **Q.** We'll get on to those in due course.

17 Communicating with subpostmasters. Could we please
18 bring up on screen our expert report from YouGov, it's
19 EXPG0000007. If we turn to page 39, we saw when we went
20 through this report, if we scroll down slightly, that
21 a large number of subpostmasters are aware what there
22 are Non-Executive Director Subpostmasters: 72 per cent.
23 But then if we scroll down, we see there it says:
24 "Despite high awareness of [subpostmasters] being
25 appointed to the Board ... a majority (57%) disagreed

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1 as representatives of postmasters but we stand there to
2 do the job of a non-exec, like all the others. But we
3 also have this duality of making certain that we inform
4 and make certain postmasters understand that we are
5 driving the agenda forward and making certain that
6 change happens.

7 **Q.** You've said that the former Head of Communications was
8 not in favour of you communicating with
9 subpostmasters --

10 **A.** Well, I wouldn't say he was -- I wouldn't say -- sorry
11 to cut across you.

12 **Q.** Absolutely.

13 **A.** I wouldn't say he was unfair; he just didn't do
14 anything.

15 **Q.** Has that position changed?

16 **A.** Well, we haven't been provided with any other type of
17 briefing note since, so I would say probably not.

18 **Q.** You've mentioned in your witness statement the Voice of
19 the Postmaster, also the NFSP, Communication and Workers
20 Union; are you encouraged to speak with any of those
21 three organisations?

22 **A.** So, more recently, the recently appointed interim Head
23 of Communications has engaged all of those parties, and
24 both Mr Ismail and myself, in discussions face to face,
25 in the same room, around tone of voice and how to

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1 communicate with postmasters. So very, very recently in
 2 the last few weeks we have seen a shift but that's since
 3 the new appointment of this interim person.
 4 **Q.** You've mentioned in particular the Voice of the
 5 Postmaster and you've said that they have more members
 6 than the NFSP?
 7 **A.** They do.
 8 **Q.** What is the future plan for the relationship between the
 9 Voice of the Postmaster and the Post Office, as far as
 10 you're aware?
 11 **A.** So the NFSP has a contracted relationship with the Post
 12 Office, which you'll be aware of. The Voice of the
 13 Postmaster is a cooperative group of postmasters who
 14 have come together to create a voice for postmasters.
 15 I believe we should engage with all parties at all times
 16 and get the widest breadth of views that we can from our
 17 community. I don't believe there's a clear strategy for
 18 what that is right now.
 19 **Q.** Do you have any views as to the effectiveness of the any
 20 of those organisations *vis à vis* each other?
 21 **A.** Well, the Voice of the Postmaster a voluntary
 22 established business where people put in their time for
 23 the love of doing it. I always think that's a great
 24 place to begin. I can't say I've had huge experience
 25 with the NFSP. I know Calum from my work on the Covid

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1 **Q.** Can we please turn to WITN11180101 and we'll start at
 2 the penultimate page, page 5, at the bottom of page 5.
 3 This is an email to you from Andrew Morley who is
 4 a Senior Investigations Manager, and he says as follows,
 5 this is 14 March last year:
 6 "I am employed by [the Post Office] as a Senior
 7 Investigations Manager within the Central Investigations
 8 Unit and I have had reason to conduct an investigation
 9 into alleged discrepancies at post offices within the
 10 Universal Office Equipment group. I would now like to
 11 arrange to interview you in connection with the alleged
 12 discrepancies and to this end please can you provide
 13 your availability", and he sets out the dates there.
 14 At this point, so 14 March, on receiving this email,
 15 had you received any other paperwork in relation to this
 16 investigation?
 17 **A.** Not to my knowledge.
 18 **Q.** Were you aware, at this stage, whether it was a criminal
 19 investigation, a civil investigation, a professional
 20 misconduct investigation or some other investigation?
 21 **A.** No.
 22 **Q.** We're going to return to this email chain but perhaps we
 23 can just bring onto screen the Project Birch report,
 24 that's POL00423697.
 25 If we turn page 10 of that report, it's a report we

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1 recovery group with him but, beyond that, I haven't had
 2 a lot of interaction with them.
 3 **Q.** Thank you. I'm going to move on to a separate topic
 4 now, and that's an investigation that was carried into
 5 you and your business, and you've detailed that in your
 6 witness statement, but we'll go through a number of
 7 different documents.
 8 You say at paragraph 19 of your statement that you
 9 received a call from the Chair, Henry Staunton, in March
 10 2023. Can you assist us with what was said on that
 11 conversation?
 12 **A.** Yes, I don't think it was a call, I think he asked me to
 13 pop into his office after a Board meeting and he said to
 14 me, "Elliot there's a query on your account. I don't
 15 know what it's about. Could you have a chat with Ben
 16 [Ben Foat, the Head of Legal], just see what it is and
 17 sort it out for me", and I was like, "Sure, no problem".
 18 **Q.** Did you speak to Mr Foat at that point?
 19 **A.** Absolutely.
 20 **Q.** What did Mr Foat say?
 21 **A.** He said he would get someone in his team to contact me
 22 and walk me through the query.
 23 **Q.** Did he give you any detail as to what the concern might
 24 be?
 25 **A.** No.

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1 saw with Mr Ismail earlier today. In the bottom
 2 left-hand side here of this document -- do you recall
 3 this document ever being discussed at the Board, this
 4 report?
 5 **A.** I do not recall it, no.
 6 **Q.** It's a report by KPMG and they say as follows:
 7 "Currently investigations are often undertaken
 8 within [the Post Office] from a contractual perspective
 9 and there is little consideration at the start of
 10 an investigation as to whether it could potentially
 11 result in criminal, civil or disciplinary proceedings.
 12 Early engagement with [Post Office] Legal would enable
 13 proper consideration of criminal or civil standards or
 14 consideration of when to liaise with [law enforcement
 15 agencies]."
 16 So that report was dated 13 August 2021, so a couple
 17 of years before your investigation. Do you think that
 18 by the time it came to your investigation, that lesson
 19 had been learnt?
 20 **A.** It wouldn't seem so, on the basis of the emails sent.
 21 **Q.** If we could return, please, to the emails. That is
 22 WITN11180101. If we could go back to page 5. In the
 23 middle of page 5 you respond to Mr Morley and you say:
 24 "Thank you for your email.
 25 "I assume this is related to the query raised by Ben

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1 Foat with me.
 2 "As I explained to Ben I would be happy to assist
 3 you in your enquiry", and you give your availability.
 4 If we scroll up, please. Mr Morley responds:
 5 "Thank you for your prompt response and I can
 6 confirm that the interview is in connection with the
 7 matter about which Ben spoke to you about recently. In
 8 line with your available I have arranged an interview
 9 ..."
 10 He says:
 11 "The interview will be conducted by myself and John
 12 Bartlett who is the Head of the Post Office
 13 Investigation Branch. Please find attached a letter
 14 from John explaining in some detail the format of the
 15 interview and the areas we wish to cover."
 16 We will return again to this email chain but let's
 17 have a look at that letter. It's WITN11180102. It's
 18 dated 15 March and this is the letter from Mr Bartlett
 19 to you. He says:
 20 "My name is John Bartlett. I am the head of the
 21 Central Investigation Unit within Legal, Compliance and
 22 Governance at the Post Office."
 23 Were you aware of Mr Bartlett before receiving this
 24 letter?
 25 A. I don't know.

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1 the PAST team."
 2 Who are the PAST team?
 3 A. I don't remember what the acronym stands for, we have
 4 a lot of them in the Post Office, but they're basically
 5 the accounting support team of some sort. I don't
 6 remember.
 7 Q. Had you been told by the PAST team that they were
 8 passing on the matter to the Investigation Team to carry
 9 out an investigation?
 10 A. No. I hadn't had any communication with them in some
 11 time. It turned out through the investigation that
 12 they'd been writing to an address that isn't my Head
 13 Office and they never phoned me or emailed me. I also
 14 was at the Post Office Headquarters regularly for Board
 15 meetings. I have a personal assistant at the Post
 16 Office headquarters, because of my non-exec role, and
 17 I'd been in meetings with Ben Foat repeatedly. No one
 18 ever came to me and said, "Elliot, there's a query,
 19 could you have a chat with them".
 20 Q. Second issue is a potential conflict of interest.
 21 Briefly, what's the allegation there?
 22 A. I later found out it related to the signature of
 23 a declaration to do with any connected activity between
 24 myself and Post Office Limited.
 25 Q. Something that potentially Post Office would have been

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1 Q. It says:
 2 "Andrew has been investigating shortfalls at Post
 3 Office branches within the Universal Office Equipment
 4 group and has invited you to a voluntary investigative
 5 meeting on 5 April 2023 at [the Post Office's] offices
 6 ..."
 7 Did you understand this to be a meeting or something
 8 more formal?
 9 A. Well, I've run my business for 26 years and, over 26
 10 years, you get queries between a supplier and
 11 a customer, which is the relationship that one would
 12 assume I have with Post Office, in many respects, and
 13 when that sort of thing happens, normally I'd know,
 14 an accounts department might contact you, they might
 15 send you some documents to review. You'd go back to
 16 them and query some things and you'd find a resolution.
 17 Maybe you'd have a meeting to discuss it in a, you know,
 18 professional and normal business manner. This did not
 19 feel like that.
 20 Q. "Subjects to be discussed", the first is "Shortfalls",
 21 and he sets out there some shortfalls that he says have
 22 been identified. He says at the bottom there:
 23 "We would like to discuss with you this mounting
 24 shortfall, understand what you think caused them, and
 25 identify any reasons for not continuing to engage with

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1 aware of when you became a Non-Executive Director?
 2 A. As a Postmaster Non-Executive Director, I thought it was
 3 inherent in the name but, yeah.
 4 Q. Over the page, please a further issue with Directors'
 5 declarations; can you summarise very briefly what that
 6 issue was?
 7 A. This was the point made, I believe, that there was
 8 a form to do with director remuneration. Obviously my
 9 company provides the services. I do not personally
 10 provide the services of my post offices and, therefore,
 11 when I completed the form, I signed it as having no
 12 other direct income. I latterly found out that the
 13 correct approach to that would have been to declare the
 14 companies for which I'm a director and have revenue, but
 15 I was given no guidance by the Company Secretary on
 16 this, I was given a form and told -- and it was part
 17 completed -- and I was told to sign it, and I did it in
 18 the best faith but, in hindsight, I did it wrongly.
 19 Q. If we scroll down we can see there's a section on
 20 "Conduct of the meeting", so they're providing you with
 21 certain documents and we'll get on to the discussion
 22 between you and the investigators in respect of those
 23 documents:
 24 "I wish to reiterate that your attendance at this
 25 investigative meeting is entirely voluntary."

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1 Again, is it a meeting or is it an interview?
 2 **A.** I've never been in a meeting that looked like this one.
 3 **Q.** "If you chose to attend you may, of course, leave at any
 4 time you wish, or you may choose not to answer some or
 5 all questions. This is not an 'under caution'
 6 interview; it is an opportunity for both you and the
 7 investigators to discuss the three areas identified
 8 above in order to increase our understanding of what has
 9 happened.

10 "In attendance at the meeting will be myself and
 11 Andrew. If you wish, you may be accompanied by
 12 a friend, or a National Federation of SubPostmasters
 13 representative, or a colleague, or a legal
 14 representative. However, your companion will not be
 15 able to answer questions on your behalf."

16 Do you have a view on that position?

17 **A.** Yes.

18 **Q.** What is that view?

19 **A.** Again, taking my experience as a longstanding
 20 professional in the business world, I can't imagine any
 21 other situation where a Chief Executive of one company
 22 would visit an organisation it works with, bring
 23 representatives to the room and not be allowed to let
 24 them speak on their behalf. I think that's highly
 25 wrong.

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1 "Please provide line detail including the reason for
 2 each ..."

3 Is that transaction correction?

4 **A.** Yes.

5 **Q.** BD?

6 **A.** I'm not sure, actually. I think it might be some sort
 7 of bank deposit or something like that. I'm not sure
 8 what a BD is.

9 **Q.** And the TP? It's not a test!

10 **A.** I'd need a bigger book than this! And the TP, that's
 11 the trading period.

12 **Q.** Thank you:

13 "... (and the [trading period] in which is occurred)
 14 so that this can be properly reviewed. Please include
 15 original transaction data."

16 To get an idea, can we understand how big a business
 17 is your business; how many transactions take place?

18 **A.** So to put it into scale, over the 10-year period or
 19 nine-year period that this data related through, my
 20 branches would have handled maybe somewhere in the order
 21 of £1 billion worth of transactions. I have somewhere
 22 in the order of 35 terminals/40 terminals, maybe, plus
 23 self-serve kiosks, a huge amount of data, none of which
 24 can be interrogated either locally or remotely by me,
 25 except to print out a till receipt from the terminal

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1 **Q.** Are you aware of the reason behind it?

2 **A.** No.

3 **Q.** It then continues:

4 "We would like your permission to audio record the
 5 meeting. This is to ensure that we can give our full
 6 attention to the discussion rather than taking lengthy
 7 notes. An audio recording also provides the best record
 8 of a meeting which avoids mistakes or misunderstandings.
 9 We will ensure that you have a copy of the recording as
 10 soon as practicable after the meeting."

11 If we can please go back to the email
 12 correspondence, that's WITN11180101, and can we please
 13 turn to the bottom of page 3. You say as follows:

14 "I have begun reviewing the documents you have sent.

15 "To begin, can you supply the 44-page PDF statement
 16 in Excel format, broken down by branch so we can review
 17 this in a format that enables us to look at data
 18 properly. The document you have provided is not in date
 19 order, and contains no explanation or notes for each
 20 line."

21 Can you assist us with the issue there?

22 **A.** Have you ever tried to analyse a 44-page pdf? It's
 23 impossible. It's impossible. The level of data we were
 24 given was frankly a disgrace.

25 **Q.** It continues:

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1 it's on, which would be like getting a till receipt for
 2 your shopping and then trying to wade through it.

3 One afternoon of receipts for that alone could
 4 perhaps run to a length of printout that could be
 5 25 metres long.

6 **Q.** You then say:

7 "Additionally, the attached file cannot be
 8 accessed -- please provide access to where [the] file is
 9 stored or an actual jpg copy."

10 Do you recall what that issue was?

11 **A.** There was a link to a file which was on a secure server
 12 that I couldn't access.

13 **Q.** If we scroll up, please, to the top of page 3. The
 14 response:

15 "Account statements and letters were sent to
 16 [an address]. I can confirm that I have a copy of each
 17 email which I will access in a few moments and will
 18 forward on to you.

19 "Can I respectfully suggest that you address the
 20 rest of your requests below to the Post Master Support
 21 Team ..."

22 So that's what "PAST" stands for:

23 "... as per the letters/emails sent to you at the
 24 time of the occurrence by PAST in which they offered to
 25 work with you to understand the discrepancy."

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1 So am I right to understand that here the
2 investigator has received a query from you and the
3 investigator is directing you to contact a different
4 team to obtain the underlying information?

5 **A.** Yes, and what concerned me here was that he decided that
6 he wants to do an investigation without actually having
7 the data himself to provide, which I thought was
8 bizarre.

9 **Q.** Could we scroll up, please. I think you've expressed
10 that to him. You say:

11 "As you must have fully reviewed and collated this
12 data in order to form your review so far, I would assume
13 this must be something you have to hand.

14 "It will surely be quicker for us both for you to
15 provide me with your working documents (which I assume
16 must contain the data I have requested) and not delay my
17 investigation than me start from scratch with another
18 department."

19 If we scroll up, please, to page 1, the response
20 from Mr Morley. He says:

21 "I have now had an opportunity to with the PAST.
22 They will generate an Excel version of the 44-page
23 Account Statement ... to which you refer. The
24 spreadsheet will be broken down by branch and in date
25 order. [They] will provide commentary for transaction
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1 Partnership Portal", and goes on to detail that issue.

2 If we scroll up, please, to the top of page 1, you
3 say:

4 "I am surprised that you have been able to form
5 a fully rounded opinion, sufficient to make some of the
6 very serious accusations in your prior communications
7 without carrying out a full and detailed review of the
8 data?

9 "The amount of distress and worry and this has
10 caused me since your email letter this week has been
11 significant."

12 Can you assist us with your feelings at that time?

13 **A.** It was incredibly stressful, and you have to put into
14 context for this the fact that, as a Non-Exec Director
15 and postmaster, who had immersed himself in prior -- not
16 previous -- not long before this, in really
17 understanding what we did as an organisation to
18 postmasters before, the fear and worry this caused me in
19 terms of it felt like the past repeating itself.

20 **Q.** You've said:

21 "I have been available on the phone ... on which
22 I regularly receive calls from all manner of departments
23 in Post Office every single day ... so what number they
24 have been calling I have no idea! As you can see from
25 are communications so far -- when I am contacted, I deal
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1 corrections, however, due to the number of outstanding
2 [transaction corrections] since 2019 this is no small
3 ask and will take some time to collate. I will be in
4 touch again once I have received the document from the
5 team."

6 What's your view about what's said there?

7 **A.** Well, again, how do you investigate something and decide
8 you want to call me in without having done the work
9 before?

10 **Q.** He says:

11 "Earlier this afternoon I forwarded you a copy of
12 the emails previously sent to you by PAST. Please can
13 you acknowledge receipt."

14 Were those the emails that you've said went to
15 an address that wasn't your --

16 **A.** The emails went into my junk because they come from
17 a random server at Post Office and the server detected
18 that they were random communications with no
19 personalisation and it went into my junk mail, which
20 I never saw. The letters that they sent, they sent to
21 one of my branches and they were not addressed to the
22 postmaster. They just looked like a statement of
23 account.

24 **Q.** He then says:

25 "I have reattached the JPEG screenshot of the
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1 with things -- rapidly."

2 Can we please turn to WITN11180103, and can we start
3 on page 2, please. There's continuing correspondence
4 about disclosure. You email Mr Morley and you say:

5 "I will await your proper and fully disclosures and
6 will then take the matter under advisement."

7 This is 20 March:

8 "In addition, you have provided a highlight section
9 of Board minutes -- can you please specify the
10 accusation being made for the avoidance of doubt and the
11 evidence on which you are relying in this regard?"

12 So we saw the original accusation in that letter
13 from Mr Bartlett. You have been provided with
14 a highlighted section of Board minutes. Did you
15 understand the allegation that was being made against
16 you?

17 **A.** Not fully. It wasn't clear. They'd highlighted
18 a section of Board minutes, if I remember rightly, that
19 referred to conflicts, and it basically said, "No
20 conflicts". What I later found out, obviously, is that
21 my job title wasn't sufficient for people to know that
22 I was a postmaster.

23 **Q.** Was the expectation that every time you went to a Board
24 meeting you would declare that you were a subpostmaster?

25 **A.** It is exactly what I do now.
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1 Q. Yes. Then, as you say, is that not in your job
2 description, job title?
3 A. It is in my job title, yes.
4 Q. If we go to the first page, there is a response from
5 Mr Morley. The response is as follows:
6 "I do not intend to enter into pre-interview
7 protected correspondence regarding advance disclosure
8 which I am under no legal obligation to provide and is
9 provided on this occasion out of courtesy in order that
10 you can have a high level understanding of the topics we
11 wish to cover, which are set out in the letter from
12 Mr Bartlett. Further detail regarding [the Post
13 Office's] concerns will be provided during the
14 interview."
15 What do you understand by "pre-interview protected
16 correspondence"?
17 A. I have no idea.
18 Q. There is now a reference to it being an interview,
19 rather than a meeting. Was that distinction clear to
20 you at that point?
21 A. It felt like that was what it was going to be from the
22 start. Again, this is not the way businesses behave
23 typically, in my experience.
24 Q. He said:
25 "I am seeking in advance of the interview your
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1 attended the interview. Can you describe for us that
2 experience?
3 A. Well, leading up to the interview it was incredibly
4 stressful and I have to put into context here, I am
5 fortunate: I run a reasonable sized business, I have
6 an amazing support team, I have people who are capable
7 of interrogating data to a standard that I personally
8 can't do. I have a very good team around me and even
9 they had to work incredibly hard to understand the
10 information we were given.
11 Going into a meeting which was clearly set up,
12 whatever they say about it being optional or advisory or
13 whatever, it certainly didn't feel like that and, from
14 the tone and the stance of those communications, it
15 definitely felt as though, if I didn't turn up, things
16 would be worse.
17 I went in there, armed as best I could with the
18 information had gathered. I was concerned for my
19 reputation, I was concerned for my business. I know
20 what we'd done in the past and this felt like that. And
21 so I was incredibly nervous going into the room.
22 I chose to take my brother with me, as someone who could
23 bear witness but not speak, and I'm glad I did that,
24 because that really helped.
25 Q. At paragraph 24 of your statement, you said that the
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1 agreement to the recording of the interview which of
2 course will provide the most accurate record, enables
3 a more natural conversation and is less time consuming
4 than the alternative and therefore, has to be in the
5 best interests of all concerned. If you agree to the
6 recording then you will be provided with a copy of the
7 recording post-interview ... If you are not in agreement
8 to the recording of the interview then we will have to
9 revert to contemporaneous notes, which are very time
10 consuming and with the best will in the world provide
11 a less accurate record. You should be advised that if
12 you elect to go down the contemporaneous notes route,
13 then we will have to extend the length of the interview
14 considerably and based upon my experience of such
15 interviews I think it would be wise to allow 6 hours for
16 the interview."
17 What do you understand by that paragraph?
18 A. I thought it was a shocking way to write to anyone.
19 There were a few things there. Firstly, I sit in Board
20 meetings pretty much every month and we have notes taken
21 by the CoSec. The meeting doesn't go any slower and
22 they are not recorded in any other way than by someone
23 typing as we go. But the inference here was "Do it our
24 way or it'll be three times harder".
25 Q. Thank you. That can come down. On 5 April 2023, you
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1 interview was similar in style to a formal police
2 interview.
3 A. Yeah.
4 Q. In what way?
5 A. Well, again, if I compare it to a normal business
6 meeting, you'd have a conversation, you'd discuss some
7 documents, you'd find where the issue was, you'd take
8 some actions to go forward with, and you'd follow up.
9 This was not that. This was an interview that was being
10 recorded with the dictating machine in the middle of the
11 table; evidence was presented, and it was called
12 "evidence" and it was numbered, much the same as your
13 documents here, in a way that felt very much like
14 a police interview; it was being conducted by ex-police
15 officers; and, whilst the tonality may have had a layer
16 of warmth and friendliness, it certainly felt very
17 different from any other business meeting I'd ever
18 attended.
19 Q. In that email from Mr Morley, he says:
20 "Further detail regarding the Post Office's concerns
21 will be provided during the interview."
22 A. Mm.
23 Q. Were there documents that were presented to you during
24 interview that you hadn't seen before --
25 A. Absolutely. All of them.
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1 Q. The next day, the auditors attended, I think you've
 2 said, your Post Office: was that every branch, some
 3 branches, the headquarters?
 4 A. Well, they call them assurance visits now. They're the
 5 same people.
 6 Q. Where did they go?
 7 A. Wherever they like.
 8 Q. In terms of your own post offices, where did they go?
 9 A. They go into the post office; they shut my post office
 10 branches to do the audit.
 11 Q. Every branch?
 12 A. All of them.
 13 Q. I think you've said that there was an issue regarding
 14 stamps that arose during that audit.
 15 A. Mr Ismail referred to this earlier. Prior to this
 16 audit, in one of my branches, I'd been contacted by
 17 a department at the Post Office who had instructed my
 18 team leader -- in each branch I have someone who runs
 19 the branch on a day-to-day basis -- they'd instructed
 20 them to do a series of entries onto Horizon to make
 21 adjustments to our stock, and these adjustments were
 22 unsupported by any data, and when I challenged back and
 23 said, "Could you provide the evidence to support these
 24 changes you want to make on my account because, if
 25 I make these changes I will have a loss in branch", that

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1 did; and the third part was a previously uninformed
 2 adjustment that they intended to make, which they did in
 3 multiple branches. It wasn't just done to me, either,
 4 it was done to about 30 different postmasters,
 5 I believe.
 6 Q. Looking back at that experience, what is your view about
 7 the conduct that took place on that occasion?
 8 A. Well, historically, we were going in the backdoor and
 9 changing stuff; here, we were walking in the front door
 10 and doing it.
 11 Q. Did somebody talk you through those changes that were
 12 being made?
 13 A. They told me they were going to make them but they told
 14 me at the time they were going to make them. I didn't
 15 get a chance to challenge or see any data. I was told
 16 that I could dispute them, which I obviously did.
 17 Q. We will look at the formal withdrawal of the allegations
 18 in a moment but, in broad terms, how was agreement
 19 ultimately reached with the Post Office?
 20 A. So when the process shifted from them realising that
 21 I wasn't perhaps as the guilty party that they had in
 22 their mind, because I assume that's what the visit to my
 23 branches was to verify, things seemed to relax a little.
 24 They passed the matter over to the team based in
 25 Chesterfield led by Mel Park, and that absolutely

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1 never got followed up.
 2 When they came to do the assurance visit, as it's
 3 now called, I was instructed, though I hadn't been told
 4 prior, that the lead person had been instructed at the
 5 end of the audit to make adjustments onto Horizon by
 6 logging on with their own log-in and making adjustments
 7 to my stock position, which would cause a far
 8 significant change in my balance and, therefore, a loss
 9 in my branch. I said to them, "That doesn't seem like
 10 the right thing to do", and I was basically told they
 11 were doing it anyway.
 12 Q. So to get the sequence correct, you had an interview
 13 with investigators. The next day, the assurance visit
 14 takes place. They're presumably checking your accounts
 15 for matters relating to the interview but, at the same
 16 time, is this a separate issue that they are making
 17 adjustments to your account in relation to stamps?
 18 A. No, I think there's three things here. There's the
 19 historical discrepancy that they are claiming has
 20 occurred on the central account, some of which occurred
 21 a long time ago for various circumstances, no doubt
 22 we'll get to that shortly; a second part, which was to
 23 do an assurance visit, which I assumed was because they
 24 wanted to make certain what I'd said I had in the branch
 25 matched what I had in the branch, which it pretty much

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1 changed the situation.
 2 When it came out of the investigations department
 3 and was being run by Mel's team -- Mel is an accountant
 4 with commercial experience from prior -- it was --
 5 I wouldn't say a breath of fresh air but it was a proper
 6 business conversation. Myself and my Group Operations
 7 Director, we travelled up to Chesterfield and met face
 8 to face with the team up there, we met with Mel and
 9 three or four of her team. We sat down in a room like
 10 proper businesspeople, discussed matters, discussed
 11 about what could that have occurred, went through the
 12 data, and we worked together as two teams working as one
 13 for probably the next, I don't remember, four to six
 14 weeks, and we were able to resolve the vast majority of
 15 the queries on account, which ended up not being
 16 an issue at all.
 17 Q. Do you know why it didn't go to that department to begin
 18 with or did it go to that department to begin with?
 19 A. To the best of my knowledge, I was never contacted by
 20 Mel Park prior to that. I had never spoken to Mel Park
 21 prior to that.
 22 Q. Let's look at the correspondence when the matter is
 23 closed. Can we please turn to POL00448303. If we start
 24 on page 2, please. The interview was 5 April 2023. If
 25 we look here, we can see an email from you to Melanie

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1 Park on 16 January 2024. You say:
 2 "I still await the finalised reporting on our
 3 account and also the written confirmation of the
 4 withdrawal of the investigation.
 5 "You will appreciate that whilst I am keen to
 6 commence payment of any liability, I would like [the
 7 Post Office] to keep its side of the process so that we
 8 can ensure that we are all aligned around the position."
 9 If we scroll up, please. Ms Park says:
 10 "Apologies I will talk to the Legal Team today to
 11 see why this hasn't been done."
 12 If we scroll up there is a response from yourself
 13 to -- in fact, it's not a response. You forward the
 14 matter to the Chairman and you say:
 15 "Henry
 16 "Below you'll see correspondence from between myself
 17 and Mel Park regarding the fact that [your] trading
 18 account has yet to be updated with the removal of the
 19 invalid claims of losses nor a letter of withdrawal of
 20 the investigation to be issued.
 21 "Who is responsible. Legal. Again. How are Legal
 22 in the way of all things progress and good in this
 23 business? Proof, if proof was needed, that their
 24 fingers are in every part of the pie affecting our
 25 ability to get work done to such a level that it is
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1 Q. Is that the further memo that we've seen prior to
 2 a Board meeting?
 3 A. Possibly. I'm not sure.
 4 Q. "We should see tomorrow whether our [Non-Executive
 5 Director] colleagues should take action. I told Andrew
 6 yesterday that all of the [Group Executive] and FOUR
 7 Main Board Directors had been investigated. He was
 8 incredulous."
 9 What do you understand by that sentence?
 10 A. Well, as I say, the Investigations Team and Legal are
 11 everywhere, and I've never sat on a Board where more
 12 than half of the Board have been investigated for
 13 something. It's continuous and it's very hard to get
 14 anything done without being investigated or without
 15 having Legal stop you doing it.
 16 Q. Do you think that in some way there is some
 17 hypersensitivity or overadjustment because of what
 18 happened in the past at the Post Office, and that might
 19 listen why the Legal Department are so involved in
 20 matters within the company?
 21 A. Possibly.
 22 Q. Can you think of another explanation?
 23 A. We just have a lot of lawyers.
 24 Q. In terms of numbers, personalities, individuals; what's
 25 the concern?
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1 frankly beyond belief."
 2 Now, putting aside your own investigation, because
 3 you're referring here to legal again, what was that
 4 other concern that you had regarding the Legal
 5 Department?
 6 A. Well, the business is incredibly hamstrung by legal in
 7 many, many ways. In all aspects, Legal get into the
 8 mix, whether it's an HR issue, an operational issue,
 9 they run the Investigation Team. They're everywhere.
 10 Q. What was your concern in relation to your own
 11 investigation?
 12 A. I wanted a letter confirming the matter was closed.
 13 Q. If we up we can see Mr Staunton's response. He says:
 14 "Dear Both,
 15 "This is completely unsatisfactory -- I was under
 16 the impression after talking to one of the
 17 [Non-Executive Directors] handling this (Lorna?) that
 18 the report was wrapped up many weeks ago. I understand
 19 the tremendous upset you (and Saf in the case of his
 20 investigation) have been subjected to. This requires
 21 an investigation. I have sent a filenote of the views
 22 of our Postmaster [Non-Executive Directors with regards
 23 to] Ben Foat."
 24 Is that the Project Pineapple memo?
 25 A. No. No, I don't think it is.
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1 A. All of that. I mean, we have, you know, a lot of
 2 lawyers doing a lot of things, but Legal are responsible
 3 for more than just drafting contracts and compliance.
 4 They seem to be -- you know, investigation sits within
 5 Legal. I would have thought investigations would sit
 6 better in HR. You know, the parameters within which
 7 Legal operate seems to be unclear and sometimes I'm not
 8 sure who's running the business, whether it's Legal or
 9 the business.
 10 Q. Let's turn to the letter that withdraws the accusations.
 11 Can we please turn to WITN11180104. It's 8 February
 12 this year:
 13 "As you're aware, the Assurance & Complex
 14 Investigation Team ... at [the Post Office] conducted
 15 a fact-finding investigation with your assistance."
 16 Did you understand that to be a fact-finding
 17 investigation?
 18 A. No.
 19 Q. "I am writing to you to inform you that this matter is
 20 closed from the perspective of A&CI."
 21 Was it open in respect of some other department, as
 22 it was closed in their respect?
 23 A. Not that I'm aware of.
 24 Q. "The matters centred on two main themes:
 25 "1. Did you, in your capacity as a Non-Executive
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1 Director ... make false, misleading or incomplete
2 declarations on a 'Remuneration form or Directors and
3 Other Key Management Personnel' ...

4 "2. Did you, through your ownership of UOE, fail to
5 address or service shortfall debt owed to [the Post
6 Office] accrued by [your company].

7 "In respect of the first matter, our findings are
8 that the training and advice you were provided in
9 relation to the completion of this declaration was such
10 that it was unreasonable for you to know whether your
11 financial position with [the Post Office] should or
12 should not have been declared."

13 So it seems an acceptance there that it would have
14 been unreasonable for you to have been aware.

15 A. Correct.

16 Q. "Therefore A&CI has recommended that this matter should
17 not be taken further. We have also recommended to the
18 Corporate Secretariat that the instructions, training
19 and advice to future potential directors is improved in
20 respect of this declaration. This has been logged with
21 Group Assurance for them to monitor the changes in
22 approach."

23 A. That has been carried out.

24 Q. Thank you.

25 "In respect of the second matter, I understand that
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1 investigations should be carried out?

2 A. I think you start with the premise that there's a query.
3 Can we work together to resolve this query from
4 an operational perspective? Investigations should deal
5 with when that becomes obvious as more than just
6 a query, and there's some sort of criminality, or
7 attempted fraud, or something, you know, significant
8 that is out of the norm of normal business. To assume
9 that it requires the level of investigation -- sorry,
10 "fact-finding" -- that they suggest and yet not provide
11 that documentation to the other party, immediately and
12 fully, so that they can offer suggestions as to what the
13 issue might be, seems at odds with a partnership
14 relationship.

15 Q. To what extent do you see the issue as cultural rather
16 than structural?

17 A. Yes, I think it's a bit of both.

18 Q. How would you change it?

19 A. I think the terms of reference for the Investigations
20 Department needs to be reviewed; the approach and style;
21 the use of what are clearly confrontational styles of
22 messaging need to be adapted; and it should be -- there
23 should be more parity between the two relationships.
24 It's a big challenge in the Post Office that there is
25 this imbalance of power, and you can call them optional
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1 you have for some time now been liaising directly with
2 Central Operations Director, Melanie Park, to address
3 the shortfalls at your branches and to reach a mutually
4 agreed outcome. Now that this arrangement has been
5 agreed, A&CI can close the fact-finding investigation.

6 "I can, therefore, confirm that our fact-find in
7 relation to these matters is now closed. I would like
8 to take this opportunity to thank you for your patience
9 and cooperation in this matter."

10 What's your view of this letter?

11 A. It was late coming. I was pleased to receive it.

12 Q. Have you discussed any crossovers between the way that
13 you were treated in this investigation and other
14 investigations that the Inquiry has heard about with
15 other directors, or with anybody else within the
16 company?

17 A. I spoke directly to Ben Foat, who the team reported in
18 to, and I said to him "You've got to look at way this
19 works. Having experienced it myself, we have not learnt
20 sufficiently how to treat postmasters properly. There
21 are horrific echoes of the past. The terminology, the
22 approach, you've got to learn from this and I'm happy to
23 sit down with anyone you like and share my experience so
24 you get it from my side".

25 Q. Taking your own case as an example, how do you think
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1 meetings, or whatever you want to call them: they are
2 clearly not optional if you're a postmaster.

3 Q. We saw the Project Birch report and those
4 recommendations. Are you aware at all of those
5 recommendations having been taken forward?

6 A. There was a document presented to Board for noting which
7 you brought up on screen earlier today with Mr Ismail,
8 which was the attempt by Post Office, I think, to adopt
9 some of those. The execution is a little lacking.

10 Q. Are you aware any in-depth discussions of the way
11 forward?

12 A. Not sufficiently. No one asked for me to share my
13 experience with them within the Investigations Team.

14 Q. Has there been any discussion about looking at the
15 Horizon system as part of the work carried out by the
16 investigators? We saw the document with Mr Ismail
17 before that referred to, for example, investigating
18 those who worked for subpostmasters, but that document
19 didn't seem to address the issue of actually digging
20 down to any root causes of any problems. Is that
21 something you've discussed in any depth at Board level?

22 A. I don't understand the question, sorry.

23 Q. Part of this Inquiry has been looking into a lack of
24 investigation into the root causes of a problem that
25 might be traced to the Horizon system itself.
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1 A. Yeah.

2 Q. In fact, there has been evidence where there have been

3 cases where the Post Office has said there has been

4 a loss but, in fact, the loss itself has not been

5 investigated as to whether the Post Office has in fact

6 received a loss.

7 A. Mm.

8 Q. Has there been discussion at Board level about that

9 aspect of the investigation process?

10 A. At Board level, the majority of discussions around

11 discrepancies, as to how they're referred to, relates to

12 the line item in the P&L on a monthly basis. The way of

13 handling those discrepancies has come up a few times in

14 different guises but, currently, there is no clear

15 strategy on the way forward for that.

16 Q. I'm going to take you to one more document before we

17 take our mid-afternoon break, and that's another

18 document that we've seen today. It's FUJ00243203. This

19 is the correspondence with Fujitsu in relation to the

20 use of, or provision of, evidence in a criminal

21 prosecution. This is 19 April 2024, so soon after your

22 own investigation.

23 Do you, having read this, consider it appropriate

24 for the Post Office Investigations Team to be contacting

25 Fujitsu in this way?

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1 Investigation Team before they passed anything over to

2 City of London Police, or any other police force, was

3 that if we believed there was a criminal act that has

4 happened and we're being asked to provide evidence, that

5 evidence should come to Board first, be approved as

6 appropriate and then be released, because it doesn't

7 happen that often that it presents a problem for the

8 Board to look at it a few times a year, and then make

9 judgement that the data is sufficient and right that we

10 can pass it forward.

11 Q. That dispute that we saw in the correspondence between

12 Mr Patterson and Nick Read, was that something that was

13 raised with you or in discussions with members of the

14 Board at all?

15 A. So Mr Read had regular discussions with the CEO of many

16 partner businesses of the organisations that we work

17 with and would update the Board regularly on his

18 discussions with them, but we wouldn't get the minutiae

19 or a copy of correspondence. I wasn't aware of this

20 matter and I wasn't aware that Fujitsu were taking the

21 line that they were. I believe that the tone of

22 communication between the two organisations shifted when

23 Owen Woodley engaged with them and seems to be less

24 fractious now.

25 Q. Do you see a way forward for the two organisations to

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1 A. So I believe this relates to a matter where the City of

2 London Police have decided there is a case that requires

3 investigation. I think that's wholly different from

4 a situation where the Post Office is checking its own

5 homework. The level of rigour that I believe and trust

6 the City of London Police to work to is a standard

7 I think we would all agree should be of the very highest

8 and I trust that, if the City of London Police require

9 information, that there is good cause for it.

10 In those circumstances, I think it's only right that

11 our Investigations Team should work to provide the

12 information for our law enforcement people to do their

13 job and the question here really is, I think: can we

14 rely upon Horizon as a point of reference in those

15 situations?

16 Clearly, Fujitsu do not wish to be associated in

17 that regard and it's clear from their letters. But

18 I think also those letters, you have to look into

19 context of the time, and that was the moment at which

20 Fujitsu were either on the brink, or were just about to

21 apologise for their part in this. But also, it's the

22 conversation between two CEOs trying to protect their

23 side of their businesses.

24 So I think that, for me, sitting on the Board as

25 a non-exec, the important thing that I wanted from our

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1 work together?

2 A. I think we have to. It's essential.

3 Q. Do you think it's achievable?

4 A. I don't own the relationship; it would be hard for me to

5 answer.

6 Q. In light of the correspondence that you've seen, do you

7 think that there are issues, significant issues, that

8 need to be overcome in that respect?

9 A. Well, I think you can look at two letters from two CEOs

10 in a moment in time and draw conclusions, but it's

11 a moment in time. I don't believe that Fujitsu and Post

12 Office are unable to work together.

13 MR BLAKE: Thank you.

14 Sir, that might be an appropriate moment to take our

15 mid-afternoon break.

16 SIR WYN WILLIAMS: Certainly.

17 MR BLAKE: Can we come back at 3.15, please.

18 SIR WYN WILLIAMS: Yes. Fine.

19 MR BLAKE: Thank you very much.

20 (3.00 pm)

21 (A short break)

22 (3.15 pm)

23 MR BLAKE: Thank you, Mr Jacobs, we're going to address

24 a few different topics now, starting with the Horizon

25 system itself. If we could bring onto screen your

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1 witness statement, WITN11180100, and it's paragraph 17,
2 page 5. You set out there a number of issues that you
3 have with Horizon. Is it right to say that you started
4 using Horizon when your franchise first began in 2014?

5 **A.** Yes.

6 **Q.** Let's go through briefly those issues that you've
7 raised. The first is that:

8 "It is not a visual, user-friendly system. The
9 system is primarily text based and there are few command
10 prompts.

11 "[Second] It is difficult for postmasters to analyse
12 data and correct potential inaccuracies on the system.
13 It then takes significant effort and often a manual
14 review of transactions to investigate a potential
15 error."

16 Does that tie into one of the issues you raised with
17 your investigation and the access on information?

18 **A.** Yes, there are two parts there, firstly the
19 investigation being as discussed, but also out the back
20 of that, the lessons learned from my side was we now
21 have our own manual checks that's done in every branch
22 on every till, every day, off Horizon to verify our
23 balances.

24 **Q.** I think you've said in your witness statement that you
25 do that because of concerns that you have with the Post

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1 postmaster."

2 Is that along the same lines as you've just been
3 describing?

4 **A.** Indeed. The rest of my business all operated on
5 a software platform that I can drill and analyse
6 everything, and this is nothing like that.

7 **Q.** Can we go to our expert reports, that's EXPG0000007 at
8 page 19. Page 19 sets out the issues experienced with
9 Horizon in the last 12 months, the postmasters have
10 experienced. Are these issues that are familiar to you,
11 at all?

12 **A.** They would be familiar to every postmaster.

13 **Q.** Looking at these issues, and also the issues that you've
14 highlighted in your witness statement, do you consider
15 that they are sufficiently well known within the
16 business?

17 **A.** Explain the question, sorry?

18 **Q.** You're aware of them because you are a subpostmaster,
19 and you operate branches. Those who completed the
20 Inquiry's survey are aware of them because they are also
21 subpostmasters. Do you think that that information,
22 those messages, reaches the upper levels of the company?

23 **A.** No.

24 **Q.** What's the issue there?

25 **A.** They never touched Horizon.

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1 Office's tolerance for error; is that right?

2 **A.** Well, the tolerance is zero.

3 **Q.** What's your concern in that respect?

4 **A.** There is no system that can be wrong 0 per cent of the
5 time.

6 **Q.** Looking at (c):

7 "Postmasters that run multiple branches cannot
8 obtain a global view of data and are required to be
9 physically present at the relevant Post Office to
10 interrogate data ..."

11 So you run a number of different branches but there
12 is no way of drawing all often your data together?

13 **A.** No, there is no central access that's available in real
14 time. You can get delayed information weeks or days
15 later, potentially, depending on the time of the month,
16 using a system called Branch Hub, but this has limited
17 data, and you can't drill individual transactions. The
18 only way to get individual data or analysis on an error
19 is to drive to the branch, walk in the front door, print
20 it out and then, by hand, wade through a printed report.
21 There is no Excel export or anything like that.

22 **Q.** Then (d):

23 "The Horizon IT System is effective as a functioning
24 till, but it is not sufficiently sophisticated to manage
25 and analyse a modern business as a professional

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1 **Q.** Does one have to personally use Horizon to understand
2 those issues or is there a way of communicating that to
3 the Board or to Executives that you don't see happening?

4 **A.** I think it's hard to realise how archaic the system is
5 unless you have the privilege of using it, and I think
6 what Mr Ismail and myself bring to the Board is that
7 level of real-world experience where we can share the
8 realities of operating within this -- the confines of
9 this system and other processes that we have in the
10 organisation, this just being part of that. But I think
11 that more could be done to immerse senior leaders within
12 the business, and Board members, in understanding how
13 hard it is to run a branch.

14 **Q.** In terms of the Horizon replacement, the NBIT system,
15 when do you realistically think that that will be
16 implemented?

17 **A.** I would suggest you speak to the Head of Technology.

18 **Q.** Do you have any concerns about the implementation?

19 **A.** It's late. Very late.

20 **Q.** Do you have any concerns over and above the delay?

21 **A.** Yes, I think that it's very important we don't just get
22 a Horizon replacement. This business doesn't need
23 a replacement for Horizon; it needs a fit-for-purpose
24 computer system that will be capable of managing the
25 business 20 years from now, 15 years from now, because

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1 whatever we built from now, is going to have to last
 2 beyond the decade.
 3 **Q.** Is that properly understood at Executive level or Board
 4 level?
 5 **A.** I think it's beginning to be but, at the moment, it's
 6 often referred to as Horizon replacement; it's not. New
 7 Branch IT is not a great name for it but it's a better
 8 description of what its needs to be.
 9 **Q.** I'm going to move on now to Project Phoenix and Past
 10 Roles. I've dealt with that in great detail with
 11 Mr Ismail so we'll skip through a number of documents
 12 relatively quickly but, if you want to take time over
 13 any of the documents, please do say. If we start,
 14 please, with POL00448615. This is a Group Executive
 15 report on the Past Roles Review, dated 17 January 2024.
 16 Can we please turn to page 6. In your witness
 17 statement, I think you've said that you originally were
 18 lined up for a role in this work -- sorry, it's over the
 19 page, page 6. Can you assist us with that? We have
 20 here, for example, Mark Eldridge listed as the
 21 Postmaster Non-Executive Director?
 22 **A.** Well, in the original daft that I was sent, I was
 23 assigned as the Postmaster NED to that committee.
 24 **Q.** What happened to that?
 25 **A.** The process went through a number of different
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1 a great deal of correspondence on the Phoenix and Past
 2 Roles issue. This is an email from yourself sent on
 3 10 February 2024, and you say:
 4 "It does however seem odd that not a single one is
 5 suspended whilst this is ongoing? Why is that? We seem
 6 to suspend people on a regular basis when investigations
 7 are ongoing? Why not on this matter?"
 8 What is your concern in relation to the suspension
 9 or lack of suspension of individuals?
 10 **A.** So I've had the privilege to attend this Inquiry on
 11 a number of days and see other witnesses give evidence,
 12 some of whom were involved in investigations in the
 13 past, some of whom remain in the organisation today, and
 14 I don't understand how you can change the culture of
 15 an organisation and those people still be taking a wage
 16 from the business. So it was my view that, whether or
 17 not we could deal with that now, because the Inquiry is
 18 going on, or whether we should wait until the Inquiry
 19 ended, these people had to be not within the business on
 20 a daily basis and, if the only way to deal with that now
 21 was to suspend them on full pay, I would rather they
 22 were paid and sat at home than be in the organisation
 23 creating a culture that isn't fit.
 24 **Q.** Where do you draw the line between particular named
 25 individuals, individuals who were in particular roles,
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1 iterations and the final constitution of the group
 2 didn't include me.
 3 **Q.** Are you aware of any reasons for that?
 4 **A.** It wasn't communicated to me directly. I was led to
 5 believe that it could be because I was a postmaster and,
 6 therefore, might be conflicted.
 7 **Q.** Who is Mr Eldridge then; is he not a postmaster?
 8 **A.** He is indeed a postmaster. He is the Postmaster
 9 Director.
 10 **Q.** So why is it that his name is there and yours isn't?
 11 **A.** You'd have to ask the Chair of the panel, I suppose.
 12 **Q.** What reason do you think it is?
 13 **A.** I don't know, if I'm honest. Mark's role within the
 14 business is more executive. I'm non-executive.
 15 Everyone else on that committee is executive. Perhaps
 16 it was felt that it was an executive committee rather
 17 than a non-executive committee.
 18 **Q.** Do you think that the concerns that you've raised in
 19 respect of that project has played a role in any way?
 20 **A.** I don't believe we'd have moved forward in the way we
 21 are now moving forward if myself and Mr Ismail had not
 22 been very forceful and repeated in our requests to get
 23 this sorted.
 24 **Q.** Can we please turn to POL00448309. This is just one of
 25 the emails that we've been through. We've been through
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1 et cetera?
 2 **A.** So you made an example this morning of someone who had
 3 reappeared in a different role in a communication at
 4 a post office that had been closed. Part of the problem
 5 of the organisation is, up until recently, it didn't
 6 know who or when people who were in the business
 7 currently may have been involved in the past behaviour
 8 of the organisation, and so the Phoenix/Past Roles
 9 process was about understanding who we have in the
 10 organisation, what they were doing in the past when we
 11 made such terrible decisions, and what are they doing
 12 now, and is -- what's the risk?
 13 Now, there are some people, and Phoenix, it latterly
 14 turns out -- because again we talked earlier about Board
 15 communication, Phoenix and Past Roles were only ever
 16 referred to as Phoenix at the Board, up until recently,
 17 when they were more clearly defined as two separate
 18 projects, but Phoenix is designed to identify what were
 19 known as the "reds", the reds being people who are very
 20 high-risk category 1 people, involved in investigations
 21 who, you know, are -- clearly, should not be in the
 22 organisation, as opposed to people who were perhaps
 23 employed by the organisation at the time when we were
 24 doing these things, but were not directly involved.
 25 They may have been in a completely different department.
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1 They might even have worked in one of our directly
2 managed branches at the time and now are in a position
3 of leadership.

4 That's totally different to someone who was directly
5 involved in investigations. So, for me, that's the
6 first distinction, and I don't believe we should blanket
7 remove everyone who was there on the date, but we need
8 to understand who works for us and what was their role
9 in the past, and if it was to do such wrong things, they
10 have no place in this organisation -- yesterday, today,
11 or tomorrow.

12 Q. Can we please look at POL00448297. This email we've
13 just seen is February, moving to 19 April. We saw this
14 document either yesterday or today:

15 "Over the past couple of days, a number of
16 [postmasters] have been in compact with Saf and I in
17 regard to recent statements at the Inquiry by current
18 employees who are still in the business and were
19 involved in the Horizon scandal."

20 You say:

21 "We are regularly told that the review is underway
22 and must be done carefully to ensure accuracy in
23 decision making -- which I fully understand. But to
24 date we have not received any information on a single
25 employee who has been suspended or dismissed as a result

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1 person then did a short-term interim role and left; we
2 had another one that joined, and she had her contract
3 terminated for performance, I believe; and we've had
4 gaps between them, as well; and now Karen has been with
5 us -- I'm not sure how long, maybe -- nearly a year,
6 perhaps.

7 Q. Do these signify any wider problems within the business
8 in terms of retention, in terms of consistency and
9 handover?

10 A. Well, in an organisation of any size, the People Team is
11 fundamental in building -- not only assisting the CEO to
12 deliver the culture change that you want to deliver but
13 also in helping to build out the skill and capability
14 and the second-tier leadership, so that you have
15 continuity and capability as you continue to grow and
16 evolve your business. Not having a Chief People Officer
17 or a People Team that was under, you know, a steady
18 leadership, obviously has affected our ability to make
19 change, I think.

20 Q. We saw yesterday a couple of documents that seemed to
21 put a lot of emphasis on the duties owed to employees,
22 and that was given, perhaps, as a reason for not
23 suspending people.

24 A. Mm.

25 Q. Are you aware of the emphasis being placed on care to

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1 of this ongoing review which started nearly 2 years ago
2 but still remains incomplete."

3 What's your view as to the pace of these
4 investigations?

5 A. That they weren't moving.

6 Q. Are they moving now?

7 A. They are, but not sufficiently quickly, in my opinion.

8 Q. Who do you consider to be responsible for that lack of
9 pace?

10 A. Well, it's been incredibly difficult, because we've
11 had -- I lose count -- I think it's five or six Chief
12 People Officers whilst I've been at the organisation,
13 which is very hard to build culture, very hard to build
14 a process. And where something like this is being
15 managed, I believe by the People Team now -- Karen
16 McEwan, who is copied in on this email and is the
17 current Chief People Officer, has taken up activity on
18 this at a far better pace than previously. But I think
19 without the push -- and continuous push -- from me and
20 Mr Ismail, and others on the Board, then it would just
21 be going at a slow pace.

22 Q. Why has there been such great turnover in terms of the
23 People Officers?

24 A. Well, there was -- one of them went on maternity leave;
25 one was an interim cover for maternity leave, that

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1 employees over and above wider issues?

2 A. I'm aware of the suggestion. It doesn't stack, for me.

3 You know, suspending someone and sacking someone are
4 very different and you're not making a judgement on
5 their guilt by suspending them whilst you investigate.

6 Q. Is it your current view that there should be a move
7 towards suspension?

8 A. Well, I'd like to see us move towards removing anyone
9 who is classified as Phoenix.

10 Q. Moving on to Project Pineapple and, again, we've seen
11 these emails quite a lot, so we'll move through them
12 quite rapidly. Can we first turn to POL00448302, and
13 it's page 4. Page 4 is the note of the conversation.
14 I think I can actually clarify the date now. It seems
15 to have been sent by Henry Staunton on Sunday,
16 14 January.

17 A. Mm-hm.

18 Q. If we scroll slightly above, we can see a further email
19 from Mr Staunton, saying:

20 "Dear Both,

21 "Thank you for your time today."

22 A. Mm.

23 Q. So it does seem as though the date actually of that note
24 and that conversation is 14 January; is that your
25 understanding?

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1 A. It was definitely the weekend. I think it was a Sunday
 2 night, yeah.
 3 Q. Thank you. You've confirmed, if we scroll up onto the
 4 second page, that it was a fair reflection of your
 5 discussion, and then you add further detail.
 6 A. Yes. I mean, it was designed as an internal *aide*
 7 *memoire*, rather than some, you know, document that would
 8 be released for general public review.
 9 Q. When it was provided to those beyond the Non-Executive
 10 Director teams, what was your view of that?
 11 A. It was a mess.
 12 Q. Were you aware that it was going to the CEO?
 13 A. I think the intention was that Mr Staunton would share
 14 it with the non-execs first. To be clear, Henry had
 15 a conversation with the two of us, and this was off the
 16 back of Richard Taylor being shared in the press about
 17 some recording of him making comments about postmasters
 18 all being guilty. But we'd had a conversation with
 19 Henry, and Henry was very conscious of this two-tiering
 20 of the Board and said, "Look, I don't want there to be
 21 silos of information. I want this to be a flat Board,
 22 and part of that is to make certain that the other NEDs
 23 know what we've talked about. Do you have any problem
 24 with me sharing it with the NEDs so that they're on the
 25 same page as you, and get a sense of what we've talked
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1 Bartlett, Ben Foat and Martin Roberts] as 'untouchable'
 2 in our call earlier today was worrying enough ..."
 3 Just pausing there, what did you understand the term
 4 "untouchable" to be a reference to?
 5 A. So we had had a Non-Executive Director-only meeting and
 6 Nick Read was in the meeting for the first part of it,
 7 during which we were talking about many things, and
 8 Mr Read made reference to the Investigations Team and
 9 the others who were around that -- so Foat and
 10 Roberts -- being "untouchable" because he couldn't deal
 11 with anything with them; he was under investigation at
 12 the time, so was Henry, and, at this point, I don't
 13 think I'd received my release, so I was under
 14 investigation as well, and I think there were others on
 15 the Board under investigation, as well. Jane Davies was
 16 under investigation. The list was quite lengthy.
 17 Q. Could the Board properly function during that period?
 18 A. It could carry out its Board functions in terms of its
 19 day-to-day Board roles, but when it came to dealing with
 20 specifics around any investigation or seeming to get in
 21 the way of any investigation, clearly that was --
 22 everyone was conflicted, so it became difficult.
 23 Therefore, they were untouchable.
 24 Q. Can we turn to POL00448301. This is, again, a message
 25 from Mr Staunton. This is the reference there at the
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1 about?", and we were like, "Absolutely, no problem".
 2 And I think the intention was, once the NEDs were
 3 aware, we'd share it with the Chief Executive, Nick
 4 Read.
 5 Q. Did you ever intend for it to be shared with Ben Foat or
 6 Martin Roberts?
 7 A. Not in its format, though the content was true.
 8 Q. If we turn, please, to POL00448383. If we start on the
 9 third page, we see the email there from Mr Staunton,
 10 confirming that it had been sent on.
 11 There's reference there, I think, to an apology.
 12 Was there an apology to you from Mr Read?
 13 A. So I spoke with Mr Read after the incident occurred, and
 14 Henry had said to me, "Give Nick a call. Let's sort
 15 this out. You know, he's very apologetic for what's
 16 happened". And so I gave Mr Read a call: he didn't
 17 apologise, in so many words, no.
 18 Q. If we turn to the first page, please, we see there you
 19 say:
 20 "[You] strongly echo Saf's view on this.
 21 "The release of the confidential briefing note to
 22 the very people we have highlighted in the document is
 23 a horrendous breach of trust."
 24 You then go on to say:
 25 "Your description of these three men [that's John
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1 end to Nick being under huge pressures, and was very
 2 apologetic. Were you aware of Mr Read being under huge
 3 pressures at that point in time?
 4 A. January was an incredibly high-pressure month for the
 5 Post Office. It was, you know, 14 days since the
 6 Mr Bates vs The Post Office broadcast, which had,
 7 I think, surprised the Post Office how strong the
 8 feeling nationally had been, and the output from that
 9 was incredibly intense on Mr Read and others, but
 10 particularly on Mr Read. I think he was called to
 11 a Select Committee around this time as well.
 12 Q. Was it a surprise to you? You've said that the Bates
 13 drama was a surprise to the company.
 14 A. Mm.
 15 Q. As a subpostmaster, was it a surprise to you?
 16 A. Sadly not.
 17 Q. Were there others on the Board who it had not come as
 18 a surprise to, so far as you were aware?
 19 A. I think seeing something portrayed in the drama brings
 20 to life what you've read or what you've heard in a way
 21 that is indescribable, and I think the reaction from the
 22 public just shows the truth of what happened. And
 23 I think everyone on the Board felt a much deeper sense
 24 of a need to get this right, and it just elevated
 25 everything in terms of making certain that things moved
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1 forwards. So I think the two things that have made
2 a massive difference over the last few years have been
3 the Inquiry, which has been both helpful and
4 challenging, and the drama, which has been incredibly
5 powerful.

6 **Q.** Can we please turn to POL00448514. This is again
7 an email that we saw yesterday with Mr Ismail. I'll
8 just take you to the second page -- over the page,
9 please. It's the email from Mr Roberts, where he says
10 that he would now ask that you please put in writing the
11 apology and retract all the allegations and statements
12 presented in the email that he was copied in on.

13 Why, in your view, have things broken down so badly
14 that there is this bickering at the highest levels of
15 the Post Office?

16 **A.** When I met with Mr Roberts, which was a few days prior,
17 I think -- the day before this email, actually, it was
18 30 January -- we'd had a very positive and collaborative
19 conversation. Saf and I met with him together, face to
20 face, we shook hands at the end. It was a good meeting
21 and I think we all left thinking that we had settled the
22 boat.

23 And I was surprised to receive this email, but
24 I understood where it came from. Mr Roberts had been
25 very stressed and concerned by the comments we'd raised.

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1 **A.** I think Henry was dismissed before we could actually
2 take this any further forward, as my memory recalls.

3 **Q.** Did you discuss it with Mr Read?

4 **A.** No.

5 **Q.** Why not?

6 **A.** In my call with Mr Read I was quite surprised by his
7 reaction to my call. I was expecting -- well, if I had
8 made the error that he made in forwarding a confidential
9 document to a party that shouldn't have seen it, I would
10 have been very humble and apologetic, offered to put it
11 right if I could, try and broker some sort of situation
12 with the people who had been forced to read something
13 out of context. But Mr Read didn't offer any of those
14 things and, in fact, suggested it was Henry's fault for
15 forwarding it in a unsecured format, along with other
16 documents, that caused it.

17 And it so threw me, his response, that I was --
18 I didn't think there was any point in discussing it
19 further.

20 **Q.** What do you think was behind that response?

21 **A.** You would have to ask Mr Read.

22 **Q.** Is it once again bickering at the top level, is this
23 Mr Read and Mr Staunton?

24 **A.** It's interesting because Mr Read and Mr Staunton have
25 a lot of like history, they're both retailers from

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1 He shared that with us in the meeting, and I think,
2 reputationally, he felt he'd been damaged and this was
3 him requesting that restoration of reputation.

4 **Q.** I think you say on the first page that, essentially,
5 while you would have put it differently, the substance
6 of your complaint remained the same; is that right?

7 **A.** Yes. The file note that Henry wrote was a rapid-fire
8 internal document. Were it to have been shared as
9 a performance review, I would have drafted it
10 differently.

11 **Q.** Can we please turn to POL00448384. We went through the
12 drafting process with Mr Ismail yesterday or this
13 morning in relation to the points below this. If we
14 scroll down, we can see "Key Agenda Items for Upcoming
15 Board Meeting". We understand, I think, that
16 Mr Staunton was dismissed shortly after this.

17 **A.** Yes.

18 **Q.** If we scroll up to the top, we can see Mr Staunton had
19 said:

20 "Elliot, I think you were going to raise a number of
21 these issues with Nick. His responses would help Saf
22 finalise his note.

23 "How would you like me to take this forward?"

24 Can you assist us with how that matter was taken
25 forward?

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1 successful careers and, on the face of it, I thought
2 they had a pretty good relationship, but I'm not sure
3 that it ended up that way.

4 **Q.** The final substantive topic that I'm going to deal with,
5 very shortly, is the Grant Thornton report that we saw
6 earlier today. I won't take you through those
7 reports -- we've already been through them -- but what,
8 for you, is the most important message from those
9 reports?

10 **A.** The Grant Thornton report?

11 **Q.** Yes.

12 **A.** So the Grant Thornton report was produced on the request
13 of Henry Staunton when he was Chair, and Henry was very
14 keen to get governance back in line with where it needed
15 to be. The Grant Thornton report, in its initial draft,
16 was very damning of our governance capabilities, and
17 rightly so. It was softened a little bit in the
18 redraft, I think, because it was felt to be awkward and
19 difficult and I think it raised very important issues,
20 which are at the heart of what this Inquiry is trying to
21 get to the bottom of.

22 **Q.** Who was responsible for pushing forward changes to that
23 report?

24 **A.** Well, at the time, Mr Staunton had been dismissed. We
25 had an interim Chair, and it fell to the interim Chair,

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1 Ben Tidswell, to lead the activity on that. I'm not
2 sure of all of the elements but my understanding was
3 that Ben Tidswell, and I would expect probably the CEO
4 and Lorna Gratton were involved in those discussions.
5 I was less involved in that.

6 **Q.** Thank you. Finally, is there any matter that we haven't
7 addressed or any particular recommendations that you
8 consider are appropriate that we haven't addressed today
9 that you would like to raise?

10 **A.** I think the Post Office is an amazing organisation with
11 great people within it but it isn't living up to what it
12 should be. It works best if it's given a clear
13 prescription, and it needs this Inquiry to give it its
14 prescription. It can be a great organisation but we're
15 not there yet.

16 **MR BLAKE:** Thank you.

17 Sir, there are no questions from Core Participants,
18 so unless you have any questions, sir?

19 **Questioned by SIR WYN WILLIAMS**

20 **SIR WYN WILLIAMS:** It's really out of curiosity, more than
21 the likelihood that I need precise answers from you, but
22 could we go back to the investigation that took place in
23 relation to your branches, simply to fill in a gap that
24 I think should be filled.

25 By my reckoning, we've had evidence from you of the
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1 is that a different team is looking at it?

2 **A.** Yes, and we went through with that team, line by line,
3 forensically over 44 pages of what was a pdf file, and
4 dealt with them line by line by line.

5 **SIR WYN WILLIAMS:** That's what you meant when you were
6 describing what must have been a series of meetings,
7 I guess, which were much more like business meetings
8 rather than interviews?

9 **A.** Indeed.

10 **SIR WYN WILLIAMS:** Okay. That took the better part of the
11 rest of the year, yes?

12 **A.** No. I don't recall the exact period but I think the
13 whole thing was wrapped up probably by September, but it
14 took until the next year for someone in Legal to issue
15 me a letter saying that they'd closed it.

16 **SIR WYN WILLIAMS:** Yes. So you are, I think, asking me to
17 accept that it all having been wrapped up as between the
18 businesspeople, if I can put it in that way, by
19 September, whatever it was --

20 **A.** 2023.

21 **SIR WYN WILLIAMS:** -- the delay thereafter was in getting
22 Legal to sign it off.

23 **A.** Well, it was -- I think it would be fair to say that the
24 company required it to go through a number of governance
25 steps because they didn't want it to be seen as, you
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1 interview -- I'll call it an interview -- on 5 April and
2 then the audit which took place on 6 April. Then we
3 have kind of jumped to January the next year.

4 **A.** Yes.

5 **SIR WYN WILLIAMS:** Well, I mean, I'd just like you to tell
6 me briefly what actually happened.

7 **A.** Thank you, sir.

8 So between the audit -- post-audit, they then passed
9 the work over to the team at Chesterfield, who then
10 worked with us on --

11 **SIR WYN WILLIAMS:** Sorry to stop you. When you say "they",
12 you mean the two investigators who had interviewed you,
13 yes?

14 **A.** Yes, sir.

15 **SIR WYN WILLIAMS:** So that I can sort of trace this in the
16 way I want to, essentially, am I right to infer that
17 they did that because of the answers that you gave them
18 in the interview, or did something else happen?

19 **A.** I would assume that to be the case. I was never told
20 why, but I wasn't asked back for a second interview, no.

21 **SIR WYN WILLIAMS:** Okay, right, so interview is over, audit
22 is over. Presumably you raise a dispute part about what
23 had happened over the stamps?

24 **A.** Yes, and the other balances, yes.

25 **SIR WYN WILLIAMS:** Yes, and then the next thing that happens
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1 know, a non-exec getting something signed off unfairly,
2 or improperly. It required a number of layers of
3 approval. Those layers of approval were achieved but
4 the document never got written, and I think it was just
5 it went round the loop a few too many times and got lost
6 on the way.

7 **SIR WYN WILLIAMS:** All right. So it's perfectly
8 understandable that justice was being seen to be done,
9 as well as being done, in your particular instance, so
10 I follow that.

11 So, overall, would you say that taking, what is it,
12 seven or eight months to resolve it from the point of
13 the audit was reasonable or unreasonable in the
14 particular circumstances prevailing?

15 **A.** I think it was an incredibly long period of time to wrap
16 something up. If you can come next day for an audit, it
17 shouldn't take seven months to write a letter.

18 **SIR WYN WILLIAMS:** Right, okay. Thank you for filling in
19 the gaps, Mr Jacobs.

20 **THE WITNESS:** My pleasure, sir.

21 **SIR WYN WILLIAMS:** That's all I have, Mr Blake.

22 So in the absence of any further questions, it just
23 remains for me to thank you very much for making your
24 witness statement and for giving evidence this
25 afternoon. I'm very grateful to you.
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1 **MR BLAKE:** Thank you, sir.

2 There's one small bureaucratic matter that have to

3 deal with and that is one witness statement from Phase 3

4 hasn't yet been read into the record and I just want to,

5 for the purposes of the transcript, confirm that

6 a statement has been provided by Penny Thomas and that

7 can be found at WITN00960100, and that is now in

8 evidence in the Inquiry.

9 **SIR WYN WILLIAMS:** Thank you very much, Mr Blake.

10 **MS PRICE:** Thank you.

11 **SIR WYN WILLIAMS:** So we won't be sitting tomorrow but we'll

12 resume at 10.00 on Thursday, yes?

13 **MR BLAKE:** Yes, that's with Mr Greenhow.

14 **SIR WYN WILLIAMS:** Yes. Thank you all very much.

15 **MR BLAKE:** Thank you.

16 **(3.53 pm)**

17 **(The hearing adjourned until 10.00 am**

18 **on Thursday, 26 September 2024)**

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