

Friday, 24 February 2023

(10.05 am)

MS KENNEDY: Good morning, chair. Our witness today is Mr David Smith.

SIR WYN WILLIAMS: Before we hear from Mr Smith, I'd like to make an announcement about what I anticipate is going to happen today. As you will know the Prime Minister has made a request that as many of us as possible observe a minute's silence at 11.00 am this morning. I propose to observe that minute's silence by remaining silent on the screen.

I understand that some people may wish not to observe that silence or may wish to observe it in private and, accordingly, shortly before 11.00 we will stop the proceedings. Those who wish to leave the Inquiry room are of course free to do so and those who wish to join from other parties of the Inquiry Team who are not in the room can come into the room if they wish to do so.

Then at 11.00 those of us who are in the Inquiry room, either in person or remotely, will observe the minute's silence. Following that we'll have our morning break until 11.15 and

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Q. Is it true to the best of your knowledge and belief?

A. It is.

Q. Turning to your second statement. Do you also have that there?

A. I do.

Q. That should run to 16 pages and, if you turn to the 16th page, is that your signature there?

A. It's actually on the 17th page but it is indeed.

Q. It finishes on the 17th.

A. Yes.

Q. It's dated 7 February 2023.

A. It is.

Q. Have you read through this statement recently?

A. I have, yes.

Q. Is the also true to the best of your knowledge and belief?

A. It is, yes.

Q. Those witness statements are now in evidence and everything I ask you is supplementary and can I start by saying thank you very much for coming to give evidence to the Inquiry today.

Starting with some questions about your background. Can you explain what you did before you joined the Post Office.

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then, because this is all happening a little earlier than usual, we'll probably take an early lunch and aim to complete our business by about 3.00 by these rather different means, Ms Kennedy. I hope everyone understands that. If you think I'm getting too close to 11.00 before adjourning just stop me all right, Ms Kennedy?

MS KENNEDY: Will do so. Thank you. Mr David Smith.

DAVID SMITH (affirmed)

Questioned by MS KENNEDY

MS KENNEDY: Mr Smith, you've given two witness statements to the Inquiry, one in respect of Phase 2 and one in respect of Phase 3. Do you have the first witness statement in front of you?

A. I do indeed.

Q. It should run to 24 pages. If you turn to the 24th page, is that your signature there?

A. Yes, it is.

Q. It's dated 30 August 2022?

A. It is indeed.

Q. Have you read through it recently?

A. Yes, I have.

2

A. I worked at British Airways -- I started actually at British European Airways and worked in finance, first of all as an auditor, and then various roles in route accounting. I worked on the privatisation of BA at one stage and I was also the financial controller of British Airways Helicopters. I was actually sent in there to assist the managing director in selling the company, and we worked through that and sold the company, and one of the terms of the contract was that British Airways severance terms were available to me which I took and, after that, I joined the Post Office.

Q. That was in 1987?

A. That's correct, yes.

Q. What was your first job in the Post Office?

A. I was chief financial accountant. It was a fairly broad role, actually, because it involved not just what you'd expect a financial accountant to do but it also involved running the factory in Chesterfield, some around 800-odd people involved in the back office work associated with office accounting and client settlement, subpostmasters' remuneration, various business processes.

4

1 Q. Then in July 1996 you were appointed as director
2 of central services group?

3 A. Yes, this was -- I retained my role as head of
4 the finance executive whilst doing that. The --
5 it was an odd role because my -- I was charged
6 with breaking up that directorate and,
7 basically, attaching the various sections within
8 it to other parts of the organisation. So it
9 was a short-term role that lasted either six to
10 nine months and then I was -- the plan was that
11 I was going to revert full time to head of
12 finance executive.

13 Q. But what happened then?

14 A. Well, I was approached by not one but I think
15 three directors in total. I wasn't told I was
16 going to be heading up automation transformation
17 but I was asked whether I would consider it.
18 I mean, I'd spent over 25 years building
19 a career in finance so I guess I went through
20 some kind of grieving cycle. But I mean, I came
21 to terms with it, and, you know, there started
22 my long association automation projects.

23 Q. Why were you initially reluctant to take up that
24 role?

25 A. Part of the reluctance was it just wasn't --

5

1 lucky, to get the right people together.

2 Q. Did you have any qualifications or experience in
3 information technology at that point?

4 A. Yeah, well starting from my university days
5 I had done some ASA/Fortran, BASIC, the -- as
6 an auditor -- I hesitate to call myself
7 a computer auditor but I did start to audit
8 through the system or through systems rather
9 than just around them, and I would review
10 system-based controls and then test them with
11 test packs and what have you. At Helicopters as
12 financial controller, systems was part of my
13 responsibility.

14 When I joined the Post Office all the major
15 systems were actually supporting the areas that
16 I controlled. So I was the business's major
17 customer of systems, which meant that I engaged
18 with the systems people on a regular places.

19 When I moved to the finance executive I led
20 an SAP project called MICA SAP(?) **, unusually
21 we delivered ahead of time within budget and the
22 benefits were somewhat greater than we'd
23 forecast in the business case.

24 So I think I'd had a fair amount of exposure
25 to systems and involvement in systems project

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1 I mean, it was not a job I sought and my initial
2 reluctance was this was a lot to take on board.
3 As I got to accepting that this was going to
4 happen, I did, with Stuart Sweetman, challenge
5 him about where the authority came to carry out
6 this role because none of the projects, none of
7 the business activities to deliver automation
8 would report directly to me. In fact, many of
9 them reported directly to directors. So how did
10 I, where would I draw the authority from to get
11 these people to do what I needed them to do,
12 which is to work very closely together.

13 Stuart did take that away. He wasn't the
14 first to announce the outcome of that. I bumped
15 into our marketing director actually walking
16 along the street and he sort of bowed down to me
17 and said "Well, I understand now, Dave, that I'm
18 going to have to do as you tell me".

19 And fair enough to Stuart, I think I did
20 have the authority to -- in particular when
21 a big issue arose, to pull the parties together
22 very rapidly to seek a resolution. Things
23 didn't normally happen that quickly in the Post
24 Office, it might take you two or three weeks if
25 you're lucky, two or three months if you weren't

6

1 work.

2 Q. You said you were associated with the Horizon
3 System from then until you left in March 2010;
4 is that right?

5 A. That's right, yes.

6 Q. Just for clarity, shortly after you left,
7 another David Smith took over as managing
8 director; is that right?

9 A. Yes, there were rather a few of us and matters
10 were complicated by the fact that neither of us
11 were given a second Christian name. So I became
12 known as "David X" and he became known as
13 "David Y". But there was confusion over time.
14 We'd get each other's mail, and what have you,
15 and some of the documents I've received were in
16 fact meant for him.

17 Q. Between 1997 and 2010 you held a number of other
18 roles. In 2004 you became acting IT director
19 when Alan Barrie went to the Royal Mail?

20 A. That's correct, yes.

21 Q. Then in February 2005 you became general manager
22 of IT, which then changed to Head of Change and
23 IS; is that right?

24 A. Yes, I mean, Post Office used to go through
25 regular reorganisations and, you know, roles

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1 would be changed, not always significantly, but
 2 yeah, job titles. Essentially, I think, the
 3 difference between being general manager IT and
 4 Head of Change and IS was that I gained a much
 5 broader range of change in the business.
 6 I think it was over 1,000 changes a year we used
 7 to deliver, many of them seemingly minor changes
 8 but if you got them wrong could create massive
 9 disruption.

10 So the change in postage stamps for example
 11 was quite a significant operation and had to be
 12 project managed.

13 **Q.** Then in 2009 you were operations director until
 14 you left?

15 **A.** Yes, that was just three months. Not until
 16 I left, no. That was a holding situation, Ric
 17 Francis left Post Office Limited and Mike Young
 18 joined and in the three months in between I just
 19 held the ring.

20 **Q.** Turning then to some questions about prior to
 21 the introduction of Horizon, if we could turn up
 22 your first witness statement, WITN05290100, and
 23 if we could turn to page 7 in that. Looking at
 24 paragraph 18, you set out there the basis of the
 25 cash account and described the process that

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1 pensions and allowances paper into Chesterfield.

2 If you understand the cash account process,
 3 if you go through what's involved in putting the
 4 cash account together, you know, it's a very,
 5 very complicated process and it's not
 6 surprising, therefore, that you've got the level
 7 of errors that we had. We tried all the while
 8 to drive them down but also the counter was
 9 a place of constant change. So as soon as you'd
 10 dampened down errors in one area, there would be
 11 a change to other products and a new source of
 12 error would arise in another.

13 **Q.** If we could turn over the page on that statement
 14 to paragraph 24, scrolling down. You say there:

15 "The five thousand plus errors mentioned ...
 16 were merely the tip of the iceberg ..."

17 **A.** Yeah.

18 **Q.** Did you find that a very difficult environment
 19 in which to work?

20 **A.** I mean, the -- what I was getting at in --
 21 I mean, when I joined, one of my objectives was
 22 to take 200 posts out of Chesterfield and, you
 23 know, in most processes in most businesses the
 24 way to do that is either to radically reform the
 25 process or to take out waste.

11

1 a 200-strong group of individuals in
 2 Chesterfield would go through and you describe:
 3 "A separate unit just to deal with pensions
 4 and allowances was even larger in size and
 5 a third group processing Postal Orders about 80
 6 strong. There was also a unit in Edinburgh
 7 mirroring the Chesterfield operation dealing
 8 with Scottish branches."

9 If we scroll down to paragraph 20 you set
 10 out that:

11 "Over five thousand errors per week were
 12 detected. Many of these would result in the
 13 issue of an error notice."

14 Did you feel that was a lot of errors at
 15 that time under the paper-based approach?

16 **A.** It sure as hell felt like it. I guess there's
 17 no -- I'd never in my working career come across
 18 something that was so paper based. I think it
 19 would be fair to say that the airline that
 20 I joined, the use of accounting systems was
 21 about 15, 20 years ahead of where the Post
 22 Office was. So I'd never come across a paper
 23 factory like this. I mean, I think I said it in
 24 the -- further on in the statement, that there
 25 was a dedicated freight train just to bring the

10

1 And, you know, a lot of these -- a lot of
 2 these errors were related to conformance. So
 3 for example, this freight train that came in
 4 each week, the pouches were meant to be made up
 5 to a particular standard. They very often
 6 weren't, and we ran a trial with the Derby
 7 district and the Plain English Society,
 8 developed a refreshed set of instructions, just
 9 to get the, you know, conformance with the
 10 presentation standards that we required.

11 On the basis of the pilot in Derby, we
 12 rolled it out nationally, targeting 17 posts
 13 coming out just from, you know, people not
 14 putting paperclips, staples, segmenting the
 15 different classifications of benefits properly,
 16 and so a lot of this was about that sort of
 17 stuff. So my interest was to, you know, drive
 18 out these areas of error and drive the resources
 19 down.

20 **Q.** You mentioned the pensions and allowances in the
 21 freight train. If we turn back over the page to
 22 paragraph 21, and down -- sorry, on to the next
 23 page again. You say there that that area was
 24 particularly prone to fraud.

25 **A.** Yes.

12

1 Q. Can you explain what you mean, by that?

2 A. Well, it was -- the checks here, such as the
3 volume of paper that it was not possible to run
4 a 100 per cent check every week on -- so,
5 basically, these checks involved summation of
6 the individual vouchers to a summary docket on
7 to the cash account and, basically, we're saying
8 that, you know, the check was only done,
9 I think, every couple of years or something like
10 that. At the time I joined, there was one fraud
11 that was being settled of £400,000, and what
12 some postmasters would do was just enter
13 an erroneous number onto the cash account, one
14 that was deliberately erroneous, and effectively
15 the cash would then -- so they would be funded
16 by the false amount that they put on the cash
17 account and they would pocket the money.

18 And, again, I remember a few -- a very short
19 period of time into my service with the Post
20 Office, there was a case of a subpostmaster who
21 had fraudulently entered entries onto the cash
22 account to the tune of £85,000, and the reason
23 why it sticks is that when security went in and
24 apprehended him, he wrote a cheque out there and
25 then on the spot and it didn't bounce.

13

1 As it was actually introduced when the
2 system went live, there was simply a check that
3 this was a valid book of vouchers that the
4 subpostmaster was using. It was obviously
5 subsequently replaced by a dedicated Post Office
6 card account, which closed this area down.

7 Q. You mention in your statement that you stepped
8 in on EPOSS during the process of the
9 development of the program, the Electronic Point
10 of Sale System. If we could turn up your first
11 statement that's WITN05290100, again. Then
12 page 13. Scrolling down, please, to
13 paragraph 41, you say:

14 "I was asked to describe the nature of the
15 work I carried out in relation to EPOSS design.
16 I must reiterate that I did not manage Horizon
17 and it was normally for Horizon management team
18 to manage the project issues and risks. I did,
19 however, step in on this issue."

20 Why did you step in on that issue?

21 A. Well, there was a lot of concern about what was
22 being developed. I mean, this was -- this, in
23 part, I think, came about was because of the PFI
24 deal. So there was limited to zero exposure to
25 what was actually being developed and we were --

15

1 So this was the result of, you know,
2 a poorly designed process, really. I mean, in
3 a -- Horizon itself was, you know, kicked off by
4 the Benefits Agency wanting to attack fraud at
5 all sorts of different levels, mainly on their
6 side, entitlement fraud; this was sort of
7 encashment fraud involving subpostmasters.

8 Q. How prevalent was there is type of fraud, would
9 you say, or what was your impression?

10 A. I'm sorry, I would have known at the time but
11 I can't remember now. I remember those two big
12 instances because they were, you know, even in
13 those days, large sums of money but no, I can't
14 recall, I'm afraid.

15 Q. But you felt it was a real problem at the time?

16 A. Oh, it was a real problem, yeah.

17 Q. Did you expect Horizon, when it came in, to
18 catch these people out or to leave no room for
19 them to hide?

20 A. Well, had Horizon come in as it originally was
21 intended, then this would have closed that down,
22 because it would have been card driven and, you
23 know, there was no -- there would have been no
24 question of the subpostmaster creating a false
25 entry on the cash account.

14

1 I mean, Darren being able to get in there and
2 access what he did access was something of
3 a surprise. I think it was considered, you
4 know, very much against expectation at the time.

5 Unfortunately, Darren's presentation doesn't
6 exist so I'm going a lot on memory here about
7 what he brought to the table. I can't say that
8 his presentation in any way calmed the concerns
9 around the -- what was being developed at all,
10 but without -- I don't think we'd even got
11 the -- I'd even seen the ATSG minutes for the
12 meeting at which he presented that feedback.

13 Q. If we could turn up POL00028324, please. This
14 is the Automation Transformation Programme and
15 we can see there that you're on the list for
16 this Automation Transformation Steering Group
17 and this is the notes of the meeting of
18 23 June 1998. If we scroll on to the second
19 page, please, we see the "Red Light issues"
20 there and you were giving a verbal update on new
21 issues.

22 If we scroll down we can see EPOSS is
23 something that's on that list and scrolling down
24 again, there's also item 4 recorded as you there
25 giving an update on the work on the EPOSS

16

1 design.

2 The Inquiry has heard a lot of evidence
3 about the EPOSS system but this was specifically
4 something that was acutely on your mind; is that
5 right?

6 **A.** Yes, it would have been, to have been raised in
7 this fashion, yes.

8 **Q.** If we could turn to POL00028484, please. This
9 is a risk register, I think, from 1997/1998, but
10 if we look at the fourth section down,
11 "Operational: non conformance to business
12 procedures in automated environment", and we can
13 see "Potential Impact for Automation" -- yes,
14 thank you very much. It says:

15 "Lost transactions

16 "Inability to operate effectively

17 "Loss of control

18 "Financial loss

19 "Increased errors."

20 It is being discussed with the strategic
21 director and you're the owner of that. What
22 does that mean that you're the owner of that,
23 you're keeping it under review?

24 **A.** Yes, it would. In terms of a risk register,
25 absolutely.

17

1 not. Other criteria have also not been met.
2 Analysis of the causes of new incidents has not
3 met the 10 day turnaround target."

4 Going down to 12:

5 "We also have some concerns about progress
6 with the new integrity control. While Pathway
7 have been reporting satisfactory progress
8 against plans, our people on the ground perceive
9 that there has been a reversion to old ways of
10 working with the shutters being brought down.
11 We have seen no progress on development of the
12 joint processes that will be needed to manage
13 the errors trapped by the control, and on this,
14 and on the specification of interface processes,
15 we have found Pathway unwilling to engage in
16 meaningful discussions."

17 So at this point in time, data integrity is
18 a real concern and there is a worry, isn't
19 there, that Pathway aren't giving you the access
20 that you wanted?

21 **A.** Absolutely, yes.

22 **Q.** I'm not going to turn up the Second
23 Supplementary Agreement but it's fair to say the
24 target level in terms of errors was 0.6 target
25 level that's recorded there.

19

1 **Q.** Lost transactions is a very serious issue, isn't
2 it?

3 **A.** Yes, it would be, yes.

4 **Q.** Do you remember being particularly concerned
5 about that at this time?

6 **A.** I don't know, I'm sorry. I mean, the fact that
7 I had recorded there obviously says it was
8 a concern. But, I mean, I don't remember much
9 about the specifics behind that.

10 **Q.** Turning forward in time slightly to 18 November
11 1999, if we could turn to POL00028550, please.

12 Thank you. We can see there that this is
13 a negotiation brief written by Keith Baines for
14 David Miller, and it's sent to both David Miller
15 and to you. If we scroll over the page we can
16 see the start of that brief. The point I wanted
17 to take you to in particular is page 3 and, if
18 we scroll down to paragraph 11, it records:

19 "The third area was the reduction in errors
20 in accounting data passed from your systems into
21 TIP, and the development of appropriate
22 integrity controls for that interface. Progress
23 in this area has not been encouraging. The
24 overall area of levels has greatly exceeded the
25 0.6% target level -- by an order of magnitude or

18

1 **A.** Yes.

2 **Q.** But, at this stage, errors were exceeding that?

3 **A.** Yes, one of the, I think, Rule 10 documents
4 I was given does actually contain the actual
5 percentage levels week by week and, I mean, many
6 orders of magnitude greater than 0.6.

7 **Q.** If we could turn up POL00028545, please. This
8 is a speaking brief for you on 24 November 1999,
9 and it sets out:

10 "[The] Purpose was agreed between Dave
11 Miller and Richard Christou as: To agree
12 a programme of work to be completed by
13 3 December 1999 which will provide POCL with
14 further information to enable us to decide
15 whether or not to exercise the right to suspend
16 rollout."

17 Do you remember this meeting or this -- the
18 reason for this speaking brief, other than
19 what's set out there?

20 **A.** I mean, I don't remember it but the brief is in
21 front of me and that's what I will have spoken
22 to.

23 **Q.** If we turn down to paragraph 2 or number 2, it
24 says:

25 "All criteria in the 2nd supplementary

20

1 agreement to be met by 14 January ... The only
2 change to be the exclusion of the period to date
3 from the 0.6% criterion for the accounting
4 integrity incidents."

5 So again, you're flagging that that is of
6 real concern to the Post Office at that time --

7 **A.** Yes.

8 **Q.** -- is that right?

9 **A.** Absolutely. It was -- it had still got some way
10 to go in terms of proving that Fujitsu were
11 getting on top of it.

12 **Q.** If we turn to POL00028440, this is the internal
13 audit. If we turn to page 2, this is November
14 to December 1999. Scrolling down we can see
15 your name there. If we turn over the page to
16 page 5, please, and scrolling down, we can see
17 there the conclusions of that audit, which in
18 short was that their opinion was that:

19 "... the procedures for identifying problems
20 and reporting performance was good. We have
21 recorded in the detailed audit findings the
22 issues identified during our visits and can
23 confirm that all issues reported by Post Offices
24 and Transaction Processing ... had been formally
25 recorded as problems."

21

1 learning curve when the system was introduced.
2 But, I mean, at the time we weren't aware of
3 that.

4 I mean, at this stage, handling the errors,
5 you know, was not my personal responsibility.
6 Therefore, I wouldn't have had the same level of
7 concern if I was still running the factory. If
8 I had been running the factory, I would have
9 been very, very concerned about that ahead of
10 a national rollout because that would have
11 swamped the unit. But, as I say, I think there
12 could have been a better understanding of, you
13 know, how this process of introduction of people
14 becoming as familiar with a new system as they
15 were with the old system, how that transition
16 worked and the journey that people went through.

17 **Q.** Did you know about an EPOSS Task Force Report
18 written within Pathway around summer of 2000?

19 **A.** No, I don't recall it, no.

20 **Q.** Do you recall being told that there had been
21 a decision that the EPOS System wouldn't be
22 rewritten but it would be fixed. Do you recall
23 being told anything about that?

24 **A.** No, I don't recall that. I mean, I do recall --
25 I can refer you back to the -- what I recall of

23

1 I believe this -- when it talks about "our
2 conclusions", this is Chris Paynter and Ian
3 Johnson; is that right?

4 **A.** It was certainly Chris Paynter, because I think
5 his name is on the report.

6 **Q.** If we could turn over the page again to page 7,
7 and scrolling down we see here again that:

8 "The volume of errors generated by Horizon
9 offices was a cause for concern. Initially
10 horizon offices generated twice as many errors
11 as manual offices."

12 That must have been very difficult for you
13 given how you felt there were already so many
14 issues on the paper-based system and this seems
15 to be making it worse. Do you remember finding
16 this frustrating at the time?

17 **A.** Not particularly, no. I think there was a poor
18 understanding of the soft change elements of
19 introducing a completely different system.

20 There's a document, a research services document
21 that introduces something called a coping curve,
22 which demonstrates that, over time, performance
23 in branches returned to pre-Horizon introduction
24 levels. I think that should have been better
25 understood, that we would go through that

22

1 the Darren Bosco report. I mean, one of the
2 things he specifically addressed is that, you
3 know, the inherent weaknesses in what had been
4 designed, you know, couldn't be -- you could put
5 plaster over them but, if you really wanted to
6 put something different in place, then you had
7 to start again.

8 **Q.** When it came to rollout of the system, your view
9 was that Horizon was fit for purpose and that
10 was partly because of the rigorous testing
11 process that took place?

12 **A.** It was, yes.

13 **Q.** Did you have any concerns, at the rollout stage,
14 lurking in your mind that you felt there were
15 things that you should look out for?

16 **A.** Um, we went through a very, very extensive
17 process of trying to pick out from the live
18 trial the things that needed to be fixed and
19 it's fair to say there were things that were
20 required to be fixed that went beyond the issues
21 that have been surfaced in this Inquiry.

22 We put in place quite a comprehensive set of
23 measures. In the business at the time, there
24 was a complete disbelief that rollout could
25 actually happen.

24

1 It went relatively smoothly. Not to say,
2 I mean, you know, when you look at the number of
3 offices, the number of people concerned, even if
4 you are hitting, you know, 90 per cent
5 satisfaction, that's still a lot of people who,
6 you know, have got issues with the way you're
7 doing things and, to the extent that we could,
8 we tried to address those issues but, I mean, we
9 did -- the process did make, in terms of the
10 reaction of the network to it, significant
11 strides from what was, you know, a pretty poor
12 performance, I think, in the live trial.
13 I mean, 50 per cent of people satisfied with the
14 way you've done it is a bad result in anybody's
15 book.

16 **Q.** Do you remember -- fast forwarding in time, do
17 you remember the IMPACT Programme that had its
18 inception, I think, in 2003 and was completed in
19 2005?

20 **A.** Yes, I do.

21 **Q.** Were you involved in that programme?

22 **A.** Yes, involved at various stages because I think
23 it had -- its birth was really work that we did
24 as part of the Transformation Management Team.
25 The original case for original Horizon, it was

25

1 that there would be a Post Office card account.
2 It was also part of that that we were -- we had
3 to meet the target for the introduction of PIN
4 pads and stuff like that so there were some
5 fixed points around which the rest of it had to
6 work, so IMPACT was positioned at S80.

7 **Q.** Was part of the objective of the IMPACT
8 Programme cost saving, making things simpler
9 and --

10 **A.** I think with all -- I think it was a better
11 system, because what the old system was doing
12 was settling with clients, based on summarised
13 numbers on cash accounts. What lay behind
14 IMPACT, if you like, was it was based upon where
15 you passed a stream of transactions to clients,
16 and settled on the value of those transactions.

17 Yes, it did, I think, you know, drive some
18 numbers down but the real value in all the
19 automation that happened was very often derived
20 by the people who owned the products.

21 Remember most of what was transacted across
22 the post office counter were products that
23 didn't belong to the Post Office. You know, the
24 exception to that was postal orders. So a lot
25 of benefits were derived by Government agencies,

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1 the least worst option business case. I mean,
2 it was not a business case you take to a bank
3 expecting to get funding. So one of the things
4 that I was asked to do was to look at the
5 proposition of automation and understand how we
6 could get value out of automating post offices.

7 And there was a programme called Era that
8 emerged out of that, a lot of work was put into
9 that, and the IMPACT Programme was an element of
10 that. It was driven -- it was enabled, if you
11 like, by automating the products by, you know,
12 bringing into the modern world things like the
13 issue of driving licences, and stuff like that,
14 so that you were capturing transactions often
15 driven by tokens and stuff like that. And this
16 enabled this radical change in the IMPACT
17 Programme to happen.

18 So from that very early stage it was
19 developed and we developed a roadmap of how
20 the -- how automation was going to happen,
21 through these releases, S50 to S90, and some of
22 that was driven by -- the order of some of those
23 things was driven by contractual matters.

24 So as part of the Benefits Agency
25 withdrawing from Legacy Horizon, it was set down

26

1 for example, being able to streamline their own
2 back office process, as a result of now
3 getting -- instead of getting, you know,
4 a lorryload of paper, getting an electronic
5 stream of data.

6 **Q.** Did you hear the evidence of Susan Harding who
7 gave evidence --

8 **A.** No, I didn't, no.

9 **Q.** Was she someone who ultimately reported to you,
10 do you remember her?

11 **A.** Yes, Sue was the programme management for
12 IMPACT, yes.

13 **Q.** She told the Inquiry that the decision to remove
14 the suspense account function came from above
15 her. Was that your decision or was that the
16 IMPACT Programme Delivery Board? Who would that
17 have been?

18 **A.** I don't recall making that decision. That's not
19 to say I wasn't involved in it but I don't
20 particularly recall it.

21 **Q.** Do you recall who would have made that decision
22 or who would have been at that level?

23 **A.** I think the process ownership would have been
24 whoever was running transaction processing at
25 the time. They would be the process owner here.

28

1 As -- in charge of project management, we
 2 didn't make up the requirements. The
 3 requirements came from the sponsor. So in this
 4 case, with IMPACT, the sponsoring unit would
 5 have been Transaction Processing. Just as with,
 6 if we changed the method of handling TV Licences
 7 or something like that, then -- I have to be
 8 careful, we may have lost TV Licences by then,
 9 but say road tax, it would be driven by the
 10 account team, who were acting on behalf of the
 11 DVLA. They would drive the requirements. They
 12 would decide what was delivered. Our job was to
 13 deliver it.

14 **Q.** So the policy decisions made in the IMPACT
 15 Programme weren't your responsibility or didn't
 16 come from --

17 **A.** No, they weren't, no. They would lie with the
 18 business unit. Now, that's not to say we
 19 wouldn't be involved in the decision making by
 20 that Policy Unit.

21 **Q.** If we could bring up POL00029293, please. This
 22 is a major incident report dated 24 August 2004
 23 and we can see it's a document generated by
 24 Fujitsu, and it relates to the S60 release. If
 25 we scroll down, please, your name is not on the

29

1 **A.** At that high a level, this incident would have
 2 been managed by Dave and that team.

3 **Q.** Well, if we turn to page 5 and scroll down,
 4 please. The scope of this document is:
 5 "The scope of this report covers the
 6 failures of Fujitsu services to Deliver AP
 7 client data to a number of AP clients, those of
 8 which do not receive files on all 7 days of the
 9 week between the period 10th July-15th July 04
 10 ...

11 "It also covers the failure to produce
 12 automated APS reconciliation reporting
 13 accurately in the form of daily CTS file
 14 produced, between 10th July 04-29th July 04. It
 15 should be noted that whilst the automated
 16 process was non-operational manual reporting was
 17 being covered daily."

18 If we look down at the "Management Summary",
 19 midway through the first paragraph, it states:

20 "It was suggested that this file was
 21 considerably less ... than would have been
 22 normally expected. The approximate value of
 23 transactions being reduced by up to
 24 [300 million]."

25 If we turn over to page 6 and we scroll

31

1 list of -- for distribution. But we can see
 2 there the external distribution is "Post Office
 3 Limited Library plus reviewers". If we turn
 4 over the page and scroll down, we can see this
 5 was sent to someone called Dave Hulbert?

6 **A.** Yes.

7 **Q.** Who is Dave Hulbert?

8 **A.** Dave Hulbert worked in the service management
 9 team and he, I believe, was responsible for
 10 managing the service from Fujitsu. Back in the
 11 early days there was a piece of work done by
 12 PA Consulting which created the framework for
 13 the set-up of service management in Post Office
 14 and that unit was embedded in the Operations
 15 Directorate. So we, in my area, would deliver
 16 the project but once it was delivered, once it
 17 was rolled out, control of what happened passed
 18 to service management and they would deal with
 19 day-to-day incidents.

20 If there was an incident that affected
 21 the -- a large number of post offices, then we
 22 would normally be called in to provide support
 23 and very often would take over managing that
 24 incident. But in --

25 **Q.** At that high a level, though?

30

1 down, we can see a "Detailed explanation of the
 2 incident". If we look at the headline figures
 3 at the bottom, we can see that:

4 "There were 581,481 transactions in the pass
 5 through files that were not processed. These
 6 include Reverse/Reversal pairs that should not
 7 be sent to clients.

8 "There are 578,091 transactions not placed
 9 into client transmission files."

10 Over the page:

11 "These transactions had a value of
 12 [22 million]."

13 Is this the type of thing that would have
 14 been escalated to your team?

15 **A.** I don't recall it having been so. I do recall
 16 the incident, but I don't recall my team being
 17 asked provide assistance in sorting this matter.

18 **Q.** When you say you recall the incident, how did
 19 you come to hear about it?

20 **A.** Well, because it was -- I mean, clearly --
 21 I mean, we weren't passing customer data. Bear
 22 in mind what's behind this is someone paying
 23 their gas bill or their electricity bill. If
 24 the data doesn't get through to the utility
 25 company, that person's bill is not settled and

32

1 they get a red letter. So this was something of
2 a -- it was an embarrassing incident.

3 **Q.** Did it give you cause for concern in the system
4 itself?

5 **A.** Well, of course it did because, you know, it had
6 such a significant impact. But, you know, we
7 didn't step in on every single incident; only
8 where the small team of architects that was
9 nested within my department were required to
10 give specialist advice, and I don't recall them
11 being asked on this particular occasion.

12 **Q.** Would this type of issue ever be raised or
13 escalated to board level?

14 **A.** Oh, undoubtedly this would have been reported
15 through to board level. I mean, there was
16 a process of Directorate reporting in to the
17 board and I can't imagine that the Ops
18 Directorate wouldn't have included this in that
19 report. But I would have expected it, in any
20 case, to have been raised by the Ops Director
21 with the Managing Director anyway, in the normal
22 course of things.

23 **Q.** If we could turn up POL00021485, these are the
24 minutes of a board minute held on 13 October
25 2004. I can't see this incident having been

33

1 **Q.** Do you want to explain what that was?

2 **A.** I think this was -- can you remind me of the
3 date of that meeting again, sorry.

4 **Q.** Yes, this is 13 October 2004.

5 **A.** Yeah, this would have been funding, I think, to
6 carry out the initial stages of the work.
7 I think anything over £1 million had to go to
8 the group to get approval and, as such, it would
9 pass through the Post Office Board. I don't
10 think this would have been the final business
11 case asking for approval for the project proper,
12 which I forget the exact number but it was
13 around 125 million. It certainly wasn't that
14 case, but it was -- the money, if you like, to
15 do the initial stages of the project.

16 **Q.** That was because the current Fujitsu contract
17 was going to expire in 2010 and it was going to
18 be the work your proposal for the work --

19 **A.** Yeah, well, what triggered the whole thing was
20 I think the account manager in Fujitsu at the
21 time was a guy called Ian Lamb and he had
22 a regular -- I mean, the account manager would
23 have a regular meeting with the IT director and
24 he walked into Alan's office one day and he drew
25 on a flip chart the cost curve of the Legacy

35

1 reported in this meeting but you're quite sure
2 it would have been at some point?

3 **A.** Well, this is -- when I -- sorry, when I said
4 previously the board, this would be the
5 executive management team of Post Office
6 Limited, okay? I don't recall -- I mean,
7 I attended for this one item at this board
8 meeting as acting IT director. I didn't have
9 a seat on this board so I can't really address
10 the process at that board. I mean, I think the
11 board -- I think the board only met three or
12 four times a year anyway and I don't think it
13 dealt with operational issues. It dealt with
14 more -- things at a more strategic level.

15 **Q.** So those kind of incidents wouldn't have made
16 their way -- the operational, if you --

17 **A.** As I say, I didn't attend that meeting on
18 a regular basis so I am not really familiar with
19 the process at that board meeting. There will
20 be others who would be.

21 **Q.** This particular board meeting, as you've said,
22 you did attend, and that was -- if we turn to
23 page 10, and scrolling down, this was to present
24 the Horizon Next Generation business case?

25 **A.** Yes.

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1 Horizon and then a cost cover for this idea they
2 had to replace the existing infrastructure, and
3 it showed a very, very big cost gain. And that
4 triggered off the work that became, eventually,
5 Horizon Online. That was the origins of this.

6 And yes, it, you know, given the lead time
7 on a system of this stage, then it did -- it
8 only made sense if you were talking about
9 a contract extension, because it would have
10 taken us pretty close to the expiry date of the
11 existing contract, 2010, before the system was
12 implemented.

13 **Q.** If we could turn up RMG00000044, this would have
14 been the business case that you wrote on
15 1 September, so around this time, so
16 1 September 2004.

17 **A.** Yes, and this again is acting -- asking for the
18 money to -- for the initial stages of the
19 project. Not for -- at this stage, we're not
20 getting approval for the 125 million, which,
21 I mean, I think, if I remember it correctly, not
22 even the group board could actually approve it.
23 It had to go to Government to get authority.

24 **Q.** If we turn to page 2 and scroll down, this sets
25 out a summary, your summary of why do it and it

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1 says:
2 "Horizon NG significantly reduces the cost
3 of IT. Compared to a 'do nothing' baseline (no
4 branch hardware refresh and consequent
5 increasing maintenance costs), Horizon Next
6 Generation is estimated to deliver ongoing cash
7 savings of £25m+ over the life of the proposed
8 extended contract to 2015."

9 So part of the business case was the saving
10 of costs; is that right?

11 **A.** Absolutely, and one of the things that we
12 achieved in the revised contract was the Legacy
13 contract had cost escalators which increased
14 significantly the cost of the system each year.
15 So by -- I don't think we -- there were no cost
16 increases allowed but we really drove down how
17 much Fujitsu could increase the cost of the
18 contract year by year, and I think there was
19 another -- eventually in the business case there
20 was another 25 million per annum claimed for
21 avoiding those cost increases through the new
22 contract. So it was a very, very substantial
23 cost case.

24 **MS KENNEDY:** Chair, I'm mindful of the time.
25 I think it's 10.59. I think you're on mute,

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1 discussing Next Generation Horizon, which became
2 Horizon Online. If we could pull up
3 FUJ00098040. This is a slide show done by you
4 in September 2010. Can you just tell us a bit
5 about how you came to prepare this?

6 **A.** Yes, when I finished with the Post Office,
7 senior people in Fujitsu felt it was -- would be
8 advantageous if they engaged me to do some
9 consultancy work. I am not sure that was
10 entirely welcomed by the account team who
11 were -- Gavin and his boss were fairly new
12 brooms in Fujitsu, but the account team kind of
13 welcomed my involvement because there'd been
14 such a change in personnel that they'd lost all
15 the history of what had gone on and so what they
16 asked me to do was to write the story of
17 Horizon, you know, as best as I can remember it.
18 And this is what I produced.

19 **Q.** If we turn to page 71 of this document,
20 throughout this slide show, as you say, you set
21 out the various releases. This is the section
22 where you deal with what became Horizon Online;
23 is that right?

24 **A.** That's right, yes. Yes, and this is Ian Lamb
25 approaching Alan Barrie, as I think I referred

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1 sorry, Chair.

2 **SIR WYN WILLIAMS:** Right. Just so that we're
3 coordinated, I'm two minutes behind you but that
4 doesn't matter. We'll go by the clock in the
5 room. So we'll now stop hearing evidence and
6 anybody who wishes to leave, please do so and
7 anybody who wishes to join us, please do so.

8 Then in a few seconds -- I don't think we
9 need to be completely synced with 11.00
10 throughout the country, I'll announce that we'll
11 observe a minute's silence, all right?

12 Is there any more movement taking place or
13 is everybody settled down?

14 **MS KENNEDY:** I think everybody is settled.

15 **SIR WYN WILLIAMS:** Right. Well, then we will
16 commence our minute's silence now.

17 Thank you, everyone. We'll now adjourn
18 until 11.15.

19 **MS KENNEDY:** Thank you, Chair.

20 (11.00 am)

(A short break)

22 (11.15 am)

23 **MS KENNEDY:** Hello, Chair.

24 **SIR WYN WILLIAMS:** Hello there.

25 **MS KENNEDY:** Mr Smith, before the break we were

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1 to before the break. Yeah.

2 **Q.** If we turn over on to page 73, it sets out on
3 the slide there some of the issues we were also
4 discussing before the break of getting the Post
5 Office on board with this and the fact that it
6 was a very large project that would take up
7 a lot of time and money.

8 If we could then turn to page 77, you
9 describe there how:

10 "Getting to an acceptable proposal from
11 Fujitsu was a long and arduous process."

12 Can you describe what you meant by that?

13 **A.** Well, as this slide describes, we use the
14 Gartner organisation to work through what the
15 service or what was being proposed should cost,
16 both in terms of development cost but also in
17 terms of annual running costs. And Fujitsu came
18 up with a proposition -- and, you know, to add
19 balance, I think it wasn't just Fujitsu's fault,
20 I think our own architects, I think they
21 designed the system that it would have been
22 ideal for us to have had instead of Legacy
23 Horizon.

24 And it didn't meet the Gartner levels in
25 terms of development costs and it had this

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1 upward curve with ongoing operating costs, with
 2 the year-on-year escalations. So there was
 3 a gap between Fujitsu's initial proposal and the
 4 guideline, if you like, that we'd used within
 5 the group to say "We won't do this
 6 competitively, we'll go down a non-competitive
 7 route".

8 It eventually came to the point that my
 9 colleague Ian O'Driscoll and I sat with Clive
 10 Morgan and Liam Foley from Fujitsu and told them
 11 "We are walking away from Fujitsu. We will go
 12 and do this in a different way". That resulted
 13 in a changed approach from Fujitsu and,
 14 particularly taking on board the fact that all
 15 the major developments -- I mean, there were no
 16 more clients left to re-engineer the products so
 17 a system that was designed to support that
 18 intensive period of change that we'd gone
 19 through was no longer required.

20 And we also put on the table some
 21 requirements in terms of how things might evolve
 22 in the future and this involved breaking the
 23 contract down into a number of different areas
 24 which could be competed separately. So we were
 25 trying to move Fujitsu into a space where they

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1 data centres as your test environment, that
 2 would have been identified. So there was a lot
 3 of learning, if you like, from things that had
 4 gone less well during Legacy Horizon that were
 5 built into this proposal.

6 A better way of working up requirements and
 7 turning those into design, that sort of stuff,
 8 which would all have been appropriate to what
 9 happened during the lifetime of Legacy Horizon
 10 with the -- you know, this constant period of
 11 change but was less appropriate to a period
 12 where we expected change to be a much more -- on
 13 a much more modest level.

14 **Q.** You mentioned you then took the proposal to the
 15 Post Office Board. If we turn to page 88, this
 16 slide records what your memory in 2010 was of
 17 that process and the questions that were in your
 18 mind at the time. Is there anything in addition
 19 to what's on the slide that you want to tell the
 20 Inquiry?

21 **A.** No, I think that summarises the position as
 22 I understood it.

23 **Q.** Was part of the problem the last bullet point on
 24 the slide, "What's the alternative?"

25 **A.** Well, the alternative would have been -- you

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1 would be the systems integrator but not
 2 necessarily the provider of all the services.

3 And, I mean, this was taken on board by
 4 Fujitsu and they came up with a proposal that
 5 met the goals, underpinned by the Gartner work,
 6 which had been embedded not only in Post
 7 Office's business plan but also aided and
 8 abetted by McKinseys in the group plans. And it
 9 was on that basis that we contracted.

10 **Q.** You mentioned that the initial proposal from
 11 Fujitsu was what, on the basis of what you would
 12 have ideally had rather than Legacy Horizon.
 13 Were you not surprised by that, given it was
 14 Fujitsu who were handling Legacy Horizon?

15 **A.** Um, well, this was not so much about the
 16 functionality of the system. This was about --
 17 so for example, one of the things in the
 18 proposal was to use one of the data centres as
 19 the test environment and that was, you know,
 20 pretty radical but also expensive sort of stuff.

21 Now, it would have been -- I mean, there was
 22 an issue that emerged in 2004 where, because the
 23 volume testing had to be a result of testing and
 24 modelling, a design implementation fault was not
 25 picked up. Now, if you were using one of the

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1 know, one of the things I think that was
 2 a concern at the time of going to competition,
 3 was the sheer amount of management effort that
 4 were required in the business to go through to
 5 get there, plus then working with a new
 6 supplier.

7 Now, there were -- I think there were some
 8 arrangements in the contract that if we changed
 9 the supplier, that resources could -- and
 10 knowledge could be moved across from Fujitsu.
 11 But I mean, that was seen as -- taking the whole
 12 thing and shifting it elsewhere was seen as
 13 a step too far.

14 **Q.** Easier to stay with what you know?

15 **A.** Easier to stay with what we know but, as I say,
 16 the -- what we came to in the end was something
 17 which did allow breaking out, so for instance
 18 data centres, and competing those in the
 19 marketplace, and then requiring Fujitsu to
 20 manage the process of phasing out their data
 21 centres and integrating a new supplier into the
 22 overall service.

23 And that was seen, I think, at the time, as
 24 being a more manageable way forward than taking
 25 the whole thing and replacing it in one go.

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1 Q. If we could turn to page 94 of the slide show.
 2 This records the stage at the holding board
 3 approval and the first bullet point records that
 4 the Post Office was technically bankrupt at that
 5 stage. How did that fact impact on you doing
 6 your job?

7 A. Well, it was a bit of a road block at the time
 8 because I think, as it says here, the directors
 9 of the business would have been criminally
 10 liable if they had approved a major project like
 11 this with a business that was technically
 12 bankrupt.

13 I mean, it was a -- you know, it was
 14 something that was overcome eventually but
 15 I think it built in a delay of a number of
 16 months before we could actually move forward.
 17 So there was an element of frustration having
 18 got to a proposition that we, you know, we could
 19 support, not being able to move forward as
 20 quickly as we might have been able to.

21 Q. That document can come down, please. If we
 22 could turn to POL00070492, please. This is
 23 an email chain from 22 November 2005. Your name
 24 is mentioned here. We're going to go through it
 25 in a moment in detail in relation to attending

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1 was that an expert had been appointed jointly,
 2 I believe, by the Post Office and the defendant.

3 It had basically said that Horizon could
 4 have caused this problem and what I remember was
 5 that Mandy was really, really concerned that
 6 this would create a precedent and could
 7 I suggest a way we could get out of this hole?
 8 I mean, the only thing I could suggest to her
 9 was to access the audit file for the branch and
 10 to test the proposition that Horizon was to
 11 blame.

12 Q. Scrolling down in your witness statement,
 13 I think you say that. You say:

14 "The only way to counter this, in my view,
 15 was to demonstrate that Horizon had not created
 16 the discrepancy and the only way to do that was
 17 the audit file."

18 A. Yeah, I mean, the only way that basically
 19 I believe would produce incontrovertible proof
 20 that it wasn't Horizon or, I might add, had
 21 Horizon caused the problem it would also surface
 22 that Horizon had caused it.

23 Q. But a moment ago you said the audit file was the
 24 only thing you could think of?

25 A. Without going into the details of the case, yes.

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1 a meeting concerning Lee Castleton.
 2 If we could turn up your second witness
 3 statement, please, which is WITN05290200, and
 4 page 11, please. Looking at paragraph 28, it
 5 says:

6 "It was towards the end of 2004 ... when
 7 completely out of the blue I received
 8 a telephone call from Mandy Talbot [who was in
 9 that email chain we looked at a moment ago].
 10 She explained that she worked for the Group
 11 Solicitors team and had recently been assigned
 12 to POL cases. She was dealing with a civil case
 13 referred to as Cleveleys which the Post Office
 14 was on its way to losing. She was most
 15 concerned that this would create a precedent
 16 which could be used in future cases. She wanted
 17 to know if I could suggest a way to retrieve the
 18 situation."

19 So is this your introduction to Mandy
 20 Talbot, the Cleveleys case?

21 A. It was indeed, yes.

22 Q. What was the Cleveleys case? The Inquiry has
 23 heard about it before but what do you remember
 24 of it?

25 A. Well, I guess the -- I'm aware Mandy was an --

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1 Q. But wouldn't this have been a good time to go
 2 into the details of the case and to do a proper
 3 review on the integrity of Horizon?

4 A. It wasn't -- I mean, it wasn't part of my brief
 5 to do so.

6 Q. What do you mean by your "brief"?

7 A. Well, I was there as a project manager to
 8 deliver projects, not to get involved in the
 9 whole process of, you know, dealing with
 10 subpostmasters.

11 Q. But you just told the Inquiry a moment ago that
 12 you got a call from Mandy Talbot asking if you
 13 could get her or the team out of a hole; is that
 14 not becoming involved?

15 A. Yes, but, I mean, it was -- you know, the audit
 16 file was -- and the processes around it -- was
 17 something that was specified in the original
 18 Horizon, I believe, by the security team. So it
 19 was there. I was simply pointing her in the
 20 direction of what already existed.

21 Q. At that time, did you think the audit file was
 22 the start and end of the matter, in terms of the
 23 integrity of the system?

24 A. Well, yes, I believe it would actually -- you
 25 know, if there was a suggestion that the system

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1 had introduced an error, accessing the audit
2 file -- the audit file was a record of what the
3 subpostmaster had asked or the subpostmaster or
4 the office staff had asked the system to do. It
5 wasn't an audit of what Horizon had done, and so
6 it was possible, against that audit file, to
7 test what Horizon had done to see if it was
8 actually in accordance with the subpostmasters
9 instructions.

10 **Q.** Did you think, "I remember there was a problem
11 with the EPOSS system during the design of
12 Legacy Horizon, might there be an error
13 introduced in something like that?"

14 **A.** No, I didn't, no.

15 **Q.** If we could return to the email thread at
16 POL00070492, please.

17 Could you have an overview of who each of
18 these individuals, Mandy Talbot, Tom Beezer and
19 Stephen Dilley, are, please?

20 **A.** Can you repeat the names again, one by one?

21 **Q.** They should be in front of you: Mandy Talbot?

22 **A.** Mandy was from the Group Solicitors department.

23 **Q.** Tom Beezer?

24 **A.** I can't recall, I'm afraid.

25 **Q.** Or Stephen Dilley?

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1 this stage the Post Office is already preparing
2 a spreadsheet of Horizon-based cases; is that
3 right?

4 **A.** Yes, one of the -- so resulting from Cleveleys,
5 there were a series of meetings, I believe, with
6 interested parties and one of the issues that
7 surfaced was that there was not one place where
8 all cases, both criminal and civil, were
9 consolidated. Partially due to the fact that
10 the civil cases, I think, were dealt with by the
11 Retail Line, without the involvement of
12 security, but also the fact that the
13 organisation of the Post Office, through various
14 iterations, was regionally based. So there
15 wasn't even a sort of consolidated view from the
16 regional teams.

17 So I think this is -- I wasn't included in
18 this particular conversation but I think the --
19 this is an attempt to pull all of this activity
20 together in one consolidated statement.

21 **Q.** Were you aware of that spreadsheet at the time?

22 **A.** Um, I think there's a reference in the earlier
23 letter to it being tabled at the meeting so
24 I would have been at that meeting.

25 **Q.** If we scroll up to that, the top email again,

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1 **A.** Can't recall.

2 **Q.** If we scroll down to the bottom of that page, we
3 can see the initial email is from Tom Beezer and
4 it says:

5 "Mandy

6 "I have called and left a message. I will
7 try again this afternoon.

8 "The points I wanted to discuss are (in
9 short form):

10 "1) a full set of papers is being prepared
11 for you.

12 "2) I suggest that you, Stephen Dilley and
13 me have a con' call at your convenience to
14 discuss and plan the next steps in this matter.

15 "3) an updated spreadsheet is being prepared
16 listing all Horizon related cases. From my end
17 you are aware of Blakey and Patel. We can
18 discuss the level of information you require on
19 each or all of the Horizon related matters when
20 we speak.

21 "4) I have put out to the team the message
22 that there are to be no proceedings issued
23 relating to a Horizon based claim without your
24 knowledge and 'ok'."

25 There's a spreadsheet mentioned there. At

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1 please, and it says the third paragraph:

2 "I'm attending a meeting with David Smith,
3 Tony Utting and Clare on Friday to discuss this
4 case but also to plan a way forward so this type
5 of problem does not occur again."

6 What do you think "this type of problem"
7 means? What's being referred to there.

8 **A.** Well, it's getting into a situation where we're
9 going to lose a case and I mean the
10 recommendation at the time was to access -- you
11 know, where we got into proceedings and Horizon
12 was claimed to be the fault of the problem, was
13 access the audit file.

14 The immediate issue was that security had,
15 I think it was the right to access the audit
16 file 100 times in a financial year. They were
17 currently using all of those opportunities.
18 They were only resourced to deal with 100
19 accesses of the data. If you extended this to
20 civil cases it needed more resource to process
21 the data. I mean, this could be -- for some
22 unknown reason, £1 million for 100 accesses was
23 numbers that are floating around in my head.
24 I don't know if that's what's right but, for
25 some reason, that's what's there.

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1 And I think as part of the Rule 10 documents
 2 that I received, there's an email there from
 3 Tony Utting, who was from the security
 4 department, where he had put together
 5 a proposition in terms of increasing the
 6 resource within security to enable them to
 7 handle the additional accesses of the audit
 8 files, were the funding to come forward.
 9 **Q.** But, again, coming back to the type of problem,
 10 you said the problem was losing the case, not
 11 getting to the --
 12 **A.** Well, the problem was how you established -- how
 13 do you establish -- so against -- it was
 14 Horizon: how you established a watertight case
 15 that it wasn't Horizon.
 16 **Q.** How you establish a watertight case?
 17 **A.** Yes.
 18 **Q.** That was your concern at the time?
 19 **A.** That was Mandy's concern at the time and that
 20 was -- as I say, it was not an answer that I had
 21 come up with because the security team, before
 22 Horizon was implemented, had specified this
 23 audit file facility so that they could, when
 24 they were prosecuting subpostmasters, they could
 25 demonstrate that Horizon wasn't to blame for the

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1 I mean, I did receive in the Rule 10
 2 document, a very extensive bundle of documents,
 3 and I went through all of them, and
 4 I absolutely, you know, underpinned my
 5 recollection that I wasn't involved in any way
 6 in the detail of this because I'm not included
 7 in any of that correspondence, other than,
 8 I think, this letter.
 9 **Q.** Were you pleased about the judgments in the
 10 Castleton case?
 11 **A.** Well, obviously, I was pleased that, you know,
 12 we had won the case. But, I mean -- yes. But,
 13 I mean, I wasn't "Yippee" pleased. I mean, you
 14 don't want to deal with these cases at all.
 15 **Q.** Did you feel the Castleton case shut down for
 16 a while any suggestion that there was an issue
 17 with the integrity of Horizon?
 18 **A.** Well, I think it shut Mandy down for a while,
 19 phoning me about the issue because I think she
 20 felt that she had a way forward in dealing with
 21 these cases. It was when, you know, the
 22 interest in the media, you know, started to
 23 surface that I got re-involved, although I don't
 24 think it was Mandy that got me re-involved.

My recollection is that it was the PR team,

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1 discrepancy between the system and the physical
 2 cash balance.
 3 **Q.** But the idea of checking the audit file came
 4 from you, didn't it, when you spoke to Mandy
 5 Talbot?
 6 **A.** My -- extending it from beyond the -- sorry, the
 7 criminal cases to the civil cases.
 8 **Q.** What do you remember about this meeting, if
 9 anything --
 10 **A.** Nothing.
 11 **Q.** -- about Lee Castleton?
 12 **A.** No, nothing.
 13 **Q.** Do you remember the case at the time at all?
 14 **A.** I remember a couple of phone calls from Mandy.
 15 I remember her basically saying that they'd
 16 accessed data and that Castleton's solicitors
 17 had disappeared left field but believed that
 18 they had seen the data and they recommend that
 19 he -- that he settled. And then, when the case
 20 was actually found in our favour, Mandy was
 21 somewhat ecstatic, I think, was the right word
 22 because, particularly in the judge's summing-up,
 23 I think he used some words that we, I guess, you
 24 know, we would have wished him to write about
 25 the integrity of Horizon.

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1 which again was a group function, started to get
 2 concerned about the reputational damage that was
 3 being caused by the stuff that was appearing in
 4 the media.
 5 **Q.** So it was the public relations team that then --
 6 **A.** That's my recollection, yes.
 7 **Q.** That document can come down, thank you.
 8 If we could turn up FUJ00080526, please.
 9 This is a document prepared in October 2009 by
 10 a Mr Gareth Jenkins. If we turn to your second
 11 witness statement, WITN05290200, and we look
 12 they bottom of that page, you set out that you
 13 can't be sure but you believe this document was
 14 produced as a follow-up to your telephone
 15 conversation that you had with Gareth Jenkins;
 16 is that right?
 17 **A.** Yeah, yeah.
 18 **Q.** How did that conversation come about?
 19 **A.** I think the witness statement goes on to explain
 20 that.
 21 **Q.** Yes, shall we turn over to the next page.
 22 **A.** Yes. Basically, I was -- via Finance, I was
 23 asked to meet with partners of Ernst & Young,
 24 who were the group auditors and, basically, in
 25 preparation for that meeting, I wanted to make

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1 sure that, you know, my understanding of certain
2 facts were -- was correct. I didn't want to
3 tell Ernst & Young something that wasn't right.
4 And so it covered two -- now, what I recall
5 at the time was that one of the things that was
6 being said by a number of subpostmasters was
7 that the circumstances in which Horizon was
8 creating these false balances was thorough power
9 interruptions, whether it be through storms or
10 the grid failing or a power surge.

11 I think it's fair to say that the original
12 design of Horizon was -- the choice of the
13 Escher Riposte product was very much driven by
14 its ability to recover from such circumstances.

15 The other was around the audit file and the
16 security around the audit file. I mean, I won't
17 go into detail but there were a lot of security
18 procedures around that audit file which meant
19 that when someone accessed it, it was possible
20 to see that you were the only person that
21 accessed it. No one had been in before and had
22 interfered with it.

23 So that was the reason why I spoke to
24 Gareth, and --
25 **Q.** How did you come to be in touch with Mr Jenkins

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1 might have been the cause."
2 **A.** Yeah.
3 **Q.** What hard evidence, in your mind, could the
4 subpostmasters have produced to show that there
5 was an issue with the Horizon at this stage?
6 **A.** It's a great question. It would have been,
7 I think -- it -- I'll try to answer this without
8 getting into too much detail, but it's possible
9 on Horizon to -- at the start of the day you get
10 a till. You log on to the system, it's you --
11 it identifies all the transactions until you log
12 off to you and to that till. At the end of the
13 day's session, you count up the cash. If
14 somehow the cash is out of balance, that will be
15 flagged up.

16 Now, not all branches did this. But from
17 that, you could spot a difference, you know, in
18 a lot of offices the -- I mean, I worked on the
19 counter on a number of occasions during
20 industrial disputes and I remember doing that,
21 going through that process and ending up with
22 very significant differences. You know, I cried
23 help and the branch manager or assistant branch
24 manager would come along and they would go
25 through a checklist of obvious things that

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1 in particular?

2 **A.** I think I did it through the account team. So
3 it would have been through -- I think Suzie
4 Kirkham's name is mentioned on the document, and
5 I would have said to Suzie "Look, I've got this
6 meeting coming up with Ernst & Young, can you
7 put me in contact with someone who can address
8 these issues for me?"

9 **Q.** She gave you the name Gareth --

10 **A.** I think Gareth phoned me. I think Gareth phoned
11 me. So she triggered Gareth contacting me to go
12 through this.

13 **Q.** Did you understand him as being the expert at
14 this time?

15 **A.** I understood him as being an expert. I mean,
16 his name used to crop up quite frequently when
17 we were dealing with stuff. So he was well
18 known yes, and, he was -- he wasn't the only
19 expert but his name was pretty prominent.

20 **Q.** Just looking at your witness statement again, at
21 that paragraph 2 and the bit that's on the
22 screen now, it says:

23 "The subpostmasters had no hard evidence
24 that Horizon had produced false balances but
25 there were suggestions that power interruptions

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1 I might not have done and in both those cases,
2 actually they immediately resolved the problem.

3 But you might go through that checklist and
4 then you might conclude "Well, I can't spot
5 an obvious error", and, at that stage, you might
6 pick up the phone to the helpdesk to trigger
7 off -- you know, to trigger off a help -- you
8 know, "This has happened, I don't think it was
9 me, I think it was the system".

10 **Q.** What hard evidence would you have at that stage
11 that it was the system?

12 **A.** Well, you wouldn't. All you'd have is
13 an unexplained difference.

14 **Q.** So then you would be in the hands of the Post
15 Office?

16 **A.** You would then be in the hands of the call
17 handlers and they would go through -- I mean,
18 there are various levels of -- various levels
19 involved in phoning up. So the first level
20 would probably work through scripts.
21 Eventually, you'd get to a more technical desk
22 who would look into it and indeed in the Horizon
23 Issues trial there's a story of how some of
24 those calls eventually got to the people who
25 understood how the system worked and

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1 investigated the detail.

2 **Q.** But you accept, on the basis of the Horizon
3 System in front of the subpostmaster, sometimes
4 there would be no hard evidence available to
5 them?

6 **A.** There would be no hard evidence available to
7 them, no.

8 **Q.** If we could turn back up FUJ00080526, please.
9 So turning back to this report, you said that
10 Mr Jenkins phoned you. How long did that
11 conversation last?

12 **A.** It wouldn't have been a short one because, with
13 respect to technical architects, they didn't
14 always speak in, you know, everyday language, so
15 I would have had to do a fair bit of testing of
16 understanding. So I can't imagine we
17 discovered -- sorry, that we covered this area
18 in a short conversation. It would have --
19 I mean, I didn't run a stopwatch on it,
20 obviously, but it would have taken at least
21 an hour, I would have thought, to go over this
22 sort of material.

23 **Q.** Do you recall whether you found Mr Jenkins
24 particularly difficult to understand or do you
25 have any recollection?

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1 says, in the first paragraph:

2 "The Horizon system is designed to store all
3 data locally on the counter's hard disk. Once
4 the data has been successfully stored there it
5 is then replicated (copied) to the hard disks of
6 any other counters in the branch (and in the
7 case of a single-counter branch to the
8 additional external storage on the single
9 counter). Data is also passed on from the
10 gateway counter to the Horizon data centre using
11 similar mechanisms."

12 Did you know this before you had this
13 conversation with Mr Jenkins --

14 **A.** Oh, yes, I knew this because this was -- I think
15 this goes back to one of the reasons why the
16 Escher Riposte product was chosen by Fujitsu.
17 In those days, dial-up telephone networks
18 weren't terribly reliable. So in designing the
19 system, it was important that when there was
20 an interruption in a transaction, that it was
21 recoverable. I mean, this reflected the -- this
22 reflected, you know, some of the important
23 elements of the Riposte design. I mean, I met
24 with Escher on a number of occasions as part of
25 a user group, and they were boy silly on the

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1 **A.** No, no more so than any other technical
2 architect. I mean, one of the problems with
3 this whole area is the use of abbreviations and,
4 you know, which can be deeply layered. So he
5 was no more difficult to understand than any
6 other person.

7 **Q.** If we could turn to page 5 of this document, it
8 sets out the "Purpose". It says:
9 "This document is submitted to Post Office
10 for information purposes only and without
11 prejudice."
12 What do you understand "without prejudice"
13 to mean in this context.

14 **A.** I think I would have read that heading at the
15 top of the page. It was basically for my use
16 and internal use only and we weren't to --
17 I mean, I think it quite explicitly says
18 elsewhere that we shouldn't -- we shouldn't use
19 this document in any court cases.

20 **Q.** So it was just for your understanding?

21 **A.** It was -- that's -- yes, it was -- that was why
22 I made, you know, made the contact with Fujitsu:
23 to have this call in the first place.

24 **Q.** If we turn over on to page 6, please. There's
25 a section entitled "Horizon Data Integrity". It

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1 contents of that particular paragraph.

2 **Q.** The third paragraph then goes on to read:
3 "Every record that is written to the
4 transaction log has a unique incrementing
5 sequence number. This means it is possible to
6 detect if any transitions records have been
7 lost."
8 Did you understand that before you received
9 this report?

10 **A.** Yes, I did.

11 **Q.** Scrolling down again, it says:
12 "While a customer session is in progress,
13 details of the transactions for that customer
14 session are normally held in that computer's
15 memory until the customer session (often known
16 as the 'stack') is settled. At that point all
17 details of the transactions (including any
18 methods of payment used) are written to the
19 local hard disk and replicated (as described
20 above). It should be noted that double entry
21 bookkeeping is used when recording all financial
22 transactions, ie for every sale of goods or
23 services, there is a corresponding entry to
24 cover the method of payment that has been used.
25 When a 'stack' is secured it is reason in such

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1 a way that either all the data is written into
2 the local hard disk or none of it is written.
3 The concept of 'atomic writes' is also taken
4 into account when data is replicated to other
5 systems (ie other counters, external storage or
6 data centre)."

7 Scrolling down to the bottom, it states:

8 "Any failures to write to a hard disk (after
9 appropriate retries) will result in the counter
10 failing and needing to be restarted and so will
11 be immediately visible to the user.

12 "Whenever data is retrieved for audit
13 enquiries a number of checks are carried out:

14 "1. The audit files have not been tampered
15 with (ie the Seals on the audit files are
16 correct).

17 "2. The individual transactions have their
18 CRCs checked to ensure they have not been
19 corrupted.

20 "3. A check is made that no records are
21 missing. Each record generated by a counter has
22 an incremental sequence number and a check is
23 made that there are no gaps in the sequencing."

24 Reading this did you then proceed on the
25 assumption that, "Well, if the audit file says

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1 to address it and explain what other issues --
2 **A.** Because I had one specific area of information
3 that I wanted to validate my understanding of it
4 before I met with Ernst & Young. I wasn't
5 carrying out an investigation into data
6 integrity.
7 **Q.** With the benefit of hindsight, do you think you
8 should have?
9 **A.** Do I think I should have? I think that -- it's
10 very difficult to answer that question without
11 taking all the stuff that I know, so for
12 example, having read the *Horizon Issues* trial
13 and clearly when you take the totality of what
14 was discovered, there more ought to have been
15 done than was done.
16 **Q.** Should more have been done by you at this time?
17 **A.** Well -- ha -- I read about, I would say I read
18 about the issues that had arisen in the *Horizon*
19 *Issues* trial for the first time in that *Horizon*
20 *Issues* -- in Justice Fraser's judgment.
21 **Q.** Who was it in the Post Office or Fujitsu who
22 could have done more at this time?
23 **A.** Well, I mean, the visibility of these -- you
24 know, the specific issues would have been within
25 service management. The issues were all dealt

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1 something, then we can rely on the audit file
2 and it's correct?"

3 **A.** That was my belief, yes.

4 **Q.** Did you understand that to be the key issue with
5 data integrity in Horizon and the answer to the
6 Post Office's problems?

7 **A.** I believed it was -- I believed that this was
8 a way of investigating a claim that Horizon that
9 caused a misbalance -- or a wrong balance in the
10 cash balance for the branch.

11 **Q.** Did you say to Mr Jenkins on the phone call
12 "What about before it gets to the audit stage?
13 Is there a way of telling that there's a bug or
14 an error or something that otherwise has
15 corrupted the data?"

16 **A.** No, I didn't. I was asking him to take me
17 through the way in which the system recovered
18 transactions when there'd been interruption to
19 the service.

20 **Q.** But it is entitled "Horizon data integrity"?

21 **A.** Well, that was his title. That wasn't my title
22 and I said in my written statement that
23 I understood data integrity to be a wider issue
24 than the topics covered in this document.

25 **Q.** But if it is a wider issue, then why not ask him

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1 with in different ways. I mean, there are
2 a number of those issues where the resolution of
3 the issue was quite quick. I mean, a lot of the
4 differences that were created were clearly --
5 were investigated and corrected. So if you've
6 got a bunch of issues coming up that are
7 identified and corrected, I mean, there would
8 have been no question on those issues of
9 a subpostmaster being taken to court over them.

10 And the evidence is there in abundance in
11 Justice Fraser's write-up of those issues.
12 He -- there's -- in the technical appendix,
13 there's constant reference to transaction
14 corrections being raised. But, yes, taking --
15 if I'd have had that stuff laid out in front of
16 me, I'd have felt inclined to do something, to,
17 you know, have a root and branch review of
18 what's going on here.

19 **Q.** Do you remember the names of any of those people
20 in that team who would have had that oversight?

21 **A.** Um -- I remember one or two names of the people
22 in the service management team. What I'd be
23 less certain of is what their particular roles
24 were and there was, in the service management
25 team, I think, varying over time who was heading

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1 it, a difference in the level of, you know, some
2 people believed that, you know, this was for the
3 supplier to manage and it was for the supplier
4 to get on with it, and you didn't spend a lot of
5 time, you know, second-guessing them.

6 **Q.** Or picking over the data?

7 **A.** Yes, that's right. This was for the supplier to
8 do and not for -- it's the linkages here,
9 I think. What's missing in all of this is
10 whether those people in service management, or
11 indeed with Fujitsu, would have drawn a line
12 from these incidents to postmasters appearing in
13 a court.

14 **Q.** But you felt unable to draw that line, is what
15 you are telling us, on the basis of what you
16 knew?

17 **A.** What I'm saying on the basis of what I knew,
18 I mean, I didn't know about a lot of this stuff
19 that was going on. It wasn't, you know,
20 these -- some of these involved multiple post
21 offices, some involved only one or two post
22 offices, and these weren't the kind of issues
23 that would come across my desk.

24 If it had come across my desk then I would
25 have felt inclined to, you know, to ask some

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1 about the progress, quite apart from more formal
2 situations when we would meet and discuss it.
3 I tried not to sit on his shoulder and
4 second-guess his moves. Also, I was, at this
5 stage, probably about 10, 12 working days away
6 from retiring.

7 **Q.** If we turn to page 3. If we scroll down first,
8 actually, on that page, we can see you were on
9 the distribution list.

10 **A.** Mm-hm.

11 **Q.** If we turn to page 3 and scroll down, and down
12 again, please. At the bottom of that page it
13 records "Actions and Points" arising from the
14 previous meeting. One of the issues there
15 recorded is:

16 "Trial Report/Final Balance issue: PN to
17 check if the proposed workaround is acceptable
18 ..."

19 Then it says:

20 "[Post Office] have requested this to be
21 a Hot Fix as it is required before we migrate
22 any further branches."

23 Would you have been across this level of
24 detail or is that something you would have left
25 to Mr Burley?

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1 serious questions about what was going on,
2 and -- but whether I'd have made the immediate
3 contact -- sorry, the immediate connection with
4 subpostmasters appearing in court is a different
5 issue.

6 **Q.** You don't view Lee Castleton's case, for
7 example, as coming across your desk?

8 **A.** It did but bear in mind that the process,
9 actually -- I mean, to quote the judge himself,
10 "The integrity of Horizon is beyond question".

11 **Q.** If we could turn back for a moment to Horizon
12 Online. We're now in March 2010. If we could
13 turn up FUJ00094472, please. These are the
14 "Notes of Horizon Next Generation Joint
15 Progress/Release Board meeting", and we can see
16 there the programme manager is Mark Burley, who
17 we heard from a couple of days ago. He reported
18 in to you; is that right?

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

20 **Q.** Did you work well together?

21 **A.** I think so. I don't know what he said.

22 **Q.** Did you work closely with him on this?

23 **A.** He was one of a number of reports -- I mean,
24 Mark -- there'd probably be -- during a week,
25 Mark and I would have two or three conversations

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1 **A.** I think I did get involved in this. Again, the
2 Rule 10 disclosure of documents, I think buried
3 in there, was a document that referred to my
4 involvement and I was concerned -- I mean,
5 I think this was reporting two conflicting
6 numbers and I was concerned -- and I think it
7 was me that drove this activity. I was
8 concerned about the potential implications of
9 that in terms of data integrity and I think
10 there are references in there to legal teams
11 being involved.

12 **Q.** If we could take that document down, please, and
13 pull up POL00002268, please. This is an email
14 thread from February 2010 and it's between, we
15 can see there, Andrew Winn, Hayley Fowell, Dave
16 Hulbert, who we have discussed before, you,
17 Jacqueline Whitham and Ann, and it's about the
18 media coverage of Horizon. Is this the PR team
19 or is this -- I know Andy Winn is in branch
20 improvement and liaison but are you being
21 brought in again?

22 **A.** The only name I recognise on that, apart from my
23 own, is Dave Hulbert's. So I can't recall where
24 these people worked but it could be that it was
25 the PR team. I don't know, is the answer.

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1 Q. If we scroll over to page 2, please. This is
 2 an email from Hayley Fowell to you, Michele
 3 Graves and Dave Hulbert, saying:
 4 "Media Inquiry -- Horizon.
 5 "We've had a media Inquiry from a Retail
 6 Newsagent magazine; they have been talking to
 7 a subpostmaster who said that his branch was
 8 closed in [September] 2008 because of financial
 9 irregularities which he claims are the fault of
 10 Horizon.
 11 "I am providing our stock line which states
 12 the system is robust but in case we get more
 13 questions on this please can you advise if you
 14 have any record of an investigation for this
 15 individual and any relevant details ..."
 16 Why were you sent this email directly?
 17 A. I don't know, because, you know, I wouldn't have
 18 had the information that Hayley was looking for.
 19 Q. You said a moment ago you don't remember these
 20 people. You have no idea who Hayley Fowell was?
 21 A. No, I don't recall. I don't recall the name or
 22 Michele Graves.
 23 Q. Was that because you were becoming a bit of
 24 a point person for these media enquiries and
 25 assisting with setting out that the system was

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1 Q. In the email Ms Fowell says:
 2 "I'm providing our stock line ..."
 3 Was there a stock line at this stage that
 4 the system was robust?
 5 A. If there was, I wasn't aware of that line and
 6 I certainly wasn't aware of putting that line
 7 together.
 8 Q. So it didn't come from you?
 9 A. It didn't come from -- neither was -- I believed
 10 that Fujitsu were involved in supporting
 11 certainly the security team and probably in
 12 civil cases, the conduct of the case. I can't
 13 recall ever being consulted about Fujitsu's
 14 involvement in it. It probably would have
 15 fallen under the bailiwick of service management
 16 anyway but I was never consulted on, and never
 17 asked, actually, to participate in supporting
 18 the teams in those actions.
 19 Q. But would you have agreed with that position at
 20 the time, that the system was robust and that's
 21 the position the Post Office took?
 22 A. If I go back to my airline days, I was involved
 23 in a piece of work around automated ticketing,
 24 and there was a debate about whether it was
 25 necessary to still keep a paper copy of the

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1 robust?
 2 A. I think that there were people -- if I go back
 3 to Mandy's contact with me, and likewise with
 4 the PR team, I think these people who were
 5 dealing with these issues were having difficulty
 6 getting the attention of senior people and
 7 I suspect that the PR team had had some contact
 8 with Mandy and it's for that reason that they
 9 actually came to me. But I wouldn't have
 10 records of investigation for individuals.
 11 I mean, that was not part of my role.
 12 Q. Why do you think they were having trouble
 13 getting hold of senior people? Did they tell
 14 you that or was that a guess?
 15 A. With the Mandy stuff, I'm going back I don't
 16 know how many years and, in all honesty, I can't
 17 be certain, but I -- my memory is telling me
 18 that she used words to that effect.
 19 Q. Why would it have been that senior management
 20 wouldn't have wanted to know about this?
 21 A. Well, I can only guess. But, I mean, again,
 22 I don't have, never had, visibility of all the
 23 action that Post Office took against all
 24 subpostmasters but I guess if all that action
 25 was successful, why would you change anything?

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1 ticket that's printed or whether we could rely
 2 on the electronic facsimile of that ticket. And
 3 the project consulted widely. There were
 4 a number of QCs involved in that consultation,
 5 and include -- and IT experts from outside the
 6 business.
 7 And in that debate, someone asked the
 8 question: could anybody ever stand up in a court
 9 of law and say that automated record could not
 10 be corrupted? Could you ever say it could never
 11 happen? And could anyone ever really stand up
 12 and say it could never happen that Horizon could
 13 get it wrong or that the back office checking
 14 systems could ever beat it?
 15 So I would have -- I would qualify that by
 16 saying, you know, I had belief that the back
 17 office checks were robust and would pick up any
 18 errors and, as I say, that's evidenced, I think,
 19 in the very detailed accounts that Justice
 20 Fraser gave of the investigation of the bugs,
 21 defects and issues that were found.
 22 Q. So, in short, at this stage, you would have said
 23 yes, that is correct, this is --
 24 A. Yes, in very broad terms. I've said the whole
 25 thing end to end, gave you -- that it would

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1 be -- you know, the system was robust, it had
2 inbuilt checks and balances that should prevent
3 Horizon creating a false balance that resulted
4 in a subpostmaster being prosecuted.

5 **Q.** If we could go back over on to the first page up
6 the chain and scrolling down a bit, there's
7 a bit of discussion about this case. You don't
8 respond on this email to say "Well, hold on
9 a minute, maybe we should look at X, Y or Z or
10 give Fujitsu a call and see if there's anything
11 to this"?

12 **A.** No, because I wouldn't have been handling the --
13 it would have been -- for anyone to respond to
14 that, in terms of the detail of photographs
15 being done, it would have fallen within Dave
16 Hulbert's area of responsibility because, you
17 know, issues with the day-to-day service were
18 for service management to manage.

19 **Q.** If we scroll up again, just to the last email in
20 the chain. It states there that:

21 "We are due to restart our former agent debt
22 recovery process. I just wanted to check the
23 recent communications to ensure there was
24 nothing there to suggest we should not do this."

25 Is that how you understood the Post Office's

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1 testing means that we will not be able to
2 perform a significant amount of testing before
3 commencing the Medium Volume Pilot. Hence we
4 need a significant amount of data to be
5 collected from the Live Branches and Data
6 Centre."

7 Do you remember whether there was less
8 testing at this stage than was initially
9 anticipated or planned?

10 **A.** That's what the minute says.

11 **Q.** You go off the minute, you don't remember
12 anything to the contrary?

13 **A.** Well, the important reference here is "LF". LF,
14 I believe, was Lee Farman, who is a technical
15 director of a company called Acutest, and he was
16 a testing specialist, and he basically is saying
17 here, the statement that closes the issue, that
18 he believed that the level of testing was
19 adequate "for now". Now, I guess one would have
20 to ask Lee what he meant "for now".

21 I suspect it was adequate for the purposes
22 of a pilot, and I would read into that that you
23 would expect some follow-up before there was
24 a rollout to ensure -- to test check again
25 whether the level of testing was adequate to

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1 approach to be: even when there was a dispute,
2 you'd go ahead and you start the debt recovery
3 process?

4 **A.** I really don't -- I don't understand this. So
5 I don't understand why the process needed
6 restarting. I just don't understand it. And as
7 I say, I wouldn't have been involved anyway.

8 I think this would have -- if anyone in that
9 email would have been involved in that it would
10 have been Dave Hulbert.

11 **Q.** If we could turn up FUJ00092754, please. Sorry
12 to jump around about, this is back in the
13 chronology, 27 January, this is another "Note of
14 the Horizon Next Generation Joint
15 Progress/Release Board Meeting". So on the one
16 hand you have the discussion of Horizon Online
17 going on and, on the other, you're also involved
18 in discussions regarding the integrity of Legacy
19 Horizon. These two threads of things are coming
20 up around the same time, quite close to when you
21 retire; isn't that right?

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

23 **Q.** If we go over the page to page 3 and scroll
24 down, at 140.09 it states:

25 "The delay in the commencement of Volume

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1 roll out.

2 **Q.** If we could then turn up FUJ00097159, please.
3 This is from the same day. It's a "Horizon Next
4 Generation Release Authorisation AG3 -- Joint
5 Board", and you were there as Head of Change and
6 IS?

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

8 **Q.** Was the priority at this stage to secure or to
9 accept the Horizon Online system?

10 **A.** This was release authorisation not acceptance.

11 **Q.** I see.

12 **A.** So this is about the process of -- so the way
13 these processes work, contractual acceptance is,
14 you know, it's set out contractually and you
15 pass or fail the test and, at the end of it, you
16 either accept or you don't. You can accept
17 a product but the release authorisation process
18 can say "No, it's not fit to go into the network
19 in its current state".

20 And there was an example of this for
21 instance with CSR+ when, actually, in this
22 instance, it was Fujitsu Services or ICL
23 Pathway, as it then was, service management team
24 who said "No, we are missing some key control
25 reports and, therefore, the release cannot go in

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1 to live operation". But actually contractual
 2 acceptance had already been achieved.
 3 **Q.** If we could turn forward in time to FUJ00092875,
 4 please, and if we could turn to page 3 this is
 5 an email from Alan D'Alvarez, who the Inquiry
 6 heard from yesterday, on Wednesday, 3 February.
 7 You're not copied into this email chain,
 8 I believe it's an internal Fujitsu one. But if
 9 we scroll down we can see that there are two
 10 issues that require fixing, prior to being able
 11 to enter into a medium volume pilot.
 12 It states that:
 13 "The decision has been taken to deploy HNG-X
 14 to a further 10 branches with the migration
 15 button being pressed tomorrow for migration to
 16 complete [on] Friday ..."
 17 There are two issues outstanding at that
 18 stage, there's the branch trading statement
 19 issue and the counter pauses in live. What's
 20 recorded at paragraph 4 is:
 21 "We had a meeting with Post Office this
 22 evening which Mark Burley led from the Post
 23 Office side. Post Office are desperate for
 24 a date to start planning/rescheduling medium
 25 volume pilot. They accepted our position that
 81

1 considerably delayed and so I think there was
 2 a degree of pressure to crack on with it but,
 3 I mean, I don't think that pressure would have
 4 extended to, you know, doing silly things,
 5 moving ahead when there were, you know, serious
 6 issues that, you know, would dictate that you
 7 shouldn't -- this is not a sensible thing to be
 8 doing.
 9 So there would have been pressure to get on
 10 with it, crack on with it but there would have
 11 also been a degree of caution. I think it is --
 12 I mean, I think there are number of areas where
 13 it's reflected in some of those JSB minutes that
 14 issues had to be cleared or at least the
 15 business had to agree that there was a suitable
 16 workaround to a particular issue before we moved
 17 forward.
 18 **Q.** You described pressure internally. Were you
 19 being quite forthright, the Post Office, with
 20 Fujitsu about timescales and needing to push on
 21 but not do something silly?
 22 **A.** Well, that would have been Mark who would have
 23 done that. I would imagine, yes, he would have
 24 done, yeah.
 25 **Q.** If we turn over to POL00032999, please. This is
 83

1 we were not able to give this today. I expect
 2 that Mark will be keeping Dave Smith briefed and
 3 my reading is that if we are not in a position
 4 to give a target date by [close of play]
 5 tomorrow it is likely to result in an escalation
 6 to Mike Young."
 7 At this stage, were you and your colleagues
 8 at the Post Office "desperate" for a start date
 9 or a date to start planning the medium volume
 10 pilot?
 11 **A.** That's what the document says.
 12 **Q.** But this wasn't written by you.
 13 **A.** No, but this would be reflecting, I think, what
 14 was coming across from Mark and his team and
 15 I've no reason to disbelieve it.
 16 **Q.** Do you remember at this time it being quite
 17 stressful, trying to get everything ready for
 18 HNG-X being fully rolled out?
 19 **A.** I think I had a degree of unease about the way
 20 things -- the way things were progressing.
 21 There was pressure from -- I think from within
 22 the business to get on with it because, clearly,
 23 whilst we were rolling this thing out, other big
 24 things couldn't happen in the branch network.
 25 So, I mean, matters were already being
 82

1 the acceptance report for HNG-X Acceptance
 2 Gateway 3 and if we scroll down, this is
 3 something that you were sent, we can see your
 4 name on the distribution list. Do you remember
 5 receiving this document?
 6 **A.** No, I don't, but, I mean, I think the documents
 7 that have been disclosed to me as part of this
 8 process are probably less than 5 per cent of the
 9 total documents that I would have received so
 10 recalling individual documents is beyond this
 11 aged memory.
 12 **Q.** If we turn to page 9, please. The introduction
 13 sets out that:
 14 "This document comprise the HNG-X Acceptance
 15 Report to the HNG-X Acceptance Board for the
 16 assessment of the progression through Acceptance
 17 Gateway 3 ... Readiness for Pilot."
 18 If we scroll down, we can see that it sets
 19 out clearly what the purpose of the Acceptance
 20 Board is, which is:
 21 "To agree the Acceptance status of the
 22 relevant Release ... and provide the
 23 recommendation to the "Joint Release
 24 Authorisation Board". The proposed options
 25 that this board can select from are described in
 84

1 appendix D."

2 I think you say in your statement that you
3 thought that anything that would have affected
4 acceptance would be closed in this report.

5 **A.** Yes.

6 **Q.** Is that right?

7 **A.** Yes.

8 **Q.** There's one thing that you highlight at the
9 bottom of page 9, if we scroll down again. It
10 states:

11 "It should be noted that there are also
12 defects that are not linked to POL Requirements
13 and which are not the subject of Acceptance
14 Incidents. A separate assessment of the status
15 and significance of these has been undertaken
16 and will be available for consideration at the
17 Release Authorisation Board."

18 Do you remember what kind of defects those
19 may have been?

20 **A.** No, I don't, but I seem to think, in going
21 through the documents that I received, there
22 were some -- buried in another document, there
23 were some references to what -- you know, what
24 issues had actually come up under this heading.
25 So there was -- I think, the reason why

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1 it to me. I can't say whether I did or whether
2 I didn't receive that detailed document.

3 **Q.** Did you ask for this report to be done?

4 **A.** Again, I can't recall. No, this is an internal
5 Fujitsu document and it doesn't -- I don't think
6 it sort of points to Post Office specifically
7 having asked for it. On the other hand, I would
8 have expected Mark to want this level of detail
9 in explanation about what caused the incident.

10 **Q.** This was what was sent to you?

11 **A.** I don't -- I can't confirm or otherwise whether
12 I received it.

13 **Q.** At the time, did you understand this report to
14 have been undertaken by independent experts or
15 Fujitsu employees?

16 **A.** Well, as I say, I can't recall the document,
17 so ... *(the witness laughed)*

18 **Q.** If we scroll down we can see, as you've already
19 said, the background to this paper and the
20 reason why it was written. And it's to do with
21 the Derby issue, which you've described, which
22 is to do with transactions and banking
23 transactions. Did you consider this to be
24 a serious problem at the time?

25 **A.** I was aware of the incident, yes. It was

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1 I alluded to it in my witness statement, I was
2 asked a question generally about was there other
3 stuff that should be taken into account and
4 I pointed to this, and I think there was -- and
5 I can't recall the document but there was
6 evidence in other documents that such evidence
7 had been brought forward.

8 I'd no reason to believe at the time that
9 that wasn't complete. I obviously can't talk to
10 what subsequently happened after I left.

11 **Q.** If we could then turn up FUJ00094393, please.

12 This is "RMGA HNG-X Counter Application Review",
13 and this one is dated 25 February 2010. Do you
14 remember this document?

15 **A.** I don't recall it from the time. But I do
16 remember it now because it had been supplied to
17 me and I've worked through it in some detail.

18 **Q.** This was, as far as you can recollect, the
19 version that was supplied to you?

20 **A.** I don't recall whether I saw this issue in this
21 level of detail at the time. I think this
22 relates to the Derby --

23 **Q.** Yeah.

24 **A.** -- the Derby issue. I would have known about
25 the Derby issue because Mark would have brought

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1 a serious incident, and it was taken very
2 seriously at the time.

3 **Q.** Was it -- sorry. Go on. You finish.

4 **A.** I mean, I think, having read this report --
5 I mean, I think, if I've understood it, and I've
6 had no one to bounce my understanding off, and
7 usually my process in looking at technical
8 issues was to bounce it off people so
9 I'd interpret it correctly, but under Legacy
10 Horizon, when you used "fast cash", you also
11 pressed "settle". With Horizon Online, both
12 those keys were still available but you only, in
13 this example, had -- the person operating this
14 transaction should have only pressed "fast
15 cash". They pressed "settle", which shouldn't
16 have been active and was active.

17 This would have caused me to ask questions
18 about the approach to negative testing, because
19 where you take something where the process was
20 press both, and you change it to where you only
21 press one, but the other key is still there, you
22 would have -- I mean, negative testing is a very
23 difficult area because you've got to sort of
24 work through all the combination of things that
25 people might throw at the system that you

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1 wouldn't expect, in the normal course of things,
2 to hit it.

3 But when I read this, that appeared to me to
4 be pretty fundamental: that such an obvious test
5 had been missed. And I think this document, or
6 a document related to it -- in fairness to
7 Fujitsu, it does actually record that -- it does
8 ask the question about whether the approach to
9 negative testing was as it ought to have been.

10 **Q.** At this time, do you remember whether the Post
11 Office was stressing to Fujitsu the importance
12 of data integrity so that postmasters could be
13 prosecuted? Was that something that would have
14 been communicated?

15 **A.** Don't think that -- I don't think that
16 necessarily would have been top of mind at all.
17 Certainly not in the programme team.

18 **Q.** Rather, just data integrity --

19 **A.** It was just about data integrity. It was just
20 about getting the system right.

21 **Q.** There's another version of this report. If we
22 could turn up FUJ00093031. I appreciate you say
23 you don't remember receiving this report.

24 **A.** Mm, mm.

25 **Q.** So you don't know the way in which it played in
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1 **A.** I mean, it shows an understanding, I think, in
2 Fujitsu, of the relevance of data integrity to
3 actions taken against subpostmasters. But
4 totally appropriate, because you've got --
5 you've got duplicate baskets being settled.

6 **Q.** Thank you.

7 **MS KENNEDY:** Chair, I believe we initially discussed
8 taking an earlier lunch. This might be
9 a convenient moment if we were to stop at 12.30.

10 **SIR WYN WILLIAMS:** That's fine. If we have our
11 usual hour, that still gives us sufficient time
12 this afternoon?

13 **MS KENNEDY:** Yes, I won't be very long at all.

14 **SIR WYN WILLIAMS:** Right. Then yes, that's what
15 we'll do. We'll break now until 1.30.

16 **MS KENNEDY:** Thank you.

17 (12.30 pm)

(The Short Adjournment)

19 (1.30 pm)

20 **MS KENNEDY:** Good afternoon, Chair.

21 **SIR WYN WILLIAMS:** Good afternoon.

22 **MS KENNEDY:** Could we please pull up POL00054371,
23 please. This is an email thread with the
24 subject "Horizon disputed cases". If we turn
25 over to the third page and scroll down, please,

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1 your mind, but I'll take you to one paragraph.

2 So you can see there the date is 9 February. My
3 understanding from the documents is that you
4 weren't sent this. If we scroll down to the
5 bottom paragraph, this doesn't appear in the
6 later version that was sent on to the Post
7 Office, but it says:

8 "The net effect would be that the Post
9 Office and the branch records would not match.
10 Where this happens, the Post Office investigates
11 the branch and postmaster with a view to
12 retraining or even uncovering fraud. It would
13 seriously undermine Post Office credibility and
14 possibly historic cases if it could be shown
15 that a discrepancy could be caused by a system
16 error rather than a postmaster/clerk action.

17 "Most importantly, the central database, as
18 the system of record, would be called into
19 question."

20 Does it surprise you to see that comment
21 there in that report?

22 **A.** I think, in the circumstances of the fault that
23 arose, you couldn't disagree with that
24 statement.

25 **Q.** Okay. So --

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1 to the bottom, we can see the start of this
2 email chain between a Jason Collins, Graham
3 Brander and Andy Hayward. You're not copied
4 into that, Mr Smith. If we just scroll over,
5 just so we can see the end of that email, but it
6 says:

7 "Andy called me and asked whether you guys,
8 (Graham, if FIU have any cases in dispute/new
9 issues that could affect your case) could put
10 together some stats on these cases where the
11 accused's defence was/is that the Horizon data
12 is unreliable for any amount of reasons given by
13 the accused.

14 "This should be sent to Iain within the next
15 few days. Iain will need as much information as
16 possible."

17 If we scroll up we can see a further email,
18 again at the top of that page, talking about two
19 cases, West Byfleet and Orford Road. Scrolling
20 up again a little bit -- but, again, you're not
21 copied into that email -- but if we control up
22 further, we can see you start being copied in on
23 this email thread about people essentially using
24 or saying that the Horizon data used in their
25 cases isn't right. Do you remember being copied

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1 in to this email threat?

2 **A.** Not particularly, no, I don't.

3 **Q.** Do you know why, again, you would have been

4 copied into this --

5 **A.** It was Mandy who was copying me in, so I was

6 kind of Mandy's go-to person when she had things

7 like this crossing her desk. My advice, if

8 I had been asked, it would have been exactly the

9 same: use the audit file.

10 **Q.** It seems as though that email comes from Andy

11 Hayward and it looks as though he's the one who

12 is has copied you --

13 **A.** Oh, that's right, yeah.

14 **Q.** Do you know who he was?

15 **A.** No, I can't recall, no.

16 **Q.** You don't know whether he was someone in Mandy's

17 team?

18 **A.** No. I mean, I recognise some of the others Rod

19 Ismay ran transaction processing; Sue Lowther

20 was the head of information security; and John

21 Scott was head of security.

22 **Q.** If we scroll up further, please. This email

23 says:

24 "As was discussed on the conference call and

25 taking into account Rob's comments ..."

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1 never say never.

2 **Q.** If we scroll up again, this email thread to the

3 first page, and down a little bit, this is again

4 an email from Dave King to the thread, and it

5 says:

6 "As discussed, I can confirm that we are in

7 no way questioning/investigating the financial

8 integrity of Horizon, or of the accounting

9 system as a whole."

10 There's almost a defensiveness to that,

11 isn't there, that someone could ever question

12 the systems?

13 **A.** Um ... I think there are several ways you could

14 read that. I mean, that may be defensive in the

15 sense that some other party was not happy that

16 information security were delving into this

17 area. So this should just be clarifying, "No,

18 we're not about that, we're about this". But

19 the answer is, you know, I don't know, I'm just

20 speculating in giving that answer.

21 **Q.** Do you think at this stage this would have been

22 a good time to do that proper analysis?

23 **A.** My belief right at the time, and I don't know

24 whether we'll come on to the slide set that

25 safety I produced, that it did need -- the way

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1 Were you on this conference call, do you

2 remember a conference call?

3 **A.** I can't recall it, no. It doesn't mean I wasn't

4 in it but I just don't recall it.

5 **Q.** "... to confirm that what we are looking at is

6 a 'general' due diligence exercise on the

7 integrity of Horizon, to confirm our belief in

8 the robustness of the system and thus rebut any

9 challenges."

10 That suggests that at this stage the

11 position of at least the people on this email

12 thread is that there is no problem with Horizon

13 but we just need to check and find a way of

14 making sure that we can justify that that's the

15 case; is that how you read that?

16 **A.** Yeah, yeah.

17 **Q.** Does that reflect the wider attitude you

18 experienced in Post Office at this time?

19 **A.** Um ... I can't say that -- I mean, by "wider

20 Post Office" I think you're going into areas

21 like the Network team.

22 **Q.** Just your -- I mean, even within your team?

23 **A.** Within the team, I believe that there would have

24 been a belief that the system was robust,

25 notwithstanding what I said about you could

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1 the issue was boiling up, it did need something

2 to happen, something different to happen. Not

3 least of which, at the senior level in the

4 business, people to get a hold of this issue.

5 I mean, this is what the PR team were contacting

6 me for. You know, we need to get a grip of this

7 thing and deal with it before it actually

8 bubbles up out of control.

9 **Q.** Shall we go to that slide deck that you prepared

10 which is at POL00090575.

11 So this is the first slide of a slide deck.

12 **A.** Yes.

13 **Q.** Do you want to tell us what this slide deck is

14 and why you made it.

15 **A.** So there are two reasons why I created the slide

16 deck. The first was that -- and I can't be sure

17 who but I think it was probably the PR team had

18 called a meeting/meetings to discuss this issue,

19 and I was due to go on annual leave and I was

20 asked to jot down some thoughts on the subject.

21 So that was why.

22 The other thing I used this slide deck for

23 was to -- I would have kept my boss informed of

24 what was going on, both -- I mean, going back to

25 the original Cleveleys issue, it would have at

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1 least briefed them on it. My boss, Mike Young,
2 also had as his reports, service management and
3 also security. So he would be well placed to
4 take a wider view than just my view.

5 So for those two purposes, as I say,
6 I created this just before I went on annual
7 leave.

8 What I meant with this -- well, part of this
9 was about accessing the audit file in all cases.
10 The other part came about, I was invited to
11 support the chairman of the Welsh Postal Board
12 who'd been summoned to meet with an MP -- MPs to
13 discuss the case of Mr Bates.

14 Up to this point, I'd assumed that, you
15 know, what -- the noise that was being created
16 around subpostmasters who were claiming that
17 their balance had been distorted by Horizon and
18 had been prosecuted. What I heard in that
19 session with the MP was something different and
20 it seemed to me that there were these cases
21 bubbling around in the media, and I, for one,
22 you know, guilty of assuming that they were all
23 about that, and in Mr Bates' case it was
24 somewhat different.

25 I mean, at the heart of it it was still

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1 **Q.** "... we have to focus on what actually happened
2 and not allow others to conduct the debate
3 around speculation about what might have
4 happened."

5 And "what actually happened", you mean --

6 **A.** Is the audit file, yeah.

7 **Q.** Just the audit file?

8 **A.** It's the only way, going back in history, that
9 you can test this idea that Horizon caused the
10 misbalance. If Horizon introduced a false
11 transaction, for the sake of argument, that
12 would be revealed by examining the audit file.

13 **Q.** But it didn't occur to you at the time that
14 there could be something other than the audit
15 file that might show a problem with the system?

16 **A.** Not really, no. In the context of this debate,
17 no.

18 **Q.** What do you mean by "no?" As in, you didn't
19 think that -- you thought the audit --

20 **A.** I believe the only way of going back to actually
21 prove it, would be the audit file. Remember,
22 the proposition is that Horizon caused the
23 problem, so how do I prove that Horizon didn't
24 cause the problem? And that would be via the
25 audit file. Now, if the subpostmaster had

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1 Horizon but if you're going to deal with these
2 issues, then you need to know what you're
3 dealing with. So that's what I was really
4 driving at in -- the people who I sent this to
5 I'd been discussing this with on the telephone
6 or face to face. So I was literally summarising
7 my thoughts in the deck.

8 **Q.** A moment ago you said at the meeting with the
9 MPs you got a somewhat different picture. Could
10 you --

11 **A.** Well, it was -- as I recall it, it wasn't about
12 Mr Bates being prosecuted because of
13 a difference between his cash balance, physical
14 cash balance on the system. I think Mr Bates'
15 contract was terminated because, he would argue,
16 because of events that were caused by the
17 Horizon System and that was a different take on
18 it.

19 **Q.** Looking at this first slide, it says:

20 "I'm strongly of the opinion that in order
21 to win the argument ..."

22 What's the argument there?

23 **A.** Well, the argument is that Horizon is causing
24 misbalances and resulting in subpostmasters
25 being prosecuted.

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1 made -- introduced errors into the system,
2 entered in the wrong amounts or something like
3 that, there were other means by which that would
4 come to the surface but, I mean, that wasn't
5 being said.

6 **Q.** Or a bug or an error?

7 **A.** Um --

8 **Q.** How would that come to the surface?

9 **A.** Well, the Horizon audit, again, would -- had one
10 of those been missed, not picked up and not
11 corrected, then that would come through from
12 examining the audit file.

13 **Q.** If we could turn over the page, you set out the
14 history of Horizon and you chart through
15 a variety of cases, two of which are the main
16 ones we've already discussed, which are
17 Cleveleys and -- if we turn over the page again,
18 and again, and again, one more time --
19 Castleton. Those were the two main cases where
20 Horizon's integrity had been called into
21 question, which is what you've recorded here?

22 **A.** No, those were the two cases that Mandy Talbot
23 corresponded with me on. Yeah.

24 **Q.** So you've limited it to what you knew about --

25 **A.** I limited it to what I knew about it because

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1 Cleveleys I was asked for some advice, which
 2 I gave, and then Mandy -- Castleton, I think,
 3 was the first test, as far as Mandy was
 4 concerned, after Cleveleys and that's why it was
 5 so important. I think that's why she continued
 6 to correspond with me. After that, you know,
 7 there was radio silence.

8 **Q.** If we could turn over to the next page please
 9 you say there:

10 "Castleton 'killed' the noise until *Computer*
 11 *Weekly* ran an article in 2009."

12 **A.** Yeah.

13 **Q.** What do you mean by "killed the noise"?
 14 **A.** Well, I didn't hear any more about it, about
 15 this issue in general, I think, until 2009.
 16 That's when it really became quite a hot topic.

17 **Q.** The way you've drafted that suggests that it's
 18 not just in terms of your own knowledge; it's
 19 generally. It says, "Castleton 'killed' the
 20 noise"; it doesn't say, "I didn't hear about
 21 anything until the *Computer Weekly* article"?
 22 **A.** No, I didn't, no.

23 **Q.** Does that not suggest that this is the totality
 24 of the cases that Post Office knew about --
 25 **A.** I don't think anybody would have understood that

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1 **A.** No, I think, from my point of view, had the
 2 audit file been applied, it simply said Horizon
 3 was not the explanation. That didn't say, that
 4 didn't automatically imply guilt on behalf of
 5 the subpostmaster.

6 **Q.** If we could turn over to the last page, please,
 7 page 12. You say:

8 "Of the cases I am aware of ..."
 9 Then we've already discussed Mr Bates' case.

10 **A.** Yes.

11 **Q.** You say in your last bullet point:
 12 "Details of the cases do bear looking at."
 13 **A.** It's back to the point made on the front slide
 14 that, because of what I experienced in
 15 supporting the Chairman of the Welsh Postal
 16 Board, we really needed to understand what
 17 the -- what each individual was claiming and
 18 what was the basis of that claim.

19 **Q.** To what end were you looking at that?
 20 **A.** I think from the point of view that, I guess,
 21 prompted by the PR team, you know, we had to
 22 start pushing out some kind of answers. So
 23 making sure that we're answering the questions
 24 that are being put, not just assuming that this
 25 was about prosecutions.

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1 at the time.

2 **Q.** Okay. If we could turn over the page to
 3 page 10, please, you've summarised what you
 4 understand the Horizon integrity to be, and the
 5 mechanisms. Was this drawn from your
 6 conversation with Gareth Jenkins --
 7 **A.** It was indeed, yes.

8 **Q.** -- and that document we discussed earlier?
 9 **A.** Yes, it was and, indeed, I think I probably --
 10 I think the attached PDF document --
 11 **Q.** Would have been that --
 12 **A.** -- would have been that document, yes.
 13 **Q.** -- document we looked at earlier?
 14 **A.** Yes.

15 **Q.** If we could turn over one more page to page 11.
 16 You posit some explanations as to why these
 17 cases are arising. 1 "Subpostmaster has had
 18 hands in the till"; 2 "Assistants have had hands
 19 in the till"; 3 "Accounting error". Is that the
 20 order in which you thought was most likely?
 21 **A.** No, there was no particular order.
 22 **Q.** There was no assumption that a subpostmaster
 23 would have --
 24 **A.** No, no assumption, no.
 25 **Q.** -- had their hands in the till?

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1 **Q.** If we could take that document down, please, and
 2 this is the last document I'm going to take you
 3 to. It's FUJ00094958, please. This is turning
 4 back to Horizon Online, and if we could scroll
 5 down, please, we can see there that this is
 6 an email from you -- to scroll up a slight bit
 7 again, please -- on the 26 March, which
 8 I believe was your last day at the Post Office,
 9 or close to it?
 10 **A.** I finished on 31 March, so this was a Friday.
 11 Clearly looking at the time, I wrote this on the
 12 train going home.

13 **Q.** You write this email to Gavin Bounds. Remind us
 14 who Gavin was?
 15 **A.** He was the account manager for the Post
 16 Office -- well, the Royal Mail account I think
 17 they would probably term it.

18 **Q.** It says:
 19 "Gavin,
 20 "I want to follow up our earlier telecon
 21 rather more formally.
 22 "Whilst we don't yet have a root cause of
 23 today's issue given recent events it is
 24 difficult not to suspect that it might be
 25 related to the introduction of a change. Quite

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1 simply there have been too many incidents where
2 poor execution of change has caused a problem in
3 live."

4 What did you mean by "problem in live"?

5 A. This was -- I mean, I think we're in pilot at
6 the time, so this would have been an incident
7 happening in a branch office and, I mean,
8 I can't remember the specific incidents but it
9 could have been loss of service, it could have
10 been problems with transactions. I don't know.
11 But this is problems experienced in the branch.

12 Q. It goes on to say:

13 "The situation demands that Fujitsu take
14 action that is game changing whether that be
15 increased rigour, an injection of differby [*sic*]
16 skills or change in mindset.

17 "I also have to be concerned that we seem to
18 be ahead of you and finding out for ourselves
19 that there has been an incident in live rather
20 than hearing from you. We have been here before
21 and I will take a lot of convincing that this
22 not symptomatic of a reactive mindset. Again,
23 we need to see action that is game changing to
24 a proactive style of management.

25 "The wider POL business and major
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1 them were involved in independent review.

2 One was an independent review of some
3 architectural issues. I meant external
4 independent review but there was no way, in
5 terms of the architect, that Fujitsu would agree
6 to that.

7 The other was in terms of their service
8 management organisation where they did bring in
9 a third party and that third-party report was
10 quite damning in terms of the stuff that had
11 been going on.

12 Now, the story as far as service management
13 after that was much better. I'd previously,
14 earlier on in the year, as a result of a number
15 of incidents, spoken to Ian Lamb about the
16 mindset in service management. I left it at
17 that and he came back and said, "Okay, we
18 understand", and they went out and recruited
19 back to Fujitsu a guy called Dave Baldwin who
20 worked there before and Dave came in with
21 a completely different mindset.

22 There was a lot of investment and we got
23 a very different experience in terms of managing
24 the service. You almost felt that Fujitsu were
25 ahead of the game, in control of the situation,
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1 stakeholders have been incredibly patient thus
2 far. I believe we are now on the cusp of losing
3 them and if we do then experience tells us that
4 we could well end up on the front page of the
5 Daily Mail. That will do damage to the
6 reputation of both our businesses."

7 Were you angry when you wrote this email?

8 A. No, because I would have calmed down. I would
9 probably have been angry when I had the phone
10 call but my general approach to these things, if
11 I felt angry, to do nothing, and then to record
12 it in writing later.

13 I mean, I am very uneasy about the nature of
14 the issues that were arising but also, there was
15 a sense of *déjà vu* and this reference to mindset
16 was really a reference back to 2004, when we did
17 appear on the front page of a national newspaper
18 and which resulted in me writing a mail to
19 Fujitsu on Christmas Eve about the reactive
20 nature of their service management, which was
21 not my area. I stepped outside of contract,
22 I stepped outside of the law, I said, "You may
23 have contractual acceptance but you ain't
24 getting the money until you do a number of
25 things", and one of those was -- well, both of
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1 rather than the situation controlling them.

2 Dave moved on to be the account manager. He
3 was replaced by Naomi, I forget her surname, but
4 she was cut in the same mould as Dave. She was
5 in turn replaced by Wendy Warham, who had
6 a different style but very much lived the
7 philosophy that no matter how good it is, it can
8 be better.

9 Then we got to this stage and, all of
10 a sudden, it felt quite, quite different. Now
11 I can't recall exactly what the meeting was, but
12 I went to a -- I think it was probably the Joint
13 Release Authorisation Board meeting, and the
14 performance of service management in that
15 meeting was lamentable. I mean, never mind
16 being behind the ball, they weren't on the
17 pitch, so much so that a guy called Graham Welsh
18 who worked in that -- and is referred to in
19 emails and documents I've been seeing -- he
20 phoned me up afterwards to try to reassure me
21 that on the ground things were rather better.
22 And this is what I was getting at there, you're
23 now being driven by events instead of you having
24 control of them.

25 I think, within Fujitsu -- I think within
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1 Fujitsu that there was some feeling along those
 2 lines, as well. In the -- I can't remember
 3 which document it was, but I think I had 74
 4 Rule 10 documents to trawl through, and there's
 5 a document -- there's an email there where Alan
 6 D'Alvarez is asking Fujitsu to inject senior
 7 person to deal with problems. And I guess
 8 that's one of the things that I was driving at
 9 here, you know, this needs some bolstering of
 10 effort, this needs something really different,
 11 plus you need to get -- you know, we shouldn't
 12 be hearing from the branches first -- the first
 13 we hear of an incident shouldn't be from the
 14 branch; it should be from Fujitsu Services.

15 So I was very worried about the way things
 16 were going at that stage.

17 **Q.** You mentioned your last day was 31 March.

18 **A.** Yes.

19 **Q.** Did you feel like you had unfinished business on
 20 Horizon Online when you left the Post Office?

21 **A.** Yeah. In fact, I wrote another email that day
 22 that had been -- there'd been another incident
 23 overnight, which, again, it implies the sort of
 24 unease I had about stuff. There had been an ice
 25 storm in Northern Ireland. Now, ice storms

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1 Fujitsu approached me and, by this time, it was
 2 time to start thinking about what happened after
 3 2015. If you're going to go to -- if you're
 4 going to go to competitive tender, and I think
 5 things were quite clear at the time that on this
 6 occasion we'd have to go to competitive tender.
 7 You needed to kick the process off around then.

8 You needed to do your strategy work first of
 9 all and then you needed to put that into an ITT,
 10 go through the process of selecting a supplier
 11 and start working with them. So I mean that's
 12 where -- that's very much where, you know, my
 13 head was.

14 **MS KENNEDY:** Thank you very much, Mr Smith. I have
 15 no more questions for you. I think Mr Stein has
 16 some and some of the other Core Participants, as
 17 well.

Questioned by MR STEIN

19 **SIR WYN WILLIAMS:** All right Mr Stein, first, yes.

20 **MR STEIN:** Mr Smith, I've just got one area I want
 21 to ask you about. I represent a large number of
 22 subpostmasters and mistresses that have been
 23 affected by this scandal, so you'll understand
 24 from my questions that point of view. Now
 25 you've been taken by Counsel to the Inquiry

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1 don't normally happen in our part of the world.
 2 They usually happen in northeast America and it
 3 would have been easy to dismiss what happened as
 4 down to, you know, once in 100 hundred years
 5 weather situation.

6 What happened was power lines were brought
 7 down. I mean, these things can actually not
 8 just bring the power lines down but they can
 9 bring the pylons down with them, as well. And
 10 the system had -- so there's back-up generators
 11 and the system hadn't failed over to the back-up
 12 generations properly and this caused
 13 a disruption to service in the branches.

14 And again, I found myself writing to Gavin
 15 on my last day saying, "How can this happen?
 16 You know, the system as specified should fail
 17 over cleanly. What's going on here?"

18 So I was -- I left very worried about the
 19 way things were going but, I mean, I had to hand
 20 over to someone else to deal with it.

21 **Q.** You mentioned that you were subsequently engaged
 22 by Fujitsu as a consultant?

23 **A.** Yeah.

24 **Q.** How did that come about?

25 **A.** I don't know the background from the -- I mean,

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1 Ms Kennedy to documentation that reveals your
 2 point of view in 2010 at the time when you're,
 3 I think, just moving on.

4 **A.** Mm-hm.

5 **Q.** Okay. You'll recall the question she's asked
 6 you, which was asking about whether, when you
 7 wrote a particular email, you were angry and you
 8 described the fact that you try not to write
 9 emails when hot --

10 **A.** Yeah.

11 **Q.** -- but deal with them slightly later. Do you
 12 recall that email?

13 **A.** Yeah.

14 **Q.** I can take you to it if you wish.

15 **A.** Yeah.

16 **Q.** So at that particular juncture, what you seemed
 17 to be saying is this: that you'd realised that
 18 there was a problem, the third party report has
 19 been damning -- your words -- you've got Dave
 20 Baldwin and other people coming in and you
 21 regard their quality as being better, reactive
 22 and looking at it in more detail; is that fair?

23 **A.** Yes, I think so.

24 **Q.** Right. Now, you know by this point, because of
 25 what's been going on in the press and you know

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1 from your involvement in the Post Office, that
2 people had been prosecuted by the Post Office,
3 yes?

4 **A.** Mm-hm.

5 **Q.** Now, at this particular juncture, on leaving the
6 Post Office at that time, do you think to
7 yourself, well, some of these subpostmasters and
8 mistresses have been prosecuted and imprisoned
9 in the past under a regime that you, in fact,
10 regarded, it seems, as being inadequate?

11 **A.** The period I've just described in terms of the
12 service management was -- so in 2004, what
13 happened, we moved from a system that was -- you
14 might have loosely described it as a batch
15 system, where if there was a failure in
16 Fujitsu's central infrastructure, it would have
17 little to no effect, immediate impact, on the
18 branches -- to the online world of banking.

19 So when there was a problem with the
20 infrastructure, it would impact the branches in
21 a big way. It was that transition that Fujitsu
22 didn't make at that point in time. They didn't
23 make the -- I suppose, in my view, it's about
24 technical people not seeing boxes and wires but
25 seeing customers in branches and, you know,

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1 to the juncture where you're leaving, you're
2 writing these emails when you're trying not to
3 write them when you're hot tempered --

4 **A.** Yeah.

5 **Q.** -- you're dissatisfied with what you have learnt
6 about the system, yes?

7 **A.** Yeah.

8 **Q.** You, in your own mind, believe that it's been
9 inadequate, it's been insufficiently insightful
10 into the basic nature of problems, yes?

11 **A.** What -- there's two things that I feel at this
12 stage. One is I'm uneasy about the sorts of
13 problems we're getting. They're problems that,
14 when you look at them, you say that really
15 oughtn't to have happened, yes? And the second
16 point is about the way in which Fujitsu as
17 an organisation appears to be reacting to the
18 issues as they arise. The fact that we're
19 hearing from the office that the service is
20 down, not from Fujitsu picking up the phone and
21 telling us the service is down.

22 **Q.** Right, so let's pinpoint this. 2010, the time
23 when you're about to move on, you've got this in
24 your head, problems that shouldn't be arising
25 and, secondly, you're learning about it from the

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1 counter clerks, subpostmasters, trying to serve
2 them.

3 So Fujitsu didn't change the mindset. You
4 know, this is happening here and now. People
5 are being impacted here and now, as opposed to
6 in a batch world where the impact on people was
7 perhaps more delayed.

8 And, secondly -- and, I mean, what we found
9 subsequently as a result of the review that
10 I asked Fujitsu to undertake, was that certain
11 tools and techniques that ought to have been
12 implemented as a result of moving into the
13 online world hadn't been put in place and, in
14 fact, I think Fujitsu invested over £1 million
15 in those tools and techniques, and I recall
16 actually being -- taking a trip to Bracknell and
17 spending a day going through and being shown how
18 those tools and techniques helped Fujitsu manage
19 the service.

20 So I would say, at the beginning of the
21 process, Fujitsu services management was way,
22 way short of industry standards. But 12 months
23 later, it had caught up and what I was observing
24 was fit for purpose.

25 **Q.** What we're talking about is, by the time you get

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1 offices, rather than Fujitsu.

2 **A.** Yeah.

3 **Q.** Okay, these two big problems, yes?

4 **A.** Yes.

5 **Q.** Now, at that time, just when you're about to
6 move on, you also know in your mind that people
7 have been prosecuted and prosecuted before the
8 criminal courts or chased for debts before the
9 County Courts, and some people have gone to
10 prison. You also know that fact as well, don't
11 you?

12 **A.** Yes.

13 **Q.** Right. Now, with the information that you've
14 got in your head, which was the problems that
15 were unexpected and, secondly, you're learning
16 from the wrong part of the system about issues,
17 with that, did you by any chance go to the legal
18 department at POL and say, "There may be a big
19 problem here in relation to historic cases, I'm
20 not satisfied with what's been going on, and we
21 need to look into those past cases"? Did you do
22 that, Mr Smith?

23 **A.** No, I didn't. Why would I take something about
24 a new system that was only just being introduced
25 and reflect that back to things that had

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1 happened -- you know, quite different system?
 2 **Q.** You didn't think the two --
 3 **A.** No, they were two completely different systems.
 4 Two completely different systems. Now, I did --
 5 and in the Rule 10 bundle, I think this was
 6 around one of the incidents -- I think I did get
 7 involved with -- certainly, Fujitsu's legal
 8 people were involved on whether this had
 9 an implication in terms of any prosecution that
 10 might arise. But that was looking forward, not
 11 looking backwards. Linking what's happening
 12 Horizon Online to what happened in Legacy
 13 Horizon, I don't think you'd do that, would you?
 14 **Q.** Didn't occur to you, Mr Smith?
 15 **A.** No, of course it wouldn't.
 16 **MR STEIN:** Thank you.
 17 **Questioned by MS PAGE**
 18 **MS PAGE:** Thank you, I'm also representing a number
 19 of the subpostmasters in this case, Flora Page.
 20 The first thing I want to ask you about is
 21 going right back, if I may, and if I could have
 22 a document brought up, it's POL00092888. This
 23 document, I hope, is one you've had a chance to
 24 have a look at but I know you've seen a lot of
 25 documents. It's apparently an account by
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1 that didn't relate to me.
 2 **Q.** That's absolutely fine. I just wanted to be
 3 clear whether you had any memory of having
 4 actually dealt with the subpostmaster
 5 experiencing Horizon difficulties?
 6 **A.** No.
 7 **Q.** No. All right. Well, then let's then move on
 8 a little and what I'd like to ask about is the
 9 process that was part of the IMPACT Programme
 10 which removed lines from the -- removed the
 11 suspense lines, as you put it, from the
 12 automated cash accounts. You put that in your
 13 statement and I just want to understand that
 14 that's what you -- is that the way that you
 15 would describe the removal of the facility to
 16 put money in the suspense account?
 17 **A.** I think if I recall my witness statement,
 18 I think I will have referred to that in terms of
 19 the implementation of Legacy Horizon, and I used
 20 to visit offices that -- where the systems had
 21 been implemented and one of the complaints --
 22 I mean balancing was the thing that always came
 23 up and in particular on balancing the back
 24 office printing, which was, you know, a big
 25 cause of the problem.

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1 a subpostmaster who was experiencing
 2 difficulties with Horizon and it seems to have
 3 been in 2001 because that's the date stamp we
 4 see at the top.
 5 If we scroll a bit further down and if we
 6 just stay there. If we zoom in a little bit on
 7 what's in the lower part of the screens we'll
 8 see your name is mentioned.
 9 **A.** Ah. A Dave Smith.
 10 **Q.** A Dave Smith. That's why I wanted to ask you.
 11 **A.** I mean, generally speaking, the discipline we'd
 12 operate is for me not to contact subpostmasters
 13 direct. At times almost impossible to, because
 14 we, as senior managers, we used to address
 15 meetings of subpostmasters on a regular basis.
 16 The idea is that if a lot of managers got
 17 involved in solving out subpostmasters' issues,
 18 they weren't passing through service management.
 19 Service management, therefore, didn't get
 20 a complete overview of --
 21 **Q.** That's fine, if what you're saying is this
 22 wasn't you.
 23 **A.** No, I don't think this was me, no.
 24 **Q.** You don't have any memory of this?
 25 **A.** I got a lot of correspondence for Dave Smith
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1 The other thing that came up was the fact
 2 that certain moves that the people in
 3 branches -- and I include both our own branches
 4 in that -- could take to deal with the
 5 discrepancy was to bury it for later
 6 investigation. And what I was referring to in
 7 my witness report was the fact that the -- with
 8 Legacy Horizon, some of those avenues were
 9 closed down to people in branches.
 10 **Q.** As part of the IMPACT Programme?
 11 **A.** As part of -- no, as part of Legacy Horizon.
 12 I don't think -- if you could point me to the --
 13 **Q.** Well, there are two bits of your witness
 14 statement which deal with this, so perhaps we
 15 can bring it up.
 16 **A.** Yeah, if you could, that would be helpful.
 17 Thank you.
 18 **Q.** I'm just trying to find the reference but I hope
 19 somebody else might have it.
 20 **MS KENNEDY:** I think it's WITN05290200.
 21 **MS PAGE:** That's very helpful. Thank you. It's
 22 paragraph 17 and paragraph 29 of the areas which
 23 deal with this. I think it must have been 29
 24 that refers to the suspense lines in automated
 25 cash accounts.

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1 I tell you what I think's going on here,
 2 we're probably looking at the wrong witness
 3 statement. I'm sorry.
 4 **MS KENNEDY:** That's completely my fault. It's
 5 WITN05290100.
 6 **MS PAGE:** Yes, that's the one. Thank you.
 7 So if you want to cast your eyes over
 8 paragraph 29 there.
 9 **A.** Yes, this refers to Legacy Horizon not --
 10 **Q.** So it's certainly -- I'm not talking Horizon
 11 Online, we're both talking about Legacy Horizon.
 12 **A.** It's Legacy Horizon, yes.
 13 **Q.** The Inquiry has heard evidence to suggest that
 14 these facilities were taken away as part of the
 15 IMPACT Programme?
 16 **A.** The IMPACT Programme, yes, IMPACT Programme
 17 did -- I mean, IMPACT Programme changed
 18 radically the way that branch accounting was
 19 carried out. I'm not hugely familiar with the
 20 detail of that. The fact that I was able to
 21 recount rather more detail on Legacy Horizon
 22 was -- I spent, I think, the best part of
 23 six weeks when I first joined the Post Office
 24 being a cash account, being the supporting
 25 documents, and it kind of cemented in the brain.

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1 **Q.** -- park discrepancies.
 2 **A.** Yes.
 3 **Q.** Then the programme introduces the requirement
 4 to, if there is a discrepancy, not to put it in
 5 a suspense account but to make it good
 6 immediately?
 7 **A.** Yeah.
 8 **Q.** Yes? There's some documents around that and
 9 I don't necessarily need to take you to them but
 10 there is one point from one of those documents
 11 that I would like to put to you, just to sort of
 12 solidify this point, if I may.
 13 It's POL00038878. If we can go, please, to
 14 page 22. Now, if we zoom in on that middle
 15 section and the bottom part of it, it says here,
 16 and this is just -- as I say, I don't expect you
 17 to have seen this before but it's to put this in
 18 a context for you. What it says is, part of
 19 this IMPACT Programme:
 20 "The analysis has also identified
 21 requirements to more tightly control and police
 22 the use of the suspense account within the
 23 branch accounts, only a limited subset of the
 24 existing suspense account products will be
 25 retained. The contractual requirements for

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1 Also, when I was going around, I remember
 2 going to Colchester branch -- a Crown Office --
 3 and the branch manager and the assistant branch
 4 manager spending an hour berating me about the
 5 fact that they couldn't tuck these things away
 6 for later investigation but I really had no
 7 insight into --
 8 **Q.** Just to pick you up on that, because that's new
 9 for us. So on a visit, a person running
 10 a branch said to you and was berating you, that
 11 they couldn't put things in the suspense
 12 account?
 13 **A.** Yes, and my response was "And you're not
 14 supposed to because you weren't supposed to
 15 before. You weren't following the instructions,
 16 you weren't meant to use the manual system in
 17 that way". The thing with manual systems is
 18 they're much easier to manipulate than automated
 19 systems, which are much more rigid.
 20 **Q.** Well, that's the way the things were under the
 21 manual system. Then we have Horizon in its
 22 original iteration before the IMPACT Programme,
 23 in which people were still able to use the
 24 suspense account to --
 25 **A.** They were indeed, yes.

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1 agents to make good unknown errors in branch
 2 accounts will be used instead."
 3 Yes?
 4 **A.** Yeah.
 5 **Q.** Now, what I want to look at, then, is this:
 6 given the history of AI376 and what we know
 7 about that and what we know about the fact that
 8 0.6 per cent was the target and so, therefore,
 9 even if hitting the target, there would still be
 10 some errors, would this not have been recognised
 11 as unfair, that unknown errors had to be made
 12 good, no matter what?
 13 **A.** Well, there's a lot tied up in that question.
 14 First of all, the 0.6 per cent. Unfortunately,
 15 I've seen a lot of documents, I've got
 16 a trolley-load behind me -- how 0.6 per cent was
 17 arrived it is not at all clear from the
 18 documents but I did trawl through them all and
 19 the point about the integrity check, it was --
 20 so what TP were doing, they were taking the cash
 21 accounts as committed by the subpostmasters and
 22 then taking the stream of transactional
 23 information and deriving a cash account and the
 24 two should correspond.
 25 But the system process to harvest the

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1 transaction information was not working
 2 properly. There were gaps in it and Fujitsu, to
 3 be honest -- I mean, a lot of these integrity
 4 controls should have been in the design from the
 5 outset. I remember a conversation -- it's
 6 almost -- a conversation at the time with Ruth
 7 Holleran, the business assurance manager, saying
 8 it's almost as if they didn't realise it was
 9 an accounting system.

10 So the idea of this check was to trap faults
 11 in that harvesting process. Now, if you go into
 12 the third agreement, I forget the exact title of
 13 it --

14 **Q.** Supplemental.

15 **A.** -- the Third Supplemental, and you go deep into
 16 the detailed terms of it there's this wonderful
 17 statement "An inaccurate cash account is not
 18 an inaccurate cash account (non-data error)",
 19 and if you drill down into what that means, is
 20 that in a limited number of circumstances, there
 21 are cash accounts -- the cash account committed
 22 by the office -- which are wrong, and it does
 23 list the number of circumstances from which
 24 those can arise.

25 Now, clearly, those shouldn't count in
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1 offices from using the suspense account for
 2 reasons that it shouldn't be used.

3 **Q.** Well, let's just go back to what you were saying
 4 about the various agreements. What they
 5 certainly do is recognise there's the
 6 possibility of unknown errors arising, don't
 7 they?

8 **A.** Clearly, with the term "incorrect cash accounts
 9 which are not data error", it not only accepts
 10 that there can be errors in the cash account but
 11 it actually lists down the reasons why those
 12 occur.

13 **Q.** So given that, wasn't it more fair to allow
 14 postmasters a place to put discrepancies if they
 15 thought they were unknown, if they couldn't
 16 understand why they were being caused?

17 **A.** Well, at that time in Legacy Horizon, they did
 18 have a place to put them, which was the suspense
 19 account. It wasn't until IMPACT came along that
 20 that was -- that area started to be closed down.

21 **Q.** Okay. Well, in those circumstances, do you
 22 think it would have been fair and appropriate to
 23 do a proper investigation of what was going on
 24 with the usage of suspense accounts, how much
 25 money was going into them, whether it had grown

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1 targetry terms against Fujitsu. And I can't
 2 prove this because there is not a complete audit
 3 trail but I believe that may indeed be part of
 4 what the 0.6 allowance was for: faults that were
 5 not Fujitsu's fault.

6 The second point buried in there around
 7 situations where Fujitsu have identified a fault
 8 but haven't been able to implement the fix. As
 9 a result of that, there's a sort of a side
 10 agreement that says, "But you can supply the
 11 correct information manually". And again, quite
 12 clearly, it -- I mean, that would still come up
 13 in the comparison of the derived cash account
 14 and the cash account as a fault, but it's quite
 15 clear that that shouldn't count as part of
 16 Fujitsu missing the target because they have
 17 corrected it -- corrected the derived stream,
 18 albeit manually.

19 So I think the 0.6 per cent was not
 20 a relaxation of the target. I think there's
 21 plenty of stuff deep in that Third Supplemental
 22 Agreement which suggests that these were let
 23 for --

24 Now, this point here, is something
 25 completely different. This is about preventing
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1 or decreased since Legacy Horizon was
 2 introduced, et cetera, before introducing the
 3 removal of the suspense account facility?

4 **A.** Well, I -- you know, that wasn't -- I mean the
 5 people driving these requirements were the
 6 people from TP and from the Network, that wasn't
 7 my -- you know, this is a reflection of the
 8 requirements that were handed --

9 **Q.** Do you think it would have been fair?

10 **A.** Um ... I think, you know, I think when you've --
 11 when you want to get rid of something, then you
 12 should understand the implications, both
 13 positive and negative, of the actions that
 14 you're taking. And, I mean, one of the things
 15 that often, I think, happens with system
 16 developments is that, you know, this change is
 17 introduced because it will reduce this level
 18 of -- pool of error over here, and then
 19 implement and then suddenly you find this level
 20 of error has appeared over here as
 21 a consequence.

22 So, yes, as good practice, you would think
 23 through the changes that you are making and make
 24 sure that you fully understand all the
 25 implications of them.

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1 Q. Did it perhaps suit Post Office to remove the
2 sums from the suspense accounts in this way,
3 because that, in fact, removes an indicator that
4 Horizon may have been generating unknown errors?
5 A. Sorry, can you repeat that again, just make sure
6 I've got --
7 Q. Well, if money is going into the suspense
8 account it rather highlights, doesn't it, that
9 postmasters are saying there's unknown errors
10 here?
11 A. Yes.
12 Q. If that money is no longer going into the
13 suspense account, you've no longer got that
14 indicator?
15 A. Yeah, but you would still expect that if there
16 was an unexplained error, that the subpostmaster
17 would pick up the phone to the helpline and to
18 pursue it through that route.
19 Q. But then it gets buried, doesn't it, in the
20 helpline and you haven't got to be a big stark
21 figure saying, "Here it is in the suspense
22 accounts"?
23 A. Um, well, I mean, even if the -- as I understand
24 it, and I'm not hugely familiar with the
25 processes within TP at the time, but I think

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1 A. Mandy Talbot.
2 Q. So Mandy passed on to you what she thought
3 Mr Castleton's solicitor had advised him of?
4 A. Yes.
5 Q. Did that strike you as unprofessional at all?
6 A. I can't add to that. I mean, I wouldn't know.
7 I'm not a solicitor or a barrister and, you
8 know, I don't know your professional standards.
9 Q. Did she mention, for example, that, in fact,
10 Mr Castleton was now acting for himself?
11 A. Oh, yes, I was aware of that. I was aware that
12 he -- you know, his solicitor went and that he
13 conducted matters himself thereafter, yes.
14 Q. Was there any suggestion or thought, do you
15 think, from her, when she'd relayed this
16 information to you, that Mr Castleton may have
17 run out of money because of the Post Office's --
18 A. I don't recall that. I don't recall that. But
19 that doesn't mean, you know, she didn't say
20 that. I mean, we're talking about some years
21 ago. So I don't remember every word in every
22 conversation. That's what I recall, and
23 I wouldn't have got that from any other source,
24 than from Mandy.
25 MS PAGE: Thank you. Those are my questions.

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1 even if the subpostmaster has to make it good,
2 there was a process for registering the fact
3 that the subpostmaster didn't agree with the
4 fact that they'd had to bring it to account
5 themselves.
6 Q. Can I just turn to one more small issue before
7 I finish, and it's relating to the slides that
8 evidence already had a look at, and it's
9 POL00090575, page 6. What I'm just going to
10 focus in on, if I may, is the two sort of
11 sections in the middle there:
12 "Believe Castleton's solicitor examined
13 audit trail and concluded that there was no
14 substance to Castleton's claim and advised him
15 to settle.
16 "Castleton sacked solicitor and proceeds."
17 Now, in actual fact, and fairly obviously,
18 you can't have known what advice he received
19 from his solicitor, can you?
20 A. No, no.
21 Q. What I'm interested in is how you came to
22 believe this, where did this come from, this
23 idea that he had been advised because his
24 solicitor thought there was no substance in his
25 claim?

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Questioned by MR MOLONEY

1 MR MOLONEY: Mr Smith, my name is Mr Moloney and
2 I represent a number of subpostmasters.
3 I have really just one issue to ask you
4 about if I may. Do you remember Ms Kennedy
5 asking you this morning about the counter
6 application integrity report to do with
7 transactions being recorded twice?
8 A. The Derby incident, yes.
9 Q. Yes. I hope I recount your evidence correctly
10 but you said you couldn't remember receiving
11 this report; is that right?
12 A. No, I couldn't -- I don't remember seeing that
13 report but I was aware of the Derby incident.
14 Q. Forgive me for this but may I just take you to
15 one document to show that you did receive it.
16 A. Okay, yes.
17 Q. It's a document that was disclosed to Core
18 Participants yesterday, and it's FUJ -- yes,
19 I didn't even need to read it out, thank you
20 very much, it's on the screen now.
21 It's FUJ00142176, and we see that this is
22 an email from Alan D'Alvarez on 10 March 2010
23 and it's to you, and also copied are Mike Wood
24 and Gavin Bounds.
25

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1 A. Mm-hm.
 2 Q. It's:
 3 "David,
 4 "Please find attached the report from the
 5 review undertaken as a result of transactions
 6 being recorded twice."
 7 That's:
 8 "[Regards]
 9 "Alan D'Alvarez."
 10 A. Yes.
 11 Q. Okay. Does this -- and it may not, but just in
 12 order to be clear, out of an abundance of
 13 caution, does this assist your memory in
 14 relation to this report at all?
 15 A. No, it doesn't but I think I, you know, in
 16 response to Ms Kennedy's questions, I said to
 17 you this did concern me because at the root of
 18 this incident was something which, in my
 19 opinion, others may disagree, ought to have been
 20 covered in negative testing, ie there was
 21 a Legacy Horizon process that required the
 22 transaction being settled by using both the
 23 "Fast Cash" key and the "Settle" key, and that
 24 was changed under Horizon Online to just using
 25 the "Fast Cash" key, even though the "Settle"

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1 any event?
 2 A. I can't recall who the people were who carried
 3 out the event but I think there's a full
 4 description in the report of the steps taken to
 5 correct the error and I think that, you know, in
 6 all honesty, that's the most important thing.
 7 We've identified the root cause, we've gone in,
 8 we've fixed it, we've re-tested it and we've
 9 proven that the error couldn't occur again.
 10 That's what I'd be looking for in that report.
 11 I mean, I wouldn't have thought that this
 12 particular issue in itself would have called for
 13 a fully independent view. Had a report been
 14 produced that didn't satisfactorily outline root
 15 cause, correction and what have you, then one
 16 might say "Look, I need someone, a fresh pair of
 17 eyes, to come and look at this incident".
 18 Q. Thank you. Just on that now, obviously you were
 19 concerned with issues of integrity, and the
 20 subject line of this email is "Review of system
 21 integrity", as we can see on the screen. Can
 22 you recall whether, given the ongoing concerns
 23 about integrity during Horizon Legacy and in
 24 Horizon Online and, of course, with the recent
 25 adverse publicity -- or recent to then, in 2010,

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1 key was still there.
 2 And that, to me, is sort of a classic case
 3 of something that, you know, we've changed here
 4 a process, the two keys are still there, you
 5 should test to make sure that the process
 6 filters out someone incorrectly pressing the
 7 "Settle" key after "Fast Cash".
 8 Q. Thank you, Mr Smith. Can I just press you
 9 slightly on that in this way: you obviously were
 10 concerned about this.
 11 A. Mm.
 12 Q. This was something important, it wasn't a minor
 13 issue, it's something that had to be dealt
 14 with --
 15 A. Mm.
 16 Q. -- and you will see that this is a report from
 17 the review that was undertaken as a result of
 18 transactions being recorded twice?
 19 A. Mm-hm.
 20 Q. Given your concern about this, did you
 21 understand that this was a review that would be
 22 independent of those people who were making
 23 decisions about this or was it something that
 24 had been made by a review, essentially conducted
 25 by the people who were responsible for this in

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1 with the *Computer Weekly* article in 2009, and so
 2 on -- whether, from your recollection, around
 3 this time POL -- Post Office Limited -- or
 4 Fujitsu ever considered input from an external
 5 third-party expert?
 6 A. The email that Ms Kennedy pulled up earlier --
 7 Q. From Ms Lowther?
 8 A. -- where I wrote to Gavin Bounds, I did make the
 9 point there that, you know, I think I said in,
 10 you know, why wouldn't I ask for an independent
 11 external report if I don't hear of actions from
 12 Fujitsu that are going to change the game that
 13 we're experiencing here.
 14 Q. Yes.
 15 A. So, I mean, I was very close. I mean, this
 16 asking for an independent report is not a card
 17 you play every day but I had played it three
 18 times previously during my tenure. And,
 19 generally speaking within Fujitsu -- with
 20 a technical issue, you wouldn't get them getting
 21 a third party coming in but what you would get
 22 is people from the very top of the organisation
 23 with no current connection to the Fujitsu
 24 account, brought in as a team to examine what
 25 was going on.

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1 And that sort of thing was taken very, very
2 seriously in Fujitsu. I think they have a term
3 "red light issue", and it would mean that also
4 any recommendations in that report would get
5 a high priority in terms of being met,
6 particularly when it came to resources. So
7 that's what I was -- you know, if you don't show
8 me that you've got some actions here to, you
9 know, significantly change what's going on, then
10 I need you to do this.

11 **Q.** Just from your recollection again, if I may, as
12 the last question, did anyone within POL ever
13 suggest to you that a forensic review of Horizon
14 was needed? Away from those emails that we've
15 seen, did anyone ever suggest that to you?

16 **A.** No.

17 **MR MOLONEY:** All right. Thank you very much,
18 Mr Smith.

19 **Questioned by MR WHITTAM**

20 **MR WHITTAM:** Mr Smith, Richard Whittam on behalf of
21 Fujitsu.

22 Do you accept that any system as complex as
23 Horizon was bound to have some level of bugs,
24 errors and defects?

25 **A.** Absolutely, absolutely.

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1 approved. The practice was to hold rehearsal
2 meetings in advance of the decision point and
3 thus surface early any potential no-go issues.
4 This would include the progress with testing of
5 Horizon."

6 If we went to, please, another document
7 POL00030283, thank you, and we can see that's a
8 "Release Note -- Deferred PEAKs List" with
9 a reference number CS/REN/032, and we can see
10 this is 13 October 2005. The "S80 Release
11 Note -- deferred PEAKs List -- Counter", details
12 what it is and the abstract:

13 "This document details those PEAKs that are
14 outstanding at S80."

15 Although it's a Fujitsu document, we can see
16 that its external distribution, included Marc
17 Reardon and Jamie Dixon, who were people at the
18 Post Office, weren't they?

19 **A.** Yeah, yeah.

20 **Q.** If we just go through, please, to page 5 of the
21 document. The "Introduction":

22 "This document is an addendum to the S80
23 Release Note detailing those PEAKs, which remain
24 outstanding once S80 has been implemented. This
25 document only includes PEAKs that impact on the

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1 **Q.** Their detection could probably fall into three
2 categories: those that were detected, so found;
3 those that were at any particular point in time
4 undetected; and those that might be introduced
5 at a later stage by way of an update, a fix or
6 something like that.

7 **A.** Yes.

8 **Q.** That was therefore something to look for, those
9 that might be introduced by bugs -- sorry, fixes
10 to pre-existing bugs?

11 **A.** Yes.

12 **Q.** I'd just like to return to your second statement
13 please if we may, WITN05290200, page 5, please.
14 We can see there paragraph 12:

15 "The ultimate decision whether to release
16 new software into the network was a business
17 decision. This was taken at a Release
18 Authorisation Board which I normally chaired,
19 although very much in a non-voting capacity, my
20 role being to lead the meeting through the
21 process. The Fujitsu release would be just one
22 input as invariably other systems changes would
23 be involved and business as usual departments
24 would also have deliverables that required
25 'green' [light] status for the release to be

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1 counter. Data Centre PinICLs are detailed
2 within a document", and it gives the reference
3 number.

4 It then describes the PEAKs as either being
5 PEAKs which were outstanding at S60, S70 or S75
6 and had previously been targeted at S80 or
7 raised in S80 testing and agreed to be deferred.

8 We can see, if we just go to the next page,
9 so we can just follow the document through,
10 please, there was no table of PEAKs deferred
11 from previous releases. But if we can, please,
12 just go to page 7, we can see there that this is
13 the table of PEAKs identified during the S80
14 testing. First one listed there, I won't read
15 the number out, but we can see it's a stock unit
16 trial balance report differing from the layout
17 specified in that it's missing a blank line, and
18 that was the first one to give it some context.

19 If we could go through to page 13, please.
20 Thank you.

21 The first one listed there has a number,
22 PC0116293. It relates to an imbalance warning
23 clearing automatically:

24 "If there is an imbalance in an SU then
25 a warning is displayed at rollover. This

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1 warning has a 'Continue' button and should not
2 be cleared until the clerk presses the button,
3 but it actually clears by itself. So if you're
4 not looking at the screen you may miss seeing
5 this message."

6 The analysis and proposal is that it's not
7 a new problem at S80 and the problem of SU
8 imbalance is not a regular occurrence. Also,
9 the message tablet, that's displayed for the
10 duration of time it takes to print the report,
11 it's thought at this time was low, and it's
12 going to be dealt with at a future release.

13 I'm not going to go through the other
14 entries in it but what was your attitude towards
15 a document like that when you were considering
16 release?

17 **A.** So as far as -- so if we go to these two
18 different processes. The acceptance and, by
19 contractual definition, low severity errors are
20 not an issue for acceptance. Medium severity,
21 usually there is a maximum number of medium
22 severity faults that can be tolerated. The
23 usual practice with all medium severity faults
24 was that there would be a workaround. So it
25 would be possible to work round the problems

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1 these things. And I mean, many of them, like
2 the first one, which were of no consequence at
3 all, these things would be handed over to
4 service management, and the Service Management
5 Team would -- so at the point of rolling out the
6 solution into the network, control would pass
7 from my area, project programme management,
8 effectively, to service management for them to
9 follow up.

10 **Q.** So somebody within the Post Office, once things
11 like this were drawn to their attention, would
12 be monitoring them, checking them, following
13 them up?

14 **A.** They would have them on their radar screen and
15 decide whether they were worth following up or
16 not. I mean, sometimes some of these things
17 were brought through my process as part of
18 change control, and one of our challenges, very
19 much, was almost a business case challenge. So
20 what's the benefit of actually fixing this?
21 Because very often there was -- as with, you
22 know, reinsert a blank line -- it's very
23 difficult to prove that there was any benefit
24 from making the change at all.

25 **Q.** The issue you've told us about in relation to

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1 created by the fault until such time as the
2 fault was fixed. And then high severity faults,
3 which prevented --

4 Now, high/medium/low is reference to
5 business impact, and the view of low items
6 was -- I mean, I think the first one you
7 referred to was a missing blank line on
8 a report.

9 **Q.** Absolutely.

10 **A.** And those would be treated as low. Very often
11 they weren't fixed at all. Some were. And they
12 wouldn't -- low items would not feature in
13 acceptance, and they wouldn't feature in release
14 authorisation. Release authorisation, you would
15 get a full list of the medium items with the
16 appropriate workaround. And that applied not
17 just to Horizon, but it would apply to any other
18 systems that were involved, or indeed the
19 readiness of a business unit. You could have
20 a high severity business unit fault.

21 **Q.** Would you, at any stage, follow up whether any
22 fix had been put in place?

23 **A.** I wouldn't have done personally, no.

24 **Q.** Why not?

25 **A.** Because it was -- I mean, there were hundreds of

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1 Mandy Talbot and her concern that all Post
2 Office, civil and criminal litigation might
3 collapse if things weren't resolved, was brought
4 to your attention in November, the following
5 month of the same year. Did that trigger any
6 concern about whether any fixes had actually
7 been put in place, and there was any system
8 within the Post Office to check?

9 **A.** No, because the -- you know, what Mandy brought
10 to me was the question where what was happening
11 in the court -- as I understand it, the expert
12 the jointly appointed expert was saying this
13 could have happened, changed the position of the
14 Post Office. It's now incumbent upon the Post
15 Office to prove that that event didn't happen,
16 and that was the question that I was addressing.
17 And as it happened, there was an existing
18 process in place which was used in criminal
19 cases via the security team, which I referred,
20 in effect, Mandy to.

21 And she took that forward. I think she
22 convened meetings. I didn't personally take
23 part in those meetings. Keith Baines, my
24 commercial manager, did. Because the action for
25 my area would have been to put in place the

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1 commercial arrangements with Fujitsu to make
2 more opportunities to access the database
3 available.

4 **MR WHITTAM:** Thank you.

5 Sir, may I just have one moment?

6 I'm grateful, sir. That's all I ask.

7 **MS KENNEDY:** Chair, I think that completes the
8 questions from the Core Participants.

9 Oh, Chair, you're muted again.

10 **Questioned by SIR WYN WILLIAMS**

11 **SIR WYN WILLIAMS:** I was anxious for there not to be
12 extraneous noise, so I keep muting myself.

13 Mr Smith, just following what Mr Whittam was
14 asking you about what in effect, I think, he was
15 talking about was the Cleveleys case, yes?

16 **A.** Yes.

17 **SIR WYN WILLIAMS:** You deal with that, and I don't
18 want to bring it up, but you deal with that at
19 paragraphs 28, 29, 30, 31 and 32 of your second
20 witness statement. All right? You set out your
21 understanding of what was going on. I read it
22 carefully and, if I've missed it, I'm sure
23 Ms Kennedy or someone else will contradict me,
24 but I can't find in those paragraphs
25 a recognition of the possibility that what the

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1 to provide the kind of inputs he would have
2 needed to make the judgement that he came to.

3 **SIR WYN WILLIAMS:** So that I can be clear, are you
4 saying that you personally read the expert
5 report and reached the conclusion that it was
6 flawed in material --

7 **A.** Yes. Because the expert didn't speak to --
8 didn't speak to the people with the kind of
9 knowledge necessary for him to come to the
10 conclusion that he reached.

11 **SIR WYN WILLIAMS:** Was that viewpoint put to the
12 judge who determined the case? Because, as
13 I understand it, the Post Office lost the case.

14 **A.** I think it -- at the time I was involved, it had
15 already gone past that.

16 **SIR WYN WILLIAMS:** Sorry, as I've understood your
17 witness statement, you were being asked to come
18 up with suggestions as to how you could counter
19 the expert report. At the stage I think you
20 were consulted, or that's the impression
21 I gained from --

22 **A.** I think it was more general that -- sorry for
23 interrupting, sir. I think it was more general
24 than that, the question that was asked. It was
25 "Is there anything we can do, given this

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1 joint expert reported to the board was actually
2 correct. All right? It's all about how do we
3 deal with knocking down his thesis, so to speak.

4 I'm just wondering whether it's fair of me
5 to have gained the impression that in 2004, when
6 this was unfolding, the Post Office simply would
7 not accept that Horizon could have caused the
8 shortfall but, further, did nothing
9 independently to assess whether in fact that was
10 possible.

11 **A.** The report that the independent expert produced
12 was, in my view, deficient. This Inquiry has
13 taken a great deal of -- put a great deal of
14 effort, in terms of making sure it gets the
15 right people to produce the evidence. The
16 expert didn't do that in doing his research.
17 I think, on the Fujitsu side, he spoke to
18 someone from the helpdesk. You'd expect, in
19 asking questions about whether the Horizon
20 System could create problems in the balance, for
21 him to talk to someone like a Gareth Jenkins,
22 and he didn't do that.

23 Equally, on the Post Office side, the people
24 he spoke to were at a fairly -- were at a level
25 where I wouldn't have expected them to be able

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1 position?" And, as I've said, the only thing
2 that I think we could do in that situation was
3 to call for the audit file.

4 In this particular case with Cleveleys,
5 because I think it dated back to 2001, the
6 retention period for the audit file was --
7 I forget the number of years, but it wasn't the
8 seven years that it was subsequently changed to.
9 So the audit file was no longer available.

10 **SIR WYN WILLIAMS:** All right. Rather than try and
11 work out the detail, which may not be
12 productive, am I right in gaining the
13 impression, then, that your view of the expert
14 evidence produced in that case was that it was
15 inadequate, and therefore could be ignored,
16 going forward, provided certain other evidence
17 like the audit file was produced?

18 **A.** Yes. I mean the -- bearing in mind that the
19 expert witness in this case was the Post
20 Office's expert witness, because the Post
21 Office, at a very junior level, and the defence,
22 agreed a joint appointment of this witness. So
23 I think, for the Post Office having agreed the
24 appointment of the expert witness, to then sort
25 of say well, the expert witness got it all

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1 wrong, I don't think is a very credible position
 2 for the Post Office to take.
 3 **SIR WYN WILLIAMS:** Well, no doubt by examining the
 4 file we can discover whether that's a wholly
 5 accurate characterisation of what occurred.
 6 Do you know, Mr Smith, that an expert
 7 witness, whether appointed under the direction
 8 of the court or by the agreement of the parties,
 9 has a primary duty to the court?
 10 **A.** Not particularly, no, sir.
 11 **SIR WYN WILLIAMS:** You didn't know that?
 12 **A.** No.
 13 **SIR WYN WILLIAMS:** Right. Good. But you would have
 14 expected that the solicitor of the Post Office
 15 would have known?
 16 **A.** Absolutely.
 17 **SIR WYN WILLIAMS:** All right. Yes. Thank you very
 18 much.
 19 Well, thanks very much for coming this
 20 afternoon and this morning to answer all these
 21 questions. I think that probably sees an end to
 22 it now, since I usually have the last word.
 23 **MS KENNEDY:** Yes.
 24 **SIR WYN WILLIAMS:** Unusually, Ms Kennedy, we are
 25 sitting on Monday, are we not?
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1 **MS KENNEDY:** We are, yes. We have Mr Stephen
 2 Grayston on Monday.
 3 **SIR WYN WILLIAMS:** So I'll see you at 10.00 on
 4 Monday. Thank you.
 5 **(2.48 pm)**
 6 **(The hearing adjourned until 10.00 am**
 7 **on Monday morning)**
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