

## Message

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**From:** Patrick Bourke [GRO]  
**Sent:** 28/10/2015 17:03:33  
**To:** Melanie Corfield [GRO]  
**CC:** Mark Underwood [GRO]  
**Subject:** FW: Post Office Matter  
**Attachments:** Action Points from the Meeting with Chris Knight 271015 v3.docx

Mel

Conscious I never came to find you to debrief on the meeting with the junior barrister. Here's the note I sent him earlier summarising the meeting – I'd be grateful if you didn't share though.

Ta

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**From:** Patrick Bourke  
**Sent:** 28 October 2015 12:30  
**To:** 'Christopher.Knight' [GRO]  
**Cc:** Jane MacLeod; Mark Underwood [GRO]; Steve Allchorn; Rodric Williams  
**Subject:** Post Office Matter

Dear Christopher

Many thanks for coming to see us at our offices yesterday.

I thought it would be helpful to offer up a summary of where I think our discussions concluded on the various points raised. I would be grateful for your view on whether they accurately reflect where we got to and we do, of course, understand that the nature of this project may necessitate some (hopefully) limited revisiting as you conduct your work.

### ***Scope of Enquiries***

We agreed that the broad territory to be covered was encapsulated in the four principal areas of contention identified by Jonathan in his meeting with Tim and Jane on 20 October. These are:

1. Whether individual charges brought against relevant Applicants to the Scheme were underpinned by a sufficiency of evidence;
2. Establishing, in so far as possible, whether the Horizon system was or was not the underlying cause of discrepancies in the branch accounts of Applicants to the Scheme;
3. Whether the advice provided to Applicants to the Scheme by the Helpdesk was appropriate and, in particular, whether the advice provided caused Applicants to commit false accounting; and
4. Whether the investigations into the cases in Scheme were appropriate and reasonable in scope and depth and, in particular, whether anything was missed which could, and ought, now to be looked at.

We had an initial discussion about how this ground might best be captured in your report and tentatively envisaged a thematic treatment, with specific examples drawn upon under each to support the overall finding. However, we were all agreed that this would need further consideration as time goes on.

### ***Approach to Enquiries***

We went onto discuss how you and Jonathan might approach these enquiries, mindful of the fact that a) their focus is on the Post Office's responses to the complaints, rather than a review and judgment of the merits of each, and b) of the time within which Tim wishes this work to be concluded.

The emerging thinking in relation to each of the four strands was:

1. We would identify all those cases in which multiple charges were in play against Applicants to the Scheme (usually theft and false accounting). You would choose a sample of cases from that list in order that you might come to a view, having reviewed the relevant material, about whether or not the appropriate evidential test was met. We agreed that we would sign post you to the relevant material through discussions with Cartwright King, who have conducted our prosecutions work for a number of years, as well as discussions with Brian Altman's junior who is in the process of reviewing the material in the cases being looked at by the CCRC. We agreed with your view that the CCRC cases are out of scope but nonetheless thought a conversation with Brian Altman's junior would be beneficial given her familiarity with Post Office prosecutions material generally.
2. In relation to the Horizon system, Jane outlined the very real difficulties involved in what is, at its heart, an exercise in proving a negative, only made more complicated by the age of the system. However, in addition to supplying you with all the documentation we have which contributes to an answer to the question, we would arrange for you to meet with the authors of the Deloitte report (now at Ernst & Young), Gareth Jenkins who used to act as our expert witness in relation to Horizon, and someone currently at Fujitsu with expert knowledge of the system. You would also consider whether UCL, in addition to these other experts, might answer some of the specific allegations made about the system, for instance the notion that it is/was possible to manipulate live branch data remotely and without leaving an audit trail.
3. The Helpdesk issues are likely to be more straightforward. We can supply the documentation which covers off the processes and protocols which underpin the Helpdesk. In addition, we agreed to identify those cases in the Scheme in which accusations about the Helpdesk were particularly prominent, from which you would again select a sample so as to enable you to form a view as to the appropriateness of the support it provided. In addition, we are happy to arrange a meeting for you/Jonathan with those operating the Helpdesk.
4. On the question of the adequacy of the investigations undertaken as part of the Scheme, we agreed that we would again provide you with the documentation prepared at their outset, so that you are able to see what the intended scope and methodology was. You would also meet with Angela Van Den Bogerd who was ultimately responsible for the investigations as a whole. Finally, by reference to a sample of cases of your choosing, the relevant investigator(s) could walk you through specific investigations in practice. In each of the sample cases, you would also review all of the outputs of the investigation including Post Office's Investigation Reports, Second Sight's Case Review Reports and Post Office's Mediation Statements where relevant.

### **Ways of Working and Action Points**

Finally, we had a discussion about ways of working, most of which we agreed would become apparent as we take the work forward. We did, however, agree a number of specific actions which are listed in the document I attach, some of which are already underway, and some of which we will need to agree dates and times for when you have had a chance to determine how you want to take the work forward.

I am sending you, under separate cover, the s17 notices we have received from the CCRC and which Jane told Jonathan she would get across to Chambers.

You should use me as your primary point of contact but my colleagues Mark Underwood and Steve Allchorn, both of whom you met and are copied into this email, are also available to you and Jonathan for anything you might need.

I trust this cover everything but please contact me if you feel anything is missing or misunderstood. I also look forward to hearing from John Davitt on the question of fees as soon as practicable.

Kind regards

Patrick

**Patrick Bourke**

GRO