



## TELEPHONE NOTE

Date: 29 July 2013

Subject: POST/3/1

Conference call with Martin Smith and Cartwright King and Paul Beaton from Crown Office, Lindsay McNeill from BTO was also on the call along with one other from Cartwright King.

Martin explained that his law firm carried out prosecutions on behalf of the Post Office south of the border. They had been told that the horizon computer system was full proof. However a report has been prepared by a body called Second Sight which has revealed some bugs in the system. There is a second report which they are calling the Helen Rose report. This is an internal report to the Post Office and it is critical of the system. Basically there are times when the system does not differentiate between computer generated entries and manual entries. Cartwright King is therefore carrying out a review of all cases prosecuted since 1 January 2010.

Not all these cases will be affected by this information and disclosure is not being made in every case. They are basically identifying cases where issues were raised with the computer system or issues were raised about training and in those circumstances they are disclosing both the Second Sight report and the Helen Rose report. Solicitors are being told that the Helen Rose report must remain confidential.

Martin explained that Second Sight was basically a committee set up in response to complaints by some sub-postmasters. The Post Office contracted with Second Sight to produce this report following complaints made by sub-postmasters to various MPs. A Second Sight report is an independent report.

Martin pointed out that in the vast majority of cases Second Sight discovered that sub-postmasters were content with the horizon system but some are not. The Second Sight report is in the public domain.

A number of defendants have had inexplicable losses and when they have submitted their defence statement it said there was no explanation for the financial losses. Martin explained that in some cases the Post Office they had lodged expert evidence which said that there was nothing wrong with the horizon system. This expert was a man named Gareth Jenkins who is one of the architects of the system from Fujitsu. It is clear from the report that Gareth Jenkins, employed by Fujitsu, was aware of bugs in the system. One in particular has created false information but this was not mentioned in his expert reports.

Martin said that he was not aware of any case the way the horizon system had been challenged albeit he had not seen any Scottish files and understood that BTO was dealing with them.

Martin explained that the horizon system had been in place for a long time but that during 2010 a programme called horizon next generation was ruled out. Not all offices received this at the same time. This established a permanent problem with a server in Fujitsu. Previously everything had been uploaded at night. It was at this time things were noticed. At the time the system was ruled out, a field support worker would attend at the Post Office and would not count stock but would count the cash and if there was a shortfall then sub-postmasters were fixing the shortfall but it is suspected that the money was then removed and that the problems were being glossed over within the computer system.

Cartwright King have advised the Post Office to go back to the 1 January 2010 so there is ample notice and warning to anyone before that to speak up. The Post Office not agreeing that all convictions are unsafe because there is usually other evidence which led to the criminal case being brought.

Martin was of the view that the Helen Rose report was dis-closable even though it was an internal document.

Martin also explained that the bugs discovered were not systemic and were particular to individual offices. There are two bugs, in particular bug number 14 which affected 14 branches hence the name and bug number 63 which historic and has been remediated.

It was agreed that LJI would send Paul Beaton a copy of both the reports and a spreadsheet listing all of the Scottish cases. LJI explaining that there appeared to be 5 that were live within the COPFS systems and that we would appreciate some help in identifying a particular Fiscal who we could speak to about these cases. We would appreciate a direct phone number or email address. Paul agreed that he would provide those things.

Discussing that it appeared that someone was in custody in relation to one of the cases. This would be a priority and Paul would discuss this with the operational units within Crown Office.