

Friday, 29 September 2023

1  
2 (10.00 am)  
3 **MS PRICE:** Good morning, sir. Can you see and hear  
4 us?  
5 **SIR WYN WILLIAMS:** Yes, I can, thank you.  
6 **MS PRICE:** May we please call Mr Jones.  
7 **JOHN HOWARD JONES (sworn)**  
8 **Questioned by MS PRICE**  
9 **MS PRICE:** Can you confirm your full name please,  
10 Mr Jones.  
11 **A.** It's John Howard Jones.  
12 **Q.** You should have in front of you a hard copy of  
13 a witness statement in your name and dated  
14 17 May 2023. If you turn to the last page of  
15 that, please, which is page 14, do you have  
16 a copy with a visible signature?  
17 **A.** Yes, I do.  
18 **Q.** Is that your signature?  
19 **A.** Yes, it is.  
20 **Q.** Are the contents of that statement true to the  
21 best of your knowledge and belief?  
22 **A.** Yes, they are.  
23 **Q.** For the purposes of the transcript, the  
24 reference is WITN08560100. There's no need to  
25 display that now.

1

1 management and the control of cash at the  
2 Network.  
3 **Q.** Then in 1990 you became a branch manager?  
4 **A.** That's correct.  
5 **Q.** In 1994 you became a Retail Network Manager?  
6 **A.** That's correct.  
7 **Q.** In 2002, you became an Area Development Manager  
8 working on the Network Reinvention Programme.  
9 What was your role in relation to the Network  
10 Reinvention Programme?  
11 **A.** I was the area development manager for the  
12 Western Territory. The Network Reinvention  
13 Programme split the country into three areas:  
14 North, East and West. Essentially, West was  
15 everything on the motorway network west of the  
16 M6, west of the M40, west of the M25, right the  
17 way down to the South and West Coast.  
18 Essentially, I managed a team of Business  
19 Development Managers who were developing the  
20 voluntary closure programme, so we were  
21 basically reducing the size of the network from  
22 a commercial point of view in the urban sector.  
23 We didn't cover the rural sector. So we were  
24 managing the voluntary exit of postmasters and  
25 closure of those branches as part of an ongoing

3

1 Thank you for coming to the Inquiry to  
2 assist it in its work and for providing the  
3 witness statement that you have. As you know,  
4 I will be asking questions on behalf of the  
5 Inquiry.  
6 Today I'm going to be asking you about  
7 issues which arise in Phase 4 of the Inquiry,  
8 focusing on your involvement in the proceedings  
9 bought by the Post Office against Mr Castleton,  
10 relating to the alleged losses at Marine Drive  
11 Post Office branch.  
12 You joined the Post Office in 1982 as  
13 a counter clerk; is that right?  
14 **A.** That is correct, yes.  
15 **Q.** In 1988 you became a visiting officer. Can you  
16 help us with what that role involved?  
17 **A.** The visiting -- the visiting officer essentially  
18 worked out of defined areas in -- I was working  
19 in South Manchester and basically you were  
20 visiting directly managed branches, agency  
21 branches, franchise branches, to really manage  
22 the kind of score -- balance scorecard that we  
23 had in those days, which was around service,  
24 customer service and accuracy of documentation,  
25 particularly to our clients, as well as cash

2

1 commercial journey.  
2 **Q.** You became a Senior Account Manager in 2006; is  
3 that right?  
4 **A.** That is correct.  
5 **Q.** In 2009 you became a Project Manager in directly  
6 managed branches?  
7 **A.** Yes.  
8 **Q.** A Flagship Manager of a directly managed branch  
9 in 2010 --  
10 **A.** Yes.  
11 **Q.** -- and you held Area Manager roles between 2011,  
12 and 2019?  
13 **A.** That is correct.  
14 **Q.** In 2019 you held the role of Regional Manager of  
15 the East of England; is that right?  
16 **A.** That is correct.  
17 **Q.** Separately to these roles, you held the role of  
18 an Appeals Manager from 2003 until you left the  
19 Post Office in 2019; is that right?  
20 **A.** That is correct.  
21 **Q.** Just to be clear, you were, in this role,  
22 hearing appeals from disciplinary decisions  
23 taken by the Post Office, weren't you?  
24 **A.** Not necessarily -- well, not necessarily  
25 disciplinary, the -- there's a wide range of

4

1 appeals that you hear as an Appeals Manager.  
 2 Disciplinary, yes, but also the vast majority of  
 3 appeals are against various process. So for  
 4 example, if a branch manager or a counter  
 5 colleague did not agree with their personal  
 6 development review score, it's not  
 7 a disciplinary appeal hearing but they have that  
 8 right to appeal against that score. Appeals  
 9 against our attendance policy, bullying and  
 10 harassment, et cetera.

11 So it's quite a wide-ranging element, so  
 12 with Post Office employees there are  
 13 a significant area of policies that they can  
 14 appeal against.

15 **Q.** You explain in your witness statement made for  
 16 the Inquiry that the Appeals Manager role is not  
 17 a permanent role, rather it is something which  
 18 Senior Managers do alongside their day-to-day  
 19 role?

20 **A.** That is correct.

21 **Q.** Did that possible, any difficulties for those  
 22 performing the Appeals Manager role in terms of  
 23 the time they had to deal with these appeals?

24 **A.** You had to manage your time very succinctly,  
 25 depending on the size of the case, the nature of

5

1 original decision-maker, from whose decision you  
 2 were hearing the appeal, was considering, so you  
 3 could look at new information?

4 **A.** Absolutely, yes.

5 **Q.** The process, which you also set out at  
 6 paragraph 6 of your statement to the Inquiry,  
 7 consisted of pre-appeal inquiries, you say to  
 8 establish the nature of the case --

9 **A.** Yes.

10 **Q.** -- the appeal interview --

11 **A.** Yes.

12 **Q.** -- post-appeal inquiries --

13 **A.** Yes.

14 **Q.** -- and, you say, conclusion and summing-up; and  
 15 finally, the decision and any recommendations.

16 Is that a fair summary?

17 **A.** That's absolutely correct.

18 **Q.** Is it right that you only heard three appeals  
 19 brought by subpostmasters during your career  
 20 with the Post Office?

21 **A.** That is correct.

22 **Q.** Only one of these was related to the Horizon  
 23 System, Mr Castleton's case?

24 **A.** That is correct.

25 **Q.** Mr Castleton's appeal was against the decision

7

1 the case, to give full due diligence to that  
 2 appeal and fairness to that appeal. Very often,  
 3 a huge amount of your analysis work was done in  
 4 the evenings or it was done at the weekend, just  
 5 to slot it in around the day job. Obviously,  
 6 you were making time slots when you needed to  
 7 visit a branch to hold the hearings, et cetera.  
 8 But a huge amount of time was actually on your  
 9 own time.

10 **Q.** You say at paragraph 6 of your statement to the  
 11 Inquiry that:

12 "Appeals were allocated by the HR Service  
 13 Centre and that the allocation process and the  
 14 way in which an appeal is conducted is intended  
 15 to ensure that appeals are an independent  
 16 rehearing of a case."

17 So your understanding of your role as  
 18 an Appeals Manager was to hear cases afresh; is  
 19 that right?

20 **A.** That's absolutely correct.

21 **Q.** You were not, therefore, limited to the material  
 22 before the original decision-maker?

23 **A.** Sorry, can you clarify that?

24 **Q.** If you were hearing things afresh, you were not  
 25 limited, were you, to the information which the

6

1 taken by his Retail Network Manager Catherine  
 2 Oglesby on 17 May 2004 to terminate  
 3 Mr Castleton's contract as the subpostmaster of  
 4 Marine Drive Post Office; that's right, isn't  
 5 it?

6 **A.** That is right, yes.

7 **Q.** A decision which you upheld?

8 **A.** That is correct.

9 **Q.** I would like to start, please, with the  
 10 documentation which you were provided with when  
 11 you were allocated Mr Castleton's appeal. Could  
 12 we have on screen, please, POL00071234. Could  
 13 you explain, please, what this document is?

14 **A.** This document is a standard business document  
 15 that is summarised in the event of  
 16 a termination. It's normally done by the  
 17 contracts manager however, in this case,  
 18 I believe it was done by Cath, to detail the  
 19 reasons, the rationale, for their decision.

20 **Q.** We can see Mr Castleton's details at the top and  
 21 then at point 4 there are brief details of the  
 22 case. If we can scroll down a little bit so we  
 23 can see that whole box, please.

24 You see there the brief details are:

25 "Large unexplained losses at the office over

8

1 a 12-week period. PMR blames the Horizon kit  
2 and software problems. No errors on system. No  
3 error notices due. No figures could be  
4 identified that had been changed by the system.  
5 Checks done by helpline, NBSC, Horizon Helpdesk,  
6 Girobank, postmasters records and Chesterfield.  
7 Request sent to Fujitsu to check suspense  
8 account software, as not yet received. PMR  
9 suspended as a precaution. I have had three  
10 temps in there over the last ten weeks, no large  
11 losses."

12 At point 5, we have "Details of specific  
13 charge":

14 "Unexplained losses totally £25,758.75."

15 We have the date on which Mr Castleton was  
16 suspended, 23 March 2004, then a brief summary  
17 at point 7 of the reasons for termination. It  
18 says this:

19 "No evidence to support PMR claims of  
20 computer problems. As soon as the people were  
21 removed from the office the losses stopped. The  
22 computer equipment has not been changed. Losses  
23 reached a very large amount in a very short  
24 space of time."

25 Could we go, please, to page 3 of this  
9

1 the steps you took but, just focusing at the  
2 moment on the documents that you had in front of  
3 you and had been looking at --

4 **A.** Yes, I had all of those documentation.

5 **Q.** If we can scroll down, please, towards the  
6 bottom of the index. Item 16 seems to have been  
7 documents contained in a separate file,  
8 comprising record of balances, cash accounts,  
9 Horizon printouts. Do you recall having been  
10 given this separate file at the time?

11 **A.** No. Not on receipt of the appeals file.

12 **Q.** Going over to the fourth page of this document,  
13 please, we can see the title at the top "Marine  
14 Drive Post Office Summary of Events". This is  
15 a five-page document. If we can look at the  
16 last page, please, which is page 8 within the  
17 larger document we're in. The last line here:

18 "My decision is to summary terminate Lee  
19 Castleton's contract for services."

20 Did you understand this summary to have been  
21 authored by Catherine Oglesby who made the  
22 decision to terminate Mr Castleton's contract?

23 **A.** Yes, I did.

24 **Q.** The next document, going over two pages, please,  
25 to page 10, is the "Audit Report", dated

11

1 document. This appears to set out the documents  
2 which you were provided with for the appeal; is  
3 that right?

4 **A.** That is correct, yes.

5 **Q.** Would you have read the documents enclosed with  
6 this index?

7 **A.** Absolutely. That's the sort of the key  
8 understanding of the case, really, to look at  
9 the level of detail that's gone into the case,  
10 which starts to form my processes and appeals,  
11 and it's just to look at the sort of pre-appeal  
12 enquiries, that can range from rechecking the  
13 sort of calls that Cath has made, certainly  
14 going to the Late Accounts Division at  
15 Chesterfield to ascertain are there any error  
16 notices in the system that could potentially  
17 explain the losses that were being incurred.

18 And due to the really unusual nature of the  
19 case -- I'd never heard of a case where either  
20 a counter colleague or a postmaster had singly  
21 blamed Horizon for the losses and not followed  
22 the appropriate advice that had been given by  
23 the Retail Line Manager -- I chose to visit the  
24 branch to --

25 **Q.** If I can just stop you there. We'll come on to  
10

1 23 March 2004, the second document in your pack,  
2 so to speak. This had been completed by Helen  
3 Hollingworth, inspector. The first paragraph  
4 reads as follows:

5 "An audit took place at Marine Drive Post  
6 Office on 23 March 2004. Helen Hollingworth led  
7 the audit and in attendance was Chris Taylor.  
8 The audit commenced at 8.00 am and on our  
9 arrival the subpostmaster was very pleased to  
10 see us. He explained problems he had been  
11 having at the office regarding balancing. His  
12 problems with balancing started in week 43 with  
13 a misbalance of [minus] £4,230.97. He was  
14 adamant that no members of staff could be  
15 committing theft and felt that the misbalances  
16 were due to a computer problem. He had been in  
17 contact with the Retail Line Manager Cath  
18 Oglesby and the Horizon helpline regularly since  
19 the problems began. The following table gives  
20 further weeks' balance declarations on the cash  
21 account."

22 So the first contemporaneous document you  
23 would have read, assuming you reached the file  
24 in order, was this, saying that Mr Castleton was  
25 "very pleased to see us", he explained his

12

1 problems with balancing, he was adamant that the  
2 problem was with his computer system and he had  
3 been in regular contact with the Retail Line  
4 Manager and the Horizon helpline since the  
5 problems began.

6 When you read this, what did you take from  
7 it?

8 **A.** It was unusual, that the -- all the advice that  
9 Cath had previously given to Mr Castleton didn't  
10 seem to be in place in terms of the bringing  
11 everything into individual stocks units and --

12 **Q.** If I can just pause you there.

13 **A.** Yeah, sorry.

14 **Q.** If you're reading your file and this is one of  
15 the first documents you read, when you read  
16 this, before going to consider anything else,  
17 what did you take from this account here from  
18 the auditor, in relation to Mr Castleton?

19 **A.** That the audit team were there to identify and  
20 potentially find a solution to the issues that  
21 were appertained between those dates and the  
22 list of weeks 43 to 48, the losses that were  
23 being incurred or the misbalances that were  
24 being incurred.

25 **Q.** Going over the page, please, page 11 of this  
13

1 bottom of his balancing problems, wasn't he?

2 **A.** He was and, again, that was unusual that  
3 a postmaster would ask for a full audit of their  
4 branches. I've never -- certainly never in my  
5 experience have come across that, nor would  
6 an audit team necessarily act on that. They  
7 would normally go through the Retail Line  
8 Manager before committing to an audit.

9 **Q.** You set out in your statement to the Inquiry the  
10 steps you took as part of your pre-appeal  
11 hearing enquiries. Could we have that statement  
12 on screen, please. It's WITN08560100, and it's  
13 page 5 of that statement, please, paragraph 16.  
14 You say here:

15 "I contacted the decision manager who was  
16 Cath Oglesby to go through the documentation  
17 I had received. This allowed me to ensure that  
18 I had a thorough understanding of the case and  
19 the associated paperwork and to understand the  
20 rationale for the decision to terminate  
21 Mr Castleton's contract."

22 Did you speak to Catherine Oglesby before or  
23 after you went through the documentation you had  
24 been provided with; can you remember?

25 **A.** I would have spoken to her after because I've no  
15

1 document, we see a letter of suspension of the  
2 same date as the audit report. Over the page  
3 again, please, page 12 of this document, we see  
4 a letter to Mr Castleton from Ms Oglesby dated  
5 26 April 2004, informing Mr Castleton that she  
6 is considering the summary termination of his  
7 contract on the grounds that the audit on  
8 23 March resulted in a total shortage of  
9 £25,758.75.

10 Going on two pages, please, page 14 of this  
11 document, this is a letter from Mr Castleton to  
12 "Mrs Oglesby and Mrs Joyce", dated 28 April,  
13 which followed Ms Oglesby's letter of 26 April.  
14 In it, he says this of the audit, in the first  
15 substantive paragraph:

16 "I would like to point out that the audit  
17 took place at this office at my request. I felt  
18 I was in a situation that nothing was being done  
19 and I felt I needed more people involved."

20 This was Mr Castleton flagging that he was  
21 the one who had requested the audit which took  
22 place, wasn't it?

23 **A.** It was indeed, yes.

24 **Q.** So Mr Castleton was seeking scrutiny of his  
25 accounts, he was seeking help to get to the  
14

1 working relationship with Cath. I know the name  
2 but, as an Appeals Manager, it's independent of  
3 the particular area that Cath works in. So it  
4 would always have been after, in my  
5 recollection, because -- it's kind of got to be  
6 after, because you've got to understand what the  
7 case is and then sort of build that rationale as  
8 part of your pre-appeal enquiries.

9 **Q.** You already had a summary of events from  
10 Ms Oglesby in your papers, didn't you, which  
11 we've looked at, that first document?

12 **A.** Yes, I have.

13 **Q.** Given you were independently rehearing this  
14 case, do you think there was a danger in  
15 speaking to the original decision-maker, in  
16 addition to simply reading their summary of the  
17 events, in that their view of the case might  
18 influence your own?

19 **A.** No, and I actually don't. I've always followed  
20 that process with all my appeals to understand  
21 what the decision -- irrespective of the type of  
22 appeal, to understand the rationale for the  
23 decision taken, which it might seem strange but  
24 it does help you with your pre-appeal enquiries.  
25 It can point you in certain directions that may  
16

1 not be immediately obvious when you read the  
2 papers.  
3 Some appeals do not come as concise as that  
4 one, some are a little harder to deal with, so  
5 I always follow that process.  
6 **Q.** One of the pre-appeal hearing enquiries you made  
7 was to contact the Transactional Account Team at  
8 Chesterfield, wasn't it --  
9 **A.** Yes, it was.  
10 **Q.** -- to check for error notices, as they were  
11 called during the period we're talking about?  
12 It's right, isn't it, that error notices were  
13 generated when a subpostmaster made a mistake  
14 when inputting transaction details into their  
15 computer?  
16 **A.** That is correct.  
17 **Q.** So because there were physical documents  
18 evidencing transactions, which were sent off in  
19 an envelope to the relevant team, such an error  
20 could be picked up?  
21 **A.** That is correct.  
22 **Q.** So error notices do not assist us in a situation  
23 where the discrepancy is being caused not by the  
24 incorrect inputting of the figures but, instead,  
25 for example, by a bug, error or defect in the

17

1 on is a difference between that physical  
2 documentation and what's been input into the  
3 system, isn't it?  
4 **A.** It's can be an error that the branch has keyed  
5 off -- for example, with Alliance & Leicester  
6 giro, we accept cash and cheques, and the  
7 documentation is not necessarily that  
8 user-friendly, as it shows a grand total. So if  
9 a branch keys the grand total, we -- they will  
10 incur a potentially significant shortfall on the  
11 value of the cheques because we just simply  
12 process the cheques in a sealed envelope.  
13 However, they are included in the grand total.  
14 So sometimes those can -- transactions can  
15 go through the system and then we have to wait  
16 until they correct themselves. So they would  
17 show an immediate negative position in the  
18 accounts, a loss, and we then wait for those to  
19 come back through the system to correct that  
20 position.  
21 **Q.** Could we have on screen, please, page 5 of this  
22 document, going further down, paragraph 19.  
23 This is still on the pre-appeal hearing  
24 enquiries and you say:  
25 "I checked with the National Business

19

1 Horizon System?  
2 **A.** Not necessarily, because of the -- with an error  
3 notice, they come from various clients. So if  
4 you are experiencing a discrepancy, it could be  
5 from Alliance & Leicester Girobank, it could be  
6 from National Savings, some of those error  
7 notices take a considerable amount of time to  
8 come back through the system. So one of the  
9 things that I was looking at when I reviewed all  
10 the paperwork and the documentation prior to  
11 visiting the branch was really to start to close  
12 down points that could explain the  
13 discrepancies.  
14 So some error notices take three months,  
15 some can take six months or longer. I've known  
16 some from National Savings Bank can take  
17 considerably longer because we're relying on the  
18 customer submitting their documentation at the  
19 same time. So it was important to understand  
20 what was coming through the system that  
21 potentially could have explained some or all of  
22 the discrepancies that Mr Castleton was  
23 incurring.  
24 **Q.** But regardless of when that error notice might  
25 come through, primarily what's being picked up

18

1 Support Centre and the Horizon System Helpline  
2 to confirm if the checks on the Horizon  
3 integrity had been completed and to check the  
4 phone calls to ascertain if the branch had ever  
5 had to close. The Horizon System Helpline  
6 confirmed that the checks previously requested  
7 did not raise any issues on the integrity of the  
8 system. The National Business Support Centre  
9 confirmed that there were no reported calls of  
10 the branch closing."  
11 You refer here to checks on the Horizon  
12 integrity. At the time, did you understand it  
13 to be part of the role of the Horizon System  
14 helpline to conduct checks on the integrity of  
15 the system.  
16 **A.** That is my understanding, yes, or they may refer  
17 it to Fujitsu.  
18 **Q.** Just decoding that, what that meant was whether  
19 the figures produced by the system were  
20 accurate; is that right?  
21 **A.** No. What I was referring to here was Cath had  
22 made various calls into the HSH, the Horizon  
23 System Helpdesk, to have those checks.  
24 I believe at the time, those checks hadn't come  
25 through and it was trying to verify the position

20

1 that Cath had started off as part of her case.  
 2 **Q.** But just in terms of what the integrity of  
 3 Horizon actually meant, that was referring,  
 4 wasn't it, to whether the figures being produced  
 5 were accurate?

6 **A.** Yes, it was.

7 **Q.** Setting aside Mr Castleton's case in particular,  
 8 did you understand, at the time, that Horizon  
 9 software problems could, in principle, cause  
 10 discrepancies in branch accounts?

11 **A.** That's in 2004 and in 2006. I personally had  
 12 never been made aware of any issues whatsoever  
 13 in the Horizon System.

14 **Q.** The Horizon System helpline looked at the  
 15 integrity of Horizon and, presumably, you didn't  
 16 think that was just in this case. What did you  
 17 think the purpose of those checks were, if it  
 18 wasn't possible for the system to cause  
 19 discrepancies in the accounts?

20 **A.** To ascertain if everything that had been  
 21 processed in the branch was correct and if there  
 22 was nothing affecting the accuracy of that  
 23 information.

24 **Q.** Contained within the documentation you were  
 25 provided with for the appeal was a table setting

21

1 the breakdown given by Andrew Wise in his  
 2 statement for the *Castleton* case.

3 Did you read the information relating to the  
 4 helpline calls? Did you read through these  
 5 tables?

6 **A.** Absolutely. Because that started to indicate --  
 7 when I first read through both of the tables,  
 8 one of the areas that kind of jumped out at me  
 9 at the first -- before I visited the office,  
 10 was, potentially, was this a training issue?  
 11 That there were lots of various issues that have  
 12 been relayed, some are transactional, some are  
 13 just kind of reaching out and asking for help.

14 And that's what I started to look at when  
 15 I visited the office, to see what the state of  
 16 the accounts were, what the -- how the office  
 17 was trading. I appreciate there'd been two  
 18 interim postmasters in there, but that really  
 19 was the start point to go to the office and look  
 20 at the accounting documentation for myself to  
 21 try to rebuild the accounts, as I didn't have  
 22 any other analysis, really, as part of the case  
 23 and what was happening.

24 **Q.** On any view, this was not someone who was  
 25 seeking to hide the apparent discrepancies which

23

1 out the calls made from Marine Drive Post Office  
 2 to the Horizon System helpline and a table  
 3 setting out the calls made from the branch to  
 4 the Network Business Support Centre. Could we  
 5 have on screen, please, POL00071234, starting at  
 6 page 20, please.

7 So we can see at the top there that these  
 8 are the HSH, the Horizon System helpline calls.  
 9 On my count there were 20 calls relating to the  
 10 Marine Drive branch in the relevant period, that  
 11 is January to April 2004, nine of which related  
 12 to balancing or discrepancy issues and six of  
 13 which were reports of computer problems. Does  
 14 that sound about right to you, having looked at  
 15 this document to refresh your memory more  
 16 recently?

17 **A.** Yes, it does. I think the remainder are NBSC  
 18 calls.

19 **Q.** Going forward, please, to those NBSC calls,  
 20 page 23. On my count, there are 74 calls  
 21 recorded here. Of these calls, 11 appear to  
 22 relate to the issue of balancing or discrepancy  
 23 issues, a further 11 appear to relate to  
 24 computer issues and a further four relate to  
 25 both balancing and computer issues, and that was

22

1 were occurring, was it?

2 **A.** Absolutely not.

3 **Q.** Quite the opposite, wouldn't you agree?

4 **A.** Indeed, yes. Absolutely.

5 **Q.** You say at paragraph 11 of your statement to the  
 6 Inquiry, and you have said it again this  
 7 morning, that you considered this case to be  
 8 most unusual, as you had never before seen or  
 9 heard of an instance where a subpostmaster or  
 10 POL employee was making a claim that  
 11 discrepancies were as a result of the Horizon  
 12 System. Did you ask anyone at the Post Office  
 13 whether there were any other cases in which  
 14 subpostmasters or Post Office employees had made  
 15 such claims?

16 **A.** There's only one point at the -- towards the end  
 17 of the appeal hearing, after -- we'd done the  
 18 appeal hearing, sorry -- that I discussed the  
 19 case with my colleagues on the points that  
 20 Mr Castleton had asked me to look at. That was  
 21 a discussion of the case with a very experienced  
 22 colleague.

23 **Q.** But did you ask whether there were any other  
 24 cases, apart from Mr Castleton's, of people  
 25 experiencing what Mr Castleton was experiencing?

24

1 **A.** No, I didn't. It was the first time I'd seen  
 2 anything like it.  
 3 **Q.** Did the fact that you thought this to be  
 4 an isolated case influence the way you assessed  
 5 Mr Castleton's appeal?  
 6 **A.** No, it was really to relook at everything that  
 7 was happening within the branch that I could  
 8 possibly analyse to see if there was -- there  
 9 was no evidence that Mr Castleton was producing  
 10 as part of the -- his case to Cath Oglesby. So,  
 11 therefore, it was -- my thought train was  
 12 looking at rebuilding those accounts to see if  
 13 there was something that could explain the  
 14 shortfalls, and that's the approach I took with  
 15 this appeal.  
 16 **Q.** Had you been aware of other cases where  
 17 subpostmasters or Post Office employees were  
 18 making the same claims as Mr Castleton, that  
 19 apparent discrepancies were being caused by  
 20 problems with the system, would that have  
 21 changed the way you approached this case?  
 22 **A.** Potentially, yes. But I still thought it was  
 23 really important to go through all the  
 24 documentation at the branch to ascertain its  
 25 arithmetical correctness, to -- I'm not  
 25

25

1 meeting, Julie Langham, was a representative of  
 2 the National Federation of SubPostmasters.  
 3 Mr Castleton was, in fact, not a member of the  
 4 National Federation of SubPostmasters and it is  
 5 Mr Castleton's recollection that Ms Langham was,  
 6 in fact, a fellow subpostmaster. Was that just  
 7 an assumption you were making as to Ms Langham's  
 8 association with the National Federation of  
 9 SubPostmasters?  
 10 **A.** Yes, I was. I was completely unaware that  
 11 Mr Castleton wasn't a member of the NFSP,  
 12 although, however, that is detailed in the  
 13 additional bundle that I've recently received.  
 14 **Q.** One of the factors you have cited in favour of  
 15 your decision to uphold the termination of  
 16 Mr Castleton's contract, this paragraph 34a of  
 17 your statement -- we needn't display that now --  
 18 was that Mr Castleton did not take the action  
 19 recommended by Cath Oglesby to create single  
 20 stock units to identify if there was  
 21 embezzlement taking place and to perform  
 22 frequent balance and cash declarations to  
 23 identify daily or interdaily balance positions.  
 24 You asked Mr Castleton about this at the appeal  
 25 hearing, didn't you?  
 27

27

1 an expert on Horizon, I don't understand how the  
 2 bugs worked that are identified in Mr Justice  
 3 Fraser's summary of the Horizon trials, *Bates &*  
 4 *Others*. It's yes, I would have looked at it  
 5 completely differently, whether I'd have got  
 6 an answer or not, remains to be seen.  
 7 **Q.** As part of your pre-appeal hearing checks you  
 8 conducted visits to the Marine Drive Post Office  
 9 on 28 June and 30 June 2004; is that right?  
 10 **A.** That is correct, yes.  
 11 **Q.** Taking this fairly shortly, would it be right to  
 12 say that you concluded, by reference to  
 13 undercopies, as you call them -- that is  
 14 physical documents recording transactions in the  
 15 branch -- that the figures Mr Castleton had  
 16 entered into the Horizon System, relating to the  
 17 transactions carried out at the branch, were  
 18 correct?  
 19 **A.** That is correct, yes.  
 20 **Q.** The appeal hearing took place on 1 July 2004,  
 21 didn't it?  
 22 **A.** Yes, it did.  
 23 **Q.** Just as a point of clarification, you say in  
 24 your statement to the Inquiry that you believed  
 25 the person supporting Mr Castleton at the  
 26

26

1 **A.** Yes, I did.  
 2 **Q.** Could we go, please, to the record of the appeal  
 3 hearing contained within your decision letter to  
 4 Mr Castleton. The reference is POL00071227. It  
 5 is page 4 of that document, please. Starting,  
 6 please, at the third paragraph down there:  
 7 "JJ ..."  
 8 Is that you?  
 9 **A.** It is.  
 10 **Q.** "... asked what action he took following the  
 11 first discrepancy in Week 39. LC said he made  
 12 a call to the helpline to say he was short and  
 13 began to work through all the figures. LC  
 14 stated he kept asking for help following  
 15 subsequent shortages, but his Retail Line  
 16 Manager said it could be in the system and would  
 17 probably come back.  
 18 "JJ asked if LC had taken any other action.  
 19 LC said they had discussed splitting the stock  
 20 unit or running a manual week. LC said he had  
 21 been in favour of running a manual week to prove  
 22 the system was wrong, but this had not actually  
 23 been done and he was then suspended."  
 24 We also have some handwritten notes of this  
 25 meeting. Could we have on screen those notes,  
 28

28

1 please, which is POL00082324. Starting on  
2 page 2 of that document, please, as the first  
3 page is blank, we see the title and reference to  
4 who was at the meeting, so notes of the meeting  
5 held on 1 July 2004 at Darlington Post Office  
6 and the people present at interview there.

7 Then over to page 4 of this document,  
8 please, about halfway down we see JJ -- this is  
9 you -- and the question:

10 "Your RLM suggested splitting the stock  
11 unit. Why were you so adverse to this?"

12 LC says:

13 "No. Not until week 9 of the problem.  
14 I was not adverse to splitting the stock unit,  
15 I was adverse to the fact that the suggestion  
16 had been made in week 9 after so many phone  
17 calls and repeatedly asking for help. We  
18 discussed a manual week also and we decided that  
19 was the best way to prove the fault on the  
20 computer, but Chrissie was away over the next  
21 two balances and then I was suspended before we  
22 had [and it looks like the word 'chance' at the  
23 bottom]."

24 So Mr Castleton is effectively saying, isn't  
25 he, that the suggestion came too late to be

29

1 he didn't take it on board?

2 **A.** My understanding is that the -- that Cath had  
3 asked Mr Castleton a lot earlier in the case to  
4 put that discipline in place.

5 **Q.** Both before the appeal hearing and at the appeal  
6 hearing, it was clear, wasn't it, what  
7 Mr Castleton was saying, consistently and  
8 repeatedly, that the discrepancies being shown  
9 by the Horizon System were caused by the system  
10 and did not represent real losses?

11 **A.** That is correct.

12 **Q.** Could we have on screen, please, Mr Jones's  
13 statement to the Inquiry, WITN08560100. At  
14 page 6, please. Paragraph 21 here, you say:

15 "As far as I can recall, Mr Castleton  
16 submitted no actual specific evidence at the  
17 appeal hearing, the core of his submission as  
18 I recall centred on blaming the Horizon System  
19 and the data telephone lines for causing the  
20 cash discrepancies."

21 **A.** Yes -- sorry.

22 **Q.** Apologies. What evidence could Mr Castleton  
23 have produced at the appeal hearing, over and  
24 above the evidence you already had as a result  
25 of your enquiries?

31

1 helpful. Do you remember him saying that?

2 **A.** I don't recall those specific words. My  
3 understanding from Cath was that the suggestion  
4 to go to individual stocks and do the frequent  
5 cash declarations is a standard process that we  
6 always put in place where we've got multi-user  
7 stocks and, when you put them down to individual  
8 stocks, you can start to isolate and eliminate  
9 any issues you may be having, and particularly  
10 doing the cash declarations, frequently you  
11 would, if there was a bug there or if there's  
12 anything that was causing anything untoward, you  
13 can immediately address it, rather than simply  
14 waiting until you do the cash account at the  
15 week end -- at the end of the physical week,  
16 then it becomes a bit of a needle in a haystack.

17 If you're splitting that stock unit up and  
18 putting that rigour in place, you can see if  
19 there are things happening that potentially Cath  
20 could have taken back to the Horizon System  
21 Helpdesk, simply to look at.

22 **Q.** But in circumstances where Mr Castleton was  
23 saying the suggestion was too late to be  
24 helpful, was that a factor that you should have  
25 taken into account in your decision making, that

30

1 **A.** I kind of return back to the advice, the salient  
2 advice that the -- Cath Oglesby had put -- asked  
3 him to put in place. That is the standard  
4 approach that we use right the way up to myself  
5 leaving the business in 2019, that when you're  
6 operating on multi-user tills, then if you put  
7 those into individual stock units and do the  
8 necessary cash declarations maybe in the morning  
9 and then afternoon, then if there is anything  
10 that is causing a discrepancy in the system,  
11 then you will see that.

12 That should be -- and give the opportunity  
13 to take that away and look at it. That wasn't  
14 available, it didn't happen and so, for me,  
15 there was nothing else that I could look at that  
16 related to the Horizon System being the core of  
17 these issues.

18 **Q.** But that not being available, what else could  
19 Mr Castleton have produced at the appeal hearing  
20 in these circumstances to support what he was  
21 saying?

22 **A.** That's a very good question. I'm really not  
23 sure because the other cases -- and this is with  
24 hindsight -- that are identified in Mr Justice  
25 Fraser's report, that postmasters were

32



1 identifying issues and raising those and dealing  
2 with those that were accepted by the HSH call  
3 centre. That really was the area we were  
4 looking at that, that that particular process  
5 hadn't been followed, so we really had nothing  
6 else to go on.

7 **Q.** You go on at paragraph 22 of your statement,  
8 directly below, to say:

9 "I do not recall any other submissions or  
10 mitigation made by Mr Castleton or Julie Langham  
11 other than the requests by Mr Castleton to  
12 recheck the Horizon accounts from weeks 45 to 50  
13 of the 2003/2004 financial year."

14 **A.** That is correct.

15 **Q.** Some analysis of weeks 46 to 50 was done after  
16 the appeal hearing by a Post Office area manager  
17 called Anita Turner, wasn't it?

18 **A.** It was indeed.

19 **Q.** You communicated the results of that analysis to  
20 Mr Castleton by way of a letter dated 8 July  
21 2004. Could we have this on screen, please.  
22 It's LCAS0000113, at page 54 of that document,  
23 please. If we can just zoom out a little, so we  
24 can see further down and over the page, this is  
25 the letter from you, going back, please, one

33

1 "Cash account week 48, week ending  
2 26/02/2004: The branch declares a shortage  
3 discrepancy of £3,509.18. The figure of  
4 £8,243.10 remains in the suspense account. The  
5 table at the top of the printout indicate the  
6 zero discrepancy from week 47 and the  
7 discrepancy from week 48.

8 "Cash account week 49 week ending  
9 04/03/2004: The branch transfers the shortage  
10 discrepancy from the previous week of £3,509.18  
11 to the already open suspense account. The  
12 rolling total in the suspense account now stands  
13 at £11,752.28. The branch then declares  
14 a further shortage of £3,512.26.

15 "Cash account week 50, week ending  
16 11/03/2004: The branch does not transfer the  
17 previous shortage discrepancy from week 49 of  
18 £3,512.26 into the suspense account. This  
19 shortage discrepancy is rolled over into week 50  
20 without the subpostmaster making good the  
21 discrepancy. It should be noted that rolling  
22 losses forward is in breach of the  
23 Subpostmaster's Contract. The final balance  
24 declared of £10,653.11 is made up of £3,512.26  
25 from week 49 and a further shortage discrepancy

35

1 page, to Mr Castleton, and you say:

2 "... Mr Castleton

3 I am writing to advise you of the  
4 independent analysis that has been conducted on  
5 the Horizon balance printouts that you requested  
6 be performed at your appeal hearing on 1 July  
7 2004."

8 Just pausing there, the independent analysis  
9 you're talking about is the review of the  
10 documentation by Post Office Area Manager Anita  
11 Turner?

12 **A.** That is correct.

13 **Q.** The analysis is as follows:

14 "Cash account week 46, week ending  
15 12/02/2004: The branch declared a shortage  
16 discrepancy of £8,243.10.

17 "Cash account week 47, week ending  
18 19/02/2004: The branch opened a suspense account  
19 facility and transferred the shortage  
20 discrepancy of £8,243.10 into the discrepancy.  
21 The week ending report at the top of the  
22 printout indicates the discrepancy from the  
23 previous week and the entry from the addition to  
24 table 2a (the suspense account) which shows  
25 a net discrepancy for the week of zero.

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1 of £7,140.85 from week 50."

2 In your statement to the Inquiry at  
3 paragraph 27 -- we needn't turn it up unless you  
4 wish to, Mr Jones -- you say this:

5 "The results of the findings were  
6 communicated to Mr Castleton on 8 July 2004 to  
7 advise him of the findings of the analysis and  
8 confirm that the Horizon accounts for the weeks  
9 45 to 50 were deemed to be performing  
10 correctly."

11 But it's right, isn't it, that all this  
12 analysis did was to confirm the discrepancies  
13 being shown by the system?

14 **A.** Mr Castleton specifically asked at his appeal  
15 hearing to check the suspense accounts and, to  
16 give full and due fairness to the points  
17 Mr Castleton was raising when I discussed the  
18 case with a colleague, that was why we asked  
19 an independent manager who had no dealing with  
20 the case whatsoever to cast a separate set of  
21 eyes over how the suspense account was working.  
22 That's what Mr Castleton had asked for and those  
23 results were the outcome of that second set of  
24 eyes looking at the accounts.

25 **Q.** What the analysis did not do was to assist in

36

1 any way on the question of whether the figures  
2 being generated by the system were correct, did  
3 it?

4 **A.** Mr Castleton asked us to look at the suspense  
5 account to see if it was working correctly. My  
6 understanding of that analysis is that the  
7 suspense account appeared to be working  
8 correctly.

9 **Q.** Just to be clear, Mr Jones, then, we shouldn't  
10 take from your statement at paragraph 27, the  
11 statement to the Inquiry, that "the accounts  
12 were deemed to be performing correctly" meant  
13 anything more than the analysis we've just seen.

14 **A.** Indeed.

15 **Q.** At paragraph 24 of your statement to the  
16 Inquiry, you say that:

17 "In 2004 [you] were unaware of what Fujitsu  
18 generated Horizon reports were available."

19 **A.** That is correct.

20 **Q.** This was, as you've said a number of times in  
21 your statement, an independent rehearing of the  
22 case --

23 **A.** Yes.

24 **Q.** -- and we've already established you were not  
25 limited to the material which had been before

37

1 behalf of its subpostmasters or can't you help  
2 with that?

3 **A.** I really can't help with that. However, I think  
4 Mr Justice Fraser's report clearly identifies  
5 that that really wasn't the case in all the  
6 circumstances.

7 **Q.** You did some analysis of the cash accounts at  
8 Marine Drive Post Office for the weeks 46, 47  
9 and 50, didn't you?

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

11 **Q.** The results of this feature in your decisions  
12 letter sent to Mr Castleton under "Factors  
13 affecting the decision". Could we have that  
14 decision letter on screen, please. It is  
15 POL00071227.

16 It is page 7 of that document, please.  
17 About a third of the way down the page we see  
18 point 5, "Factors affecting the decision". Then  
19 at the bottom of the page at (f) we have this:

20 "The daily cash transactional analysis that  
21 was conducted identified in cash accounts week  
22 46, 47 and 50 that there was clear evidence of  
23 false cash declarations being made as the cash  
24 received from a giro customer was not reflected  
25 in the final cash declaration at the branch.

39

1 Ms Oglesby.

2 **A.** That is correct.

3 **Q.** Did it occur to you, at any stage when you were  
4 making your enquiries, to ask someone, whether  
5 that was someone from within the Post Office or  
6 someone at Fujitsu, whether there was any  
7 further evidence which Fujitsu might be able to  
8 provide which might assist you in your task?

9 **A.** I was completely unaware of any other reports,  
10 as -- within my role or in the role of Appeals  
11 Manager, that could have assisted me.

12 **Q.** You say at paragraph 29 of your statement to the  
13 Inquiry that you had no authority to access  
14 Fujitsu. Setting aside the question of whether  
15 you personally had authority to access people at  
16 Fujitsu, did it occur to you that someone at the  
17 Post Office should ask Fujitsu to investigate  
18 further whether any problems with the system  
19 might be causing the apparent discrepancies?

20 **A.** I didn't and, with hindsight, that potentially  
21 could have been a route that I could have  
22 followed.

23 **Q.** To the best of your recollection, did the Post  
24 Office see it as any part of its role to raise  
25 concerns like Mr Castleton's with Fujitsu on

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1 Mr Castleton was unable to offer any explanation  
2 for such discrepancies, other than it 'was the  
3 system'."

4 Could we have on screen, please, Mr Jones's  
5 statement to the Inquiry, that's WITN08560100.  
6 Page 9 of that document, please, paragraph 34.  
7 You list here the factors you say you took into  
8 consideration when upholding the decision to  
9 terminate Mr Castleton's contract. Do take the  
10 time to look at this again, so the factors that  
11 you list here and then, again, over the page it  
12 continues. *(Pause)*

13 Just scrolling down to the end of those  
14 factors. You do not list in your statement to  
15 the Inquiry under these factors the factor that  
16 you listed in your decision letter at (f), that  
17 there was clear evidence in the cash accounts  
18 for weeks 46, 47 and 50 of false cash  
19 declarations being made, as the cash received  
20 from a giro customer was not reflected in the  
21 final cash declaration at the branch. Why is  
22 that?

23 **A.** That was a complete oversight by myself.

24 **Q.** You did include this factor, factor (f), in your  
25 decision letter in your statement you made for

40

1 the litigation against Mr Castleton, didn't you?  
 2 **A.** Yes, I did.  
 3 **Q.** Could we have that statement on screen, please.  
 4 It is LCAS0000113. It's page 3 of that, please.  
 5 Starting towards the bottom of the page at  
 6 paragraph 12, please. You say here:  
 7 "I also conducted a daily transactional  
 8 analysis from both daily and weekly balance  
 9 snapshots in the cash accounts of weeks 46, 47  
 10 and 50 in which there were losses of £8,243.10,  
 11 zero, and £10,653.11 respectively. My analysis  
 12 showed that there were anomalies between the  
 13 cash contained in the balance snapshot for the  
 14 Tuesday of those weeks and the final cash  
 15 declaration set out in the final balance in the  
 16 weekly Cash Account produced on the Wednesday.  
 17 For example, I evaluated individual transactions  
 18 between Tuesday 10 February 2004 and Wednesday  
 19 11 February 2004 for cash account week 46. My  
 20 evaluation indicated that the actual  
 21 transactional receipts exceeded those payments  
 22 that were declared by the Marine Drive branch by  
 23 approximately £15,300. It can be demonstrated,  
 24 by reference to a giro receipt, that a cash  
 25 deposit of £16,500 by the car auction [there's  
 41

1 book and receipt slip. I was advised by the  
 2 Interim Subpostmaster that this was normal  
 3 practice for the branch to check the amount in  
 4 the pouch and then complete the deposit and  
 5 receipt slip on behalf of the customer. The  
 6 amount deposited was then processed without any  
 7 verification with the customer. The pouch would  
 8 then be returned to the customer with the  
 9 receipt slip on their next visit to the branch."  
 10 You then say at 14:  
 11 "I analysed all of that customer's deposits  
 12 since November 2003 to confirm that the deposits  
 13 had been brought to account. I double checked  
 14 the cash account weeks of 46, 47 and 50 where  
 15 I had carried out a daily transactional  
 16 analysis, to establish whether the levels of  
 17 cash that had been declared had actually been  
 18 received from this customer. My analysis showed  
 19 that erroneous cash declarations had been made  
 20 because the cash usage that occurred in the  
 21 weeks 46, 47 and 50 was not reflected in the  
 22 final cash declared by the Marine Drive branch  
 23 upon completion of the weekly balance. In other  
 24 words, the cash that the giro receipts and  
 25 balance snapshots showed that the Marine Drive  
 43

1 a customer number] was received on Wednesday  
 2 11 February 2004 but this is not reflected in  
 3 the Cash Account signed by Mr Castleton at the  
 4 close of business on the Wednesday. A cash  
 5 declaration of approximately £49,000 should have  
 6 been made as opposed to the incorrect cash  
 7 declaration that was actually made of £33,100.  
 8 In other words, my assumption at the time was  
 9 that the Marine Drive branch physically received  
 10 approximately £15,300 more cash than the amount  
 11 it actually declared for that week in the Cash  
 12 Account. I have no conclusive explanation for  
 13 this other than that the paper records were  
 14 seriously inaccurate."  
 15 You go on at paragraph 13:  
 16 "I again visited the Marine Drive branch on  
 17 30 June 2004 to track the Girobank business  
 18 deposits that the branch received and to  
 19 establish the flow of cash into the branch. The  
 20 Marine Drive branch permanently held the account  
 21 book for the car auction who regularly deposited  
 22 significant volumes of cash each Wednesday. The  
 23 deposit pouch I examined from the company at my  
 24 visit to the branch contained a large amount of  
 25 cash and was accompanied by a blank inpayment  
 42

1 branch had physically received from this  
 2 customer was not reflected in the cash that  
 3 Mr Castleton declared in the Cash Account for  
 4 each of the weeks examined. The cash physically  
 5 deposited at the Marine Drive branch should have  
 6 been accounted for."  
 7 So you were telling the court, in your  
 8 witness statement, that there were three  
 9 instances where cash which was received by  
 10 Marine Drive branch was not declared. This, if  
 11 true, would have been a great cause for concern,  
 12 would it not?  
 13 **A.** Potentially, yes. The analysis that was done in  
 14 terms of looking and tracking the overall  
 15 business and the mean value was also looking at  
 16 potential areas where we could further look to  
 17 explain the discrepancies. So I have no Fujitsu  
 18 reports or the luxury of Fujitsu reports to do  
 19 all that analysis. The analysis was done  
 20 manually from the documentation that I had  
 21 available to me at the branch.  
 22 **Q.** Shortly before the trial took place in December  
 23 2006, the Post Office obtained a draft  
 24 accountancy report in the *Castleton* case. This  
 25 draft was dated 29 November 2006. You have seen  
 44

1 this document, I think, for the purposes of  
 2 preparing your statement to the Inquiry; is that  
 3 right?  
 4 **A.** Yes, that was the -- this is the BDO Stoy  
 5 Hayward report?  
 6 **Q.** Yes.  
 7 **A.** Yes, that's the first time I had seen that  
 8 document.  
 9 **Q.** So just to be clear, were you provided with  
 10 a copy of that report or told anything about its  
 11 findings, relating to your evidence, before you  
 12 gave evidence in the *Castleton* trial?  
 13 **A.** No, I was not. The first time I saw that report  
 14 was with the Horizon Inquiry documentation that  
 15 was sent to me. That's my recollection.  
 16 **Q.** Could we have that draft report on screen,  
 17 please. It is POL00069955. We can see, as you  
 18 have already said, it was prepared by BDO Stoy  
 19 Hayward, chartered accountants. Could we go,  
 20 please, to page 4 of this document. This is the  
 21 summary of the report. Over the page, please,  
 22 subparagraph (e):  
 23 "There is a suggestion by a Mr John Jones of  
 24 the Post Office that Mr Castleton had omitted  
 25 receipts from a car auction customer which paid  
 45

1 16.20 shows a receipt of £16,537.25 for account  
 2 [there's a reference number].  
 3 "Report dated 18 February 2004 timed at  
 4 17.04 shows a receipt of £12,000.00 for account  
 5 [again there's a reference number].  
 6 "Report dated 10 March 2004 timed at 16.46  
 7 shows a receipt of £12,000 [for the same  
 8 account].  
 9 "From the detailed transaction listings  
 10 these amounts can be seen to be entered into  
 11 Horizon as follows:  
 12 "£16,537.25 at 15.08 on 11 February 2004,  
 13 posted to code 262.  
 14 "£12,000 at 13.26 on 18 February 2004 posted  
 15 to code 262.  
 16 "£12,000 at 11.55 on 10 March 2004 posted to  
 17 code 262."  
 18 Do you accept now that you were wrong in  
 19 your conclusion set out in your witness  
 20 statement for the litigation against  
 21 Mr Castleton that Mr Castleton had not declared  
 22 these three large sums of cash received by the  
 23 branch.  
 24 **A.** Yes, I do and I can't explain how that happened.  
 25 **Q.** Could we go, please, to the transcript of your  
 47

1 in large amounts in cash to its Girobank  
 2 account. My conclusions are that the three  
 3 large amounts that Mr Jones refers to were  
 4 correctly dealt with in the cash account. This  
 5 is discussed in section 7."  
 6 Could we go, please, to section 7, that's  
 7 page 22 of this document. This is entitled  
 8 "Errors in Recording Receipts; Incorrect cash  
 9 declarations". At 7.1.1:  
 10 "In his witness statement Mr John Jones of  
 11 the Post Office comments at paragraph 12 about  
 12 incorrect cash declarations.  
 13 "Mr Jones refers to receipts in a customer's  
 14 account [there's a reference number]. I have  
 15 examined the available information on this  
 16 account covering the points that Mr Jones  
 17 raises.  
 18 "In his Daily Analysis -- Cash Account for  
 19 weeks 46, 47 & 50 ... Mr Jones suggests that the  
 20 three receipts were excluded from the weekly  
 21 cash balances declared by Mr Castleton.  
 22 "I have been given photocopies of Giro  
 23 Deposits -- Office Copy slips which would appear  
 24 to be printouts from the Horizon computer.  
 25 "Report dated 11 February 2004 timed at  
 46

1 evidence given at the trial on 12 December 2006.  
 2 The reference is LCAS0000570. Turning, please,  
 3 to the second page of that document. We can see  
 4 you being sworn at the top, examination-in-chief  
 5 by Mr Morgan and then, a bit further down at E,  
 6 please, the question is:  
 7 "Could you turn through that document to  
 8 page 489. Could you tell the court what you see  
 9 there, please.  
 10 "**Answer:** That is a statement and my  
 11 signature dated on 5 October 2006.  
 12 "**Question:** Have you had an opportunity to  
 13 read this witness statement recently?  
 14 "**Answer:** I have indeed.  
 15 "**Question:** Are there any corrections or  
 16 changes to it that you would wish to make?  
 17 "**Answer:** No, there are not."  
 18 Can we turn, please -- well, first of all,  
 19 when you were being questioned by Mr Castleton,  
 20 do you remember him challenging you on your  
 21 conclusion at paragraph 12 of your statement for  
 22 the litigation? The conclusion relating to the  
 23 figure of £15,300?  
 24 **A.** Very vaguely. I can't specifically recall it  
 25 but I do remember Mr Castleton challenging me on  
 48

1 that, yes.

2 **Q.** Could we turn, please, to page 47 of this  
3 transcript, starting just below "Circa 22":

4 "So from there, where you state the branch  
5 receives £15,300 more in receipts than in  
6 payments, is that still the case?"

7 So this is a question from Mr Castleton.  
8 The answer here from you is:

9 "From these figures that would appear not to  
10 be the case.

11 **"Question:** Are you happy with those  
12 figures?

13 **"Answer:** I am indeed.

14 **"Question:** So that is factual then, as far  
15 as you are aware?

16 **"Answer:** As far as I am aware."

17 Then His Honour Judge Havery asks between D  
18 and E:

19 "What is this thing anyway, Mr Castleton?"

20 The document that is being asked about.

21 The defendant:

22 "It is something that Mr Jones prepared for  
23 the appeals panel where he provided me with  
24 proof that cash came into the office but was not  
25 in actual fact accounted for. But because of

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1 operate and it was his position, wasn't it, that  
2 you had not taken into account cash which had  
3 been returned, which was foreign currency or  
4 unusable notes. Do you recall that now?

5 **A.** Very vaguely.

6 **Q.** We have Mr Castleton's skeleton argument for the  
7 trial. Could we have that on screen, please.  
8 That is POL00107458. Turning, please, to page 5  
9 of that document. Actually, if we can go back  
10 one page, please, just to put it in context.

11 We see here "Defendant's skeleton on trial  
12 to be heard from Monday 4 December 2006".

13 Then going over the page, please, to  
14 paragraph 10, which is towards the bottom of  
15 that second page. Mr Castleton says this:

16 "Mr Jones witness, asserts that only £20,000  
17 was returned over the period of 15 January to  
18 17 March. This is because £35,000 actually  
19 returned was made up of foreign currency  
20 (Scottish notes), coinage and unusable notes  
21 (defaced, ripped). This then proves that the  
22 £35,000 returned when taken from the actual  
23 ordered £316,590 gives £282,000. This, when  
24 consideration that the Branch needed £288,000 to  
25 fulfil its payments clearly shows that

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1 the discrepancies in the figures then the  
2 assertion, I believe, is not correct. Do you  
3 believe that, Mr Jones?

4 **"Answer:** There would appear to be just for  
5 46 a figure that I am not sure where that figure  
6 originally derived from.

7 **"Question:** So you are happy that in week 46  
8 your assertion that £15,000 came into the office  
9 but in actual fact was not accounted for is  
10 incorrect?

11 **"Answer:** The branch receives £15,000  
12 greater than receipts, I would concur that would  
13 appear to be incorrect."

14 I understand your evidence that you were not  
15 told about the draft report from BDO before you  
16 gave evidence at the trial but, at any point  
17 before the trial, did you check the figures, as  
18 Mr Castleton had done, to make sure you were  
19 right in your conclusions about cash received  
20 not being declared?

21 **A.** No, I didn't because I didn't have access to  
22 that documentation.

23 **Q.** Another point which Mr Castleton questioned you  
24 on was your suggestion that the branch had been  
25 ordering more cash than it needed to have to

50

1 physically all cash is accounted for. Therefore  
2 I would ask that 'C' is allowed to prove that  
3 this physical cash is missing before my  
4 witnesses and I are asked to defend these  
5 assertions."

6 Did you check the figures on the levels of  
7 cash held by the branch before the trial?

8 **A.** Not before the trial, no. Everything that was  
9 relating to my analysis was from 2004.

10 **Q.** Could we have on screen, please, Mr Jones's  
11 statement to the Inquiry, WITN08560100. Page 7  
12 of this, please, it's paragraph 28 towards the  
13 bottom of the page. Starting at the penultimate  
14 line:

15 "Given the documentation at my disposal and  
16 the enquiries I was able to conduct, I have  
17 never been able to determine the cause of the  
18 shortfalls experienced by Mr Castleton. It was  
19 not possible to determine from the information  
20 at my disposal if the discrepancies were caused  
21 by the Horizon System. However, my enquiries  
22 verified that all the customer transactions over  
23 the periods in question were performed correctly  
24 and accurately at the Marine Drive branch."

25 Did it not concern you at the time that you

52

1 were upholding the termination of the contract  
 2 of someone in circumstances where the cause of  
 3 the apparent shortfalls was undetermined?

4 **A.** The decision that -- well, as part of my  
 5 enquiries, all the areas that I was able to look  
 6 at, with the documentation that was available to  
 7 me at the time to verify all the customer  
 8 transactions, essentially, I'd reached a point  
 9 where everything we'd looked at, that there was  
 10 nowhere else, really, to go with that and the  
 11 decisions were based on the balance of  
 12 probability. So, essentially, I was looking at  
 13 everything that I possibly could to ascertain  
 14 was the -- were the accounts operating  
 15 correctly, and everything that I was able to  
 16 look at indicated that they were.

17 There had been two interim postmasters  
 18 following Mr Castleton's suspension who'd ran  
 19 the branch, both of those, apart from one error  
 20 that I believe was appropriate to leaving  
 21 a customer's transactions on the stack, the  
 22 branch was operating as one would normally  
 23 expect a post office to operate.

24 So there was no other areas that I could  
 25 possibly look at from the information that I had

1 **Q.** He was reporting the apparent discrepancies and  
 2 repeatedly seeking help to get to the bottom of  
 3 them. You didn't see any problem with the way  
 4 customer transactions were being done in the  
 5 branch and you couldn't ascertain yourself, from  
 6 the information you had, whether Mr Castleton  
 7 was right that the discrepancy in the figures  
 8 did not reflect a true loss?

9 **A.** That is correct, yes.

10 **Q.** In these circumstances, what did you understand  
 11 to be the reason that the Post Office was  
 12 terminating Mr Castleton's contract?

13 **A.** That the unexplained losses were genuine losses  
 14 to the business and the Retail Network Managers  
 15 have a role in the business to protect our  
 16 assets and value and, therefore, I think Cath  
 17 had reached a point where those losses were  
 18 believed to be real losses, hence why she took  
 19 that decision, probably based on risk.

20 And that was the understanding of the case:  
 21 that those unexplained losses were genuine  
 22 losses and that's why the decision was taken.

23 **Q.** If you believed those to be real losses, what  
 24 did you think had happened to the money?

25 **A.** I've no genuine idea where the money went.

1 available to me at that time, that's -- you  
 2 evaluate all those points and reach the decision  
 3 that I did, on the balance of probability that  
 4 the decision that was taken by Cath Oglesby was  
 5 the correct decision at that time. Obviously,  
 6 knowing what we know now, then potentially that  
 7 was not the correct decision.

8 **Q.** You're saying here it wasn't possible to  
 9 determine from the information you had if the  
 10 discrepancies were caused by the Horizon System.  
 11 Again, didn't that concern you, that you simply  
 12 could not say, from what you had looked at, if  
 13 his theory was correct or not?

14 **A.** Everything I looked at to verify all the  
 15 customer transactions were done correctly,  
 16 looking at all the figures that were going into  
 17 the accounts, there was nothing that alluded to  
 18 that the Horizon System was not working  
 19 correctly.

20 **Q.** To draw things together, at the time you took  
 21 your decision, nobody had been able to identify  
 22 the cause of the apparent discrepancies, there  
 23 was no evidence that Mr Castleton had stolen any  
 24 money?

25 **A.** Correct.

1 There is certainly no accusation whatsoever that  
 2 Mr Castleton did anything untoward with that.  
 3 I've never been able to find out where those  
 4 losses, if they were real losses, went to.  
 5 Hence why I think at the start of the case the  
 6 Security and Investigation Team did not want to  
 7 get involved in that. There was no evidence of  
 8 any criminal activity taking place, in their  
 9 view. So I really can't explain where the  
 10 monies went to.

11 **MS PRICE:** Sir, those are all the questions I have.

12 Subject to any questions you may have, maybe it  
 13 is nearly time for our morning break, to  
 14 ascertain whether there are any questions from  
 15 Core Participants.

16 **SIR WYN WILLIAMS:** Well, let's find that out first.

17 Are there any questions from Core Participants?

18 **MS PAGE:** There is a very short question from me,  
 19 sir.

20 **SIR WYN WILLIAMS:** Right. I think we will take the  
 21 morning break now, if I -- because I would like  
 22 something checked during the break. When you  
 23 began questioning Mr Jones about what I will  
 24 call his view in 2004, that there had been, in  
 25 effect, under-declarations of cash received,

1 which appeared to be part of his reasoning for  
2 upholding the termination, and then pointed out  
3 that that did not appear at paragraph 34 of his  
4 witness statement, I think he used words which  
5 suggested that they didn't appear in  
6 paragraph 34 because that was an oversight on  
7 his part.

8 I want that checked because, if he did say  
9 that, that would be entirely inconsistent with  
10 what followed, namely you demonstrating that, by  
11 the time he gave evidence at the trial, he was  
12 accepting under cross-examination from  
13 Mr Castleton that his view on that topic was  
14 erroneous or, at least, that's my understanding  
15 of the evidence.

16 I would like that checked because, if he did  
17 say that to me, I want to know why he was  
18 telling me that, in effect, it was an oversight  
19 that it didn't appear in paragraph 34.

20 Now, I may have misunderstood what he is  
21 saying, which is why I want the transcript  
22 checked before either I or anybody else pursues  
23 that point. So we'll take our break and would  
24 someone check the transcript for me, please?

25 **MS PRICE:** Yes, sir. Of course. Shall we come back

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1 going to ask for one document to be put up on  
2 the screen, please. It's POL00083351.

3 Now, this is an email from you to Mr Stephen  
4 Dilley, copying in Mandy Talbot and Cath  
5 Oglesby, and we can see that it's near-ish to  
6 the beginning of the involvement of those  
7 lawyers in the *POL v Castleton* trial,  
8 17 November 2005. You've attached your appeal  
9 report and you've gone through some of the  
10 issues that have come out from that appeal  
11 report but, if we scroll down to the bottom you  
12 summarise, and that final paragraph reads as  
13 follows:

14 "In summary, the decision to terminate the  
15 contract for services of Mr Castleton was sound  
16 and on the balance of probabilities the cash was  
17 removed by a person or persons working within  
18 the branch."

19 Now, you've just told us in fact there was  
20 no evidence, was there, that cash was removed?

21 **A.** There was no specific evidence that was ever  
22 levelled against Mr Castleton. In terms of the  
23 summary of the case, they were believed to be  
24 live losses and therefore there was the belief  
25 that that cash was missing, hence why

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1 in 20 minutes, in that case? So 11.45.

2 **SIR WYN WILLIAMS:** Yes, please, yes.

3 **MS PRICE:** Thank you, sir.

4 (11.25 am)

(A short break)

6 (11.45 am)

7 **MS PRICE:** Hello, sir, can you see and hear us?

8 **SIR WYN WILLIAMS:** Yes, thank you.

9 **MS PRICE:** Sir, you asked that the transcript was  
10 checked. In answer to my question as to why the  
11 factor listed at (f) in the decision letter was  
12 not included in the list of factors in the  
13 statement to the Inquiry, the answer was:

14 "That was a complete oversight by myself."

15 **SIR WYN WILLIAMS:** Thank you.

16 All right. Well, before I ask any  
17 questions, if I do, let those recognised legal  
18 representatives who wish to ask questions ask  
19 their questions.

20 **MS PRICE:** I think it's Ms Page who has questions.

21 **SIR WYN WILLIAMS:** Yes.

**Questioned by MS PAGE**

23 **MS PRICE:** Thank you, sir.

24 Mr Jones, I represent a number of  
25 subpostmasters including Mr Castleton. I'm

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1 Mr Castleton's contract was initially terminated  
2 by Cath Oglesby.

3 Therefore, taking that assumption, that the  
4 cash and the losses were genuine losses, then,  
5 on the balance of probabilities, where is that  
6 cash? That was the rationale for that  
7 statement.

8 **Q.** Is it right that you took the view that either  
9 Mr Castleton or Ms Train must be guilty of  
10 theft?

11 **A.** There was never any allegation or insinuation  
12 ever made that Mr Castleton did anything  
13 improper, and I think that's also recorded at  
14 the Royal Courts of Justice, when I think  
15 Mr Castleton asked me a similar question.

16 **Q.** But that's what you believed, isn't it?

17 **A.** Working on the balance of probabilities that if  
18 those cash losses were real, and it was believed  
19 they were by both the dismissing manager, and  
20 there was nothing else that I couldn't uncover  
21 to indicate anything else, then there was  
22 a belief that that cash had gone.

23 **Q.** Do you have anything to say to Mr Castleton now?

24 **A.** I've always said, and I said to Mr Castleton at  
25 the Royal Courts of Justice, there's never been

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1 any insinuation that he did anything wrong.  
 2 There's been no wrongdoing on the part of  
 3 Mr Castleton. No evidence to suggest that.  
 4 **Q.** So you don't have anything else that you want to  
 5 say to him now?  
 6 **A.** I think, on the balance of Mr Justice Fraser's  
 7 report and the amount of bugs that were  
 8 uncovered that were in the Horizon System, then  
 9 I think both myself -- and I'm happy to  
 10 apologise but, also, I think Post Office Limited  
 11 have got a duty of care to apologise because,  
 12 quite clearly, Mr Justice Fraser's identified  
 13 many bugs that potentially -- there's probably  
 14 only one, I've looked at those having read  
 15 Mr Fraser's reports on a number of occasions.  
 16 Because you do some soul searching when you  
 17 find out the nature that was uncovered in the  
 18 Horizon trial and you've got to do some soul  
 19 searching to understand that was decision I took  
 20 correct? And the nearest bug that I could -- or  
 21 that was recorded in Mr Justice Fraser's report,  
 22 was the Falkirk bug, that potentially that may,  
 23 with hindsight, have affected Marine Drive.  
 24 So I'm more than happy to apologise that, on  
 25 behalf of the Post Office but, in essence, at

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1 **MS PAGE:** I have no further questions. Thank you.  
 2 **Questioned by SIR WYN WILLIAMS**  
 3 **SIR WYN WILLIAMS:** Could that document remain on  
 4 screen, please. Sorry, if you scroll up, to the  
 5 sentence which is the one that's visible right  
 6 at the top where we are. It's the sentence  
 7 which begins under (i) "On a number of occasions  
 8 it was demonstrated", could that be highlighted  
 9 please? It's about halfway through that  
 10 paragraph.  
 11 Now, my understanding, and please feel free  
 12 to correct me, Mr Jones, if I'm wrong in this,  
 13 that when you wrote your statement for the High  
 14 Court, that sentence, not in precisely that form  
 15 of course, but that sentence was included in  
 16 your witness statement. When I say "included",  
 17 that point rather, rather than the sentence, was  
 18 included in your witness statement.  
 19 **A.** That is correct.  
 20 **SIR WYN WILLIAMS:** That was because, at the time you  
 21 dismissed the appeal of Mr Castleton, you  
 22 believed that to be true, as I understand it?  
 23 **A.** I do and documentation that -- both BDO Stoy  
 24 Hayward and their forensic analysis concluded  
 25 the same. I also understand in the additional

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1 that time in 2004, we were completely unaware,  
 2 and even at 2006 when the case went to the Royal  
 3 Courts of Justice, of anything that was actually  
 4 wrong with the Horizon System.

5 The one point I would like to make is that  
 6 BDO Stoy Hayward were provided with detailed  
 7 Fujitsu reports, certainly weren't available to  
 8 myself. When those accounts were reopened in  
 9 2006, what did they actually see? Because of  
 10 the detail of those reports that the author has  
 11 concluded his report on, would suggest that they  
 12 were not just Credence reports; they were at  
 13 a different level that, potentially, when they  
 14 were reopened, could Fujitsu have seen a bug or  
 15 something affecting those accounts, that would  
 16 have explained everything that has since  
 17 transpired -- or I say everything but has since  
 18 transpired from the Horizon trials.

19 So at that point in 2006, those accounts  
 20 were reopened, Mr Castleton's account was  
 21 reopened. So I think it's a question that needs  
 22 to be asked of Fujitsu. What did they see?  
 23 Because they provided really detailed reports to  
 24 BDO Stoy Hayward to do a forensic analysis of  
 25 those accounts. Does that answer the question?

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1 bundle of papers that Fujitsu have made  
 2 a similar -- I think it is Julie Welsh from  
 3 Fujitsu, I'm not sure who she was responding to,  
 4 she wasn't responding to myself, it was that  
 5 they were also seeing exactly the same. So  
 6 I think it's not just me saying that I believe  
 7 that was the case; there are two other  
 8 independent statements that say exactly the  
 9 same.  
 10 **SIR WYN WILLIAMS:** Well, I'm confused now, and you'd  
 11 better put me right, because I thought that this  
 12 sentence, in effect, related to that part of  
 13 your appeal decision which you subsequently, in  
 14 the trial, accepted wasn't correct on the basis.  
 15 **A.** This, sir, is different. This is the --  
 16 **SIR WYN WILLIAMS:** All right, then I've made  
 17 a mistake in highlighting that sentence. Forget  
 18 that sentence and let me start where I -- from  
 19 a different point.  
 20 In your appeal decision at paragraph (f),  
 21 you made as one of your reasons for upholding  
 22 the appeal that which was contained in that  
 23 paragraph (f). That's correct, isn't it?  
 24 **A.** Which is that paragraph, sir?  
 25 **SIR WYN WILLIAMS:** Right. I'm sorry, I'm not

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1 helping you as much as I should. Ms Price asked  
 2 you to look at paragraph 34 of your witness  
 3 statement, and you have that in hard copy in  
 4 front of you, and she pointed out to you that  
 5 paragraph (f) of your appeal decision did not  
 6 feature as a factor in paragraph 34 to your  
 7 witness statement.

8 **A.** Yes, sir, that is what I referred to as  
 9 a complete oversight on my part.

10 **SIR WYN WILLIAMS:** Exactly.

11 **A.** And I apologise for that.

12 **SIR WYN WILLIAMS:** Exactly. Now, you have said that  
 13 it was an oversight that you did not include  
 14 that amongst the factors and I just want to ask  
 15 you a few questions about that.

16 In the witness statement which you made for  
 17 the *Castleton* trial, it did feature as one of  
 18 the reasons why you upheld the termination, did  
 19 it not?

20 **A.** It did and my analysis was based on the branch  
 21 undercopies that I was able to access at the  
 22 branch to recreate that. I think the  
 23 documentation was -- also referred to under the  
 24 BDO Stoy Hayward report was using Fujitsu's  
 25 either Credence what -- other error reports to  
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1 seen it. You weren't aware of it.

2 **A.** Sorry, yes, I wasn't aware of it. If I had seen  
 3 it, then --

4 **SIR WYN WILLIAMS:** Never mind about the  
 5 hypothetical.

6 **A.** Right.

7 **SIR WYN WILLIAMS:** So nothing in the Stoy Hayward  
 8 report alerted you to the fact that you may have  
 9 made a mistake, for the simple reason that you  
 10 hadn't seen it?

11 **A.** Correct.

12 **SIR WYN WILLIAMS:** Right. But Mr Castleton asked  
 13 you questions along the lines of "You're  
 14 mistaken in your belief", did he not?

15 **A.** He did.

16 **SIR WYN WILLIAMS:** As a result of those questions,  
 17 you conceded that you were or at least could  
 18 have been mistaken in your belief?

19 **A.** Yes, and it comes back to the -- my analysis to  
 20 derive the points I made was taken from manual  
 21 undercopies in the branch. Hence why there may  
 22 have been -- those undercopies may not have been  
 23 present. That's why the mistake may have  
 24 occurred.

25 **SIR WYN WILLIAMS:** Yes. My point is simply this:  
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1 identify those particular transactions. I was  
 2 using manual undercopies that -- those  
 3 undercopies may not have been fully complete,  
 4 hence why the analysis I drew was what it was.

5 Whereas BDO Stoy Hayward have specific  
 6 Fujitsu reports that indicated the deposits by  
 7 time and potentially cash user, I was simply  
 8 using the hard copies that was in the branch,  
 9 and therefore it may well be that the individual  
 10 hard copies for those transactions were not  
 11 there, or were not in the order that all other  
 12 documentation was at the branch. I don't know,  
 13 I can't --

14 **SIR WYN WILLIAMS:** No, because my understanding  
 15 Mr Jones, is that you had not seen the Stoy  
 16 Hayward report before you gave evidence in the  
 17 *Castleton* trial and, indeed, hadn't seen it  
 18 until it was disclosed to you by the Inquiry?

19 **A.** That is correct.

20 **SIR WYN WILLIAMS:** So nothing in the Stoy Hayward  
 21 report could have alerted you to the fact that  
 22 you may have been mistaken when you gave  
 23 evidence in the *Castleton* trial.

24 **A.** It potentially could, because the -- if --

25 **SIR WYN WILLIAMS:** Well, it couldn't if you hadn't  
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1 that when you were challenged about it at the  
 2 trial, you conceded that Mr Castleton had  
 3 a point or at least may have a point?

4 **A.** I did indeed.

5 **SIR WYN WILLIAMS:** Right. That's why I want to  
 6 explore with you why you tell me that you'd  
 7 simply forgotten about this factor when you  
 8 drafted paragraph 34. Because that event having  
 9 occurred in the trial, you having realised that  
 10 you may have made a mistake, makes me wonder how  
 11 it comes to be that you forgot that, at the time  
 12 of the appeal decision, you included it as  
 13 a factor.

14 **A.** I just can't explain why it wasn't in the  
 15 statement I gave. It is a complete oversight on  
 16 my part. I apologise. I clearly remember  
 17 the -- well, I vaguely remember it, it was  
 18 19 years ago.

19 **SIR WYN WILLIAMS:** Well, there is another  
 20 explanation: that you deliberately sought to  
 21 hide the fact that you had included as a factor  
 22 in your appeal decision one which you  
 23 subsequently recognised may not have been of  
 24 a valid reason for upholding the appeal.

25 **A.** Absolutely not. Like I say, I was --  
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1 **SIR WYN WILLIAMS:** That's unduly suspicious on my  
 2 part, is it?  
 3 **A.** I can only offer an apology, sir, but I -- under  
 4 no circumstances did I deliberately miss that  
 5 off my statement to the Horizon Inquiry.  
 6 **SIR WYN WILLIAMS:** Because if you had thought about  
 7 it -- and can I suggest to you that what your  
 8 statement to the Inquiry should have said was  
 9 "I recall the following factors were taken into  
 10 consideration as part of my decision", that's  
 11 how paragraph 34 starts. It would then have  
 12 included the subparagraph (f) but then would  
 13 have gone on to say, "I now recognise and  
 14 I recognised in 2006, that my reliance upon  
 15 paragraph (f) was misplaced", or words to that  
 16 effect. That's really what happened, isn't it?  
 17 **A.** With hindsight, like I say, I apologise, sir,  
 18 that -- well, absolutely. That's what it should  
 19 have said.  
 20 **SIR WYN WILLIAMS:** Yes, all right. Thank you very  
 21 much. I think that concludes the questions,  
 22 does it?  
 23 **MS PRICE:** Yes, sir.  
 24 We do have one matter of housekeeping which  
 25 affects the next witness and, sir, if you're

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1 **A.** Simon Recaldin.  
 2 **Q.** Mr Recaldin, you should have in front of you  
 3 three witness statements. I'm going to just  
 4 take you through each one of them.  
 5 The first is dated 30 March 2023. It has  
 6 the URN WITN09890100. Do you have that in front  
 7 of you?  
 8 **A.** I do.  
 9 **Q.** Can I ask you to turn to the final substantive  
 10 page in that statement, page 15. Is that your  
 11 signature?  
 12 **A.** It is.  
 13 **Q.** Thank you. The second statement is dated  
 14 13 July this year, 2023. It has the URN  
 15 WITN09890200. Do you have a copy of that in  
 16 front of you?  
 17 **A.** I do.  
 18 **Q.** If you could turn to the final substantive page,  
 19 that's page 31, is that your signature at the  
 20 end?  
 21 **A.** It is.  
 22 **Q.** Thank you. Finally, we have a statement,  
 23 a third statement of today's date, 29 September.  
 24 That's WITN09890300. Do you have a copy of that  
 25 in front of you?

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1 amenable to it, I would suggest an early lunch  
 2 to deal with that rather than a break and then  
 3 lunch at the usual time.  
 4 **SIR WYN WILLIAMS:** All right. That's fine by me.  
 5 Mr Jones, thank you for making you witness  
 6 statement --  
 7 **THE WITNESS:** Thank you.  
 8 **SIR WYN WILLIAMS:** -- and thank you for giving  
 9 evidence before me.  
 10 We will convene again at 1.05?  
 11 **MS PRICE:** Yes, sir. Thank you.  
 12 (12.04 pm)  
 13 (The Short Adjournment)  
 14 (1.05 pm)  
 15 (Proceedings delayed)  
 16 (1.13 pm)  
 17 **MR BLAKE:** Good afternoon, sir.  
 18 **SIR WYN WILLIAMS:** Good afternoon.  
 19 **MR BLAKE:** Can I call Simon Recaldin, please.  
 20 **SIR WYN WILLIAMS:** Yes.  
 21 **MR BLAKE:** Thank you.  
 22 **SIMON RECALDIN (affirmed)**  
 23 **Questioned by MR BLAKE**  
 24 **MR BLAKE:** Thank you very much. Can you give your  
 25 full name, please?

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1 **A.** I do, but without that reference on it.  
 2 **Q.** Ah, yes. That's absolutely fine. If I could  
 3 ask you to turn to page 5 of that document, you  
 4 have the original in front of you or a version  
 5 that hasn't been uploaded but it's entirely the  
 6 same. Can you confirm that that is your  
 7 signature on page 5?  
 8 **A.** It is.  
 9 **Q.** Thank you very much.  
 10 Are all three of those statements taken  
 11 together true to the best of your knowledge and  
 12 belief?  
 13 **A.** They are.  
 14 **Q.** Thank you. As you know, those statements will  
 15 be uploaded and published in due course.  
 16 You are the Remediation Unit Director at the  
 17 Post Office; is that right?  
 18 **A.** I am.  
 19 **Q.** Can you tell us what the Remediation Unit is?  
 20 I think it was previously known as the  
 21 Historical Matters Unit; is that correct?  
 22 **A.** Correct, and the Remediation Unit -- I head up  
 23 the compensation schemes for postmasters for the  
 24 Post Office.  
 25 **Q.** Thank you. You've been in that position since

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1 10 January 2022; is that correct?

2 **A.** That is correct.

3 **Q.** Were you at the Post Office before that or in  
4 another job?

5 **A.** I was not in the Post Office before that in --  
6 I was working for another -- in another role.

7 **Q.** Thank you. You are involved in managing the  
8 delivery of the Horizon Shortfall Scheme, the  
9 criminal appeals process and matters such as  
10 that. It may be that you make a return  
11 appearance to this Inquiry in Phase 5 or 6 or 7.  
12 I'm not going to ask you today about any of  
13 those issues.

14 Today we're going to address a single issue  
15 and that is various prosecution statistics that  
16 have been provided.

17 To begin with, I'd just like to get some  
18 terms or acronyms out of the way. Can we start  
19 with post-conviction disclosure exercise. It's  
20 referred to in your statement by PCDE, but if we  
21 could stick to the full title, post-conviction  
22 disclosure exercise, can you briefly tell us  
23 what that is?

24 **A.** A post-conviction disclosure exercise is  
25 an exercise of bringing data together within

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1 data together in one place. That became the  
2 PCDE.

3 **Q.** Thank you very much. We'll get to the  
4 spreadsheets shortly. You have defined  
5 Horizon-related cases. Can you tell us or how  
6 you define a Horizon related case?

7 **A.** Horizon related is where the evidence provided  
8 in the prosecution either was essential --  
9 Horizon was essential to that prosecution or  
10 partly used as evidence for the prosecution.

11 **Q.** In terms of figures, you have identified 700  
12 Potential Future Appellants; is that correct?

13 **A.** Correct.

14 **Q.** 88 convictions or, in fact I think, two more  
15 today have been overturned; is that correct?

16 **A.** Post Office 88, and non-post Office  
17 prosecution's overturned, three -- sorry, one  
18 for CPS, two for Northern Ireland and today two  
19 from Scotland.

20 **Q.** Thank you. You've identified that there are 538  
21 that have not yet appealed; is that correct?

22 **A.** Some of those have appealed and are in the  
23 process of having their appeal looked into.

24 **Q.** I think in your third statement you have given  
25 various numbers of cases that were either

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1 certain parameters, in order to ascertain

2 whether or not we can appropriately evaluate  
3 them for the appeals process.

4 **Q.** That results, I think, in the identification of  
5 what you call Potential Future Appellants.

6 Again, in your statement you refer to those as  
7 PFAs but if we could stick to that during your  
8 evidence as "Potential Future Appellants". Can  
9 you tell us what is a Potential Future  
10 Appellant?

11 **A.** It's somebody who they would have been convicted  
12 and that conviction might have been -- would  
13 have been done by Post Office as the prosecutor,  
14 the prosecution would be based wholly or partly  
15 on data derived from Horizon and, finally, the  
16 prosecution would have been taken place between  
17 1999/2000 and 2013.

18 **Q.** Who set those parameters?

19 **A.** So we worked with P&P, Peters & Peters, our  
20 legal -- and that was -- those were set through  
21 a disclosure management document that was  
22 originally set up and an addendum to the  
23 disclosure management document, which was  
24 an amalgamation of a number of spreadsheets  
25 found across Post Office that pulled all that

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1 abandoned or refused or cases that are pending?

2 **A.** I have.

3 **Q.** Thank you. We don't need to repeat those now.

4 **A.** Thank you.

5 **Q.** To identify what you've termed Potential Future  
6 Appellants you have created a casework  
7 spreadsheet. Can you previously tell us what  
8 casework spreadsheets are?

9 **A.** The casework spreadsheet is work identified  
10 across the country when we decided to amalgamate  
11 all the information to understand the population  
12 of potentially unsafe convictions. So we went  
13 out to P&P -- went to Peters & Peters, sorry,  
14 went out to investigate all those. Several of  
15 those came in. I think the number in my witness  
16 statement is around 100, were brought back to  
17 amalgamate them into one central database and  
18 then that was analysed and put to the PCDE,  
19 along with the full criteria which I've  
20 previously described.

21 **Q.** So that's the post-conviction disclosure  
22 exercise?

23 **A.** Correct, sorry.

24 **Q.** Can you tell us who was providing those figures  
25 to Peters & Peters?

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1 A. So it was through a disclosure process. So Post  
 2 Office were doing that and they were  
 3 independently going out and getting those  
 4 spreadsheets, the Security team and other teams.  
 5 Q. You have created something called the master  
 6 search term list. Can you tell us what the  
 7 master search term list is, please?  
 8 A. So master search term is the prerequisite to  
 9 populating the PCDE.  
 10 Q. So the PCDE, the post-conviction disclosure  
 11 exercise, that is a document, is it?  
 12 A. Yes.  
 13 Q. Yes. I want to ask you this afternoon about  
 14 a number of different requests that have been  
 15 made, both by the Inquiry and also under the  
 16 Freedom of Information process, that appear to  
 17 give different statistics, and I want to try to  
 18 get to understand why they are different.  
 19 If I could ask you to look -- if we could  
 20 bring on screen, in fact, paragraph 25 of your  
 21 second witness statement. So that is  
 22 WITN09890200 -- thank you very much -- and if we  
 23 look at paragraph 25. That is page 9. So this  
 24 was a request from the Inquiry itself, rather  
 25 than a Freedom of Information Request and we can

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1 If it assists, I think you say, for example,  
 2 that they were based on information in the  
 3 casework spreadsheets; is that correct?  
 4 A. Correct.  
 5 Q. And that there was a degree of verification from  
 6 underlying papers but that some dates couldn't  
 7 be verified?  
 8 A. Correct.  
 9 Q. In fact, you've carried out further verification  
 10 checks and now the figure is slightly different.  
 11 So it's now 781 prosecutions with 700  
 12 convictions; is that correct? So the number of  
 13 prosecutions has come down somewhat and the  
 14 number of convictions has slightly changed?  
 15 A. That is correct.  
 16 Q. So we have there 781 prosecutions with 700  
 17 convictions, that's nearly 90 per cent of  
 18 prosecutions resulting in convictions. You're  
 19 not here to give expert evidence but does the  
 20 Post Office have a view as to whether that is  
 21 a high conviction rate or not?  
 22 A. Doesn't have a view.  
 23 Q. Has it considered whether there is a high  
 24 conviction rate or not? Are you aware of --  
 25 A. No, I don't know.

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1 see there it's summarised by you in your second  
 2 witness statement. You say:  
 3 "Request number 6 ..."  
 4 That's I think a Rule 9 Request number 6:  
 5 "... asked for confirmation of (a) the  
 6 number of prosecutions [the Post Office] brought  
 7 (in total) between 2000 and 2015, and (b) the  
 8 number of those prosecutions brought that  
 9 resulted in a conviction."  
 10 You've set out there that, as part of that:  
 11 "[Herbert Smith Freehills] explained that  
 12 they were instructed that [the Post Office]  
 13 brought a total of 844 prosecutions between 2000  
 14 and 2015, which resulted in 705 convictions, on  
 15 the basis of the following understanding of the  
 16 scope of the request and limitations ..."  
 17 So you set out, after that, various  
 18 limitations that applied. Can you summarise for  
 19 us the limitations that apply in the  
 20 identification of those figures? So that's 844  
 21 prosecutions in that 15-year period, resulting  
 22 in 705 convictions. I think you'll find those,  
 23 for your assistance, at paragraph 31 of your  
 24 witness statement, although we don't need to  
 25 bring that up on screen.

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1 Q. I'm going to move on to the Freedom of  
 2 Information Requests and we're going to see what  
 3 looks like inconsistent figures being given and  
 4 I'd like you to explain briefly why that might  
 5 be. We're going to look at the first Freedom of  
 6 Information Request, that's at paragraph 37 of  
 7 your statement. It's page 13. Could we please  
 8 bring that up on screen. So page 13 of the  
 9 second statement. Thank you. So you've called  
 10 it here the "[Freedom of Information Act]  
 11 Response 1", 26 September 2016, and the  
 12 question, the request to the Post Office was:  
 13 "How many subpostmasters have had charges  
 14 filed against them for false accounting and  
 15 inflating figures and/or theft? Since 2010."  
 16 The response, we can see below, there are  
 17 various statistics provided and a table. If we  
 18 could scroll down slightly. Can you assist us  
 19 with telling us who compiled this response and  
 20 how they went about that?  
 21 A. It was the -- from -- I cannot recall who did  
 22 it. I do have it in my notes, if you're --  
 23 Q. I don't think we need a name but in terms of the  
 24 department?  
 25 A. My understanding, it would have been the -- it

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1 would have been overlooked by the Legal  
2 department.

3 **Q.** Can you briefly summarise for us how they went  
4 about obtaining those figures?

5 **A.** They would have done an exercise asking various  
6 people questions around gathering the data  
7 together.

8 **Q.** Where from? You described various different  
9 spreadsheets, databases, et cetera. Can you  
10 assist us with how those figures were obtained?

11 **A.** That would have been the starting point. They  
12 would have looked at the databases containing  
13 the number of prosecutions in that period.

14 **Q.** I think you said in your statement that:  
15 "The person who is understood to have  
16 compiled the data has confirmed the source of  
17 the data likely to have been the casework  
18 spreadsheet."

19 **A.** Correct.

20 **Q.** Is that correct?

21 **A.** Correct.

22 **Q.** Are there any limitations in those figures that  
23 you'd like to draw to the Inquiry's attention?

24 **A.** The limitations are based on the question asked  
25 in terms of the request around "false

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1 the following reasons ..."

2 It then gives four reasons below. The first  
3 is that:

4 "The table below is based solely on  
5 information held by Post Office Limited, and  
6 does not therefore reflect information (if any)  
7 that may be held by Royal Mail ...

8 "The request covers a lengthy period of time  
9 extending back 30 years.

10 "Data relating to convictions between 1991  
11 and 2006 in particular have been compiled from  
12 extremely limited available material.

13 "The table excludes cases where the data  
14 held by Post Office is inconclusive as to  
15 whether the prosecution was brought by any other  
16 organisation, or whether it resulted in  
17 a conviction.

18 "In addition, although you have asked for  
19 information on both prosecutions and  
20 convictions, the table contains information on  
21 convictions only. This is because Post Office  
22 does not hold a sufficiently complete set of  
23 data for prosecutions which do not result in  
24 a conviction, again reflecting the length and  
25 aged period of the request.

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1 accounting" and "inflating figures" and "since  
2 2010", so obviously the data produced is limited  
3 by the question.

4 **Q.** I'm going to move on to another Freedom of  
5 Information Request and that's set out at  
6 page 14 of your statement. It's referred into  
7 your statement as "FOIA", that's Freedom of  
8 Information Act "Response 2", 22 May 2020. Now  
9 this is a request that was made by Nick Wallis,  
10 a journalist and author, and that reads as  
11 follows, the Post Office was asked to supply:  
12 "... 'by year the number of prosecutions of:  
13 subpostmasters, their assistants or Post Office  
14 workers (eg those in Crown Post Offices) brought  
15 by the Post Office/Royal Mail since 1990.  
16 Please also supply, by year, the number of  
17 criminal convictions which resulted from those  
18 prosecutions'."

19 It's quite a lengthy response but I will  
20 read it all out. The response was as follows:  
21 "We do not hold all of the information which  
22 pertains to your request. The information we do  
23 hold is set out in the table below. However,  
24 the data is likely to be incomplete and  
25 therefore should be treated with caution, for

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1 "The below table sets out the number of  
2 prosecutions brought for which we hold records  
3 and have been able to determine that there was  
4 a conviction. To date, we have been unable to  
5 locate any records before 1991. There are 104  
6 cases where Post Office Limited holds  
7 information recording that the defendant was  
8 convicted, but not the date of the conviction,  
9 for which the year has been listed as  
10 'Unknown'."

11 Then if we go over the page we have there  
12 a table.

13 Now, it doesn't seem to have entirely  
14 answered the request because it doesn't separate  
15 out prosecutions and convictions. You were able  
16 to provide the Inquiry with various statistics  
17 for prosecutions and convictions between 2000  
18 and 2015, which we've just talked about. Can  
19 you assist us with why it wasn't able to provide  
20 both of those details? So both convictions and  
21 prosecutions?

22 **A.** Because the number of prosecutions, we didn't  
23 have a complete set of data for the number of  
24 prosecutions.

25 **Q.** Thank you. So you did have some data and that

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1 data fed into the earlier figure that you gave  
2 to the Inquiry?

3 **A.** Yes.

4 **Q.** But here that information wasn't provided  
5 because it wasn't felt to be complete; is that  
6 correct?

7 **A.** Correct.

8 **Q.** Thank you. If you add up the total between 2000  
9 and 2015, the number you reach is different to  
10 the one that was provided to the Inquiry, the  
11 response that we've been over already. Can you  
12 assist us with why those figures might be  
13 different?

14 **A.** No. I'm happy to look at it and come back to  
15 the Inquiry.

16 **Q.** At paragraph 43 and onwards in your statement,  
17 you provide some limitations to this data.

18 **A.** Correct.

19 **Q.** You've come here today to assist the Inquiry --

20 **A.** I do.

21 **Q.** -- in respect of this data and in respect of the  
22 information you have provided in that statement.  
23 Can you briefly summarise for us what you  
24 consider to be the key limitations to that data?

25 **A.** Again, it's the question that is asked, the data

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1 of Appeal asked counsel for the appellants  
2 whether they wished to argue that the number of  
3 prosecutions rose immediately after Horizon was  
4 rolled out and it was argued by counsel for the  
5 appellants that -- I think you set out in your  
6 statement that there were maybe two or three  
7 prosecutions pre-Horizon and it went up to 40 or  
8 50 post-Horizon.

9 The answer from counsel to the Post Office  
10 is set out in your witness statement, if we  
11 could go to that. That's at paragraph 50, so  
12 it's over the page, please. I think these are  
13 the words of Mr Altman, King's Counsel, in the  
14 Court of Appeal and he's there giving a number  
15 of statistics. We see there he says, for  
16 example:

17 "... In 1999 there were 60 in total."

18 That figure doesn't appear in that table  
19 that we've just looked at for 1999, the figure  
20 that's given to Mr Wallis is 50. Are you able  
21 to assist us at all with that difference?

22 **A.** Yeah, again, it's down to the question that's  
23 been asked but also this data is dynamic. So  
24 it's moving all the time. As the PCDE exercise  
25 carries on, more data is collected and the

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1 that is taken from the master -- the  
2 spreadsheet, and ensuring that the data is  
3 robust in terms of the prosecuting authority and  
4 the details of each case itself.

5 **Q.** Perhaps, if we scroll down and look at  
6 paragraph 43 and 44 in your statement, that may  
7 assist you with providing a slightly fuller  
8 answer in respect of the limitations.

9 **A.** As per the statement, prosecutions which had  
10 definitively resulted in convictions and not  
11 prosecutions -- cases in which the prosecution  
12 authority was believed to be Post Office, as  
13 opposed to other prosecuting authorities. Cases  
14 which appeared to be based on a shortfall of the  
15 branch accounts, ie for example, there may be  
16 cases which referred to robbery or others and,  
17 therefore, not shortfall related. And cases  
18 where the defendants were -- their title didn't  
19 fit with the description being asked.

20 **Q.** Further details set out in your witness  
21 statement. Can we move on, please, to the  
22 information provided to the Court of Appeal in  
23 the *Hamilton* proceedings. That's page 19 of  
24 your witness statement. It's the bottom of  
25 page 19. In the *Hamilton* proceedings the Court

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1 numbers move all the time as we get more  
2 certainty around the numbers of prosecutions and  
3 the numbers of convictions.

4 **Q.** But I think there's a more significant answer  
5 that's set out in your witness statement, and  
6 that is that the 1999 figure of 60 included  
7 things like robberies and burglaries?

8 **A.** Correct, because it was -- because it was all  
9 convictions and these are related to  
10 Horizon-related convictions.

11 **Q.** So the figure there, 60 for 1999, included  
12 things like robberies and burglaries, whereas  
13 the post-Horizon figures, so the 2000 onwards  
14 figures, am I right in understanding that those  
15 were actually figures excluding robberies and  
16 burglaries, et cetera, because they focused on  
17 Horizon and the way that you've described  
18 a Horizon conviction?

19 **A.** That is my understanding.

20 **Q.** Is it -- are we therefore to understand that  
21 that's very much like comparing chalk and cheese  
22 in terms of those two figures, because robberies  
23 and burglaries are obviously totally different  
24 subjects that aren't reflected in those later  
25 figures?

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1 A. Correct.  
 2 Q. That was then, as you set out in your witness  
 3 statement, accompanied by a note to the Court of  
 4 Appeal, which gave some of the limitations in  
 5 those figures. I'm not going to bring it up on  
 6 screen and it may not yet be available to Core  
 7 Participants but it will be shortly. We have  
 8 a Unique Reference Number for that that I'll  
 9 provide now for the purpose of the transcript:  
 10 that's INQ0000721.

11 Perhaps that's something that we will look  
 12 at in more depth in Phase 5 of this Inquiry.  
 13 Again, those figures don't match the ones that  
 14 were provided to the Inquiry. I think we were  
 15 given the figure of 705 convictions. Are you  
 16 able to assist at all with why those figures and  
 17 the ones that were provided to the Inquiry are  
 18 different?

19 A. Again, because it's dynamic. The exercise,  
 20 I think the number went from 705 to 700, as the  
 21 data is analysed and reasons for taking the  
 22 cases out of that population are found. For  
 23 example, there may be a case that was -- that  
 24 the initial indication was that it was -- the  
 25 conviction was in England but, following

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1 any evidence from Horizon."

2 Then went on to say:

3 "Post Office Limited's prosecution records  
 4 are incomplete. It is not possible to determine  
 5 in any given case whether the person who was  
 6 prosecuted was unwilling or unable to make good  
 7 a shortfall, nor when the last such  
 8 circumstances arose. The last time a postmaster  
 9 was prosecuted by Post Office Limited in  
 10 relation to a shortfall identified within their  
 11 branch was 2015. Post Office Limited does not  
 12 know, however, whether any postmasters have been  
 13 prosecuted in relation to shortfalls at their  
 14 branch by any other prosecuting entity ...  
 15 subsequent to 2015."

16 Is that response accurate?

17 A. I understand it still to be accurate, yes and  
 18 consistent, related to information we have.

19 Q. Thank you. I think you give some information in  
 20 paragraph 59 about a 2019 case. Are you able to  
 21 assist us with that, please?

22 A. There was a 2019 case and that was, sort of,  
 23 a Head Office case and wasn't Horizon related.

24 Q. Thank you. Moving on to the fourth Freedom of  
 25 Information Act request and that's on page 24,

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1 research, that case might have been discovered  
 2 to be in Scotland and, therefore, been taken out  
 3 of the PCDE.

4 Q. Thank you. I think that you have other  
 5 explanations that are also provided --

6 A. Yeah.

7 Q. -- at paragraph 54 onwards in your witness  
 8 statement.

9 A. Correct.

10 Q. We can move on to the third Freedom of  
 11 Information Act response. That is at page 23 of  
 12 your witness statement, could we please bring  
 13 that up on screen, it's paragraph 56. This was  
 14 requested 23 April 2021 and the request was as  
 15 follows:

16 "I would like to know when the last time  
 17 Post Office attempted a prosecution. I would  
 18 also like to know the last time a subpostmaster  
 19 was unwilling or unable to make good any  
 20 reported shortfalls was prosecuted."

21 The response from the Post Office on 20 May  
 22 2021 said:

23 "Post Office limited last prosecuted  
 24 an individual in 2019. This prosecution was not  
 25 branch related and did not relate to or rely on

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1 thank you. If we could just scroll down  
 2 slightly. We have there paragraph 60, the  
 3 request on 26 April:

4 "Please confirm how many criminal  
 5 prosecutions took place against postmasters and  
 6 postmistresses for fraud and/or false accounting  
 7 in the 10 years prior to the introduction of the  
 8 'Horizon IT Computer System'."

9 Then we have the answer at paragraph 61:

10 "I can confirm that Post Office holds some  
 11 information in relation to this. The Horizon IT  
 12 System was introduced in 1999. For the ten  
 13 years prior to that (between 1989 and 1999),  
 14 Post Office cannot confirm the number of  
 15 criminal prosecutions that took place. This was  
 16 because the age and manner in which information  
 17 was recorded in this period, before widespread  
 18 use of computerised records, means it is not  
 19 possible to verify the accuracy of Post Office  
 20 records. The surviving historical records for  
 21 pre-1999 cases are extremely limited and the  
 22 information cannot be relied on as definitive.

23 "A search of these records provides  
 24 information about 57 prosecutions the Post  
 25 Office appears to have carried out that resulted

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1 in convictions. These were initiated after  
2 a shortfall was identified in the relevant  
3 individual's branch which, for the purposes of  
4 this data, usually relate to cases recorded as  
5 theft, fraud, cash loss, audit shortage or false  
6 accounting and does not include convictions  
7 which appear not to have relied on Horizon data  
8 in whole or in part (eg burglary or robberies)  
9 ..."

10 Is that response correct?

11 **A.** No, I think there's been a mistake in there, if  
12 I may advise the Inquiry. As per my witness  
13 statement, in the final sentence it says:

14 "Any conviction before 2000 cannot have  
15 relied on Horizon because Horizon hadn't been  
16 installed."

17 So that's an error and my apologies for that  
18 error.

19 **Q.** The 57 figure there, 57 prosecutions, in the  
20 10 years prior to Horizon, that doesn't seem to  
21 tally with the response that was provided to  
22 Mr Wallis or a later response that we're going  
23 to see. Are you able to assist us with that  
24 inconsistency?

25 **A.** Because it was limited to shortfall cases. So  
93

1 Information Act response, that's 24 March 2023.  
2 Can you look at page 26, please, paragraph 65.  
3 I'm going to briefly take you through this  
4 response. The request was:

5 "Can you say how many [subpostmasters] you  
6 prosecuted between 1990 and 1999? Can you say  
7 how many [subpostmasters] you prosecuted between  
8 2000 and 2009?"

9 Again, looking for that difference between  
10 the two:

11 "What is the [percentage] increase in the  
12 latter figure? What [percentage] of 1990 to  
13 1999 convictions were overturned? What  
14 [percentage] of the latter figures figure were  
15 overturned?"

16 The response is as follows:

17 "... We can confirm that the Post Office  
18 does hold the information you have requested.  
19 For the period of 1990-1999, Post Office cannot  
20 verify the accuracy of this information due to  
21 the age and way information was recorded before  
22 the widespread use of computerised systems. The  
23 surviving historical records for pre-1999 cases  
24 are extremely limited, and the information  
25 cannot be relied on as definitive".  
95

1 it exclude -- yeah, the 57 convictions excluded  
2 cases that did not appear to arise from  
3 shortfall in the branch accounts, even though  
4 evidence from Horizon is relevant on these  
5 cases.

6 **Q.** Sorry, you're speaking a little too quickly for  
7 the stenographer. Are you able to repeat what  
8 you just said?

9 **A.** I referred to paragraph 62 and the 57  
10 convictions excluded cases that did not appear  
11 to arise from a shortfall in the branch  
12 accounts.

13 **Q.** Are you able to briefly summarise paragraph 63  
14 and 64 of your witness statement which also  
15 provide further explanation as to why those  
16 numbers are different?

17 **A.** Yes. The 57, including convictions of  
18 individuals --

19 **Q.** Sorry, if you could slow down slightly the  
20 stenographer is struggling to keep up.

21 **A.** Yes, regardless of their specific role, despite  
22 the fact that the request was for -- referred to  
23 SPMs, because this had been approached in  
24 response to the preceding information request.

25 **Q.** We're going to now look at the fifth Freedom of  
94

1 It then goes on to say:

2 "A search of these records provides  
3 information has provided to the following  
4 information [*sic*]."

5 Number 1, in answer to the question can you  
6 say how many subpostmasters you prosecuted  
7 between 1990 and 1999, the response is:

8 "Due to the limited records ... we can  
9 confirm there were 65 convictions for  
10 postmasters.

11 "2. Can you say how many [subpostmasters]  
12 you prosecuted between 2000 and 2009?"

13 The answer there is "380".

14 "What is the [percentage] increase in the  
15 latter figure?"

16 It says:

17 "484% but please note caveat in relation to  
18 limitation of records as above.

19 "What [percentage] of 1990-1999 convictions  
20 were overturned? 0%.

21 "What [percentage] of the latter figure ...  
22 were overturned? 8%."

23 These are once again different figures. Can  
24 you assist us with this response and whether  
25 that response is accurate?  
96



1 **A.** The percentage given is absolutely not accurate.  
 2 **Q.** Just scroll up. Thank you. We'll just scroll  
 3 up to have a look at the figure that's provided  
 4 there. Yes, sorry. Can you assist us?

5 **A.** Yes, so the -- I think the percentage was worked  
 6 out at 484 per cent, one of the numbers, which  
 7 is a human error and, again, with apologies to  
 8 the Inquiry, that's wrong.

9 They were compared -- the numbers were  
 10 comparing convictions with prosecutions, which  
 11 is a nonsense. So that can be disregarded, if  
 12 I could be so bold.

13 **Q.** So the figure there incorrectly compared the  
 14 percentage for the number of prosecutions with  
 15 the number of convictions --

16 **A.** Yes.

17 **Q.** -- for the different years?

18 **A.** Correct.

19 **Q.** So they're again comparing chalk and cheese?

20 **A.** You can -- yes, correct.

21 **Q.** Are there any other limitations to that data or  
 22 is there any other reason why the figures are  
 23 different to previous figures we've seen?

24 **A.** As per my witness statement, we were able to  
 25 provide figures for prosecutions that did not

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1 a period of time and it continues to -- this  
 2 a dynamic database, and continues to be updated  
 3 and continues to move and, therefore, depending  
 4 when the requests come in, will be dependent on  
 5 the information that comes out, and so the data  
 6 will move accordingly and it depends on the time  
 7 that the requests are entered.

8 In respect and, in particular, around the  
 9 22 May FOIA requests, again, with apologies to  
 10 the Inquiry, the inaccuracies are in that  
 11 dataset, and we now recognise that in terms of  
 12 the drawing up of my second witness statement.  
 13 We recognise that and there were errors in that  
 14 and, again, with apologies. And that will be  
 15 corrected.

16 **Q.** Thank you. That 22 May 2020 request that was  
 17 the request made by Nick Wallis. I believe the  
 18 Post Office has written to him today to  
 19 apologise for the errors in the data that were  
 20 provided; is that correct?

21 **A.** That is correct.

22 **Q.** Can you assist us with why it was just today  
 23 that the Post Office wrote to Mr Wallis, given  
 24 that your witness statement, for example, your  
 25 second witness statement, was now written some

99

1 result in convictions in response to this  
 2 request, of the post-1999 period because of the  
 3 additional work to the Inquiry, and any data  
 4 pre-'99 is very difficult and cannot be relied  
 5 on in any way.

6 **Q.** Sorry, can you just expand upon that?

7 **A.** Because -- simply because the limitations of  
 8 availability of data and its reliability.

9 **Q.** So in terms of pre-1999, so pre-Horizon data, is  
 10 the Post Office's position that that data is  
 11 unreliable because of the lack of information  
 12 that you have available to you?

13 **A.** Yes.

14 **Q.** We've seen quite a variation in figures this  
 15 afternoon. Can you assist us with why, overall,  
 16 there is such an inconsistency or lack of  
 17 consistency in these figures?

18 **A.** I'd absolutely like to. So, firstly, each FOIA  
 19 request may have a slightly different question,  
 20 do have different questions and, therefore, that  
 21 will drive differences in numbers. So it's  
 22 the -- the parameters of the information  
 23 requests are different.

24 Secondly, as hopefully I've tried to  
 25 describe, the data revolves over this, over

98

1 time ago?

2 **A.** We felt it was appropriate to advise him  
 3 regarding an update of his Freedom of  
 4 Information Request at the same time as the  
 5 Inquiry.

6 **Q.** But you updated the --

7 **A.** Apologies --

8 **Q.** -- Inquiry on 13 July 2023 with the figures?

9 **A.** Mm.

10 **Q.** Why has the letter appeared in his inbox today?

11 **A.** We felt it was appropriate to advise him.

12 **Q.** Why today, though? We're having a hearing  
 13 today; is that a coincidence?

14 **A.** I don't think so.

15 **Q.** So it was intentionally to apologise to him  
 16 prior to your giving evidence?

17 **A.** Yes.

18 **Q.** You've produced an appendix with more accurate  
 19 figures and that, I think, you call appendix 2.  
 20 Could we bring that up on screen, please.  
 21 That's WITN09890208. Thank you.

22 If we could zoom out to get a better picture  
 23 of the overall table, please. Thank you very  
 24 much. Do you have more confidence in the  
 25 figures that are provided here than in the

100

1 earlier table that we saw?

2 **A.** I do. With the caveat, if I may, to say that --

3 this again, these numbers are dynamic because we

4 keep on improving our data.

5 **Q.** Again, can you just briefly explain the

6 difference between the shaded area, the unshaded

7 area and also why certain numbers are in

8 brackets and some aren't?

9 **A.** I can. The pre-2000 data, which is the darker

10 background and from 1990 to 1999, relates to all

11 offence types where the convictions have been

12 confirmed or is assumed where the defendant was

13 an SPM, assistant or a Post Office employee,

14 including all case types. So it's all

15 convictions, and then the figure in the brackets

16 are likely to involve a shortfall in the branch.

17 **Q.** A shortfall?

18 **A.** Correct.

19 **Q.** Thank you.

20 Some people might use these statistics to

21 suggest that there was an increase in

22 prosecutions by the Post Office in the years

23 prior to the rollout. We see there 26 and 51 in

24 the years 1998 and 1999. Other people might use

25 the figures we've heard, the 484 per cent

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1 or has it carried out an analysis and produced

2 something conclusive, which can say whether the

3 number of prosecutions increased before Horizon

4 or whether there was a significant increase

5 after Horizon, one way or another?

6 **A.** So we have carried out an exercise as per the

7 bracketed numbers to see whether or not they're

8 shortfall related and then the remainder -- the

9 2000 onwards, you know, are Horizon related.

10 Now, in terms of the numbers that are shaded in

11 brackets, clearly Horizon wasn't there and,

12 therefore, we've taken a number of definitions

13 of what could be a shortfall, depending on the

14 investigation and depending on the data that we

15 gathered, so if there's fraud or something or

16 another description of the activity that's being

17 investigated, we have associated that with

18 a potential shortfall and, therefore, we would

19 put it in that bracketed population.

20 **Q.** I'm not sure that assists us either way. You're

21 identifying that you have confirmed those

22 statistics?

23 **A.** Correct.

24 **Q.** But does the Post Office -- I mean to put --

25 does the Post Office consider itself able to

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1 increase in that Freedom of Information Request,

2 for example, to suggest that the number of

3 prosecutions dramatically increased in the

4 decade after Horizon. You're not a statistician

5 or an expert witness today. Can you tell us

6 what the Post Office's position is in respect of

7 those two positions?

8 **A.** Firstly, hopefully as I've already articulated,

9 the 484 per cent is a human error and

10 a nonsense. So, again, apologies for that. But

11 in terms of the numbers before and after the

12 introduction of Horizon, which was 1999 to 2000

13 time, I can confirm from the stats that the --

14 and I'm not a statistician, but the numbers

15 increase before and -- of prosecutions increase

16 before and after --

17 Sorry, convictions increase before and after

18 the introduction of Horizon.

19 **Q.** Statistically correct but I think you have also

20 said in your evidence today that there are

21 issues with your figures pre-Horizon?

22 **A.** Correct.

23 **Q.** So in light of the issues that you've raised,

24 regarding the figures pre-Horizon, does the Post

25 Office have a position, has it taken a position

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1 say, to put this matter to bed, whether there

2 was or was not a significant increase in

3 prosecutions following the implementation of

4 Horizon?

5 **A.** There were an increase in convictions coming up

6 to the introduction of Horizon and there were

7 a continued increase in convictions after the

8 introduction of Horizon. The root cause of

9 those, I don't know.

10 **Q.** When you say there was an increase:

11 statistically from the information you've

12 gathered, there was an increase before

13 Horizon --

14 **A.** Yes.

15 **Q.** -- but, as you've said, the records are a little

16 dodgy, to say the least?

17 **A.** Are not great. I didn't use the word "dodgy"

18 but they are potentially inaccurate, simply

19 because of the length of time that has been

20 between now and then.

21 **Q.** Are the records that post-date Horizon more

22 accurate because of the electronic records?

23 **A.** The automation, correct.

24 **MR BLAKE:** The automation.

25 Thank you very much, I feel like we've had

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1 enough of statistics for the afternoon. I don't  
2 think there are any questions.

3 Ah, Mr Whittam may have a question, in fact.

4 **Questioned by MR WHITTAM**

5 **MR WHITTAM:** Richard Whittam on behalf of Fujitsu.

6 Technical problems out of the way and back  
7 statistics. Mr Blake was asking you to put  
8 these matters to bed. It's not quite as simple  
9 as that, is it. You've been very frank with  
10 your analysis of the matters, and it's as simple  
11 as this, isn't it: you can only gather  
12 statistics that were recorded at the time and  
13 still exist -- you'll have to say yes, I can see  
14 you nodding, simply because of the shorthand  
15 note -- that 1999 and before then, for all the  
16 caveats that we've had set out, we don't need to  
17 repeat them, the records are incomplete and  
18 therefore unreliable?

19 **A.** Is that a statement or -- if that's  
20 a question --

21 **Q.** Do you agree with that?

22 **A.** Yes, because of the passage of time I recognise  
23 there is difficulty in gathering data pre-1999.

24 **Q.** Because those records can't be verified; do you  
25 agree with that?

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1 a nonsense, because it's comparing different  
2 things.

3 **A.** I described the percentage that was calculated  
4 at 484 per cent as a nonsense because it  
5 compares convictions with prosecutions and it  
6 should be discounted as a figure for submission  
7 to the Inquiry.

8 **Q.** Thank you. As for any cause -- and Mr Blake  
9 tried quite hard to get you to describe a Post  
10 Office position on whether prosecutions went up  
11 after the introduction of Horizon -- you'd  
12 defer, wouldn't you, to a witness who was in  
13 charge of security at the Post Office, who has  
14 given evidence before us to say that the  
15 increase was more to do with the low numbers  
16 before he arrived in September 1999, and it  
17 then, after a short dip, went up because of  
18 an improvement in efficiency of the  
19 Investigation team from around 2001 onwards.  
20 You would defer to a witness of fact as to what  
21 was happening at the time?

22 **A.** I think my statement was clear in terms of  
23 I recognised that the numbers of convictions  
24 went up pre the introduction of Horizon and post  
25 the introduction of Horizon. In terms of the

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1 **A.** No, some of the records that are there can be  
2 verified.

3 **Q.** But if things weren't recorded at the time or  
4 can't be found, you can't say that they are  
5 accurate figures?

6 **A.** If they can't be found -- correct.

7 **Q.** As you've made plain, the non-conviction cases  
8 data pre-1999 is very limited and incapable of  
9 being verified as accurate? That's paragraph 24  
10 of your statement, if it helps. It's your  
11 words?

12 **A.** Yes, I think it's -- yeah, certainly limited.  
13 Some of it is capable of being verified. If  
14 it's there, we can verify it.

15 **Q.** But it's the things that aren't there that  
16 caused the problem?

17 **A.** To your point.

18 **Q.** You use the description of --

19 *(Microphone switched off)*

20 **THE STENOGRAPHER:** Can you start the question again,  
21 sorry?

22 **MR WHITTAM:** Certainly.

23 You've described the comparison that was  
24 being sought of you in the Freedom of  
25 Information Act response number 5, as being

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1 root cause of why those were the case, I do not  
2 know.

3 **MR WHITTAM:** I'm very grateful?

4 Sir, that's all that I ask.

5 **Questioned by SIR WYN WILLIAMS**

6 **SIR WYN WILLIAMS:** Can I be at least attempt to be  
7 clear in my mind, Mr Recaldin. As I understand  
8 it, your Appendix 2 is, as we sit here, the best  
9 attempt you can make to provide accurate  
10 information about the number of convictions  
11 between 1990 and 1999, on the one hand, and 2000  
12 and 2019, on the other?

13 **A.** Yes, Sir Wyn.

14 **SIR WYN WILLIAMS:** Right.

15 **A.** On the basis that it continues to be dynamic  
16 because the data still comes in and we evaluate  
17 in the live environment.

18 **SIR WYN WILLIAMS:** Right. As you say in appendix 2,  
19 that is subject to caveats which you set out at  
20 paragraph 71 of your witness statement.

21 **A.** Yes, Sir Wyn.

22 **SIR WYN WILLIAMS:** So looking at that table, I have  
23 to go back to paragraph 71 and read what it  
24 says, yes?

25 **A.** Yes, Sir Wyn.

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1 **SIR WYN WILLIAMS:** The figures between 1990 and  
2 1999, they may be wrong in the sense that there  
3 is information missing, as I understand it?  
4 **A.** Yes.  
5 **SIR WYN WILLIAMS:** But there were at least that  
6 number of convictions in those years --  
7 **A.** Yes.  
8 **SIR WYN WILLIAMS:** -- is that right? And of those  
9 convictions, by a process of assessment or  
10 analysis, the figures in brackets attempt to  
11 categorise the convictions which related to what  
12 we've called shortfalls?  
13 **A.** Correct, Sir Wyn.  
14 **SIR WYN WILLIAMS:** So that, if what you're telling  
15 me is correct, I can be reasonably confident,  
16 for example, that in the year 1999 there were at  
17 least 51 convictions to which at least -- of  
18 which 21 related to shortfalls as Post Office  
19 assess it?  
20 **A.** Correct, Sir Wyn.  
21 **SIR WYN WILLIAMS:** Right. So far as 2001 and  
22 onwards is concerned, my understanding of the  
23 last column in the table is that that records  
24 the number of what you have defined as  
25 Horizon-related convictions?  
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1 **A.** Correct.  
2 **SIR WYN WILLIAMS:** So that, in fact, there were many  
3 more convictions -- I say many -- there were  
4 more convictions each year but those are the  
5 record of the convictions which Post Office  
6 regard as being Horizon related, as you have  
7 defined it?  
8 **A.** Yes, Sir Wyn.  
9 **SIR WYN WILLIAMS:** There is no doubt that there were  
10 those convictions because you have a record of  
11 those convictions, so the only area for debate  
12 would be whether or not they were Horizon  
13 related?  
14 **A.** Yes, Sir Wyn. And if I can refer you to 5, item  
15 5 -- sorry, the note under the appendix 2.5 for  
16 2001, we can see there are 35 Horizon related  
17 cases, and there were 44 non-Horizon. So  
18 overall, there were 79 convictions.  
19 **SIR WYN WILLIAMS:** Yes, I follow that.  
20 **A.** And 13 of the 44 non-Horizon cases are likely to  
21 have involved a shortfall in the branch.  
22 **SIR WYN WILLIAMS:** Yes.  
23 **A.** So they may have been to do with a branch  
24 without the Horizon System in it.  
25 **SIR WYN WILLIAMS:** I follow. All right. Thank you  
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1 very much.  
2 **THE WITNESS:** Thank you, Sir Wyn.  
3 **SIR WYN WILLIAMS:** Anything else from anyone?  
4 **MR BLAKE:** No, sir. I think we are finished.  
5 **SIR WYN WILLIAMS:** Very well. So we start again on  
6 Tuesday -- oh, sorry.  
7 First of all, Mr Recaldin, thank you for  
8 three witness statements, one produced at very  
9 short notice, obviously, and for coming to  
10 explain some parts of those witness statements  
11 this afternoon.  
12 We'll start again at 10.00 on Tuesday  
13 morning.  
14 **MR BLAKE:** Thank you very much.  
15 **THE WITNESS:** Thank you.  
16 (2.08 pm)  
17 (The hearing adjourned until 10.00 am  
18 on Tuesday, 3 October 2023)  
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