

# OPUS 2

## INTERNATIONAL

Horizons Issues - Alan Bates & Others v Post Office Limited

Day 3

March 13, 2019

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Horizons Issues - Alan Bates &amp; Others v Post Office Limited

Day 3

1 Wednesday, 13 March 2019  
2 (10.30 am)  
3 Housekeeping  
4 MR HENDERSON: My Lord, a couple of housekeeping points  
5 first of all. I reviewed my notes for cross-examination  
6 overnight, particularly in the light of your Lordship's  
7 final observation of the suggestion that various points  
8 be put to Mr Patny junior as well and I have taken the  
9 view that I don't need to continue my cross-examination  
10 of Mr Patny senior.  
11 MR JUSTICE FRASER: Understood.  
12 MR HENDERSON: So I have notified my learned friend  
13 yesterday evening, but apologies for that slight change.  
14 MR JUSTICE FRASER: No, it is not an apology. So you don't  
15 have any re-examination?  
16 MR GREEN: I don't, my Lord.  
17 MR JUSTICE FRASER: Let me just check if I have any  
18 questions for him. Just give me one second.  
19 (Pause).  
20 There was one minor point but it's not worth having  
21 him back to ask him. So we're going to start with a new  
22 witness today.  
23 MR HENDERSON: I'm grateful. And just for your Lordship's  
24 information, I think we're on track in terms of  
25 timetable.

1

1 MR JUSTICE FRASER: Don't worry about that. I have been  
2 keeping an eye on that. Right, so Mr Green -- sorry,  
3 you had some more housekeeping?  
4 MR HENDERSON: No.  
5 MR JUSTICE FRASER: Have you got housekeeping?  
6 MR GREEN: Only one thing just in case your Lordship wants  
7 to see it. Mr Roll wanted to clarify more precisely  
8 some points in his witness statement overnight and in  
9 accordance with what we did in the common issues trial  
10 we have incorporated it into his statement so  
11 your Lordship can see how it fits in.  
12 MR JUSTICE FRASER: If you could hand that up that would be  
13 excellent. Thank you. So he is being called on  
14 Thursday.  
15 MR GREEN: He is going to be called this afternoon  
16 I understand because we're going to -- I understand  
17 we're going to get to him this afternoon.  
18 MR JUSTICE FRASER: All right, fine.  
19 MR HENDERSON: Actually there was one final matter I was  
20 going to deal with during cross-examination but perhaps  
21 it is more convenient to deal with it now. There is  
22 a further document which is on its way on to finding its  
23 way to the trial bundle but isn't there yet. So I have  
24 hard copies again, I have notified my learned friend,  
25 but could I perhaps hand a copy up just for convenience

2

1 now.  
2 MR JUSTICE FRASER: Yes please. If it hasn't been uploaded  
3 we can use it in the old fashioned way, that's not  
4 a problem.  
5 MR HENDERSON: Yes of course and I will hand it to the  
6 witness in due course.  
7 MR JUSTICE FRASER: All right, I will just put that to one  
8 side.  
9 On the basis that we're dealing with housekeeping  
10 generally, I was going to deal with this point at the  
11 end of today but I will deal with it now and a similar  
12 point came up in the common issues trial, or two similar  
13 points came up, but I will just explain what they are.  
14 If you're going to be putting -- and you are of course  
15 perfectly entitled to put certain matters which might  
16 suggest criminal conduct, at an appropriate point the  
17 witness has to have the warning against  
18 self-incrimination. If you can just bear that in  
19 mind -- it doesn't have to be done at the very beginning  
20 of their evidence, it can be done at the stage when you  
21 get to that cross-examination, but can you just bear  
22 that in mind so that the warning has to be administered.  
23 MR HENDERSON: My Lord, yes.  
24 MR JUSTICE FRASER: You don't have to tell me in advance,  
25 but each witness is potentially, if that's going to be

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1 put to them they have to be given that warning. That's  
2 the first point.  
3 The second point is as far as what we have called in  
4 the common issues trial a hard start in terms of trial  
5 timetabling, if you find yourself going quicker than you  
6 expected, that is not a problem. I am working on the  
7 basis that we will be starting with the Post Office  
8 witnesses on Monday morning in terms of a hard start for  
9 week 2. I am not in any way going to become intemperate  
10 or get upset if for example on Thursday at 11.30 or  
11 early afternoon you effectively run out of questions to  
12 ask the Post Office witnesses and the same applies for  
13 the witness of fact. We're basically doing this trial  
14 in self-contained weeks.  
15 Then the final point, which is really a point for  
16 Mr Draper: I reviewed the transcript overnight, it  
17 appeared to me that I came across as an exceptionally  
18 abrupt in at least two occasions in respect of the way  
19 you were cross-examining Mr Latif, that was really in  
20 the sense that (a) I was aware of the time difference  
21 and (b) I was aware of the fact that he was on  
22 a videolink from Pakistan, which is why I was probably  
23 a little more -- or I might have come across a little  
24 more acerbic about how long you were going to be and  
25 I don't want you to read anything into that.

4

1 MR DRAPER: I understand.  
2 MR JUSTICE FRASER: All right? So is that all the  
3 housekeeping.  
4 MR HENDERSON: My Lord, yes. Dealing with the first point  
5 first which is the relevant warning, Mr Aakash Patny is  
6 coming in this morning and I think out of an abundance  
7 of caution it may simply be sensible to make the warning  
8 since we are talking about a lot of declarations.  
9 MR JUSTICE FRASER: Right, okay. Do you have it with you,  
10 Mr Green?  
11 MR GREEN: My Lord, I haven't brought it with me and  
12 I should have done this morning because your Lordship  
13 didn't have the wording yesterday. I apologise.  
14 MR JUSTICE FRASER: It will be in the White Book.  
15 MR GREEN: We can find it on the transcript of the common  
16 issues trial which we've got on Opus.  
17 MR JUSTICE FRASER: Or it will be in volume 2. So you do  
18 Opus, I will do volume 2 and we will see who gets there  
19 first.  
20 (Pause).  
21 MR GREEN: My Lord, I'm afraid you are going to beat me  
22 because I can't get back in from this Opus to what  
23 I have in chambers.  
24 MR JUSTICE FRASER: I wouldn't give up so quickly, you don't  
25 know how long it is going to take me to do it this way.

5

1 Just remind me of the section?  
2 MR GREEN: Is it C8.11 in -- have we got it? My learned  
3 junior Mr Miletic has found it in the transcript.  
4 MR JUSTICE FRASER: Oh, he has found it in the transcript.  
5 All right, then just call it up because I've got to ...  
6 MR GREEN: So in the documents bundle --  
7 MR JUSTICE FRASER: I have found it, it is 9B, 10.42.  
8 "Privilege against incrimination", section 14. So if  
9 you call up what I said last I think.  
10 (Pause).  
11 MR GREEN: My Lord, I've got it at the wording that is --  
12 shall I just read it out to your Lordship?  
13 MR JUSTICE FRASER: Where are you looking?  
14 MR GREEN: So this is the warning your Lordship gave  
15 Mrs Stockdale.  
16 MR JUSTICE FRASER: Why can't it just be called up on the  
17 screen?  
18 MR GREEN: It can be called up on the screen. So it is  
19 {C8.11/24/50} and it is on internal page 196 and it  
20 begins at line 6.  
21 MR JUSTICE FRASER: Or line 7.  
22 MR GREEN: And it is line 10 where your Lordship explains  
23 it.  
24 MR JUSTICE FRASER: Yes. Now, last time I said to the  
25 witness what the specific offence was. I'm not sure

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1 that necessarily is required, so instead of specifying  
2 that false accounting was a criminal offence I am going  
3 to be saying what? "Certain facts and matters in  
4 relation to your making of cash declarations?"  
5 MR HENDERSON: Yes, "making declarations of cash and stock".  
6 MR JUSTICE FRASER: "Making declarations to the Post Office  
7 regarding the cash and stock."  
8 MR HENDERSON: My Lord, yes.  
9 MR JUSTICE FRASER: Right, well, I will do that at the  
10 beginning.  
11 Is that everything?  
12 MR HENDERSON: Yes.  
13 MR JUSTICE FRASER: Yes? Are you about to call another  
14 witness?  
15 MR GREEN: I am, my Lord.  
16 MR JUSTICE FRASER: Right.  
17 MR GREEN: My Lord, I am calling Mr Aakash Patny.  
18 MR AAKASH PATNY (affirmed)  
19 MR JUSTICE FRASER: Thank you very much, Mr Patny. Have  
20 a seat. Can I firstly say that you have been referred  
21 to once or twice as Mr Patny junior. That's not meant  
22 to be patronising or anything like that, it was just to  
23 differentiate you from your father.  
24 Secondly, I'm now going to give you a warning which  
25 you have heard debated. I think you might have been in

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1 court yesterday?  
2 A. Yes.  
3 MR JUSTICE FRASER: So you would have heard a similar form  
4 of words to your father. But it is just to tell you,  
5 Mr Henderson is going to ask you some questions and some  
6 of those questions are going to relate to certain facts  
7 and matters relating to the declarations that you made  
8 to the Post Office regarding cash and stock. Under the  
9 Civil Evidence Act 1968 you have the right to refuse to  
10 answer any of his questions if it would tend to expose  
11 you to proceedings for a criminal offence or the  
12 recovery of a penalty. So you might choose to answer  
13 his questions but it is correct that I should warn you  
14 you don't have to answer any of them if you don't want  
15 to. If he asks you a question and you want to decline  
16 to answer it, just say "I decline to answer that  
17 question". Is that fairly clear?  
18 A. Yes.  
19 MR JUSTICE FRASER: Thank you very much, Mr Patny. Over to  
20 you, Mr Green.  
21 Examination-in-chief by MR GREEN  
22 MR GREEN: Mr Patny, hopefully there is a bundle in front of  
23 you and if you turn to tab 2 please {E1/2/1}. You will  
24 see there "Amended witness statement of Aakash Patny"?  
25 A. It has Adrees Latif on it. Sorry, wrong tab sorry.

8

1 Q. That's it, if you're in tab 2 do you have "Amended  
2 witness statement of Aakash Patny"?  
3 A. Yes.  
4 Q. And if you turn very kindly to the back of that  
5 statement, page 4 {E1/2/4}.  
6 A. Yes.  
7 Q. Do you have that? And is that your signature?  
8 A. It is, yes.  
9 Q. And do you believe the contents of the statement to be  
10 true?  
11 A. Yes.  
12 Q. Thank you very much. Would you wait there. There will  
13 be some questions.  
14 Cross-examination by MR HENDERSON  
15 MR HENDERSON: Mr Patny, good morning.  
16 A. Good morning.  
17 Q. I assume that you were in court yesterday when your  
18 father gave evidence, is that right?  
19 A. Yes.  
20 Q. And I don't want to go through everything with you that  
21 I said to him, but there are a few points I would like  
22 to deal with.  
23 A. Okay.  
24 Q. In particular I want to deal with various allegations  
25 that you make concerning a shortfall, which varies in

9

1 amount but which during May 2016 comes and goes, in the  
2 value of about £17,000. Do you recall that?  
3 A. Yes.  
4 Q. And eventually it is right, isn't it, that a sum of  
5 around that sum of money was required by the Post Office  
6 to be settled centrally. Do you recall that?  
7 A. Yes.  
8 Q. Although it hasn't actually been paid to the Post Office  
9 I think?  
10 A. No, it hasn't.  
11 Q. And that was towards the end of May or the beginning  
12 of June, something like that?  
13 A. Around that time, yes.  
14 Q. And as I understand the case put forward by you and your  
15 father is that this was caused by a bug or bugs in  
16 Horizon, is that right?  
17 A. I believe so, yes.  
18 Q. And your evidence is that the outage on 9 May is the  
19 start of the problems, is that right?  
20 A. Yes.  
21 Q. Okay. And again -- and I think this is just covering  
22 common ground and you have dealt with it in your  
23 statement -- I think you are responsible for the  
24 declarations in the branch, or you were responsible for  
25 the declarations in the branch?

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1 A. Mostly, yes.  
2 Q. Cash and stamps particularly?  
3 A. Yes.  
4 Q. But it is also right, and your father explained  
5 yesterday that you sometimes shared log in IDs, is that  
6 right?  
7 A. Sometimes, yes.  
8 Q. So I hope I can take this reasonably quickly. I don't  
9 want to go through with you the events of the outage.  
10 I discussed that with your father yesterday as you will  
11 recall, but can we look at {F/1507.1} and can you enable  
12 editing and remove filtering.  
13 MR JUSTICE FRASER: What document is this?  
14 MR HENDERSON: This is the event data I think for the  
15 relevant branch and it shows -- well, can we go to  
16 row -- it is the event data spreadsheet. Can we go to  
17 row 13904. We looked at this yesterday.  
18 Mr Patny, it would help me -- when your father was  
19 being cross-examined yesterday were you able to see the  
20 documents on the screen from somewhere?  
21 A. No.  
22 Q. Not particularly, okay, fair enough.  
23 So this is the day of the outage and this is the  
24 cash declaration that you made at the end of that day at  
25 19.04. Do you see that?

11

1 A. Yes.  
2 Q. And below it we can see that there is a variance for  
3 minus £1,138.21, do you see that?  
4 A. Yes.  
5 Q. And that suggests that there is less cash than you were  
6 expecting to the tune of that figure?  
7 A. Yes.  
8 Q. So based on that, do you agree that it is very unlikely  
9 that the outage that had occurred during that day was  
10 responsible for the discrepancy of £17,000?  
11 A. No.  
12 Q. Why not?  
13 A. Well, that's a big amount to be missing, isn't it,  
14 £1,000?  
15 Q. Yes, but it's not £17,000, that's my point.  
16 A. No, it's not £17,000, no.  
17 Q. My understanding of your evidence is that you believe  
18 that the outage on 9 May led to the discrepancy of  
19 £17,000 which you discovered on 11 May.  
20 A. Yes.  
21 Q. And what I'm taking you to is the position on 9 May on  
22 the day of the outage itself and pointing out that there  
23 wasn't a discrepancy of £17,000 on that day. Do you  
24 accept that?  
25 A. I do, but it is after 7 o'clock as well so that's after

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1 polling time, so I don't know if that could have been an  
2 issue as well.  
3 Q. Why would that have been an issue?  
4 A. I'm not too sure.  
5 Q. You discovered, or you tell us you discovered the  
6 shortfall on 11 May. Can we have a look at {F/1522.1}.  
7 This is the help desk log and could we go to row 136.  
8 So this is your call on 11 May, we see that from  
9 column D and if we could just scroll right a little way.  
10 Just pause there. So column N is what the operator is  
11 told by you and you are saying:  
12 "Doing BP ..."  
13 What's "BP" there?  
14 A. Balance period.  
15 Q. Balance period:  
16 "... and got a shortage in cash £17,000. Had a rem  
17 in of [46,500] ..."  
18 There's a typo there:  
19 "... cash 16,000 coin."  
20 And it appears from this document that that's what  
21 you told the operator, is that right?  
22 A. I didn't tell them 16,000 coin.  
23 Q. Okay. And then if we carry on to column V this is what  
24 they told you to do, or suggested that you do:  
25 "Asked the ..."

13

1 It must be postmaster:  
2 "... to make sure only one cash declaration and make  
3 sure rem was scanned in correctly."  
4 So essentially what you were being told, I think, is  
5 that you need to check that you have counted the cash  
6 properly, is that right?  
7 A. Yes.  
8 Q. Now, if we go back to -- apologies for all the dotting  
9 around, but if we go back to 1507.1 {F/1507.1} and if we  
10 could go to row 14515.  
11 Just while that is being brought up, Mr Patny, your  
12 evidence in your witness statement is that what the  
13 helpline told you to do was to readjust the cash stock  
14 figure; do you remember that?  
15 A. Yes.  
16 Q. And by that I understand you to mean that you needed to  
17 carry out a fresh declaration?  
18 A. Yes.  
19 Q. And you say in your -- or at least I think you say in  
20 paragraph 10 of your witness statement {E1/2/2} that  
21 that resolved the problem?  
22 A. I believe it did, yes.  
23 Q. Okay. And I just wanted to have a look at 14515 because  
24 as far as -- if we look at 14515 that's the discrepancy  
25 on 11 May for £17,000, do you see that?

14

1 A. Yes.  
2 Q. And I can't see anything else after that that is a fresh  
3 declaration on that day.  
4 A. Yes.  
5 Q. And I wondered why that was. I understood from your  
6 evidence that you had been told to carry out a fresh  
7 declaration, that you had done so?  
8 A. Yes.  
9 Q. But that's not recorded there?  
10 A. I'm not too sure why.  
11 MR JUSTICE FRASER: We saw a document yesterday with two  
12 cash declarations on, did we not?  
13 MR HENDERSON: We did. We're coming to that one later,  
14 my Lord. That's a different date.  
15 So you can't help me with what happened then, but  
16 your witness statement suggests that you were told to  
17 recount?  
18 A. Yes.  
19 Q. You did recount and you sorted the problem out. That  
20 was my understanding. Is that a fair understanding?  
21 A. I believe I did, yes.  
22 Q. Okay. So what I would have expected to see is on the  
23 events data that there was a discrepancy, you found the  
24 money and it was corrected?  
25 A. Yes.

15

1 Q. But that's not shown there.  
2 A. I'm not too sure why that's not shown there. I remember  
3 we went through quite a few steps, I had to readjust  
4 various things and then eventually it seemed okay and  
5 I carried on.  
6 Q. Okay.  
7 MR JUSTICE FRASER: When you said you found the money, does  
8 that mean after you did those steps, the physical amount  
9 of money --  
10 A. After I did the physical steps it seemed that everything  
11 was in order so I carried on.  
12 MR JUSTICE FRASER: So there was no longer a discrepancy of  
13 17,000?  
14 A. No.  
15 MR HENDERSON: When you say "the physical steps", can I just  
16 repeat his Lordship's question: do you mean that you  
17 found the money?  
18 A. I didn't find no money as such. It said -- it seemed to  
19 me that everything was in order, there was no  
20 discrepancy, so I carried on.  
21 Q. But I mean you are carrying out a physical count of  
22 money, aren't you?  
23 A. Well, after the various adjustments that we did it  
24 seemed that everything was okay.  
25 Q. What adjustments were they then?

16

1 A. I can't remember. There were various things that they  
2 made me go over the phone on.  
3 MR JUSTICE FRASER: Could you maybe keep your voice up,  
4 Mr Patny.  
5 A. Sorry.  
6 MR JUSTICE FRASER: So whatever steps they told you to do  
7 over the phone, you did them?  
8 A. Yes.  
9 MR JUSTICE FRASER: And were they steps to be taken on the  
10 Horizon terminal?  
11 A. It was, yes.  
12 MR JUSTICE FRASER: Right, okay.  
13 MR HENDERSON: But you didn't make any fresh cash  
14 declaration?  
15 A. I can't remember.  
16 Q. Let's look at the cash management report for your  
17 branch. Again we looked at this yesterday with your  
18 father, so I can hopefully take it reasonably quickly.  
19 In {F/1514.1} -- actually just before -- it might be  
20 quicker if I take a further reference in this document  
21 before we leave it, do you mind? Could we go to 15030  
22 in this current document, just to speed things up.  
23 MR JUSTICE FRASER: Where are we going now? 15030.  
24 MR HENDERSON: 15030. And this, Mr Patny, is a cash  
25 declaration on 13 May, a further declaration, and you

17

1 see in 15029, do you see that you declare cash for  
2 a little over £80,000? Do you see that?  
3 MR JUSTICE FRASER: Where?  
4 MR HENDERSON: 15029, "Declare cash total 80,000"?  
5 A. Yes.  
6 Q. And then below that the variance check discrepancy is  
7 plus 17,000-odd, do you see that?  
8 A. Yes.  
9 Q. So that appears to cancel out the previous discrepancy,  
10 doesn't it?  
11 A. It does. Yes.  
12 Q. So just pausing at this point, as far as the branch is  
13 concerned and as far as these records are concerned,  
14 there is no longer a cash problem, is there?  
15 A. Is this saying that it is £17,000 up now, or is it  
16 saying that --  
17 Q. I think that that is saying that whereas before you were  
18 minus 17, you're now on this one plus 17 so you're  
19 cancelling each other out?  
20 A. Well, if it was cancelling it would be zero, wouldn't  
21 it?  
22 Q. Well, I think --  
23 MR JUSTICE FRASER: You might want to just take instructions  
24 to be absolutely clear.  
25 MR HENDERSON: I'm told that is right, what I have said.

18

1 MR GREEN: Sorry, what?  
2 MR HENDERSON: So my understanding is that the discrepancy  
3 that is shown here has the effect of cancelling out the  
4 previous minus figure, effectively.  
5 A. But then that would be zero, wouldn't it, it wouldn't be  
6 17 --  
7 Q. Well, the overall net position would be zero, yes.  
8 A. But then that's what that would show there.  
9 Q. I'm suggesting that it wouldn't, that what this is doing  
10 is taking a later comparison on the information that was  
11 available to it before, which will include the previous  
12 cash declaration, and is saying that compared to that  
13 position it's £17,000 up?  
14 A. But when you are doing the cash decs every day it tells  
15 you a running total of whether you are up or down which  
16 is what you're showing there, so if that in essence  
17 would mean we are now £17,964 up, which is -- well, that  
18 means I've found £34,000 all of a sudden from the day  
19 before.  
20 Q. My understanding is that's not the right position. I'm  
21 sure you can keep a running view of it as well, but that  
22 what this line demonstrates is as I have previously  
23 said.  
24 (Pause).  
25 A clearer way of putting the point. You are 17,000

19

1 down on the 11th, you roll the branch, that's the  
2 starting position, this is the result of the latest cash  
3 declaration which is 17,000 up and the net position is  
4 to balance broadly.  
5 A. Okay. But like I said, the previous cash dec was after  
6 7 o'clock so as far as I'm aware before 7 o'clock all  
7 discrepancies or whatever would have been done before  
8 7 o'clock would have rolled over. I'm not 100% certain  
9 on that but that's what --  
10 MR JUSTICE FRASER: I'm not sure Mr Henderson necessarily is  
11 to be honest.  
12 When you say "roll the branch" would you like to put  
13 to the witness exactly what you mean by that because we  
14 had quite a lot of evidence about that before Christmas.  
15 MR HENDERSON: Well, I believe the position is that the  
16 position you have reached on the 11th a rolled  
17 forward --  
18 A. Yes.  
19 Q. -- and then when you take the next declaration which we  
20 are looking here on the 13th -- I can't quite recall  
21 what happened on the 12th, but anyway on the 13th -- it  
22 takes that rolled forward position as the starting  
23 position and it measures it against that?  
24 A. Yes.  
25 MR JUSTICE FRASER: And your case is that that line in 15030

20

1 means there is no discrepancy, is that correct?  
2 MR HENDERSON: Yes.  
3 MR JUSTICE FRASER: Right. That's what's being put to you,  
4 Mr Patny, that as at the 13th there should be no  
5 discrepancy.  
6 A. Yes.  
7 MR HENDERSON: Cash has been found, in other words.  
8 A. But like I say the previous day's was done after  
9 7 o'clock so whatever I declared before 7 o'clock would  
10 have been taken, so if I had declared zero,  
11 for instance, before 7 o'clock, that's -- from my  
12 understanding that's what would have showed the next  
13 day. Because the minus 17,000 you have shown me has  
14 happened at 19.04 which is after the polling time.  
15 Q. Let's have a look at what I'm suggesting may be the  
16 explanation which was the document I was going to go to,  
17 which was {F/1514.1}. And this has got some rows  
18 highlighted. This is the cash management report for  
19 your branch on various days and if we could just scroll  
20 right until we can see the M column, you can see that on  
21 10 May -- do you see that, which is row 382, do you see  
22 that?  
23 A. Yes.  
24 Q. There is £16,070 worth of £10 notes, do you see that?  
25 A. Yes.

21

1 Q. And then we know -- I don't need to take you through  
2 that, but we know that there's £16,000 worth of £10  
3 notes remmed in on 11 May, do you recall that?  
4 A. I believe there was. I wasn't there when the remming in  
5 happened.  
6 Q. No, but that's your father's evidence and we have looked  
7 at that.  
8 So what you would expect on the 11 May at the end of  
9 the day is that there would be roughly £32,000 worth of  
10 £10 notes, less any notes which you had paid out?  
11 A. Yes.  
12 Q. In fact we can see that there's only 22,130, do you see  
13 that?  
14 A. Yes.  
15 Q. Which seems strange?  
16 A. Slightly, yes.  
17 Q. And again I went through this with your father. We know  
18 that there's no further £10 notes remmed in on the 12th  
19 or the 13th, but if you look at those entries, on the  
20 following day you have gone up by £15,000-odd, do you  
21 see that?  
22 A. Yes.  
23 Q. Now, that suggests, doesn't it, that at around this time  
24 there was some sort of problem with counting cash, but  
25 it was resolved, you found the cash somewhere? Perhaps

22

1 it had been put in a safe. Do you think that's  
2 a possibility?  
3 A. I'm not sure. It potentially could be, yes.  
4 Q. So doing the best that we can at this stage, looking at  
5 all the records that we've got, it doesn't look as  
6 though there is a problem with £17,000, does it? It  
7 looks as though any problem with the cash has now been  
8 resolved.  
9 A. No, because the cash dec still shows £17,000 in plus,  
10 doesn't it, so ...  
11 Q. Okay, well, we have been through that.  
12 Let me --  
13 MR JUSTICE FRASER: Are you moving off that point?  
14 MR HENDERSON: I'm moving off that.  
15 MR JUSTICE FRASER: Right. I just want to be clear about an  
16 important point that Mr Henderson has been exploring  
17 with you round the edges and I just want to be  
18 absolutely clear that I understand what your evidence  
19 is.  
20 A. Yes.  
21 MR JUSTICE FRASER: When you thought you were £17,000 down  
22 and you went through the steps on Horizon, did that lead  
23 to you discovering physical cash of £17,000 --  
24 A. No.  
25 MR JUSTICE FRASER: -- elsewhere -- just wait for me to

23

1 finish -- which you hadn't counted before?  
2 A. No.  
3 MR JUSTICE FRASER: It didn't.  
4 A. No.  
5 MR JUSTICE FRASER: So when you say in different places in  
6 your evidence "It all looked okay" or "It all worked  
7 out", what is it that you mean please?  
8 A. From what I understand is when I did my --  
9 MR JUSTICE FRASER: From what you can remember.  
10 A. Yes. When I did the various adjustments online at the  
11 end of it there looked like there was no discrepancies  
12 at all.  
13 MR JUSTICE FRASER: In terms of information on a screen.  
14 A. Yes, they had made me change various things and that  
15 made it okay.  
16 MR JUSTICE FRASER: All right. And by "made it okay" you  
17 mean what?  
18 A. The discrepancy wasn't something that -- well, wasn't  
19 alarming, as such.  
20 MR JUSTICE FRASER: Right. Over to you.  
21 MR HENDERSON: My Lord, just to be clear, the Post Office's  
22 case is that there were various declarations and various  
23 steps taken and at this period it resulted in no  
24 problem.  
25 MR JUSTICE FRASER: Well, it depends how you define

24

1 "no problem", Mr Henderson. The way you were putting it  
 2 seemed to suggest, in at least two questions, that money  
 3 had been discovered physically and that's very important  
 4 and that's why I needed to clarify what his evidence  
 5 was.  
 6 MR HENDERSON: I understand.  
 7 MR JUSTICE FRASER: Because if you roll them up in terms  
 8 that can be open to misunderstanding the evidence won't  
 9 necessarily be very clear for me.  
 10 MR HENDERSON: I understand, my Lord.  
 11 MR JUSTICE FRASER: I know what the Post Office's case is,  
 12 I think.  
 13 MR HENDERSON: I understand.  
 14 I just wanted to ask you about something on document  
 15 {F/1834.3} and this is a separate point, I think, and  
 16 again I touched on it with your father, but let me just  
 17 ask you. If you could go to sheet 1 and then row 2336  
 18 and this is the point your Lordship mentioned this  
 19 morning when there are two cash declarations one after  
 20 the other.  
 21 MR JUSTICE FRASER: And what are we calling this document?  
 22 MR HENDERSON: This is the events spreadsheet.  
 23 MR JUSTICE FRASER: The events data spreadsheet?  
 24 MR HENDERSON: Yes.  
 25 Do you see that, Mr Patny? Row 236?

25

1 A. Yes.  
 2 Q. Actually 2336. So this is 17 May 2016 and there's two  
 3 cash declarations only seven minutes apart but for  
 4 a significant difference, do you see?  
 5 A. Yes.  
 6 Q. About £16,000 difference. Now, I think -- do you accept  
 7 you made these declarations?  
 8 A. Yes.  
 9 Q. And again -- and I don't need to turn this up I don't  
 10 think, unless you want me to, but we looked yesterday  
 11 with your father that the transaction data shows that  
 12 all that had happened between those two times was a --  
 13 A. £300 dec.  
 14 Q. -- £300 declaration? Okay. Can you explain how that  
 15 can happen in that way, that there can be two  
 16 declarations so close to each other for such differing  
 17 figures?  
 18 A. From what I can see there that I must have been £16,000  
 19 up for some reason, I have entered in the wrong figure  
 20 and after when I have changed it it has come to the  
 21 second one. I mean that was -- sometimes when you were  
 22 entering figures sometimes you could enter them in wrong  
 23 and, you know, you would end up with a massive gain or  
 24 a loss and then when you went through and re-entered  
 25 them again it would come to a more correct figure.

26

1 Q. When you say you re-enter them again, would that involve  
 2 physically counting cash again --  
 3 A. Sometimes.  
 4 Q. -- or checking the piles of cash or whatever it is  
 5 you're doing?  
 6 A. Sometimes, but sometimes it could just genuinely be  
 7 a case of, you know, as you're rushing through pressing  
 8 tab keys -- you have to bear in mind we were serving  
 9 customers whilst we were doing this as well. It was  
 10 a fairly busy branch after closing times -- well,  
 11 general post office closing times are half past five;  
 12 because we were one of the very few in the city that  
 13 were open after 5.30 so we would get customers coming  
 14 from all around, other side of the city coming to us  
 15 because they knew there was a post office open, so as  
 16 you're rushing through sometimes you didn't tab  
 17 correctly and you would end up instead of writing 20,000  
 18 £20 notes you could add the £10 notes of say 10,000  
 19 £10 notes into that as well so you could end up with  
 20 40,000 in £20 notes. Just a minor mistake can cause ...  
 21 Q. Okay. I just wanted to ask you a few questions about  
 22 the phone call you had from Debra Lambley, do you  
 23 remember this, from Chesterfield about stamps?  
 24 A. Yes.  
 25 Q. Again, this was a call that was prompted by a concern

27

1 that you had that you had declared a much higher value  
 2 of stamps than you could conceivably have been holding  
 3 on to, is that right?  
 4 A. Yes.  
 5 Q. And that was a declaration that you made?  
 6 A. I never made the declaration of the stamps. I don't  
 7 know how they got there.  
 8 Q. Who made the declaration of stamps then?  
 9 A. I did the declaration of stamps, but I never put that  
 10 much in. I don't know what --  
 11 Q. I'm sorry, I didn't hear. You said you made the  
 12 declarations --  
 13 A. I declared the stamps but I never entered in that amount  
 14 on the £1.09 stamps or whatever that was that caused the  
 15 increase.  
 16 Q. Well, let's have a look at that this. Well, just before  
 17 I do that, you were the only one who declared the  
 18 stamps?  
 19 A. Yes.  
 20 Q. The figure for the declared stamps was -- we will come  
 21 to it, but it's £18,000. Everyone agrees it is wrong.  
 22 A. Yes.  
 23 Q. Can you explain how that came to be wrong?  
 24 A. No.  
 25 Q. Isn't it possible that you just made the sort of error

28



1 that you have just described to me?  
2 A. No.  
3 Q. Why is that not possible?  
4 A. Because you would -- when you entered in the stamps --  
5 with cash decs, for example, you have to go through all  
6 of it at the end and then see your variances. With  
7 stamps are you literally just enter them in and then  
8 a report is printed out saying "You have said this much  
9 is in there", so I would have seen at this point I'd put  
10 in £18,000 worth of stamps.  
11 Q. But it's still possible to make a mistake in that  
12 process, isn't it?  
13 A. Sometimes, yes, if I didn't check it correctly.  
14 Q. And isn't it overwhelmingly likely that that's what  
15 happened here, you made a mistake in declaring the  
16 stamps which was picked up and corrected?  
17 A. Okay, but then the same issue has come back, so  
18 I couldn't make the same mistake twice, could I?  
19 Q. Well, let's look at it. Let's look at the call log  
20 first of all at {F/1522.1}, row 138. If you just go  
21 right to column N:  
22 "Call today from Chesterfield and £16,000 adjustment  
23 now down in the office ..."  
24 Not quite sure exactly what that means.  
25 "Activity: declarations and adjustments" and if you go

29

1 right a couple more, you were told to balance the stock  
2 unit, weren't you?  
3 A. Yes.  
4 Q. Which is essentially recount, isn't it?  
5 A. It was enter in all the figures again, that's what  
6 I counted it as.  
7 Q. That's what I mean, yes. And if we look at the events  
8 data spreadsheet for the declaration of stamps, that's  
9 at {F/1507.1}. This has been filtered and we can leave  
10 the filtering on for present purposes because this is  
11 what we need.  
12 MR JUSTICE FRASER: What is it filtered, just to show the  
13 stamp declaration?  
14 MR HENDERSON: The stamp declaration I believe, yes.  
15 MR JUSTICE FRASER: Well, that is how it has been filtered?  
16 MR HENDERSON: Yes, it is, my Lord.  
17 So the reason the rows aren't sequential is because  
18 it has been filtered, Mr Patny, okay? But if you look  
19 at the dates you can see that there is reasonably  
20 regular stamp declarations, generally once a week. If  
21 you look at the 11 May one, stamps are declared for  
22 1,633, do you see that?  
23 A. Yes.  
24 Q. And then they go up to £18,000, which we all agree is  
25 wrong I think?

30

1 A. Yes.  
2 Q. And it stays at that sort of level until 25 May, the  
3 following week, and it goes down to 1,551. So there has  
4 obviously been a mistake here, hasn't there?  
5 A. Not by me there's not.  
6 Q. How can you be so sure it is not by you? No one is  
7 saying it's the worst mistake to have made, but there  
8 has been a declaration of stamps in the branch which has  
9 been inaccurate.  
10 A. Yes.  
11 Q. It has been picked up by Chesterfield and business as  
12 usual, they have said "You need to sort it out", you do  
13 sort it out and that's what happens. Why do you say  
14 that that's a bug in Horizon?  
15 A. Because after I've sorted it out, it's stayed there.  
16 Q. I'm sorry, I didn't hear?  
17 A. After I'd sorted it out, the issue has stayed there,  
18 hasn't it, it has gone back up to that many stamps up?  
19 So why would I change it down and then change it back  
20 again? I'd understand you said that I'd made the  
21 mistake the first time, but I couldn't make the mistake  
22 again the second time, could I?  
23 Q. I don't quite understand the point you're making?  
24 A. I'm saying you're saying I potentially could have made  
25 a mistake the first time. If I did make a mistake the

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1 first time, fair enough, but I couldn't make the same  
2 mistake again, could I?  
3 Q. This just suggests that stamps are being declared at the  
4 same sort of level for that week until 25 May and it is  
5 then corrected, isn't it?  
6 A. Yes, but the stamps issue came back.  
7 Q. When?  
8 A. The following week. After I adjusted them they still  
9 went back up. Debra had to phone me twice.  
10 MR JUSTICE FRASER: It might help if you did some of this by  
11 reference to his witness statement, Mr Henderson. We  
12 are having a lot of "I don't understand".  
13 MR HENDERSON: I apologise, my Lord.  
14 Well, I don't understand and I apologise for that if  
15 it is my error, but are you saying that you carried out  
16 a declaration which took it down, took the value down  
17 and it went back up again?  
18 A. Well, yes. Debra -- sorry, I have forgotten her  
19 surname.  
20 Q. Lambley I think.  
21 A. Debra Lambley phoned in the morning, spoke to my father.  
22 When I came in I spoke to her. She made me readjust  
23 them down and what she made me do was very complicated,  
24 she made me go into areas of Horizon I could never dream  
25 of going into and then this issue of the extra stamps

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1 came back after I had done that, so then she's had to  
2 phone me again the following week and her words were  
3 "Why have you changed them back?" and I said  
4 "I haven't".  
5 So in answer to your question I could have made  
6 a mistake the first time, okay potentially I could have,  
7 but then why would I make the same mistake a second  
8 time?  
9 Q. So what you have said -- if you look at your witness  
10 statement in paragraph 13 {E1/2/3}, you say:  
11 "She told me it was showing the branch had  
12 overdeclared the amount of stamp stock that was held."  
13 And we have gone through that?  
14 A. Yes.  
15 Q. "Ms Lambley told me I had to adjust the stamp stock on  
16 the system."  
17 And you say that you did that.  
18 A. Yes.  
19 Q. All right, that's not shown in that declaration that we  
20 just looked at?  
21 A. But she checked it on her side and said that everything  
22 was fine as well.  
23 Q. And then you say you rang the helpline and said that  
24 they had given incorrect advice and you had to readjust  
25 the stamp stock?

33

1 A. No, when I rang the helpline that night I was £16,000  
2 short and they made me do various adjustments to make it  
3 okay again and what this has done is somehow the stamps  
4 have gone back up and Debra has had to ring me again the  
5 next week. So then as I was answering your original  
6 question, if I made the mistake of entering extra stamps  
7 the first time, I haven't definitely done it the second  
8 time, have I?  
9 Q. Well, I accept it is unclear, Mr Patny, but what appears  
10 to have been the case according to the stamp  
11 declarations is that there was a problem which persisted  
12 for a week and then was corrected.  
13 A. But it hasn't corrected though.  
14 Q. Well, it was corrected on 25 May.  
15 A. On the day -- Debra rang me the first day, she has  
16 corrected it. The issue has persisted, she has rang me  
17 again a couple of weeks -- well, a week and a half later  
18 and she has made me do the same thing again.  
19 Q. And is it possible that you hadn't properly followed the  
20 instructions that you were given by her over the phone  
21 at the time?  
22 A. No, because Debra checked it on her side and said that  
23 everything was okay.  
24 Q. But she wouldn't know what stamps you had in the branch,  
25 would she? You would have to count it properly?

34

1 A. Well, if she didn't know what we had in the branch then  
2 how did she know we were £18,000 up on stamps then?  
3 Q. I think the point about that is it is just  
4 an extraordinarily high amount which everyone accepts  
5 would not be the number of stamps in a branch of your  
6 sort?  
7 A. Well, then you can't have it in -- you're talking  
8 hypothetically in her defence but talking factually in  
9 mine, aren't you?  
10 Q. No, because I think it is agreed, isn't it, that you  
11 didn't have anything like £18,000 --  
12 A. No.  
13 Q. -- worth of stamps in your branch?  
14 A. No, we didn't.  
15 Q. You did have that number?  
16 A. We didn't.  
17 Q. You didn't, okay. So what happens is a process whereby  
18 it is adjusted from a high figure that's been wrongly  
19 declared to the correct figure?  
20 A. Yes. And Debra has agreed at that point that everything  
21 is okay.  
22 Q. Okay. Well, I don't think I can take that any further  
23 for now.  
24 MR JUSTICE FRASER: Can I just check what was your  
25 understanding of "everything is okay", just in terms of

35

1 what's shown and what your understanding was?  
2 A. Yes, it is. Debra has checked on her side that the  
3 correct amount of stamps are now in holding and  
4 everything is fine with our branch, but if you have  
5 a look the stamps clearly wasn't reduced down but she  
6 has verified that everything was okay and from my side  
7 I verified everything was okay and I followed what she  
8 said.  
9 MR HENDERSON: I want to ask you now, Mr Patny, about the  
10 MoneyGram transaction. Do you remember this one?  
11 A. Yes.  
12 Q. And your complaint here is that you had a MoneyGram  
13 transaction for money to be sent in the amount of  
14 £3,100. That transaction didn't go through, it was  
15 cancelled and retried, didn't go through again.  
16 A. Yes. The actual transaction wasn't cancelled, just the  
17 debit card.  
18 Q. Okay. And you say that you had a shortfall of exactly  
19 £6,200?  
20 A. Yes.  
21 Q. So just to understand what had happened, to make sure  
22 I have understood this properly, presumably someone  
23 comes in, wants to carry out a MoneyGram transaction,  
24 you put it onto the stack on the screen, you then try  
25 and clear the customer's card and it is declined?

36

1 A. Yes.  
2 Q. But by which stage you have already got it on your stack  
3 and you have to do something with it in order to balance  
4 the books, if I can just put it in that way?  
5 A. Yes.  
6 Q. Okay. So can we first of all look at the transaction  
7 data which is at {F/1436.1} and if we go to sheet 1 at  
8 the bottom please and enable editing and row 1067.  
9 Thank you. So this is, I believe, the transaction. Do  
10 you see that £3,100?  
11 A. Yes, I do.  
12 Q. And what we see is a -- we see two appearances of  
13 £3,100, but that's a single transaction, yes?  
14 A. Yes.  
15 Q. But what we don't see at around this time is a second  
16 entry for £3,100. We do not see that. Your evidence  
17 effectively is that we should see that because you say  
18 that this caused a problem of £6,200.  
19 A. No, but from -- what we used to do with MoneyGram, the  
20 procedure was you cash it through, so you cash -- say it  
21 has gone through and then you cancel it at that point.  
22 I have done that correctly, but the Post Office had  
23 changed the procedure in December which I wasn't aware  
24 of that you had to cancel it on the back office as well  
25 at that point, so I've never cancelled it there, so that

37

1 was still hanging.  
2 Q. Okay. That's what I wanted to come to. So you are  
3 absolutely right, there is a two-stage process. Could  
4 I just hand this document to the -- this is the document  
5 I handed up to your Lordship earlier. Apologies,  
6 Mr Patny, for the paper. This is finding its way into  
7 the electronic form.  
8 This is the procedure which was online and this is  
9 an operational update, as you will see, from  
10 19 October 2015. Do you see that date in the top left?  
11 A. Yes.  
12 Q. And this is the procedure for dealing with the situation  
13 that had arisen and if you look at page 4, and you have  
14 just described it I think, it says:  
15 "The refund cancellation process for MoneyGram has  
16 changed ..."  
17 MR JUSTICE FRASER: Whereabouts are we, sorry?  
18 MR HENDERSON: I'm so sorry, my Lord, it's the final page of  
19 this clip, the fourth page. It says "Page 4 of 4" at  
20 the top.  
21 MR JUSTICE FRASER: It says "Page 4" on the top?  
22 MR HENDERSON: 4 of 4 on the top left, yes.  
23 It says:  
24 "If a customer wants to cancel their transaction and  
25 obtain a refund on the same day you must go through the

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1 MoneyGram refund button to cancel the transaction. You  
2 then need to use the back office reversals process to  
3 reverse out the transaction."  
4 And that's the point you are just making, isn't it?  
5 A. Yes.  
6 Q. So you were supposed to follow a two-stage process which  
7 is cancellation and reversal?  
8 A. Yes.  
9 Q. And you just did cancellation --  
10 A. Yes.  
11 Q. -- not reversal?  
12 A. No.  
13 MR JUSTICE FRASER: "No" as in you agree you didn't do  
14 reversal.  
15 A. Yes, I agree with what ...  
16 MR HENDERSON: And that procedure, that was part of the  
17 Horizon Online guidance at the time.  
18 MR GREEN: Well, I'm sorry, my Lord, it should be pointed  
19 out to the witness the date of the document that's not  
20 on Opus yet but we have just seen. The date of this  
21 document is "Operational updates of 19 October 2015", so  
22 it is fair to -- because you can put something in front  
23 of someone and it may influence their confidence about  
24 what they can remember.  
25 MR HENDERSON: Okay. In any event you now accept that there

39

1 was a two-stage process --  
2 A. Yes.  
3 Q. -- that in an ideal world you would have followed, which  
4 is cancellation and reversal.  
5 A. (Nods).  
6 Q. And you rang the help desk, didn't you, in relation to  
7 this?  
8 A. I did, yes.  
9 Q. Let's have a look at {F/1522.1}. If we go to row 115.  
10 MR JUSTICE FRASER: Is this the call log?  
11 MR HENDERSON: Yes. This is your call -- do you see this,  
12 Mr Patny? This is 23 February 2016, at column D, and if  
13 you go across and then just pause there at N, column N,  
14 you said:  
15 "Debit card declined for MoneyGram, how to clear."  
16 So you had rung to ask what to do about this?  
17 A. Yes.  
18 Q. And then you go across and the advice was "settle to  
19 cash and then cancel and reverse".  
20 A. Yes.  
21 Q. So you were told you did need to reverse it but for  
22 whatever reason you didn't understand that or you didn't  
23 do it, but in any event you didn't reverse it?  
24 A. I didn't reverse it at the time of the transaction but  
25 I reversed it when the helpline helped me through it.

40

1 Q. Well, according to Post Office it was never reversed.  
2 It was only cancelled, not reversed.  
3 A. Sorry, are you on about the 7 o'clock phone call here or  
4 the 12 o'clock phone call?  
5 MR JUSTICE FRASER: This phone call is -- well, let's go  
6 back to the left-hand side and we will see the time.  
7 Could we go back to column A. This is at 12.50.  
8 A. Sorry, I was talking about when I rang them later on in  
9 the day.  
10 MR HENDERSON: You rang them later on in the day?  
11 A. Yes.  
12 Q. Well, I had understood you to say before in your  
13 evidence that you accepted that you had not reversed the  
14 transaction?  
15 A. No, I hadn't reversed it in the back office, no.  
16 Q. Are you saying that you did reverse it in due course?  
17 A. I did after I spoke to the help desk, who they told me  
18 I had to reverse it at the back office.  
19 Q. Okay. So as far as the data is concerned and as far as  
20 the Post Office is concerned you did not reverse it.  
21 You did cancel it.  
22 A. Yes.  
23 Q. But you did not reverse it?  
24 A. No.  
25 MR JUSTICE FRASER: At 12.50.

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1 MR HENDERSON: At all.  
2 A. As the transaction took place I believe at midday,  
3 I cancelled it, I never reversed it at that point.  
4 I reversed it in the evening when I did my cash dec and  
5 saw I was short and I reversed it after speaking to the  
6 NSBC[sic] because at that point I was still unaware that  
7 I had to reverse it on the back office. Reversals take  
8 place on the back office, cancellations was on the front  
9 office.  
10 Q. My suggestion to you, Mr Patny, is whether or not you  
11 understood the process, as a matter of fact you didn't  
12 effectively reverse the transaction?  
13 A. I didn't reverse it when I should have, but I did later  
14 on.  
15 Q. Okay. I'm just being clear, I am saying you didn't  
16 succeed in reversing the transaction at all?  
17 A. But we did, we reversed it later on, didn't we?  
18 Q. Well, as far as the evidence the Post Office can see  
19 that didn't happen. It did cancel, didn't reverse?  
20 A. It did cancel and it did reverse but because that's  
21 after -- once again, after 7 o'clock, the issue was the  
22 day's data had been polled so I have -- effectively it  
23 doesn't look like I have done it on that day, where in  
24 terms of date I have but for business dates I haven't  
25 done it on that date.

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1 MR JUSTICE FRASER: And you think there's a second phone  
2 call, did you say?  
3 A. Yes. That's here, this quarter past 7 one, that's the  
4 second phone call.  
5 MR JUSTICE FRASER: When you say "that's here", what are you  
6 pointing out?  
7 A. 116 is it? No, sorry I saw it -- if you scroll across.  
8 There, 116, "Cash dec £6,000 short due to MoneyGram".  
9 That took place at quarter past 7.  
10 MR HENDERSON: Okay and you say "Short due to MoneyGram  
11 refund did not do the existing reversal".  
12 A. Yes.  
13 Q. Okay. And carry on across. Just look at 117 below  
14 that, what does that involve, "Cancellation refund"?  
15 Can we just go back to the beginning of 117. And can  
16 you go across from 117. Here you are ringing again  
17 saying:  
18 "Asking if the discrepancy has been resolved yet -  
19 waiting for a TC to be issued - had failed to reverse  
20 a [MoneyGram] for £6,000 that was cancelled on the same  
21 day as having been sent."  
22 A. So the next day when I rang up I have asked "Where's  
23 the TC?"; I wasn't aware that a TC took several days to  
24 come.  
25 Q. Okay, but there is a single transaction here of £3,100?

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1 A. Yes.  
2 Q. Right. The process is it needs to be cancelled and  
3 reversed?  
4 A. Yes.  
5 Q. You only cancelled it?  
6 A. Yes.  
7 Q. You then think you may have reversed it?  
8 A. I did reverse it, as you can see there, quarter past 7  
9 in the evening.  
10 Q. Well, on 117 it says that it had failed to reverse  
11 a MoneyGram for 6,000, which is not right, it's  
12 a MoneyGram for 3,100?  
13 A. Yes.  
14 Q. And can we carry on going across on 117. Okay, so doing  
15 the best we can, Mr Patny, and I appreciate these things  
16 are not as straightforward as they could be, it looks as  
17 though there has been a transaction for £3,100 --  
18 A. Yes.  
19 Q. -- which has not been reversed properly?  
20 A. At the time --  
21 Q. In other words you need a transaction correction for  
22 £3,100?  
23 A. We do, yes.  
24 Q. And just to be quick about it, you in fact receive  
25 a transaction correction for £3,100, don't you?

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1 A. We do, several days later, yes.  
2 Q. Yes, several days later. But your complaint is that you  
3 were £6,200 out-of-pocket, is that right?  
4 A. Yes.  
5 Q. And what you say in paragraph 20 of your first witness  
6 statement [E1/2/4]. What you have said in paragraph 20  
7 is that you thought it was strange that it was exactly  
8 double the amount of the problematic MoneyGram  
9 transaction. Do you see that?  
10 A. Yes.  
11 MR HENDERSON: My Lord, I just wondered -- this is going to  
12 take a little while. I wonder if it might be sensible  
13 to have a brief break now?  
14 MR JUSTICE FRASER: Very good idea.  
15 We're going to have a short break. Today it is  
16 going to be seven minutes long. It is for the shorthand  
17 writers just to have a break from transcribing  
18 everything word for word. Because you are in the middle  
19 of your evidence you're not allowed to talk to anyone  
20 about the case but you don't have to stay in the witness  
21 box. Feel free to move, go out, stretch your legs.  
22 If everyone could be back in at quarter to.  
23 (11.38 am)  
24 (Short Break)  
25 (11.46 am)

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1 MR HENDERSON: Mr Patny, I want to just ask you a couple  
2 more questions about the stamp situation before I come  
3 back to the MoneyGram situation that we were dealing  
4 with before.  
5 Do you agree with this, that if a declaration of  
6 stamps goes up, the cash position is automatically  
7 decreased, isn't it?  
8 A. I'm not sure. I don't know that. As in do you mean for  
9 overall, or holding --  
10 Q. It automatically happens, doesn't it, that as the  
11 declaration of stamps goes up, the cash position will go  
12 down?  
13 A. I don't see why that would. The cash is going to remain  
14 the same, isn't it, if stamps go up?  
15 Q. Let me put it in a different way. If you were trying to  
16 disguise a shortfall of cash, one thing you could do is  
17 to declare too much by way of stamps, isn't it?  
18 A. No.  
19 Q. You disagree with that?  
20 A. Yes, because why would stock make a difference to cash?  
21 Q. Because the more stock you've got, the less cash will  
22 show, as a matter of balance?  
23 A. Potentially, but I'm not too sure of that.  
24 Q. Are you confirming that all of the declarations that you  
25 made in relation to both cash and stamps at all times

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1 were accurate to the best of your knowledge?  
2 A. I tried to, yes.  
3 Q. And a declaration of stamps -- you remember the £18,000  
4 declaration of stamps, was that an attempt by you to  
5 disguise a shortfall of cash?  
6 A. No.  
7 Q. I suggest it may have been. I suggest it was, Mr Patny.  
8 You deny that?  
9 A. I do, yes.  
10 Q. I suggest finally, Mr Patny, it is rather surprising,  
11 given that you do all the balancing, or did all the  
12 balancing in the branch, that you don't understand that  
13 the effect of increasing the declaration of stamps is to  
14 have a corresponding effect on the declaration of cash?  
15 A. I wasn't aware of that, no.  
16 Q. All right. So let's go back to the MoneyGram  
17 transaction and just to remind you where we had got to  
18 with that, there's a transaction for £3,100, you recall  
19 that?  
20 A. Yes.  
21 Q. And you say you reversed it effectively?  
22 A. At that point, or ...?  
23 Q. Well, my understanding is that your evidence was that  
24 you did reverse it properly?  
25 A. Eventually I did, yes.

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1 Q. Separately from the transaction correction?  
2 A. Yes.  
3 Q. So you both reversed it and you received a transaction  
4 correction?  
5 A. Yes.  
6 Q. That makes you £3,100 up, doesn't it?  
7 A. No, because the reversal happened on the wrong  
8 day -- well, on the wrong business day, because once  
9 again if you have a look at the call log, I spoke to  
10 them at quarter past 7 and they told me to do this,  
11 7 o'clock is polling. So it would have polled as the  
12 £6,200 short for the day.  
13 Q. Mr Patny, it has nothing to do with the day. If you  
14 have reversed the transaction with the effect that  
15 you're no longer losing that £3,100 and you're getting  
16 a transaction correction for £3,100, you end up £3,100  
17 up, don't you?  
18 A. No.  
19 Q. Is that what you're saying happened?  
20 A. No, we were -- would it be easier if I explained from  
21 the start what's happened with this MoneyGram issue?  
22 Would that make it easier for my Lord, or ...?  
23 Q. By all means.  
24 MR JUSTICE FRASER: Go ahead.  
25 A. A gentleman came in. His MoneyGram has declined for

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1 3,100. His card has declined twice. I have cancelled  
2 it at that point on the front office but I haven't done  
3 anything on the back office which is what I should have  
4 done, but I wasn't aware of that because it had changed  
5 a couple of months earlier. Later on that night I'm  
6 £6,200 short. I phoned up the helpline to ask why this  
7 was and immediately "Look 6,200, you've got a £3,100  
8 short MoneyGram", that to me meant it doubled up  
9 somewhere and overall there had been an issue there.  
10 MoneyGram told me to reverse it on the back office, they  
11 made me do various things and they said --

12 MR JUSTICE FRASER: When you say MoneyGram told you?  
13 A. Not MoneyGram, sorry, the helpline told me. They also  
14 said a transaction correction would be sent to balance  
15 out the losses.

16 So that's what they made me do. Now, the issue is  
17 on that day it would have polled as a £6,200 shortfall  
18 because at 7 o'clock that's when the polling happens and  
19 the business day ceases as such, so I finished the day  
20 as technically the business day I have not corrected it  
21 on the right day, but date-wise I have actually done it  
22 on that day, because I have done it after 7 o'clock. So  
23 the next day I phoned up to ask -- because we had never  
24 had an issue like this before of where the TC was and  
25 where the money was and they said it takes a few days to

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1 generate and that's what's happened.  
2 MR JUSTICE FRASER: Just two questions from me about  
3 MoneyGram so I can understand. MoneyGram is where  
4 somebody wants to send some money overseas.  
5 A. Yes.  
6 MR JUSTICE FRASER: And it is done in a secure way.  
7 A. Yes.  
8 MR JUSTICE FRASER: So they come into your post office and  
9 either give you cash or give you a debit card and you  
10 take the money from them.  
11 A. Yes.  
12 MR JUSTICE FRASER: And then the recipient in another  
13 country can use that MoneyGram account to withdraw that  
14 money, is that correct?  
15 A. Yes.  
16 MR JUSTICE FRASER: So when the gentleman came in to try and  
17 do this transfer and his debit card was declined, am  
18 I right in concluding that that means you didn't take  
19 any money off him for his MoneyGram, is that right?  
20 A. No, his card declined twice.  
21 MR JUSTICE FRASER: Which meant he could not then -- or  
22 whoever it was, his relative or friend in another  
23 country could not have the benefit of the money that you  
24 hadn't taken --  
25 A. Yes.

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1 MR JUSTICE FRASER: -- is that right?  
2 A. Yes.  
3 MR JUSTICE FRASER: Over to you, Mr Henderson.  
4 MR HENDERSON: My Lord and just to be clear as to the  
5 Post Office's position which I anticipate your Lordship  
6 understands, it is accepted that the issue arose in  
7 relation to 3,100 and there was a transaction correction  
8 in relation to it, which is accepted --  
9 MR JUSTICE FRASER: The issue being ..?  
10 MR HENDERSON: The issue is whether there was a double  
11 transaction for 6,200. And that's what --  
12 MR JUSTICE FRASER: Because you did -- as I understand it,  
13 and you can correct me if I'm wrong and Mr Henderson you  
14 can correct me if I'm wrong -- you did get a transaction  
15 correction for £3,100.  
16 A. Yes.  
17 MR JUSTICE FRASER: And that took a number of days, is that  
18 right?  
19 A. Yes.  
20 MR JUSTICE FRASER: Am I right?  
21 MR HENDERSON: Correct.  
22 MR JUSTICE FRASER: Over to you.  
23 MR HENDERSON: But what I have been exploring with the  
24 witness is his suggestion, which I didn't understand  
25 from his witness evidence, that he had additionally

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1 reversed the transaction and if he had effectively  
2 reversed the transaction he wouldn't be entitled to  
3 a transaction correction. But there is a single  
4 transaction here and the data shows a single transaction  
5 of £3,100 --  
6 MR JUSTICE FRASER: When you say "the data", are you talking  
7 about --  
8 MR HENDERSON: The transaction data.  
9 MR JUSTICE FRASER: But not the call log.  
10 MR HENDERSON: Not the call log, no, but the transaction  
11 data. But the call log suggests, as we were looking at  
12 before -- it might be sensible --  
13 MR JUSTICE FRASER: Well, let's not go into the arena of you  
14 explaining it to me because you are still in the middle  
15 of cross-examining him.  
16 MR HENDERSON: No, indeed.  
17 So let's explore the suggestion that I have put to  
18 you just before the break, Mr Patny, that your loss was  
19 exactly £6,200. Do you remember that?  
20 A. Yes.  
21 Q. So can we look at {F/1507.1}. If we go to -- you need  
22 to take the filter off and go to row 1903. Now, this is  
23 a bit fiddly, Mr Patny, and I apologise for that but we  
24 need just to take this in stages.  
25 So the actual discrepancy that you experienced and

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1 declared at the end of 23 February was not for £6,200,  
2 it was for £6,825.95. Do you see that?  
3 A. Yes.  
4 Q. So in itself that does not suggest that there is  
5 a problem for £6,200, does it, in itself? I'm going to  
6 go on.  
7 A. No.  
8 Q. But we need to look at the previous day and if we look  
9 at -- it may be sensible if you just make a note --  
10 your Lordship may take the arithmetic from me, but we  
11 have a declaration of 25,803.87. Let's look at the  
12 previous declaration of cash --  
13 MR JUSTICE FRASER: Sorry, where? Oh, you are taking it  
14 from the line above, 25,803, yes.  
15 MR HENDERSON: My Lord, yes, 25,803.87, discrepancy of  
16 6,825.95. And if you look at the previous day which is  
17 row 1717, that is cash declaration for that day of  
18 34,405.46. Do you see that?  
19 A. Yes.  
20 Q. So there is movement between the 22nd and the 23rd in  
21 the cash declaration figure of £8,601.59. Perhaps you  
22 would accept that from me. Your maths is probably  
23 better but that's fine.  
24 So what I want to explore is whether we can see the  
25 figure of 6,200 somewhere in that figure. Do you

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1 understand?  
2 A. Yes.  
3 Q. Now, the first thing is we can have a look at what the  
4 session data shows us for cash transactions over the  
5 relevant period and this is to be found in document  
6 {F/1436.1.1}. Sheet 1.  
7 My Lord, I should just explain this, and Mr Patny  
8 I should just explain this document. This is  
9 transaction data filtered for trading date and cash  
10 between the times of the two cash declarations that  
11 I have just taken you to, Mr Patny. Do you understand  
12 that?  
13 A. Yes.  
14 Q. Now, this is a document that we have created for the  
15 purposes of today in order to demonstrate this point  
16 because otherwise it is just too painful to make it.  
17 I have explained it to Mr Green and Mr Green -- if you  
18 just go to the top of that document -- sorry, before you  
19 do so, just look at the figure of 1,806.71 which is in  
20 row 216. That's the total of the decrease in cash in  
21 the branch, okay?  
22 A. Okay.  
23 Q. And if we just go to the top of the document, it is  
24 right to say that column U, "Calculation", is one that  
25 we have added, all right? That's not one that appears

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1 in the actual transaction log. So we have filtered this  
2 in order to demonstrate the movement of cash of  
3 1,806.71. Does that make sense?  
4 A. Yes.  
5 Q. It is a figure that you will see in Ms van den Bogerd's  
6 witness statement in I think paragraph 74 {E2/5/20},  
7 I think from memory.  
8 So taking it in stages, we started with a figure of  
9 1,806 as the movement in cash. We've got the MoneyGram  
10 transaction for 3,100 which we know about which at this  
11 stage the transaction correction hasn't been issued,  
12 okay, so that's another 3,100. So the total decrease  
13 that we can account for is 3,100 plus 1,806.71, which  
14 leaves £3,694.88 of cash movement unaccounted for.  
15 Do you agree with the approach I have taken at  
16 least? I appreciate it's very difficult for you to  
17 agree with specific figures.  
18 A. I'm trying to understand what you're saying, yes.  
19 Q. Okay. The point that I'm putting, clumsily and at great  
20 length, is that there is not a discrepancy of £3,100.  
21 It is a figure of over £3,600.  
22 A. Right.  
23 Q. So when you say that there was a shortfall of exactly  
24 £6,200, that's just not right, is it?  
25 A. Well, according to your calculations there it's

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1 different, yes, but that 6,200 -- when I'm saying  
2 "exactly" it could be to the pence but I'm claiming that  
3 3,100 times two which showed up as a shortfall on my  
4 cash dec.  
5 Q. Well, Ms van den Bogerd suggests that it is much more  
6 likely to have been -- I mean the 3,100 for the  
7 MoneyGram is one thing, but for the rest of it it's much  
8 more likely to be a cash handling problem or a user  
9 error when making cash declarations. Can you say that  
10 she is wrong in saying that?  
11 A. Well, yes, I can.  
12 Q. On what basis?  
13 A. On what basis can she say that that's a cash user ...  
14 Q. Because there's no indication in any of this data that  
15 there were two lots of £3,100 that were processed in any  
16 way. There is every indication that there was one lot  
17 of £3,100 and the story that is told in relation to that  
18 £3,100 makes entire sense. There is no indication of  
19 the £6,200.  
20 A. The only points I can raise to that is we spoke to our  
21 area manager, Mark Irwin(?), we showed him all this  
22 evidence and he agreed with us that it seemed like this  
23 had doubled up and he is the one who put the block on  
24 our behalf of Chesterfield asking for this money. So  
25 Mark Irwin is obviously a Post Office employee and he

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1 said this and done this as well.  
2 Then the second thing, I don't know if I'm being  
3 obtuse here, but we have requested this data many times  
4 from the Post Office and they have never gave it once.  
5 MR JUSTICE FRASER: The data that you are being shown.  
6 A. Yes, I believe this is what's the Credence report --  
7 I might be wrong, but I believe this is the Credence  
8 report and we have requested on at least five to six  
9 occasions of this so we could try to go through it  
10 ourselves on the behest of Mark Irwin. He is the one  
11 who told us to ask for this, as it Tony Sanghera, as did  
12 the NBSC as well and they said this is where you could  
13 work out and see if there are some difficulties with you  
14 guys ...  
15 MR HENDERSON: Mr Patny, I'm in some difficulty because  
16 I can only go on what you've said in your witness  
17 statement and you haven't dealt with any of those  
18 matters in your witness statement and I can only go on  
19 the data that I can show you and again my suggestion is  
20 there is no possible basis for you asking for a further  
21 £3,100 when you have already had the transaction  
22 correction arising out of this transaction.  
23 A. Without accusing Ms van den Bogerd, you said yourself  
24 she has created this so we don't know what she has  
25 created, do we? She could have done anything on it.

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1 MR HENDERSON: My Lord, I have no further questions.  
2 MR JUSTICE FRASER: Re-examination, Mr Green?  
3 Re-examination by MR GREEN  
4 MR GREEN: Just a couple of points, if I may.  
5 Could you please look at the helpline logs which are  
6 at {F/1509.1} and could we please select A and B columns  
7 just for the moment. Don't worry, we will just do it  
8 manually. We will do it manually.  
9 Let's go down please to row 140 and could you just  
10 bring that a little bit higher up please.  
11 Now, you will see there that's 26 May. Can you see  
12 that?  
13 A. Yes.  
14 Q. And if we go across please you can see it is recorded  
15 there 26 May, 12.33 the record is created, that's the  
16 "Created" column. If we go across please you will see  
17 row 140 still, you see "Aakash" with one A but that is  
18 you though. You actually have two As?  
19 A. Yes.  
20 Q. And then "17,000 shortage open postage". Now, could the  
21 operator very kindly click on "£17,000 shortage open  
22 postage", that cell, and then please click "Wrap text"  
23 if we can see that. You might have to go -- I think you  
24 might have to go to the right top corner.  
25 MR JUSTICE FRASER: Do you want to show all the text in that

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1 column?  
2 MR GREEN: Yes. Actually we can go to the top right, little  
3 down arrow.  
4 MR JUSTICE FRASER: I think what you need to do is if you go  
5 to the very top where the letters for the columns are.  
6 Is that what you wanted?  
7 MR GREEN: I'm very grateful.  
8 Now, let's just look at the entry on the 26th. You  
9 will see there in row 140 "£17,000 shortage open  
10 postage" and then a reference to 09/05 "£17,000 loss  
11 £1.05."  
12 Can we please go across one column to the right  
13 please. Just scroll to the right one column very  
14 kindly. And you will see Horizon Online "Stock",  
15 "Declarations and adjustments" and then could you please  
16 click on "Emailed ESG" and then perhaps go up to the top  
17 and do the same exercise.  
18 It may be actually easier -- do you see in the  
19 formula bar at the top just underneath the ribbon  
20 there's a right little arrow pointing downwards, could  
21 you click on that arrow very kindly in the formula bar.  
22 You can just see the text there.  
23 So this is the entry on helpline log, Mr Patny:  
24 "Emailed ESG Thursday 26/05/2016 14.22 requesting  
25 Credence report. Please see attached documents advised

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1 office of Credence info. Office adamant stamps are  
2 declaring themselves and overriding [IS] figure referred  
3 to IT if believes system issue."  
4 Now, you mentioned that you had requested a Credence  
5 report. Can you remember whether they told you they  
6 were providing you with one or not?  
7 A. They said they would but we never received it.  
8 Q. Okay, well, let's follow that through. If you then go  
9 down please, let's go down please six rows to row 147.  
10 Can we go to the left now please. If you look at 147  
11 could we please click on the cell "Office state" in  
12 row 147. You can see up at the top we can see what that  
13 says:  
14 "Office state they were advised a Credence report  
15 was being submitted for amount £17,200 but no report has  
16 been requested ..."  
17 Even though the prior entry suggests that an email  
18 was sent:  
19 "... see previous references. Advised will request  
20 report and ring office back 22/06 from 11/05, will then  
21 require an audit if cannot be found. No details on  
22 previous calls. Need to call office back for further  
23 details."  
24 Then if we go further down in that, so the bit you  
25 kindly did, can you scroll down a tiny bit there, in the

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March 13, 2019

Horizons Issues - Alan Bates &amp; Others v Post Office Limited

Day 3

1 formula bar. Then:  
2 "Have emailed ESG. The office are adjusting stamps  
3 by a similar amount to the discrepancy. ESG are  
4 investigating, called office ... spoke to Akash. I have  
5 also spoken to Sarah H who has been investigating the  
6 office ..."  
7 Can you go down a bit more.  
8 MR JUSTICE FRASER: I'm sorry, I can't see where you are  
9 reading from.  
10 MR GREEN: In the formula bar, my Lord, at the top.  
11 MR JUSTICE FRASER: Which row is this?  
12 MR GREEN: The row that's highlighted is 147.  
13 MR JUSTICE FRASER: There are about eight highlighted which  
14 is why I'm asking.  
15 MR GREEN: Sorry, the row that's highlighted with the blue  
16 round it. It is row 147 and it is "Office state", the  
17 bit your Lordship pointed out is in block capitals.  
18 MR JUSTICE FRASER: So you are reading from the formula bar  
19 which is a more full entry.  
20 MR GREEN: It is a full entry.  
21 MR JUSTICE FRASER: Understood, okay.  
22 MR GREEN: So it says:  
23 "I have also spoken to Sarah H who has been  
24 investigating this office activity through Horace.  
25 There is no conclusive information relating to the loss

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1 that has been found at this time. However the office  
2 transactions are still being investigated and the office  
3 hopefully should be contacted before the end of next  
4 week 08/07. PM has been advised this information."  
5 Now, at this stage what did you understand was  
6 happening?  
7 A. That they were going to be sorting out all these issues  
8 that were prior really. They would sort out a Credence  
9 report and we would be told what was happening.  
10 Q. Okay. Can we go down two further to 149, which has not  
11 been highlighted. And you can see "Previous call". Can  
12 you click on that very kindly please. And you will see:  
13 "Previous call ... still waiting to hear back  
14 regarding a requested Credence report."  
15 Then can we go down please to 3 August which is,  
16 I will just tell you now ... if we go down to 3 August  
17 on the left-hand side. It is row 155. So if you  
18 actually just go just to 155 there. It is not  
19 highlighted. It says "ACKAH" is the person.  
20 A. I assume that's me.  
21 Q. But you assume -- there's no person called Ackah in the  
22 branch?  
23 A. No.  
24 Q. Can you just very kindly click on the cell starting  
25 1895075 and then it says:

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1 "Branch still waiting a call back. Call closed,  
2 Sarah ESG advised to assign to your stack to call the  
3 office back. No details listed on the call regarding  
4 how the incorrect cash rem is dealt with."  
5 Did you ever receive back the Credence report you  
6 understood you were going to get?  
7 A. No.  
8 Q. And did the sums that we have been looking at here,  
9 stamps and cash, £17,000, feature in the special audit?  
10 A. They did, yes.  
11 MR GREEN: No further questions, my Lord.  
12 Questions from MR JUSTICE FRASER  
13 MR JUSTICE FRASER: I have two questions.  
14 Can we go to {F/1507.1} please. Right, that doesn't  
15 appear to be the document I was expecting it to be.  
16 Mr Henderson, you are going to have to help me with this  
17 then because it was the document that showed the  
18 discrepancies, do you remember? Row 1903 had the  
19 discrepancy of 6,825 on 23 February 2016 and a total  
20 cash figure of 25,803.87 and you were comparing that  
21 with --  
22 MR HENDERSON: Yes, my Lord, that's 1507.1. If we take the  
23 filter off.  
24 MR JUSTICE FRASER: Oh, I do beg your pardon. Could we take  
25 the filter off. Thank you very much. Right, if we can

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1 go to row 1903 please.  
2 You were asked, Mr Patny, about the discrepancy on  
3 23 February. Do you remember those questions?  
4 A. Yes.  
5 MR JUSTICE FRASER: And you were shown row 1903 which had  
6 a discrepancy of £6,825. It had a declare to cash total  
7 of 25,803 and a discrepancy of 6,825.  
8 A. Yes.  
9 MR JUSTICE FRASER: And as I understand your answers, the  
10 £6,200 is within or should be within the 6,825  
11 discrepancy, is that correct?  
12 A. Yes.  
13 MR JUSTICE FRASER: Is that a correct understanding?  
14 A. Yes.  
15 MR JUSTICE FRASER: If you go to the previous day which is  
16 on 1717, you were asked about the cash declaration of  
17 34,405. And that was the cash total I think for the  
18 previous day, is that right?  
19 A. Yes.  
20 MR JUSTICE FRASER: Which is 34,405. And you were then  
21 taken to another document which I'm not going to take  
22 you to, to examine the movement of cash from one day to  
23 the next.  
24 A. Yes.  
25 MR JUSTICE FRASER: And that I think is the document which

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1 you said you had been asking for which you referred to  
2 as a Credence report.  
3 A. I believe that's what the Credence report is.  
4 MR JUSTICE FRASER: But if you look on 22 February there are  
5 also two other entries. One is immediately above 1717  
6 which shows a cash discrepancy I think of £781 and one  
7 is a cash discrepancy in row 1718 which shows £31. Do  
8 you see those two figures?  
9 A. Yes.  
10 MR JUSTICE FRASER: If I want to go away and compare like  
11 with like, should I be taking just the cash declaration  
12 the day before, or should I taking the cash declaration  
13 and the discrepancy the day before --  
14 A. I'm --  
15 MR JUSTICE FRASER: -- and comparing it with the cash  
16 declaration and the discrepancy for the following day?  
17 A. I think the second one would be more beneficial to you,  
18 wouldn't it, because then you can see --  
19 MR JUSTICE FRASER: So therefore is it correct that as at  
20 22 February whatever the discrepancy was on these  
21 figures, that is not included in the 34,405 figure; is  
22 that right? Or is it?  
23 A. That £31.07 -- that 34,405 should be, to my  
24 understanding, after that £31 discrepancy.  
25 MR JUSTICE FRASER: That was my understanding. And does the

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1 same point apply for the two figures the day before as  
2 well?  
3 A. Yes.  
4 MR JUSTICE FRASER: So if ever you look at the cash figure  
5 you have to look at the cash figure plus the  
6 discrepancy, is that right?  
7 A. Yes.  
8 MR JUSTICE FRASER: Thank you very much.  
9 That's all my questions. Thank you very much for  
10 coming. You are now free to leave the witness box.  
11 Right, Mr Green.  
12 MR GREEN: My Lord, I am calling Mrs Burke now.  
13 MRS ANGELA BURKE (sworn)  
14 MR JUSTICE FRASER: Have a seat.  
15 A. Thank you.  
16 Examination-in-chief by MR GREEN  
17 MR GREEN: Mrs Burke, there will be a folder in front of  
18 you. Move that sheet of paper away. You can put the  
19 loose sheet away somewhere else because that was  
20 separate and if you very kindly have a look in tab 4  
21 {E1/4/1}, you will see "Amended witness statement of  
22 Angela Burke"?  
23 A. Mm-hm, that's right.  
24 Q. And at paragraph 5 of that {E1/4/2} you deal with your  
25 background.

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1 A. That's right.  
2 Q. It is right that you are no longer working as  
3 a subpostmistress?  
4 A. No.  
5 Q. And subject to that correction can we have a look at the  
6 back page --  
7 A. I don't work in the greetings card and stationary  
8 business either now, that's closed.  
9 Q. So you are no longer working there either.  
10 A. No. I've got no employment.  
11 Q. And if you look at the final page of your witness  
12 statement, which is page 6 {E1/4/6}.  
13 A. Yes.  
14 Q. You see a signature there.  
15 A. Mm-hm.  
16 Q. Is that your signature?  
17 A. That's my signature, that's correct.  
18 Q. And subject to those points about no longer working as  
19 a subpostmistress or in the branch, are the contents of  
20 your statement true?  
21 A. That's correct, yes. Everything else is fine.  
22 Q. Thank you very much. Would you wait -- sorry?  
23 A. Yes, everything else is fine.  
24 Q. Would you wait there, there will be some questions from  
25 Mr Draper.

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1 Cross-examination by MR DRAPER  
2 A. Hello.  
3 MR DRAPER: Good afternoon, Mrs Burke. You just said you  
4 were an assistant at Newport which was your husband's  
5 branch.  
6 A. That's correct, yes.  
7 Q. I understand that before that you were also yourself  
8 a subpostmistress, is that right?  
9 A. Yes, that's right.  
10 Q. In total then how long have you worked as either  
11 a subpostmistress or an assistant?  
12 A. I have worked with the Post Office since I was 16 on and  
13 off, sometimes in sub-post offices, sometimes I had  
14 three -- probably five years as subpostmaster and then  
15 intermittently as an assistant.  
16 Q. Can you give any indication of the number of years  
17 during which you were an assistant; are we talking five,  
18 ten or more?  
19 A. Let me just think. Probably about 15.  
20 Q. I just want to ask you quickly about a change that you  
21 recently made to your witness statement. If you have it  
22 there in front of you, in paragraph 8 {E1/4/2} you say  
23 that you and your husband never had any major issues  
24 with unexplained shortfalls during your time running the  
25 branch.

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1 A. That's right.  
2 Q. You then say there was £1 here or there but never  
3 anything more than that. In that paragraph the word  
4 "unexplained" was added recently. I'm going to ask you  
5 what you mean by that but I'm going to suggest what it  
6 may be. Is that clarification because you did have some  
7 shortfalls that were over £1 but you were able to  
8 investigate and resolve them?  
9 A. That's correct, yes.  
10 Q. And do you say you were able to do that typically at the  
11 end of the day when you carried out your cash  
12 declaration, you would identify the shortfall and then  
13 look into it, is that right?  
14 A. Usually, yes.  
15 Q. If you identified a shortfall of a fairly substantial  
16 size, say £50 or £100, much more than a pound, and you  
17 were unable that evening to identify where it had come  
18 from, was your practice to contact Post Office?  
19 A. No.  
20 Q. Did that situation not arise?  
21 A. No -- normally if you had a shortfall and -- you would  
22 try and investigate it yourself and try and find out  
23 what the cause of it was and if you didn't know it, you  
24 would hopefully -- I mean in days gone by it could have  
25 been that it could be a transaction that had been sent

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1 off and you had recorded it wrong and an error notice --  
2 in the old days -- would come. They have now been  
3 replaced by transaction corrections.  
4 Q. So you're saying sometimes where even if you had  
5 a relatively substantial shortfall, for the time being  
6 you might assume that a transaction correction would  
7 come and correct it?  
8 A. That's right, yes.  
9 Q. Is that right? And in your experience is that what  
10 happened in those circumstances where you had those kind  
11 of shortfalls?  
12 A. Usually, yes.  
13 Q. In your witness statement you describe a problem you had  
14 with recovering transactions on 9 May 2016.  
15 A. Right.  
16 Q. You give the details of a number of transactions that  
17 either didn't go through at all or had to be recovered.  
18 The only one I want to ask you about is the £150  
19 withdrawal.  
20 A. Okay.  
21 Q. Before I do that it would be helpful to take you to some  
22 images of the Horizon screen so we can make sure that  
23 we're talking about the same thing when I describe the  
24 process. So if we could call up please {E2/4/6} and  
25 could we zoom in please on the first image on that page.

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1 This is obviously not a photograph, it is an image to  
2 represent the front office home screen on  
3 Horizon Online. If you look towards the right of the  
4 screen there, Mrs Burke, where it says British Gas in  
5 blue -- do you see that?  
6 A. Yes.  
7 Q. And then below it in red "Total due from customer"?  
8 A. Yes.  
9 Q. That section of the screen I suggest is what we will  
10 refer to as the basket or stack?  
11 A. Yes, that's correct.  
12 Q. And products and services that you enter into the system  
13 by using the buttons that we see on the rest of this  
14 image then stack up in that section of the screen, is  
15 that right?  
16 A. Yes, that's correct.  
17 Q. And each one of those items when it goes into the stack  
18 will show a price which may be negative or it might be  
19 positive and that depends on whether that product or  
20 service involves payment to or payment from the branch.  
21 A. Yes.  
22 Q. That's right, isn't it?  
23 A. Yes.  
24 Q. Could you speak up please.  
25 A. Yes, that's right.

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1 Q. And underneath the stack, as we have just established,  
2 in this image it says "Total due from customer" and it  
3 is in red, but it might also, if the transactions were  
4 different, say "Total due to customer" in which case it  
5 would be green?  
6 A. Yes, that's correct.  
7 Q. And whether you get a green or a red section there  
8 depends on the net effect of all the transactions in the  
9 stack, doesn't it?  
10 A. Yes.  
11 Q. So if we take, for example, this British Gas payment, if  
12 the same customer in this transaction were then to ask  
13 to withdraw £100 and you were to process that  
14 withdrawal, it would then go into the stack and the net  
15 effect would change, wouldn't it, to be in green?  
16 A. Yes.  
17 Q. And that would be because there would then be cash due  
18 to the customer?  
19 A. That's correct.  
20 Q. Taking the two transactions together?  
21 A. Yes, it would.  
22 Q. Going back then to the failed transaction on 9 May, in  
23 your witness statement you seem to suggest in one  
24 paragraph -- and I will take you to it -- that once the  
25 £150 withdrawal was authorised, Horizon then instructed

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1 you to pay that amount over to the customer.  
2 A. Yes, that's right.  
3 Q. By that, when you use that kind of language, do you  
4 simply mean that the withdrawal went into the stack that  
5 we have just seen?  
6 A. When the £150 withdrawal was done, the customer was  
7 inserting a card into the PIN pad on his side of the  
8 counter. He would put the card in, when the transaction  
9 authorised it would bring "Authorised" on the PIN pad on  
10 the customer's side of the screen. It would put the  
11 £150 onto the stack on my side of the screen and then it  
12 would print off a receipt off the Horizon printer and  
13 the receipt that came off there said "Authorised, £150"  
14 and then that's passed to the customer and then you pay  
15 the customer. Press the "enter" button and pay the  
16 customer.  
17 Q. Sorry, press the "enter" key and then pay the customer?  
18 A. Yes.  
19 Q. That's the only point I wanted to clarify with you is  
20 that ordinarily what you would do -- I'm not talking  
21 about 9 May what you actually did, but what you should  
22 normally do is get all of the transactions, including  
23 any withdrawals, into the stack that we have looked at  
24 and then when the customer wants no more products or  
25 services you close the stack, or we would say submit it,

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1 by either pressing "enter" or "fast cash" or any other  
2 way that closes the basket and ends the session; that's  
3 right, isn't it?  
4 A. If you do that you can't see what's actually -- you've  
5 got to then memorise then because as soon as you press  
6 that button and it goes there's no -- you've got no  
7 reference as what you're actually paying the customer  
8 because it will clear it, so you won't be able to see on  
9 the screen what you're supposed to be paying and if the  
10 customer then queries anything there will not be any  
11 information on your screen because it will have gone.  
12 Q. I see, so what you say is you would prepare whatever  
13 money was due to the customer and then you may hand  
14 money over once you had the money in your hand, or you  
15 may click "enter" or "fast cash" and then hand it over,  
16 but the two are basically at the same time I think you  
17 are saying on a normal transaction?  
18 A. You would normally take the money out, you would say it  
19 is £75 to pay or whatever -- like this case you say 150.  
20 You would have the 150, you count the 150, press the  
21 "enter" and it would clear.  
22 Q. And on 9 May, the situation we're talking about, on the  
23 right-hand side of your screen here you would have had  
24 three transactions stacked up; that's right, isn't it?  
25 A. Yes.

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1 Q. You would have had the two for the customer earlier, the  
2 gentleman who was withdrawing money from two different  
3 cards?  
4 A. Yes.  
5 Q. And you would have had the 150 from the customer who was  
6 presently before you?  
7 A. Yes.  
8 Normally you wouldn't have two customers'  
9 transactions at the stack on one time. It was just the  
10 circumstances on that day were exceptional. The systems  
11 were slow, because they were connecting I had two  
12 customers' transactions on there, but I actually said  
13 that in my statement, that there was two customers.  
14 Q. Yes, you have explained that you wouldn't ordinarily do  
15 it --  
16 A. No.  
17 Q. -- it wasn't the procedure you were supposed to  
18 follow --  
19 A. Yes.  
20 Q. -- but you were doing it in difficult circumstances?  
21 A. That's right, that's correct.  
22 Q. Could I ask you to turn to the witness statement of  
23 a Post Office witness, Ms van den Bogerd, which is at  
24 {E2/5/25}. It should come up on in your screen. Have  
25 you seen this witness statement before, Mrs Burke?

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1 A. Yes, I have seen that.  
2 Q. Can I ask you to read to yourself please paragraph 105.  
3 It largely confirms what we have just discussed.  
4 (Pause).  
5 A. Yes.  
6 Q. Sorry, over the page as well please {E2/5/26}, just  
7 finishing paragraph 105.  
8 (Pause).  
9 A. Right, yes.  
10 Q. Do you agree with what is said there?  
11 A. I have read what she has said, but I have no idea of how  
12 the back office procedures of Horizon work. We're  
13 trained on transactions and how to process transactions,  
14 we have no idea about how the system in the back  
15 connects to Horizon, when it goes to a bank, how it  
16 checks the bank or when it feeds things back.  
17 Q. Sure.  
18 A. We're not --  
19 Q. Sure. I'm not trying to suggest that you're aware of  
20 the technical data --  
21 A. No.  
22 Q. -- the data processing, everything that goes on within  
23 the system. What I suggest you would have known is that  
24 it is when you close the stack that the transactions in  
25 the stack go into your accounts?

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1 A. Yes, what should be in the stack, yes, should go into  
2 our accounts.  
3 Q. And that happens when you close the stack, because  
4 that's when those transactions are finally confirmed?  
5 A. When you press the "enter" button and it clears the  
6 screen, everything that's in the stack should be in your  
7 accounts.  
8 Q. Thank you.  
9 On 9 May, you have explained that you were keeping  
10 a single session open and were processing withdrawals  
11 for two different customers from that single session  
12 because of the difficult circumstances.  
13 A. Yes.  
14 Q. You would ultimately though, wouldn't you, have to close  
15 that stack and, as we have just described, it is at that  
16 point that those transactions would go into the account?  
17 A. Sorry, can you repeat that again please.  
18 Q. You had kept the session open because you were concerned  
19 about problems with the system.  
20 A. Right.  
21 Q. But you would ultimately at some point, wouldn't you,  
22 have to close the stack in order to put the transactions  
23 finally through?  
24 A. Yes.  
25 Q. And so not closing the stack between customers but

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1 keeping the session open increased the time between you  
2 obtaining authorisation for the withdrawals and dealing  
3 with the customer and when the transactions then were  
4 submitted on the system; do you follow?  
5 A. Yes, I don't think that would have made any difference,  
6 because it could have been the one customer doing those  
7 transactions himself anyway. One customer could have  
8 been doing two card withdrawals and then ultimately  
9 a bank withdrawal, so that it was two customers doesn't  
10 really make any difference.  
11 Q. It would have the advantage that the single customer  
12 would likely be there at the time you entered the  
13 transactions into Horizon; that would be one advantage  
14 of doing it the proper way?  
15 A. No, because normally you have counted the cash out to  
16 your customer, pressed the "enter" key and then it is  
17 just on to the next customer -- the next customer comes  
18 forward then and you are serving then, so it would be  
19 the same whether it was one or two.  
20 Q. I follow that, yes, Mrs Burke, but in relation to --  
21 thinking about the first customer, for whom the  
22 transactions actually were recovered, but thinking about  
23 that customer, when you ultimately come to press "enter"  
24 and clear the stack, it might be several minutes since  
25 those withdrawals had been authorised and since the

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1 customer had been in front of you; that's fair,  
2 isn't it?  
3 A. But that would be the same if they were buying postal  
4 orders, stamps, et cetera, when -- you know, it could be  
5 the same time difference no matter what customer was  
6 there.  
7 Q. Mrs Burke, to be clear, it's not the type of  
8 transaction. The point I'm asking you about is the  
9 difference it makes that you were serving different  
10 customers from the same session so had to keep the  
11 session open, even after the time when the first  
12 customer may have left. Do you follow that?  
13 A. I don't see what you're trying to get at there.  
14 Q. Well, imagine a really extreme circumstance where you  
15 kept the session open for an hour and served ten  
16 customers from it. Do you follow?  
17 A. Well, yes, but in a scenario you wouldn't do that. You  
18 couldn't remember it.  
19 Q. That's taking it to extremes, Mrs Burke, but the point  
20 is all I'm trying to suggest to you is that by not  
21 closing the stack as you go along after each customer  
22 session, what you're doing is increasing the gap in time  
23 between the authorisation and closing the stack and  
24 submitting the transactions.  
25 A. You are increasing the time, but that could be the same

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1 if it had been the same customer who had carried on.  
2 Q. I understand.  
3 A. If it had been the first it would have been the same.  
4 Q. Your point is if you had a customer who said he wanted  
5 to process a withdrawal and then had seven other  
6 transactions, he may have been in front of you for  
7 ten minutes.  
8 A. Yes, it would have made no difference, it would still  
9 have been the same. You would have still had that time  
10 delay before you actually cleared your stack and then  
11 they would have gone onto your log.  
12 Q. In that circumstance though it's right, isn't it, that  
13 you would not, following proper procedure, have passed  
14 the money to the customer before you had gone through  
15 the rest of the transactions?  
16 A. You would complete all the transactions that that  
17 customer was wanting before you cleared.  
18 Q. Yes. And on 9 May it was when you went to settle the  
19 basket and clear the screen that the system went down,  
20 wasn't it?  
21 A. Yes.  
22 Q. And Horizon then printed a disconnected session receipt  
23 and we can see that at {F/1461} please. What that  
24 receipt shows is essentially what was in your stack in  
25 that session when the system went down; that's right,

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1 isn't it?  
2 A. That's correct, yes, but that took two minutes to come  
3 up to after I had been serving the customer.  
4 Q. Yes. And then what you next saw -- I'm just running you  
5 through the documents. What you next saw is the  
6 document at {F/1464}. This again, Mrs Burke, was a few  
7 minutes later this receipt was printed; that's right,  
8 isn't it?  
9 A. Correct.  
10 Q. And you say in your witness statement that what you  
11 initially understood from this receipt was that the two  
12 transactions listed on it had failed to recover; that's  
13 right, isn't it?  
14 A. Yes.  
15 Q. And you inferred from that that the third transaction  
16 for £150 had been successfully recovered?  
17 A. Yes.  
18 Q. You now understand, it seems from your witness  
19 statement, that what this receipt was intended to convey  
20 was two things. 1, there had been a failure of recovery  
21 for some transactions, one or more, but that these two  
22 listed had been recovered?  
23 A. Yes. I found that out when I went through my  
24 transaction log and I started to tick off the  
25 transactions, then I realised that the "recovery failed"

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1 wasn't the fail -- the items it showed weren't the  
2 failed transactions, they were the ones that had  
3 actually gone through and it was the other transaction  
4 that had failed.  
5 Q. Yes. Shall we look at the -- the transaction log is at  
6 {F/1465}. So you printed this off within a matter of  
7 minutes, as I understand it, is that right?  
8 A. It was after I had closed the branch.  
9 Q. So approximately how long, do you think?  
10 A. I did say in my statement. Can I just refer to it?  
11 Q. Well, the "recovery failed" receipt was printed at 9.36.  
12 We see that at paragraph 17 of your statement {E1/4/3}.  
13 You don't actually say at paragraph 17 --  
14 A. 9.36, yes.  
15 MR JUSTICE FRASER: You phoned the helpline after you had  
16 closed the branch?  
17 A. Yes. I served another couple of customers and there  
18 were some problems with connection then and then  
19 I decided to close the branch and then I went and ran  
20 off the transaction log and that's when I sat down,  
21 closed the branch and worked through it.  
22 MR JUSTICE FRASER: And at the end of paragraph 18, did you  
23 then phone the helpline?  
24 A. I phoned the helpline -- I think it was --  
25 MR JUSTICE FRASER: So we can work the time window out,

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1 I think.  
2 MR DRAPER: Yes, my Lord.  
3 Looking at this document that you have on screen at  
4 the moment, Mrs Burke --  
5 A. It would have been about 9.34. It would have been after  
6 the -- because that's -- when the 253 total came up ...  
7 Q. In any event, the precise time is --  
8 A. About -- say 9.34.  
9 Q. Yes, so you printed off this transaction log that we can  
10 see on screen and we can see from your handwritten  
11 annotation on it the ticks on the transactions that you  
12 expected to see and do see there and you have then  
13 indicated between two transactions that the £150  
14 withdrawal was missing.  
15 A. Yes.  
16 Q. So you were able to work out quite quickly from looking  
17 at this transaction log that one of the transactions you  
18 expected to see wasn't there?  
19 A. Yes.  
20 Q. It's from that that you corrected what you had  
21 understood from the "recovery failed" receipt?  
22 A. Yes.  
23 Q. You saw it was the other way round?  
24 A. It was the other way round, yes.  
25 Q. So by this point, after you have sat down with the

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1 transaction log, you knew you had had a system outage,  
2 problem with the system, you knew that the session you  
3 were in when the outage occurred had a problem, because  
4 you had the discontinued session receipt?  
5 A. Yes.  
6 Q. You knew that the recovery process on Horizon, the  
7 automatic recovery process, had failed in some way; you  
8 knew that from your "recovery failed" receipt?  
9 A. Yes.  
10 Q. And you had been able to identify from this transaction  
11 log which transaction it was that had not been  
12 recovered?  
13 A. Yes.  
14 Q. And that meant that in this fairly short space of time  
15 you were able to work out that the £150 withdrawal for  
16 which you had physically paid out had not gone into your  
17 accounts?  
18 A. Yes.  
19 Q. And you knew that the result of that was that unless you  
20 obtained a transaction correction to put the transaction  
21 into your accounts, you were going to have a £150  
22 shortfall?  
23 A. Yes.  
24 Q. And you knew what would have caused that shortfall,  
25 didn't you, you knew it was the failed recovery for the

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1 150?  
2 A. Yes.  
3 Q. Can I ask you to look at paragraph 19 of your witness  
4 statement please {E1/4/4}, and can I ask you to look in  
5 particular, Mrs Burke, at the last sentence of that  
6 paragraph.  
7 Have you read that?  
8 A. I'm just finishing it off.  
9 Q. Okay.  
10 A. Right.  
11 Q. What I suggest to you, Mrs Burke, is that that sentence  
12 isn't accurate, is it? You had been able to ascertain  
13 from the system what the discrepancy would be, the £150  
14 shortfall, and you knew exactly what its cause was?  
15 A. But it hadn't been recorded on my transaction log, so it  
16 had not shown that a transaction for that amount had  
17 gone through on my accounts.  
18 Q. Yes that's right, but that actually was something that  
19 helped you understand what had happened, wasn't it?  
20 That's what showed you that it hadn't got through to  
21 your accounts. Do you follow?  
22 A. I just knew that the system -- it was missing off my log  
23 and that it should have been there and then my accounts  
24 would have balanced, but as it was it wasn't there, so  
25 my accounts didn't balance.

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1 Q. Yes, I appreciate that. I'm focusing quite closely, if  
2 I may, on the wording of the last sentence of  
3 paragraph 19 of your statement. It says there:  
4 "There was therefore no means through the Horizon  
5 system for the discrepancy to be identified ..."  
6 Stopping there, I suggest to you that's wrong  
7 because you knew exactly what the discrepancy would be,  
8 it would be a £150 shortfall. So that's not correct, is  
9 it?  
10 MR JUSTICE FRASER: Well, Mr Draper -- well, I will wait for  
11 the answer and then ...  
12 A. Well, the Horizon system didn't identify it; I knew it  
13 was the £150. Oh, I see what you mean, that I had the  
14 two receipts. Yes, I will agree with that.  
15 MR DRAPER: And focusing on the second half please of the  
16 sentence:  
17 "... or for its cause to be established in [your]  
18 situation."  
19 I suggest that based on what we have just discussed,  
20 you knew what the cause of a £150 shortfall would be,  
21 didn't you?  
22 A. Sorry, could you say that again?  
23 Q. You knew that when a £150 shortfall arose --  
24 A. Yes.  
25 Q. You knew what would have caused it, because you had

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1 worked out that the £150 withdrawal hadn't made its way  
2 to your account?  
3 A. I did after studying all that paperwork, yes.  
4 MR JUSTICE FRASER: Mr Draper, just so I understand, by the  
5 discrepancy being shown on the Horizon system you mean  
6 the receipt, do you, that was printed off, or do you  
7 mean something else?  
8 MR DRAPER: No, the point I was taking was "no means for the  
9 discrepancy to be identified" and my point was that  
10 Mrs Burke had identified the discrepancy.  
11 MR JUSTICE FRASER: Well, you actually were putting the  
12 point on the last sentence which says "no means through  
13 the Horizon system for the discrepancy to be  
14 identified".  
15 MR DRAPER: Yes, that's right.  
16 MR JUSTICE FRASER: So are you putting the point that it was  
17 the receipt that demonstrated the discrepancy being  
18 identified in the Horizon system, or is it in some other  
19 way?  
20 MR DRAPER: Well, two points, if I may.  
21 First, Mrs Burke, you knew there would be  
22 a shortfall without even asking Horizon to tell you  
23 that, didn't you?  
24 A. Because I had paid the customer the money.  
25 Q. Yes. So that's the first point.

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1 A. And it wasn't recorded on my transaction log.  
2 Q. And secondly, you could see that discrepancy, couldn't  
3 you, by running a balance snapshot?  
4 A. Because the transaction was missing on the snapshot.  
5 Q. Yes. And if you were -- we will come back to it,  
6 my Lord.  
7 The next step then, after what we have just gone  
8 through, is that you call the helpline; that's right,  
9 isn't it?  
10 A. That's right.  
11 Q. You can see the transcript at {F/1466}. Before we look  
12 at the detail of it, it's this call to the helpline that  
13 makes you think that without your efforts in tracking  
14 the customer and taking him to the bank and so on,  
15 Post Office would not have resolved the problem for you,  
16 is that fair?  
17 A. That's fair, yes.  
18 Q. Mrs Burke, I assume you are quite familiar with the  
19 transcript. Do you need an opportunity to read it, or  
20 would you be happy for me to ask you questions about it?  
21 A. I think I would be happy. There will be odd bits.  
22 I can always refer back to it if I'm not.  
23 Q. You are the customer shown on this transcript, aren't  
24 you? Mrs Burke?  
25 A. Sorry? Oh, yes, I'm the customer.

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1 Q. And if we look to the bottom of this first page -- this  
2 is you speaking -- you explain in that final entry on  
3 the page that you know the £150 withdrawal hasn't gone  
4 through and you know that your branch therefore won't  
5 balance.  
6 A. Yes.  
7 Q. If we flip over the page now please {F/1466/2}, you then  
8 explain there about the disconnected session. I think  
9 it is fair to say, just skipping forward, you didn't  
10 feel you were getting very far with the initial helpline  
11 operator so you asked to speak to a supervisor?  
12 A. Correct, yes.  
13 Q. If we go then to the conversation with the supervisor  
14 and pick it up on the third page please {F/1466/3}, do  
15 you see four entries from the bottom there's an entry  
16 starting "But the £150"; do you see that?  
17 A. Yes.  
18 Q. The supervisor says there:  
19 "But the £150 hasn't gone through, that's why it's  
20 not on your transaction log. If the £150 hasn't gone  
21 through and you have given the customer the £150 that  
22 will give you a discrepancy because there is no  
23 transaction for it."  
24 So that reflected your understanding, didn't it?  
25 A. That's right. But she is saying there's no transaction

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1 for it, but it had already given me an authorised  
2 receipt and the customer had had an "Authorised" message  
3 on the screen as well, on the PIN pad.  
4 Q. Yes, we will be I think just several more minutes on  
5 this transcript.  
6 On page 4 --  
7 MR JUSTICE FRASER: Sorry, do you mean you want to keep  
8 going past 1 o'clock or ...  
9 MR DRAPER: Yes just the next three minutes.  
10 MR JUSTICE FRASER: For how long?  
11 MR DRAPER: Three minutes, my Lord.  
12 MR JUSTICE FRASER: Yes, of course.  
13 MR DRAPER: On page 4 though please {F/1466/4} in the middle  
14 do you see a long paragraph where the supervisor starts  
15 by saying "No"?  
16 A. Yes.  
17 Q. The supervisor there says:  
18 "When you're doing the transaction, at the very end  
19 of the transaction. When you're selecting 'settle'  
20 before you give the customer any money, because you  
21 should never give the customer any money until the  
22 transaction has been settled, it's at that point that  
23 the transactions seem to be disconnecting. It's  
24 a nationwide issue. Erm, we are aware of it and it's  
25 being dealt with by the Horizon service desk at the

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1 moment. If the transaction isn't on your transaction  
2 log then the transaction hasn't gone through."  
3 We see that you're not very pleased with that  
4 answer. And then the supervisor says:  
5 "The only thing we can advise at this point, if you  
6 want to discuss this further you would need to speak to  
7 the IT help desk ... because they are the ones that are  
8 running the invest ..."  
9 And I suggest that would be "investigation". Does  
10 that accord with your recollection?  
11 A. Yes.  
12 Q. Then towards the bottom of the page you see the third  
13 entry:  
14 "Yeah but it is a nationwide issue at the moment and  
15 we are aware of it. So it may be -- I can't guarantee  
16 anything but it may be once we are aware of it and we  
17 can sort something out. It may be we are looking into  
18 it at a later date to try and recoup any losses but we  
19 can't guarantee anything at the moment until we are  
20 aware of what is causing the issue."  
21 So two points I would like to take from what we see  
22 from this transcript, Mrs Burke. The first is that you  
23 had been informed it was a nationwide problem that was  
24 being investigated?  
25 A. Yes, it was a nationwide problem.

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1 Q. And that it was being investigated?  
2 A. But they were also saying that they can't guarantee  
3 anything either.  
4 Q. Yes. But you accept that you were told it was being  
5 investigated and you understood that?  
6 A. I did, but never at any point did they say in the  
7 conversation that they would come back to me and take  
8 a note of my problem and "We will come back to you and  
9 make a note this is the problem you're having in your  
10 branch", which --  
11 Q. Maybe I will try and summarise the position.  
12 A. Okay.  
13 Q. I appreciate that this call didn't give you the  
14 certainty that you would have liked that you were going  
15 to be taken care of and the problem resolved  
16 essentially.  
17 A. Yes.  
18 Q. But it would be unfair, wouldn't it, to suggest that  
19 Post Office told you that it wasn't going to resolve the  
20 situation. It essentially said that that might be the  
21 case. Is that fair?  
22 A. They are saying they couldn't guarantee and for me as  
23 a branch, if they can't guarantee, I would be losing --  
24 I would be out-of-pocket.  
25 Q. Yes and you understood from what you had been told here

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1 that there were people other than the helpline operators  
2 here, you were told about the IT service desk,  
3 essentially this was being investigated by someone else  
4 and they would get back to you with the results; that's  
5 fair, isn't it?  
6 A. They didn't say they would get back to me. I can't  
7 recall them saying they would come back to me.  
8 Q. If you look at the third entry from the bottom,  
9 Mrs Burke -- it is not precisely in those words -- third  
10 entry from the bottom, last sentence:  
11 "It may be we are looking into it at a later date to  
12 try and recoup any losses ..."  
13 That would be recoup losses for you, wouldn't it?  
14 A. They are saying that they may be looking into it.  
15 That's not a guarantee of looking into it.  
16 Q. I understand.  
17 I think we can sense apply take a break there,  
18 my Lord.  
19 MR JUSTICE FRASER: Right, we're going to have a break for  
20 lunch. I would like you to come back at 2 o'clock  
21 please. Because -- I say this to every witness so don't  
22 read anything into it, but because you are in the middle  
23 of giving your evidence don't talk to anyone about the  
24 case please and come back at 2 o'clock.  
25 Anything else? No. 2 o'clock. Thank you all very

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1 much.  
2 (1.05 pm)  
3 (The luncheon adjournment)  
4 (2.00 pm)  
5 MR DRAPER: Mrs Burke, we have just got through before the  
6 break the helpline call, going through the transcript.  
7 The next step that you explain in your witness statement  
8 is the things that you yourself did to track down the  
9 customer and obtain records from him and from his bank.  
10 A. That's correct, yes.  
11 Q. And it's right, isn't it, that it was on 12 May that you  
12 went with the customer to his bank to obtain  
13 confirmation of the withdrawal?  
14 A. That's right.  
15 Q. And it is one day after that, on 13 May, that your  
16 husband spoke to a lady at Post Office and he was told  
17 in that telephone call that your branch could expect to  
18 receive a transaction correction?  
19 A. Yes.  
20 Q. Presumably it was in that call, on the 13th, that you or  
21 your husband told Post Office about everything that you  
22 had done in the meantime?  
23 A. Yes, we told them that we had seen -- that we had seen  
24 the "authorised" receipt from the customer and that we  
25 had also got the statement from the bank to show that

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1 the money had gone out of the customer's bank account,  
2 even though it had not appeared on our system.  
3 Q. I should make clear before moving on that Post Office  
4 makes absolutely no criticism of you for doing all that  
5 work yourself and for having tracked the customer down  
6 and similarly I didn't intend to criticise you earlier  
7 about the impression you took from the telephone call.  
8 You were understandably frustrated. I just wanted to  
9 make that clear.  
10 A. Fine.  
11 Q. The point I do intend to challenge in your witness  
12 statement is a relatively small one, which is your  
13 suggestion that the shortfall in your branch would not  
14 have been resolved if you hadn't done the work that you  
15 did. Do you follow?  
16 A. I understand what you're saying.  
17 Q. It might help to take it from your statement at  
18 paragraph 27, which is {E1/4/5}. It is the second  
19 sentence in that paragraph, Mrs Burke. That's the only  
20 one I want to address with you at the moment. You say  
21 there:  
22 "Based upon my initial experience of the helpline,  
23 I do not think that Post Office would have resolved this  
24 if I had not had the clear proof that the £150  
25 transaction had in fact been authorised and that the

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1 money had left the customer's bank account."  
2 A. No.  
3 Q. You of course were not aware at the time in May 2016, or  
4 indeed when you prepared this witness statement, of the  
5 steps that were going on in the background at  
6 Post Office and at Fujitsu, were you?  
7 A. No.  
8 Q. What I intend to do is show you some documents produced  
9 during that process that I will suggest show that  
10 Post Office and Fujitsu were dealing with the problem  
11 and would have been able to resolve it. Do you follow?  
12 A. I follow.  
13 Q. The first document is at {F/1470.1}. This is what is  
14 called a BIMS incident report which is a wonderfully  
15 tautologous phrase because BIMS stands for business  
16 incident management service, which is a function  
17 performed by Fujitsu.  
18 You see at the bottom that this is a document  
19 produced by Mr Andy Dunks. Do you see that in the  
20 rectangle at the bottom of the page "Analyst" on the  
21 right?  
22 A. Yes.  
23 Q. You can take it from me that he is a Fujitsu employee.  
24 This is a report that Fujitsu has generated to identify  
25 branches affected by the outage on 9 May. Again, in the

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1 box at the bottom of the page do you see under "actions:  
2 date and time", the first entry there:  
3 "On the 9th May 2016 there was a major outage at  
4 branches that caused multiple transactions to fail .  
5 Transactions that require [Post Office Limited]  
6 reconciliation have been identified and a spreadsheet  
7 created."  
8 Do you see that?  
9 A. Yes.  
10 Q. And do you see that this document is dated 12 May,  
11 that's in the same box after "Actions: date and time"?  
12 A. Yes.  
13 Q. So am I right to say this is then the same date as that  
14 on which you went to the customer's bank with him?  
15 A. Yes.  
16 Q. Going right to the bottom of this document, do you see  
17 at the bottom it says:  
18 "The resultant spreadsheet has been attached to the  
19 same email that this BIMS has been sent."  
20 A. Yes.  
21 Q. I can then show you that email quickly. It is at  
22 {F/1470.1.1}. So this is the email that attaches the  
23 report that you have just seen, Mrs Burke, and you see  
24 from the top of the email that it is sent to various  
25 recipients at Post Office .

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1 A. Yes.  
2 Q. And it says in the last sentence of the email:  
3 "I have attached a spreadsheet containing the list  
4 of all transactions that require POL ..."  
5 Which is Post Office Limited:  
6 "... to manually reconcile as appropriate."  
7 A. Yes.  
8 Q. The next document, Mrs Burke, is a spreadsheet which is  
9 at {F/1848.4}. It will just take a moment. This,  
10 Mrs Burke, is the spreadsheet that we have just seen  
11 described as having been attached to the email that went  
12 to Post Office . If you could please look at row 12, if  
13 the operator could scan down please. You recognise in  
14 the first column, column A, where it identifies the  
15 branch, the branch ID there 216321. Do you recognise  
16 that branch ID?  
17 A. Yes.  
18 Q. That's the Newport branch, isn't it?  
19 A. The Newport branch, yes.  
20 Q. Now can we move it over just slightly so we can see all  
21 of column H please. What it says there in this Fujitsu  
22 document is:  
23 "The £150 cash withdrawal transaction was authorised  
24 by the FI ..."  
25 Which I take to be financial institution :

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1 "... and an authorised receipt was produced on the  
2 counter. However, when the user attempted to settle the  
3 transaction it failed due to the known data centre issue  
4 at the time so disconnected session receipts were  
5 produced and the user was logged off. The user managed  
6 to log back in but recovery also failed. As  
7 an authorised receipt was produced the user should have  
8 handed money over to the customer but we cannot be  
9 certain that they actually did so. Assuming money was  
10 handed over the customer account will be correct but the  
11 branch will have a shortage given that the transaction  
12 hasn't been recorded on the system. This will need to  
13 be manually reconciled."  
14 So what I suggest is it looks, doesn't it, like  
15 whoever at Fujitsu wrote this didn't know whether or not  
16 you had paid money over the counter, is that right?  
17 A. Yes, they have put they don't know if it was handed over  
18 even though I had already called in and said we had paid  
19 the customer. So they knew on the 9th that I had paid  
20 the customer.  
21 Q. Remember, Mrs Burke, this is a Fujitsu document rather  
22 than a Post Office document so this is the people  
23 managing the system and what I suggest is this is what  
24 they have discerned from the data available to them on  
25 the system. Do you follow?

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1 A. Right.  
2 Q. And that they have essentially obtained data reports on  
3 the thousands of branches that were affected and this is  
4 what they can see from their data.  
5 So do you see then that Fujitsu says, on the  
6 assumption that the money was handed over,  
7 reconciliation would be required?  
8 A. Right. Yes, I can see what they're saying.  
9 Q. Continuing with this account of what's going on in the  
10 background, Post Office then produces a spreadsheet to  
11 show what it is doing in response to this analysis from  
12 Fujitsu and that's at {F/1848.5}. It is another  
13 document that will take a moment to come up. Do you see  
14 there, Mrs Burke, row 13 that's been highlighted?  
15 A. Yes.  
16 Q. And we see in column A the branch code but helpfully the  
17 branch name in column B as well. Then if the screen can  
18 be moved over a little please. Column H is the same, it  
19 is the statement we have already seen from Fujitsu that  
20 we just read. If we move further please to the right --  
21 A. When it says the transaction date and it says 9 May.  
22 Q. Forgive me, where are you looking? Can we move the  
23 screen back.  
24 A. 9 May. But it says the time 8.28. How can that be  
25 8.28? My branch doesn't open until 9.

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March 13, 2019

Horizons Issues - Alan Bates &amp; Others v Post Office Limited

Day 3

1 Q. I'm instructed that these records will be an hour  
2 different because of not accounting for savings time.  
3 So it's just every time you see a document like this  
4 they will be an hour out.  
5 A. Earlier?  
6 Q. Forgive me?  
7 A. An hour earlier? So how would they know I had done that  
8 an hour earlier?  
9 Q. No, the suggestion isn't that the transaction occurred  
10 at 8.28. It did occur -- the session start date I think  
11 that will show. No one is suggesting that it was at  
12 8.28, it's just this time stamp doesn't take account of  
13 changes in GMT, so it will be an hour off. This time  
14 stamp is an hour wrong.  
15 MR JUSTICE FRASER: I don't think GMT does change.  
16 MR DRAPER: Forgive me.  
17 MR JUSTICE FRASER: I think what you mean is this is GMT and  
18 it would be daylight saving time in May.  
19 MR DRAPER: That's right. I'm sure that's what I meant.  
20 MR JUSTICE FRASER: So it has GMT at the top of the  
21 column under letter F.  
22 MR DRAPER: Yes, I think it is just unadjusted.  
23 A. Okay.  
24 Q. If we can move across then please. I think you  
25 confirmed that H looks like the same content we have

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1 already seen, Mrs Burke. If we go back just across  
2 please.  
3 A. Yes.  
4 Q. That's what we have just already seen in the other  
5 spreadsheet.  
6 A. Okay.  
7 Q. But this is a document into which Post Office has added  
8 further information and that's over in column J. You  
9 see the heading to that column is "Action taken" and  
10 what Post Office has included in that box for your  
11 branch is:  
12 "Branch contacted. Shortage in branch so TC issued  
13 to adjust cash."  
14 So what I suggest is that's Post Office, with the  
15 information it has about what actually happened in your  
16 branch, information from you, confirming that it will  
17 issue a TC?  
18 A. Right.  
19 Q. And I suggest that this coincides, Mrs Burke, with your  
20 witness statement where you say that your husband was  
21 told on 13 May to expect a transaction correction.  
22 A. Yes.  
23 Q. Just to complete the picture, the transaction correction  
24 was in fact produced on 16 May. We can see that from  
25 {F/1687.1}. If you look please at row 5 you will see

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1 the date at A, 16/05/2016. And then if the operator  
2 could move the screen along a little please to the  
3 right, in column L we see a description -- we see the  
4 text that accompanied the transaction correction and  
5 that reads:  
6 "To correct communications failure on 9.5.16 for in  
7 pounds 150 ..."  
8 It gives a reference and it says then "so credit to  
9 office", then provides the number for the financial  
10 services enquiry team. That's the transaction that you  
11 received -- I think you say received and processed on  
12 the 17th, is that right?  
13 A. Yes, 17 May. Yes, it was 17 May when we got it through.  
14 Q. So the point I want to take from these documents that  
15 I have just taken you through, Mrs Burke, is nothing to  
16 do really with the impression that you took at the time  
17 or the impression that you set out in your witness  
18 statement -- as I say, we don't criticise you for having  
19 taken that view -- the point I'm trying to establish is  
20 that having seen now, with the benefit of what you have  
21 seen here about what Post Office and Fujitsu were in  
22 fact doing in the background, as it were, unknown to  
23 you, with the benefit of that knowledge would you accept  
24 that it looks as though Post Office would have been able  
25 to resolve the problem in your branch even if you hadn't

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1 taken the steps that you did?  
2 A. Possibly, yes.  
3 Q. Thank you.  
4 No further questions, my Lord.  
5 MR JUSTICE FRASER: Mr Green?  
6 Re-examination by MR GREEN  
7 MR GREEN: Only one question, my Lord.  
8 Mrs Burke, if you just have a very quick look on  
9 page {F/1461/1}. Do you recognise that?  
10 A. Yes.  
11 Q. The transactions that we see on there, are they in  
12 chronological order going down, so 180 comes first,  
13 73 --  
14 A. Then 73, then 150.  
15 Q. -- or are they going up in chronological order?  
16 A. No, the 180 and then the 73 and the 150 was the last  
17 one.  
18 Q. Right. And that's the one there was a problem with.  
19 A. Yes.  
20 Q. Thank you very much.  
21 MR JUSTICE FRASER: Thank you very much, no questions from  
22 me. You are free to go, thank you.  
23 MR GREEN: My Lord, there is a tiny possibility I might need  
24 to ask your Lordship for just five minutes. There is  
25 a PEAK that has been uploaded, a new one today, which

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1 I don't understand and the haste with which it has been  
2 done suggests it might be going to be put to Mr Roll.  
3 MR JUSTICE FRASER: When you say uploaded you mean put in  
4 the trial bundle?  
5 MR GREEN: Yes. And so because I haven't had a chance to  
6 discuss it with him, can I have five minutes?  
7 MR JUSTICE FRASER: When did that appear, that document?  
8 MR GREEN: During the course of today. It uploaded at 9.43  
9 this morning but unfortunately I haven't managed to get  
10 on top of it.  
11 MR DE GARR ROBINSON: My Lord, I won't be asking any  
12 questions on that PEAK.  
13 MR JUSTICE FRASER: You're not? You are cross-examining  
14 Mr Roll, are you?  
15 MR DE GARR ROBINSON: I am cross-examining Mr Roll and there  
16 will be no questions about that PEAK. It is there for  
17 an entirely separate, coincidental reason.  
18 MR JUSTICE FRASER: Is Mr Roll going into tomorrow?  
19 MR DE GARR ROBINSON: Yes, I would expect so.  
20 MR JUSTICE FRASER: Are there going to be any questions on  
21 that PEAK tomorrow?  
22 MR DE GARR ROBINSON: No.  
23 MR JUSTICE FRASER: No, all right.  
24 Well then that means there won't be a situation  
25 where you need to speak to Mr Roll overnight and he will

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1 be in purdah.  
2 MR GREEN: My only anxiety, my Lord, is if it arises in the  
3 evidence of someone else and I haven't dealt with it --  
4 I don't want to be -- could I just have five minutes to  
5 make sure?  
6 MR JUSTICE FRASER: I'm not going to give you five minutes,  
7 I will actually give you ten minutes. That's the  
8 easiest way of dealing with it. So we will come back in  
9 at half past.  
10 (2.20 pm)  
11 (Short Break)  
12 (2.30 pm)  
13 MR GREEN: My Lord, I call Mr Roll if I may please.  
14 MR RICHARD ROLL (affirmed)  
15 MR JUSTICE FRASER: Thank you, Mr Roll. Have a seat.  
16 A. Thank you.  
17 Examination-in-chief by MR GREEN  
18 MR GREEN: Mr Roll, in front of you there should be  
19 a folder, you can see.  
20 A. Yes.  
21 Q. And if you turn please to tab 7 {E1/7/1}.  
22 A. Yes.  
23 Q. You can see there's a witness statement with your name  
24 on it.  
25 A. Yes.

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1 Q. And at the back of that witness statement is  
2 a signature.  
3 A. Yes.  
4 Q. Is that your signature?  
5 A. It is.  
6 Q. And are the contents of that witness statement true?  
7 A. Yes, they are.  
8 Q. And if we go to tab 10 {E1/10/1}, have you got a copy of  
9 the amended statement there?  
10 A. Not here, no. Thank you.  
11 Q. Do you want to keep it in front of you.  
12 A. Thank you, yes.  
13 Q. Have a look at the back page of that if you would, very  
14 kindly.  
15 A. Yes.  
16 Q. And have you got your signature?  
17 A. Yes.  
18 Q. On that one, or have you signed another one?  
19 A. I have signed another one, yes.  
20 Q. And are the contents of that statement true?  
21 A. Yes.  
22 Q. Thank you very much.  
23 Cross-examination by MR DE GARR ROBINSON  
24 MR DE GARR ROBINSON: Mr Roll, you say that between 2001 and  
25 2004 you worked at Fujitsu and you describe it in

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1 paragraph 2 of your first statement {E1/7/1} as working  
2 in third/fourth line support.  
3 I would just like to ask you some general questions  
4 about the support teams first of all and for that  
5 purpose I would like to ask you to look at Mr Parker's  
6 first witness statement, the reference is {E2/11/5}. It  
7 will come up on the screen for you. You will see that  
8 Mr Parker says in paragraph 24:  
9 "There were four lines of support for Horizon while  
10 Mr Roll was employed by Fujitsu and they are described  
11 in paragraph 26 below. There are still four lines of  
12 support ..."  
13 Stopping there actually there is a general question  
14 I should ask which is that you know that Mr Parker has  
15 made three witness statements, don't you, in this  
16 matter?  
17 A. I know he has made some witness statements, I don't know  
18 how many.  
19 Q. Have you read any of them?  
20 A. I have looked at them briefly.  
21 Q. Have you looked at all of them briefly or just some of  
22 them briefly?  
23 A. I don't think I have read all of them.  
24 Q. Okay. His first witness statement, the witness  
25 statement that we're now looking at, have you read that

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1 carefully or briefly?  
2 A. Briefly.  
3 Q. Paragraph 25, perhaps I could ask you to read that  
4 paragraph very quickly to yourself.  
5 (Pause).  
6 A. Yes.  
7 Q. That's true, isn't it, what's said there?  
8 A. Yes.  
9 Q. And then he describes in paragraph 26 the four lines of  
10 support for Horizon. The first line involved several  
11 different elements. This is in paragraph 26.1. First  
12 of all he refers to the Horizon service desk, which was  
13 a help desk operated by Fujitsu that branches could  
14 contact with issues relating to Horizon application or  
15 hardware provided in branch. Then over the page  
16 {E2/11/6}, in 26.1.2 he said:  
17 "There was also a 1st line communications management  
18 team operated by Fujitsu which specifically focused on  
19 communication incidents ..."  
20 And then finally in 26.1.3 he says:  
21 "Post Office also operated a 1st line help desk for  
22 operational issues called the national business support  
23 centre ..."  
24 Are you able to confirm that all those facts are  
25 true from your own knowledge?

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1 A. I don't remember.  
2 Q. You do know that Post Office operated a first line help  
3 desk for operational issues called the national business  
4 support centre, don't you?  
5 A. There was a first line support desk and I believe it was  
6 shared between Fujitsu and the Post Office, or ICL and  
7 the Post Office as it was when I joined, but I don't  
8 recall what the splits were or anything like that.  
9 Q. That's fair.  
10 Then if I could ask you to read the next unnumbered  
11 paragraph underneath 26.1.3 to yourself please.  
12 (Pause).  
13 A. Yes.  
14 Q. Are you able to agree with the points made in that  
15 paragraph?  
16 A. From what I remember, yes.  
17 Q. I'm grateful.  
18 Then the next unnumbered paragraph, Mr Parker says:  
19 "If NBSC were unable to identify the cause of  
20 a discrepancy they would often fall back on a default  
21 statement along the lines of 'this looks like a software  
22 issue' so that the SSC would investigate it. However,  
23 Mr Roll's statement that 'if an error was referred to us  
24 then it was extremely unlikely to be due to a mistake  
25 made by a postmaster' is not correct. The vast majority

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1 of discrepancies investigated by the SSC as pseudo  
2 'software issues' were (and are) not caused by software  
3 issues."  
4 I would like to suggest to you, Mr Roll, that that's  
5 true, isn't it?  
6 A. The way that I remember it, it was issues to do with the  
7 software that were causing the problems. Whether that  
8 was the programme that had been written or data  
9 corruption, that's what I remember as our problems  
10 being.  
11 Q. You remember there being problems with data corruption?  
12 A. Yes.  
13 Q. I'm not asking you about data corruption, Mr Roll, I'm  
14 asking you about software issues. The claim I would  
15 like to put to you again is the last sentence of that  
16 paragraph:  
17 "The vast majority of discrepancies investigated by  
18 the SSC as pseudo 'software issues' were (and are) not  
19 caused by software issues."  
20 Are you in a position to agree to that?  
21 A. From my recollection I would disagree with that, but it  
22 was a long time ago.  
23 Q. I'm grateful.  
24 Paragraph 26.2 {E2/11/7}, there's then a description  
25 of the second line support:

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1 "Second line support was provided by senior members  
2 of the HSD and SMC ..."  
3 MR JUSTICE FRASER: Hold on, the page hadn't changed.  
4 MR DE GARR ROBINSON: I'm so sorry, it is page 7.  
5 MR JUSTICE FRASER: It is all right. It has now, it just  
6 takes a little while. We are at 26.2, yes? Or  
7 whichever one it is on page 7.  
8 MR DE GARR ROBINSON: Can I ask you to read paragraph 26.2  
9 and its description of the second line of support.  
10 A. Yes.  
11 Q. Is that something that you can recall and can agree  
12 with?  
13 A. It's not something I can definitely say yes or no to.  
14 Q. Your caution does you great credit, Mr Roll. What  
15 I discern from you -- and if I'm putting words in your  
16 mouth do let me know -- you think it may well be right  
17 but you don't want to commit yourself --  
18 A. Yes.  
19 Q. -- because it is a long time ago and you didn't work in  
20 second line?  
21 A. Yes.  
22 Q. That's very fair. But just to be clear, people who  
23 worked in the second line included junior members of the  
24 SSC team, yes?  
25 A. Hm. That's not how I remember it. Second line was

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1 a separate entity and we were third line in the SSC.  
2 Q. Well, I put his evidence to you and I will move on.  
3 Then we come to the third line, 26.3. He says:  
4 "The SSC also provided 3rd line support. The staff  
5 that provided 3rd line support had a detailed knowledge  
6 of the Horizon application based on documentation and  
7 some inspection of source code. They:  
8 "Designed, tested and documented work rounds for the  
9 1st and 2nd lines of support;  
10 "[They] applied analytical skills to the symptoms  
11 and evidence gathered by the 1st and 2nd line functions  
12 and undertook in-depth investigation into incidents  
13 (incidents are the basic unit of work for the support  
14 team and come from help desk calls and other Horizon  
15 support teams);  
16 "[They] undertook complex configuration  
17 (configuration items can be used to alter the behaviour  
18 of the application) and data fixes which might have  
19 required the generation of special tooling;  
20 "[They] designed, wrote and documented new support  
21 tools ... [they] undertook source code examination,  
22 complex diagnosis and documentation (including methods  
23 to recreate faults) of new application problems before  
24 sending them to the 4th line support group for root  
25 cause software fix; and [they] provided technical

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1 support to other internal Fujitsu teams working on  
2 Horizon."  
3 Now, I have read an awful lot to you, Mr Roll, and  
4 I have done that on the apprehension that none of this  
5 is going to be controversial. Can I ask you to indicate  
6 whether you accept what Mr Parker says there in  
7 paragraph 26.3?  
8 A. Yes.  
9 Q. I'm grateful. Then there is a description of the PEAK  
10 and KEL system which I need not trouble you with.  
11 Paragraph 26.4 on page 8 {E2/11/8}, there's  
12 a description of the fourth line:  
13 "4th line support staff had an intimate knowledge of  
14 narrow areas of the system and were (and are) ultimately  
15 responsible for the production of permanent fixes to  
16 repair the root cause of an incident or problem in the  
17 live application. They had knowledge of computer  
18 languages which they used to amend source code to fix  
19 problem in the live application code. There was often  
20 overlap between 4th line and developers, who added new  
21 features into the application."  
22 Do I apprehend, Mr Roll, that you agree with that as  
23 well?  
24 A. Broadly speaking, yes.  
25 Q. I'm grateful.

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1 Now, you describe yourself in paragraph 2 of your  
2 first statement {E1/7/1} as "third/fourth line support".  
3 You in fact worked in third line support, didn't you?  
4 A. I worked in third line support, yes.  
5 Q. And it is fair to say that -- well, this is my language  
6 and if you disagree with the nomenclature do let me  
7 know, but would it be fair to say that third line  
8 support was the elite, but the fourth line support, the  
9 people that actually fixed software problems, they were  
10 the super elite. Would that be a fair thing to say?  
11 A. I would say there were some members of third line who  
12 were super elite as well.  
13 Q. And would you describe yourself as one of those people?  
14 A. No.  
15 Q. Let's talk about third line. The third line, they were  
16 on a floor that even other Fujitsu staff members  
17 couldn't generally access, is that right?  
18 A. Yes.  
19 Q. And if we can pick it up at paragraph 28 of Mr Parker's  
20 witness statement {E2/11/8}, you worked in third line  
21 for between -- well:  
22 "Between 1 January 2001 and 31 December 2014 ..."  
23 And those are the years that you worked for Fujitsu:  
24 "... the SSC received a total of 27,005 calls,  
25 meaning that on average 563 calls per month were dealt

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1 with over this 4-year period."  
2 And he refers to a spreadsheet setting that out and  
3 he then analyses the data in that spreadsheet. Would  
4 you accept that that is a fair reflection of the amount  
5 of calls coming in, the amount of incidents coming in to  
6 SSC when you were there, third line?  
7 A. I can't really remember. I know there were periods when  
8 it was very busy and periods when it wasn't so busy.  
9 Sometimes we had three or four jobs on the go at once,  
10 other times we were given other work to do from the  
11 manager.  
12 Q. And paragraph 29, Mr Parker says:  
13 "Transferred calls (ie those not resolved by the  
14 SSC) are of interest."  
15 He says:  
16 "A very small proportion of calls transferred to  
17 4th line support would have concerned software errors  
18 requiring resolution ..."  
19 Stopping there, Mr Roll, that's true, isn't it?  
20 A. Yes.  
21 Q. So he then says:  
22 "... it would be interesting [therefore] to know the  
23 number of calls transferred to [fourth line]."  
24 Would you agree to that? It would give some  
25 indication of the extent to which incidents coming into

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1 the SSC properly, genuinely represented software areas  
2 that required fixing? That would be a useful way of --  
3 a touchstone of trying to work out --  
4 A. Yes.  
5 Q. Thank you. He then says that, unfortunately:  
6 "... while the SSC have records of the volume of  
7 transferred calls, we do not retain records of where  
8 they are transferred to and it is not the case that all  
9 of these would have been transferred to 4th line  
10 support. For example incidents would often arrive at  
11 SSC from internal teams for routing back to help desks."  
12 Do you remember that?  
13 A. I don't remember that particular ...  
14 Q. But would it be right to say that of the calls coming  
15 into third line support, a significant proportion would  
16 go -- of calls that would then be transferred out, would  
17 go to places other than fourth line support? Would that  
18 be fair? Does that accord with your recollection?  
19 A. The way I recollect it is that calls would come in and  
20 we would work on them, either fix them, in which case  
21 they would go back to the originator, or we would pass  
22 them on.  
23 Q. To other people?  
24 A. To other people.  
25 Q. Depending on the nature of the problem?

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1 A. Yes.  
2 Q. So if there was an infrastructure problem you would  
3 probably pass the call on to the infrastructure team, it  
4 wouldn't go to fourth line support, would it?  
5 A. Probably.  
6 Q. And there are a number of other teams that calls coming  
7 into third line would be passed to who would not be  
8 fourth line support?  
9 A. Probably. I can't remember the full details.  
10 Q. I accept, it's a long time ago. If we could just look  
11 at an analysis that Mr Parker has done of calls coming  
12 in and calls coming out, could we go to {F/1839} please.  
13 This is a series of spreadsheets which I have -- I'm  
14 probably the least qualified person in court to be  
15 talking about spreadsheets and I would like to go to the  
16 tab which is "Live PEAKs into SSC" please, at the bottom  
17 of the page. "RRP live PEAKs into SSC", there. And you  
18 will see that there is a calculation of from 2002 -- oh,  
19 from 2002 all the way through to 2004 -- actually, I'm  
20 sorry, if you go up to the top of the page you will see  
21 there is more. But it's from January 2001 all the way  
22 through to December 2004 and you will see at the bottom  
23 there's a figure of 27,005 calls. Mr Parker's evidence  
24 is that's the number of incidents/calls that came into  
25 the third line support during the years that you were

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1 there. Are you in a position to dispute that?  
2 A. I would say that's probably the number of recorded calls  
3 that came in, yes.  
4 Q. I'm grateful. If we could go to the next tab, which is  
5 "RRP live PEAKs out of SSC", here is the calculation,  
6 again from January 2001 all the way through  
7 to December 2004, of the total number of calls that were  
8 passed out of third line support and we have already  
9 established that a proportion of those calls would have  
10 gone elsewhere?  
11 A. Mm-hm.  
12 Q. Some of them would have gone to fourth line support and  
13 I believe you have already accepted that a small  
14 proportion of those going to fourth line support would  
15 have gone to fourth line support because they required  
16 software fixes?  
17 A. Yes.  
18 Q. Very good.  
19 Now, the total figure that Mr Parker has analysed  
20 comes to 3,764 calls. Do you see that?  
21 A. Yes.  
22 Q. Are you in a position to dispute that calculation?  
23 A. I can't dispute that, no.  
24 Q. No. And I didn't expect you to.  
25 So what that means is that of the calls coming into

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1 third line support while you were there, 14% of them  
2 went elsewhere and of that 14% only a subset would have  
3 gone to fourth line support. Do you accept that?  
4 A. Yes.  
5 Q. And of that subset only a small subset would have  
6 represented calls relating to software errors requiring  
7 fixing by fourth line support. Do you accept that?  
8 A. Does this figure, 3,764 -- is that -- and the other  
9 figure earlier on, is that calls that have come in, gone  
10 out then come back to us and gone out again somewhere  
11 else, or is it just ones that have come in, gone all  
12 round the houses, as it were, and then gone out for  
13 final resolution?  
14 Q. My understanding is it is the latter but I had better  
15 check. Yes, Mr Parker is nodding. Are you in  
16 a position to challenge that?  
17 A. No.  
18 Q. Very good.  
19 So what that indicates then is summarised by  
20 Mr Parker in paragraph 32 on page {E2/11/9} and  
21 Mr Parker says:  
22 "From the SSC, only a tiny proportion of incidents  
23 were escalated to the 4th line support team. It follows  
24 that only a tiny fraction of incidents raised actually  
25 needed to be looked at by the only team who might

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1 potentially effect changes in software."  
2 Do you accept that conclusion?  
3 A. Which paragraph are we looking at now, sorry?  
4 Q. Paragraph 32, Mr Roll.  
5 A. 32, sorry.  
6 Q. The first sentence is right, isn't it?  
7 A. When you take it as an average then yes I suppose so,  
8 but the system evolved from -- I started there in 2000  
9 I think it was and left in August 2004. The nature of  
10 the work changed over time and the ones that stick in my  
11 mind are the ones where there was sort of the  
12 fire-fighting efforts where it was -- there were  
13 difficult periods where there were software issues,  
14 so ...  
15 Q. Yes, Mr Roll. We could by all means go back to the  
16 graphs because you will have seen from the live PEAKs  
17 into and out of the SSC it actually gave monthly  
18 figures, but what I'm suggesting to you, Mr Roll, is  
19 that -- although you may well have been busy on all  
20 sorts of things, the fact of the matter is that software  
21 problems requiring a software fix represented a tiny  
22 fraction of the work that was handled by the SSC third  
23 line support.  
24 A. Yes.  
25 Q. I'm grateful. Now, you don't say anything about your

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1 seniority, although you have already expressed some  
2 modesty in that respect. We have established that you  
3 weren't part of fourth line. Is it fair to say that you  
4 were described as a SSC support consultant, was that  
5 your job title?  
6 A. I think I was a product specialist.  
7 Q. I'm sorry?  
8 A. I believe my job title was product specialist.  
9 Q. You were a product specialist and was that the junior  
10 level of people working --  
11 A. It was the generic level. I believe most people there  
12 were product specialists.  
13 Q. And I think we have established that is it 30 people  
14 worked in --  
15 A. Approximately.  
16 Q. -- the SSC? Of that 30 people how many people were at  
17 your level?  
18 A. When I worked there I -- it was two or three people were  
19 senior levels, I think Mr Parker was one, a couple of  
20 others, then there was Mik Peach and I believe the rest  
21 of us -- 25 or so.  
22 Q. The figures I would like to ask suggest to you, Mr Roll,  
23 are about 25 people had the junior level and there were  
24 about five people who were true specialists who I think  
25 you fairly described as specialist earlier on in your

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1 evidence. Would you accept that that might be the case?  
2 A. Junior level seems to -- it doesn't fully explain the  
3 complexity of the system or the knowledge of the system  
4 required, but yes, I suppose ...  
5 Q. Well, let's agree on ordinary -- I'm not seeking to cast  
6 any imputations and it is right that you should -- words  
7 do have implications. So the ordinary level was your  
8 level --  
9 A. Base level.  
10 Q. -- and there was this perhaps five or so people above --  
11 the senior people above you and what did they do? Did  
12 they do the more challenging work?  
13 A. Their experience and knowledge was more focused, shall  
14 we say. Some people had a very good -- even I suppose  
15 some of the junior level had a very in-depth knowledge  
16 of the accounting side of things, so certain aspects  
17 would be passed over to them. A couple were very, very  
18 clued up on UNIX and that side of things so the actual  
19 servers, any problems with those, if it was involved  
20 problems would go over to them. So that was where their  
21 knowledge lay in specific areas, very in-depth very  
22 specific knowledge of those particular areas. Does that  
23 explain the question?  
24 Q. I'm really trying to grope towards what the five true  
25 specialists, what kind of work they were doing. They

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1 were doing the more challenging kind of work, weren't  
2 they?  
3 A. I find it difficult to answer that from what I remember  
4 of the way we worked. There were some areas where some  
5 of the senior people where I would perhaps have been  
6 more -- had more experience because of previous work and  
7 previous programming that I would have been better off  
8 and had more knowledge than they would have done, but in  
9 other areas then they would be far superior to me.  
10 Q. Well, let me suggest one area where they would have been  
11 far superior to you, Mr Roll, or at least it was  
12 perceived within the organisation -- I'm not trying to  
13 have a debate with you about your own perceptions of  
14 yourself, that would be completely unfair, but the  
15 perception at the SSC was that were there software  
16 errors or potential software errors that required large  
17 amounts of code to be examined, the people who would  
18 generally do that examination would be those five  
19 people, people like Mr Parker. Would you accept that?  
20 A. Generally I suppose, yes, although --  
21 Q. And it would be relatively rare for someone outside that  
22 core specialist team to be doing that kind of work --  
23 not impossible but relatively rare, yes?  
24 A. Several of us looked at the code on occasions. I was  
25 a C programmer in that and other languages before

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1 I moved to Fujitsu so there were areas of knowledge we  
2 had from previous areas, but I suppose most of it would  
3 then be passed on to those people.  
4 Q. I see. So would you accept from me then that generally  
5 it would be them that would look at lots of code but  
6 occasionally there might be occasions when someone else  
7 would look at lots of code?  
8 A. From a PINICL perspective yes, but some of us looked at  
9 code more often, just out of interest.  
10 Q. Well, I will ask you about that in a while.  
11 Now, the last thing I'm going to be doing in this  
12 cross-examination is suggesting that you didn't have  
13 a responsible position and a responsible job. You were  
14 well trained, weren't you?  
15 A. I was well trained by Fujitsu, yes.  
16 Q. Is it the case that there was a mandatory six month  
17 training process you had to go through at Fujitsu before  
18 you were allowed unsupervised access to the live system?  
19 A. I don't fully recall that.  
20 Q. And would it also be fair to say that the work that you  
21 did involved tasks that were much easier and were much  
22 more mundane -- I don't mean to be insulting -- than the  
23 kind of tasks that the senior people within the third  
24 line of support did?  
25 A. I think one of the comments Mr Parker made in his

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1 statement at some point was that some things stick in  
2 the mind more than others and over time one tends to  
3 forget the mundane aspects of the job and tends to  
4 remember more the aspects that were not mundane, so my  
5 recollection is that -- as I put in my statement --  
6 I spent sort of 70% of the time doing not mundane tasks,  
7 as it were, and only 30%, but that could be wrong, it  
8 could be my perception of events from 15/17 years ago.  
9 Q. That's very fair, Mr Roll, and I'm grateful for that.  
10 Can we look at some PEAKs which indicate the kind of  
11 work that you were doing and I'm not suggesting, by the  
12 way, that these PEAKs are representative of all the work  
13 that you did. But if we can go to {F/94.1} please.  
14 That's a PEAK that's dated 26 March 2001 so it is quite  
15 early on in your tenure at the SSC. Could I ask you  
16 just to -- well, let's -- it's halfway down the first  
17 box we've got "Information: long calls detected on  
18 Bootle ISDN66" and then there is a series of times  
19 relating to particular branches, particular FADs. Are  
20 you able to explain what that's about? What that  
21 problem was?  
22 A. I think from what I remember calls were only supposed to  
23 last a certain time. If they lasted more than so many  
24 minutes then it would flag up an error. I think that's  
25 what that says but that's --

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1 Q. I see, and then you will see several boxes down under  
2 the heading "Graham Critchley", do you see that?  
3 A. Yes.  
4 Q. And then the next box down:  
5 "F response: lines checked, no longer up. All long  
6 calls cleared. KEL updated."  
7 And then there is a reference to a KEL.  
8 Can you describe what you were doing in relation to  
9 this?  
10 A. No, I can't remember.  
11 Q. You can't remember.  
12 Then you would have been -- it would have been your  
13 final response. The fact that your name is at the  
14 bottom indicates that you are the final responder for  
15 this PEAK, yes?  
16 A. Yes.  
17 Q. And generally speaking would it be right to say that the  
18 final responder is the person who has ownership of the  
19 conclusion of the process?  
20 A. Yes.  
21 Q. And the resolution and usually knows more about the  
22 problem than anybody else, would that be fair?  
23 A. Not necessarily knows more about the problem, no, but  
24 would have ownership of the problem.  
25 Q. And its resolution?

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1 A. Yes.  
2 Q. And if we could move on to {F/164.01} please. This is  
3 a PEAK -- it is now a couple of years, perhaps three  
4 years into your tenure. It is dated 28 November 2003  
5 and at the top on the first box we've got at 15/10/03,  
6 11.17 and then there is a long acronym. Could you tell  
7 the court what OBC stands for?  
8 A. I don't remember.  
9 Q. "Engineer to site 21/11/03 am to remove 2 counters and  
10 pin pads from site and return to Triage Services.  
11 Engineer to ensure EOD marker is received prior to  
12 decommissioning."  
13 So an engineer is going into a branch to remove some  
14 counters.  
15 A. Looks like the branch has closed.  
16 Q. It looks like the branch is closing.  
17 Then if we go to the next box we've got  
18 Barbara Longley -- who was Barbara Longley, do you  
19 remember her?  
20 A. I think she was the lady who was the administrative  
21 person responsible for allocating calls.  
22 Q. And then several lines down, "the call summary is now"  
23 and there is a FAD number "check for marooned  
24 transactions". Could you explain what the marooned  
25 transactions are?

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1 A. I can't really remember but I think you had an end of  
2 date marker and if anything had been -- any transactions  
3 that were done after the last end of day marker -- so if  
4 the branch had closed say at lunchtime, anything done in  
5 the morning there wouldn't have been an end of data  
6 marker left so I believe they may not have been  
7 harvested properly and I think that was ...

8 Q. Well, can I suggest to you that what's happening here is  
9 that there's a basic kit removal operation and marooned  
10 transactions are transactions that might be located on  
11 the machines but are trapped in -- they are stuck in the  
12 machines, possibly because of a hardware error. Would  
13 that be right?

14 A. Possibly.

15 Q. I see. And you will see halfway down the same box:  
16 "Pre-scan: assigning call to Richard Roll in EDSC."  
17 Do you remember what EDSC stands for?

18 A. No, I don't.

19 Q. But it is assigned to you and then if we go to the next  
20 box down your response is:

21 "There are no marooned transactions; EODs and cash  
22 accounts harvested okay."

23 So what work would you have done there to result in  
24 that report?

25 A. I don't know.

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1 Q. You can't recall?

2 A. I don't remember.

3 Q. I see. Well, let's try the next one [F/193.1] please.  
4 This is dated 26 February 2004. This is the year you  
5 left and the first big box with big text in, another OBC  
6 exercise of some sort, "planned short notice close", so  
7 it looks as if a branch is closing down:

8 "ROMECC Engineer to site 18/02/2004 AM to remove 1  
9 counter and pin pad from site and return to triage  
10 Services. Engineer to ensure EOD marker is received  
11 prior to decommissioning."

12 So an engineer is going to a branch to close it down  
13 and remove the equipment, so similar to what we saw  
14 before.

15 And then the next box down, about a third of the way  
16 down there's a line which reads:

17 "Attended site [18 February]. SMC John confirmed.  
18 Synchronisation ... ROMECC work complete."

19 Who were ROMECC, do you remember?

20 A. No.

21 Q. And two lines down:

22 "Information: please check for last CA and potential  
23 marooned transactions."

24 Do you know what "last CA" means?

25 A. Last cash account I think.

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1 Q. And potential marooned transactions, again is someone  
2 seeking to check whether there were any transactions  
3 stuck on a machine that haven't been harvested and sent  
4 elsewhere, is that right?

5 A. Yes.

6 Q. And then if we go down the page to the bottom of the  
7 page, right at the bottom it is assigned to you, so you  
8 are still doing this kind of work amongst many other  
9 kinds of work --

10 A. Yes.

11 Q. -- in 2004 and over the page [F/193.1/2] about halfway  
12 down, 19 February at 11.8, user Richard Roll:

13 "Final cash account harvested correctly, there are  
14 no marooned transactions. No further action required."

15 Now, is it fair to say that a significant portion of  
16 your work did involve supporting engineers doing that  
17 kind of work? Would that be right?

18 A. I can't remember what percentage was what. It would  
19 have varied over time. Certainly for the last year  
20 after I had handed my notice in, I'm not -- I can't  
21 remember if there was a change in my workload or not.

22 Q. Well, let's go to your second witness statement that you  
23 made in January of this year. It is at [E1/10]. You  
24 have already alluded to it. I would like to go to  
25 page 8 [E1/10/8] which is paragraph 25. Perhaps you

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1 could just read it quietly to yourself.

2 (Pause).

3 A. Yes.

4 Q. About a third of the way down you say:

5 "However, if it is helpful to the court for me to at  
6 least clarify my role, then I would add the following  
7 short points: 1, whilst my workload did involve some  
8 support to engineers opening and closing branches,  
9 I would estimate that this made up only 30% of my work,  
10 and the majority of my workload (estimate 70%) involved  
11 looking for faults on data stores, preparing reports for  
12 the manager as a result of reports of problems with  
13 Horizon experienced by the estate ..."

14 And then you say:

15 "... as part of this role, at least some of the time  
16 I was involved in examining source code ..."

17 A. Yes.

18 Q. Now, first of all, when you say "looking for faults on  
19 data stores", what do you mean? Would that include  
20 looking for marooned transactions on counters, on the  
21 message stores?

22 A. It could do, yes.

23 Q. I see. And would it include checking to see whether  
24 message -- whether counters, whether the machines are  
25 locked when they should be unlocked, that kind of --

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1 looking for problems in the configuration data for  
2 example in machines which prevent them from working  
3 properly? Would you include that as looking for faults  
4 on data stores? Because it does seem to be what those  
5 words mean, Mr Roll?  
6 A. I find -- I can't remember any specific details of that  
7 sort of depth of work that I did. What I believe was  
8 that I said most of my work was of a more technical  
9 nature, not supporting the engineers, but that's my  
10 recollection and that's the best I can give you.  
11 Q. Faults in data or data stores, that doesn't mean looking  
12 for bugs in software, does it?  
13 A. It's not technically looking for a bug in the code, more  
14 a bug in the data, a corruption in the data.  
15 Q. Yes. So that's a very useful distinction actually.  
16 A difference between errors in code, bugs in -- what  
17 layman would probably call bugs and then data  
18 corruption?  
19 A. Yes.  
20 Q. And data corruption is a vast sort of panoply of  
21 problems. It could include configuration problems, you  
22 could have data which has some fields that are missing,  
23 you could have machines that are locked because they've  
24 got the wrong binary setting -- I'm not putting this  
25 very technically, I hope you will forgive me. It would

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1 will include a vast array of problems, many of which  
2 would be hardware related, would that be right?  
3 A. No, not necessarily. The data ... it could -- it's not  
4 necessarily the hardware that's corrupted it. The data  
5 becomes corrupt. Data is not hardware or software, it's  
6 the data.  
7 Q. Yes, when I say "many of which could be hardware  
8 related" I'm actually trying to put that very point to  
9 you, Mr Roll, which is that if you have a data  
10 corruption, it may be the result of a software bug --  
11 A. Yes.  
12 Q. -- but it may well be the result of something completely  
13 different, there are a wide array of things, including  
14 hardware issues, would you accept that?  
15 A. Yes.  
16 Q. So when you describe 70 per cent of your work as  
17 including looking for faults on data stores, you are not  
18 saying, are you, that that work was looking for software  
19 bugs? That's not what you mean?  
20 A. Not 70% of it, no.  
21 Q. I'm grateful. And then you say:  
22 "... preparing reports for the manager as a result  
23 of reports of problems with Horizon experienced by the  
24 estate ..."  
25 First of all, who is the manager in that sentence?

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1 A. Mik Peach.  
2 Q. I see. So what you were doing, he would appoint you to  
3 provide him with reports, would he?  
4 A. He did, yes.  
5 Q. And those reports -- he would do that because he himself  
6 had received reports of one kind or another, is that  
7 right?  
8 A. He -- Mik Peach was engaged to another lady who worked  
9 in Fujitsu who was of a similar or maybe senior level to  
10 him and she occasionally asked him for favours and he  
11 would ask me to write reports and generate reports to  
12 give to her.  
13 Q. You describe them as being "as a result of reports of  
14 problems with Horizon experienced by the estate". What  
15 are these reports of problems with Horizon experienced  
16 by the estate?  
17 A. I don't remember the details.  
18 Q. Are we talking about standard routine reports that are  
19 generated automatically?  
20 A. No.  
21 Q. So we're talking about specific reports, what, by human  
22 beings?  
23 A. Specific reports where I would look at the various  
24 reports that had already been generated, collate the  
25 data and extract specific data for him.

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1 Q. I see. So there were people producing reports and then  
2 Mr Peach would then ask you to do reports collating the  
3 information that was in those underlying reports; is  
4 that what you are describing?  
5 A. Some of the reports were systems generated, some were  
6 generated by other people.  
7 Q. And systems generated -- I would like to investigate  
8 that a little bit. This also applies to the looking for  
9 faults on data stores that you describe. A lot of the  
10 work you did in looking for faults on data stores was  
11 related to system reports that -- there are a series,  
12 a vast series actually, of reports that are  
13 automatically generated by the system as to its own  
14 performance just to make sure it is working, lots and  
15 lots of automated reports, and when you were looking for  
16 faults on data stores you would be using those reports  
17 to look for problems which you would then be looking to  
18 see whether you could see if there was a problem and if  
19 so what should be done about it?  
20 A. Okay. Some of the reports were looking for  
21 communications problems, so long calls. Others would be  
22 looking for errors in the data stores. The data store  
23 was harvested every day and the information would then  
24 be processed overnight, so there would be all the  
25 banking transactions from all the counters would be

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1 extracted and batched up and then sent off to different  
2 banks and every process along there would generate  
3 a report as well. So it wasn't just the data stores, it  
4 was the whole system was generating reports.  
5 Q. There were an enormous --  
6 A. We would have access to all those reports, sorry.  
7 Q. I'm sorry, I didn't hear you that last -- that's my  
8 fault, I talked over you and now I'm saying I can't hear  
9 you. I'm sorry, Mr Roll.  
10 Yes, I see.  
11 So you would agree with me, would you, that there  
12 were a large number of automatic reports that were  
13 continually produced by the Horizon system --  
14 A. Yes.  
15 Q. -- to monitor its performance and to look for problems?  
16 A. Yes.  
17 Q. And that when those reports generated some hits when  
18 potential problems were identified, then people at your  
19 level would go and look at them to see whether there was  
20 anything that needed to be done about them?  
21 A. Yes. As time progressed we wrote more and more reports  
22 ourselves -- or programmes ourselves to monitor the  
23 system, to alert us to any potential problems.  
24 Q. And then perhaps I could ask you to go back to  
25 Mr Parker's statement, {E2/11/9}. If I could pick it up

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1 at paragraph 34. Mr Parker says:  
2 "As noted above, the SSC team provided both 2nd and  
3 3rd line support. As with any mix of people, there are  
4 (and were) various levels of talent within SSC. Mr Roll  
5 was primarily used in operational business change (OBC),  
6 which involved supporting the engineers who were opening  
7 and closing branches and increasing and decreasing the  
8 number of counters in branches."  
9 Stopping there, does that remind you as to what OBC  
10 stands for?  
11 A. It does, now.  
12 Q. And would you agree that you were primarily involved in  
13 that activity?  
14 A. That's not how I remember it, no.  
15 Q. Could I suggest to you that it is quite possible that  
16 because of the process you yourself described a few  
17 minutes ago, that one tends to remember only the more  
18 interesting things --  
19 A. It is, it is possible.  
20 Q. -- it is actually possible that that did represent your  
21 primary set of jobs?  
22 A. Yes, it could be.  
23 Q. I'm grateful. He says:  
24 "Mr Roll would also have been regularly correcting  
25 the application environment after engineers had replaced

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1 failed counter hardware and clearing temporary files to  
2 increase disc space."  
3 Is that true?  
4 A. It's possible. I don't remember it, but it's possible.  
5 Q. "This could fairly be described as 2nd line work and it  
6 was done by the SSC because it required a higher level  
7 of access to the system than other support teams had."  
8 Would you accept that?  
9 A. It could be considered that.  
10 Q. And then paragraph 35:  
11 "Some members of the 3rd line support group  
12 identified the need for software fixes via source code  
13 examination and would pass this on to the 4th line team  
14 for a code fix to be written. Mr Roll did not play any  
15 significant part in this and was not involved in any  
16 extensive source code examination. An application code  
17 fix would not be written by anyone in the 3rd line team  
18 and he was not involved in the provision of 4th line  
19 support."  
20 Could I suggest to you, Mr Roll, that you did not  
21 play any significant part -- I'm not saying you played  
22 no part, but you did not play a significant part in that  
23 process and you weren't generally involved in extensive  
24 source code examination?  
25 A. That is correct, not generally involved, but I was

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1 involved in some source code examination.  
2 Q. On occasion?  
3 A. On occasion.  
4 Q. And then would you agree that an application code fix,  
5 that's a software fix to correct what I would call  
6 a bug, would not be written by anyone in the 3rd line  
7 team; that's right, isn't it?  
8 A. Yes, we would identify a problem but the software  
9 development team would write it.  
10 Q. It's the fourth line people that fix them and I think  
11 you would agree that from Mr Parker says here is that  
12 you were not involved in the provision of fourth line  
13 support.  
14 MR JUSTICE FRASER: Is that right?  
15 A. Fourth line support, from that way -- I suppose yes, you  
16 could say that. The way I was looking at fourth line  
17 support was writing code that would monitor the systems  
18 and generate errors -- generate alerts if there was  
19 a potential error, so from the way that's put then yes,  
20 you could say that.  
21 MR DE GARR ROBINSON: You weren't involved in the support  
22 that was provided by the fourth line?  
23 A. No.  
24 Q. Thank you.  
25 So would it be fair to say that the reading of

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1 copious amounts of code was relatively rare for the  
2 third line of support and when it did happen it was  
3 generally done by the senior people that we have  
4 discussed?  
5 A. Yes, I would think so.  
6 Q. And although you did it on occasion, it was even rarer  
7 for you; would that be --  
8 A. Yes.  
9 Q. I'm grateful.  
10 Then if we move on to paragraph 37 {E2/11/10}.  
11 Perhaps I could ask you to read paragraph 37.  
12 A. Sorry, read out loud or ...?  
13 Q. No, no, just read it to yourself. I'm so sorry.  
14 (Pause).  
15 Subject to one point which I'm about to raise with  
16 you, Mr Parker says here:  
17 "Moreover, Mr Roll was not working at a level where  
18 he would be required to review code."  
19 Mr Roll, I'm not suggesting that you never reviewed  
20 code, sometimes you did, but subject to those occasional  
21 times would you accept what Mr Parker says in  
22 paragraph 37?  
23 A. It's again what we said earlier. My recollection is  
24 different to this but it's possible that predominantly  
25 I did do the workaround. It's a long time ago.

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1 MR JUSTICE FRASER: What about the sentences that say about  
2 the role of the SSC, do you agree with them? The SSC  
3 had access to view, but couldn't amend, source code?  
4 A. Yes, I agree with that.  
5 MR JUSTICE FRASER: That's correct. And the access which is  
6 then described in the second sentence was rarely used,  
7 or do you not know?  
8 A. I looked at the source code on several occasions, but  
9 over a four year period that is rarely used, so ...  
10 MR JUSTICE FRASER: Okay.  
11 MR DE GARR ROBINSON: Well then, Mr Roll, if I could ask you  
12 to go back to your first witness statement, it is E1,  
13 tab 7. If we could pick it up at paragraph 6 {E1/7/1}  
14 you say:  
15 "My role involved receiving issues or problems being  
16 experienced by people working within Post Office  
17 branches. In many cases, this involved me dealing  
18 directly with subpostmasters and others employed in  
19 Post Office branches."  
20 And then in paragraph 7 you say:  
21 "By way of example of the type of issue that I would  
22 deal with, if a financial discrepancy had arisen in  
23 a branch (eg a 'shortfall' of £5,000) then I would need  
24 to work sequentially through all transactions over the  
25 relevant period and also work through thousands of lines

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1 of computer coding. Software programmes were written by  
2 us to strip out irrelevant data to enable us to more  
3 easily locate the error."  
4 Given the discussion we have just been having,  
5 Mr Roll, would you accept that perhaps with the benefit  
6 of hindsight paragraph 7 might give a slightly  
7 misleading impression, I'm sure unintentionally. It  
8 gives, I would suggest, the impression that this is  
9 something you did regularly, that when dealing with  
10 problems arising in branches you would regularly work  
11 through thousands of lines of computer coding, but  
12 that's not actually the case, is it?  
13 A. That is not the case, no, and that is -- I must agree  
14 that is what that suggests.  
15 Q. That's fair. That wasn't your intention to suggest that  
16 and it may be I'm reading too much into it. Is that  
17 what you are saying?  
18 A. My recollection was that I did work through computer  
19 coding of the programmes, but now I'm not so sure.  
20 Q. I'm very grateful, Mr Roll.  
21 Then if we could go back to {E2/11}, Mr Parker's  
22 statement. If we could pick it up at page 10  
23 {E2/11/10}, in paragraph 39 Mr Parker describes how:  
24 "When an incident is resolved, the SSC team member  
25 (or technician as they are sometimes called) types

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1 a summary of the incident (known as a final response)  
2 and allocates a response code to the incident in order  
3 to classify it."  
4 Pausing there, do you remember that that was how the  
5 SSC worked?  
6 A. No, I don't remember that.  
7 Q. You do remember the fact that someone would be  
8 responsible for producing the final response on any  
9 PEAK, yes?  
10 A. Yes.  
11 Q. And do you remember that that person would allocate  
12 a code to the PEAK reflecting his or her judgment as to  
13 the nature of the problem that had been dealt with?  
14 A. I know that that's what happened because I have seen the  
15 documents here, but I don't remember that.  
16 Q. Oh, well, it might be that the questions I was about to  
17 ask you could go quicker but I will try anyway.  
18 "While guidance is provided on when to use each  
19 response code ... allocation is the subjective view of  
20 the technician closing the incident and there is no  
21 re-examination of the response codes later to ensure  
22 consistency."  
23 Would I be right in thinking that you are not really  
24 in a position to comment at this remove of time?  
25 A. No.

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1 Q. Then Mr Parker says in paragraph 40:  
2 "With that in mind, the final response codes that  
3 were allocated to incidents ... reported to SSC between  
4 1 January 2010 and 31 December 2004 were as follows:-  
5 "Known issue/workaround - 35.3%;  
6 "Admin - 27.5%;  
7 "Reconciliation - 15.7%;  
8 "Potential user error - 10.9%;  
9 "Potential software error - 8.3%; and  
10 "Hardware error - 1.2%."  
11 Are those terms, those characterisations, known  
12 issue/workarounds, admin, reconciliation, are they  
13 familiar to you? Would you be able to -- do you have  
14 a sense of what these things mean?  
15 A. Not from my time there, I can't remember them.  
16 Q. You can't remember. Well, let me ask you this then.  
17 You will see in paragraph 40.5 he suggests that if you  
18 review the PEAKs for the relevant period the PEAKs that  
19 qualified as potential software errors represented 8.3%  
20 of the work that was done by the SSC. Would you be in  
21 a position to challenge that or accept it?  
22 A. No, neither. I wouldn't --  
23 Q. Neither? You just don't know. Fair enough.  
24 Then Mr Parker says in paragraph 41:  
25 "A major part of 1st line's raison d'être is to deal

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1 with user error and therefore the percentage of issues  
2 attributable to user error would be much higher at  
3 1st line."  
4 Would you agree with that?  
5 A. Yes.  
6 Q. And 41.2 {E2/11/11}:  
7 "Very few hardware incidents reached the SSC because  
8 they were the preserve of the HSD (ie they were  
9 relatively easy to spot and therefore filtered out by  
10 1st line support)."  
11 Would you agree with that?  
12 A. Yes.  
13 Q. 41.3:  
14 "8.3% of calls to the SSC ... are attributed to  
15 potential software errors over these four years. This  
16 includes duplicates ..."  
17 Would that be right, do you recall?  
18 A. No.  
19 Q. Would you be in a position to dispute that --  
20 A. No.  
21 Q. -- the 8.3% -- the PEAK analysis would include PEAKs  
22 that were essentially duplicates of other PEAKs?  
23 A. No, I couldn't -- I couldn't --  
24 Q. You couldn't remember?  
25 A. No.

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1 Q. So he also says this:  
2 "... does not provide any clarity on the  
3 significance of the error corrected."  
4 I suppose that's a statement of the obvious,  
5 isn't it, you would accept that? The 8.3% could include  
6 trivial problems, could involve major problems?  
7 A. Yes.  
8 Q. "Many software errors, particularly in a new product,  
9 were insignificant, such as correcting capitalisation in  
10 printed output."  
11 Would you agree with that?  
12 A. Yes, I assume so. I don't know if anything that trivial  
13 would have been passed through to us, or maybe it would,  
14 I can't remember.  
15 Q. Well, if we could look at your own -- my Lord, I see  
16 that it is 25 past 3. There was a break earlier, but  
17 would your Lordship --  
18 MR JUSTICE FRASER: Well, I assume -- are you going to go  
19 what until about quarter past 4, half past 4?  
20 MR DE GARR ROBINSON: If I could go to half past 4 I would  
21 be grateful.  
22 MR JUSTICE FRASER: Let's have a break now for the shorthand  
23 writers.  
24 Mr Roll, you are in the middle of giving your  
25 evidence. Please don't talk to anyone in the short

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1 break or indeed overnight about your evidence, because  
2 you are being cross-examined. We will have a break  
3 until 25 to for the shorthand writers, and if everybody  
4 could come back for that time that would be good. Thank  
5 you very much.  
6 (3.28 pm)  
7 (Short Break)  
8 (3.38 pm)  
9 MR DE GARR ROBINSON: My Lord, thank you.  
10 Could we go to {F/1839} please and once you've got  
11 it up I would like the "RRP live PEAK by category" tab  
12 again, if that's possible.  
13 MR JUSTICE FRASER: Do you want in or out?  
14 MR DE GARR ROBINSON: Could you keep going, I'm so sorry.  
15 Yes, that's the one.  
16 So, Mr Roll, can you see that there's a table  
17 here -- if you could perhaps bring the table up so we  
18 could see the whole of it because we are missing the  
19 first nine rows, I think.  
20 This is a table which Mr Parker describes in his  
21 witness statement. It is an analysis of the PEAKs that  
22 were produced during the four years 2001 to 2004 and it  
23 is an analysis of the codes that were applied by the  
24 final responder to the relevant PEAKs and do you see,  
25 Mr Roll, that there are a number of -- there's

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1 a column on A which is "Closure category" and these are  
2 the codes, the codes that were used at the time that you  
3 very fairly said you don't remember, it being so long  
4 ago, and all the numbers going down from zero which is  
5 "Deleted", all the way up to 200. Then there is a brief  
6 description of these codes and then there is the  
7 column C is the overall count of total number of PEAKs  
8 with these particular codes and you will see it comes to  
9 27,002 and I should -- it is worth mentioning, my Lord,  
10 Mr Parker says there are 27,005. This says 27,002,  
11 there are three missing, I'm afraid I'm not in  
12 a position to tell anyone why.

13 MR JUSTICE FRASER: They might be in cell C2 which has been  
14 deleted. It might not count.

15 Can we just click on cell 34C -- I mean it is not  
16 a big point so it is not worth ... no, sometimes it  
17 shows the formula.

18 All right, it doesn't matter.

19 MR DE GARR ROBINSON: I'm afraid it was posited only  
20 a couple of hours ago and I'm not in a position to --

21 MR JUSTICE FRASER: I don't think the difference between  
22 27,002 and 27,005 is going to make any difference.

23 MR DE GARR ROBINSON: I don't either.

24 So you will see, Mr Roll, just to explain it,  
25 there's the overall analysis of the codes, the

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1 distribution of the PEAKs between these different codes  
2 and then there is a -- if you go -- you can skip D for  
3 the moment, but E, F, G, H, I, J and K, these are sort  
4 of broader categories which are intended to encompass  
5 different groups of code, so Mr Parker has chosen  
6 "Potential software error" then "Potential user error",  
7 "Hardware", "Admin", "Known issue/work round",  
8 "Reconciliation" and "Documentation", do you see those  
9 broad categories?

10 A. Yes.

11 Q. Just to explain how it works -- it is not nearly as  
12 complicated as it looks. If you look at "Potential  
13 software error" you go down and you see there is a 1 on  
14 row 12. That corresponds to closure category 59:

15 "Ref data fix available to call logger."

16 That's the official code, or rather a brief summary  
17 of code 59 and it shows that there are some hits in that  
18 code category during the four years that you are there.  
19 Do you understand how it works?

20 A. Yes.

21 Q. Then next one down, another potential software error is  
22 60:

23 "Software fix available to call logger."

24 And the third one down is 61 "Build fix available to  
25 call logger". Do these phrases, "Reference data fix

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1 available to call logger", "Software fix available to  
2 call logger", "Build fix available to call logger", do  
3 those terms ring any bells?

4 A. No.

5 Q. Or is it really just to -- would I be wasting valuable  
6 time trying to --

7 A. I'm afraid I can't remember any of those.

8 Q. That's fair and I won't -- and then just to complete the  
9 picture, row 24 there's a code 74 which is also treated  
10 as a potential software error and this is "Fixed at  
11 future release" but given what you have just said  
12 perhaps I will leave it at the fact that you are not in  
13 a position to challenge these categorisations, are you?

14 A. No.

15 Q. And then we've got "Known issue/workround" in column I.  
16 The first one, the first hit is at 64, "publish known  
17 error", that sounds quite logical, so if there's a known  
18 error log already in existence that's just taking it and  
19 saying "This is the KEL that applies to this problem".  
20 And the next one down is "Unpublished known error" and  
21 the next one down is "Solicited known error" and the  
22 next one down is "Avoidance action supplied". Again,  
23 would I be right in thinking it is probably not  
24 a valuable use of time to ask you about those  
25 categories?

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1 A. No.

2 Q. Okay. Well, this is Mr Parker's categorisation and you  
3 will see that he distinguishes between potential  
4 software error and known issue/work-arounds and if we go  
5 down to the bottom of the table, looking at the overall  
6 figures of the 27,002, we have 2,252 which are treated  
7 as potential software errors, that's 8.3% and I think we  
8 have already discussed that figure and I believe you  
9 said you are not in a position to dispute that  
10 calculation, is that right?

11 A. That's correct.

12 Q. And then if we go over to "Known issue/work round" there  
13 are 9,545 of those which represents 35%, 35.3% of the  
14 work being undertaken by the SSC while you were there.  
15 Again, would I be right in thinking you are not in  
16 a position to dispute that?

17 A. Yes.

18 Q. Thank you.

19 Now, staying with this document I would like to go  
20 to a different tab please. Could we go to the  
21 "Final responses" tab. Now, this, Mr Roll, is an  
22 analysis of the PEAKs for which you were the final  
23 responder.

24 A. Right.

25 Q. And you will recall that this is addressed in

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1 Mr Parker's witness statement. You will see that there  
2 are 915 PEAKs in which you are the final responder while  
3 you were there in your 44 months when you were at  
4 Fujitsu and there's a breakdown of which particular  
5 categories you had applied to the relevant PEAKs when  
6 you closed them.

7 A. Right.

8 Q. Do you see that? And if we could go back please to "RRP  
9 live PEAK by category" which I think is to the right,  
10 you will see that as well as an overall analysis of the  
11 work done by the SSC there's also an analysis of the  
12 would, that you did, "RR", this is in the pale -- is it  
13 beige? When I was a child I think I would have called  
14 it fawn but we have to say beige now. There is a beige  
15 line and it has your 915 PEAKs and you will see  
16 "Potential software error", the total for the SSC is  
17 8.3% but do you see that your total comes out at 3.2%?

18 A. Mm-hm.

19 Q. Would you be in a position to challenge that percentage?

20 A. No.

21 Q. Is it fair to say that it would reflect the nature of  
22 the work that you did because you weren't one of the  
23 senior specialists?

24 A. It's possible, yes.

25 Q. And if we go along to "Known issue/work round", which is

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1 column I, as I say we have 35.3% for the SSC but we've  
2 got 61%, nearly 62% for you. Again, would you be in  
3 a position to challenge that allocation?

4 A. Not on the figures here. What I can say is that in some  
5 instances more than one person worked on a snag at  
6 a time, but their involvement may not be included in  
7 this and also that over time my workload would have  
8 shifted and ... well, I --

9 Q. I see what you are saying. The point about this doesn't  
10 cover all the work you did because you would have worked  
11 on other PEAKs for which you were not the final  
12 responder, could I just suggest to you that that may be  
13 true, I'm sure that is true, but it's also true,  
14 isn't it, that the PEAKs on which you are the final  
15 responder are representative of how you spent your time,  
16 the proportion of the work that you did as allocated  
17 between different -- it's unlikely that you would be  
18 a final responder in categories which didn't represent,  
19 you know, a fair allocation of the work you were  
20 actually doing at any particular time, would it?

21 A. It's interesting because this isn't how I remember it,  
22 but that's what the figures say so ...

23 Q. But just if I could put my point again, it's a small  
24 point and I will move on. You say, fairly, that these  
25 are just -- assuming these figures are right and I'm not

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1 demanding that you accept them --

2 A. I -- yes.

3 Q. If these figures are right, these just represent the  
4 PEAKs in relation to which you were the final responder,  
5 you were the one who had ownership -- if I can use that  
6 horrible cliché -- of the resolution of the problem and  
7 the closure of the PEAK. It's true that you would have  
8 worked on other PEAKs along the way, you would have  
9 been, you know, allocated the job and then it would pass  
10 to someone else and so on, it would have passed through  
11 your hands, but wouldn't it be right to say that the  
12 PEAKs where the music stopped -- the PEAKs that landed  
13 in your lap as the final responder would be a fair --  
14 a representative reflection of the nature of the work  
15 that you did as between different categories of work?

16 A. Yes, I should think so. There were probably some that  
17 I got to start with that I then passed on to, as you  
18 said earlier on, more qualified personnel within the  
19 department.

20 Q. I see.

21 MR JUSTICE FRASER: Mr De Garr Robinson, just so that I can  
22 follow one of the tabs on this document can we go back  
23 to the -- I just have a question for you about the  
24 entry. Can we go back to the "Final responses" tab  
25 please. Do you see there from row 21 downwards on the

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1 left-hand side the category is given but for some reason  
2 there isn't a description on the left-hand side. Is  
3 that just because there isn't enough room in that cell  
4 and I should look across to column D for the  
5 description?

6 MR DE GARR ROBINSON: Are we looking at column --

7 MR JUSTICE FRASER: I mean look, for example, at row 21  
8 which is "As category 70", row 13 category 70 then says  
9 "Avoidance action supplied" but for some reason it  
10 doesn't on row 21. That might not be an issue because  
11 it has avoidance action in column D.

12 MR DE GARR ROBINSON: Let me take instructions. I hadn't  
13 noticed that and I will take instructions.

14 MR JUSTICE FRASER: It is not important for now, just tell  
15 me in the morning.

16 MR DE GARR ROBINSON: I can tell your Lordship one thing  
17 your Lordship may find helpful is that there is  
18 a document which gives an indication as to what these  
19 codes actually mean. It is from a later period in 2011  
20 but I'm instructed that it is broadly accurate and for  
21 your Lordship's note, if it your Lordship is interested  
22 as to what these codes actually mean, it is {F/823} and  
23 the analysis of the codes starts at page 23 of that  
24 {F/823/23}. I'm not suggesting -- there are some codes  
25 that are omitted but if your Lordship would like to know

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1 more about those codes, it is actually -- I was going to  
2 take Mr Roll to them but given his --  
3 MR JUSTICE FRASER: I imagined you probably would. I was  
4 just curious about that column but it doesn't matter,  
5 please don't interrupt your flow.  
6 MR DE GARR ROBINSON: I will take instructions overnight.  
7 I'm so sorry to keep you waiting.  
8 MR JUSTICE FRASER: It is my fault for interrupting.  
9 MR DE GARR ROBINSON: So, Mr Roll, with that analysis can we  
10 go back to your first statement please. It is {E1/7/2}.  
11 It is paragraph 11 that I'm interested in. You say:  
12 "I would estimate that there were over 30  
13 individuals working on the same floor as me ... in the  
14 Fujitsu building at Bracknell. My recollection is that  
15 many of those individuals were involved in similar work  
16 to myself, or were involved in other Horizon related IT  
17 work. I would describe much of the work being carried  
18 out as 'fire-fighting' coding problems in the Horizon  
19 system."  
20 For "coding problems" I take it you're talking about  
21 software bugs. On the basis of the analysis of the  
22 evidence that we have just been through at slightly  
23 painful length, would you accept that it is possible  
24 that you may have rather exaggerated the position, no  
25 doubt unintentionally, in the last sentence of

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1 paragraph 11?  
2 A. Certainly the way I remember it doesn't agree with the  
3 figures, so yes, it is possible that --  
4 Q. Much of your work was not fire-fighting coding problems  
5 at all, was it, coding problems represented a tiny  
6 amount of your work?  
7 A. On the evidence you have just supplied, that's correct.  
8 Q. Nor did it occupy much of your colleagues' work either,  
9 if we look at the overall figures, 8.3% for software  
10 errors, would you accept that? Even that -- it would be  
11 unfair to describe the process that was undertaken  
12 during that four-year period as fire-fighting coding  
13 errors by the SSC. It's just not accurate, is it,  
14 Mr Roll?  
15 A. From volume perhaps not. Time-wise avoidance action  
16 would obviously take much less time than trying to find  
17 a software problem. But the figures certainly  
18 contradict my recollections of it.  
19 Q. That's fair.  
20 If we could move back to paragraph 9 {E1/7/2} you  
21 say:  
22 "We regularly identified issues with the computer  
23 coding in the Horizon system. We would then flag those  
24 issues to the Fujitsu IT software developers."  
25 Mr Roll, you didn't regularly identify issues with

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1 computer coding that would be flagged for the fourth  
2 line support, did you? That's just not consistent with  
3 the figures we have been looking at?  
4 A. The way I remembered it was that we were as a department  
5 finding issues every week but I'm not sure if that is  
6 the case now. That was my recollection.  
7 Q. I'm grateful. Then paragraph 8 -- this may have been  
8 carefully drafted, or it may actually have been  
9 carelessly drafted and I'm not attributing any motives  
10 to you, I'm genuinely not, but if you look at the last  
11 sentence of paragraph 8, you say:  
12 "If an error was referred to us then it was  
13 extremely unlikely to be due to a mistake made by  
14 a postmaster; the vast majority of errors I dealt with  
15 were due to coding errors or data corruption."  
16 Just to be clear, Mr Roll, you are not saying that  
17 the vast majority of errors you dealt with were coding  
18 errors, are you?  
19 A. No.  
20 Q. And when you say "or data corruption", that includes all  
21 sorts of problems --  
22 A. All sorts of problems --  
23 Q. -- that had nothing to do with software bugs?  
24 A. Yes.  
25 Q. I'm grateful. Now, I would like to ask you about

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1 paragraph 10 of your witness statement {E1/7/2}.  
2 I'm sorry, Mr Roll, I'm told that the transcriber  
3 hasn't got the last answer. Could I read my question  
4 again and then you can answer it again. I think it may  
5 be my fault for having talked over you. My question  
6 was: and when you say "or data corruption" that includes  
7 all sorts of problems that have nothing to do with  
8 software bugs?  
9 A. Yes.  
10 Q. I'm very grateful.  
11 Then paragraph 10 on page 2 {E1/7/2} of your witness  
12 statement:  
13 "My recollection is that the software issues we were  
14 routinely encountering ..."  
15 Do you think there's a danger that by describing  
16 yourself as "routinely encountering" software errors,  
17 you may have unintentionally exaggerated the position?  
18 A. I'm referencing here the whole department, not myself  
19 and it was my recollection that as a department we were  
20 routinely encountering software errors, which, as we  
21 have previously said, the figures don't support that but  
22 that was my recollection.  
23 Q. That's very fair, Mr Roll, thank you.  
24 You say:  
25 "My recollection is that the software issues we were

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1 routinely encountering could and did cause financial  
2 discrepancies at branch level, including 'shortfalls'  
3 being incorrectly shown on the Horizon system."  
4 I think you will accept, won't you, that software  
5 issues did not routinely cause branch discrepancies?  
6 You are not saying that, are you?  
7 A. By "software" there I mean software and data issues,  
8 corruption, et cetera.  
9 Q. You're including data corruption issues and --  
10 A. The whole thing, yes.  
11 Q. I see. So when you say "software issues" we should --  
12 would it be fair to say that whenever you refer to  
13 "software issues" we should probably read in the  
14 possibility of other data issues that aren't concerned  
15 with software bugs?  
16 A. Yes.  
17 Q. I'm grateful.  
18 MR JUSTICE FRASER: By "software bugs" I think  
19 Mr De Garr Robinson is talking about code issues.  
20 A. Yes.  
21 MR JUSTICE FRASER: That's how you are putting it. You are  
22 using in your statement, as far as I can tell,  
23 "software" in a rather more generic way, is that  
24 correct?  
25 A. I'm afraid so, yes. I should have -- it has been a long

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1 time.  
2 MR JUSTICE FRASER: That's my understanding from both other  
3 cases and today. Coding is what in the computer  
4 industry they would describe as software issues, I think  
5 and that's the way you are putting your questions.  
6 MR DE GARR ROBINSON: Yes and I'm suggesting that the fact  
7 that you have a data problem --  
8 MR JUSTICE FRASER: I understand that.  
9 MR DE GARR ROBINSON: -- bears no necessary relation to --  
10 MR JUSTICE FRASER: I entirely understand all of those  
11 points. Just so that you, Mr Roll, if you could specify  
12 in any of your answers when you are referring to coding  
13 using the word "code" then I will understand and  
14 Mr De Garr Robinson will understand what your answer  
15 relates to.  
16 A. Yes, my Lord.  
17 MR JUSTICE FRASER: All right.  
18 MR DE GARR ROBINSON: So back to paragraph 10, I think you  
19 have -- I hope I'm not putting words into your mouth.  
20 Well, let me -- the software issues properly  
21 so-called -- that's unfair, that's suggesting I'm  
22 pulling rank on you or something, that's not my  
23 intention.  
24 Software issues in my definition, bugs.  
25 A. Bugs.

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1 Q. Coding issues. You are not saying that even the whole  
2 group of you, not just you, routinely encountered issues  
3 of that sort? You're not saying that, are you?  
4 A. We would -- a call would come into us with an error in  
5 the accounts or something like that basically. We would  
6 then look for a cause. And so unfortunately my  
7 terminology -- it has been a long time since I was in  
8 the industry. So it could be the code or it could be  
9 the data corruption and we would have to try and find  
10 out which one it was.  
11 Q. So you are not saying that you were routinely  
12 encountering coding issues, are you?  
13 A. Bugs, no.  
14 Q. I'm grateful. And then you said these issues could and  
15 did cause financial discrepancies at branch level,  
16 "these issues" being both software issues and data --  
17 A. Data.  
18 Q. -- more generally data issues. You are not  
19 suggesting -- actually let me break it down so we can be  
20 completely clear about what we're talking about. You've  
21 got -- it is not a venn diagram, in fact it is the  
22 opposite of a venn diagram. We've got a category of  
23 what I would call -- let's call them coding issues so we  
24 know exactly what we're talking about, and then we have  
25 a category of data issues. Would I be right in thinking

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1 that the data issues that you encountered were far more  
2 frequent than the coding issues, the coding issues  
3 actually were quite rare?  
4 A. We would always encounter data issues. Those data  
5 issues could be caused by a coding issue, or they could  
6 be caused by something else and I would say they were  
7 usually caused by something else.  
8 Q. I'm grateful. So data issues that were the result of  
9 coding issues represented a very small proportion of the  
10 total world of data issues, yes?  
11 A. Yes.  
12 Q. I'm grateful. And then of that -- we then look at data  
13 issues and we have data issues that result in  
14 discrepancies at branch level.  
15 A. Yes.  
16 Q. Would I be right in thinking that the number of data  
17 issues that cause discrepancies at branch level were  
18 very small compared with the total number of data issues  
19 with which you were wrestling?  
20 A. My recollection is that the data issues we were dealing  
21 with were generally -- that it was quite a high  
22 percentage of -- they were causing problems at the  
23 branches. I will ...  
24 Q. You say causing problems at branches, there are all  
25 sorts of problems that would be caused at a branch. For

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1 example you could have a configuration problem which  
2 means the machine isn't working properly. That's a data  
3 issue, isn't it?  
4 A. Yes, yes.  
5 Q. That would be a problem at the branch but it wouldn't be  
6 a problem that would cause a discrepancy, would it?  
7 A. So what I mean is from what I remember, a lot of the  
8 data issues that came in, we got them because there was  
9 a problem with the accounts, a balance mismatch  
10 somewhere. This is how I remember it. And if we could  
11 find a problem -- if you could pinpoint it to the data  
12 itself then you could perhaps find the problem and fix  
13 it. If you couldn't find where the problem was in the  
14 data, or you couldn't understand why it had happened  
15 then there was the potential for it to be a software  
16 problem, so then you would pass it over. It didn't mean  
17 there was a software problem, it meant there was  
18 a potential for it.  
19 Q. Well, I'm grateful for that and actually I think you may  
20 have just agreed with what I'm about to put to you.  
21 Could I ask you to go to Mr Parker's first statement  
22 please. It is at {E2/11/11}. This is where Mr Parker  
23 says this:  
24 "Classifying an incident as a 'potential' software  
25 error does not necessarily mean that there was

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1 a software error ..."  
2 I believe that's the point you just made to me,  
3 isn't it?  
4 A. Mm-hm.  
5 Q. "... and, even if there was, it does not mean that the  
6 error was one that could have caused a financial impact  
7 in a branch's accounts ..."  
8 Would you agree with that?  
9 A. Yes.  
10 Q. And then he says in brackets:  
11 "... (a large proportion of these would be errors in  
12 numerous data centre resident systems that the  
13 subpostmaster never sees - errors were often as trivial  
14 as the use of 'Kg' instead of 'kg' on receipts)."  
15 Would you agree with that?  
16 A. I can't remember.  
17 Q. Well, I do suggest to you, Mr Roll, that even when you  
18 had a coding error that created a data problem in  
19 a branch, the number of data errors that actually  
20 created a branch shortfall was a vanishingly small  
21 proportion?  
22 A. My recollection is that it was a big part of our job, so  
23 for me working there it didn't seem like a small  
24 proportion, a vanishingly small proportion. Also  
25 just -- if there was a potential software issue and we

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1 passed it over for investigation, if they couldn't find  
2 a problem it didn't necessarily mean there wasn't  
3 a problem, it just meant they couldn't find it. So ...  
4 I can't agree fully with what you have just said.  
5 Q. Well, let me continue with what Mr Parker says:  
6 "As stated in paragraph 16 above, such errors were  
7 extremely rare."  
8 That's coding errors which caused a financial impact  
9 on branch accounts. As a proportion of the work coming  
10 into the SSC, coding errors causing financial impact on  
11 branch accounts was extremely rare, would you agree?  
12 A. Yes.  
13 Q. Thank you. And you say that problems would come in  
14 because there were discrepancies in branch accounts and  
15 that's how you would often see a problem, but of course  
16 there's a large number of possible causes --  
17 A. Yes.  
18 Q. -- for those problems, including user error, would you  
19 agree?  
20 A. Yes.  
21 Q. And would you agree that a significant proportion,  
22 a large proportion of even the problems that got through  
23 to the SSC, to third line, they were due -- probably due  
24 to user error?  
25 A. My recollection is that maybe 50% -- I'm trying to

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1 remember now. I can't remember it fully. But my  
2 recollection is that it was a pretty balanced mix as to  
3 either user error or maybe data corruption.  
4 Q. So let me see if I understand your answer. So what you  
5 are suggesting is of the problems that came in that were  
6 concerned with branch account discrepancies, you say  
7 your recollection is 50% you would have put down to user  
8 error?  
9 A. Yes, I'm -- I'm trying to just think of it now and maybe  
10 50% was user error. Certainly -- I wouldn't have liked  
11 to have said that the majority, or a vast majority was  
12 user error, but it is possible.  
13 Q. Then let's move on to paragraph 42:  
14 "Mr Roll's suggestion in paragraph 10 that software  
15 issues in Horizon 'routinely' caused discrepancies in  
16 branch accounts is misleading. In the vast majority of  
17 cases such an occurrence would cause a receipts and  
18 payments ... mismatch that would be flagged by the  
19 branch system as part of the balancing process ..."  
20 Is that right?  
21 A. There were instances -- no, I can't -- I think -- I'm  
22 not sure. I think that's right.  
23 Q. "In the vast majority of cases such an occurrence would  
24 cause a receipts and payments ... mismatch that would be  
25 flagged ..."

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1 That's true, isn't it?  
2 A. In the vast majority, yes.  
3 Q. Then he adds:  
4 " ... (the Horizon system carries out  
5 self-consistency checks which generate alerts in the  
6 event of a receipts and payments mismatch that are  
7 picked up by SMC and incidents raised for the SSC) ..."  
8 Do you remember that?  
9 A. In the vast majority of cases, yes.  
10 Q. And it appears on MSU reporting. Do you remember what  
11 MSU reporting is?  
12 A. No.  
13 Q. "These would then be investigated and resolved by the  
14 SSC."  
15 Is that right?  
16 A. I can't remember.  
17 Q. And then in 42.1 he says:  
18 "Since the introduction of Horizon in 1999 there  
19 have been 735 live incidents which refer to 'payments  
20 and receipt mismatch' (ie incidents recorded against  
21 components of the system providing Horizon service to  
22 Post Office rather than incidents raised against test  
23 systems)."  
24 Stopping there, would I take it that you are not in  
25 a position to challenge that figure?

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1 A. No.  
2 Q. "This figure has been obtained using a textual search  
3 across all incidents where the title or one of the  
4 incident updates contains all of the words 'receipts',  
5 'payments', 'mismatch'.  
6 Would you agree that there would be a fair way of  
7 trying to find the relevant PEAKs in this respect?  
8 A. If you're looking for receipts and payments or mismatch  
9 then yes.  
10 Q. I'm grateful:  
11 "It should be noted that this is not 735 unique  
12 incidents; there will be a lot of duplicates with the  
13 same root cause."  
14 Would you agree with that?  
15 A. I can't disagree with it.  
16 Q. "The only way to determine how many unique incidents  
17 there were would be to manually review all of the  
18 incidents."  
19 I take it you would agree with that?  
20 A. Yes.  
21 Q. "All of them were resolved."  
22 Do you accept that?  
23 A. I can't comment.  
24 MR JUSTICE FRASER: I don't think he would be in a position  
25 to -- I mean a question would be I suppose: from your

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1 time there do you remember any that were not resolved?  
2 MR DE GARR ROBINSON: Yes, thank you.  
3 A. I -- only vague memories of some things that may have  
4 not been -- we couldn't pin anything down specifically  
5 to code, or we couldn't find a problem, so it was  
6 assumed that the postmaster must have made a mistake.  
7 Q. Well, you say "assumed", Mr Roll, wouldn't it be fair to  
8 say that when you're looking at -- we're now looking at  
9 software coding issues, you're looking for coding issues  
10 that may have caused a problem, would you agree that an  
11 enormously thorough amount of analysis is done to try  
12 and figure out how a coding problem may have caused this  
13 particular symptom; would you accept that?  
14 A. Yes.  
15 Q. And the SSC would keep going, people like the five  
16 specialists and indeed you when you were involved on  
17 those occasions, you would keep going until you had  
18 satisfied yourself, as far as any human being could,  
19 that it wasn't down to a coding error; would you accept  
20 that?  
21 A. Sometimes there were times -- well, sometimes there were  
22 time constraints from what I remember, so you had a few  
23 days to find a problem and produce an answer.  
24 Q. "Sometimes". How often did that occur?  
25 A. I couldn't say, but that's one of the things that sticks

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1 in my mind that there were occasions. Very  
2 infrequently.  
3 Q. I'm grateful. Let's move on to page 12 please  
4 {E2/11/12};  
5 "These incidents ..."  
6 We are now talking about receipts and payments  
7 mismatches:  
8 "These incidents are reported as a result of  
9 self-consistency checks carried out by Horizon. It  
10 should be noted that a R&P mismatch is not only caused  
11 by a software error. It can also be caused by incorrect  
12 product reference ... data."  
13 That's right, isn't it?  
14 A. Yes.  
15 Q. Then 42.3:  
16 "Receipts and payments mismatches happened more  
17 often during the early life of Horizon ..."  
18 And there is a reference to a tab which I will go to  
19 in a moment:  
20 "My analysis of that data shows that there were  
21 around 8.6 such incidents per month on average between  
22 1 January 2001 and 31 December 2014 (417 out of a total  
23 of 27,005 incidents into SSC, or 1.5% of SSC incidents  
24 during that period)."  
25 We can go to the table if you like but I apprehend

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1 that you would probably give me the same answer that  
2 you're going to give me now which is that you are not in  
3 a position to challenge that analysis?  
4 A. I'm not.  
5 Q. So what we're talking about, if this analysis is right,  
6 is 1.5% of incidents going to third level, going to the  
7 third line which consist of payments and receipts  
8 mismatches and that means that less than 1.5% of  
9 incidents going into SSC would have been discrepancies  
10 in branch accounts caused by software issues, by coding  
11 issues. Do you accept --  
12 A. Yes.  
13 Q. -- the logic of what Mr Parker is saying?  
14 A. I don't know if the receipts payments mismatch would  
15 include other balancing problems or not.  
16 Q. But I think you have already agreed that in the vast  
17 majority of cases such an occurrence would cause  
18 a receipts and payments mismatch?  
19 A. I believe so.  
20 Q. I'm grateful. On the basis of that evidence -- would  
21 you give me a moment, Mr Roll, I do apologise. One of  
22 my questions is being corrected by a junior who is far  
23 too able for his own good.  
24 At page 172 I think I did what is conventionally  
25 called an American misspeaking. My question was "1.5%

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1 of incidents going to third level which consist of  
2 payments and receipts mismatches and that means less  
3 than 1.5% of incidents going into SSC would have been  
4 discrepancies in branch accounts caused by software  
5 issues" and I'm corrected, I should have said:  
6 potentially caused by software issues.  
7 MR JUSTICE FRASER: I think you meant potentially caused by  
8 coding issues.  
9 MR DE GARR ROBINSON: I really do mean that.  
10 MR JUSTICE FRASER: But you then did go on to say "by coding  
11 issues" after software issues.  
12 MR DE GARR ROBINSON: But the key word is "potential".  
13 I wasn't seeking to suggest to you -- I was seeking to  
14 suggest to you there is a wider category. You recognise  
15 of course there are potential coding issues and then  
16 there are actual coding issues and the former is  
17 a larger class than the latter. We have lots of venn  
18 diagrams today and what I was suggesting to you there  
19 was I was talking about the larger class.  
20 A. Yes.  
21 Q. That is what must be less than 1.5% --  
22 A. Yes.  
23 Q. -- would you accept that logic?  
24 A. Yes.  
25 Q. Thank you, Mr Roll.

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1 Now, if you encountered a software error causing  
2 a branch -- well, actually, I'm so sorry, let's go back  
3 to paragraph 19 of your first statement which is at  
4 page 3 {E1/7/3}.  
5 Could I suggest a way of rewriting paragraph 19 that  
6 would make it if not more accurate, at least read more  
7 fairly. You start by saying:  
8 "In summary, the issues with coding in the Horizon  
9 system were extensive."  
10 But it would be fair to say "but represented a tiny  
11 proportion of the work coming into the SSC", would you  
12 accept that?  
13 A. Sorry, which one are we looking at now?  
14 Q. I'm so sorry, paragraph 19 on page 3 of your first  
15 witness statement.  
16 MR JUSTICE FRASER: I don't think the witness has reached it  
17 yet. He is using the hard copy.  
18 Look under tab 7 and then look at the penultimate  
19 page of your witness statement which should have  
20 {E1/7/3} in the bottom right-hand corner. Do you see  
21 that?  
22 A. Yes, thank you, my Lord.  
23 MR JUSTICE FRASER: It has paragraph 19.  
24 MR DE GARR ROBINSON: Mr Roll, I should have done that and  
25 I do apologise for not having seen your predicament.

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1 You start by saying:  
2 "In summary, the issues with coding in the Horizon  
3 system were extensive."  
4 Would it be fairer to say that the issues with  
5 coding in the Horizon system represented a very, very  
6 small proportion of the issues that the SSC dealt with?  
7 A. From the evidence you have shown me just then I would  
8 agree with that.  
9 Q. And then you say:  
10 "Furthermore, the coding issues impacted on  
11 transaction data and caused financial discrepancies on  
12 the Horizon system at branch level."  
13 Would you accept that the proportion of coding  
14 issues that had that effect was even smaller?  
15 A. Yes.  
16 Q. And the next sentence:  
17 "It was those issues that I, and other colleagues at  
18 Fujitsu, were routinely working on daily."  
19 Well, that's not really right, is it, Mr Roll? You  
20 and others were not working on these issues daily, were  
21 you, they were a very small proportion of the work that  
22 was being done?  
23 A. From the bugs then yes.  
24 Q. Thank you.  
25 MR JUSTICE FRASER: By bugs you mean coding?

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1 MR DE GARR ROBINSON: Coding.  
2 MR JUSTICE FRASER: I seem to be the only person who cares  
3 about what words are used.  
4 MR DE GARR ROBINSON: So if we could go back to paragraph 10  
5 please on page 2 of the same document [E1/7/2]. You say  
6 that -- you refer to software issues, which we now know  
7 is a wider category, it's both coding issues and data  
8 issues:  
9 "... could and did cause financial discrepancies ...  
10 if we were unable to find the cause of the discrepancy  
11 then this was reported up the chain and it was assumed  
12 that the postmaster was to blame."  
13 When you say "reported up the chain", to whom was it  
14 reported?  
15 A. To our manager and that's as far as I knew. I don't  
16 know where it went after that.  
17 Q. And why would you report it up the chain? Why wouldn't  
18 you just complete the PEAK in the normal way? There  
19 seems to be some significance attached to a process of  
20 reporting?  
21 A. Usually, from what I remember, there was some pressure  
22 on us to come to a resolution, a solution.  
23 Q. Oh, you mean -- I see, so do I understand this, that it  
24 wasn't -- the management didn't want you to close your  
25 eyes to issues of that sort, management wanted you to

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1 figure out what the problem was?  
2 A. Quickly.  
3 Q. That was the encouragement that --  
4 A. They wanted a quick answer, yes.  
5 Q. No, let's take this in stages. They wanted you to  
6 figure out what the problem was, is that right?  
7 A. Yes.  
8 Q. And now you have added the word "quick". Why do you say  
9 quick --  
10 A. "Quick" was perhaps the wrong word.  
11 Q. -- do you think that's entirely fair?  
12 A. As I recall, sometimes we felt under pressure to  
13 provide -- to examine the data and give an answer within  
14 the timescale.  
15 Q. So sometimes the SSC was busier than other times and  
16 when the SSC was busy then sometimes you would say,  
17 what, you didn't have as much time as you would have  
18 liked to have got to the bottom of the problem?  
19 A. Yes.  
20 Q. And in that situation where you hadn't done enough you  
21 would report that situation up to your manager, would  
22 you?  
23 A. Yes.  
24 Q. And that would be Mr Peach, would it?  
25 A. Yes.

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1 Q. And what would Mr Peach say?  
2 A. I don't know what he said to his -- to the management  
3 above that, I've got no idea.  
4 Q. But it would be fair to say -- I think I'm -- I hope I'm  
5 drawing the right inference from what you said a minute  
6 ago -- it would be fair to say that Mr Peach would want  
7 you to bottom out the issue, to get to the bottom --  
8 A. Yes.  
9 Q. -- of that issue that was reported to you. He didn't  
10 want you to close your eyes to a problem, did he?  
11 A. No.  
12 Q. I'm very grateful, Mr Roll.  
13 When you encountered a coding issue which had --  
14 well, did you ever encounter a coding issue which had  
15 a financial impact on the branch account?  
16 A. I can't remember. There were times when I suspected  
17 something like that and passed it on, from what I do  
18 remember, to one of the other --  
19 Q. To seek more senior people --  
20 A. Yes.  
21 Q. -- who might be able to look at it in more greater  
22 depth?  
23 A. Yes.  
24 Q. But you don't recall ever having encountered, in all the  
25 PEAKs that you worked on, a coding issue that definitely

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1 caused a financial impact?  
2 A. I don't recall discovering one, no.  
3 Q. I'm grateful.  
4 So my next question was going to be when you were in  
5 that position, what would you do, but I apprehend that  
6 you won't be able to answer that question?  
7 A. I can't remember.  
8 Q. I was going to ask you about identifying all the  
9 branches that were affected by that coding issue but  
10 I apprehend that it's just not something you can speak  
11 to, is that right?  
12 A. No.  
13 Q. I see. Can you just give me a moment. I'm sorry to  
14 keep you waiting.  
15 So if we could go to [E2/11/3]. Paragraph 17,  
16 Mr Parker says:  
17 "On the very rare occasion that a software problem  
18 which could cause a financial impact in branch accounts  
19 arose, it would be investigated and resolved and Fujitsu  
20 would determine its impact on the Horizon estate and  
21 inform Post Office of any financial impact on branches  
22 so that they could be resolved."  
23 Would I be right in thinking that's just not  
24 something that's within your experience because you were  
25 never in that situation?

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1 A. Yes.  
2 Q. Then I don't need to go there.  
3 My Lord, it occurs to me that now might be  
4 a convenient moment.  
5 MR JUSTICE FRASER: All right.  
6 Mr Roll, I said at the break you were going to go  
7 overnight, so if you could come back tomorrow please,  
8 10.30.  
9 A. Yes.  
10 MR JUSTICE FRASER: And remember what I said about not  
11 talking to anyone about your evidence. That doesn't  
12 mean that you can't talk to anyone about anything, but  
13 you can't talk to anyone about your case or your  
14 evidence.  
15 Housekeeping  
16 MR JUSTICE FRASER: Couple of housekeeping things, we may as  
17 well deal with them now. I don't think I have had  
18 a file next of your witness statements for next week.  
19 MR DE GARR ROBINSON: No, that's in hand, my Lord.  
20 MR JUSTICE FRASER: I would also like a single -- and this  
21 can be done as a running file. The PEAKs that are being  
22 used in cross-examination -- and I think there have only  
23 been two or three of them so far -- if I can just have  
24 a hard copy of whichever ones are in fact used and those  
25 just put in a file and that file can be updated each

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1 day.  
2 MR DE GARR ROBINSON: My Lord, we can prepare that. That  
3 would be helpful.  
4 MR JUSTICE FRASER: At the moment I think there is just the  
5 ones used in opening plus the three from today, so it's  
6 not going to be very difficult.  
7 MR GREEN: My Lord, would you like as we go along to have  
8 a second section with the associated KELs?  
9 MR JUSTICE FRASER: Yes, if that's going to be useful.  
10 MR GREEN: I think typically you may see both.  
11 MR JUSTICE FRASER: All right. So that's that.  
12 You were going to tell me how many documents had had  
13 to be disclosed result of your recollection, or the  
14 redaction review.  
15 MR DE GARR ROBINSON: I was. My Lord, may we do it tomorrow  
16 morning?  
17 MR JUSTICE FRASER: Do it tomorrow, yes, we will do it at  
18 the end of tomorrow.  
19 I would like both your openings in Word but not the  
20 appendices. And then I thought I would just give you an  
21 outline on the current plan on the judgment in common  
22 issues. I've had a list of typos from the claimants.  
23 That has not affected the intended timetable to hand it  
24 down on Friday. I imagine I will have some -- I think  
25 the time I asked for them was 5 o'clock, so I know it is

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1 a different team.  
2 MR DE GARR ROBINSON: I'm afraid I know nothing about --  
3 MR JUSTICE FRASER: No, it is just on the basis that it is  
4 the Post Office here, I thought I would just say.  
5 Assuming they are in the normal scope of typographical  
6 errors, et cetera, I'm still on track to be able to hand  
7 it down finally on Friday at 12 o'clock, but if that  
8 changes I will tell you tomorrow.  
9 Then one grammatical point which you may or may not  
10 find amusing, I do, but I thought I would ask you.  
11 "Subpostmasters" in the draft judgment you will see  
12 I abbreviated to a three letter abbreviation, or TLA, of  
13 SPM. I have put it as the indefinite article "an SPM".  
14 Mr Warwick's helpful corrections have suggested that  
15 throughout it should be changed to "a SPM". I don't  
16 mind because it takes a single keystroke, but in terms  
17 of grammar I thought it should be "an" SPM but I thought  
18 I would explore your views before I hand down a 180,000  
19 word judgment riddled with a potential grammatical  
20 inaccuracy. So Mr De Garr Robinson?  
21 MR DE GARR ROBINSON: Your Lordship will have seen from our  
22 submissions we say "an" SPM.  
23 MR GREEN: My Lord, I have no problem with "an" SPM at all.  
24 MR JUSTICE FRASER: You hadn't spotted that. I'm not sure  
25 I actually know with absolute precision what the rule is

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1 for abbreviations, but we will probably stay with "an".  
2 Anything else?  
3 MR GREEN: No, my Lord.  
4 MR JUSTICE FRASER: 10.30 tomorrow.  
5 See you tomorrow, Mr Roll. Thank you all very much.  
6 (4.30 pm)  
7 (The court adjourned until 10.30 am on Thursday,  
8 14 March 2019)  
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