

Filed on behalf of the: Defendant
Witness: Angela Margaret Van Den Bogerd
Statement No.: First
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Claim No: HQ16X01238, HQ17X02637 and HQ17X04248

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ROYAL COURTS OF JUSTICE
B E T W E E N:**

ALAN BATES AND OTHERS

Claimant

AND

POST OFFICE LIMITED

Defendant

**WITNESS STATEMENT OF
ANGELA MARGARET VAN DEN BOGERD**

I, ANGELA MARGARET VAN DEN BOGERD WILL SAY as follows:

1. I am Angela Margaret Van Den Bogerd, People Services Director, of Post Office Limited (**Post Office**).
2. I make this statement in support of Post Office's Defence in these proceedings.
3. The facts set out in this statement are within my own knowledge, or if they are outside my knowledge, I have explained the source of my information or belief.

INTRODUCTION

4. In this statement, I describe the Post Office business, the role of a Subpostmaster and the operations of a Post Office branch. I also provide some commentary on what the real-world effects of the Claimants' proposed implied terms would be.

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5. In this statement:

- 5.1 Paragraph references are to paragraphs in this statement unless otherwise stated.
- 5.2 The term "Subpostmaster" is used to generally refer to agents of Post Office who run branches, including subpostmasters, subpostmistresses, postmaster and operators.
- 5.3 References to "all material times" means from 1999 to present, unless the context indicates otherwise.

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6. I started my employment with Post Office on 1 April 1985. I have operated at all levels during my career, from branch level to senior positions, while remaining at all times close to the day-to-day operational procedures.
7. I began working as a Branch Counter Assistant as part of the directly managed network of branches (see paragraph XX), and continued in that position for around 2 years. During this time I was also called upon to undertake on-site training for newly appointed Subpostmasters.
8. I was a Branch Manager responsible for the maintenance, day to day management and financial performance of Directly Managed Branches between 1987 and 1996.
9. Between 1996 and 2001 I was a Retail Network Manager, responsible at an area level for the maintenance, day-to-day management and financial performance of 24 post offices: 6 directly managed branches employing approximately 130 staff, and 18 agency branches. As part of this role I was responsible for interviewing the Subpostmasters, appointing the Subpostmasters, managing performance and dealing with any contract breaches (including contract termination) as appropriate.
10. I was Head of Area for the rural agency in Wales between 2001 and 2005, responsible for the maintenance, day-to-day management and financial performance of the rural network of 950 branches in Wales and the Welsh Marches. As part of this role I was accountable for a line management team of 18, and 950 Subpostmasters, and for the conforming of Post Office services to quality and efficiency standards.
11. I was General Manager for the Community Network of branches in the UK between 2005 and 2006, responsible for a team of 9 senior managers and a field based team of 40 managers, and for the day-to-day management of 9,000 rural and 500 urban branches.
12. As National Network Development Manager between 2006 and 2009 I designed, developed and deployed the process (known as the Network Change Programme) to deliver 3,000 changes to the Post Office network (2,500 closures and the establishment of 500 new type services). [What is a new type service?]
13. As Head of Network Services between 2009 and 2012, with a UK wide geographically dispersed field team of 200 people, I delivered a yearly average of (a) 1200 network change projects (i.e. branch relocations, refurbishments,

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closures and re-openings) across the Post Office network, (b) in excess of 5500 financial and compliance branch audits and interventions, (c) new entrant training for approximately 1000 agents/franchisees and employees and (d) 2000 recruitment and/or contractual interviews.

14. As Head of Network Services, I was responsible for the maintenance [Do you mean maintaining numbers of branches? Most people would interpret maintenance as meaning building improvements.] of the network of branches, including determining whether branches in new locations were warranted.
15. As Head of Partnerships between September 2012 and August 2013, I was responsible for the relationship between Post Office and various representative bodies, such as the Communication Workers Union, Unite the Union and the National Federation of Subpostmasters (**NFSP**, see paragraph XX).
16. As Programme Director for the Branch Support Programme between August 2013 and March 2015, I was responsible for improving operations across Post Office, including the handling of in-branch transactions.
17. As Director of Support Services between April 2015 and December 2016, I was responsible for our helpline for Subpostmasters (**NBSC**), our customer helpline, the Financial Service Centre (**FSC**), the Human Resources Service Centre (**HRSC**), and also managed the Contract Administration team.
18. From January 2017 until January 2018, I was the People and Change Director, responsible for HRSC, Health and Safety and the Change Portfolio [What is the change portfolio?] across the organisation.
19. From January 2018, in my role as People Services Director, I have been responsible for HR services within the Finance & Operations business unit, Health, Safety and well-being and the HR Service Centre.

B. POST OFFICE AS A BUSINESS

20. In this section, I describe the Post Office business, its commercial model and the changing commercial and regulatory context in which it operates.

Public ownership

21. A Post Office service has existed in England for nearly 400 years, and throughout that time it has always been owned by the English or UK state. It was originally

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known as the General Post Office, and then the Post Office Corporation. In 1986 Post Office Counters Limited was formed as a subsidiary of the Post Office Corporation, with services being split between the two entities: the delivery of mail was handled by the Corporation, and the Post Office retail network was transferred to the new subsidiary. In 2001, the Post Office Corporation became Royal Mail Group, and Post Office Counters Limited was renamed Post Office Limited. On 1 April 2012, the UK government privatised the Royal Mail Group, with Post Office Limited remaining in public ownership, its shares being transferred to and held directly by the UK Government. Up to this point, although Post Office was a separate legal entity, it shared some back-office services with Royal Mail and key decisions would be taken by, or at least approved by, Royal Mail as its parent company.

22. Today, the ultimate shareholder of Post Office is the Secretary of State for the Department of Business, Energy and Industry Strategy (**BEIS**). Post Office acts, and has at all material times acted, under the direction of its chairman and board of directors, rather than ministerial control. However, because the ultimate owner of Post Office is, and always has been, the Government, it is not a fully independent commercial business. We at Post Office often describe it as a commercial business with a public purpose. This sets it apart from nearly all other organisations in the UK and means its decisions are not driven solely by commercial returns, but also by its public purpose to support local communities and to deliver services to the general public. I return to this point below when explaining Post Office's approach to major changes to its network of branches.
23. Can we say more about POL's public purpose?
24. What other requirements are there imposed by Govt?
25. Have there been any other major changes in govt policy over the last 20 years that affect Post Office? Can we say that there is a difference between Labour, Coalition and Conservative governments?

Commercial operating model

26. Post Office is the UK's largest retail network and financial services chain with around 11,500 branches. To put this in context, Tesco has around 3,400 stores¹ and Lloyds Bank has about 1,100 branches².

¹ <https://www.tescopl.com/about-us/our-businesses/tesco-uk/tesco-in-the-uk/>

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27. Post Office acts as the "shop front" for the general public to access a range of products and services, from government benefit payments to postal and banking services. The [all / nearly all / a majority – are there any products directly provided by Post Office – Postal Orders?] of these products and services (just referred to as **products** in this statement for ease of reference) are provided by third parties (known as **Clients**). Post Office sells the Client's products to the public, charging the Client a fee or commission for that service. This allows a range of businesses and government departments to have a physical access point for their products without the need to directly invest in real estate. For example, customers can do their banking through Post Office. If they deposit cash into their bank account at a Post Office branch, Post Office takes the cash and effects an electronic transfer of the cash to the customer's bank who deposit the customer's account. Post Office then charges the customer's bank a fee for this service. This allows a bank to have a virtual network of bank branches without needing significant investment in new properties.
28. Post Office tries to provide all its services for a commercial profit. This applies even when providing government services (e.g. driving licence renewals). In practice, however, Post Office has typically not been able to profitable overall. It made a profit last year of £13m against operating revenue of £957m, but this was the first time it has made a profit in 16 years. Post Office is still reliant on a government subsidy to support transformation activities and rural services (see paragraph X). A combination of nationwide austerity measures, government spending cuts and a corporate desire to be self-funding has seen that subsidy reduce from £210m in 2012/13 to £80m in 2016/17.³
29. Post Office provides its services through Post Office branches. These fall into two categories. The first category is Crown branches (now known as Directly Managed Branches), which are directly operated by Post Office. Post Office owns or rents the physical branch premises and the branch staff (known as counter clerks) are employees of Post Office. Crowns tend to be larger branches. As at April 2018, there are approximately 250 Crown Branches.
30. The majority of the network is comprised of branches in the second category - agency branches. These are also sometimes referred to a Subpostoffices. These branches are run by third parties, who own the branch premises and employ their own staff. Agency branches take a variety of different forms. The majority are owned by independent small business owners, who usually locate

² <https://www.lloydsbankinggroup.com/media/media-kit/faqs/lloyds-banking-group-fast-facts/>

³ Statistics taken from Post Office's public Annual Report for 16/17:
http://corporate.postoffice.co.uk/sites/default/files/ARA%20Master_FINAL.pdf.

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the branch within a larger retail offering like a newsagent or convenience store. Some branches are operated by larger commercial chains such as WH Smiths or The Co-operative. Post Office pays Subpostmasters a remuneration for operating the agency branch (see the Witness Statement of Nick Beal for more details). This remuneration is, and has at all material times been [correct?], Post Office's single largest line item of operating expenditure, and currently accounts for a third of Post Office's operating costs.⁴

31. Last year, around XXm transactions were undertaken in Post Office branches every day, with a value of around £XXm per year. At any time, around £XX in cash is in circulation within the network. On average, each agency branch in the network has around £XXX cash on hand and conducts XX transactions each day, for a value of £XX. [Can we get these stats? Do we have a public source for them?]
32. The Post Office network has 17 million customer visits a week and this footfall is driven by a wide range of services, both those provided for Post Office and those provided by the associated retail offering. 25% of customers visit a Post Office at least fortnightly, and 14p in every £1 spent in the UK is channelled through a Post Office. [Stats to be sourced and verified]
33. [Is there any other angle that we can raise to make clear that Post Office is a complex business?]
34. For the Post Office network to be financially sustainable, Post Office of course needs to generate more revenue from clients than it incurs in transaction costs and remuneration paid to Subpostmasters. However, reducing Subpostmaster remuneration too much would make the position of Subpostmaster unattractive, leading to branches closing or vacancies in the network, which could cause the network to shrink below commercially viable and legally required levels (see paragraph X).
35. Often the interests of Post Office and Subpostmasters are aligned, in the sense that a strong sustainable network is good for both, as is the success of any particular branch. But Post Office needs also to look at the network as a whole, and what might be good for the network as a whole, might not be good for particular Subpostmasters in particular circumstances (see below in relation to Change Programmes at paragraph X). An obvious example of this is where Post Office decides not to continue a relationship with a Client but a particular

⁴ Subpostmasters fees of £388m against trading costs of £978m: page 56-57, Annual Report 16/17.

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Subpostmaster's business has benefitted substantially from the ability to sell that Client's products or services.

Network size and coverage

36. The UK government considers it important that a large proportion of the public have easy access to branches. This is driven by a number of factors including:
- 36.1 Post Office is a key route through which government services, particularly pensions and benefits, are provided. The elderly and those on low incomes have a higher propensity to have limited means of transport and need a branch close by.
- 36.2 The decline in bank branches and local shops over the last decade means that the Post Office branch is sometimes the "last shop in the village". This leads to political pressure from local politicians and MPs to keep branches open, even where a branch may be making a trading loss. These small branches are now referred to as "community branches".
37. Accessibility criteria were originally laid down by the Government in 2007 and have been reconfirmed by successive Governments since. The Government's national access criteria are: 99% of UK population to be within three miles of their nearest Post Office branch; 90% of the UK population to be within one mile of their nearest Post Office branch; 99% of total population in deprived urban areas across the UK to be within one mile of their nearest Post Office branch; 95% of the total urban population across the UK to be within one mile of their nearest Post Office branch; and 95% of the total rural population across the UK to be within three miles of the nearest Post Office branch. In addition, the following applies at local level to ensure a minimum level of access for customers living in remote and rural areas: 95% of the population of every postcode district to be within six miles of their nearest Post Office branch.
38. This criteria requires Post Office to maintain a network that is larger than would otherwise be commercial optimal and is reflective of the public service pressure on its business.⁵
39. Post Office produces a Network Report by reference to these criteria.⁶ The Network Report contains tables of figures showing fluctuations of branch numbers

⁵ This obligation is documented in a letter from the UK Government to Post Office: <https://www.gov.uk/government/publications/entrustment-of-post-office-with-the-delivery-of-public-services-letter-from-ukgi-to-paula-vennells-2018>

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over time, including figures showing the quarterly change in network size. The Network Report for 2017/18 shows that at the end of March 2018 there were 11,547 Post Office branches. The size of the network has been stable for about a decade. It had been significantly larger in earlier decades: at its peak in 1965/6 it was 25,056 branches. The decline over subsequent decades has been driven by a number of factors including Government business reducing, changes in consumer trends, and increasing competition (see paragraph XX). To reflect such marketplace changes, improve the network's prospects and avoid unmanaged decline there have been periodic closure programmes (see paragraph XX).

40. I set out below the numbers of open branches split by Government office regions reported to BEIS in April 2018:

[Note to WBD: Is this taken from the Network Report, in which case we should say Network Report?]

Total number of Outlets split by Govt Office Regions		Rural	Urban	Urban Deprived	Total
1	East Midlands	543	266	72	881
2	East of England	677	396	41	1,114
3	London	7	536	126	669
4	NI	324	76	87	487
5	North East	244	151	94	489
6	North West	387	468	265	1,120
7	Scotland	918	333	145	1,396
8	South East	693	625	56	1,374
9	South West	867	342	61	1,270
10	Wales	631	157	130	918
11	West Midlands	364	377	160	901
12	Yorkshire and The Humber	470	321	165	956
Total		6,125	4,048	1,402	11,575

41. In addition to Post Office's legal obligations to maintain a network of a certain size, a large network also brings economies of scale. There are substantial fixed or capital costs in building and maintaining complex IT infrastructure, designing a new sales process or negotiating a new contract with a client. These costs only marginally increase with the size of the network. If the network were to shrink too much, this would reduce Post Office's overall revenue and these overheads would not be commercially sustainable.

⁶ This is publicly available – it is placed in the House of Commons Library and the Post Office publishes it on its corporate website. [ADD LINK TO 2017 REPORT](#)

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Brand

42. Post Office is one of the most recognised brands in the UK. [CAN WE ADD SOME REFERENCE TO AN INDUSTRY REPORT THAT SAYS POL'S BRAND IS STRONG]
43. Post Office is deeply embedded in the hearts and minds of many local communities. Subpostmasters are sometimes well-known to local residents, and problems with a Post Office attract a higher level of attention in the local press than it would for other local retailers. A Google search will usually show up a number of stories about local branch issues.
44. Local branch issues also attract the attention of MPs. MPs regularly write to BEIS, or directly to Post Office, to raise issues on behalf of their constituents regarding their branches. The allegations that underlie this litigation led to questions to the Prime Minister in the House, Parliamentary debates and a Select Committee hearing before these proceedings began.
45. Major changes in the network often attract national media attention. Again, as an example, the allegations that underlie this litigation were the subject of a Panorama documentary on the BBC in [date].
46. This heightened level of media attention means Post Office has to carefully protect its brand at all times. The strength of its brand is one of the key features that draws customers to branches and that makes operating an agency branch attractive to Subpostmasters. It is important that Subpostmasters act in a way that does not damage the brand. A consistent presentation of services at the Post Office counter and good customer service are important elements. Post Office also needs to take prompt action to stop any improper conduct (which, at its worst, includes fraud by Subpostmasters).
47. Post Office also needs to maintain continuity of service to customers. Customers become frustrated if branches are not open when expected or cannot provide services as promised. This is also important in helping to ensure that Post Office continues to meet the access criteria and avoid the migration of customers to Post Office's competitors (see paragraph X). Achieving continuity of service has many elements including ensuring that branches have the stock and cash they need to trade, branches are opening and closing on time, and new Subpostmasters are found to take on branches that would otherwise close.

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Market change and competition

48. Over my time at Post Office, its business has been subject to market changes and increased competition which have led it to change its operating and commercial models so as to achieve its twin objectives of maintaining network access whilst aiming for profitability and reducing its government subsidy. I set out below a few of the key changes I am aware of to illustrate this.
49. As mentioned above, the decline in numbers of bank branches has led to more banks becoming clients of Post Office so as to provide their customers with a physical access point to their services. This has led to financial services becoming a key product offering in branches.
50. From 2003 [CHECK], Post Office began to increase its own-branded financial products, such as bank accounts, loans, mortgages and insurance. Post Office is not a financial services business and so these products are provided by, or through joint venture arrangements with, selected Clients. For examples, Post Office branded mortgages are provided by Bank of Ireland.
51. There has been a nationwide reduction in mail volumes. More communications are delivered by email with less need to communicate by letter. The postal services market was also liberalised in 2006, breaking Royal Mail's monopoly. This led to new entrants into the market which caused Post Office to.. [what?].
52. There has been a gradual but material decline in government business, particularly the number of customers drawing pensions and benefits from branches. Traditionally this was done by way of paper pensions or benefits books being presented at the Post Office counter and exchanged for cash. The government now pays more benefits by direct bank transfer. This is an important trend because it was common for a person to draw their benefits at the Post Office counter and then spend some of that cash in the Subpostmaster's associated retail business. Government business fell from 43% of revenue in 2003/4 to 26% in 2007-2008.⁷ This pattern of change continues today. The Post Office Annual Report for 2016/17 notes a £14 million decrease [BD TO CONFIRM] in turnover from Department of Work and Pensions contracts.⁸
53. The growth of online transactions has also led to Post Office developing its digital offering (now the preferred option for financial services products). Increasing consumer demand for fast and flexible fulfilment solutions has also driven the modernisation of the network. [In what way? How did this impact postmasters?]

⁷ Source?

⁸ Page Ref?

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54. **[please can we add about 2-3 more examples of market changes]**
55. Post Office has also seen an increase in direct competitors. One such competitor is PayPoint. Set up in 1997, PayPoint was originally a way for customers to pay utility and energy bills. Small retailers would sign up to be part of the PayPoint network, and would then install a bill payment terminal in their shop. PayPoint has now expanded to new areas. In 2006, it became the exclusive cash payment network for the BBC's TV Licence fee [a service that was previously provided by Post Office – CORRECT?]. In February 2011, it launched its Collect+ parcel sending and collection service. This was a joint venture between PayPoint and Yodel; the latter being an entrant into the postal services market following that market being liberalised.⁹
56. **[Please add examples of two more competitors]**
57. **[Can we give an example of where Post Office has lost a government service to a competitor? Or lost a service due to a competitive tender?]**
58. **[Can we provide an example of changing consumer preferences as opposed to client side changes]**
59. Should we say something about Brexit?

Technological change

60. Improvements in technology have changed the way that products have been delivered to customers. These changes are invariably to reduce transaction costs, which is frequently achieved through a reduction in the amount of manual labour required in branch for each transaction. Due to the size of the network and volume of transactions, even eliminating, for example, a 30 second manual task from each transaction can deliver a considerable cost saving to a Client. Subpostmaster
61. An example of this is the Post Office Card Account. The Government's decision to pay benefits via direct bank transfers created a need for everyone to have bank accounts. For various reasons, there are thousands of people in the UK who cannot get a regular bank account. The Post Office Card Account is the bank account of last resort. It is only available to people in receipt of benefits who cannot get a regular account. This change from paper-based benefits to digitalised benefits through the Post Office Card Account required new contracts

⁹ <https://www.paypoint.com/en-gb/about/our-history>

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to be entered into with the Department of Work and Pensions and JP Morgan, who provide the banking facilities. It also caused changes to the nature of the work undertaken in branches, which had previously handled paper vouchers.

[Rod – disclosure risk. Freeths may ask for the POCA contracts.]

62. Another example of technological change is the removal of paper paying-in slips for customers making banking deposits, who now instead use a chip and pin card. This change was driven by banks from around DATE to about DATE, because a chip and pin system is more secure and less prone to fraud. This required Post Office to install new chip and pin terminals in branches, and to change the operating and accounting processes for these transactions.
63. [Any other technology changes that changed the ways of working in branch?
64. Barcodes on bills?].

Client products and requirements

65. Post Office provides dozens if not hundreds of products and services to the public.¹⁰ The Post Office has approximately 130 Clients [Has this been verified?] including large companies such as Royal Mail, Bank of Ireland and the high street banks. Working with its Clients, Post Office is active in the mail delivery, financial services, banking, telecoms and bill payment marketplaces amongst others.
66. A key benefit for Post Office's Clients is its large physical network which reaches customers throughout the UK. Many of our client contracts contain provisions that require Post Office to maintain a minimum level of geographic coverage and continuity of service. [Note for Rod: if we say this, Freeths may ask for disclosure of these contracts.]
67. Clients also often have particular requirements as to how they want their products to be presented and sold in branches. I set out below a few examples.
 - 67.1 [Please can we give some examples of practical things that clients require Post Office to do? Please avoid regulatory examples, there will go in the next section.
 - 67.2 Customers can cash ATM security requirements?

¹⁰ Setting an exact number depends on how you define a "product" or "service". For example, you could say that "lottery" is a single product, but there are several different types of lottery service: Lotto, Scratchards, Prize payouts, etc. I believe it would be fair to say that there are over XX obviously distinguishable services offered at most Post Office branches.

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- 67.3 Historically, but at material times, customers were able to come into a branch and cash a Giro slip. They handed over the paper Giro slip and in return they received the amount of cash stated on the slip. Girobank¹¹ required Post Office to submit to it the Giro slip in order for Post Office to recover payment from Girobank for the cash it had paid to the customer. This required Post Office to design and implement a process in branch for slips to be stored in branch and dispatched, via a delivery service, to Girobank. CORRECT?]
68. Many of the products offered by Post Office relate to the communication of information. Financial services and bill payments, for example, are really the communication of information about money transfers. This requires the IT systems in branch to tie into and communicate with Clients' IT systems. I am not a technical expert on IT systems but I understand from discussions with colleagues over the years that Clients set strict parameters for how those IT systems interact, the nature and format of data transferred and security requirements. [Angela – are you comfortable saying this?]
69. Some Clients also place restrictions on Post Office from providing competing products in branches. For example, Royal Mail restricts Post Office from offering any other postal services. [Rod – Disclosure risk] Similar restrictions also apply to Subpostmasters, who are not allowed to sell "restricted products" in their retail businesses. These restrictions change over time with the evolving nature of clients' products, their businesses and their competition, which means Post Office needs the flexibility to able to reflect changes in restrictions in its contracts with Subpostmasters.
70. There is a minimum list of products that are sold in every branch so that a customer has a guaranteed minimum offering no matter which branch they go into across the country. This currently includes [give some examples]. It would be a very frustrating customer experience if these basic products were not available, causing damage to the Post Office brand and general damage to the network. This minimum product range changes over time in accordance with customer preferences and the other factors set out in this section.
71. Not all products are sold in all branches. [Why does not every branch offer every product? Why can't branches pick their products? What would happen if every branch could pick their own products? Can we give a couple of examples of where a product might be appropriate eg. lottery terminal and ATM?]

¹¹ Girobank was part of the General Post Office. In 2003, it was sold to Alliance & Leicester which was subsequently acquired by Santander in 2008.

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Regulatory requirements

72. In 2001 the UK Government obtained clearance under the EU State Aid Regulations for a payment of £180 million to enable the Urban Network Reinvention programme, and between 2010 and 2017 the Government allocated £2 billion to fund the Post Office's modernisation and transformation programme, which included investing £20m in more than 3000 community branches. [Note for WBD / Counsel - Does state aid prohibit what Post Office can and cannot do? Can someone ask Andrij about this?]
73. What other statutory requirements are directly placed on Post Office other than network access? Managing public money? Procurement rules? Rod – any thoughts on this?
74. Beyond regulatory requirements applying to Post Office as a whole, the wide range of products offered by Post Office means that it encounters considerable regulations specific to those products or Clients. Not all those regulations apply directly to Post Office; some apply to its clients, and are then reflected in their contracts with Post Office. [Rod – disclosure risk] I set out below a few examples of how regulations affect Post Office's business.
75. Foreign exchange transactions are a high risk area for money laundering and fraud. Post Office is required to [what?... obtain proof of identity of the customer before conducting a transaction. It also does not allow FX transactions to be conducted by cheque due to the risk of fraud / default on payment. Post Office has a hotline for branches to call in the event that they suspect money laundering by a customer.]
76. There are statutory and international restrictions on sending "dangerous goods" through Royal Mail postal services unless specially marked.¹² Royal Mail requires Post Office, and therefore its Subpostmasters, to comply with those restrictions.
77. [Please can we insert 2-3 more regulatory examples? I'd like one about Telcoms products if possible, because we haven't mentioned those yet. Also something from a financial service perspective.]
78. Post Office also has to adapt to general changes in the law. A major recent legal change has been the General Data Protection Regulation, which required Post Office to update its contractual terms with suppliers, clients and Subpostmasters and change ways of working across its business, including in branches.

¹² ADD WEBPAGE LINK TO RM WEBSITE

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79. In light of the above objectives, requirements and pressures on Post Office, it is almost always in a constant state of change and improvement, and as far as I can predict this will continue into the foreseeable future.
80. There have been over the last 20 years a number of major transformation projects, which I describe below. When Post Office makes major network-wide changes, they come under intense scrutiny from MPs and the media (especially when large scale branch closures are involved). Closing a single branch, for example because the incumbent Subpostmaster has retired or been dismissed, can soak up a lot of time but is manageable in the grand scheme of Post Office given its size. When that scales up to thousands of branches, the impact on Post Office could be significant. Where a large transformation programme is underway, the government and Post Office prefer to close branches on a voluntary basis and this generally means offering a payment to exiting Subpostmasters that goes above and beyond their usual termination rights. This payment is for pragmatic reasons: it smooths the exit process, and avoids the programme becoming unmanageable, as would be the case if every closure was contested.
81. Outside nationwide planned closure programmes, Post Office very rarely gives notice to terminate a Subpostmaster's contract because it wishes to close a branch for commercial reasons. If a branch is closing for other reasons (retirement of the Subpostmaster, termination for breach, etc.) Post Office will generally consider whether the branch is still needed, but a decision not to re-open a branch in these circumstances is still [rare / uncommon]. Generally the pressure is the other way around: Post Office is keen to maintain the size of the network and keep branches open. [Correct?]
82. The first major change programme was the Urban Network Reinvention Programme. This programme was primarily a 'voluntary closure' programme within the urban segment of branches and took place between 2001 and 2004. The Government provided the funding for Post Office to carry out rationalisation in areas where there were too many Post Office branches serving the same district for them all to remain viable. Post Offices in the 10% most deprived urban areas, with no other branch within half a mile, were ring-fenced and protected from consideration for closure (other than in exceptional circumstances). The programme involved around 2,500 closures. The programme also involved a £30 million investment fund to make remaining Post Office branches more attractive for customers, as well as payments to exiting Subpostmasters.

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83. The second was the Network Change Programme, which was a compulsory closure programme which impacted all of the network and took place between 2005 and 2008. It was also Government funded. The predecessor to BEIS, the Department for Business Innovation and Skills, agreed with Post Office a £1.7 billion strategy to make the network financially sustainable, including a £150 million annual subsidy. One element of the plan was the Network Change Programme, whereby up to 2,500 Post Office branches were to be closed. The other elements of the strategy, alongside Network Change, were the restoration of Crown branches to profitability, central cost cutting efficiencies and developing and expanding new business [What does this mean?].
84. Finally, the Network Transformation Programme, which took place between [Ask Kate Steel], sought to change the way that Post Office services were offered in branches. [What was the purpose for NT?] Under the Network Transformation Programme agency branches were classified into two categories. Some became part of a "Main" branch model in which a dedicated counter, physically separated from the Subpostmaster's retail business, was maintained. Others became part of a "Local" branch model, which fully integrated Post Office services within the retail business, so that the Subpostmaster could offer Post Office services from the retail counter (see the Witness Statement of Nick Beal for more details on these branch types). This often means that Post Office services can be offered for longer hours than before, in some cases from early morning until late at night, seven days a week.
85. It also moved Subpostmasters away from fixed remuneration to variable remuneration based on volumes of sales. [Why was this change made?]
86. Were there branch closures and compensation as part of NT?

C. SUBPOSTMASTERS AND THEIR BRANCHES

87. In this section, I explain the role of a Subpostmaster and the basic operation of a Post Office branch. This is only a high-level overview, reflecting information which I believe that new applicants for Subpostmaster positions could reasonably be expected to know, or to have found out, before being appointed as a Subpostmaster.
88. [NOTE FOR WBD / Counsel: We need to tie into to SR, TD and JB's statements here to make sure that we have laid a clear narrative as to why Subpostmasters would know this before they are appointed]

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89. By joining the Post Office network, Subpostmasters get access to a wide range of benefits that would be very difficult for them to procure independently. The key benefits are as follows:

- 89.1 Subpostmasters get the right to use Post Office's brand, which immediately gives their business credibility without needing to build up its own goodwill. The presence of a Post Office, its brand and the wide range of products offered attracts customers. This increases footfall to the Subpostmaster's retail offering and has the potential to increase the profits on the retail side of the business.
- 89.2 The Subpostmaster gets a source of revenue in the form of remuneration from Post Office. Subpostmasters receive fixed monthly remuneration and/ or variable remuneration according to the volumes of sales of products in branch. The amount and structure of remuneration has changed over time but broadly speaking larger branches receive more remuneration. The Witness Statement of Nick Beal discusses Subpostmaster's remuneration in more detail.
- 89.3 Subpostmasters are able to sell a wider range of products than a small business would normally be able to sell. Post Office negotiates all the terms with its Clients for the sale of products. Without these often long term and complex framework agreements, small business owners would need to contract directly with each Client to provide these services, which I think would be practically impossible for them to do.
- 89.4 Post Office provides the cash and stock needed to conduct transactions. It does this on an unsecured basis¹³ and therefore the Subpostmaster has no working capital requirements for branch trading. Given that the average branch is holding around £XX in cash, I doubt that many Subpostmasters would have the financial means to fund this working capital.
- 89.5 Post Office provides the IT equipment needed to conduct customer transactions and maintain the branch accounts, including Horizon, printers, barcode scanners and chip and pin machines. It also provides the back-end IT infrastructure that connects each branch with Post

¹³ Where the Subpostmaster is a company, Post Office may require a shareholder or director guarantee.

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Office's Clients. I do not believe that a small business owner could put this infrastructure in place on their own.

- 89.6 Post Office facilitates the payments required for each transaction. It provides cash management planning and cash delivery vans to get cash to and from each branch, it banks customers' cheques, recovers payment for debit and credit card transactions and processes payments to Clients. Small business owners could arrange this themselves but it would be an added administrative burden for them to manage.
- 89.7 Post Office provides customer helplines so that branches do not need to field some queries. This helps save Subpostmasters' time.
- 89.8 Post Office (or its Clients) are responsible for building legally compliant processes. Subpostmasters get the benefit of Post Office's expertise in doing this and Post Office or its clients bear the legal and regulatory risks of non-compliance so long as a Subpostmaster follows the stipulated practices.
90. The first factor is a major (and in many cases the dominant) reason why people become Subpostmasters. Post Office does not keep aggregated information on whether a branch is located within an associated retail unit. However, in my experience I would say that less than xx% of agency branches are pure Post Office branches offering nothing but Post Office services. Those that are pure Post Office branches tend to be the very large branches that are profitable as a freestanding Post Office (having typically been converted from Crown branches). In my 30 years at Post Office, I can only recall coming across [a handful of] of small or medium sized branches that had no associated retail offering.
91. When taking on a branch, the Subpostmaster will have some costs and capital outlay. These include the following:
- 91.1 The Subpostmaster needs to acquire a legal interest in the branch premises if they do not already own it. This may be either a lease or the freehold. They will likely incur transaction costs in securing the property interest (e.g. legal fees, stamp duty, etc.) and may also incur finance costs (e.g. mortgage interest repayments). However, the capital value of the property can often be recovered (potentially with an uplift) when selling the property.
- 91.2 If acquiring an existing business, they may need to pay for the goodwill associated with the business. That goodwill will usually be higher if there is an existing Post Office branch in the retail business because, as

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explained above, the Post Office branch usually increases the profit made on the retail side. Again, however, the price paid for the goodwill can often be recovered (potentially with an uplift) on the sale of the business.

91.3 The Subpostmaster may need to pay for some fit-out works to bring the branch up to Post Office standards. This is more likely to be needed for a new branch than an existing one. I note that the **Witness Statement of John Breedon** describes this in more detail. Again, it may be possible to recover some of these costs on a future sale if they have improved the premises' or business' value.

91.4 A Subpostmaster may incur some time / salary costs in recruiting and training assistants when opening a new branch. These are ordinary business costs. For Subpostmasters taking on existing branches, it is likely that the incumbent staff of the outgoing Subpostmaster will transfer to the new Subpostmaster, so in some cases there will be no recruitment or training costs at all.

91.5 [Anything else?]

92. Post Office historically charged an introductory fee, licence fee or franchise fee when an incoming Subpostmaster began to operate a new branch (generally only charged for larger, more profitable branches). The rationale for charging this fee was that there was a commercial benefit to a retailer in operating a Post Office branch. This fee took the form of a fixed percentage abatement of the Subpostmaster's remuneration for the first year and so was not a capital outlay. [CORRECT?]

93. One allegation made in these proceedings is that the Subpostmaster loses the ability to "sell" his branch, and therefore the ability to recoup any capital outlay, if his contract is terminated by Post Office. This is not necessarily correct. Regardless of his contractual status, a Subpostmaster cannot "sell" a branch because it is not a saleable asset. The Subpostmaster has the benefit of a contract with Post Office that cannot be assigned. However, the goodwill of his business attaches to the branch's location, premises and customers. This is not destroyed if the Subpostmaster's contract is terminated. Often a temporary Subpostmaster¹⁴ takes over the branch and so the business (retail and Post Office) continue to trade together. Due to the need to maintain a minimum network size and continuity of service, it is likely that Post Office will want to continue to locate a branch in the Subpostmaster's retail unit. Often the buyer of

¹⁴ See the Witness Statement of Nick Beal for more information on temporary Subpostmasters.

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a retail unit will make the acquisition conditional on the buyer being appointed as Subpostmaster. The combination of these factors means that the value of the business is usually preserved, and initial capital outlays recovered, even if the Subpostmaster is terminated.

94. Their investments are also not long-term. Most Subpostmasters have the right to terminate their contracts on notice of between three to six months and this gives them protection should the branch not turn out to be as profitable as they had hoped, or should they have a change in personal circumstances. By contrast, Post Office does not routinely close branches unless there is a problem (see the Witness Statement of John Breedon for more details on this) or the branch has been selected for closure under a change programme (see paragraph XX). This is because of its need to maintain network coverage and continuity of service. [CORRECT?]
95. Combining a retail business with a Post Office can create a highly valued community service and business. In the 2016 Local Shop Report published by the Association of Convenience Stores, Post Office was recognised as the number 1 service for the impact it has on the local area, ahead of both convenience stores (2nd) and banks (8th).¹⁵ Having appointed, spoken to and worked with Subpostmasters for many years, I understand that when they are considering joining Post Office, they make an assessment about whether the additional cost of running a branch (principally set-up costs, labour costs and the reduction in retail floor space) and the risks (principally in the form of liabilities for shortfalls if mistakes are made by them or their employees) are outweighed by their Post Office remuneration and the potential for increased profit in their retail offering.
96. In addition to the commercial advantages, the role of a Subpostmaster also offers a lot of choice and flexibility. Most of the Subpostmasters whom I have appointed or worked with relished the autonomy of the role. They are proud to be independent small business owners, with the ability to grow their businesses as they see fit. This autonomy includes:
- 96.1 Being able to hire assistants (see paragraph X in relation to assistants). This allows each Subpostmaster to strike their own balance between working in the branch and delegating that work to others.
- 96.2 It is possible for a Subpostmaster to completely delegate responsibility to an assistant to run the branch, with the Subpostmaster being absent.

¹⁵ [ADD WEBPAGE LINK](#)

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Some Subpostmasters have no involvement in their branches at all, to the extent that they would not even know how to run a branch or they may even live abroad. These Subpostmasters treat the branch as nothing more than a financial investment and may have multiple businesses, including potentially as a Subpostmaster of multiple branches.

96.3 Subpostmasters are free to allocate responsibilities within the branch. Subpostmasters could treat all assistants equally or could have a hierarchy with more senior staff supervising junior staff. In larger branches, assistants may have designated roles e.g. just doing mail-work or having authority to cash up and submit monthly accounts.

96.4 Subpostmasters can flexibly move their employees between the retail and Post Office businesses. It may be that staff work mainly on the retail side but help out in the branch during busy periods or vice versa.

96.5 [Any other ways that Subpostmasters are autonomous]?

97. This autonomy is not absolute. The key control asserted by Post Office is that it sets down minimum operating standards on the way Post Office business is conducted and the way transactions are recorded. This is described below.

Operating a branch

98. Unlike an ordinary retailer, Post Office branches do business in both debit and credit transactions. Most retailers take in payments and hand out goods or services. Post Office branches are different in that they often make payments out, nearly always in cash. The most common type of physical asset transferred by a Post Office is not stock or goods but physical cash. [ADD SOME STATS FOR CASH MOVEMENTS ACROSS POL]. Bank withdrawals and benefit payments are examples of outflows of cash. In some branches, the outflows are greater than the incoming cash, leading them to be "cash negative".

99. Post Office provides every branch with a quantity – varying according to local demand and branch size – of Post Office cash and stock (such as stamps) with which the Subpostmaster may undertake transactions on behalf of Post Office. The physical cash and stock remain the property of Post Office, even though they are in the Subpostmaster's possession. Subpostmasters are generally required to keep Post Office cash and stock separate from their retail cash and stock [Is this still true for Local branches?]

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100. In order to meet the demands on Post Office described in Section B above, Post Office sets down operating rules on how Post Office business is to be conducted in branch. These rules are also sometimes set to reflect best practice, e.g. keeping cash in a safe overnight is not a legal or client requirement but is a very good idea for obvious reasons. These operating rules require Post Office's assets to be handled in a certain way and require certain information to be captured, recorded and dispatched (digitally or physically) in relation to each type of transaction.
101. When a Client product is transacted, details of the transaction are communicated to the Client. Post Office is liable to account to the Client for the transaction value or vice versa (depending on whether the payment is a credit transaction e.g. bill payment, or a debit transaction e.g. bank withdrawal). Before 1999, these records were kept in paper form, known as the branch accounts. In around 1999/2000, Post Office rolled out the Horizon IT system in branches. This digitised the branch accounts. The basic operation of Horizon is that it records, like a traditional double entry bookkeeping account, all movements of cash and stock in and out of a branch.
102. For example, if a customer pays an £80 utility bill by cash then, if entered correctly by the Subpostmaster, the branch accounts, whether in the old paper form or on Horizon, will record an increase in £80 in the branch's cash holdings.¹⁶ Post Office will then pay the £80 recorded in the branch accounts to the customer's utility company. The Subpostmaster is not responsible for the cost of this onward payment to the utility company so long as he has recorded the transaction correctly in branch. If, for some reason, the onward payment to the utility company failed to go through (leaving the customer with an outstanding liability), this would not directly affect the branch's accounting position. The branch accounts would still show a £80 bill payment and the receipt of £80 in cash. A similar allocation of responsibility exists for all transactions, with the Subpostmaster being responsible for keeping his end of the transaction records accurate, namely the branch accounts.
- [Note to WBD / Counsel: Do we need to say more about this cover off the real loss argument?]
103. Post Office's operating rules require a Subpostmaster to submit the branch's accounts to Post Office at regular intervals. This is now all done online through Horizon. In submitting the accounts, the Subpostmaster must count all the cash

¹⁶ I do not take into account in what I say here the Claimant's allegations regarding defects in Horizon because I understand that these are not within the scope of the Common Issues Trial.

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and stock in the branch and compare it to the cash and stock holdings on Horizon which reflect the net effect of all transactions recorded by the Subpostmaster in a given period. Should the actual cash on hand be less than the cash position recorded in the accounts by the Subpostmaster, there will be a loss, which is referred to as a 'shortfall'. If the opposite is true, there will be a surplus, which is referred to as a 'gain'.

104. When setting operating rules Post Office consciously balances the need for consistent practice across the network with respect for the autonomy of Subpostmasters to run their businesses as they see fit.

104.1 A consistent approach is needed because it would be unworkable if each branch operated in its own way, conducting transactions as it saw fit and submitting accounts in a variety of formats. It would be very onerous for Post Office to interact and cooperate with the branches if each one did things differently. This would likely require Post Office to hire [hundreds?] more back-office staff to run the network. The cost would be massive.

104.2 The rules however cannot be too prescriptive as this could put an undue burden on Subpostmasters. An operational change can cause more or less labour time to be needed in branch, which has a direct impact on a Subpostmaster's staffing costs (or their own time). A change that would require an extra hour of work each week for all 11,000 branches would be equivalent to the workload of around 300 full-time assistants.

104.3 The rules need to be capable of being applied to branches of all sizes. What may be appropriate in a large branch may be unduly onerous in a small branch. The operating rules therefore reflect minimum required practice and Subpostmasters may decide to go further. A good example of this is whether Subpostmasters undertake more accounting checks than are required by Post Office. A small branch run by a single long-serving and experienced Subpostmaster who has no track record of shortfalls may be comfortable only doing a full set of cash and stock accounts at the end of each month. To do it more often would be time-consuming and costly, for little corresponding benefit. A much larger branch with, say, 12 assistants and 10 customer serving positions, which is suffering from repeated shortfalls, may decide it necessary to do a full cash and stock count every day or week. Indeed in a larger branch it may be commercially viable to hire an assistant for the sole purpose of preparing the accounts.

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105. Subpostmasters are allowed to employ staff, known as assistants, to conduct Post Office business on their behalf. Subpostmasters are free to decide how many people to employ (if any), who to employ, for what working hours and in what roles. Subpostmasters are responsible for assistants' wages and set their salary levels. Subpostmasters are responsible taking disciplinary action, dismissals and for all the legal requirements that come with being an employer.
106. Post Office only has one role in selecting assistants: it undertakes criminal records checks on assistants – see the Witness Statement of Sarah Rimmer for more detail on this.
107. Subpostmasters are required to register assistants with Post Office. However, Post Office cannot accurately know how many assistants are active in the network because:
- 107.1 Post Office is not present in branches so cannot monitor first-hand who is serving customers or handling Post Office cash and stock.
- 107.2 Some Subpostmasters do not register assistants. Post Office relies on Subpostmasters to do this, rather than itself trying to monitor the position (which would be impracticable).
- 107.3 Even if an assistant is registered that does not mean that they are actively working in a branch.
108. It is therefore not possible to accurately state how many Subpostmasters are actively employing assistants to work in branches at any one time. In my experience, only in very small branches would the Subpostmaster be able to run the branch on their own. I would estimate that over XX% of branches have assistants working in them. According to [system / person], there are currently XX 'active' assistants registered with Post Office.
109. In the above section on "operating a branch", any reference to actions in branch by Subpostmasters could also be actions by assistants. Subpostmasters are free to delegate as much or as little of the branch work to an assistant as they see fit.
110. It is for the Subpostmaster to decide on whether an assistant is suitable for the role. Post Office cannot do this because it does not know the assistant and cannot regularly supervise their work in branch.

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111. It would also be inappropriate for Post Office to strictly and directly control the use of assistants when the consequences of those decisions will fall on the Subpostmaster. For example:
- 111.1 If a Post Office decides an assistant should be dismissed, any resulting grievance or tribunal claim would be against the Subpostmaster as employer. Post Office could not therefore sensibly exercise those dismissal powers, being the ultimate sanction for poor performance or gross misconduct by an assistant.
- 111.2 If Post Office were to compel mandatory training for an assistant, he or she would generally be entitled to be paid by the Subpostmaster for that period of training. The Subpostmaster might prefer not to pay that cost, being happy to run his branch with untrained assistants or to dismiss an assistant. It may be that the Subpostmaster has given the assistant only a limited role in the branch, such that some parts of the training may not be needed for their job.
- 111.3 Post Office does know what, if any, supervisory regime the Subpostmaster has put in place. It may be that the Subpostmaster is closely supervising his staff, on the one hand, or providing no supervision at all (in the case of an "absentee" Subpostmaster), on the other hand. Subpostmasters can tailor the training that they provide to reflect the roles that they have given to their assistants and the extent of oversight that they are themselves able to provide. Subpostmaster
112. Post Office may offer advice to Subpostmasters in relation to their assistants but the only [correct?] circumstance in which it would get actively involved is when an assistant has acted dishonestly. Post Office may then require the Subpostmaster to exclude that assistant from the branch in order to protect Post Office cash and stock. Even here, however, Post Office's intervention is through the Subpostmaster.
113. Given Post Office's lack of first-hand knowledge about, and control over, assistants, it would be impossible for Post Office to directly supervise them on a day-to-day basis. Again, the size of the network needs to be taken into account. With 11,000 agency branches, I would expect Post Office to need to employ [thousands] of additional staff if did have direct responsibility for assistants. In the context of Post Office's usually fairly weak financial performance, I would expect a change of this kind to make the network financially unsustainable.

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114. From my experience, I would say that, in reality, the only commercially sustainable arrangement is for Subpostmasters to choose, employ and supervise their assistants. They are in the best position to detect incompetence or dishonesty by assistants or to put in place a supervisory regime and operating controls to detect these things when they are themselves not present in the branch. As the Subpostmaster (and not Post Office) is exercising control, I have always thought that it was reasonable for the Subpostmaster to be liable for the actions of his assistants. Subpostmaster

Horizon

115. Horizon is Post Office's accounting IT system used in branches. I am not an IT expert but have used or been involved with the system since its rollout in 1999. The Horizon Issues are being addressed in a separate trial so I only briefly describe the Horizon system below. I would expect any reasonably diligent applicant for the position of Subpostmaster to be aware of this information or to be provided with this level of information if he or she requested it during the application process. [Please feel free to amend below as appropriate]
116. I describe Horizon to new users as a big calculator. I think this captures the essence of the system in that it records the transactions inputted into it, and then adds or subtracts from the branch cash or stock holdings depending on whether it was a credit or debit transaction. The Horizon user just needs to remember what they need to do to initiate a transaction (e.g. scan the barcode; put the card in the pin-pad or touch the screen) on the Horizon system and then follow the on-screen prompts. It is ultimately a fairly simple system, at least from the user's perspective.
117. The system keeps a record of transactions and allows easy access to that information. It automatically generates the branch accounts and flags any shortfalls or surpluses to the user. I have always argued that this means it is better than the old paper ledger system which would require multiple ledgers to be tallied and manual calculations made before the true branch position could be seen. Horizon therefore saved Subpostmasters and Post Office time, and cost, by automating these exercises. In my experience, the introduction of Horizon substantially reduced the burden on Subpostmasters in respect of preparing, maintaining and submitting accounts.
118. Horizon also allows transaction information to be quickly filtered and sorted, giving the Subpostmaster the ability to more quickly target areas of interest than in a paper system, making investigating problems easier than would be the case if

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the Subpostmaster had to interrogate various paper records. I cannot see how anyone could dispute that the introduction of Horizon represented an improvement over the old paper ledger system used in branch.

119. I should add that it is of course possible to do things wrongly on Horizon, like any computer system I have used. One source of problems arises from the fact that it is possible for the user to press an on-screen touch button and move onto the next screen without reading the prompts that are there to help. If the user does not exercise sufficient care, he or she might input incorrect information into the system, e.g. processing a deposit as a withdrawal or vice versa. And of course the system is only as good as the information input into it, and Horizon does not know whether the user has entered correct data.. Entering incorrect data or not using the system properly could cause shortfalls or, for that matter, gains.
120. As with any IT system, there are instances where the system or the screen goes down. The system was built with safeguards that sometimes connectivity could be lost, that a power line would go down or the communication link could be faulty. The system is not perfect, but I am not aware of any material bug in the system that it causing shortfalls in branch. I am aware of some historic small-scale bugs but to the best of my knowledge these have been corrected and any harm to Subpostmasters put right. It would be adverse to Post Office's interests to leave bugs unresolved. They could cause a loss of confidence in the system by Subpostmasters, customer complaints, incorrect payments to clients, regulatory breaches and brand damage.
121. In light of this inevitable risk, which exists in any IT system, Post Office provides helplines and support manuals so that users can get guidance on how to deal with issues. The helpline for IT technical support is known as Horizon Service Desk. Some Subpostmasters would say that the level of support could be improved, with for example faster response times, but I believe that on the whole the support is adequate.
122. I am not an IT expert but I have every confidence in Horizon. In my experience the system accurately records transactions as entered by branch staff and only very, very rarely have there been instances where this has not been the case. In my experience, Horizon is not the cause of shortfalls in branches. It is much more likely that an accounting error by the Subpostmaster or his assistants has caused the shortfall. I also believe that Horizon is fit for purpose. Some might say that Horizon could be slightly easier to use, but it is common to want more from an IT system. No-one truly expects an IT system to be perfect but they would expect it to be robust and for Post Office to have in place reasonable processes for detecting and correcting any problems. I believe that my view of

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Horizon is held by the vast majority of Subpostmasters in the network. The NFSP has publicly supported Post Office's view that Horizon is robust.¹⁷ I would therefore expect any applicant for the position of Subpostmaster, who has done a reasonable level of due diligence or spoken to other Subpostmasters or Post Office, to have a similar view about Horizon when they took on the role of Subpostmaster. It would be very odd if a person agreed to join the Post Office network, with the personal liability that entails, under the belief that they would be using a defective IT system.

123. One untenable allegation in this litigation is that Post Office or Fujitsu may have been improperly edited transaction data in Horizon that has been recorded by branches. Although this question will be addressed in more detail in the Horizon Issues trial, it is important to make clear now how ridiculous this allegation is. It is tantamount to an allegation of a fraudulent conspiracy between Post Office and Fujitsu. Neither Post Office nor Fujitsu has any incentive to do this. Both benefit when the accounts are as accurate as possible so it would make no sense to corrupt the audit trail on those accounts through malicious manipulation of data. If true, this would cause a devastating loss of confidence in both businesses, legal and regulatory breaches and a public outcry.

Training

124. The aim of training is to equip the Subpostmaster with the skills to perform the role that they have been asked to do. There are strong incentives for Post Office to deliver effective training:
- 124.1 It reduces the chance of an accounting or cash / stock handling error in branch, thereby reducing shortfalls.
 - 124.2 Its helps deliver a better customer experience, thereby improving the Post Office brand and the prospects of the whole network.
 - 124.3 It helps ensure consistent practice across the network.
 - 124.4 It may reduce the amount, and therefore cost, of other support needed by Subpostmasters (eg. calls to the NBSC helpline).
 - 124.5 It avoids the cost of having to repeat training.

¹⁷ Can we find a source for this that is not the Select Committee hearing because that is likely covered by Parliamentary privilege?

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- 124.6 It may reduce other costs at Post Office (eg. back-office processing of transaction corrections; handling customer complaints, etc.).
125. Training nevertheless comes at a [high] cost to Post Office because it can be very labour intensive. Training is currently delivered by around XX employees of Post Office at a cost of around £XX each year.
126. Training is not, on its own, a cure for all problems. For some issues, it may be more effective and cost-efficient for Post Office to, for example, send out a reminder notification to each branch, update in-branch user guides, provide better advice through NBSC, develop an improvement to Horizon, build more on-screen prompts into Horizon, change the way it communicates with branches and / or re-design a sales or accounting process. Training cannot therefore be considered in isolation but only as part of wider Post Office and branch operations, otherwise significant cost could be wasted in delivering training when there may be better solutions.

Initial training

127. One common feature of Post Office's training was that at all material times offer initial training was offered to new Subpostmasters. This has evolved in line with the changing size of the network, the costs of training and Post Office's financial position, the mix of products offered in branches and improvements in technology. [Any other factors?] The general pattern has been a move away from 1-2-1 in branch training to classroom based training and now to online training.
128. Not all 'new' Subpostmasters needed training. A postmaster may choose not to attend training, or only attend part of a training session if, for example, he or she has worked in a branch previously and therefore already knows how to operate Horizon and carry out transactions. Some may already been Subpostmasters of other branches, some may have worked in branches as assistants or some may have no intention of working in their branch – as an absentee Subpostmaster there may take the view that there is little need for them to know how the branch operates. For those Subpostmasters who were truly new to Post Office and were intending to work in their branch, Post Office would strongly insist that they attended and it would be very rare and odd if they did not do so, to the extent that Post Office might reconsider their suitability for the role.

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129. No matter the method of delivery there are some core features that have always been covered in initial training programmes:¹⁸

129.1 How to conduct basic transactions.

129.2 How to deal with remittances of cash and stock in and out of the branch.

129.3 How to make daily cash declarations and submit the weekly / monthly accounts.

129.4 How to declare, investigate, make good and dispute shortfalls.

129.5 How to process and / or dispute transaction corrections.

129.6 How to get further advice and support.

130. I set out below a short summary of how initial training was delivered over the years. This reflects the standard training that most Subpostmasters received but there would be exceptions and variations from this due to individual circumstances eg. very remote branch, Subpostmaster was ill during training, etc.

131. Pre-Horizon, initial training was carried out on site (at the branch) over a period of around two weeks, as "on the job" training. I recall that training at this time was one week for branches with no car tax and two weeks for those that did car tax. This was due to the volume of car tax renewals being processed through branches at that time; that business now having [gone completely] due to car tax now being done online. Post Office would come back on site to help the Subpostmaster complete his first two sets of accounts that were due to Post Office – known as "follow-up balances".

[What happened in 2000 – 2001: there is a gap]

132. From 2001 to 2002, classroom training was offered to new Subpostmasters followed by around ten days of onsite training and support. There would then be a follow-up balance .

133. From 2003 to 2006, between five and ten days of classroom training was offered to new Subpostmasters (the training being optional) and then five to ten days of onsite training and support was then given depending on whether the classroom training was attended. This would be followed by a further day of follow-up balance support.

¹⁸ NOTE TO WBD: Can we source this please in relevant documents?

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134. From 2007 to 2011, new Subpostmasters received five, eight or ten days of training on foundation, sales and other specialised modules. Six days of onsite training and support was provided, again followed by one day of follow-up balance support.
135. In 2007 follow-up telephone calls were introduced at intervals of one month and six months after a branch was taken over by a new Subpostmaster, with a one-day site visit taking place three months after the branch was taken over.
136. In 2012, as part network transformation (see paragraph XX), Post Office tailored its training to reflect the specific role being undertaken, whether he/she is taking over an existing branch with existing staff, the size of the branch, the branch operating model (i.e. Main or Local) and the types of products and services to be transacted. The number of days over which the training took place depended on which model of training was provided. The training usually took place over 8 to 10 days and involved some classroom and some on-site training.
137. The current position is that the Subpostmaster will be sent a link to the online training that they access on their own device eg laptop. The online training is interactive and requires user participation. The online training is a precursor to classroom and on-site training. This is a change I introduced in 2015; this approach ensures the Subpostmaster has a variety of methods to take in the training, namely online, classroom and on-site.

Assistants

138. The training for Subpostmasters has always emphasised their responsibility for the safekeeping of cash and stock, the accuracy of their branch accounts and the actions and competency of their assistants.
139. Before Network Transformation, if there was space on an initial training course it would sometimes be suggested that the Subpostmaster bring their assistants with them to utilise the spaces on the course. With the new Mains and Local contracts the training is set out explicitly: for Mains the Subpostmaster and up to 50% of their staff are invited to attend the training. For Locals if the Subpostmaster has more than 5 staff then in addition to the Subpostmaster sufficient spaces will be offered to train 50% of their staff. [WBD TO DOUBLE CHECK THE CONTRACTS]
140. Where training was delivered on-site, there was of course the opportunity for those assistants who were present to get involved in the training.

Further training

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141. If the trainer has any concerns about the competence of a Subpostmaster following their initial training, they may arrange further training for the Subpostmaster.
142. After this point further training can be provided to Subpostmasters where necessary. As Post Office is not present in branches, it is often not possible for it to know whether training is needed by the Subpostmaster. It could be that the Subpostmaster is absent from the branch and requires no training at all. It could be that the Subpostmaster is well trained but there are errors in branch caused by assistants. For most branches, where all Post Office sees its accounting data, it is difficult to determine a Subpostmasters (or an assistant's) training needs.
143. Where a specific concern has been reported by a Subpostmaster or there is a re-occurring problem in branch, Post Office may pro-actively contact the branch to enquire as to what is happening and that may lead Post Office identify a need for further training need. Even then, Post Office cannot directly impose more training on Subpostmasters¹⁹ because this training also comes at a cost to them, in that it takes up their time. Most further training is therefore request driven, where a Subpostmaster asks for more training of their own volition or agrees to training suggested by Post Office.
144. When Post Office introduces new products or changes to products, the need and type of training is determined by the type of change or the level of complexity around the new product. If a new product is introduced that is similar to a product Post Office has already trained its Subpostmasters to use, then Post Office would likely not do face to face training. Instead it would more likely issue instructions and easy to user guides.

Support for Subpostmasters

[Note to WBD / Counsel: Is this section admissible?] TO BE SHORTENED

145. Some Subpostmasters run their branches successfully for years, rarely calling for help, suffering minimal, if any, shortfalls and generally get on with running their businesses without incident. Some Subpostmasters do not have a face to face interaction with Post Office for years. It is perfectly possible to run a branch without problem, using only the operational manuals and help guides provided by Post Office. [True?]

¹⁹ Save maybe in circumstances where there have been breaches of contract and Post Office requires a Subpostmaster to undertake further training as a condition of it not exercising its termination rights.

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146. Most branches will require some degree of support and guidance from Post Office at some points in time. Most of this support is in the form of routine queries about how to do something and is of little consequence. It is a minority of Subpostmasters that require regular or pro-active intervention and it is those types of Subpostmaster that make up a fair proportion of the Claimants. I do not therefore believe that the Claimants' complaints in these proceedings are representative of the views of the wider body of Subpostmasters, as can be seen from the fact that the NFSP is supporting Post Office in this litigation.²⁰
147. Historically, an Area Manager would be responsible for the whole life cycle of the Subpostmaster, including supporting any issues in branch. Over time the Area Manager position has had different names such as Retail Network Manager (**RNM**) or Business Development Manager (**BDM**). Area Managers knew the branches very well due to this high level of personal contact. [Note for Counsel: How do we square this with above statements on Post Office no being present in branch?]
148. Around 1995 Post Office started to centralise its business. As part of this, in around 1999, Post Office set up a helpline for Subpostmasters. This was because improvements in technology made it more cost-effective to run a telephony support service [correct or was there another reason?] than provide each Subpostmaster with an individual Area Manager. It was first implemented on a regional basis and was later centralised when it became known as the National Business Support Centre (**NBSC**). [Correct? Or was it known as a the NBSC before this?]
149. It was important that Subpostmasters used the Helpline as Post Office wanted a record of the calls reporting issues so that we could understand trends in the volume of calls and also the type of calls. Again, technology allowed Post Office to collate this data and produce trend analysis at a national level to ascertain whether there are particular things taking place that are not just one offs. If, for example, Post Office brought a new product in and the Helpline received a large number of calls, Post Office could consider whether the training had not landed properly; or that the product design is not quite right.
150. Even if the Subpostmaster wanted to get hold of me as an RNM, I would inform them that they needed to go through the helpline. I would inform them that the contact at the helpline would then page the relevant RNM or BDM and ask the person to contact the Subpostmaster.

²⁰ Source?

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151. As Area Managers were phased out, NBSC became the primary point of contact for Subpostmasters seeking support on operational questions. NBSC is dealt with in more detail in the Witness Statement of Kendra Dickinson.
152. In [year], Contract Advisors were introduced. Contract Advisors were responsible for managing the contracts of Subpostmasters and took over this role from area managers. They were centrally based and did not visit branches unless addressing a specific issue. They were involved in the appointment process, handled any contract breaches and dealt with suspensions, resignations and terminations. These matters are dealt with in more detail in the Witness Statement of John Breedon.

Causes of shortfalls

153. When becoming a Subpostmaster, a person will know that there is a risk of losses of cash and stock from a branch. This is a known risk in any retail environment and is commonly called shrinkage.²¹ There are many ways that a shortfall or surplus may arise. I set out some examples below.
154. Mis-key. If a Subpostmaster enters the wrong value of a transaction into Horizon this could cause a discrepancy. By way of example, if a banking customer deposits £1000 into his/her account and the person serving the customer mistakenly enters £10,000. This would create a shortfall of £9,000 for the branch. The same thing would sometimes happen with paper records.
155. Mixing retail and Post Office business. Generally, a branch will maintain a physical separation between retail and Post Office cash. Subpostmasters are supposed to maintain this separation. Mixing these two sets of cash can lead to Post Office cash being lost to the retail business (and vice versa), as it can become difficult to track the amount of cash that should be allocated to the Post Office and retail sides.
156. Errors in cash handling. At the end of a customer transaction, payment normally needs to be made to or received from the customer. Even if the transaction is correctly recorded in Horizon, branch staff may take or hand out the wrong amount of cash. This error could be as simple as miscounting cash before handing it to, or receiving it from, the customer. This error may also happen when excess cash is sent from a branch to Post Office or vice versa.

²¹ Can we cite an industry report on retail shrinkage?

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157. Miscounting cash on hand. When completing the physical cash count, notes and coins can sometimes be miscounted or missed altogether. If cash is temporarily mislaid one day and found the next, it can lead to related shortages and surpluses on different days or in different trading periods.
158. Cash remittance errors. If there is mistake made between the amount that is "Remmed" in or out and what is received from, or sent to, the Post Office Cash Centre, then this will lead to a branch discrepancy. When a pouch is received from a branch, the handling clerk at the Cash Centre opens the seal and empties the contents onto their workstation, which is monitored by CCTV. This is the same for pouches that are made up in the Cash Centres and sent to branches. By way of example, if a branch has bagged up £25,000 to send to the Cash Centre but enters £20,000 into the system then there will, in the short term, be a shortage of £5,000. If the cash has left the branch then the mistake cannot be rectified by the branch. The cash will be counted at the Cash Centre and a Transaction Correction will be sent to the branch to rectify the branch account.
159. Stock handling. In the same way that cash can be mishandled, stock can also be mishandled, e.g. giving the wrong type of stamps to a customer.
160. Cheque handling. Branches can accept cheques as payment for certain products and services. There are set procedures that must be followed in branch to ensure that the cheques are handled correctly and submitted to Post Office promptly so that they can be entered into the banking system. A failure to follow these processes may make it impossible to recover the value of the cheque and the cost of this may be passed back to the branch.
161. Product specific errors. A failure to follow the correct process for accounting for certain products can also cause errors. A good but historic example is the accounting process for Motor Vehicle Licence (MVL) discs (commonly referred to as tax discs). Branches will receive MVL discs from Post Office, which they have to record as part of their stock using Horizon. When the discs become out of date, the branch is responsible for destroying the discs and following a process to inform Post Office that they have been destroyed. When destroying the discs, if the branch does not follow all of the steps of "spoiling the disc" and remitting it to Post Office, Horizon will still record the disc as being in the branch even though it has been destroyed.
162. Accidental loss. Other losses may occur accidentally in branches; for example, money dropped in bins with rubbish, money dropped or knocked into mail bags, and money left on counter tops which is taken by a customer without branch knowledge.

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163. Theft. Theft by branch staff has occurred, involving staff taking cash or stock, or colluding with a customer to generate a gain for the customer and an offsetting loss for the branch.

Reliance on Subpostmasters

164. Post Office is not present in branches, except when its staff are on site providing training or support or conducting audits, which would perhaps give it at best visibility of maybe 1 in every 10,000 transactions. It does not have first-hand knowledge of:
- 164.1 The interaction between the Subpostmaster and the customer, what was said or what was handed across the counter.
 - 164.2 Whether the Subpostmaster entered a transaction correctly on Horizon. Post Office only sees what was recorded by Horizon and what may be communicated to its by clients and customers. It does not know whether that entry accurately reflects the transaction that actually happened.
 - 164.3 The handling and counting of cash and stock, and whether the correct amount of cash was taken from the customer or paid out to the customer.
 - 164.4 Whether the correct related paperwork is completed for certain transactions (eg. endorsing backs of customer cheques with the transaction details).
165. Because of this lack of first-hand knowledge and direct control, Post Office relies on Subpostmasters to accurately conduct and record transactions undertaken in their branches. This is important because:
- 165.1 Post Office pays or receives money from Clients based on the value of the transactions recorded in branch. Incorrect transactions could lead to it paying more or receiving less than it is due, thus creating a loss to Post Office.
 - 165.2 Customers trust Post Office to complete their transactions accurately. Its brand would be damaged and customers would stop coming to Post Offices if, for example, when they paid a bill or deposited money, their bill remained unpaid or their accounts were not credited in the correct amount.

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- 165.3 Failing to complete customers' transactions could also damage Post Office's relationship with Clients. If Clients receive complaints from customers this could lead to Clients taking their business elsewhere or demanding compensation.
- 165.4 Post Office receives fees and commissions from its Clients based on the transactions recorded in branches.
- 165.5 Subpostmasters are remunerated by reference to the transactions completed in branch.
- 165.6 Subpostmasters are physically in control of and therefore responsible for the handling and security of Post Office cash and stock in their possession.
166. [In what other ways is Post Office reliant on Subpostmasters doing their jobs properly?]
167. Post Office sets minimum requirements for accounting checks so to ensure the accurate handling of cash and stock and recording of transactions. These currently include daily cash declarations²² and the submission of monthly accounts²³. The exact frequency and nature of accounting checks have changed over time but are, and have at all material times been, in line with the practices of other retailers (big and small), where the industry standard is for the tills to be "cashed up" at the end of every day. This is good practice because (i) it allows a retailer to quickly spot any problems and (ii) for security reasons a retailer will want large volumes of cash to be secured in a safe overnight. I would expect any reasonable person entering the retail business to understand the importance of regular cash and accounting checks, and I would also expect them to know that it is best practice that this is done at the end of every trading day, and that any problems will need to be promptly corrected. It is obviously particularly important where the business involves a large throughput of cash, as does a Post Office branch.

[Note to WBD / Counsel: Can we find any retail accounting standard or industry guide that says that cash should be counted daily]

²² This involves a count of all cash in the branch by denomination and the submission of that cash declaration to Post Office. This is done so that Post Office knows whether to send more cash to, or collect excess cash from, a branch. Once the cash declaration is done, it is possible for the Subpostmaster to run a report from Horizon showing any shortfalls or surpluses that have occurred that day.

²³ Strictly speaking the accounts are submitted every 4 or 5 week trading period depending the accounting timetable set for each branch, but they are often referred to as the monthly accounts or "end of trading period" accounts. Historically, these accounts were submitted weekly.

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168. With over 11,000 agency branches each producing a daily cash declaration, this amounts to over 26,000 cash declarations each month.²⁴ It would be completely impractical for Post Office to review all these accounting submissions. It would also be pointless. The only information Post Office would have at the end of each day's trading would be the cash declaration. If there was a shortfall, it would have no way of knowing which transaction on that day might be the cause of the problem. The only person with this information is the Subpostmaster.
169. The problem is exacerbated when looking at weekly or monthly accounts. An average branch conducts XX transactions per day, or XX transactions per week or XX transaction per month. As the period of time extends so does the pool of data and thus finding a problem transaction becomes more difficult.
170. I have always taken the position that a diligent businessperson would check their accounts daily to identify any discrepancies and look to resolve them there and then, while the information is fresh in their mind. If a material problem is identified, I would expect the Subpostmaster to work hard to find the problem. The starting point is a recount of cash in the branch to make sure there have been no counting mistakes. One would then look at the cash, cheque and stock remittances in and out of the branch to make sure everything has been logged as being sent or received. It would also be prudent to speak to any assistants to see if any of them had any idea as to what might have happened.
171. The next step would be to review all the day's transactions looking for an anomaly. From the branch accounts, it has always at all material times been possible to review a list of all transactions completed that day, their value and the corresponding payment method (cash, card, cheque, etc). It would be sensible to start looking for a transaction by reference to the value of the loss, e.g. if there was a loss of £900, I would be looking for a mis-keyed transaction where £100 might have been entered as £1,000.
172. Most Post Office branches have repeat regular customers e.g. a customer who always draws their benefits on a Wednesday morning or the local garage that deposits its weekly takings on a Friday afternoon. You get to know the ebb and flow of trade in a branch and when you look down the daily transaction log; you do not just see numbers, you see patterns of customers. This allows a Subpostmaster to spot anomalies in a way that Post Office never could. An experienced Subpostmaster will often have his or her own ways of quickly spotting when something has gone wrong in the branch and putting it right.

²⁴ Assuming that there are 26 trading days in a month.

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173. Subpostmasters also have knowledge of how their branch runs in practice: knowledge that Post Office does not have. They understand when they have had busy trading periods that make mistakes more likely, or have had difficult customers with complex transactions. They will know which assistants are more reliable. They could know if their assistants are having any personal or financial difficulties that might have affected their performance or created a greater risk of theft. Small things, like rushing to close the branch early one evening to go to an event or see your family, can increase the risk of errors. Subpostmaster's own risk for tolerance for errors will be important: some will want their accounts to balance to the last penny every day; others will be happy to allow small losses to rollover for a period of days without any investigation. This is not unique to Post Office but reflects the ordinary challenges of running a small or medium sized business.

[Is there any other information that the Subpostmaster has about the cause of losses that POL does not have?]

174. It is fair to say that small shortfalls or gains sometimes cannot be tracked down, as in any business. For example, a simple mistake of handing over to a customer a £10 note rather than a £5 note will be nearly impossible for either a Subpostmaster or Post Office to spot after the event. Practically, I would not expect a Subpostmaster to put much time into trying to discover the cause of a very small loss or gain. However, if a Subpostmaster conducts their business responsibly and with care, I am confident that they should be able to identify any substantial or re-occurring problems, or at least localise them to a particular transaction, type of transaction or member of staff so that a solution can be found. In this context, I would consider a £XX shortfall to be at the kind of level that it would be worth a Subpostmaster trying to work out, and I would expect him or her to succeed, but people will differ in the level of loss or gain that they will want to investigate further. It would be surprising and hard to understand if a Subpostmaster, having kept his accounts diligently, still had no idea where a material problem was arising from. [Can you add any more context as to why a SPMR would normally be able to track down material errors?]
175. By contrast, it can be very difficult, if not impossible, to find the root cause of shortfalls if the Subpostmaster has not kept regular and accurate accounts. I think this would be obvious to anyone who thought about how a branch works and the fact that only the Subpostmaster (and the assistants) are actually there, in possession of the cash and stock and actually carrying out the transactions.
176. Multiple errors make finding a loss more difficult. It could be that two errors are made in one day, a loss of £300 and a gain of £100, making it look like a net loss

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of £200 at the end of the day. Disaggregating these types of errors can be done on a small scale, but if not addressed for even a few days or weeks, they compound and make it increasingly difficult to locate the underlying cause of problems.

177. False accounting is a major problem when it comes to identifying and correcting errors. As with any business where accounts are kept, there is a risk that the book-keeper may make false entries to hide problems. Post Office has to trust Subpostmasters to be honest. False accounting takes a number of forms, but the simplest way is to declare that the business has more physical cash than it actually has or to declare in the accounts that a shortfall has been made good when in fact it has not been. These would both make the accounts look like they are in balance (with no shortfalls or gains) when in the real world there is a shortfall. Other types of false accounting include recording false debit transactions so as to reduce the cash position recorded in the accounts in order to bring it in line with the real cash position.
178. Save when opening new branches, closing branches and undertaking audits (see paragraph XX), Post Office does not undertake a first-hand manual count of a branch's cash. It only sees the accounts submitted by the Subpostmaster. It generally does not know whether the Subpostmaster has submitted false entries or not.²⁵ False accounting causes two principal problems:
- 178.1 It makes it very difficult, if not impossible, to know on what day an error occurred because the falsified accounts will likely show that they were in balance every day. It will likely not even be possible to tell from the accounts when the false accounting started.
- 178.2 There is no way for Post Office to know which transactions in the accounts are real transactions that are innocently incorrect and which are intentionally false. False accounting therefore puts the entire set of accounts under suspicion. It also means that Post Office can no longer trust the Subpostmaster with its cash, stock or its brand.
179. False accounting could in theory happen, and not be discovered by Post Office, for weeks, months or even years. This means that long periods of the accounts may be subject to challenge, and genuine errors in these periods will have been hidden from Post Office. This often makes it impossible for Post Office to

²⁵ There are patterns of behaviour or transactions that could suggest a problem, for example, a branch asking Post Office to send out more cash deliveries even though its declared cash position in its accounts should be sufficient to cover its usual daily trading. These patterns only tend to come to light after extended periods of false accounting.

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investigate retrospectively the root cause of problems at a branch where there has been false accounting. Post Office is reliant on the honesty of Subpostmasters for the network to function.

180. Post Office's position is that false accounting is always unacceptable. There is also no need for it. It is perfectly possible for a Subpostmaster to always submit accurate branch accounts; they just need to fairly disclose the shortfalls in their accounts so that Post Office can then work with them to understand the cause of a shortfall and whether the Subpostmaster is at fault for it.
181. [Note to WBD: Please can we ask Paul Smith or Alison Bolsover how does Post Office factor in false accounting and errors into its financial forecasts?]

Responsibility for shortfalls

182. Where a Subpostmaster is at fault for a shortfall, it is reasonable that he should be held liable for that shortfall and should compensate Post Office for that loss. If a Subpostmaster was not held so responsible he would lose an incentive to run his branch properly. This would lead to mounting losses in the network, with Subpostmasters, customers and clients taking the benefits of those errors and Post Office suffering the consequences. In this situation, the network would become financially unsustainable very quickly.
183. Subpostmasters are solely responsible for their branch accounts. There is no transaction that enters their accounts without their consent (or their consent by proxy through their assistants).²⁶ This includes transaction corrections²⁷ issued by Post Office, which must be accepted by the Subpostmasters before they form part of the branch accounts. Subpostmasters have a variety of ways to contest any shortfall. They should do so promptly and the usual route is via NBSC.
184. If there is a shortfall, the most likely cause is an error by the Subpostmaster given that he has control over (a) the transactions conducted (b) the entries made in the accounts and (c) physical control of the cash and stock in the branch. It is therefore generally fair to assume that Subpostmaster if a shortfall is declared then the Subpostmaster is responsible for it.

²⁶ I dismiss here the groundless accusation about Post Office or Fujitsu maliciously editing branch accounts – see paragraph XX

²⁷ Previously known as Error Notices. [Note to WBD / Counsel: The evidence plan included an explanation of transaction corrections but this information would not be available to Postmaster applicants so is inadmissible. Should we still include this?]

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185. It would be very arduous for Post Office if this assumption was reversed. If Post Office had to positively prove every shortfall was the fault of a Subpostmaster, Subpostmaster the administrative burden would be massive. To put this in context, as at the date of this statement, the level of declared losses by Subpostmasters that are outstanding to Post Office is £XXX. .
186. In any event, for the reasons set out in paragraphs ~~XX~~ to ~~XX~~, the Subpostmaster is best placed to investigate shortfalls and Post Office generally cannot find the root cause of a shortfall without the Subpostmaster's cooperation. A reversal of burden for determining the root cause of shortfalls would also create the perverse situation whereby the greater the scale and sophistication of the false accounting by a Subpostmaster, the less likely Post Office will be able to find the root cause of a shortfall, and thus the more likely the Subpostmaster would not be held liable for that shortfall. This would expose Post Office to uncontrollable losses.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed:

Date:

Filed on behalf of the: Defendant
Witness: Angela Margaret Van Den Bogerd
Statement No.: First
Date Made: 23 July 2018

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HQ17X04248**

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ROYAL COURTS OF JUSTICE
B E T W E E N:**

ALAN BATES AND OTHERS

Claimant

AND

POST OFFICE LIMITED

Defendant

**WITNESS STATEMENT OF ANGELA
MARGARET VAN DEN BOGERD**



Womble Bond Dickinson (UK) LLP
Oceana House
39-49 Commercial Road
Southampton
SO15 1GA

Tel:  **GRO**
Fax:  **GRO**
DX: 38517 Southampton 3

Our Ref: AP6/IAR1/364065.1369

Solicitors for the Defendant