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# Review of Project May (Phase 1)

1<sup>st</sup> day of March 2024

**Reference:** ETICA/POL/1/24

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**Company Registration**  
ETICA (Global) Ltd is a registered company in England and Wales No. 13737960



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### Credentials of Report Author

Professor Gavin E. Oxburgh *PhD, MSc, BSc (Hons), PgCLTHE, CPsychol, CSci, FBPsS, FHEA*  
Registered Forensic Psychologist

### Background

Professor Oxburgh is a Registered Forensic Psychologist with the UK's Health and Care Professions Council (HCPC) and an Expert Witness with the British Psychological Society. He is a Professor of Police Science at Northumbria University, UK and he is also a Visiting Professor at the Norwegian Police University College, Oslo, and the Institute of Psychology, Psychiatry and Neuroscience, Kings College London. He is an Executive Board member of the International Chiefs of Police (IACP), International Managers of Police Academy and College Trainers (IMPACT) Section. His academic research career has been dedicated to improving police and law enforcement interview methods, assessing risk of unreliable confessions, and contributes to the broad area of legal and forensic psychology including: communication, human rights; the investigative interviewing of victims, witnesses and suspected offenders; the social and cognitive processes associated with achieving co-operation (incl. the effects of vulnerability, culture, empathy, and rapport-building); miscarriages of justice; false and recovered memories, and; historical allegations of child sexual abuse. He has analysed in excess of 4-500 police interviews/operations, including victims, witnesses, suspected offenders and undercover operations, a consequence of which has been to establish the ways in which the reliability of evidence is obtained. He was the founding Director of the [International Investigative Interviewing Research Group](#), an international network of interviewing professionals devoted to improving interview standards; a group he Chaired until July 2019. In 2021, he founded [ETICA \(Global\)](#), a social enterprise (not-for-profit) organisation, developed to deliver capacity-building through training, professional advisory services, knowledge exchange, and innovation for ethical investigative practice across the globe; Professor Oxburgh is the Executive Director.

He has published his research widely in International academic journals in the area of forensic and legal psychology, policing, and communication and has co-edited three highly successful books on: *Communication in Forensic and Legal Contexts*; *Current Developments and Practices of Investigative Interviewing and Interrogation Across the World*, and; *Interviewing and Interrogation: A Review of Research and Practice Since World War II* (open access). He has worked in close collaboration with various agencies worldwide including (but not limited to): Fair Trials; The International Criminal Court (ICC); The United Nations High Commissioner for Refugees (UNHCR), The United Nations Development Programme (UNDP), the South African Police Service; The European Investment Bank; the UK Ministry of Defence (Royal Air Force), and; various UK police forces. From 2016 to May 2021, he was an invited expert who sat on a United Nations-led international Steering Committee that developed and drafted [The Mendez Principles on effective interviewing for investigations and information gathering](#). This was a four-year project carried out in conjunction with the Anti-Torture Initiative, the Association for the Prevention of Torture, and the Norwegian Centre for Human Rights. More recently, he has provided general interview training to the *Great Britain-China Centre*, the *Institute of Defense of the*



*Right to Defense (IDDD), the Eastern African Police Chiefs Co-operation Organisation, and the Chilean Fundacion Amparo Y Justicia.*

Professor Oxburgh has attracted in excess of £4.8m in research grants to date from (but not limited to) the ESRC/EPSRC, The British Academy, The Forces in Mind Trust, The Armed Forces Covenant Fund Trust, the College of Policing, and the N8 Policing Research Partnership. He regularly reviews research grants, empirical research papers and books for various research councils, major publishers and internationally renowned journals. He is an Associate Editor for the *Journal of Investigative Psychology and Offender Profiling* and sits on many others. In 2017, he was awarded Associate Investigator status of the Academic Centre of Excellence in Cyber Security Research (ACE-CSR) which is EPSRC and GCHQ managed. Prior to entering academia, Professor Oxburgh was the Child Protection Training Lead for NHS Lothian, Edinburgh, following a 22-year career in His Majesty's Royal Air Force Police as a senior detective, specialising in child/family protection and sexual offences, working across Europe and the UK. His full Curriculum Vitae is attached at Appendix 1.

### **Qualifications**

Educated in the United Kingdom, Professor Oxburgh has the following professional and academic qualifications/titles:

- Doctor of Philosophy (PhD) in Psychology, University of Portsmouth, UK;
- Master of Science (MSc) in Forensic Psychology, University of Portsmouth, UK;
- Bachelor of Science (BSc Hons) in Psychology, The Open University, UK;
- Post-graduate Certificate in Learning and Teaching in Higher Education (PgCLTHE), Teesside University, UK;
- Fellow of The British Psychological Society (FBPsS), UK;
- Fellow of The Higher Education Academy (FHEA), UK;
- Chartered Psychologist (CPsychol) of The British Psychological Society, UK;
- Chartered Scientist (CSci) of the UK Science Council.

### **Membership of professional bodies**

Professor Oxburgh is a member of the following professional bodies:

- The Health and Care Professions Council (HCPC) – Registered Practitioner Forensic Psychologist (Registration number: PYL28742);
- The British Psychological Society (Membership number: 040355);
- The International Investigative Interviewing Research Group (IIRG) – Chair (Apr 07 – Jul 19) and Founding Director;
- The UK Higher Education Academy (HEA);
- The International Association of Chiefs of Police;
- The American Psychology-Law Society (AP-LS);
- The European Association of Psychology and Law (EAPL).



## 1. Background to ETICA (Global) Ltd

ETICA (Global) (*Ethical Training in Interviewing, Communication and Advocacy*) was established in 2021 to deliver capacity-building through training, professional advisory services, knowledge exchange, and innovation for ethical investigative practice across the globe.

Through the provision of high-quality, evidence-based training and professional advisory services, ETICA (Global) aims to eradicate poor and coercive practices through promoting skilled investigative practice consistent with international human rights and ethical conduct while meeting the needs of investigative, military, security, and legal practitioners, irrespective of global location.

The ETICA (Global) team has extensive expertise in policing, psychology, criminal justice, and human rights law with members involved in conducting consultancy, expert witness testimony, and training programmes across many international jurisdictions including North America, Latin America, China, South-East Asia, Europe, and Africa. In addition to our highly qualified panel of international experts, the work of ETICA is also supported by a prestigious Scientific and Professional Advisory Board of international leaders in research and practice.

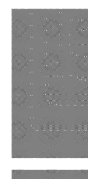
### 1.2. What does ETICA (Global) provide?

ETICA (Global) operates with the parameters of The Mendez Principles on Effective Interviewing for Investigations and Information Gathering. The Mendez Principles<sup>1</sup> are, in essence, an acknowledgement that the successful outcome of an investigation (and subsequent interview/s) are inter-connected with the full enjoyment of human rights by a person at each stage of contact with state authorities – regardless of whether such encounters are labelled as 'conversations', 'interrogations', 'interviews', or 'questioning'. The Mendez Principles present an alternative to the risks of coerced statements and brutality of torture (and all its manifestations), and a recognition that these tactics lead to false confessions, unfair trials, and undermine the overall delivery of justice. With a focus on ethical practice, ETICA (Global) delivers capacity building through evidence-based training programmes, professional advisory services and advocacy support to policing, law enforcement, the judiciary, military, security, intelligence, and legal professionals, in three expert domains:

1.2.1. **Interview Practice** (*for suspects, victims, witnesses and 'other persons of interest'*) covering topics such as questioning approach, rapport and empathy, memory, deception, false or coerced confessions, reluctance, and vulnerability (including gender-based violence and abuse of children); to include ethical and evidence-based interviewing techniques and consideration of the psychological impact of degrading treatment on information elicitation.

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<sup>1</sup> Mendez, J. et al., (2021). *Principles on Effective Interviewing for Investigations and Information Gathering*. Retrieved February 2023 from [www.eticaglobal.org](http://www.eticaglobal.org).



- 1.2.2. **Organisational Change** covering topics such as Identifying the skills, resources, and regulatory environment necessary for successful change, overcoming resistance to change, including building a culture of learning and innovation that is effective, efficient, and adaptable.
- 1.2.3. **Legal Oversight and Safeguarding** covering legal and procedural safeguards necessary for effective non-coercive interviewing, including the recording and transcription of interviews, recording of confessions, and receiving and managing complaints during active cases; to include responsibility of custody managers (e.g., access to legal and medical support, records, complaints, and oversight) and generation of checklists for relevant legal and procedural safeguards.





## 2. Background to Project May

- a. Project May is a 'fact-find' undertaken by Post Office Ltd (POL) Assurance and Complex Investigations Unit (ACI). It was instituted after the response to a freedom of information request from a member of the public made POL aware of a historic document retained by POL's former investigations' function ('the Document'). The Document contained archaic and offensive terminology to describe ethnicities in relation to identification code numbers applied to ethnic groupings.
- b. In summary, Project May's aim was (as Phase 1): (i) to determine how 'the Document' came into being and why the descriptors in question were retained therein; (ii) to understand 'the Document's' use during the independent lifetime of POL (i.e., since 2012), and; (iii) as a broader consideration, and as a distinct Phase 2, to understand whether the identification codes set out in 'the Document' (and/or the terminology used therein) had a material effect on POL's investigators' or prosecutors' case disposal decision-making.
- c. To provide assurance as to the proper undertaking of Project May, POL engaged Outer Temple Chambers to review the project's activities and evidence, provide legal advice where necessary, and provide input and commentary on its work products. From this, ETICA (Global) were requested to assist (see below).

### 2.1. Instructions provided to ETICA (Global)

ETICA (Global) was requested to undertake two parallel lines of assessment, considering:

- a. The **conduct** of the Project May fact-find, and;
- b. The **conclusions** reached by the Project May fact-find.

In more detail, we were asked to comment on the following aspects of the project:

#### 2.1.1. Conduct of the 'fact find'

##### a. Investigative approach:

- i. The questions set for the project to examine (see paragraph xx of the project Report);
- ii. The sequencing of the enquiries undertaken;
- iii. The use of digital forensics;
- iv. The interaction between the project and the Horizon Inquiry.

##### b. The project's ethos:

- i. Whether Project May's conduct was appropriate to the issues – in particular, the fact that the subject matter raised issues of potential discrimination;

- ii. The degree to which the conduct of the project reflected an appropriate investigative mindset and kept an adequately open mind as to potential outcomes;
- iii. The degree to which the fact-find has been fair to witnesses and providers of information.

**c. Unconscious bias:**

- i. The consideration by the project of unconscious bias as a risk factor;
- ii. Any mitigating steps taken to deal with a possibility of unconscious bias;
- iii. Whether unconscious bias was demonstrated.

**2.1.2. Conclusions of the 'fact find'**

**a. Evidential basis:**

- i. The degree to which conclusions were adequately based on (and arise from) the evidence;
- ii. The degree to which conclusions reached adequately reflect the balance of probabilities.

**b. Objectivity:**

- i. The degree to which the findings reached, and the way in which material gathered was interpreted in those findings, demonstrates objectivity.

**c. Unconscious bias:**

- i. The degree to which the conclusions reached appear to be free from unconscious bias, and/or take the risk of such bias into account.

**d. Reasonableness of scope of enquiry (taking into account that this was not a criminal investigation, or an inquiry undertaken as part of legal proceedings):**

- i. The degree to which the investigation has properly balanced speed of delivery with comprehensiveness of findings;
- ii. Whether decisions as to lines of enquiry to be followed were reasonable.

**2.2. Additional information provided to ETICA (Global)**

While ETICA's product is not intended to play any part in civil legal proceedings, POL nonetheless agreed that ETICA and those individuals undertaking the work should do so, as far as is practical, on the basis of the stipulations of CPR Part 35, and in particular of Practice Direction 35 which accompanies it. Namely:

- a. ETICA's report should be the independent product of the ETICA staff preparing it;
- b. Its contents should reflect the objective and unbiased opinions of those staff on matters within their expertise, not seeking to advocate for or satisfy the desires (expressed or perceived) of POL for any specific opinion;
- c. The staff concerned should consider all material available to them, irrespective of the direction in which it leads their opinion ;





- d. The report should detail the writers' qualifications, any literature relied on, make clear which facts included in the report are within the writers' own knowledge, and indicate the basis for the opinions reached.

### 2.3. Documentation received

ETICA (Global) received the following documentation from POL via secure Qualtrics links on different dates during February 2024:

- a. 20240203 Project May report FINAL A\_Redacted.pdf
- b. 20240208 Project May report FINALA.pdf
- c. 1 x large zip file containing the following documents/folders/emails:
  - i. Document entitled: 23<sup>rd</sup> May 2011
  - ii. Document entitled: 2016 confidential email exchange re disclosure.pdf
  - iii. Document entitled: 2016 Helen Dickinson email (unreadable)
  - iv. Document entitled: Andrew Wise- fact find project May.docx
  - v. Document entitled: Andy Bannister RM- Search for Appendix 6.docx
  - vi. Document entitled: Andy Morley-NPA.docx
  - vii. Document entitled: Andy Morley.docx
  - viii. Document entitled: Appendix 6 - Identification Codes.doc
  - ix. Document entitled: Case Process Stuff.msg and contained the following:
    - a. Identification Codes.doc
    - b. Triggers and Timescales June 2011 (3).doc
    - c. Intel process (2).doc
    - d. Security Operations Team Asset Recoveries v2.doc
  - x. Document entitled: CCRC\_108172704.pdf
  - xi. Folder entitled: Compliance (from 2011 email)
  - xii. Zip File entitled: Compliance (from 2011 email).zip
  - xiii. Folder entitled: Compliance 2012-2013
  - xiv. Zip File entitled: Compliance 2012-2013 A.zip
  - xv. Zip File entitled: Compliance 2012-2013.zip
  - xvi. Document entitled: copy email Keith Gilchrist.docx
  - xvii. Document entitled: Dave Pardoe email.docx
  - xviii. Document entitled: David posnett Letter A.docx
  - xix. Document entitled: Discussion with Jason Collins.docx
  - xx. Document entitled: Email series re compliance.pdf
  - xxi. Document entitled: Emails Forwarded by Andrew Wise.docx
  - xxii. Document entitled: ETHNIC GROUP CODES - Copy.doc
  - xxiii. Document entitled: ETHNIC GROUP CODES.doc
  - xxiv. Document entitled: Fact find with Jason Collins.docx
  - xxv. Document entitled: Fact Finding - Chris Knight.docx
  - xxvi. Document entitled: FW Case Compliance.msg – email with attached zip file entitled Compliance 2012-2013.zip which contained the following documents:
    - a. Appendix 1 – Form.xls
    - b. Appendix 2 – File Construction & Appendices A B C.doc



- c. *Appendix 3 – Offender Reports & Discipline Reports.doc*
- d. *Appendix 4 – Offender Reports Layout.doc*
- e. *Appendix 5 – Discipline Reports Layout.doc*
- f. *Appendix 6 – Identification Codes.doc*
- g. *Appendix 7 – Tape Summaries.doc*
- h. *Appendix 8 – Notebooks.doc*
- i. *Appendix 9 – All In One Case Toolkit v1.xls*
- xxvii. Document entitled: FW Casework Compliance.msg (unreadable)
- xxviii. Document entitled: FW\_ Case Compliance.msg (unreadable)
- xxix. Document entitled: Historic Emails.msg which contained the following:
  - a. *Email 1 – Casework Compliance*
  - b. *Email 2 – Case Compliance*
  - c. *Email 3 – Case Process Stuff*
  - d. *Email 4 – SharePoint Extraction*
- xxx. Document entitled: KCCRC-108172704.pdf
- xxxi. Zip folder entitled: KPMG email and ID Codes.zip
- xxxii. Document entitled: LETB-0001709341-2004 postal order.doc
- xxxiii. Document entitled: May 3A.bmp
- xxxiv. Document entitled: May 3B.bmp
- xxxv. Document entitled: May 4A.bmp
- xxxvi. Document entitled: May 4B.bmp
- xxxvii. Document entitled: May 5A.bmp
- xxxviii. Document entitled: May 5B 1.bmp
- xxxix. Document entitled: May 6A.bmp
- xl. Document entitled: May 6B.bmp
- xli. Document entitled: May 8A.bmp
- xl. Document entitled: May 8B.bmp
- xl. Document entitled: May 8B.bmp
- xl. Document entitled: MG11 MORLEY Andrew.pdf
- xliv. Document entitled: Microsoft Teams-image (1).png
- xl. Document entitled: Microsoft Teams-image.png
- xlvi. Document entitled: Modern Day Codes used in Excel Documents Relating at offences at Post Offices.docx
- xlvi. Document entitled: Museum- appendix 6.JPG
- xlvi. Document entitled: NPA 01 11-12.doc
- xl. Document entitled: npa01form.pdf
- l. Document entitled: Offensive document- assistance request.docx
- li. Document entitled: Op May emails.docx
- lii. Document entitled: P6 DOWNLOAD EMAILS.docx
- lii. Document entitled: P6 EMAIL DOWNLOAD SUMMARY 2.docx
- liv. Document entitled: P6 EMAIL DOWNLOAD SUMMARY.docx
- lv. Document entitled: Project MAY mair.xlsx
- lvi. Document entitled: R9R44 Question 5 HSF-LONDON\_11.FID3465445- Claire Nicholson.msg and contained the following:
  - a. *HSF EMAIL.docx*
- lvii. Document entitled: RE SharePoint Extraction WBDUK-Active.FID27103746.msg and contained the following:



- a. *File Construction & Appendices A B C.doc*
  - b. *Appendix C PEACE Investigative Interviewing.zip*
  - c. *Triggers and Timescales June 2011 (3)(1).doc*
  - d. *Suspect Offender Report Preamble Template Blank.doc*
  - e. *Offender Report Preamble (Discipline Manager)(v2.2 Jan 05).doc*
- lviii. Document entitled: RE Steve Bradshaw-fact find.msg
- lix. Document entitled: REDACTED WORD DOCUMENT PROJECT MAY.docx
- lx. Folder entitled: Relevant emails
- lxi. Document entitled: RMG Reporting procedure to the police - Project May.pdf
- lxii. Document entitled: Screenshot of Guardian link - Project MAY.docx
- lxiii. Document entitled: Sharron Logan Case Compliance.msg and contained the following:
  - a. *Appendix 1 – Compliance Form(1).xls*
  - b. *Appendix 2 – File Construction & Appendices A B C(1).doc*
  - c. *Appendix 3 – Offender Reports & Discipline Reports(1).doc*
  - d. *Appendix 4 – Offender Reports Layout(1).doc*
  - e. *Appendix 5 – Discipline Reports Layout(1).doc*
  - f. *Appendix 6 – Identification Codes(1).doc*
  - g. *Appendix 7 – Tape Summaries(1).doc*
  - h. *Appendix 8 – Notebooks(1).doc*
  - i. *Appendix 9 – All In One Case Toolkit v1(1).xls*
- lxiv. Document entitled: Synopsis of email attachments identity code unredacted.docx
- lxv. Document entitled: Synopsis of email attachments Identity Codes.docx
- lxvi. Document entitled: TERMS OF REFERENCE project May - Copy A.docx
- lxvii. Document entitled: TOR-PROJECT MAY.docx
- lxviii. MAY – Action and Decision Log.xlsx
- lxix. CV – John Bartlett
- lxx. CV – Robert Hazel



### 3. Report Findings

As outlined in paragraph 2.1 above, ETICA (Global) was requested to undertake two parallel lines of assessment, considering:

- a. The **conduct** of the Project May fact-find, and;
- b. The **conclusions** reached by the Project May fact-find.

This report will now address these two broad areas having considered all documentation received from POL (see para. 2.3).

#### 3.1. Investigative approach (conduct)

3.1.1. Having read the Final Report and Terms of Reference for Project May (see paragraphs 2.3b and 2.3c, lxvii), the investigative approach and the questions set for the project to examine were, overall, perfectly reasonable in the circumstances. However, the question (or aim) "...to determine if the descriptors used in the document originated from the Home Office or other department of the State and if so when they were in use in public service" (Final Report, para. 5b) could have been broader to include other (non-state) law enforcement organisations like the International Association of Chiefs of Police (IACP) and the European Police College (CEPOL). I know from personal experiences having served with the Royal Air Force Police in Germany, that some practices used by our European and US colleagues were adapted for use within HM Armed Forces; this may well be the case for the current enquiry. However, it is acknowledged that in the Final Report (see para. 77c), establishing where the descriptors originated from remains (at this time) unanswered and will likely be brought out by the ongoing Horizon Inquiry process.

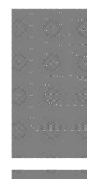
3.1.2. Sequencing of the enquiries undertaken, the use of digital forensics, and the interaction between the project and the Horizon Inquiry all appears to be clear, diligent and wholly professional throughout.

#### 3.2. The project's ethos (conduct)

3.2.1. As part of the project's ethos, it is necessary for all investigators involved to have a good understanding of what is meant by an 'investigative mindset'. As outlined by the College of Policing (CoP)<sup>2</sup> for England and Wales, an investigative mindset is the term used to describe a disciplined approach to all types of investigation that ensures all decisions made are appropriate in nature, reasonable and can be explained to others (in other words, legally defensible). There are five broad approaches that all investigators of fact should maintain:

- i. Understanding one's role in an investigation and their contribution to the process from the outset;
- ii. Being open-minded, professionally curious, and able to identify and follow all reasonable and identifiable lines of enquiry;

<sup>2</sup> College of Policing (2024). Introduction to the guidelines on conducting effective investigations. Accessed via <https://www.college.police.uk/guidance/conducting-effective-investigations/introduction> on 15 Feb 24.



- iii. Being proportionate;
- iv. Having an understanding, and being aware, of biases;
- v. Good interpersonal skills.

3.2.2. From reviewing all documentation received, there is nothing to suggest that the team involved with Project May had anything other than an appropriate investigative mindset throughout. The 'fact find' identified key issues around 'the Document's' origin (from around 1987) and issues that are contrary to the Equalities Act (2010). I found no evidence, whatsoever, of the Project May team displaying any unfair treatment to witnesses and/or providers of information during the 'fact find'.

### 3.3. **Unconscious bias (conduct)**

3.3.1. A key aspect for any investigator in either a criminal or work-place investigation is to ensure they conduct an ethical, unbiased and independent inquiry about the facts of a given case<sup>3,4,5</sup>. A major issue in all types of investigations is judging individuals from pre-conceived ideas or notions and judging them as either more or less credible as a consequence<sup>6</sup>. This argument is highly pertinent for the Project May team as any perceived bias may be more prominent with the coverage of the Horizon investigation in numerous social media outlets.

3.3.2. There are five ways in which unconscious bias may present itself during an investigation<sup>7</sup> and include:

- i. *Confirmation bias*: the tendency to look for information during an investigation that supports one's own preconceptions. This is usually done by interpreting evidence to confirm existing beliefs and rejecting other evidence<sup>8</sup>;
- ii. *Affinity bias*: Where an investigator favours people who are more similar to them in terms of interests and background etc<sup>9</sup>;
- iii. *Priming bias*: Where decisions are affected by one's exposure to other information or material gained<sup>10</sup>;
- iv. *Expediency/Rush to solve bias*: Where decisions are made quickly without considering all other evidence or facts;
- v. *Availability bias*: This is where an investigator is easily influenced by the most easily available evidence to hand<sup>11</sup>.

3.3.3. From the information provided to me, I could not find any evidence of unconscious bias by the Project May team. However, as this was a 'fact find' exercise, and not a criminal investigation, there are no video/audio files or

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<sup>3</sup> Ibid<sup>1</sup>

<sup>4</sup> Ibid<sup>2</sup>

<sup>5</sup> Oxburgh, G.E., Mykibust, T., Fallon, M., & Hartwig, M. (2023). *Interviewing and Interrogation: A review of research and practice since World War II*.

Published on 3 Nov 23 by: Torkel Opsahl Academic EPublisher: Brussels (ISBNs: 978-82-8348-200-3 [print] 978-82-8348-201-0 [e-book]).

<sup>6</sup> Perez, P. (2017). *Is your investigator more biased than you think? Part 1: Unconscious bias can disrupt your workplace investigations*. Ogletree: Deakins.

<sup>7</sup> Brinson, L., Cooper, C., Daly, E., Gallagher, K.S., Gross, L., Kidwingira, P., Kopernacki, N., MacGillivray, R., Miller, T., Pokorny, K., Schulze, K., Tapas, K., & Walthour, N. (2020). *Unconscious bias: Increasing awareness, providing training and mitigating the impact of bias in workplace investigations*. Ethics and Compliance Initiative: Vienna, Austria.

<sup>8</sup> Nickerson, R. S. (1998). Confirmation Bias: A Ubiquitous Phenomenon in Many Guises. *Review of General Psychology*. Vol 2, Issue 2, pp.175 -220.

<sup>9</sup> Ibid<sup>7</sup>

<sup>10</sup> Ibid<sup>7</sup>

<sup>11</sup> Ibid<sup>7</sup>





transcripts of interviews that I could analyse to determine any potential unconscious bias and its impact.

#### **3.4. *Evidential basis (conclusion)***

All conclusions in the Project May final report appear to be adequately based on the evidence that was obtained and are adequately reflected on the balance of probabilities.

#### **3.5. *Objectivity (conclusion)***

I have no concerns regarding the findings reached and the way in which material gathered was interpreted. From the information provided to me, I believe the Project 'fact find' was conducted with professionalism and demonstrated objectivity from the outset; this is clear in the Project May ToRs (para. 2.3c, lxvii).

#### **3.6. *Unconscious bias (conclusion)***

As previously highlighted at para. 3, I could not find any evidence of unconscious bias by the Project May team, however, please note my previous point regarding this finding (see para. 3.3.3).

#### **3.7. *Reasonableness of scope of enquiry (conclusion)***

3.7.1. As previously highlighted in this report, the Project May 'fact find' was not a criminal investigation, or an inquiry undertaken as part of legal proceedings. As such, the process by which the 'fact find' was undertaken appears reasonable, comprehensive, and conducted in a suitable time frame;

3.7.2. In terms of decisions made during the process, I was provided with the Project May Action and Decision Log (MS Excel spreadsheet). This log commenced on the 30<sup>th</sup> of May 2023 (serial number: D001), with the last decision dated the 2<sup>nd</sup> of February 2024 (no serial number included). The Action and Decision Log appears to be detailed and I have no concerns at this stage.

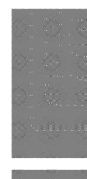




## 4. Conclusions

4.1. The following points can be made based on my reading of the material supplied by POL (see para. 2.3), my own previous research, together with my psychological and investigative expertise (see Appendix 1):

- 4.1.1. In April 2023, Post Office Ltd (POL) received a request under the Freedom of Information Act for documents that were used by the Security Team between 2008-2011. Eight documents were supplied to comply with the request, one of which had seven identity codes that described racial origins, one of which used the outdated and offensive term 'negroid';
- 4.1.2. The descriptors of the codes were believed to have been produced by the State and used in law enforcement and the wider Criminal Justice System;
- 4.1.3. Project May was established by POL to undertake a 'fact find' to identify any earlier use of the offensive terms within documentation discovered during eDiscovery searches or otherwise, in order to properly contextualise any use during the post-2012 period. Please also refer to the Project May ToRs (para. 2.3c, lxvii) for further details;
- 4.1.4. ETICA (Global) were requested to be an *Ethics Monitor* to undertake an independent check of the practices of the 'fact find';
- 4.1.5. Based on the Final Report and all documentation provided by POL (see para. 2.4), it is my considered opinion that the 'fact find' was comprehensive, timely, and conducted with professionalism, demonstrating objectivity throughout;
- 4.1.6. All actions and decisions made appear to be well-founded and thorough - I have no concerns at this stage;
- 4.1.7. I could find no evidence to suggest any form of unconscious bias, however, as this was a 'fact find' exercise, and not a criminal investigation, there are no video/audio files or transcripts of interviews that I could analyse to determine any potential unconscious bias and its impact. The Project May team (for whom I was provided Curriculum Vitae) appear to be suitably trained with regards to unconscious bias;
- 4.1.8. Overall, I agree with all conclusions in the Project May (Phase 1) Final Report.



## 5. Recommendations

5.1. Based on my conclusions, I recommend the following for all staff involved in Project May (and any related/further wider enquiries relating to the Horizon Inquiry):

### ***Relating directly to Project May (Phase 1)***

5.1.1. To liaise with other organisations like the International Association of Chiefs of Police (IACP) and the European Union Agency for Law Enforcement Training (CEPOL) to establish what identification codes they use (and refer to) relating to different ethnicities.

### ***General (to maintain currency)***

5.1.2. To undertake annual refresher training relating to unconscious bias;

5.1.3. To have regular training in order to remain up-to-date with current best practice on science-based, psychologically-proven, guidance on non-coercive investigations and interviewing (e.g., see *The Mendez Principles on Effective Interviewing for Investigations and Information Gathering*<sup>12</sup>.

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<sup>12</sup> *Ibid*<sup>1</sup>



## 6. Declaration and Statement of Truth

I (Gavin Eric Oxburgh) declare that:

I am an expert in the field of psychology and policing, and I have been requested to provide a statement. I confirm that I have read guidance contained in two documents: (i) The British Psychological Society (BPS) entitled: *Psychologists as Expert Witnesses: Best Practice Guidelines for Psychologists*<sup>13</sup>, and (ii); The Health and Care Professions Council approved guidelines: *Acting as an Expert or Professional Witness – Guidance for Healthcare Professionals*<sup>14</sup> both of which detail my role, and outlines my responsibilities in relation to being an Expert Witness. I have followed the guidance and recognise the continuing nature of my responsibilities of revelation. In accordance with those duties, I:

(a) Confirm that I have complied with my duties to record, retain and reveal material in accordance with the Criminal Procedure and Investigations Act 1996, as amended;

(b) Have compiled an Index of all material (see para. 2.4). I will ensure that the Index is updated in the event I am provided with or generate additional material;

(c) That in the event my opinion changes on any material issue, I will inform my contact at POL, as soon as reasonably practicable and give reasons.

### Statement of Truth

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and those which are not. Those that are within my own knowledge, I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Signature:  Name: Gavin Eric Oxburgh Date: 1<sup>st</sup> day of March 2024

<sup>13</sup> British Psychological Society (BPS) (2021). *Psychologists as expert witnesses: Best practice guidelines for psychologists*. Accessed via [https://explore.bps.org.uk/binary/bpsworks/541c911b6a77801d/536a42191093c4d0fb23c6e40f52fc13924d63522a984f760d38c2de0a090ec3/rep157\\_2021.pdf](https://explore.bps.org.uk/binary/bpsworks/541c911b6a77801d/536a42191093c4d0fb23c6e40f52fc13924d63522a984f760d38c2de0a090ec3/rep157_2021.pdf) on 22 Feb 24.

<sup>14</sup> Academy of Medical Royal Colleges (2019). *Acting as an expert or professional witness: Guidance for healthcare professionals*. Accessed via <https://www.aomrc.org.uk/reports-guidance/acting-as-an-expert-or-professional-witness-guidance-for-healthcare-professionals/> on 22 Feb 24.

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----- End of Report -----