

Witness Name: Anthony Richard Utting

Statement No.: WITN08200100

Dated: 23 October 2023

POST OFFICE HORIZON IT INQUIRY

FIRST WITNESS STATEMENT OF Anthony Richard Utting

I, Anthony Richard Utting, will say as follows...

1. This witness statement is made to assist the Post Office Horizon IT Inquiry (the "**Inquiry**") with the matters set out in the Rule 9 Request dated 22 September 2023 (the "**Request**").
2. I am a former employee of Post Office Limited and joined the Post Office on 16th January 1986 as a Postal Officer on the Post Office Counter. In 1989 I moved to Royal Mail where I worked as a Postal Officer in the Personnel team, covering Staff superannuation, Annual leave and Sick Absence. In 1990 I was asked to join the Royal Mail Investigations team, initially as a Postal officer and later as acting Investigation Manager. In 1992, I joined the Post Office Investigation Department (POID) as an Assistant Investigation Officer, Primarily Investigating Crimes against the Postal side of the business. In 1995 or 1996 POID was disbanded and I joined Royal Mail Security as a Security and Investigations Manager. In 1999, I moved to

Post Office Ltd as an Investigation Manager and after a restructure was appointed as Investigation Team leader in 2001. Whilst employed in this role, I spent around 1 year working as the business Security Lead on the Post Office Card Account Project and had only a small amount of oversight of my Investigation Team members. On my return from the Project, I applied for and was appointed to the role of Policy and Standards Manager. I stayed in this role until I was appointed the National Internal Crime and Investigations Manager in 2004, which was renamed National Investigation Manager in 2006. In early 2007 the National Investigation Manager role was split and I took charge of the Commercial Security and Mails Integrity portion of the role. I left Post Office Security in November 2007 to commence a role in Royal Mail Marketing, where I remained until I left under voluntary redundancy in 2017.

3. I joined the post office as an Investigation Manager on promotion in 1999, from my Security Manager role in Royal Mail Security. I was trained as an investigator whilst working in POID (Post Office Investigation Department) in 1992 and by the time I joined Post Office Limited, I had six years of experience in the investigation of various types of crime against the Post Office/Royal Mail. I had an initial six weeks residential training when I joined POID followed by 12 weeks of working under supervision of an experienced colleague. In total my trial period should have been 12 months but my appointment was confirmed after 9 months. I attended various in house and external training courses in a variety of subjects including, Cognitive interview techniques, Search awareness, conflict avoidance, PACE, Human Rights Act, surveillance and advanced driving. I was also an NVQ level 3 assessor in Investigations. My role in Post Office Ltd was to investigate allegations of criminal offences perpetrated against the Post Office, gather evidence, interview witnesses

and suspects, prepare case files for court and give evidence when required. When I first joined the team, I reported to Mike Devanney. Soon afterwards a restructure of the Security Community was commenced and Mike was moved to lead this. I then reported to Phil Gerrish for a time and to Ray Pratt when Phil was moved upwards for a period. I found all of those I worked with in this role to be experienced, very competent and professional.

4. I became an Investigation Team Manager after the restructure of Security in 2001. This role was similar to my previous role, save that in this role I was also the line manager of a team of investigators. Whilst employed in this role I was seconded to the Post Office Card Account project and so my role was back filled. I managed the team from a distance. My line manager during this period was Phil Gerrish. My colleagues and manager were in my view very competent and professional.
5. On my return from The Card Account Project I was appointed to the role of Policy and Standards Manager. The purpose of this role was to have oversight of investigation Policy and to ensure that policies were developed and maintained to the desired standard, In this role I reported to Phil Gerrish. I found all of my colleagues to be very competent and professional.
6. When Phil Gerrish Moved to Corporate Security in 2004, I applied for and was appointed to the role of National Internal Crime and Investigations Manager. The name of the role was changed after an internal reorganisation in 2006, to National Investigations Manager. In this role, I oversaw the Investigation team, as well as the Casework Team and Commercial Security At some point I was also asked to oversee Information Security Incident Management and when they were

introduced, I also managed the Financial Investigations Managers. As well as my management responsibilities, I continued to undertake investigations where my experience and seniority were required. I also became a member of the Royal Mail Group Security Committee, which comprised the most senior and experienced Security Managers within Royal Mail. Early into my time in this role, we introduced Financial Investigations and I was trained as Senior Authorising Officer under POCA. I was also the business authority for surveillance under RIPA. I initially reported to Tony Marsh. Then after a reorganisation, my team moved under Rod Ismay and then after a subsequent reorganisation we returned to Tony Marsh's Security Team. I had no concerns about the members of my team or managers during this time and felt that all were very competent and professional.

7. In early 2007 my role was split and I lost responsibility for all aspects of the criminal investigation function. I was responsible for Commercial Security, which entailed myself and my team of three Commercial Security Managers examining Business processes and products and identifying potential risks. My role in the lead team of Security was considerably diminished and I was removed from the Security Council during this period. My Line Manager at this time was John Scott. I felt that I had more to offer than was being asked of me. I left Post Office Security in November 2007.
8. In each of the Operational investigation roles above, I would be responsible for providing a disciplinary report relating to cases I investigated, where a suspect was identified investigated and for ensuring these were completed where required by investigators within my direct supervision. I would also be responsible for disciplinary matters within my own management area. I would also be required to

undertake interviews under caution with suspected offenders, produce case files, including disclosure of evidence for criminal cases and on occasion liaison with other departments including Line Managers, Senior Managers and in major cases, Corporate Security and the Post Office board. Between around 2005 and early 2007, I produced a monthly report for the Post Office Executive.

The Security team's role in relation to criminal investigations, prosecutions and debt recovery

9. I have been asked to set out my involvement in the development and management of a number of policies: POL00104747, POL00104777, POL00104754, POL00030687, POL00104762, POL00121521, POL00121496, POL00039960, POL00030552, POL00121518, POL00121517, POL00072288, POL00121550, NFSP00000043 and POL00131782.
10. I have no recollection of being involved in the development or management of these documents. Having said this, where the document is owned by Corporate Security, as an investigator I would be expected to abide by it and as Policy and Standards Manager, I would have been responsible to liaise with Corporate Security with a view to maintaining its currency. With Regard any POL Investigation Policies, I may have been responsible for managing these within POL whilst I was Policy and Standards Manager. Possibly alongside the Casework Manager.

11. I have also been asked to set out my involvement in the development or management of the following documents: POL00104812 and the later versions POL00031003 and POL00031004, POL00104806, POL00104828, POL00084977, POL00084983 and POL00084989. These documents appear to have been produced during or after 2007 and I had no involvement with any of these.

12. I have been asked to consider POL00021416 and to describe the role of the Risk and Control Committee. I have no recollection of the role of this committee. I believe I may have attended the committee twice for my line manager, Rod Ismay

13. I have been asked to consider POL00104812 and to describe the role of the Investigation Policy Review Group. I have no recollection of this Group.

14. I had no involvement in the development of investigation policies post separation. I have no knowledge of any impacts separation may have had as I had left the Security Community in 2007.

15. Whilst I worked in the Security Community, our investigations were conducted in accordance to the Police and Criminal Evidence Act, Criminal Procedures and Investigations Act, Human Rights Act, Regulation of investigatory Powers Act, Proceeds of Crime Act (2004 onwards) and any other legislation that affected criminal investigations and prosecutions. Royal Mail Corporate Security produced and communicated a number of policies relating to the

conduct of Investigations, preparation of case files, management of case work etc.

16. To my recollection there was no distinction between Crown Office staff and agents with regards to investigation and prosecution policy.

17. I have been asked to describe what the process was for dealing with complaints regarding the conduct of an investigation by the security Team. I have no recollection of any formal process, but can say that all Security Team managers and staff were subject to the same disciplinary procedures as other members of Post Office Staff, save that where any serious allegations were made, these could be referred to the Corporate Security Team who would undertake an independent Investigation of what went on "outside of the line". These investigations would normally be undertaken where there was an allegation of serious misconduct, or a suspicion of criminality. There was also a team of Harassment Investigators who would investigate allegations of bullying and harassment from across the Royal Mail Group and Investigators could also be investigated via that route.

18. I cannot recall any exact details of how investigations were supervised, but all investigators were trained to follow Royal Mail Group investigation policies and procedures and they were also aware of the necessary timescales for undertaking and reporting their work. Casefiles would be checked on submission by the casework team and any documents prepared for prosecution cases would be checked by Legal Services prior to being disclosed. Investigators were under the management line of the team leaders

who would hold monthly 121s with them to ensure they were completing their work to time and standard and to ensure they were getting whatever support, guidance and assistance they required.

19. I have been asked to consider document HOCO0000001, which includes a letter from the Post Office to the Law Commission about the repeal of section 69 of the Police and Criminal Evidence Act 1984. I can say that I have never seen this document before and other than Mike Heath I have no knowledge of anybody involved in this matter.

Audit and Investigation

20. I have been asked to consider the document "Condensed Guide for Audit Attendance" (version 2, October 2008) (POL00104821). I have no recollection of this document, or its purpose. Investigators would normally only attend a branch audit, if it had been requested by them, as part of an ongoing investigation. They would also be requested to attend should an audit take place and a shortage be found that met the threshold for a criminal investigation to commence.

21. When a shortage occurred at a branch during an audit, there was a trigger point of value of loss that would mean that the Investigations Team would need to be called and an Investigation commenced. I believe this may have been business policy. I do not recall the exact details, but I do remember that the level of loss that would trigger an investigation was raised during the time that I worked in the Team. If the branch concerned was a sub post office, then

I think the Area Manager would be contacted and made aware of the situation. They would be responsible for the decision to suspend a subpostmaster. I don't think this changed whilst I was in the team. I do not recall the trigger values for instigating an investigation, but they were based on loss and not any potential criminal charges that might be necessary at a later date. This did not change during my time in the Team.

The process followed by Security team investigators when conducting a criminal investigation following the identification of a shortfall at an audit

22. Once an investigation was commenced, an investigator would take steps to secure all necessary documentation and other evidence at the Branch. They would then gather any further evidence they required, interview suspects and witnesses and analyse the documentation and reports from Horizon in order to establish the cause of the loss. Once they had completed this task they would summarise any tape recorded interviews and write a report, which would be submitted to casework for checking that all aspects had been dealt with correctly. They were all aware of the requirements in this area and had been provided with all necessary instructions and guidelines to enable them to conduct a proper investigation.

The IMPACT Release 3 Branch Trading Project

23. I do not recall why I was involved in the IMPACT project, but I think it may have been to ensure that the evidence gathering ability of the Investigation Team was not compromised by changes to the system and to ensure we

understood any changes to the balancing process, in order that we could still undertake meaningful investigations. I do not recall the outcome of the project having any effect on the way investigations were conducted. In coming to this conclusion, I was asked to consider the following documents: FUJ00126052, FUJ00126053, FUJ00126057, FUJ00126058, POL00038878, FUJ00126064, FUJ00126062 and POL00104589. None of these documents provide me with any further insight as to my involvement.

Decisions about prosecution and criminal enforcement proceedings

24. If an investigation was reported and a suspect offender was identified, the case would be forwarded to Royal Mail legal service for consideration of whether a prosecution could be brought. The Legal Services Team would then provide an advice that would say whether there was a realistic probability of success should a prosecution be brought. If the advice suggested a prosecution would be successful, then prosecution authority would be sought.

25. I believe that when I joined POL, the prosecution decision was made within the management line, possibly by the Head of Retail Network for the area concerned. At some point the decision authority was moved into the Investigations Team. I am not sure when that was.

26. I believe that it was business policy to prosecute, if the evidence suggested that it would be successful and it was in the public interest to do so. Consideration of these matters was given by Legal Services who I believe used the same formula as the CPS when considering prosecution. When I

was the prosecution authority, I would authorise prosecutions if Legal Services advised that we might be successful. I believe that it was important to have a consistent approach in these matters.

27. The Legal Services advice would inform us as to what charges to use. It would also include any further evidence requirements that they thought would be required.

28. Financial Investigators were introduced to the team in 2004, or 2005. The Proceeds of Crime Act and the training they received gave details of the circumstances under which a confiscation order could be sought and this was used to guide their actions. After this length of time, I have no recollection of how the process worked. I was the Senior Authorising Officer and would make the decision to pursue any action under the Proceeds of Crime Act. The court would make the enforcement decisions.

29. When I joined the Investigation team, Investigation recoveries were sought at court during prosecution proceedings. If there was no recovery achieved at court, then the case would be referred to the Legal Services Civil Litigation Team for conduct of a civil case. There was no further activity from the Investigation team in the cases. When we introduced Financial Investigators, the recoveries from criminal were handled by the Financial Investigators. I had no involvement in any non Investigation Team cases, with regards to recoveries.

Training, instructions and guidance to investigators within the Security team

30. All of the investigators that were in the Team that I took over in 2004 had been trained by the Post Office Security and investigation Services Training Dept, save those who were ex Post Office Investigation Department officers, who had been trained when they joined that team. The training consisted of instruction on the relevant Acts appertaining to offences and investigation of them, conducting interviews with suspects and witnesses; including interviews under caution, conducting searches, evidence gathering, how to identify when further evidence is required and how to obtain it, including obtaining evidence from third parties like Fujitsu, disclosure of evidence and report writing. Most training was conducted by in house training officers, but there was also some external training, such as search training, witness training, in some cases driving courses and evidence gathering. In addition to their initial training, all were supervised by more experienced investigators during their trial period, in order that they could be monitored for their performance and guided through the complexities of POL investigations. There were regular Security Communications distributed that would inform investigators of any changes to process or legislation that affected how they were to perform their roles.

31. I have been asked to consider documents POL00104747 and POL00104777 (Casework Management documents version 1.0 and version 4.0 respectively). I have no memory of these specific documents, but I recognise what they are and I believe these would have been circulated to all investigators as part of a Security Circular when I was an investigator. Bullet 2 of page 2 of that documents appears to be an instruction to ensure that the instructions are

complied with. Bullet 3 of page 2 suggests that Legal Services are the decision maker with regards what items are disclosable in a prosecution case. Bullet 4 of page 2 is an instruction as to what to include on an operational or procedural failures report and where to put this on the disclosure forms. I believe this would have applied to any Bugs errors or defects in the Horizon system that could have had an impact on a prosecution. Compliance checks were undertaken in all cases to ensure that content requirements were met, reports were set out correctly and contained the necessary sections and case files and appendices were set out correctly. They were carried out by the casework team. I have no knowledge of the document entitled "Identification Codes" (POL00118104) being in existence during my time in the Investigation team. I do not consider the description of the codes to be appropriate. The assignation of identity codes to offenders was a requirement throughout my time as an investigator and I think it was to do with reporting offenders to PNC.

Analysing Horizon data, requesting ARQ data from Fujitsu and relationship with Fujitsu

32. I am asked what analysis would be undertaken of Horizon data by investigators when a shortfall was claimed to have been caused by Horizon. I have no recollection of what analysis would have been undertaken, as this would depend on the individual case. The cases I dealt with were predominantly about suppressing of transactions or fraudulent transactions such as double counting or encashing stolen benefit books. In these cases we would want to have evidence of what transactions took place, when they took

place and who undertook them. We would match these up with the associated documentation to show that the system had been used fraudulently. In an audit shortage case, I am not sure what Horizon would be able to tell us. Though it has been a long time since I looked at one.

33. I am asked about the arrangements for obtaining data from Fujitsu relating to investigations, and I have been referred to documents POL00029169, FUJ00152176, FUJ00002033 and FUJ00080107. I have no specific memory of how the process worked, other than to say that we had an arrangement whereby data could be obtained for analysis as part of an investigation, that there were limits on how many requests were allowed per year and that the data received was to include all transactions and events that took place at the branch concerned for the period requested. I know that we exceeded the request numbers one year, but am not sure how we managed the situation. I don't know who provided the data from Fujitsu, but I believe that requests were managed by the casework team. I believe that the data was provided on CDs in the form of .csv files. It is my understanding that the Fujitsu contract included the requirement to provide witness statements relating to the performance of the system and the accuracy of the data we received.

34. By reference to document POL00114566, I have been asked to explain my involvement in the discussions that took place in 2003-4 relating to increasing the number of audit request that POL could make of Fujitsu. I believe I was drawn into discussions due to the number of requests we were using and the restrictions on data that were placed upon us. My role was to try to persuade the business leaders that we needed better access to data in order to carry

out our investigation activity. I am not clear on why the number of requests was reduced in 2003, as I was not involved in these discussions. From the emails submitted it looks like the business wanted to cut costs, by removing the need to pay for requests that we were not making each year. The decrease meant that investigators had to be more mindful of how much data they requested and it meant that with the investigations we had ongoing, that we struggled to get access to sufficient data in a timely fashion. It also meant that without an increase in data requests we would need to cease activities for a time, until the access was “unlocked” in the next year. In 2004, we laid out the circumstances of our predicament and made it clear to the business that data was important and was becoming more so, with the changes that were taking place across the operation. This meant that in order to facilitate investigations we would need to improve access to Horizon data. I cannot recall the attempts to gain access directly to Horizon data exactly, but I think we felt that if we had access to the data to check what had happened at a particular branch, we could do our analysis on any branch we were looking at and then only use ARQ requests where we needed the base data and a witness statement as to its originality and completeness from Fujitsu. I do not believe we ever achieved any direct access to the data, but we may have made some use of POLMIS (Post Office Management Information System) for this purpose when it was introduced. I may be wrong on this point. My view was not necessarily that POL should have direct access to the Horizon data. Simply because we would not be in a position to provide any expert testimony as to its accuracy, completeness etc. I think what we were aiming for was the ability to undertake our work without the need to be mindful of limits on the

availability of important evidence and data was becoming more and more important. If we had been given direct access to the data, it would have greatly assisted the initial stage of any investigation where data was required as we would not have had to go to Fujitsu to acquire it. Conversely, having access would have required finding the necessary trained resource to access it and provide it in a useable form to investigators. This would have been difficult in the prevailing circumstances.

35. I am unable to remember any specific cases, though in audit shortage cases where any comment was made about the accuracy of Horizon, I believe that audit data would have been requested, in order that it could be examined for any indication of spurious transactions. I have no recollection as to whether ARQ data was disclosed in prosecution cases.

36. I have been asked to explain the contents of document FUJ00171998. It looks to me like there was a discussion about the destruction of data relating to an office that DWP were conducting a prosecution in relation to. DWP were demanding that data destruction cease and Fujitsu seem to be saying that they have no contract with DWP and thought they can cease temporarily, they are a commercial organisation and can act in accordance with their contract.

37. During my time with POL Investigations, I had little contact with Fujitsu and I do not recall meeting Gareth Jenkins or Penny Thomas. I did meet with Bill Mitchell and some other Fujitsu colleagues and I visited Fujitsu for meetings on occasion. I also undertook a joint presentation with Fujitsu at the Stock Exchange, where I gave a description of how we used Horizon data in

Pension and allowance fraud cases. To prove when stolen benefit books had been cashed and by whom.

38. I do not recall Gareth Jenkins' role in prosecutions, though I do remember that for every case where Horizon data was used, we needed to have a witness from Horizon to attest to the security and proper functioning of the system and the accuracy of the data. Gareth Jenkins may have been this person, but I do not remember.

POL -v- Lee Castleton (Marine Drive Post Office)

39. I have been asked to describe my participation in the case of POL v Lee Castleton, and I have been referred to the following documents:
POL00070492, POL00107426, POL00070457, POL00070769,
POL00083161_005, POL00070736, POL00070978, POL00070962,
POL00071249, POL00070864, POL00120837, POL00070854,
POL00070851, POL00070850, POL00070839, POL00070840,
POL00113488, and POL00090437.

40. I have no recollection of this case or my involvement, but can see from documents provided to me that I had some dealings with the solicitors for the Post Office who were pursuing the case. It would seem that they were having some difficulty in finding the right contacts within Fujitsu and myself and Graham Ward tried to assist in this area. I was asked to look at some Horizon data, but without sufficient detail to allow me to do very much with it. Apparently I produced a witness statement in this matter, but I have no

recollection of this and it has not been provided to me. From the emails, I believe it was to cover how the Horizon system would work at the counter, but I can't be sure. I believe I may have attended meetings in relation to the case, but have no recollection of them. At the time of my involvement in this case, I knew of very few cases where Horizon was being called into question. I think those I heard about here were the total at that time but I may be wrong. I had no role in disclosure in this case. I have read a lot of emails relating to this case and my understanding is that POL had difficulty in getting Fujitsu to provide the necessary statements and this was proving a difficulty in the case. I had no input into the tactical approach taken in this case and I was never involved in civil litigation and so can't comment on how it works.

Involvement in the criminal case studies being considered by the Inquiry

Prosecution of Carl Page

41. I have been asked about my involvement in the prosecution of Carl Page, and I have been referred to the following documents: POL00093908, POL00093702, POL00093701, POL00093760, POL00093759, POL00093758, POL00045921, POL00065034, POL00047775, POL00053309 and POL00066519.

42. I have a vague recollection of this case, simply because it was a large value case and was unusual in the way the crime was perpetrated. I have no recollection of being involved in the case in any way, but document POL00093908 provided to me suggests that I prepared a schedule of

transactions at some point. I am not sure what this schedule was and have no recollection of preparing it. I am not sure if I was the prosecution authority in this case or not and have not been provided with any details that would assist me. In the financial investigation, I was the Senior Authorising Officer and so would have authorised the requests for information. I had no involvement in the enforcement proceedings. I had no further involvement in the case.

Prosecution of Oyeteju Adedayo

43. I have been asked to consider the investigation and prosecution of Oyeteju

Adedayo, and I have been referred to the following documents:

POL00068926, POL00044360, POL00066742, POL00066745,

POL00044363, POL00044364, POL00044367, POL00044365,

POL00047897, POL00030561, POL00044370, POL00052589, and

POL00052902.

44. I do not recall having any involvement in the case at the Investigation stage,

but documents provided to me suggest that I was the Prosecution Authority.

In order to authorise the prosecution I would have been sent the casefile and

the Legal Services Advice and if there was a prospect of a conviction, I would

authorise the prosecution. At the time that the case was prosecuted Mrs

Adedayo had made a full confession with regards what had happened to the

money relating to the shortfall and there was no allegation about the Horizon

system. I was also the Senior Authorising Officer with regards the Financial

Investigation. From my reading of the documents sent to me I believe that the

investigation and prosecution were conducted in a fair and professional manner.

Prosecution of Tahir Mahmood

45. I have been asked to consider the investigation and prosecution of Tahir

Mahmood, and I have been referred to the following documents:

POL00052884, POL00044850, POL00066040, POL00066746,

POL00044884, POL00047765, POL00052892, POL00047766,

POL00044860, and POL00044859.

46. I have no recollection of this investigation or the subsequent prosecution.

From documents that have been sent to me I believe that I would have been the prosecution authority for this case. Having read the documents sent to me including the second part of the tape-recorded interview and the investigators report, I am unaware of any allegations about the functioning of the Horizon system made by Mr Mahmood during the investigation. It is also not clear what investigation took place regarding the losses and how they occurred. I was also the senior authorising officer in respect of POCA for POL and would have authorised the financial investigators activities. As POCA was relatively new to us at that time, I believe I may have attended Croydon Crown Court along with the Financial Investigator to get the disclosure orders approved by the Judge in chambers. As part of review of this case I was asked to look at documents amongst these was POL00066746. This document is said to be a transcript of Mr Mahmood's interview, but appears to be incomplete, as it starts with a statement that the interview is being resumed.

Prosecution of Hughie Thomas

47. I have been asked to consider the investigation and prosecution of Hughie Thomas, and I have been referred to the following documents: POL00044861, POL00044862, POL00044864, POL00044881, POL00047748, FUJ00155181, POL00047780, POL00044883, POL00044873, and POL00048361.

48. I have no recollection of this case, but by reading the documents sent to me I can say that I was not involved in the initial investigation and had no involvement in the case until I was asked to approve the prosecution, as the Prosecution authority. In order to approve the prosecution, I would have read the case file and the advice from legal Services. As all appeared to be in order I authorised the prosecution. I can see that Mr Thomas made some reference to Horizon at interview, but when taken in context, considering his responses to questioning and by looking at the subsequent view of the "nil transactions" he was talking about, I would have been comfortable that there was no issue with Horizon and that he had some other reason for making those comments. I was the Senior Authorising Officer for POL in POCA cases and so would have overall responsibility for authorising any actions that required my authority. In this case I would have needed to authorise the restraint order before it was taken before a judge. I was also responsible for closing down the further enquiries that were suggested to me.

Prosecution of Suzanne Palmer

49. I have been asked to consider the investigation and prosecution relating to

Suzanne Palmer, and I have been referred to the following documents:

POL00052984, POL00053009, POL00053007, POL00068280,

POL00053005, POL00053006, POL00052990, POL00053011,

POL00052994, POL00053003, POL00053008, POL00052986, and

POL00052993.

50. I have no recollection of this case, or having any involvement with it. In the Investigation Report POL00068280, I named as the Prosecution Authority, however in the casework event log, it appears that the authority was sent to Dave Pardoe, so it may be that he authorised the prosecution in this case. At that time, it would have been because I was away on leave or otherwise not available. I was not aware that Suzanne Palmer had made any allegations about the functioning of the Horizon system and none of the documents disclosed to me suggest that she did. I have not been provided with any documents relating to the financial investigation and so am unable to say whether I had any involvement. However, if there was one prior to March 2007, there is all likelihood that I would have had some oversight. As part of my evidence in this matter I was asked to review document POL00053008. I have no recollection of ever having seen this document before and given that it is an advice from Counsel, I would not expect to see this in my role, which was quite detached from that of the investigator in the case.

Prosecution of Janet Skinner

51. I have been asked to consider the investigation and prosecution of Janet Skinner, and I have been referred to the following documents: POL00048199, POL00044630, POL00044624, POL00044639, POL00044632, POL00044633, POL00044656, POL00066726, POL00066725, POL00066739, POL00066728, POL00048013, POL00048167, POL00048397, POL00048415, and POL00044669.

52. I have no recollection of this matter, but papers disclosed to me suggest that I was the prosecution authority and in that capacity, I would have authorised the prosecution based on the content of the investigators report and the advice from legal services. I do not recall the plea bargaining aspect, but the email I have seen POL00048397, suggests that a conversation took place with legal services and I agreed to accept a plea to a false accounting charge. I have no recollection of any further involvement in the case, but as the senior authorising officer under POCA, I would probably have authorised the initial financial investigation. From the timeline involved it is possible that I was not involved in this case after this point.

Prosecution of Josephine Hamilton

53. I have been asked to review the investigation and prosecution of Josephine Hamilton, and I have been referred to the following documents: POL00047955, POL00118877, POL00048207, POL00052618, POL00118990 and POL00049071.

54. I have no recollection of this investigation, but can see from an email disclosed to me POL00048207, that I authorised the prosecution. I would have agreed this having read the investigators report and legal advice. I was not aware that Josephine Hamilton made any allegations about the Horizon system at the time and it would appear to me that the investigator reviewed the data and could find no evidence of any failures in the system. I do not recall any discussion about accepting any pleas in this case and I am not sure from the documents disclosed to me when this took place. The Casework tick list POL00052618 suggests that this was after March 2007, in which case, I had left my role in investigations and would not have been involved. I do not recall if I had any role in the Financial Investigation of this case.

Prosecution of David Blakey

55. I have been asked to consider the investigation and prosecution of David Blakey, and I have been referred to the following documents: POL00044818, POL00044830, POL00044831, POL00044829, POL00044818, POL00044821 and POL00044822.

56. I have no recollection of this investigation or the prosecution that followed. I am named in the preamble to the investigators report as the prosecution authority (the formatting of the preamble seems to have been corrupted at some point) and as such I believe I would have been responsible for giving authority to prosecute having read the case file and the advice from legal services. From the documents I have seen, I can see no record of David Blakey making allegations about the Horizon system. I do not recall the

financial investigation in this case, but as the senior authorising officer for POL, if the case was undertaken by one of my team, then I may have been required to authorise any restraint or other orders as part of the case before they went to a Judge. I do not believe that I would have had any further involvement in this case.

General

57. Throughout my time within the investigation team, I believe that myself and my team acted in an impartial and professional manner in the cases we dealt with and at no time did we suspect that there were fundamental issues with Horizon. Our investigations were based on years of training and experience and our prosecutions were guided at all times by legal professionals. Where it was believed necessary, or where we were instructed by our legal experts, we examined Horizon data and/or obtained statements from Fujitsu in order to show that the Horizon system was working as it should at all material times.

Statement of Truth

I believe the content of this statement to be true.

Signed: A R Utting

A rectangular box with a dashed border containing the letters "GRO" in a bold, black, sans-serif font.

Dated:23 October 2023.....

Index to First Witness Statement of Anthony Richard Utting

<u>No.</u>	<u>URN</u>	<u>Document description</u>	<u>Control number</u>
1	POL00104747	Investigation Policy: Casework Management (England & Wales) v1.0	POL-0080387
2	POL00104777	Investigation Policy: Casework Management (England & Wales) v4.0	POL-0080417
3	POL00104754	Investigation Policy: Rules & Standards v2.0	POL-0080394
4	POL00030687	Investigation Policy - Investigation Procedures v2 January 2001	POL-0027169
5	POL00104762	"Investigation Policy: Disclosure of Unused Material, Criminal Procedures and Investigations Act 1996 Codes of Practice" v0.1	POL-0080402
6	POL00121521	Post Office Ltd - SECURITY GUIDELINES Version 2 - Criminal Asset Recovery by M F Matthews, Tony Utting	POL-0127784
7	POL00121496	Post Office Limited Investigation Circular 2002/08 - Submission of Cases to Legal Services and Tape Summary Preparation	POL-0127759
8	POL00039960	Investigation Policy Appendix 16: Investigation and Prosecution Policy v5	POL-0036442
9	POL00030552	Appendix 1 to Investigation Policy: Interviews under PACE (England and Wales Only) v4.0	POL-0027034
10	POL00121518	Investigation Policy - Appendix 6: Offender Reports (Version 5.0)	POL-0127781
11	POL00121517	Reporting of Criminal Offences to Police - Appendix 15 Investigation Policy	POL-0127780
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15	POL00131782	Post Office Ltd Losses Policy - Overarching (Branches)	POL-0124469
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17	POL00031003	Royal Mail Group Crime and Investigation Policy v1.1 October 2009	POL-0027485
18	POL00031004	RMG Policy - Crime and Investigation (S2) - version 3.0	POL-0027486

19	POL00104806	Royal Mail Group Security – Procedures and Standards: Standards of behaviour and complaints procedure No.10-X v2	POL-0080438
20	POL00104828	Royal Mail Group Security Procedures & Standards: Searching No. 7-X v5	POL-0080460
21	POL00084977	Post Office, Former SPM End to End Debt Review v.0.5	POL-0082035
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24	POL00021416	Risk and Compliance Committee Minutes of 05/01/2005	POL-0018046
25	HOCO0000001	Letter relating to Post Office Ltd's submissions to the Law Commission of 31 July 1995 supporting the repeal of section 69 of PACE 1984.	HOCO0000001
26	POL00104821	Condensed Guide for Audit Attendance v2	POL-0080453
27	FUJ00126052	Email from Bob Gurney to David Parnell, Clive Read, Graeme Seedall and Others re Updated IMPACT R3 Branch Trading Issues List	POINQ0132265F
28	FUJ00126053	Fujitsu, Impact R3 Branch Trading Issues list, version 9.0	POINQ0132266F
29	FUJ00126057	Email from Bob Gurney to David Parnell, Clive Read, Graeme Seedall and others re: Updated IMPACT R3 Branch Trading Issues List (V10)	POINQ0132270F
30	FUJ00126058	IMPACT R3 Branch trading issues	POINQ0132271F
31	POL00038878	Branch Trading Reporting, Management and Control and Transaction Management, Conceptual Design (version 1.0)	POL-0035360
32	FUJ00126064	Email chain from Clive Read to Phil Boardman, John Dutton, Tony Utting and others RE: Reporting Requirements	POINQ0132277F
33	FUJ00126062	Email from Bob Gurney to Tony Utting Re: Reporting Requirements	POINQ0132275F
34	POL00104589	Letter from Julia Bowes to David Miller re ICL Pathway Management Care Visit Programme Enclosing report of 1997 Management Care Visit Programme	POL-0104172
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43	POL00107426	Email from Mandy Talbot to Cheryl Woodward, Re: Challenge to Horizon	POL-0105734
44	POL00070457	Email from Stephen Dilley to Mandy Talbot regarding draft witness statement of John Jones (Post Office Limited v Lee Castleton	POL-0067020
45	POL00070769	Lee Castleton Case Study - Email from John Jones to Stephen Dilley, RE: The Post Office v Lee Castleton (Marine Drive PO, Bridlington)	POL-0067332
46	POL00083161_005	Extract from Bundle: Castleton correspondence by Stephen Dilley	POL-0079724_005
47	POL00070736	Email from Stephen Dilley to Vicky Harrison and Cath Oglesby re: The Post Office -v- Lee Castleton (Marine Drive Post Office, Birdlington)	POL-0067299
48	POL00070978	Email from R.Morgan to Stephen Dilley re: Post Office Limited -v- Lee Castleton re Castleton's experts reports.	POL-0067541
49	POL00070962	Email from Stephen Dilley to Mandy Talbot re: Post Office Limited -v- Mr L Castleton	POL-0067525
50	POL00071249	Lee Castleton case study: bundle of documents including handwritten note from Cheryl at PO to Laura at Bond Pearce re call logs, and email chain with Mandy Talbot, Tom Beezer, Stephen Dilley and others re: Horizon issues raised in civil claim	POL-0067812
51	POL00070864	Email from Tom Beezer to Stephen Dilley re: Post Office v Castleton: IT info required	POL-0067427

52	POL00120837	Email chain involving Mary Talbot, Stephen Dilley, Ian Herbert and others Discussions between PO and legal counsel. Also contains some internal discussions. RE: Bajaj and Castleton Discusses strategy to be used against Lee Castleton. Also documents POL's attempts to get further information from Fujitsu about possible errors with Horizon.	POL-0127200
53	POL00070854	Email from Mandy Talbot to Tony Rutting, Ian Herbert, Stephen Dilley and others re: Castleton/ bajaj/ bikhu - Conference call	POL-0067417
54	POL00070851	Email from Mandy Talbot to Tom Beezer, Stephen Dilley, Ian Herbert and others in re Lee Castleton.	POL-0067414
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56	POL00070839	Email from Stephen Dilley to Graham Ward, copied to others RE: PO v Mr L Castleton	POL-0067402
57	POL00070840	Email from Tony R Utting to Stephen Dilley, RE: Post Office Ltd v Mr L Castleton	POL-0067403
58	POL00113488	Email from Marie Cockett to Paul Dann re: Castleton	POL-0112639
59	POL00090437	Series of documents and emails following Post Office Limited v Castleton	POL-0087406
60	POL00068926	Audit report of Rainham Road Post Office (FAD098941X) by Deepak Valani	POL-0065405
61	POL00044360	Theft/False Accounting report - Oyeteju Adedayo	POL-0040839
62	POL00066742	Transcribed note on Oyeteju Adedayo Interview	POL-0063221
63	POL00066745	Transcript of Oyeteju Adedayo Interview - Tape 2	POL-0063224
64	POL00044363	Notification of proceedings to police - Oyeteju Adedayo - False accounting	POL-0040842
65	POL00044364	Notification of proceedings to Police - Oyeteju Adedayo - False accounting	POL-0040843
66	POL00044367	Schedule of charges for Oyeteju Adedayo in Post Office Ltd v Oyeteju Adedayo	POL-0040846
67	POL00044365	Form NPA 03 1/97 - Notification of disposal to police - Oyeteju Adedayo	POL-0040844
68	POL00047897	Oyeteju Adedayo Case Study - Financial Investigation Events Log, Case Number: FI 0506 0336	POL-0044376

69	POL00030561	Financial Investigation Policy Log dated 07/03/06, Case No. 0506/0336	POL-0027043
70	POL00044370	Statement of information relevant in accordance with section 16 (6) of the proceeds of Crime Act 2002 Regina v Oyeteju Adedayo	POL-0040849
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72	POL00052902	Antecedents form for Oyeteju Adedayo	POL-0049381
73	POL00044861	Investigation Discipline Report by Diane Matthews - Hughie Noel Thomas	POL-0041340
74	POL00044862	Investigation Offender Report by Diane Matthews – Hughie Thomas	POL-0041341
75	POL00044864	Summary of tape- recorded interview of Hughie Thomas - conducted by Diane Matthews and Stephen Bradshaw.	POL-0041343
76	POL00044881	Hughie Thomas - POL Investigation Capture Details Form	POL-0041360
77	POL00047748	Post Office Limited Internal Investigation Team - Terms of Reference: Criminal Investigation - Gaerwen Post Office FAD CODE: 160604.	POL-0044227
78	FUJ00155181	Criminal case study of Hughie Thomas: Audit Record Query 0506/401 Re: Gaerwen PO requesting an analysis of all helpdesk calls from 14/09/05-13/10/05 and Relevant Documents	POINQ0161376F
79	POL00047780	Memo from J A McFarlane to Investigation Team Post Office Limited re: Royal Mail Group plc v Hughie Noel Thomas Bailed to Holyhead Police Station - 10th January 2006 Case No: POLTD/0405/0401	POL-0044259
80	POL00044883	Financial Investigation policy log case number: POLTD 0506/0401	POL-0041362
81	POL00044873	Witness statement of Michael Matthews (Financial Investigator) - Application for a Restraint Order s41 POCA - Case Study - Hughie Noel Thomas	POL-0041352
82	POL00048361	Confidential, Investigation Team Report Period 9 December 2006, from Tony Utting to POL ET.	POL-0044840
83	POL00052984	Suzanne Palmer Case Study: Casework Management Initial Tick List	POL-0049463
84	POL00053009	Record of Tape/Recorded Interview with Suzanne Palmer	POL-0049488

85	POL00053007	Suzanne Palmer cases study: PO Investigation report into Suzanne Palmer re: offence of false accounting	POL-0049486
86	POL00068280	Post Office Ltd Investigation Personnel Report on False Accounting Offence for Suzanne Palmer of The Grange Post Office	POL-0064759
87	POL00053005	Notification of Proceedings to Police Form	POL-0049484
88	POL00053006	Notification of Proceedings to Police in relation to Miss Suzanne Lesley Palmer - False accounting	POL-0049485
89	POL00052990	Memo from Mr Jarnail A Singh to the Post Office Limited (Investigation Team) re: Post Office Limited v Suzanne Lesley Palmer.	POL-0049469
90	POL00053011	Schedule of charges re: Post Office Limited v Suzanne Lesley Palmer	POL-0049490
91	POL00052994	Memo from Jarnail Singh to Investigation team re: POL v Suzanne Lesley Palmer - Southend Magistrates Court - Committal 3rd July 2006 - Case No: POLTD/0506/0619 - outcome of Magistrates hearing (declined jurisdiction)	POL-0049473
92	POL00053003	Memo from Miss J S Andrews to Post Office Limited (Investigation Team) re: R v Suzanne Lesley Palmer (Basildon Crown Court - Plea & Case Management Hearing)	POL-0049482
93	POL00053008	Counsel Advice on Evidence - R v. Suzanne Palmer	POL-0049487
94	POL00052986	Indictment Sheet re: R v Suzanne Lesley Palmer	POL-0049465
95	POL00052993	Memo from Miss J S Andrews to the Post Office Ltd (Investigation Team) re: R v Suzanne Lesley Palmer	POL-0049472
96	POL00048199	Casework Management Initial Tick List (England and Wales) - POLTD/0607/0108 - Janet Skinner - CRM/254194/JMcF - Formal caution	POL-0044678
97	POL00044630	Offender reporting - Janet Louise Skinner	POL-0041109
98	POL00044624	Post Office Ltd Interim Report for Janet Skinner (North Bransholme branch)	POL-0041103
99	POL00044639	Janet Skinner case study: Post Office Ltd Investigation report for Janet Skinner (POLTD/0607/0108)	POL-0041118
100	POL00044632	Interview Transcript - Janet Louise Skinner	POL-0041111
101	POL00044633	Summary of tape recorded interview - Janet Louise Skinner	POL-0041112

102	POL00044656	Summary of tape recorded interview - Janet Louise Skinner	POL-0041135
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104	POL00066725	Interview of Janet Skinner re audit shortage at Branzone post Office	POL-0063204
105	POL00066739	Transcript of Janet Skinner Interview	POL-0063218
106	POL00066728	Transcript on Janet Louise Skinner Interview - Tape 5	POL-0063207
107	POL00048013	Antecedents re Janet Louise Skinner (North Bransholme Post Office branch).	POL-0044492
108	POL00048167	Email from Terry Crowther to Juliet McFarlane re: Prosecution of Janet Skinner case	POL-0044646
109	POL00048397	Memorandum re Janet Louise Skinner, Court 2 Hull Crown Court.	POL-0044876
110	POL00048415	Memo from J A McFarlane to Investigations Team Post Office, re Post Office Limited v Janet Louise Skinner, Hull Magistrates Court.	POL-0044894
111	POL00044669	Financial investigation log (Janet Skinner, North Bransholme PO) from 15/11/2006 to 25/01/2007	POL-0041148
112	POL00047955	Josephine Hamilton Offences Report	POL-0044434
113	POL00118877	Antecedents of Josephine Hamilton - Officer in Case Graham Brander, Supervising Officer Dave Posnett	POL-0118796
114	POL00048207	Email from Tony Utting to Investigation Team Post Office Ltd re: DAM Authority - Josephine Hamilton - POLTD/0506/0685	POL-0044686
115	POL00052618	Josephine Hamilton Case Study- Casework Management Initial Tick List - Prosecution J Hamilton 18/05/2006 To 14/07/2008	POL-0049097
116	POL00118990	Josephine Hamilton criminal case study - Suspect offender reporting form to be emailed to Casework team, case file no. POLTD 0506/068, Josephine Hamilton	POL-0118909
117	POL00049071	Josephine Hamilton Case Study: Financial Investigation Policy Log - Josephine Hamilton. POLTD/0506/0685.	POL-0045550
118	POL00044818	Offence sheet - Theft and false accounting - David Charles Blakey	POL-0041297
119	POL00044830	David Blakey - Record of Tape Recorded Interview 13 May 2004	POL-0041309
120	POL00044831	Record of tape - recorded interview - David Charles Blakey (Part 2)	POL-0041310

121	POL00044829	Interview with Gillian Blakey, Summary of points	POL-0041308
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123	POL00044822	Form NPA 02 1/97 - Notification of proceedings to police - David Charles Blakey	POL-0041301