

Tuesday, 28 November 2023

1  
2 (10.00 am)  
3 **MR BLAKE:** Good morning, sir, can you see and hear  
4 me?  
5 **SIR WYN WILLIAMS:** Yes, thank you very much, yeah.  
6 **MR BLAKE:** Thank you. This morning we're going to  
7 hear from Mr Brander.  
8 **GRAHAM DAVID BRANDER (sworn)**  
9 **Questioned by MR BLAKE**  
10 **MR BLAKE:** Thank you, can you give your full name  
11 please.  
12 **A.** Graham David Brander.  
13 **Q.** Thank you, Mr Brander. You should have in front  
14 of you a witness statement dated 30 October  
15 2023; is that correct?  
16 **A.** That's correct.  
17 **Q.** Could I ask you to have a look at the final  
18 substantive page of that statement, it's  
19 page 40.  
20 **A.** Yeah.  
21 **Q.** Is that your signature?  
22 **A.** It is, yes.  
23 **Q.** Thank you very much. Can you confirm that  
24 statement is true to the best of your knowledge  
25 and belief?

1

1 Branch Manager after that?  
2 **A.** Yes.  
3 **Q.** It was in the year 2000 that you became Security  
4 Manager?  
5 **A.** That's correct.  
6 **Q.** Am I right to say that, when you became Security  
7 Manager you hadn't, for example, spent time as  
8 a police officer or investigating regulatory  
9 offences or anything?  
10 **A.** No, no previous background in that area.  
11 **Q.** No particular qualifications?  
12 **A.** No.  
13 **Q.** No background in accountancy or --  
14 **A.** Accounting, no.  
15 **Q.** Horizon, obviously, was being rolled out in  
16 2000?  
17 **A.** Yeah.  
18 **Q.** Was that very shortly or at the same time as you  
19 became Security Manager? Did you experience  
20 Horizon in the branch that you were working in?  
21 **A.** Yeah, I can remember it was -- when I was doing  
22 the pre-coursework for the Security Manager  
23 role, Horizon had just been installed in my  
24 branch. So that was going on with obviously the  
25 staff, with onsite trainers, whilst I was taking

3

1 **A.** It is, yes.  
2 **Q.** Thank you very much. The witness statement has  
3 a URN of WITN08300100. That's now in evidence,  
4 and will be published on the Inquiry's website  
5 in due course?  
6 **A.** Okay.  
7 **Q.** Thank you very much. I want to start today  
8 briefly with a little bit of background about  
9 your career. You joined the Post Office in  
10 1984 --  
11 **A.** Yes.  
12 **Q.** -- as a counter clerk in a Crown Office; is that  
13 correct?  
14 **A.** Yes.  
15 **Q.** Did you join straight after school or was there  
16 something --  
17 **A.** After sixth form college.  
18 **Q.** Thank you. I think you also trained  
19 subpostmasters in respect of serving customers  
20 and balancing; is that correct?  
21 **A.** Yeah, that was like an *ad hoc* role, as and when  
22 required, whilst I was a counter clerk.  
23 **Q.** That was pre-Horizon?  
24 **A.** Yes.  
25 **Q.** You became an Assistant Branch Manager and then

2

1 a back seat to a certain extent doing the  
2 pre-coursework, as well as obviously managing  
3 the branch.  
4 **Q.** So you were training to become a Security  
5 Manager?  
6 **A.** Yeah.  
7 **Q.** Am I right then to say that you didn't attend  
8 the Horizon training at that point in time?  
9 **A.** Yeah, again it's a long time back but I've  
10 a vague recollection that myself and the team  
11 would have done, like, some sort of  
12 classroom/remote training on the equipment with,  
13 like, a dummy set-up for the Horizon equipment.  
14 So I can remember doing that in maybe threes and  
15 fours of the team, because obviously we needed  
16 the team to carry on serving the customers, so  
17 I think we went away three or four at a time to  
18 like a classroom environment.  
19 So I did have some training in that respect  
20 but I'm not sure how much involvement I had  
21 whilst Horizon was installed at my branch  
22 because, as I said, the focus was -- not the  
23 focus, but a lot of my time was used doing the  
24 pre-coursework modules.  
25 **Q.** Thank you very much. In respect of

4

1 pre-coursework modules, I think you've said in  
 2 your statement that you did a two-week  
 3 residential course and two weeks before that was  
 4 pre-course learning?  
 5 **A.** From as best as I can recall, I think it was  
 6 roughly two weeks for each but, as I say, the  
 7 pre-course work, it wasn't a set amount of time,  
 8 that was just the time where I'd been sent the  
 9 modules and was trying to fit it in whilst  
 10 managing the branch.  
 11 **Q.** So for two weeks you were preparing for the  
 12 course --  
 13 **A.** Yes.  
 14 **Q.** -- to become a Security Manager.  
 15 **A.** Yeah.  
 16 **Q.** You were running the branch?  
 17 **A.** Yeah.  
 18 **Q.** Horizon was being rolled out in your branch --  
 19 **A.** Yeah.  
 20 **Q.** -- and it was perhaps a busy period of time?  
 21 **A.** It was, yes.  
 22 **Q.** Was there Horizon training as part of that  
 23 course to become a Security Manager or was that  
 24 entirely separate?  
 25 **A.** Entirely separate, I believe. I don't recall

5

1 postmaster and, ultimately, look -- where we  
 2 were looking to do change, oversee the  
 3 end-to-end process for the branches within my  
 4 area, of where either they or a new postmaster,  
 5 either on site or at a new premises, would  
 6 actually convert to the assigned new model.  
 7 **Q.** Thank you. As I say, we may come back in detail  
 8 to that role. Most of our time today will be  
 9 spent on your period as a Security Manager.  
 10 **A.** Okay.  
 11 **Q.** That later role you continued until 2017 and  
 12 I think in 2017 you took voluntary redundancy?  
 13 **A.** That's correct, yes.  
 14 **Q.** Then you rejoined the Post Office in 2019 as  
 15 something called a change manager; is that  
 16 right?  
 17 **A.** Yes.  
 18 **Q.** Very briefly, what is a change manager?  
 19 **A.** It's similar issues to the NTFCA role but it's  
 20 more sort of like business as usual. So I deal  
 21 predominantly with service issues. So if  
 22 a branch closes for whatever reason, then,  
 23 subject to business need, I will look for  
 24 a solution to either reopen, so under the  
 25 existing model, or it might be that we have

7

1 Horizon being on the actual Security Manager  
 2 course.  
 3 **Q.** Thank you, another role that we will possibly  
 4 come to in due course, in March 2012 you became  
 5 a Network Transformation Field Change Advisor;  
 6 is that correct?  
 7 **A.** That's correct.  
 8 **Q.** Can you very briefly tell us what that role  
 9 involves?  
 10 **A.** It was -- Government had funded Post Office  
 11 a considerable amount of money in order to  
 12 effectively modernise our network. So it was  
 13 moving away from what we called a sub post  
 14 office, like a typical old-style post office,  
 15 tucked away in a corner of a premises, or  
 16 whatever, to a more modern model where you'd  
 17 have a larger main model post office or  
 18 a smaller local post office.  
 19 So my role was to work within a geographical  
 20 area and engage with postmasters and they had  
 21 the option of either to convert to the new model  
 22 which had been assigned to their branch or stay  
 23 as they were at that time or look to leave the  
 24 Post Office. So I would explain the detail in  
 25 respect of each of those options to the

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1 a part-time outreach service or it might be  
 2 something where we would operate a stop from one  
 3 of our mobile vans. But lots of things that  
 4 I get involved in but, predominantly, it's  
 5 maintain service within a geographical area.  
 6 **Q.** Am I right to say that you're still in that role  
 7 and still employed by Post Office?  
 8 **A.** I am, yes.  
 9 **Q.** Thank you very much. I'm going to start, as  
 10 I say, by looking at the role of Security  
 11 Manager. I'll look at the general role before  
 12 going on to some case studies.  
 13 **A.** Sure.  
 14 **Q.** In terms of your early work as a Security  
 15 Manager, you've described in your statement that  
 16 you were initially based in a room above  
 17 Eastleigh Crown Office; is that correct?  
 18 **A.** Correct.  
 19 **Q.** That's in Southampton, is it?  
 20 **A.** Yeah, just outside.  
 21 **Q.** Just outside. At the time, I think, Security  
 22 Managers were spread around the country; is that  
 23 correct?  
 24 **A.** Most of us were. There were some that would be  
 25 like at Head Office, you'd have a number of

8

1 personnel and a fellow locations would have  
 2 X-number but, certainly, the team I was in, I'm  
 3 just thinking, I think we were all individually  
 4 spread across the geographical area, effectively  
 5 working on our own.  
 6 **Q.** I think you said you were isolated to a certain  
 7 extent. Can you help us with what you meant by  
 8 that?  
 9 **A.** Obviously, it's a very steep learning curve and  
 10 then you come off the course and then I'm in  
 11 an office above a Crown Office and, obviously,  
 12 I've got colleagues -- at that time, it's the  
 13 South West area, so from the Southampton area,  
 14 it went down to Devon and Cornwall, I think we  
 15 even had South Wales, or whatever.  
 16 So isolated in so much as all my colleagues  
 17 were spread far and wide, there was no one in  
 18 the office working with me that I could say  
 19 "Ooh, how do I do this?" It was a case of pick  
 20 or whenever I attended a colleague's office or  
 21 team leader's office, or they come to my office  
 22 to support me in whatever area.  
 23 **Q.** Thank you very much. I'm going to say something  
 24 on behalf of the stenographer, who hasn't yet  
 25 complained but I'm going to ask if it's possible  
 9

1 new role, roughly nine months. So sometime in  
 2 2011, I moved to an office in Swindon with two  
 3 other colleagues, one in the Investigation Team  
 4 and one I think he was in the Fraud Risk Team.  
 5 **Q.** In terms of numbers of Security Managers, did  
 6 that change in any significant way over the  
 7 period of time?  
 8 **A.** It did. So I can't recall specific numbers but,  
 9 yeah, like anything in life, you have  
 10 a restructure and it's basically another name  
 11 for headcount reduction. So not just for  
 12 Security, I should imagine it was across the  
 13 board but, yeah, my recollection of when  
 14 I joined, the number of Security Managers then,  
 15 from when I left, had been reduced  
 16 significantly.  
 17 **Q.** So when you started, there was a larger number  
 18 but they were geographically spread out --  
 19 **A.** Yeah.  
 20 **Q.** -- and you weren't all in the office at the same  
 21 time --  
 22 **A.** Yeah.  
 23 **Q.** -- you were calling people up. By the time you  
 24 left, there was a smaller number?  
 25 **A.** Yeah.

1 to speak slightly slower.  
 2 **A.** Yes, I apologise.  
 3 **Q.** Thank you very much. Your early work, I think,  
 4 you've said was involved in things like robbery  
 5 cases; is that correct?  
 6 **A.** I can't remember. It fluctuated between either  
 7 dealing with purely with criminal investigations  
 8 or purely with physical security and also what  
 9 we called multi-skilled, where it would be  
 10 a combination of the both.  
 11 When I first joined, I think it was the  
 12 multi-skilled but I can't be certain but,  
 13 certainly within a year of that, I then moved to  
 14 a team that purely dealt with effectively  
 15 post-robbery incidents and advising on  
 16 procedural security and then went back to  
 17 an investigation role.  
 18 But, as I say, during the course of the  
 19 12 years I was in the role, it fluctuated  
 20 between whether it was just one particular role  
 21 or a multi-skilled role.  
 22 **Q.** Starting in Eastleigh Crown Office, did the  
 23 location that you worked and the team in which  
 24 you worked, change over that period?  
 25 **A.** Yes. For a brief period before I moved to the  
 10

1 **Q.** Were they more centrally located or were they  
 2 still dispersed?  
 3 **A.** I'm not sure about centrally but it was like,  
 4 um, I think -- I mean, John Scott, who was Head  
 5 of Security at the time, wanted to move away  
 6 from people being siloed in lots of different  
 7 locations to creating hubs. So I think there  
 8 were five or six hubs.  
 9 So I think at that time the Head Office was  
 10 London and then we had our Administration Office  
 11 in Chesterfield. So I think that held some --  
 12 like, Leeds or Manchester, and Swindon because  
 13 that was where we -- our National Stock Centre  
 14 was, that was classed as one of, I think, six  
 15 hubs. So myself and two colleagues worked there  
 16 for about nine months.  
 17 **Q.** You've described in your statement different  
 18 types of criminal investigations you were  
 19 involved in: audit shortages, Crown Office  
 20 losses, suspension and allowance frauds, as  
 21 examples?  
 22 **A.** Yeah.  
 23 **Q.** Can you give us an indication of the proportion  
 24 of your time spent on those different areas or  
 25 a percentage or --

1 A. Pretty much impossible to do. What I can say  
2 is, from recollection, a lot of my time was  
3 spent dealing with pension allowance fraud,  
4 initially. The reason that eased off and then  
5 evaporated was because the pension allowance  
6 books were replaced with something called Post  
7 Office Card Account, so instead of being issued  
8 with a pension or allowance book, then the  
9 customers or benefit claimants would be issued  
10 with either a Post Office Card Account or they  
11 could use their own bank account.

12 So that's why -- so it might have been up  
13 here predominantly dealing with pension  
14 allowance fraud -- okay, I can't remember how  
15 many Crown Office losses or audit shortages but,  
16 obviously, once the pension allowance books  
17 ended and we had Post Office Card Accounts,  
18 there seemed to be an increase in audit  
19 shortages. That's just as best as I can recall.

20 Q. What kind of period? Can you give us an --

21 A. Ooh, I really don't know when pension allowance  
22 books were phased out. Probably -- I could be  
23 way off -- 2005/6, something like that?

24 I really don't know.

25 Q. But around that period you experienced more

13

1 learning, basically just to show me how to type  
2 with more than one finger on a laptop, because  
3 no experience of typing, so ...

4 Q. So isolated to some extent, geographically  
5 spread out --

6 A. Yes.

7 Q. -- *ad hoc* shadowing order learning from  
8 colleagues --

9 A. Yes.

10 Q. -- but that could include something as simple as  
11 learning how to type with two hands?

12 A. Well, even one finger at the time, yeah --

13 Q. More than one finger --

14 A. -- and I didn't even -- back in 2000, I wouldn't  
15 even have had a computer or laptop.

16 Q. Was there anybody in particular who assisted  
17 you?

18 A. I think probably the two that helped most was  
19 probably Gary Thomas, who was the nearest to me,  
20 I think he had an office in Poole, so about  
21 30 miles away, but he was new to role and Geoff  
22 Hall was my team manager at the time so Geoff  
23 would come up to my office as often as he could  
24 or I would go to Geoff's office in Taunton but,  
25 like I say, I can't remember how often that was.

15

1 cases that involved audit shortages, did you?

2 A. Yeah, because the pension allowance books were  
3 no longer, so therefore you couldn't commit  
4 fraud in that way any more.

5 Q. Thank you. You've described for us the two-week  
6 course. You've also referred to in your  
7 statement shadowing and working with more  
8 experienced colleagues.

9 A. Mm-hm.

10 Q. Was that something formal, *ad hoc*, informal?

11 A. *Ad hoc*, yeah. I can't remember but I think,  
12 early days, my team leader would have popped to  
13 the office as often as he could, bearing in mind  
14 he was based in Taunton, so probably about  
15 90 miles away from me. I had a colleague that  
16 had recently joined not long before me, so spent  
17 a bit of time with him but, again, I think he'd  
18 only been in the role himself maybe three/four  
19 months before me, so he was obviously new and  
20 learning.

21 And another colleague that I recall coming  
22 up to help was based in the Plymouth area, in  
23 Devon. So no one particularly close. And  
24 I remember the colleague in Devon actually  
25 coming up whilst I was doing the pre-course

14

1 But, again, it's -- I certainly think --

2 I can vaguely recall two occasions where I sat  
3 in on an interview as a witness.

4 Q. Who were your team leaders?

5 A. At the time was Geoff Hall.

6 Q. Geoff Hall?

7 A. Yeah.

8 Q. Thank you. Was that throughout the 12-year  
9 period?

10 A. Oh, no. Might have been five, six, seven or  
11 more. So do you want all the names that I can  
12 remember?

13 Q. Absolutely.

14 A. Okay, so Geoff Hall was team leader at one  
15 stage. When I moved into Physical Security,  
16 that was, I think, Steve Rigby. Then I come  
17 back and I think it was Tony Utting, and that  
18 was in the South East team. I think it went  
19 back to Geoff Hall, I had Dave Posnett, I think  
20 I had Ged Harbinson for a time, and ended with  
21 Jason Collins, and also, in the middle  
22 somewhere, I had Paul Whitaker. They're the  
23 ones that I can remember, so quite a few.

24 Q. Thank you. In the two-week residential  
25 training, the pre-learning or the shadowing, to

16

1 what extent were you trained on things like the  
2 law?  
3 **A.** Well, the ones that I can remember, which I put  
4 in the statement, I can remember the Theft Act  
5 and I think the reason I remember that -- I seem  
6 to recall numbers better than I can recall  
7 detail and I seem to recall that the Theft Act  
8 was the Theft Act 1968 or 1978, I might have got  
9 that wrong but I tend to remember numbers, so  
10 it's possible I remember that.

11 Obviously, the Police and Criminal Evidence  
12 Act Codes of Practice. I don't recall training  
13 on the Act itself, although we might have been,  
14 but it was certainly the Codes of Practice we  
15 were trained on. There was a fair bit other,  
16 like I say, there's a box like that of various  
17 modules, maybe a dozen or so booklets. There  
18 was quite a bit we did. I think RIPA,  
19 Regulation of Investigatory Powers Act? Have  
20 I got that right? I think that was covered.

21 **Q.** That was during the two-week training?

22 **A.** Yes.

23 **Q.** Were there regular updates, regular training  
24 that was provided to you on the job or?

25 **A.** There possibly was. The only training that

17

1 report, which would be almost identical to the  
2 legal report.

3 **Q.** In fact, we will see in due course, two  
4 different reports that are very similar but  
5 slightly different and maybe one is a day after  
6 the other, or something along those lines.

7 **A.** Yeah.

8 **Q.** Can you assist us with why that might be?

9 **A.** Sorry, what's -- I --

10 **Q.** The legal report and the discipline report, for  
11 example. Often, they're similar but not the  
12 same --

13 **A.** Yeah.

14 **Q.** -- and sometimes they're produced on sequential  
15 days, or something like that.

16 **A.** Yeah.

17 **Q.** Can you assist us with why that might be?

18 **A.** Yeah, so, from memory, it would be you would  
19 type up the legal report and then, basically, it  
20 would be the same report that you'd use for the  
21 discipline, but you would remove things to --  
22 like all reference to exhibits, because you  
23 wouldn't be sending a case file to the  
24 discipline decision maker, which generally was  
25 the Contract Manager.

19

1 I can remember after that course is there was --  
2 I think it was called a cognitive interview  
3 course and it was supposed to be similar to the  
4 way that police conducted interviews. I can't  
5 remember when that was but I remember having  
6 training on that type of interview.

7 Other than that, there was no, like,  
8 refresher training, or whatever, that I can  
9 recall. As I say, it was just learning on the  
10 job from colleagues and team leader.

11 **Q.** Thank you. I'm going to ask you now about the  
12 role and your day-to-day work. You were  
13 involved, you've said, in the interview of  
14 suspects and production of various reports.

15 **A.** Yeah.

16 **Q.** We're going to come to see investigation  
17 reports. Are there other types of reports that  
18 you were involved in producing?

19 **A.** Well, obviously, you do the original  
20 investigation report and there might be, like,  
21 further reports with further enquiries conducted  
22 to the Criminal Law Team. There would also be,  
23 at the same time of what I think would be  
24 referred to as like the legal report, the  
25 initial legal report, there'd be a discipline

18

1 So -- I mean, other than -- I think there  
2 might have been a period of time when there was  
3 a section at the end for failings in procedure,  
4 or whatever. I think at the time that was also  
5 in the discipline report but that might have  
6 been removed towards the end of my role, from  
7 memory.

8 But I think just referencing anything that  
9 was in any appendices that would go in the case  
10 file, that was removed from the discipline  
11 report, I think, and, obviously, at the end of  
12 the report, it would say something along the  
13 lines of "These papers are now submitted for  
14 advice on the sufficiency of evidence to the  
15 Criminal Law Team", whereas I think I'd word it  
16 to the discipline manager, the case file was  
17 "being sent up to the Criminal Law Team for  
18 advice". So slightly worded different but  
19 I think, from memory, it was removing references  
20 to appendices.

21 **Q.** Thank you. You've described in your statement  
22 preparing various things along the way for the  
23 criminal prosecution and investigation. At  
24 paragraph 34 of your statement you say, as  
25 follows, you say:

20

1 "Prior to an interview under caution, and if  
2 the suspect had legal representation, I would  
3 disclose to the solicitor details of the  
4 suspected offence and any documents that I would  
5 be producing."

6 We'll come to see those kinds of documents,  
7 the interview transcripts, et cetera, in due  
8 course, but can you assist me with the  
9 qualification there "and if the suspect had  
10 legal representation". Would you provide more  
11 to somebody if they were legally represented?

12 **A.** Yes. If they hadn't asked for a solicitor then  
13 I don't believe we would have disclosed anything  
14 other than during the course of the interview.  
15 So no advance disclosure to somebody that wasn't  
16 legally represented.

17 **Q.** Did you have any guidance in that respect or  
18 training in that respect?

19 **A.** No, I think it was just a case of if there was  
20 a solicitor present, then they would ask for  
21 disclosure, so you would disclose details of the  
22 suspected criminal offence and -- you know, and  
23 a bit of detail around how the Post Office  
24 operates, and then any documentation that you  
25 intended to show during the course of the

21

1 know, I would be asking, whether it was somebody  
2 at my office, or I've picked the phone up or  
3 I've gone to their office, but it would have  
4 been, I think, "Show me what I need to do".

5 **Q.** Is it the same in respect of a committal file,  
6 for example, that you would have learned from  
7 the job from colleagues what to include in that  
8 kind of a file?

9 **A.** Yeah, I can -- I can't remember what the first  
10 case was from a committal bundle but I do  
11 remember, sat in my office -- again, vaguely --  
12 and thinking "What do I do?" So I think or  
13 I know that my team leader and colleagues came  
14 up and assisted and then, over a period of days,  
15 the committal bundle was prepared and produced.

16 So I think once I'd done the first one, you  
17 know, I might have needed some more assistance  
18 with a further one but once you've done  
19 something for the first time, that helps with  
20 the next one, which then helps with the next  
21 one, next one, and becomes almost like second  
22 nature after a period of time, when you've done  
23 enough of them.

24 **Q.** Can I just take you to your statement. It's  
25 WITN08300100, and it's page 9. It'll come up on

23

1 interview.

2 **Q.** So if it was requested, that kind of information  
3 would be provided?

4 **A.** Yes.

5 **Q.** But there wasn't some sort of procedure whereby,  
6 in respect of all interviews, for example,  
7 a minimum level of documentation was provided?

8 **A.** No. I can't remember what guidance there was on  
9 it but it would be -- before the interview, we  
10 would know what documentation that we would  
11 likely to be showing during the interview, so  
12 that's what we would show to the solicitor and  
13 whether they wanted to take copies before we  
14 started the interview. So, yeah, that's just  
15 how I can recall doing it. I can't remember  
16 what guidance governed that or what training  
17 governed that but that's what we would have  
18 done.

19 **Q.** Okay. You prepared a case file for the Criminal  
20 Law Team. How is it that you would know what to  
21 provide the Criminal Law Team with?

22 **A.** (a) from just being shown my colleagues, team  
23 leader, whatever -- so I can't remember the  
24 first case file that I would have submitted but  
25 I would have been shown, so anything I didn't

22

1 screen. So, as part of your preparation for  
2 drafting the witness statement, we drew to your  
3 attention a number of different policy documents  
4 over the years. If we scroll down we can see  
5 some of those, so things like Investigations  
6 Procedures Policy, et cetera. Then if we look  
7 at paragraph 38, that's over the page, you've  
8 said this, you said:

9 "I have no recollection of any of the  
10 documents listed above. It may be that I had  
11 previously seen some, or all of these documents  
12 but I have no recollection. I would have  
13 thought that policy documents would have been  
14 stored on some sort of database, in which  
15 someone could access if required."

16 Am I right to understand, from the evidence  
17 you've just given and this here, that, really,  
18 much of your work was about learning on the job  
19 and copying what your team leader and others  
20 showed you, rather than actually referring to  
21 specific policies?

22 **A.** I believe so. There may have been some policy  
23 shown on the induction training. I may have  
24 been referred to them. Initially, I honestly  
25 can't recall. I certainly have my recollection

24

1 of when I was up and running, so to speak, in  
2 the job thinking "I'd better go and check  
3 so-and-so policy", wherever that may be. It  
4 really was learning on the job, as you say, from  
5 colleagues and team leader.

6 **Q.** If we look at page 17 of the same statement,  
7 paragraph 63, you say at the last sentence of  
8 that paragraph, you say:

9 "As best as I can recall, following my  
10 induction training, knowledge and experience was  
11 gained through shadowing and working with more  
12 experienced colleagues, including support from  
13 the Team Leader."

14 So, again, is that much of the same, that,  
15 in reality, these policies may have been  
16 available somewhere, you can't recall --

17 **A.** Sure.

18 **Q.** -- but, in reality, it was learning on the job?

19 **A.** Yes.

20 **Q.** Can we also look, please, at paragraph 102 on  
21 page 29. In respect of cases that are  
22 committed, you say:

23 "If a case was committed to the Crown Court,  
24 then the Security Manager would prepare  
25 a committal bundle (copies of evidence,

25

1 **Q.** So where you say "submit this to the Criminal  
2 Law Team who would then deal with the any  
3 disclosure to the defence", what exactly do you  
4 mean?

5 **A.** Well, I assume that, what I sent them, they sent  
6 to the defence.

7 **Q.** So you mean send disclosure to the defence,  
8 rather than make decisions with respect to  
9 disclosure?

10 **A.** Well, I would say -- as I say, I'd prepare  
11 a committal bundle that goes up to the Criminal  
12 Law Team. I didn't then know what they did with  
13 that but I just assumed that they would then  
14 submit copies of it to the defence team.

15 **Q.** Thank you. Were there any reviews carried out  
16 while you were carrying out this job, key  
17 performance indicators or testing in respect of  
18 knowledge of Codes of Practice, and those kinds  
19 of things?

20 **A.** Not that I can recall, no.

21 **Q.** I want to move on to the relationship with the  
22 Audit Team. It's paragraph 45 of your witness  
23 statement and perhaps that can be brought up on  
24 the screen. That is page 12, paragraph 45. You  
25 describe two situations where Security Managers

27

1 statements and unused material) and submit this  
2 to the Criminal Law Team, who would then deal  
3 with any disclosure to the Defence."

4 You say on the next paragraph, 103:

5 "I have no knowledge or recollection of  
6 disclosure requests and as per paragraph 102  
7 above, my understanding is that such requests  
8 would be dealt with by the Criminal Law Team."

9 So am I to understand that you saw it as the  
10 Criminal Law Team's responsibility to make  
11 decisions in respect of disclosure and pursuing,  
12 for example, reasonable lines of inquiry?

13 **A.** Well, it's -- I never disclosed anything  
14 directly to the defence. It would be to our  
15 Criminal Law Team and I just assumed that what  
16 I sent them, they sent the defence.

17 **Q.** But did you see the burden of, for example,  
18 pursuing reasonable lines of inquiry, which  
19 point away from the guilt of a suspect, did you  
20 see that as lying with yourself or lying with  
21 the Criminal Law Team, who would then tell you  
22 what you needed to do?

23 **A.** It was the Security Manager's role to conduct  
24 all reasonable lines of inquiry and then we  
25 would report that to the Criminal Law Team.

26

1 would attend a post office with auditors, you  
2 say either at the same time as the auditor or  
3 just after the audit had been completed.

4 **A.** Yeah.

5 **Q.** Can you assist us with who would determine the  
6 time at which a Security Manager would attend  
7 with the auditors?

8 **A.** Okay, so say, to use a pension allowance fraud  
9 as an example, there would have been a lot of  
10 pre-investigation done, like collating foils,  
11 analysing Horizon data, looking at who the  
12 suspected perpetrator was. So once you'd done  
13 lots of enquiries before and gathered evidence,  
14 then the Security Manager would request an audit  
15 and probably go in on the day with the auditors.  
16 Primarily, you're going there to speak to them  
17 about the pension allowance fraud but it was  
18 standard practice to also audit the accounts at  
19 the same time. So, in those situations, the  
20 Security team would almost always go in at the  
21 same time as the auditors or shortly afterwards.

22 You know, the auditors would go in and start  
23 the audit and we'd come in a little bit later  
24 because the postmaster, or whoever, the suspect,  
25 would need to be witnessing the audit. So that

28

1 would be an example of when we gone in before.  
 2 There could have been concerns that there may be  
 3 issues at a branch, I -- a potential deficit in  
 4 the accounts.

5 And there might be occasions whereby the  
 6 Security team would go out at the same time as  
 7 the Audit Team, or shortly afterwards, or there  
 8 might be situations where why we would go out  
 9 later in the day, if the Audit Team had gone in,  
 10 a case that the Security team weren't aware of,  
 11 it could have just been a routine audit, and  
 12 a significant shortfall was identified and, in  
 13 those situations, it might be that the team  
 14 leader would assign the case and ask members of  
 15 the team to go out on that day, or it could well  
 16 be that an audit shortage was identified and  
 17 we'd look to conduct an interview sometime  
 18 later.

19 **Q.** So there's a variety of different circumstances  
 20 where a variety of different things might  
 21 happen?

22 **A.** Yeah.

23 **Q.** Was there any guidance as to when Security  
 24 Managers should or shouldn't attend with  
 25 auditors?

29

1 actual audit in that situation was really a case  
 2 of, you know, we also need to check the status  
 3 of the accounts. We weren't necessarily  
 4 expecting there to be a shortfall in the  
 5 accounts but they needed to be checked and  
 6 verified anyhow.

7 **Q.** So in a pension allowance case was the audit in  
 8 fact there to gather evidence to support the  
 9 case, rather than to --

10 **A.** No, no, it was just because we needed to check  
 11 the status of the accounts. So it was --

12 **Q.** Can we read into it the fact that a Security  
 13 Manager attends and wants to speak to somebody,  
 14 that, in fact, there was an investigation  
 15 ongoing and that action was likely to be taken?

16 **A.** Yeah, if we were going out for a pension  
 17 allowance fraud then, absolutely, we would be  
 18 looking to interview. It might be that we've  
 19 identified fraud but, at that stage, we don't  
 20 know who the perpetrator is or it might be that  
 21 we've identified fraud and, through accessing  
 22 Horizon data, we've identified the suspect.

23 **Q.** How about a shortfall in accounts case? So what  
 24 would be the purpose be of a Security Manager  
 25 attending with the auditors where a shortfall

31

1 **A.** Again, I think it's just through learning how  
 2 these cases were dealt with, as part of the  
 3 on-the-job training and learning.

4 **Q.** Thinking about it, about an Auditor turning up  
 5 to establish whether or not there is something  
 6 improper going on, do you think it is  
 7 appropriate for a Security Manager, who isn't in  
 8 fact carrying out an audit, to be attending at  
 9 the same time as the Auditor?

10 **A.** As I say, I think, most of the time in those  
 11 cases, we turned up maybe couple of hours after  
 12 the audit had started, so roughly nearing when  
 13 the audit was being completed. Because, if we  
 14 went there, we would turn up, show our ID,  
 15 explain the nature of why we were there, and  
 16 literally not have any involvement with the  
 17 postmaster until the audit had been completed.

18 **Q.** Why were you there, though? If the audit was to  
 19 be a fair audit, which had reached no  
 20 conclusions prior to the audit, what would the  
 21 need be for a Security Manager to attend?

22 **A.** As I say, a prime example I was given was like  
 23 pension allowance fraud. Then obviously we  
 24 would -- that's why we were there, to speak to  
 25 that person about pension allowance fraud. The

30

1 has been reported and the auditors are looking  
 2 into that?

3 **A.** As I say, I'm not sure how often that happened  
 4 when there was -- because, unless there was  
 5 something that had been brought to our  
 6 attention, that there were concerns about  
 7 a branch -- and I can't recall it happening very  
 8 often -- it was purely reactionary.

9 So the Audit Team would have gone in and  
 10 done their audit, whether it was a routine audit  
 11 or whether another department had asked for it  
 12 say, for instance, some money had been asked to  
 13 be returned and it wasn't or less than, that may  
 14 have generated an audit. But the Security team  
 15 might not necessarily have been told at that  
 16 stage, so we might have gone in afterwards.

17 **Q.** Absolutely.

18 **A.** I'm just --

19 **Q.** But when you did go in, if you did go in at the  
 20 same time, if you attended at the same time as  
 21 the Auditors in a shortfall case, what could  
 22 have been the reason for that?

23 **A.** I'm just trying to remember a case where I did  
 24 go in at the same time as the Auditors for  
 25 a shortfall case. I can't recall.

32



- 1 Q. Can you see downsides to that?  
 2 A. Sorry?  
 3 Q. Can you see any downsides or disadvantage in  
 4 that happening?  
 5 A. I don't think I can because we certainly would  
 6 have gone out whilst an audit was being  
 7 conducted for pension allowance fraud and  
 8 whether it was pension allowance -- either way,  
 9 the accounts were going to be audited in the  
 10 same manner, so, using that as an example, I --  
 11 I'm -- I don't -- or I certainly can't recall  
 12 any issue with the Security Managers going out  
 13 at the same time because, if there was, then we  
 14 wouldn't have done it.  
 15 If we'd have known that there was an issue  
 16 or somebody else more senior said, "Why are you  
 17 doing that?", that was just the process and the  
 18 guidance that we were given --  
 19 Q. When you say "guidance", not written guidance,  
 20 just --  
 21 A. Just by learning, yeah, from, you know, like  
 22 learning how to do the job.  
 23 Q. Can you see, for example, how it may have been  
 24 intimidating to a subpostmaster to have  
 25 an Auditor and a Security Manager attend?

33

- 1 Q. I think you've described a CS001 form, later  
 2 a GS001 form?  
 3 A. Yeah, as I say, I can remember numbers.  
 4 Q. Can you assist us with what those forms are at  
 5 all?  
 6 A. Yeah, the CS001 or GS001 was the legal rights  
 7 form. The 003 was the Post Office Friend form  
 8 and I think that was an 005, which was a search  
 9 record.  
 10 Q. Is that, essentially, a tick box to confirm to  
 11 yourself that you had informed, for example, the  
 12 suspect of their rights?  
 13 A. Not so much a tick box. I mean to say, there'd  
 14 be quite a bit of text on the form that explains  
 15 the legal rights, things like "You're not under  
 16 arrest, you're free to leave at any time, you  
 17 can ask for a solicitor now. You can change  
 18 your mind, if you don't want a solicitor now,  
 19 you can have one later on".  
 20 So there's quite a lot of detail and there  
 21 were questions to be read out to the person  
 22 being interviewed, and they would be asked to  
 23 sign and date against their answer, ie "Do you  
 24 require a solicitor at this time?" Yes, "Sign  
 25 against that line"; no, "Sign against that

35

- 1 A. Oh, absolutely. So whenever -- whether there's  
 2 an audit going on or not, say, for instance, if  
 3 you go to a Crown Office, I don't doubt for one  
 4 minute it was intimidating when the Security  
 5 team turned up, whether you'd done anything  
 6 wrong or not. In my opinion, we were just  
 7 normal people that had just come from counter  
 8 clerks, Branch Managers but, for somebody else,  
 9 they didn't know who we were, and they were --  
 10 I think there was a perception of "Oh god, it's  
 11 the Security team turned up", or whatever.  
 12 So yeah, I'm absolutely certain that would  
 13 have been intimidating and, likewise, if there's  
 14 an audit going on as well, you've been audited  
 15 and then the Security turned up, so yeah, I'm  
 16 sure that was potentially intimidating for  
 17 somebody.  
 18 Q. Moving on to the interview, using an audit  
 19 shortage case as an example, you've said that,  
 20 if it was decided there needed to be  
 21 an interview, the suspect would be cautioned and  
 22 their legal rights would be explained. We'll  
 23 come and have a look at the records of  
 24 interview.  
 25 A. Okay.

34

- 1 line", and then you say, "You can change your  
 2 mind at any time".  
 3 And I think it mentioned also the fact that  
 4 the interview was conducted in accordance with  
 5 the Police and Criminal Evidence Act 1984 Codes  
 6 of Practice and, from memory, we used to have  
 7 a copy of that booklet, usually just popped it  
 8 on top of the tape machine, if anyone wished to  
 9 refer to that during the course of the  
 10 interview.  
 11 Q. You've said in your statement that for voluntary  
 12 interviews, the suspect could have a Post Office  
 13 Friend present?  
 14 A. Yes.  
 15 Q. Can I just clarify, were all of the interviews  
 16 that you carried out voluntary interviews or did  
 17 you see them as voluntary interviews?  
 18 A. No, because there'd be times when the police  
 19 were asked to assist and they'd be arrested.  
 20 Q. Once they'd been arrested, it was not  
 21 a voluntary interview but you, the Post Office,  
 22 were still carrying out those interviews or --  
 23 A. Yes, we would still conduct the interview and  
 24 obviously the same legal rights would apply but,  
 25 in my experience, custody sergeant wouldn't

36

1 permit a Post Office Friend, only a solicitor,  
 2 to attend.  
 3 **Q.** Do you know why that was?  
 4 **A.** No idea.  
 5 **Q.** In terms of the Post Office Friend, we've seen  
 6 in some places somebody from the National  
 7 Federation of SubPostmasters would attend?  
 8 **A.** Yeah.  
 9 **Q.** Would there be other Federations and unions who  
 10 would attend and other people?  
 11 **A.** It could be anyone who worked for the business  
 12 that wasn't directly involved in the inquiry.  
 13 So for instance, it couldn't be a member of  
 14 staff, who could potentially, either at that  
 15 time or subsequently, become a witness or  
 16 suspect themselves. Sometimes -- I think  
 17 sometimes we might have allowed a family member,  
 18 obviously they didn't work for the Post Office,  
 19 but we may have allowed that.  
 20 But, typically, it was somebody, maybe from  
 21 another office, another postmaster, or if it was  
 22 a Crown Office, somebody from another Crown  
 23 Office, but, typically, they had a friend, it  
 24 usually was somebody from the National  
 25 Federation of SubPostmasters, from memory.

1 **Q.** -- but your searches weren't governed by those  
 2 codes?  
 3 **A.** Yeah, we still adhered to the codes but it would  
 4 be on a voluntary basis.  
 5 **Q.** We're going to now come to the decision to  
 6 prosecute. There comes a time after all of  
 7 those steps where that decision is taken.  
 8 You've said in your statement at paragraph 58  
 9 that the decision to prosecute would be made by  
 10 a Senior Security Manager.  
 11 **A.** Yes, as far as I can recall, yes.  
 12 **Q.** Perhaps we can go to that, actually. It's  
 13 page 15 of the witness statement. That's  
 14 WITN08300100. Thank you.  
 15 At the bottom of the page there, we have  
 16 paragraph 58 and you say in the middle there:  
 17 "From my recollection, the decision to  
 18 prosecute would be made by a Senior Security  
 19 Manager, and this was probably the Head of the  
 20 Security Fraud Team."  
 21 If we go over the page, paragraph 59 and  
 22 60 -- I'm just going to read those two  
 23 paragraphs -- you say there:  
 24 "I have no knowledge or recollection as to  
 25 what test was applied by those making

1 **Q.** In terms of a search of the premises, you had  
 2 a power to conduct searches of premises, homes  
 3 and vehicles, you've said in your statement?  
 4 **A.** Correct, on a voluntary basis.  
 5 **Q.** Absolutely. So what would happen if  
 6 a subpostmaster didn't allow you to? Did you  
 7 have any powers in that respect or?  
 8 **A.** No, if they didn't agree to it and didn't sign  
 9 the form to agree to it, we wouldn't do it and,  
 10 again, it would be made clear on the form that  
 11 they could ask for the search to stop at any  
 12 time.  
 13 **Q.** At paragraph 55 of your witness statement you  
 14 say:  
 15 "In some cases the police were asked to  
 16 assist, particularly for certain cases where  
 17 searches were deemed essential to obtain and  
 18 preserve evidence. In those situations, any  
 19 suspect would be arrested and searches conducted  
 20 by the police under the relevant sections of the  
 21 Police and Criminal Evidence Act."  
 22 Are we to read into that that the police  
 23 searches were carried out under the Police and  
 24 Criminal Evidence Act --  
 25 **A.** Yeah.

1 prosecution and charging decisions, or what  
 2 factors were considered at the evidential and  
 3 the public interest stage?  
 4 "I am unaware as to what advice, legal or  
 5 otherwise, was provided to those making  
 6 decisions about whether to prosecute and what  
 7 charges to bring, other than that I believe that  
 8 they would have seen the case file, or at least,  
 9 the advice from the Criminal Law Team when  
 10 considering their decision."  
 11 Are we to read into that that you accept  
 12 that you weren't qualified to make those kinds  
 13 of important decisions?  
 14 **A.** Yes.  
 15 **Q.** Is it in some way an acceptance that you didn't  
 16 have the training or qualifications to take  
 17 a decision, which was potentially ultimately  
 18 seeing somebody go to prison?  
 19 **A.** Yeah, we could ask the Criminal Law Team and  
 20 say, "You may want to consider such and such  
 21 charge", but, ultimately, the Criminal Law Team  
 22 would advise on charging because they were the  
 23 legal experts and then the Senior Security  
 24 Manager would be the ones who make the decision  
 25 as to whether we prosecuted or not.

1 Q. You were Security Manager for 12 years?

2 A. Yes.

3 Q. Should we in any way be surprised that you're  
4 not aware of the test that was applied by those  
5 making the decision or what it was that they  
6 considered at those stages?

7 A. I mean to say, (a) it wasn't me making that  
8 decision; (b) I may have been aware but  
9 I certainly have no recollection of it today.

10 Q. Having worked in that role for quite  
11 a significant period of time, is it just that  
12 somebody at your level didn't get involved in  
13 those kinds of things or what are we to read  
14 into the fact that you don't have any  
15 recollection as to the test to be applied?

16 A. To be honest, I'm not even sure I recall there  
17 being a test. It was like Criminal Law Team  
18 advised on charges and then the Senior Security  
19 Manager would look at everything, weigh it all  
20 up and then they would make the decision. But  
21 I don't know what test there was or what  
22 guidance or training they had to make that  
23 decision. Because it wasn't something that  
24 I ever did.

25 Q. I'm going to look at an investigation report as

41

1 Q. Thank you. I'm just going to take you through  
2 a few extracts from this report. Could we look  
3 about halfway down the first page, the paragraph  
4 starting "On Wednesday", thank you. It says:

5 "... Field Support Advisor attended Rowlands  
6 Castle SPOB with his colleague ... in order to  
7 verify the cash on hand at the branch.  
8 Mrs Hutchings was present and when they  
9 identified a deficit in the accounts of around  
10 [£9,000, nearly £10,000]."

11 Can we scroll down to page 4, the bottom of  
12 page 4. We have there it says:

13 "On Friday, 15 April ... I was contacted by  
14 Issy Hogg, solicitor who was representing  
15 Ms Hutchings. It was agreed that I would  
16 conduct a voluntary interview at Eastleigh Post  
17 Office ..."

18 Then over the page it summarises some of the  
19 interview. It was a prepared statement and it  
20 says there:

21 "From the prepared statement it can be seen  
22 that Mrs Hutchings believed she migrated to  
23 Horizon Online in May/June 2010, although  
24 I established just prior to the commencement of  
25 the interview that the migration date was 5 July

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1 an example. It's a case study that we're going  
2 to come back to. Could we look at POL00046706,  
3 please. This is the investigation report in the  
4 case of Lynette Hutchings. I'm going to take  
5 you to that particular case in detail later this  
6 morning or early afternoon but I just want to  
7 look at it as an example of an investigation  
8 report?

9 A. Yes.

10 Q. So this is a report I think that you completed,  
11 if we look at the final page. At the bottom of  
12 that page it has your name there, 5 May 2011.

13 If we go back to the first page, please, we  
14 see there "Designated Prosecution Authority:  
15 Dave Pardoe, Senior Security Manager --  
16 Operations". So when you say the Senior  
17 Security Manager made the decision, is that what  
18 we see there in terms of Dave Pardoe being named  
19 as the prosecution authority?

20 A. Yes, it would be -- the designated prosecution  
21 authority would make the decision as to whether  
22 we prosecute or not.

23 Q. Who would you prepare this form for?

24 A. It says "Investigation, Legal", so that would be  
25 for the Criminal Law Team.

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1 2010. It states that at the time of the  
2 migration, all accounts balanced. It then goes  
3 on to suggest that problems arose following the  
4 migration to Horizon Online. It states that  
5 only her and her husband worked in the Post  
6 Office and at no stage have they stolen any  
7 money. It states that they only served against  
8 their own usernames and did not know each others  
9 Horizon passwords.

10 "It states that Mrs Hutchings altered cash  
11 declarations but not in order to create a gain  
12 for herself or a loss to the Post Office and  
13 that she felt the balances would be corrected  
14 through transaction corrections. She stated  
15 that she only altered the cash declarations in  
16 order to continue to operate the Post Office.

17 "The prepared statement refers to some  
18 difficulties that Mrs Hutchings apparently  
19 encountered. These related to unexplained stock  
20 discrepancies, problems with Horizon equipment  
21 and that the helpline was difficult to access  
22 and unreliable."

23 So front and centre there in her defence, in  
24 the statement, prepared statement, was  
25 a complaint about the Horizon system. If we

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1 move on to page 6, please, and about three  
 2 quarters of the way down, I'm just going to read  
 3 to you this paragraph. It says:  
 4 "The evidence, based on my analysis of the  
 5 inch ONCH schedule and the apparent inflation of  
 6 £50 notes when completing a Branch Trading  
 7 Statement would appear to support the fact that  
 8 Mrs Hutchings has committed fraud, having  
 9 dishonestly made false representations in the  
 10 accounts namely the Branch Trading Statements  
 11 for Rowlands Castle sub post office for the  
 12 period between 13 January 2010 and 30 March 2011  
 13 in the sum of £10,814.83 when she had thereby  
 14 intended to make a gain for herself or another  
 15 or to expose Post Office Limited to a risk of  
 16 loss, which is contrary to Section 1 of the  
 17 Fraud Act 2006."

18 Just pausing there, are those your words,  
 19 your analysis?

20 **A.** Yes.

21 **Q.** Then if we go over the page to page 7, please.  
 22 We have in bold, I think this may be your  
 23 conclusion or your summary at the end:

24 "During the course of this investigation  
 25 I have not identified any failings in security

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1 were involved in the decision-making process; do  
 2 you accept that?

3 **A.** No, not at all. I think around that time we  
 4 were asked put in our report -- and, again, this  
 5 is only from recollection -- what offences we  
 6 found had been committed and it did seem strange  
 7 because I felt that was the role of the Criminal  
 8 Law Team. So if you look back at earlier  
 9 investigations and certainly at the reports, you  
 10 will get that standard bit at the end. It was  
 11 only -- I can only recall it sort of like  
 12 nearing the end when I was in the Security team  
 13 or for a period, that we were asked to -- not  
 14 stipulate but suggest what offence may have been  
 15 committed, in more detail than other than just  
 16 saying "These case papers are submitted for your  
 17 advice on the evidence".

18 So, obviously, I would have been -- there  
 19 must have been something, I'm not a lawyer,  
 20 there must have been something that directed me  
 21 to that, so I would have just pretty much copied  
 22 that word for word from the relevant section I'd  
 23 been directed to from the Fraud Act.

24 **Q.** So if we turn to page 6 and the penultimate  
 25 paragraph, is this the paragraph you mean?

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1 procedures other than the fact, that for  
 2 whatever reason, as stated in her prepared  
 3 statement, Mrs Hutchings admits to altering her  
 4 cash declarations. The audit was instigated by  
 5 the Cash Management Team following the fact that  
 6 she only returned £14,000 when £30,000 was  
 7 requested. Although the fraud appears to have  
 8 been going on for some time, because of the  
 9 relative low amounts being inflated this branch  
 10 wouldn't necessarily have appeared very high up  
 11 in the Cash Management risk matrix."

12 Then we have the sentence that you referred  
 13 to earlier at the end, I think it's a standard  
 14 form of words, effectively:

15 "These papers are now forwarded to you for  
 16 sight and advice on the sufficiency of the  
 17 evidence as to whether criminal charges are  
 18 brought ..."

19 So you're sending it there to the lawyers  
 20 for their advice on the sufficiency of evidence.

21 Some of the words that are used in this  
 22 report -- I mean, the page before that I took  
 23 you to about the Fraud Act and you go through  
 24 the various elements of fraud and how they're  
 25 made out -- they do sound very much like you

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1 Where you go through effectively some elements  
 2 from section 1 of the Fraud Act, and you say:

3 "... based on my analysis ... would appear  
 4 to support the fact that Mrs Hutchings has  
 5 committed fraud ..."

6 **A.** Yes, that wasn't typical but, again, when --  
 7 I don't remember the case at all but, when I'm  
 8 reading through this, I seem to have a vague  
 9 recollection that round about that time we would  
 10 have been asked to, you know, suggest what  
 11 offence we believe had been committed, which  
 12 seemed a bit odd because that was the Criminal  
 13 Law Team's role. There would have been no other  
 14 reason for me to have gone and found this detail  
 15 from the Fraud Act, unless I'd been instructed  
 16 to do so. It would have been the standard  
 17 "Paper submitted, please advise on sufficiency  
 18 of evidence".

19 **Q.** I mean, as you say, you hadn't received any real  
 20 training in criminal law?

21 **A.** No, we would obviously have been made aware of  
 22 the Fraud Act and, obviously, either sent a copy  
 23 of it or directed to a copy of it, and I dare  
 24 say I read it at the time, but I'm not a lawyer,  
 25 so I wouldn't have had a knowledge of it. So

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1 I'm sure there was some direction at that time  
2 for a -- certainly a brief period of time, where  
3 we were being asked to suggest what offence had  
4 been committed.

5 **Q.** I mean, you had a two-week residential course  
6 plus some *ad hoc* shadowing, for example?

7 **A.** Yes, obviously, by that time, I've got 11 years'  
8 experience under my belt.

9 **Q.** Did you feel yourself qualified to analyse  
10 something and come to a decision in respect of  
11 Mrs Hutchings having committed fraud?

12 **A.** I think I would be qualified to suggest that  
13 what had happened appeared to be fraud but the  
14 detail was put down there as to what part of the  
15 Act it related to, I would have had to have been  
16 directed to that. But I think I can safely say,  
17 yes, in my analysis, it appears that fraud has  
18 been committed. Previously, before the Fraud  
19 Act was introduced, I would have probably said  
20 it would appear that false accounting had been  
21 conducted.

22 **Q.** Going back to your witness statement where you  
23 say, at paragraph 58:

24 "From my recollection the decision to  
25 prosecute would be made by a Senior Security  
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1 that, I don't know where I got it from, but  
2 you'd be able to see from other reports around  
3 about that time whether fellow Security Managers  
4 were doing something similar.

5 **Q.** So you say around that time, that's May 2011: do  
6 you mean in May 2011; do you mean in 2011; do  
7 you mean in --

8 **A.** I honestly can't remember. As I say, until  
9 I read the report I -- well, I can't remember  
10 the case at all.

11 **Q.** Would you expect it to be quite isolated, that  
12 kind of example, where you're providing that  
13 kind of analysis?

14 **A.** I don't think it was isolated. Obviously,  
15 things chop and change over a period of time  
16 and, at that time, I think there was  
17 a direction -- how far before I wrote this  
18 report that was the direction, how long  
19 afterwards that was direction, I don't know.  
20 Whether that was still in force when I left in  
21 2012 and for how long that stayed there,  
22 I honestly don't know.

23 But it was certainly something, through my  
24 main recollection, for the bulk of the time  
25 I was a Security Manager, I don't recall doing  
51

1 Manager and this was probably the head of the  
2 Security Fraud Team."

3 It looks very much -- at least in this  
4 period and you've been very clear to say it was  
5 just in this period -- that you are doing more  
6 than just providing a report to the Criminal Law  
7 Team. You are a Security Manager who is  
8 carrying out quasi-legal analysis there?

9 **A.** We always conduct analysis, so we would analyse  
10 the evidence that we've identified.

11 **Q.** You say it's particular to this period in time.  
12 What period in time was it that you were asked  
13 to --

14 **A.** I honestly can't remember but it always was, as  
15 I said, "Paper submitted, please advise on  
16 sufficiency of evidence", but it's only through  
17 reading through this report that I received as  
18 part of the Inquiry -- because I looked at it  
19 and thought "Why on earth am I putting that in  
20 there?" and I was, if you like, racking my  
21 brains and I seem to recall that, around about  
22 that time, we were asked to suggest a charge.

23 That's my recollection, no doubt there's  
24 other reports that would have been submitted  
25 around that time, so, if no one else is doing  
50

1 anything other than "Here's the papers, please  
2 advise."

3 **Q.** So is it your evidence that, in terms of  
4 decision to proceed or not proceed, that wasn't  
5 for you?

6 **A.** No, I'm just suggesting what offence may have  
7 been committed. So in terms of saying it  
8 appears that they've committed fraud, we were  
9 instructed to (*unclear*) the fraud because  
10 obviously there's -- the Fraud Act, like any  
11 piece of legislation, can be a fairly big  
12 document, so it's basically being asked what  
13 Section of the Fraud Act it relates to. But,  
14 again, that should really be for the Criminal  
15 Law Team.

16 **Q.** You say you were instructed. Who were you  
17 instructed by?

18 **A.** I honestly don't know.

19 **Q.** Would it have been somebody in the Security  
20 team, somebody in the Criminal Law Team?

21 **A.** Oh, absolutely. It would have been a direction  
22 from within the Security team, yeah.

23 **Q.** In 2011, who was the Head of the Security Team?

24 **A.** Well, I don't know if the direction would have  
25 come from the Head but the Head of the Security  
52

1 Team in 2011 would have been John Scott.  
 2 **Q.** You say you don't think it necessarily would  
 3 have come from the Head?  
 4 **A.** Well, no, John Scott was the overall Head of  
 5 Security. Then you would have, I think at that  
 6 time, based on that report, Dave Pardoe was the  
 7 Head of the Fraud strand. But we also had other  
 8 departments. We also had Financial  
 9 Investigation Team as well. There was Casework  
 10 Team, so -- I mean to say, we had Fraud Risk  
 11 Team, Crime Risk Team, so there was lots of  
 12 different functions within the Security Team,  
 13 so --  
 14 **Q.** That kind of an instruction to analyse something  
 15 in a quasi-legal kind of analysis, where would  
 16 that have come from?  
 17 **A.** No, I don't think the instruction was to  
 18 analyse. That's something we would always do.  
 19 I think the instruction, from recollection, was  
 20 to expand on what offence we felt had been  
 21 committed.  
 22 **Q.** But you can't remember where that instruction  
 23 came from?  
 24 **A.** No, and I'm sure it was fairly recent, from --  
 25 recent in terms of towards the end of my tenure

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1 **Q.** Was that very clear, that delineation?  
 2 **A.** Sorry, say again?  
 3 **Q.** Was that delineation very clear?  
 4 **A.** Yes, yes, absolutely. I mean to say, it's on  
 5 the actual offender report for every -- for the  
 6 entirety that I was a Security Manager.  
 7 I believe that it was a prosecution decision  
 8 authority, so you actually had to name who that  
 9 person was.  
 10 **Q.** Can we look at UKGI00014355, please. This is  
 11 a different case. This the case of Wendy  
 12 Buffrey. We're now May 2010, so the previous  
 13 year. Can we have a look at the final page,  
 14 please. Page 3., thank you. So this is  
 15 a document that you have written. Is this is  
 16 an investigation report or -- this is a response  
 17 to a memo, I think, if we look at --  
 18 **A.** Can you scroll back to the top, please?  
 19 **Q.** Absolutely.  
 20 **A.** Yeah, so this will be a "further to" report.  
 21 **Q.** A "further to" report. So you'd draft  
 22 an investigation report, there'd be some  
 23 questions from the Criminal Law Team, and then  
 24 you'd write what's referred to as a further to  
 25 report?

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1 as a Security Manager.  
 2 **Q.** So 2011? 2010? What is recent? I'm just  
 3 trying to understand?  
 4 **A.** I don't want to give you a year because  
 5 I honestly don't know.  
 6 **Q.** Can you see how that kind of analysis might have  
 7 carried weight with those who were making the  
 8 ultimate decision?  
 9 **A.** But, as I say, the analysis is the analysis.  
 10 Whether I put the bit in about the specific part  
 11 of the Fraud Act, the analysis -- we were always  
 12 going to do an analysis so, basically, I'm --  
 13 the ONCH, which stands for Overnight Cash  
 14 Holdings, I'm looking at the actual declarations  
 15 being made, so I'm analysing that. Whether it's  
 16 in the same paragraph as making reference to  
 17 a particular piece of the Fraud Act, the  
 18 Security Managers are always going to conduct  
 19 analysis of the evidence.  
 20 **Q.** So you were analysing the evidence but am I  
 21 right to say that you didn't give the  
 22 instruction as to whether to proceed or not to  
 23 proceed?  
 24 **A.** No, as I say, that would be for the prosecution  
 25 decision authority.

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1 **A.** Yeah, this is me responding to the memo they  
 2 sent following my initial report.  
 3 **Q.** So it says there:  
 4 "Further to your memo dated 23 April 2010,  
 5 I now make the following points:  
 6 "1) I have discussed the proposal of solely  
 7 accepting a plea to fraud. Of £5,000 with  
 8 Mr Paul Southin, Financial Investigator and we  
 9 are both in agreement that this is unacceptable.  
 10 Our joint opinion is that the fraud charge  
 11 should remain at [£26,000], which may or may not  
 12 include a separate further charge for the £5,000  
 13 remittance deficit."  
 14 Then you respond to various things that are  
 15 said in the defence statement. That looks very  
 16 much like you are having a view as to whether to  
 17 proceed or not to proceed and playing a part in  
 18 that decision process?  
 19 **A.** I'm relaying the opinion of myself and Paul  
 20 Southin, who was the Financial Investigator.  
 21 **Q.** Yes. But I mean that's doing very much the kind  
 22 of thing that you said you didn't do, isn't it?  
 23 If we scroll up:  
 24 "... we are both in agreement that accepting  
 25 a [certain plea] is unacceptable."

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1 Isn't that getting involved in the  
2 decision-making process?  
3 **A.** It's giving an opinion. I mean to say, there's  
4 another case I'd been sent, whereby I'm asked  
5 for my opinion by counsel and I say "I agree  
6 with counsel but, ultimately, Dave Pardoe would  
7 need to make the decision on the basis of the  
8 plea".  
9 **Q.** So in this case, would it have definitely gone  
10 to Dave Pardoe?  
11 **A.** Every decision would have to be made by Dave  
12 Pardoe, is my understanding, yeah -- well,  
13 whoever was the prosecution decision maker. In  
14 this respect, on -- I don't know, was it -- have  
15 we charged -- we must have charged at this date,  
16 so, yeah, in this case Dave Pardoe would have  
17 made the decision and it looks like myself and  
18 Paul Southin are responding and giving our  
19 opinion on the 5,000. But, ultimately, that  
20 would be, yeah, for the Criminal Law Team, and  
21 whether it needed to go back to the prosecution  
22 decision authority, I don't know.  
23 **Q.** Can you see how the Security Manager saying that  
24 here's an agreement with the Financial  
25 Investigator that a certain plea is unacceptable

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1 and going back in that time, but certainly I'm  
2 giving my opinion and that of Paul Southin that  
3 we don't believe that the 5,000 should be  
4 accepted.

5 But I agree that if -- that those decisions  
6 ultimately should be made by the Prosecution  
7 Decision Authority and, if I hadn't gone to  
8 whoever that was, I think Dave Pardoe -- I don't  
9 know whether it was Dave Pardoe, then, yes,  
10 I hold my hands up, I should have done that but  
11 I don't know whether I did or didn't.

12 **Q.** If we look at POL00112329, that's actually the  
13 memo that this was sent in response to. So the  
14 memo of the 23 April 2010. Thank you. It's  
15 POL00112329.

16 Sorry, it's quite a large document so it'll  
17 take a few moments. Thank you. It's pages 50  
18 and 51. This is just a bundle of documents, so  
19 we can ignore the first page.

20 Thank you. That's page 50. So this is the  
21 original memo. It comes from Principal Lawyer  
22 of the Criminal Law Division, it's addressed to  
23 Post Office Security and you're the only named  
24 individual on this particular memo. If we  
25 scroll down to over the page, she says, as

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1 might well be seen as a decision as to whether  
2 to accept that plea or not?

3 **A.** Yes. Having read this, again, then, yes,  
4 I should be giving opinion, but I shouldn't be  
5 doing anything that affects a decision on the  
6 basis of whether pleas are accepted. That is  
7 for the Criminal Law Team, counsel, or the  
8 Senior Security Manager.

9 Whether at that stage the Financial  
10 Investigator had sufficient authority, I don't  
11 know but, clearly, we both, having spoken to  
12 Paul Southin, I'm reporting that we're -- or our  
13 opinion is that we shouldn't be accepting that  
14 5,000. And, yeah, without going back in time,  
15 and knowing whether what conversations were had  
16 or contact with Dave Pardoe, just on that basis,  
17 then, yes, it should have gone back to Dave  
18 Pardoe to say, "Do you agree?" So I accept  
19 that, if that wasn't done.

20 **Q.** So reflecting on that particular case, is it  
21 your evidence that that was inappropriate?

22 **A.** Sorry, that was?

23 **Q.** Inappropriate?

24 **A.** Well, again, it's difficult to know, of all the  
25 conversations that may or may not have been had

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1 follows:

2 "Could you form any consider the matter with  
3 a view to whether or not a plea to the £5,000 is  
4 sufficient and whether the trial should proceed.

5 "Copies of the Defence Statement and Basis  
6 of Plea are enclosed. On the basis that the  
7 case is to proceed, I would be grateful if you  
8 could consider the defence case statement and  
9 address any issues as to further disclosure."

10 Was she wrong to ask you to formally  
11 consider the matter with a view to whether or  
12 not to accept the plea? Should that have been  
13 sent directly to the Senior --

14 **A.** I'm not sure she was asking me. It was sent to  
15 the generic Post Office Security address.

16 **Q.** Yes.

17 **A.** So they may well then have gone to the  
18 Prosecution Decision Authority, I don't know.

19 **Q.** Well, we see the response to that memo which  
20 is --

21 **A.** Yeah, I've responded to it, yes, I see that.

22 **Q.** Yes. Was there any process to ensure that those  
23 kinds of memos were seen by the Senior Security  
24 Manager?

25 **A.** Well, as I say, it was sent to, as I say, the

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1 generic Post Office Security address, so that  
 2 would be a team of people that would -- I don't  
 3 know if it was like an admin function or  
 4 a support function. So whether that then got  
 5 relayed to the Prosecution Decision Authority,  
 6 I don't know. But if there's no correspondence  
 7 from them, then I can only assume not and  
 8 they've just taken my opinion. So, because  
 9 I was copied in, I've obviously looked at that  
 10 and seen that they are asking me for my opinion.  
 11 **Q.** Is this, again, in your opinion, another rare  
 12 example where you are giving or effectively  
 13 giving a decision in respect of prosecution or  
 14 seem to be?  
 15 **A.** No, I -- based on what we've seen, myself and  
 16 Paul Southin have collectively given an opinion  
 17 that we shouldn't just be accepting the £5,000.  
 18 Whether anyone else was asked that as well,  
 19 other than obviously the email going to the  
 20 generic team, that address, I don't know. But  
 21 as I say, I can't recall a case and I can't  
 22 recall others, other than, as I said, I gave  
 23 an example of where there was another case that  
 24 was in the various bundles sent to me, whereby  
 25 I'd give an opinion, and said this decision had  
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1 lawyer. It's another "Further to" memo.  
 2 **A.** Yeah.  
 3 **Q.** So did you begin all your further to memos with  
 4 the words "Further to"; is that right?  
 5 **A.** *(The witness laughed)*  
 6 **Q.** Would you call this one of your further to  
 7 memos?  
 8 **A.** Yes, this is -- as it suggests: Dave sent me  
 9 a memo and I'm responding to their memo and I've  
 10 worded it "Further to".  
 11 **Q.** If we could go halfway down the page, the fourth  
 12 paragraph, you say in this case:  
 13 "There does appear to be some difficulty in  
 14 proving at this stage that Mrs Gill is the  
 15 person who has stolen the money, although my  
 16 belief is that she has. The difficulty being  
 17 her 'no comment' response to the majority of  
 18 questions put to her at interview and the  
 19 possible implication that her now deceased  
 20 husband may have been responsible.  
 21 "Whether or not Mrs Gill has stolen the  
 22 money herself, it would seem apparent that she  
 23 played a key role in concealing the deficit in  
 24 this branch namely by not processing Lottery  
 25 transactions and not amending her scratchcard on  
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1 to be made by Dave Pardoe, but here I haven't  
 2 done. So it looks like, yeah, I haven't gone to  
 3 Dave Pardoe and I should have done.  
 4 **Q.** Is that rare, common, exceptional?  
 5 **A.** It's hard to say, Mr Blake, because I don't  
 6 remember really any of these cases, so I can  
 7 only go on the cases that I've been supplied  
 8 with.  
 9 **Q.** But, in terms of the 12-year period in which you  
 10 were a Security Manager, was it quite routine  
 11 for you to offer those kinds of comments?  
 12 **A.** I don't think so, no. I mean to say, once  
 13 charges had been formulated or advised upon by  
 14 the Criminal Law Team, and then the decision to  
 15 prosecute had been agreed or authorised, I'm not  
 16 sure there was much variation in charges other  
 17 than it may well be that we've gone with a theft  
 18 charge and then the defence offer pleas to false  
 19 accounting, and they may have been accepted.  
 20 **Q.** I'm going to look at one more document before we  
 21 break for our mid-morning break and it's  
 22 POL00010122, please.  
 23 This is an altogether different case,  
 24 Mrs Gill, July 2010. This is correspondence  
 25 from yourself to Mr Jarnail Singh, senior  
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1 hand figures ..."  
 2 Then you say this, if we could scroll down:  
 3 "In view of the above you may feel that  
 4 fraud charges covering 6 November 2008 (date  
 5 Mrs Gill was previously reinstated) to 19 August  
 6 2009 (date of audit) are more fitting than theft  
 7 charges."  
 8 Then you say:  
 9 "You may feel it's more appropriate to  
 10 formulate", et cetera.  
 11 The "You may feel" formulation, that sounds,  
 12 again, very much like it is in effect  
 13 an instruction to the lawyer as to how you  
 14 consider the case should be charged.  
 15 **A.** It's not an instruction. I'm just saying that,  
 16 based on the evidence, it may be that they feel  
 17 that that's a more appropriate charge. Again,  
 18 I'm just giving my opinion, which is what we  
 19 were asked to do in the legal report.  
 20 **Q.** Did you feel sufficiently qualified to make that  
 21 call?  
 22 **A.** As I said, I'm not a lawyer but, back then,  
 23 I would have had, like, a working understanding  
 24 of various forms of legislation. Today,  
 25 I really can't answer.  
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1 **Q.** Was there some degree of delegation or a lack of  
2 supervision coming from the Senior Security  
3 Manager that allowed or perhaps required you to  
4 get more involved than possibly your role should  
5 have entailed?

6 **A.** I don't think so, because the Senior Security  
7 Manager would have read the report when making  
8 the decision as to whether we prosecute or not  
9 and I wouldn't have thought that the way I'm  
10 constructing a report and a case file would have  
11 been much different, if any, to Security  
12 Managers around the country. If there was,  
13 then, no doubt, that would have been relayed  
14 back to me.

15 **Q.** Do you recall any instances, where you've used  
16 formulations like "You may feel that X offence  
17 has been committed", are there any circumstances  
18 you can recall where a charge was not brought?

19 **A.** A charge was not brought?

20 **Q.** Yes.

21 **A.** I'm sure there would have been but I can't  
22 recall any specific cases. Again, I can't  
23 recall any specific cases but there may have  
24 been cases where we submitted a report to the  
25 Legal Team, where we got evidence of the

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1 or whatever, at the branch.

2 You'd still write it up but not to the  
3 Criminal Law Team. You'd just write it up to  
4 the Casework Team saying "There's no evidence of  
5 criminality", something like that. But for  
6 significant audit shortages or pension allowance  
7 fraud, then I think they would probably all go  
8 up to the Criminal Law Team but they may advise  
9 no further action, but I can't recall any  
10 specific ones, no.

11 **Q.** If we, for example, were to access all of the  
12 investigation reports that you did over the  
13 12-year period that went to the Criminal Law  
14 Team, would we ever find one that said, "I don't  
15 think there's sufficient evidence to take this  
16 matter forward"?

17 **A.** Quite possibly. I honestly don't know.

18 **Q.** Wouldn't that be something that you might  
19 remember?

20 **A.** Not necessarily, no. I'm going to say that  
21 these are cases that we did prosecute and  
22 I can't remember.

23 **MR BLAKE:** Yes.

24 Sir, thank you very much. That's probably  
25 an appropriate time for a mid-morning break.

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1 criminal offence but we can't pinpoint who it  
2 was and, if you can't identify who -- or there's  
3 insufficient evidence as to who the perpetrator  
4 is, then I think in those situations it will be  
5 no further action taken.

6 **Q.** So is it your evidence that, in certain  
7 investigation reports, for example, you might  
8 recommend no further action is taken?

9 **A.** No, I wouldn't. I wouldn't recommend no further  
10 action, I don't believe.

11 **Q.** Are there investigation reports that you  
12 completed that didn't suggest further action?

13 **A.** Say that again, please?

14 **Q.** Were all of your investigation reports aimed,  
15 effectively, at building the case or were there  
16 some cases where, in your investigation report,  
17 you said, "I don't think criminal charges should  
18 be brought"?

19 **A.** I am sure -- like I say, there was a number of  
20 cases we would deal with, I'm going to say it  
21 could be something like missing vouchers, or  
22 whatever, so there could be something that's  
23 gone up to our admin department and they've  
24 opened it up and things are missing and you  
25 might go there and you might find the vouchers,

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1 **SIR WYN WILLIAMS:** All right. What time shall we  
2 resume.

3 **MR BLAKE:** At 11.35?

4 **SIR BRIAN LANGSTAFF:** Yes, fine.

5 **MR BLAKE:** Thank you very much.

6 (11.22 am)

(A short break)

8 (11.35 am)

9 **MR BLAKE:** Thank you, Mr Brander. I'm going to move  
10 on to a different topic, and that is --

11 **SIR WYN WILLIAMS:** Before you start, can I just say  
12 that I'm due to take delivery of a new work  
13 computer at around about 12.45. So if  
14 I disappear, literally for a few seconds from  
15 the screen, that's what's happening, all right?

16 **MR BLAKE:** Thank you very much, sir.

17 ARQ data and bugs, errors and defects. Can  
18 you assist us with what you recall, insofar as  
19 the process is concerned for obtaining ARQ data  
20 from Fujitsu?

21 **A.** Yes, so whether there was a form fill in, I'm  
22 not sure, or whether it was just an email, but  
23 it'll go up to, like, an admin department. It  
24 might have been Casework Management Team at the  
25 time.

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1 Looking at the documentation that I've been  
2 sent, it looked like it subsequently then went  
3 to the Crime Risk Team but, ultimately, the  
4 request would go in from the Security Manager to  
5 an admin function within Security, who would  
6 then submit the request to Fujitsu.

7 **Q.** Do you recall any limitations on being able to  
8 obtain that data, whether it would be number of  
9 reports, cost of reports, or anything along  
10 those lines?

11 **A.** Yeah, absolutely. I believe an ARQ request  
12 covered a month's worth of data. So, obviously,  
13 one request, you know, would be one month to two  
14 months, and so forth. So there was quite tight  
15 restrictions on what we could order as per  
16 a standard request. If, at any stage, we went  
17 over that, it might roll on to the following  
18 month.

19 Ultimately, there could be a cost but, when  
20 the Investigator requested it, it was very much  
21 on -- I wouldn't say essential -- if you really  
22 needed it as part of your investigation, from my  
23 experience, probably ordered more requests to do  
24 with a pension allowance fraud case, and  
25 possibly for audit shortage cases, because of

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1 implications?

2 **A.** I don't know about -- depending on what  
3 circumstances, but certainly it restricted the  
4 amount that I would have requested.

5 **Q.** So it wasn't requested as a matter of course; it  
6 was something that you would go through  
7 a thought process before requesting?

8 **A.** Yeah, it's -- so, for instance, you might have  
9 a case, say an audit shortage case, and you  
10 might go for month prior to the audit. You can  
11 get various printouts, which aren't always that  
12 user-friendly and doesn't necessarily tell you  
13 everything, but, with the audit data, you could  
14 sort and filter, and more user-friendly to see  
15 if you can identify, yeah, anything that could  
16 support why there was a significant shortfall  
17 there.

18 So, if -- again, this is just the best as  
19 I can recall, if you look at that first month  
20 and you didn't really find anything that  
21 supported the investigation either way, it may  
22 well be that you then didn't then order any  
23 more. If you identified something, you might  
24 then request more. In doing so, again, you  
25 might then pluck a period of time, say maybe

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1 the tight restrictions on how much we could  
2 order, it was possible that any large amounts  
3 requested were following on from a request from  
4 either our solicitors or defence solicitors.

5 **Q.** Were you aware of any internal policies that  
6 governed the number of requests you could make  
7 or the amount of data you could request?

8 **A.** I can't recall what number, other than the fact  
9 that it was tight. Put it this way, I -- for  
10 me, personally, I could order as much as  
11 I wanted to, to conduct my enquiries into the  
12 Horizon data.

13 **Q.** Was the impression given that the amount was  
14 tight, to use your words, given by the Post  
15 Office, by Fujitsu, by the Security Manager, or  
16 who?

17 **A.** No, it would have just been within the Security  
18 team because I think that was part of the  
19 contract that was agreed with Fujitsu. So  
20 I think Fujitsu would have probably supplied  
21 whatever was physically possible but there would  
22 be charges to the Post Office for it, if it went  
23 over the allotted amount.

24 **Q.** Do you recall the Post Office ever not  
25 requesting ARQ data because of those

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1 three months away, six months away, or whatever,  
2 it wouldn't be a case of "Ooh, I found all this,  
3 so I'm going to do a blanket 1 year, 15 months,  
4 or whatever, as an audit shortage case".

5 But I think you're also mindful, you may  
6 have interviewed somebody, you may or may not  
7 have had audit data at that time, but if --  
8 depending on what comes up at interview, you  
9 might feel the need to order another batch of  
10 data. But then you're mindful of the fact these  
11 people are being interviewed, it's going to be  
12 quite traumatic for them and it could be one  
13 month/two months before I get another lot of  
14 data.

15 So I can remember it being frustrating both  
16 in terms of me being able to conduct  
17 investigations and also how long I would have to  
18 wait, which also had the effect of somebody  
19 being under investigation having to wait,  
20 whereas if I could access it all straightaway,  
21 I can just do it all on the one day, without  
22 having to delay things.

23 **Q.** So there were some delays in obtaining the data  
24 once it had been ordered?

25 **A.** Yes.

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1 Q. But, in terms of actually ordering it, you were  
2 reluctant to order large amounts because of cost  
3 implications?

4 A. Yes.

5 Q. A lot of the evidence that you've given this  
6 morning is about things being passed from your  
7 predecessors or those who you work with, rather  
8 than being written out in policies. Is it the  
9 same case with ARQ data, that that was  
10 information that had been passed to you by  
11 colleagues, rather than a document that you saw?

12 A. Not so much colleagues. I think it had just  
13 come down from more senior levels within the  
14 Security team. But that was just always, as far  
15 as back as I can remember, that was always the  
16 case from when I joined, that if -- whenever the  
17 first case came about, where I had to order  
18 Horizon data, it was no doubt told to me "Well,  
19 just be mindful of how much you feel you need  
20 and order".

21 It may have been I just order one month's  
22 worth. I honestly can't remember the first time  
23 I first ordered it but, certainly, that was  
24 always my understanding from -- because when  
25 I joined Horizon had already started being

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1 generated a generic and non-specific software  
2 error event, which went unnoticed in the  
3 monitoring of events. A financial imbalance was  
4 evident and was subject to investigation by  
5 Fujitsu Service Support Centre and Post Office  
6 Limited. The financial imbalance has been  
7 resolved and there is reference to a software  
8 correction. The "Impact", it says:

9 "We need to work with [the Post Office] to  
10 recheck the ARQs and reconfirm the data  
11 integrity during the period of May 2007 to  
12 November 2008 -- penny will do this."

13 I'm going to take you, before I ask you  
14 about this particular incident, to a couple more  
15 documents addressing the same issue.

16 Can we look at FUJ00155400. So here we have  
17 Peter Sewell, copied in. If we look at the  
18 bottom of page 2, we have an email to Dave  
19 Posnett from Rob Wilson. What was your  
20 relationship like with Dave Posnett?

21 A. Dave Posnett?

22 Q. Yes.

23 A. Dave Posnett was a colleague within the same  
24 team at the time. He was my line manager at the  
25 time. Got on really well with Dave.

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1 rolled out.

2 Q. We're going to see some documents that have been  
3 in your pack, emails from Penny Thomas. What  
4 did you understand the role of Penny Thomas who  
5 worked at Fujitsu to be?

6 A. Yeah, Penny's a name that I can recall from  
7 Fujitsu and I think she was the person that the  
8 admin function would submit the ARQ requests to  
9 in Fujitsu. And Penny would be the one to  
10 supply the data and, if subsequently required,  
11 a statement.

12 Q. We're going to see her mentioned in the *Hamilton*  
13 case study that we'll come to, probably before  
14 lunchtime, but I just want to start by taking  
15 you to some emails of 2009. Could we can look  
16 at FUJ00155399, please. So this is an email  
17 that was in your pack. It's not an email that  
18 was sent to you.

19 A. Okay.

20 Q. We see there, if we scroll down, there's mention  
21 in that second substantive paragraph of  
22 an occurrence in December 2007 where there was  
23 an unseen database lock, where an administrative  
24 balancing transaction failed to be written to  
25 the local message store database. This

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1 Q. So if we have a look over the page, please, Dave  
2 Posnett is sending Rob Wilson an email in  
3 relation to this particular incident that's been  
4 identified by Fujitsu, and he says:

5 "Rob,

6 "In relation to the standard witness  
7 statement Fujitsu provide ..."

8 Then if we look at the second point:

9 "The following additional paragraphs have  
10 been inserted (page 7). I personally do not see  
11 the need for these if there are no problems  
12 identified with the data relating to the case in  
13 question. Why inform anyone about a problem  
14 we've had within the network, but possibly only  
15 at one branch, if it bears no relation or  
16 relevance."

17 Then below it has the form of words that  
18 Fujitsu were proposing be included within  
19 a witness statement, what's described as the  
20 standard witness statement that Fujitsu provide.  
21 That is an explanation of the incident. So the  
22 proposed form of words is:

23 "In December 2007 an occurrence was reported  
24 in one office where a Stock Unit rollover  
25 coincided with the End Of Day Process running.

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1 This led to a previously unseen database lock  
 2 where an administrative balancing transaction  
 3 failed to be written to the local message store  
 4 database", et cetera.  
 5 If we have a look at page 2 at the top of  
 6 the page, we have Dave Posnett emailing Penny  
 7 Thomas at Fujitsu to say:  
 8 "I would say Business As Usual [regarding]  
 9 witness statements, ie don't include the two  
 10 additional paragraphs on the last page.  
 11 "If any issues materialise in due course, we  
 12 can address then -- suggest the ARQs for these 4  
 13 cases are assessed first."  
 14 Sticking with the same issue could we have  
 15 a look at FUJ00155421, please. Penny Thomas to  
 16 Dave Posnett, 4 February 2009. She says:  
 17 "The event logs have been checked for all  
 18 data provided to [the Post Office] as a result  
 19 of the 195 ARQs which fall within the time  
 20 frame. A total of 27 instances of concern were  
 21 identified. All instances have been fully  
 22 analysed and we can confirm that the locking was  
 23 caused by contention between the EOD process and  
 24 a Riposte checkpoint being written. No  
 25 transactions or balancing activities carried out

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1 time. At one point, he was a Security Manager,  
 2 at the same time that I was. He then got  
 3 promoted, I'm not sure what role. I think, from  
 4 memory, Dave was in the Fraud Risk Team. He may  
 5 even have been Casework Manager for a time,  
 6 I don't know. He was a Financial Investigator.  
 7 He was --  
 8 **Q.** So in 2009 we have him sending the email as  
 9 Fraud Risk Manager.  
 10 **A.** Yeah. There was a Fraud Risk Team that John  
 11 Scott had set up. I can't -- well, I've never  
 12 worked in that team, so I can't recall exactly  
 13 what they did, because we also had a Crime Risk  
 14 Team, as well, so I'm not sure what the  
 15 difference was.  
 16 **Q.** Would you have expected somebody who was in that  
 17 position to have provided that kind of  
 18 information to you about the reliability of ARQ  
 19 data or potential issues?  
 20 **A.** I honestly don't know. I'm going to say it's --  
 21 in a broader sense, what we now know absolutely  
 22 should have been disseminated to numerous people  
 23 but that particular item, I've no idea who Dave  
 24 would have referred that to. I can see --  
 25 I don't begin to understand half the

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1 at branches were affect."  
 2 So this is an issue that affected the ARQ  
 3 report rather than the balancing activities at  
 4 branches. She says there:  
 5 "The standard witness statement has been  
 6 reviewed, and is attached. No reference has  
 7 been made to the locking issue but minor  
 8 revisions have been made."  
 9 Were you made aware of this incident at all,  
 10 or -- I know it's -- well, it's 2009.  
 11 **A.** Yeah.  
 12 **Q.** Was that an incident you were aware of at the  
 13 time?  
 14 **A.** I certainly -- I have no recollection of it.  
 15 No. I don't recall it at all.  
 16 **Q.** Did Penny Thomas ever indicate to you that there  
 17 may be issues with the reliability of ARQ data?  
 18 **A.** No, not at all.  
 19 **Q.** Dave Posnett is obviously the point of contact  
 20 for Penny Thomas in relation to this issue.  
 21 What was his role in relation to -- that you  
 22 conducted your work, was he, for example,  
 23 responsible for training and compliance of your  
 24 work?  
 25 **A.** Well, like most people, Dave's role changed over

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1 technicalities of it all but I can see that Dave  
 2 responded to Penny. Whether Dave has raised  
 3 that to anyone else more senior to him or anyone  
 4 else, I honestly can't say but I have no  
 5 recollection of it.  
 6 **Q.** Do you think, if you had been passed that kind  
 7 of information, it might have affected your  
 8 obligations of disclosure in particular cases?  
 9 **A.** Well, as I say, clearly what we now know and  
 10 with a greater understanding of disclosure, then  
 11 yes, it should have been disclosed along with  
 12 numerous other things.  
 13 **Q.** When you say a "greater understanding of  
 14 disclosure", do you mean a greater understanding  
 15 of bugs, errors and defects in the system or do  
 16 you mean a greater --  
 17 **A.** No, I think a greater understanding, from  
 18 looking at the evidence and the documentation  
 19 I've been supplied with, of disclosure in  
 20 general.  
 21 **Q.** Have you identified deficiencies in disclosure  
 22 from looking at that information?  
 23 **A.** Well, it seems to be that we should have  
 24 disclosed all the -- well, unless I'm reading it  
 25 wrong, all the Horizon data. It's a tough one

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1 because, obviously, I was Security Manager for  
2 12 years, I don't recall any issues, certainly  
3 in cases I dealt with, where any cases had been  
4 thrown out or, for want of better terminology,  
5 because of lack of disclosure, but certainly  
6 from the previous inquiries, disclosure was  
7 a big part of why certain convictions were  
8 quashed.

9 So there seems to be a lot of emphasis on  
10 the fact that why wasn't all disclosure in  
11 relation to Horizon data disclosed as a matter  
12 of course for the whole indictment period? So  
13 when I say better understanding, I think, you  
14 know, it's just understanding that all of that  
15 data should have been disclosed.

16 I'm not aware of anyone that knew any bugs,  
17 errors or defects and you would have thought  
18 that we would have been advised of that. Had we  
19 have known, then, clearly, that would have been  
20 dealt with in whatever way by the Post Office at  
21 the time.

22 **Q.** So is it your evidence that you didn't know  
23 about bugs, errors and defects and hadn't been  
24 told of any bugs, errors and defects?

25 **A.** No, no, I'm going to say, I can see from the

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1 Horizon data was said to have been unreliable.

2 **A.** I don't recall this email, no, and it was  
3 clearly sent to me in error, the first one, and  
4 I hadn't seen until supplied as part of the  
5 bundle, any further to, other than Andy Hayward  
6 saying, "Not for me".

7 **Q.** One thing we do see is at page 25, Dave Posnett  
8 is copied in to the chain. Thank you. We see  
9 there Dave Posnett's name on the top right-hand  
10 side. Again, not something that you were told  
11 about at the time by Mr Posnett?

12 **A.** Sorry, say again?

13 **Q.** Was it not something that Mr Posnett brought to  
14 your attention at that time?

15 **A.** No, I don't recall ever having this brought to  
16 my attention. I'm going to say Andy Hayward  
17 clearly says, "Not for Graham B", and that's no  
18 doubt the last I heard of it.

19 **Q.** If we look at page 19 of this chain, we have  
20 Graham Ward's response, and it's the second half  
21 of the page, and he says as follows:

22 "Andrew/Jason

23 "I'm aware of two ongoing cases at  
24 West Byfleet ... and Orford Road ... and also  
25 some historical cases but as [Financial

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1 evidence that there were -- moving towards the  
2 latter years that I was a Security Manager,  
3 there were, to use the terminology, challenges  
4 to Horizon but I don't recall ever seeing any  
5 reference to bugs, errors or defects.

6 Put it this way, in simplistic terms, I was  
7 not aware of any issues with Horizon that could  
8 have caused these discrepancies.

9 **Q.** Can we look at POL00106867, please. It's  
10 page 27. This is an email from Andrew Daley to  
11 a few people. You are included on this email  
12 chain at this point, and it says:

13 "Andy called me and asked whether you guys  
14 (Graham, if FIU have any cases in dispute/new  
15 issues that could affect your case) could put  
16 together some stats on these cases, where the  
17 accused's defence was/is that Horizon data is  
18 unreliable for any amount of reasons given by  
19 the accused."

20 Now, we're going to see from the email above  
21 that, in fact, certainly in Andy Hayward's  
22 opinion, that was inadvertently sent to you and,  
23 in fact, should be Graham Ward. But do you  
24 remember receiving an email in 2010 that sought  
25 to put together statistics on cases where

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1 Investigators] we wouldn't have Horizon disputed  
2 cases other than those reported by the  
3 Investigators, who will have far more details on  
4 the issues than us.

5 "I have attached an article from an IT  
6 magazine, which may have bought this issue to  
7 the fore in the first place which may be of  
8 interest to Ian."

9 So his explanation there is that the  
10 Investigators would have far more details than  
11 he would. As an Investigator, presumably, in  
12 2010 you were aware of a growing number of cases  
13 that disputed the reliability of the Horizon  
14 system.

15 **A.** I think, yeah, in the latter years, there were  
16 more -- as I say, to use the terminology --  
17 challenges to Horizon system. I'm going to say  
18 I wasn't aware of any that were what we would  
19 term successfully challenged in the courts.

20 **Q.** If we have a look at the bottom of page 1 on to  
21 page 2, into page 3 even. We have there  
22 a response from Dave Posnett. It says:

23 "All

24 "Could we please ensure that Rob Wilson, the  
25 Head of Criminal Law, is kept apprised of the

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1 ..."  
2 Then it's over two pages because there's a  
3 blank page:

4 "... situation and included in any further  
5 meetings on the subject."

6 It says this:

7 "Our prosecution cases have faced  
8 an increase in challenges, as well as our civil  
9 cases, so the activities outlined below and  
10 indeed going forward are applicable to both  
11 legal teams."

12 So you would agree that in 2010 there was  
13 an increase in challenges, and your evidence is  
14 yes, but --

15 **A.** I believe so, yes.

16 **Q.** -- they didn't succeed, is ...

17 **A.** Well, I wasn't aware of any that -- as you'd  
18 imagine, if Horizon had been successful  
19 challenged in any case, then you would expect  
20 the whole Security and Criminal Law Team to be  
21 aware of it. But I can recall -- I can't  
22 remember specific cases but I can recall there  
23 were occasions where maybe a memo from the  
24 Criminal Law Team successfully challenged --  
25 sorry, successfully rebutted any challenge,

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1 **A.** Sorry, I don't understand.

2 **Q.** Well, you were aware of an increase in  
3 challenges. You said you may well have thought  
4 about it but did you do anything about it?

5 **A.** As I say, I cannot recall.

6 **Q.** If you had done something about it, would you  
7 recall having done something about it?

8 **A.** Well, let's put it in simple terms. I -- up  
9 until the point I left Post Office, I had no  
10 reason to believe there was anything wrong with  
11 the integrity of Horizon.

12 **Q.** But that wasn't the question. The question was  
13 whether you actually did something about it.

14 You were aware of an increase in cases?

15 **A.** Not as far as I can recall, Mr Blake.

16 **Q.** Can we look at FUJ00154911, please. It's  
17 page 7. We're still in 2010, here, this is May  
18 2010, page 7. This is an email from you at the  
19 bottom half of the page. It says:

20 "Please can you arrange for Penny and Andy  
21 at Fujitsu to supply statements covering the  
22 workings and integrity of Horizon for Up  
23 Hatherley Post Office ... from [and it gives two  
24 dates]. I also need Penny to produce Horizon  
25 data supplied for this period and ARQs ... and

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1 something like that, some sort of wording. So  
2 I think it's possibly in my mindset that Horizon  
3 had been challenged but not successfully. But,  
4 again, it's --

5 **Q.** Didn't an increase in challenges, though, make  
6 you --

7 **A.** I think so, like I say, it's hard to recall but

8 I think there was a growing number in the latter  
9 years, yes.

10 **Q.** Did you not think to yourself "Well, why is  
11 there this growing number? Is this something  
12 that I should be investigating?"

13 **A.** I may well have done, but I cannot recall  
14 thinking that.

15 **Q.** Sorry, I don't understand that answer.

16 **A.** Right, you said -- yeah, I may well have thought  
17 "Ooh, we're getting more challenges", and I may  
18 have thought something about that, but --

19 **Q.** But you didn't do anything --

20 **A.** -- I cannot recall what my mindset would have  
21 been at that time or even if I did have any  
22 thoughts on it.

23 **Q.** Do you recall carrying out any investigation  
24 into the reliability of Horizon, there being  
25 an increase in challenges?

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1 for Andy to produce a schedule detailing all  
2 calls to the [Helpdesk] during this period."

3 So in 2010 you were aware, for example in  
4 this particular case, of a challenge to the  
5 integrity of Horizon?

6 **A.** Yes, as I say, I'm sure I can recall that there  
7 was an increased number of challenges to Horizon  
8 but I believe Penny's statement covered the  
9 integrity of Horizon anyhow.

10 **Q.** Were you not making enquiries of colleagues  
11 about any concerns that they may have had at  
12 this time, an increasing number of cases about  
13 the integrity of Horizon? Was it not something  
14 that was discussed in the office?

15 **A.** Well, as I say, up until 2011 the office was  
16 just me but, at team meetings, we discussed  
17 cases. I can't remember what specifically was  
18 discussed but, yeah, we had team meetings. So  
19 if there would have been any concerns,  
20 collective concerns, no doubt they would have  
21 been discussed but I don't recall anything.

22 **Q.** In the same year, can we look at POL00106848,  
23 we're now at the end of 2010. This is another  
24 case, Pamela Stubbs' case. If we have a look  
25 over the page, it says as follows:

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1 "Along with Graham Brander I met with  
 2 Mrs Stubbs on 17 January and she was convinced  
 3 that Horizon was at fault. She has retained  
 4 daily transaction logs for December to January  
 5 in which time she lost £9,000 is not prepared to  
 6 release this until she can compare it to Fujitsu  
 7 data. I have examined the Fujitsu data and  
 8 cannot see any indications of fraud. She has  
 9 declared all the losses and has been asking for  
 10 assistance for some time. There is  
 11 a possibility (although she will not accept it)  
 12 that an assistant has been taking the money but  
 13 that puts the onus back on her to report it to  
 14 the police. I have sent her the Fujitsu data to  
 15 reconcile with her daily transaction logs but  
 16 from a criminal/fraud point of view there is no  
 17 scope for further investigation into any  
 18 criminal activity."

19 That is a report that reports that you  
 20 attended alongside the Investigator or as one of  
 21 the Investigators in that case. Do you remember  
 22 that case?

23 A. No, but then, as I say, I -- other than  
 24 attending with Mike, whose case it would have  
 25 been, as I say, I don't remember it at all. But

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1 today, other than obviously seeing it in the  
 2 bundle.  
 3 Q. Can we go back to your witness statement,  
 4 paragraph 68, please. That's page 18 of  
 5 WITN08300100. It's page 18. Thank you.  
 6 Paragraph 68 says as follows, the final sentence  
 7 in paragraph 68:

8 "I have no recollection of any reference  
 9 made in relation to any 'Horizon bugs, errors  
 10 and defects' during my time as Security  
 11 Manager."

12 You then go on to talk about the various  
 13 case studies in your statement, and can we look  
 14 at page 32. It's paragraph 114. This is in  
 15 relation to the *Hamilton* case. At  
 16 paragraph 114, page 32, you say:

17 "... it was always my understanding that the  
 18 Horizon system was robust, as this was the  
 19 message that was always instilled in everyone by  
 20 [the Post Office] and I was not aware of any  
 21 reference to 'bugs, errors or defects' relating  
 22 to the integrity of Horizon."

23 Paragraph 126, that's page 34, and that's in  
 24 the context of the Julian Wilson case. It says,  
 25 at 126:

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1 other than attending for interview, I almost  
 2 certainly wouldn't have had any involvement in  
 3 it.

4 Q. You say there's nobody to speak to but here  
 5 you're working with Mike Wilcox. Do you recall  
 6 any discussions about whether there might be  
 7 something in the fact that Horizon was at fault?

8 A. We may well have done at the time but, as I say,  
 9 I do not recall this case at all.

10 Q. If we look at FUJ00156648, that is the Helen  
 11 Rose report that this Inquiry is well aware of.  
 12 This case actually features in that report.  
 13 It's page 2 of the report, the Barkham case. It  
 14 says:

15 "This case was raised following an ongoing  
 16 dispute between Mrs Stubbs and the Post Office,  
 17 regarding an outstanding debt ... Mrs Stubbs is  
 18 suggesting that Horizon is at fault when it was  
 19 moved into a Portakabin during renovations."

20 Were you aware of the Helen Rose report in  
 21 August 2012 and that it was looking into a case  
 22 that you had been involved in?

23 A. I have no recollection of it. It may well have  
 24 been shared with the wider Security Team  
 25 but I certainly have no recollection of it

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1 "... I was not aware of any reference to  
 2 'bugs, errors or defects' relating to the  
 3 integrity of Horizon at this time."

4 If we look at paragraph 143, that's page 39,  
 5 this is in the context of the *Hutchings* case  
 6 that we're going to come to, paragraph 143 says:

7 "... I was not aware of any reference to  
 8 'bugs, errors or defects' relating to the  
 9 integrity of Horizon at this time."

10 Then the paragraph below is a general  
 11 paragraph, which says:

12 "I have been asked to what extent (if any)  
 13 did I consider a challenge to the integrity of  
 14 Horizon in one case to be relevant to other  
 15 ongoing or future cases. My response is that  
 16 I have no recollection of any specific  
 17 challenges to the integrity of Horizon."

18 I mean, weren't all of those cases that  
 19 we've just been looking at challenges to the  
 20 integrity of Horizon?

21 A. Yeah, well, people saying that there might have  
 22 been an issue with Horizon, what I'm saying is  
 23 my recollection of it. From the documentation,  
 24 I can see that people have said "Ooh, I think  
 25 Horizon is at fault", or words to that effect,

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1 but I have no recollection of any specific  
 2 cases, only from what I'm seeing from the  
 3 documentation.

4 **Q.** You can see from the documentation a number of  
 5 contemporaneous cases, 2010/2011, where there  
 6 are challenges to the integrity of Horizon?

7 **A.** Yes.

8 **Q.** Do you not consider that those were important  
 9 information in respect of disclosure in all of  
 10 the cases that you were dealing with that  
 11 challenged Horizon, that there were these other  
 12 cases?

13 **A.** Well, as I've said, it was always the belief  
 14 instilled in us that there was no issues with  
 15 Horizon. If there'd been -- if I had a genuine  
 16 belief that there were issues with Horizon -- it  
 17 was all very well somebody saying, "Ooh, I think  
 18 it's the equipment that's at fault", but, as  
 19 I've said, it was always instilled in us that  
 20 Horizon was robust, that's the terminology that  
 21 was used, I had no reason to disbelieve that.  
 22 We'd had cases that had gone through the court  
 23 system whereby Horizon had been challenged, and  
 24 unsuccessfully.

25 So I think that probably added to my belief

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1 So there is clear reference to an --

2 **A.** Yeah, exactly. I've already said that --  
 3 although I can't recall the specific cases,  
 4 I was aware that there were more challenges to  
 5 Horizon at that time. Put it this way, I can't  
 6 remember going back, say, for the first half of  
 7 when I was a Security Manager there'd been any  
 8 challenges to Horizon, but that may be because  
 9 it's, you know, far longer ago, and I can't  
 10 recall. But it just seemed to have been built  
 11 up maybe last two to three years before I left.

12 **Q.** Clearly, there are a number of people who were  
 13 prosecuted and some who went to prison during  
 14 that two to three years.

15 **A.** Yes.

16 **Q.** Can we look at paragraph 144. You say:  
 17 "I have been asked to what extent (if any)  
 18 did I consider a challenge to the integrity of  
 19 Horizon in one case to be relevant to the other  
 20 ongoing or future cases. My response is that  
 21 I have no recollection of any specific  
 22 challenges to the integrity of Horizon."  
 23 The suggestion there is that you don't  
 24 consider the increase in challenges to be at all  
 25 relevant to those individual cases, that the

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1 that Horizon was robust. So I believed it was  
 2 robust. So, if I felt it wasn't, then that  
 3 would no doubt be something that, not just I,  
 4 everyone would be disclosing.

5 **Q.** Well, we spoke earlier about, for example,  
 6 pursuing reasonable lines of inquiry.

7 **A.** Yes.

8 **Q.** A feeling that the system is robust, do you  
 9 think that is sufficient where you have  
 10 a growing number of cases where people are  
 11 saying that there are Horizon integrity  
 12 problems?

13 **A.** There was a growing number but I'm going to say  
 14 that maybe a handful that I dealt with, I'm  
 15 going to say it wasn't like every case suddenly  
 16 everyone is challenging Horizon but there was --  
 17 for whatever reason, there were more challenges  
 18 to Horizon.

19 **Q.** Weren't those Dave Posnett's exact words about  
 20 a growing number of cases?

21 **A.** Sorry, Mr Blake. I didn't catch that.

22 **Q.** I think those were Dave Posnett's exact words,  
 23 weren't they, "our prosecution cases have faced  
 24 an increase in challenges as well as our civil  
 25 cases"?

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1 fact that number of people were challenging  
 2 Horizon, it seems as though you didn't consider  
 3 that that was relevant?

4 **A.** I think, if it was relevant, there would have  
 5 been a collective response. But, as I say,  
 6 I cannot recall, going back that time --

7 **Q.** What do you mean by "collective response"?

8 **A.** Well, there might have been the fact that,  
 9 right, we're getting all these cases or  
 10 increasing cases that have been challenged in,  
 11 then when people view the reports that go up or  
 12 the committal bundle, or whatever, somebody,  
 13 whether Criminal Law Team or Senior Security  
 14 Manager, say, "Well, we need to start disclosing  
 15 these other cases".

16 I would only be privy to the cases I dealt  
 17 with. There may be references to other cases at  
 18 team meetings but I wouldn't know the detail and  
 19 I certainly wouldn't know cases from the other  
 20 teams in other parts of the country.

21 **Q.** Who was this figure who should have been  
 22 carrying out this task of disclosing --

23 **A.** I don't know.

24 **Q.** Because we spoke earlier about who was  
 25 responsible for the disclosure process.

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1 A. Yeah, obviously --  
 2 Q. I think you said that you were responsible?  
 3 A. -- the onus fell on the Security Manager to  
 4 disclose any relevant material, yes.  
 5 Q. And to pursue reasonable lines of inquiry?  
 6 A. Yes.  
 7 Q. We have number of cases here that challenged  
 8 Horizon, you had team meetings where Horizon  
 9 challenges were mentioned; did you not think  
 10 that it was incumbent on you?  
 11 A. No, no, I said that we had team meetings where  
 12 this may have been a topic of discussion.  
 13 I also said I cannot recall what was covered at  
 14 the team meetings.  
 15 Q. Well, we've seen a number of documents that  
 16 mention challenges to Horizon.  
 17 A. Yeah, absolutely, I agree with you that there  
 18 were clearly a lot more challenges to Horizon  
 19 from maybe 2009/10/11 onwards.  
 20 Q. And a number of people in that period who were  
 21 convicted of criminal offences and who went to  
 22 prison?  
 23 A. Yes.  
 24 Q. So I think what we would like to know from you  
 25 is what went wrong there and why it was that

1 A. I really don't know what else to say.  
 2 Q. We're going to move on now to look at the first  
 3 of our case studies, that's the Jo Hamilton case  
 4 study, the South Warnborough Post Office. Can  
 5 we please bring up on screen POL00113278, and  
 6 it's page 37. I'm just going to briefly take  
 7 you to the Court of Appeal's judgment in the  
 8 case of *Hamilton & Others*. Page 37, please,  
 9 just because you're the first substantive  
 10 witness in respect of the investigation that was  
 11 carried out in this case. It's paragraph 142.  
 12 The Court of Appeal says there:  
 13 "On 19 November 2007, Josephine Hamilton  
 14 pleaded guilty to 14 counts of false accounting.  
 15 The prosecution case was that she had made false  
 16 entries on Horizon making claims about the  
 17 presence of cash on hand which were untrue. The  
 18 prosecution ICL agreed not to proceed with the  
 19 charge of theft (which was ordered to lie on  
 20 file) on the basis that the outstanding shortage  
 21 of [£36,000] was to be paid by the time of  
 22 sentence."

23 The next paragraph says:

24 "Mrs Hamilton's case was that she had not  
 25 stolen the money or acted dishonestly. In

1 there wasn't greater disclosure of those  
 2 challenges to those who were being prosecuted?  
 3 A. As I say, I can only -- I think, when we were  
 4 getting more of these challenges, that was  
 5 more -- there's always been -- I'd no reason to  
 6 ever believe that there was anything wrong with  
 7 Horizon and I think, around about that time,  
 8 there may have been messages coming from above:  
 9 Horizon's robust.  
 10 I cannot recall any specifics or who that  
 11 was but there was always this feeling that,  
 12 whenever there were challenges, then the  
 13 business would say "There's no issues with  
 14 Horizon".  
 15 Q. Given your duties of disclosure, do you think  
 16 a feeling was sufficient or do you think you  
 17 should have been carrying out investigations?  
 18 A. Well, all I can say is I believe I conducted,  
 19 yeah, my inquiries and, you know, the work that  
 20 I was required to do as a Security Manager in  
 21 what I believed to be the correct manner.  
 22 Q. I'm not sure that answers the question of  
 23 whether your feeling were enough and why you  
 24 didn't carry out investigations into the  
 25 integrity of Horizon.

1 a prepared statement to the criminal  
 2 investigation, she described number of  
 3 inadequacies in Horizon which she had  
 4 encountered. Between 23 October 2003 and 9 June  
 5 2006, she had made 26 calls to the Horizon  
 6 Helpdesk. Between 3 December 2003 and 5 January  
 7 2006, she had made numerous calls to the Post  
 8 Office's National Business Support Centre  
 9 Helpline."

10 Scrolling down to the bottom of the page it  
 11 says that:

12 "There was no examination of the ARQ data  
 13 for bugs, errors or defects and no examination  
 14 for evidence of theft. The unfiltered ARQ data  
 15 is no longer available but it appears that there  
 16 was no evidence to corroborate the Horizon  
 17 evidence. There was no proof of an actual loss  
 18 as opposed to a Horizon generated shortage."

19 The Court of Appeal says that they were  
 20 presented with further information which  
 21 bolsters their conclusion that the prosecution  
 22 should not have been brought and which forms  
 23 part of a concession, in fact, by the Post  
 24 Office, and that is that the Post Office  
 25 Investigator had reported that there was no

1 evidence of theft:

2 "despite this, a Post Office internal log  
3 entry for 22 November 2007 records that  
4 Mrs Hamilton's pleas were accepted on the  
5 understanding that unless she repaid the  
6 shortfall by the date for sentence, the Post  
7 Office would proceed with the theft charge."

8 Paragraph 147, the Court of Appeal says:

9 "The Post Office concedes that it was  
10 unacceptable to hold open the threat of the  
11 theft charge unless Mrs Hamilton agreed to forgo  
12 any criticism of Horizon. We regard this as  
13 even more alarming in circumstances in which the  
14 Post Office's own investigator had reported  
15 there was no evidence of theft."

16 It says:

17 "The Post Office's conduct gives a firm  
18 impression that the condition of repayment in  
19 return for the Post Office dropping the theft  
20 charge placed undue pressure on Mrs Hamilton.  
21 It gives the impression that the Post Office was  
22 using the prosecution process to enforce  
23 repayment."

24 Now, I'm going to take you through a few  
25 documents in relation to this case. I'm going

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1 **Q.** Yes. If we look at that summary there, it seems  
2 as though she wasn't in attendance because she  
3 was too ill, so the keys were obtained. Once  
4 the keys had been obtained, the three of you  
5 went to conduct the audit; is that correct?

6 **A.** Yeah.

7 **Q.** Let's read below the figures that are given  
8 there, it says:

9 "Due to the disarray of the branch, and our  
10 inability to locate essential weekly paperwork,  
11 it was not possible to verify volume stock  
12 remittances. This was compounded by a problem  
13 encountered on Horizon requiring it to be  
14 rebooted. An additional £61.77 shortage was  
15 consequently highlighted by Horizon which could  
16 not be accounted for, and the total shortage put  
17 to late accounts was £36,644."

18 Are we to understand there that the auditors  
19 themselves actually experienced a problem with  
20 Horizon when they attended the audit?

21 **A.** It looks like it, yes. Unless -- I don't think  
22 it was uncommon that Horizon has to be rebooted.  
23 I think it was the old switch it off and switch  
24 it on again.

25 **Q.** It seems as though an additional £61.77 shortage

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1 to start with the Auditor's report. It's at  
2 POL00044497. It is 9 March 2006, "Audit of Post  
3 Office". The first paragraph says:

4 "... I met the Area Intervention Manager  
5 Elaine Ridge, and Graham Brander, Investigations  
6 Manager.

7 "The subpostmistress, Josephine Hamilton,  
8 was not in attendance at all throughout the  
9 audit being too ill. Elaine went to her home  
10 address, retrieved the keys, and Graham, Elaine  
11 and myself entered the secure area to commence  
12 the audit."

13 So it seems there were three of you who were  
14 in the secure area to commence the audit; is  
15 that correct?

16 **A.** Yes, three of us went in but the Auditor would  
17 have done the audit.

18 **Q.** So prior to having reached any conclusion as to  
19 the results of the audit, you were already in  
20 attendance?

21 **A.** Yes.

22 **Q.** Yes. You were also aware at that time that Jo  
23 Hamilton was too ill to attend?

24 **A.** I'm not sure when I became aware of that. It  
25 might have been when I attended.

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1 was identified after it was switched on and  
2 switched off again; is that correct?

3 **A.** Yeah.

4 **Q.** If we can read at the bottom of the page it  
5 says:

6 "Upon reaching the result Elaine visited  
7 Mrs Hamilton and precautionary suspended her."

8 Am I right to understand that you also  
9 attended Ms Hamilton's address?

10 **A.** Well, I don't recall it but, yes, I did.

11 **Q.** Perhaps we can look at your witness statement in  
12 this respect. It's paragraph 85 of your witness  
13 statement. It's page 24 at the top of the page.  
14 You say this, in respect of your attendance at  
15 Mrs Hamilton's home address, you say:

16 "The purpose of my attendance was to advise  
17 Ms Hamilton that I would be conducting  
18 an investigation into the audit shortfall and  
19 would like to interview her."

20 Why did you attend her address on that day  
21 in person?

22 **A.** I was -- again, from reading the documentation,  
23 I was asked by my team leader to attend because  
24 there were concerns that there was going to be  
25 a shortfall. I don't recall a situation before

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1 or after where I was asked to do that. So,  
2 obviously, when there's a significant shortfall,  
3 we would invite the person, you know, suspected  
4 of having committed a criminal offence to attend  
5 an interview.

6 So as -- again, I can't recall exactly what  
7 the mindset was but, as Elaine was going back to  
8 precautionary suspend her, whether it was my  
9 decision to go with her or whether I phoned  
10 Geoff and Geoff said to go with her to do that,  
11 I don't know. But, either way, from the  
12 documentation, I went with Elaine just to  
13 introduce myself and to say face-to-face, you  
14 know, what would be the process in respect of  
15 what I would be conducting.

16 **Q.** Many regulators or similar bodies often send  
17 written requests for an interview. We have here  
18 a case, it's a village Post Office, a lady who  
19 was well established in the local community,  
20 approaching 50 years old with two children.  
21 I don't think -- you didn't have any information  
22 to suggest, for example, that she was a flight  
23 risk or anything along those lines, did you?

24 **A.** No, it wasn't a concern. It -- I could have  
25 easily not gone and just written to her but

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1 investigation.

2 **Q.** All of that could have been done in writing.

3 **A.** It could have been.

4 **Q.** You were aware she was unwell and was  
5 cooperating. The suggestion might be made that  
6 you went to her home address to have a little  
7 look around?

8 **A.** Why would I be having a look around?

9 **Q.** Were you looking to see her lifestyle, for  
10 example?

11 **A.** And I would know that from ten minutes in her  
12 house?

13 **Q.** Mr Brander you're quite a large gentleman; do  
14 you think it might have been quite intimidating  
15 to Mrs Hamilton --

16 **A.** As I've said previously, Mr Blake, I don't doubt  
17 for one minute that every time members of the  
18 Security team attended a branch, it was  
19 intimidating for somebody, irrespective of our  
20 size.

21 **Q.** But it wasn't just intimidating; it was also  
22 unnecessary, wasn't it?

23 **A.** Well, it certainly wasn't my intention. I could  
24 have easily not gone and just sent the letter  
25 out, which I did later that day, but I just must

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1 I think it was just -- courtesy is not the right  
2 word but it was just a case of -- again, I can't  
3 recall it but I just assume it was just Elaine  
4 was going there to precautionary suspend her and  
5 I went with her just to explain -- so that  
6 Mrs Hamilton wasn't all "Well, what happens  
7 next?"

8 This is what has happened next and it can be  
9 seen from the documentation that we're in and  
10 out in ten minutes. It wasn't a lengthy visit  
11 it was purely just to say this is what my role  
12 is, and I said, "Please contact me when you're  
13 ready because I understand that you've been  
14 signed off on sick leave". So there was no  
15 pressure applied. It was just really for  
16 Mrs Hamilton's information as to, you know, what  
17 was going to be conducted in respect of my  
18 investigation.

19 **Q.** Mr Brander, she had already given her keys to  
20 the Area Manager for the audit to be conducted.  
21 You were aware that she was unwell at the time.  
22 What was the purpose of attending her home  
23 address on that occasion?

24 **A.** As I said, to explain -- introduce myself and  
25 explain the process for the criminal

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1 have felt it was more appropriate just to go and  
2 introduce myself, as I was there, for no other  
3 reason.

4 **Q.** You gave evidence earlier today about attendance  
5 with the Auditors. It seems, from hearing your  
6 evidence earlier and from hearing other  
7 evidence, that there was certainly a practice  
8 that built up that Security Managers would  
9 attend with Auditors, there would be a number of  
10 people attending. Is this part of that  
11 practice, that it was important for you as  
12 a Security Manager, to make your presence known  
13 on that occasion?

14 **A.** I went there because I was asked to attend by my  
15 team leader and, as I said, I cannot recall any  
16 other incidents, in my 12 years, where I would  
17 have attended in that scenario. If we were  
18 attending -- attending with the intention to  
19 pursue the investigation at the time, there  
20 would have been at least one other colleague and  
21 possibly two other colleagues. But, as I went  
22 on my own, it was purely just to see what  
23 discrepancy, if any, there was and then, at that  
24 time, whether it was my decision to go with  
25 Elaine or whether I spoke to Geoff and Geoff

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1 said, "Go and introduce yourself and do this";  
 2 I honestly can't recall.  
 3 **Q.** You said that you recall that you were asked to  
 4 attend by a team leader; is that your  
 5 recollection or isn't it your recollection?  
 6 **A.** I have no recollection but that's what the  
 7 documentation suggests.  
 8 **Q.** Where in the documentation does it suggest that  
 9 your team leader suggested that you attend?  
 10 **A.** Well, I believe it's in some of the emails.  
 11 **Q.** Okay, well, we can have a look at those emails  
 12 in due course.  
 13 **A.** Well, the information would have been passed on  
 14 to Geoff Hall, as is in the documentation, and  
 15 then for that to have been given to me as  
 16 a case, or just to attend, Geoff Hall would have  
 17 instructed me to do so.  
 18 **Q.** To attend in person?  
 19 **A.** Yes. I --  
 20 **Q.** To attend her home address?  
 21 **A.** I wouldn't have just done that off my own bat.  
 22 **Q.** To attend her home address?  
 23 **A.** Well, to actually go out to the audit. I didn't  
 24 know until that point whether the keys had been  
 25 obtained or -- I think I was -- I didn't know

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1 one other colleague where we would be intending  
 2 to conduct interviews on that day. But,  
 3 clearly, in this case, there was no intention.  
 4 So I'm not really sure why I was asked to spend  
 5 the morning there, effectively, witnessing  
 6 something which the Auditor could ordinarily  
 7 have relayed back to us, as would have been the  
 8 normal case, other than the fact that Geoff must  
 9 have asked me to go there.  
 10 **Q.** Looking back at that, do you think that it  
 11 wasn't appropriate to attend?  
 12 **A.** I can't say it wasn't appropriate. As I say,  
 13 it's ...  
 14 **Q.** Were there any guidelines in place in respect  
 15 of, for example, someone who was unwell, whether  
 16 attendance at their home address was appropriate  
 17 or not appropriate?  
 18 **A.** I honestly don't know but, obviously, when I was  
 19 there, I certainly wasn't looking to do anything  
 20 relating to the investigation at that time.  
 21 I made that clear and I left it entirely with  
 22 Mrs Hamilton to contact me when she felt in  
 23 a position to do so. So I felt that I had, you  
 24 know, acted fairly.  
 25 **Q.** Did your presence add any value that a letter

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1 Elaine Ridge, so I was just asked to attend and  
 2 meet this person and the auditor.  
 3 **Q.** What I'm trying and to understand is why you  
 4 were an essential element to attendance on that  
 5 day. So we have the auditors, they're carrying  
 6 out an audit.  
 7 **A.** Yeah.  
 8 **Q.** We have the regional manager who has obtained  
 9 the keys.  
 10 **A.** Yeah.  
 11 **Q.** Why was it necessary -- we have an audit report  
 12 so they report what they've carried out?  
 13 **A.** Yeah --  
 14 **Q.** Why was it necessary for a large Security  
 15 Manager to attend on that day?  
 16 **A.** I completely understand what you're saying,  
 17 Mr Blake, and, as I have said, I do not recall  
 18 a situation, either before or after, where I had  
 19 been asked to attend because, if there was  
 20 a discrepancy, that could have been relayed back  
 21 to us and we could have just dealt with it as we  
 22 normally would do.  
 23 I can't -- I don't know why I was asked to  
 24 attend because the only other time that I've  
 25 attended an audit would have been with at least

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1 couldn't have?  
 2 **A.** Oh, no, absolutely. It could have been done  
 3 afterwards. As I say, I went to the house, no  
 4 doubt, because I was at the audit and Elaine was  
 5 going there to do the suspension. So, as  
 6 I said, I don't know if it was my decision to go  
 7 or whether I spoke to Geoff, because obviously  
 8 I'd been relaying back whether there was  
 9 a shortfall or not to Geoff, and whether Geoff  
 10 advised me to go there, I honestly can't recall.  
 11 **Q.** Okay, so when you say your attendance was  
 12 required by the team leader, you mean your  
 13 attendance at the audit not at Mrs Hamilton's  
 14 home address --  
 15 **A.** Yes.  
 16 **Q.** -- and it was a personal decision to attend the  
 17 home address or you can't recall?  
 18 **A.** I can't recall whether that was my decision to  
 19 go with Elaine, because she was going there  
 20 anyhow, or whether I would have spoken to Geoff  
 21 and Geoff suggested I went there.  
 22 **Q.** Do you have any reflections on even the  
 23 attendance of Elaine and the termination of the  
 24 contract in person? Do you think that needed to  
 25 happen in person?

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1 A. Well, just for clarity, there was no termination  
 2 of the contract. They were precautionary  
 3 suspended. But if -- put it this way, if I'd  
 4 have thought that there was an issue with it,  
 5 I wouldn't have gone but I don't know whether  
 6 that was an instruction or whether I just felt  
 7 it appropriate at that time, as I was there, to  
 8 just introduce myself. Nothing more than that,  
 9 just to introduce and explain to Mrs Hamilton,  
 10 you know, what the nature of the investigation  
 11 would be.

12 Q. Looking back at it, do you still think it was  
 13 appropriate?

14 A. I really don't see that I did anything wrong by  
 15 doing that, no. I'll say if Mrs Hamilton felt  
 16 intimidated by me being there then I can only  
 17 apologise but that certainly wasn't in my  
 18 mindset that she would have felt that way. And,  
 19 again, that was more the reason why we were  
 20 literally we in and out.

21 Q. Can we look at POL00044389, please. This is the  
 22 investigation report of 19 May. If we look at  
 23 the final page, it has your name as the  
 24 Investigations Manager. Thank you. Can we look  
 25 at page 3, please.

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1 I introduced myself to Mrs Hamilton and her  
 2 mother, showing both of them my identity card.  
 3 I was present when Ms Ridge precautionary  
 4 suspended Mrs Hamilton's contract for services."

5 It then says, if we could scroll down  
 6 slightly:

7 "I explained to Mrs Hamilton that I wasn't  
 8 able to discuss anything relating to the audit  
 9 deficit until the interview. Mrs Hamilton made  
 10 no significant statement at that time. I was at  
 11 the private residential for ten minutes, leaving  
 12 with Ms Ridge at 11.00. Mrs Hamilton's mother  
 13 was present the whole time, a copy of my  
 14 notebook entry can be found ..."

15 Then if we have a look slightly further down  
 16 the page, it says:

17 "Having analysed the Horizon printout and  
 18 accounting documentation, I was unable to find  
 19 any evidence of theft or that the cash figures  
 20 had been deliberately inflated."

21 Now, we know that you're not an accountant,  
 22 and that you don't have a background in those  
 23 kinds of matters. Can you assist us with how it  
 24 would be that you would find evidence of theft,  
 25 looking at those printouts?

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1 I'm just going to take you through certain  
 2 sections of the investigation report. It says  
 3 there:

4 "Whilst at the Post Office, I obtained some  
 5 Horizon printouts and accounting documentation,  
 6 including cash account finals and branch trading  
 7 statements."

8 Am I right in saying that you obtained the  
 9 data from the Horizon system, so we're not  
 10 talking here about any audit data, ARQ data?

11 A. No.

12 Q. This is printouts?

13 A. These are physical printouts, yes. That -- the  
 14 Horizon printouts and accounting documentation  
 15 would have been items that a postmaster would be  
 16 required to generate whenever they do their  
 17 daily transaction summaries or weekly or  
 18 accounting at the end of either the week, when  
 19 it was cash accounts, or the end of the month,  
 20 when it was branch trading. But there may well  
 21 have been some Horizon printouts that the  
 22 Auditor generated.

23 Q. It then says:

24 "At 10.50 hours, together with Ms Ridge  
 25 I attended Mrs Hamilton's private residence.

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1 A. Quite often you wouldn't. Because a lot of the  
 2 printouts were just summaries of transactions  
 3 conducted during the course of the week. So you  
 4 might have -- I don't know, say something that  
 5 says X amount of giro deposits, totalling X  
 6 amount, which wouldn't necessarily tell you that  
 7 much.

8 There could be things like -- things that we  
 9 would look at would be like cash declarations so  
 10 you would look to see whether there was one done  
 11 shortly after a previous one. So it might be  
 12 that somebody has declared the true cash on hand  
 13 followed by with what I would have referred to  
 14 an inflated figure but, again, looking at the  
 15 reports and documentation it appeared that only  
 16 one declaration was being done at a time. So  
 17 when I'm making that statement, it's not like  
 18 "Here's the true cash, here's the inflated  
 19 cash"; there was just one declaration.

20 And although, obviously, the amount's been  
 21 declared, based on the physical cash that was  
 22 found on hand, it would have appeared that they  
 23 were being inflated, I didn't have the true one  
 24 followed by what I would have referred to as the  
 25 inflated one.

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1 Q. So if we look at the final paragraph, for  
2 example, one of the things you looked at was  
3 whether there was an occasion where a genuine  
4 cash figure would be declared followed by  
5 an inflated figure. That was one kind of  
6 investigation that --

7 A. Yes, that's what I've just referred to, yes.

8 Q. If we go over the page to page 4, the  
9 penultimate paragraph on page 4, you say:

10 "In my experience, it was unusual to see  
11 regular deposits, all round figures, although  
12 I now believe that these represent genuine  
13 deposits, possibly the shop takings."

14 So, again, was another thing you looked for  
15 whether there were lots of round numbers, as  
16 opposed to decimal figures?

17 A. No, I think it was -- I was looking at, you  
18 know, large figures. But, again, if somebody's  
19 banking shop takings, they would generally, you  
20 know, to make things account with like their  
21 private retail, it might be, say for instance,  
22 if somebody is banking £2,000, it might be that  
23 they want to bank £2,235.60.

24 For instance, when I go back to my days  
25 working in a post office as a counter clerk,

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1 any training in respect of other matters. It  
2 also refers to an alleged £1,500 error, which  
3 doubled to £3,000, when attempts were made to  
4 correct it, and another error of £750. No dates  
5 are supplied in respect of those alleged errors.  
6 It also suggests that the Post Office's systems  
7 are shambolic and details alleged problems  
8 encountered. It states that all staff used the  
9 same Horizon username, again citing a lack of  
10 training for this."

11 Over the page, thank you. Finally, it  
12 states:

13 "I can say that I've never stolen any money  
14 or acted dishonestly."

15 If we look down, please, down the page, you  
16 showed Mrs Hamilton a couple of branch trading  
17 statements. Those are, I think, the documents  
18 that were printed off the Horizon system. If we  
19 please go over the page to page 7, this is the  
20 relevant part that I think was highlighted at  
21 the bottom of this page by the Court of Appeal.  
22 It says as follows:

23 "I'm unable to state what would appear to be  
24 the period of offending, mainly due to the fact  
25 that Mrs Hamilton responded no comment to my

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1 et cetera, et cetera, we wouldn't necessarily  
2 get round amounts. From all the shops that paid  
3 in, it might be like £2,226.46, because that was  
4 of the takings of the day. So that's what  
5 I would mean by I wouldn't necessarily have seen  
6 rounded figures because, if somebody is making  
7 a deposit, and it's just a round figure,  
8 potentially, that could have been somebody  
9 making a fraudulent entry.

10 Q. So are we to read into this that the  
11 investigation that you carry out in respect of  
12 the printouts is a slightly unscientific look at  
13 the figures to see if there's anything that  
14 stands out?

15 A. Yeah. Exactly because you've literally just got  
16 printouts and nothing more that you can sort or  
17 filter.

18 Q. Could we look at page 5, please, the bottom of  
19 page 5. It then refers to the prepared  
20 statement that was read out at the interview and  
21 it says:

22 "The prepared statement seems to intimate  
23 that she didn't receive adequate training at the  
24 time and that the manuals were old and out of  
25 date. It also suggests that she didn't receive

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1 questions. You may wish to consider a charge of  
2 theft for the audit deficit of £36,000 ..."

3 Sorry, this isn't the part that was  
4 mentioned by the Court of Appeal, that's going  
5 to come shortly but here you're doing exactly  
6 the thing that we talked about earlier, which is  
7 saying you may want to consider a charge of  
8 theft; is that correct? You're suggesting  
9 a potential charge there?

10 A. Well, in such wording "You may wish to consider  
11 a charge of theft", yes.

12 Q. Then you say:

13 "The only evidence appears to be the fact  
14 that the audit identified the money as missing.  
15 Concerns only came to light following a request  
16 to return excess cash and instead of doing so  
17 Mrs Hamilton was signed off as sick.  
18 Additionally, Mrs Hamilton has only supplied  
19 a prepared statement as some form of  
20 explanation, yet refused to answer any  
21 questions."

22 How is it that you can say that it was  
23 a case of theft and they may want to consider  
24 a charge of theft if the only evidence was that  
25 the audit identified the money as missing? How

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1 is that sufficient, in your view, to justify the  
2 previous paragraph?  
3 **A.** Well, because there's a significant shortfall  
4 and, at the time, we weren't aware of any issues  
5 with Horizon. So --  
6 **Q.** Well, you were aware that issues had been raised  
7 with Horizon by Mrs Hamilton. How can you reach  
8 the conclusion --  
9 **A.** Yeah, yeah --  
10 **Q.** -- that they may wish to consider a charge of  
11 theft when you yourself made clear in your  
12 investigation report that the only evidence  
13 appears to be the fact that the audit identified  
14 the money as missing?  
15 **A.** Yes. Well, in terms of theft but, also, I do  
16 make mention the fact that the purported cash on  
17 hand increases over a period of time. I also  
18 make mention that -- and, again, I do a schedule  
19 as well, showing that the cash was recorded up  
20 until quite some time prior to the audit and  
21 then that ceased for some reason.  
22 But, yeah, as far as the theft charge, it  
23 was. It was simply the case that a large  
24 shortfall and I had no reason to believe that  
25 the cause of that was anything other than the

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1 let's leave it up to the jury?  
2 **A.** No, if I believed that some had stolen the  
3 money, I believe that that would be a dishonest  
4 act but I wouldn't report that I believed it to  
5 be dishonest.  
6 **Q.** So was your view that, in any cases where  
7 an audit identified the money as missing, that  
8 would be a crime of theft, irrespective of the  
9 circumstances?  
10 **A.** Yeah, if there was a significant audit shortage  
11 that there was no reasonable explanation for,  
12 then that would be, to me, evidence of  
13 a criminal offence.  
14 **Q.** Was that something -- a criminal offence, yes,  
15 but in terms of theft --  
16 **A.** Well, evidence of theft, yes.  
17 **Q.** -- was there any internal guidance or was it  
18 just a gut feeling that, if money is missing,  
19 it's theft?  
20 **A.** Well, I don't think it was as clear-cut as that,  
21 but, yeah, in situations like this, where  
22 there's a large shortfall, I think that was just  
23 everyone's belief that it would, you know, it  
24 would be down to theft or fraud because as  
25 I say, people weren't always charged with theft.

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1 fact that someone had stolen the money.  
2 **Q.** Were you aware at that time that theft required  
3 proof of dishonesty?  
4 **A.** Yes.  
5 **Q.** Where in those two paragraphs, where you're  
6 recommending a charge of theft and saying that  
7 the audit identified cash money as missing, do  
8 you identify any element of dishonesty?  
9 **A.** No, there's nothing in the report to say that.  
10 **Q.** So do you think it was appropriate in those  
11 circumstances, where there's nothing in the  
12 report to suggest dishonesty, to suggest  
13 a charge of theft?  
14 **A.** Well, from my recollection, dishonesty is  
15 always -- not always the easiest part of the  
16 elements of the points to prove for theft to  
17 prove, and it's down to would the layman,  
18 average man or woman on the street, think it  
19 a dishonest act or would the person themselves  
20 think it was a dishonest act? I don't recall  
21 ever, in the report, writing whether I felt it  
22 was dishonest in a report. I didn't see that  
23 was a requirement.  
24 **Q.** So you didn't have a view as to whether it was  
25 dishonest or not and, in essence, your view was

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1 In this case, I'm asking them to consider  
2 a charge of theft, but --  
3 **Q.** But you're accepting there, are you, that there  
4 was, at that stage, no evidence of dishonesty?  
5 **A.** If I -- if I believed somebody had stolen money,  
6 I'd believe them to be dishonest.  
7 **Q.** Where's the evidence that they've stolen money?  
8 **A.** Well, as I say, the significant shortfall.  
9 **Q.** Yes. Where does that lead you to the conclusion  
10 that the money has been dishonestly  
11 appropriated?  
12 **A.** I couldn't see where the money had gone.  
13 **Q.** Didn't Mrs Hamilton tell you that there was  
14 a problem with Horizon?  
15 **A.** I can't remember everything that was on the  
16 prepared statement but she was saying that she's  
17 had some issues and, obviously, we looked into  
18 that, in terms of obtaining call logs and  
19 I think it was Andy Dunks produced the call logs  
20 in evidence.  
21 **Q.** You did look into it, actually, and we can see  
22 over the page, page 8, the same investigation  
23 report. You say:  
24 "I requested Horizon data in respect of this  
25 case, covering the period 9 February 2006 to

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1 8 March 2006. This wasn't received until after  
 2 I had interviewed Mrs Hamilton. I've now had  
 3 a chance to view the data and I'm unable to  
 4 identify anything of an incriminating nature."  
 5 So, in fact, in your own investigation  
 6 report, you're saying you've reviewed the ARQ  
 7 data and haven't found anything incriminating.  
 8 **A.** Yes.  
 9 **Q.** So again --  
 10 **A.** In that one-month period, yes.  
 11 **Q.** -- does that support or undermine a charge of  
 12 theft?  
 13 **A.** I'm simply saying I've analysed one month of  
 14 data and haven't found anything of  
 15 an incriminating nature. So I haven't found  
 16 where the money has gone and I haven't found any  
 17 evidence, whereby things like declaring the true  
 18 cash on hand followed by a fraudulent figure, as  
 19 referred to earlier.  
 20 **Q.** So might that support her explanation or might  
 21 it support your view that it was theft?  
 22 **A.** I don't think it really changed. I'm going to  
 23 say it's hard to recall going back all that time  
 24 what my mindset was.  
 25 **Q.** Well, looking at it now, we see that you've  
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1 "In view of the fact that the prepared  
 2 statement suggests that numerous problems had  
 3 occurred at South Warnborough Post Office  
 4 I requested and subsequently received details of  
 5 calls made to both the Network Business Support  
 6 Centre and the Horizon Support Helpdesk. From  
 7 the NBSC log, it can be seen that numerous calls  
 8 were made requesting advice on a number of  
 9 subjects. It also details a number of losses  
 10 reported, details as follows ..."  
 11 It sets out each of those losses and it says  
 12 below that:  
 13 "Both the NBSC and HSH call logs detailed  
 14 reported problems in respect of the Horizon  
 15 kit."  
 16 So it seems there as though she was  
 17 contemporaneously reporting problems with  
 18 Horizon to the Helpdesk.  
 19 **A.** Yeah, it refers to problems with the Horizon  
 20 kit, yes.  
 21 **Q.** Yes. In your experience, what kind of a thief  
 22 would call their victim, three years before  
 23 they're investigated, to ask the victim to help  
 24 them identify where the missing money was?  
 25 **A.** Sorry, you've lost me there.  
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1 looked at the data, you're unable to identify  
 2 anything of an incriminating nature. Does that  
 3 support or undermine a charge of theft?  
 4 **A.** I say it was purely just for one month of data.  
 5 If I'd have had access to the whole data and  
 6 analysed that and didn't find anything of  
 7 an incriminating nature, then that might have  
 8 affected my mindset more so than just analysing  
 9 one month.  
 10 **Q.** So your view is that one month's worth of data  
 11 that doesn't contain anything incriminating is  
 12 of no evidential value?  
 13 **A.** I think, again, I can only go on what was in the  
 14 report. As I say, I don't recall the case.  
 15 I --  
 16 **Q.** I'm not asking you to recall the case, just  
 17 looking at it now --  
 18 **A.** I understand that.  
 19 **Q.** -- with 12 years of experience as a Security  
 20 Manager, is your view that, having not found  
 21 anything of an incriminating nature in one  
 22 month's worth of ARQ data, that supports or  
 23 undermines a case of theft?  
 24 **A.** I don't really see it does either.  
 25 **Q.** Okay, well, let's move on to the next paragraph:  
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1 **Q.** We have there Mrs Hamilton phoning the Post  
 2 Office --  
 3 **A.** Yeah.  
 4 **Q.** -- the alleged victim of a loss --  
 5 **A.** Yeah.  
 6 **Q.** -- saying, "I'm experiencing these losses. Can  
 7 you help me find it?"  
 8 **A.** Yeah.  
 9 **Q.** In your experience, how on earth can that  
 10 support a case for theft? Surely that  
 11 undermines a case for theft, doesn't it?  
 12 **A.** I'm not sure it does. I mean to say, I think it  
 13 was Colin Woodbridge went out and looked at it,  
 14 these -- they're not all individual shortfalls;  
 15 they were shortfalls that obviously started at  
 16 £2,000-odd and ended up at £3,000-odd, as per  
 17 what Mr Colin Woodbridge had reported. And,  
 18 from what I can remember of the documentation,  
 19 he went out there and couldn't find anything  
 20 wrong.  
 21 **Q.** We have Mrs Hamilton phoning the Helpdesks in  
 22 2003, 2004, 2005, 2006, reporting missing funds.  
 23 **A.** Yeah.  
 24 **Q.** If the crime of theft requires dishonesty --  
 25 **A.** Yeah.  
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1 Q. -- does this support or undermine a case of  
2 theft?  
3 A. Well, as I say, collectively the £2,000 became  
4 the £3,000 and then there's one for £750 and, in  
5 Mrs Hamilton's prepared statement, she mentioned  
6 something along the lines of £1,500 which  
7 doubled to £3,000, which, without her giving me  
8 dates, I assume is the first four entries, and  
9 then the £750 afterwards, and then there's  
10 another one for £1,000. So that's quite small  
11 amounts in respect of the overall deficit of  
12 £36,000.

13 Q. We have 1, 2, 3, 4, 5, 6 entries. If we scroll  
14 up, these are calls made to the Post Office  
15 requesting advice on discrepancies. In your  
16 experience, as an Investigator, would it be  
17 usual or unusual for a thief to call up the Post  
18 Office to tell them how much money they had been  
19 missing?

20 A. I have absolutely no idea whether these may well  
21 have been genuine losses at the time, and  
22 whether money was dishonestly appropriated after  
23 that time.

24 Q. We have, in the paragraph below, it says:  
25 "I explained to Ms Taylor that the Post  
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1 Looking back at that, looking at her  
2 explanation in her interview, looking at all  
3 those points that I've just taken you to, do you  
4 think that your statement within this  
5 investigation report, that the criminal team  
6 should consider a charge of theft, was  
7 appropriate.  
8 A. At the time, I would have done, obviously. Now,  
9 it's many, many years since I've been in the  
10 investigation role, so it's very hard to  
11 comment. But, yes, I'll say it was  
12 a significant shortfall, so I'm sending it up to  
13 the Legal team, asking for their expertise as to  
14 whether they feel that criminal charges are  
15 brought against Ms Hamilton.  
16 Q. You're also suggesting what criminal offence  
17 they should charge, weren't you?  
18 A. Earlier on, I've asked they may wish to consider  
19 theft, yes.  
20 Q. Having considered all those things that we've  
21 looked at just now, do you still consider that  
22 that was an appropriate recommendation to make?  
23 A. As I say, I have no recent experience of  
24 conducting criminal investigations but, at that  
25 time, that would have been my thought. But  
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1 Office would be looking to recover the funds  
2 owing from Mrs Hamilton and that any payments  
3 would be accepted without prejudice."

4 Was it important for the Post Office to  
5 recover the money?

6 A. That was -- something we were tasked with was  
7 trying to recovery monies owed to Post Office,  
8 yes, from criminal investigations.

9 Q. Then we have at the bottom there, at the bottom  
10 of page 8, your summary:

11 "During the course of this investigation,  
12 the following failings were identified. It was  
13 identified that this office had been holding  
14 approximately £25,000 more than its ONCH targets  
15 but excessive cash holdings appeared to have  
16 gone unnoticed for some time."

17 Over the page please:

18 "In Mrs Hamilton's prepared statement, it  
19 states that all staff used the same Horizon  
20 username. The prepared statement suggests that  
21 Mrs Hamilton didn't comply with all the training  
22 aids sent to her. These papers are now  
23 forwarded to you for sight and advice on the  
24 sufficiency of the evidence as whether criminal  
25 charges are brought against Mrs Hamilton."  
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1 ultimately.

2 Q. You have 12 years of experience of criminal  
3 investigations.

4 A. Yes.

5 Q. You've been provided with this investigation  
6 report. We've gone through it.

7 A. Yes.

8 Q. Looking back at the points that I've highlighted  
9 to you, do you still think that recommending  
10 a charge of theft was appropriate?

11 A. Again --

12 Q. I'm not asking you at the time what you thought,  
13 I'm asking you --

14 A. I appreciate that, Mr Blake.

15 Q. -- now, looking back?

16 A. I'm not recommending, I'm asking them to  
17 consider. They are the legal experts. No  
18 solicitor is going to think "Ooh, the Security  
19 Manager has suggested or asked me to consider  
20 this charge, I'll go with that". They will use  
21 their legal expertise to determine, based on the  
22 law, what if any charges they feel our  
23 appropriate.

24 Q. I don't think you've answered the question as to  
25 whether you still think it's appropriate. But  
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1 if we stick with that, is it really your view  
 2 that it didn't really matter what you  
 3 recommended because the Criminal Law Team would  
 4 make up their own minds?  
 5 **A.** Yes, we were asked to sort of say, you know, you  
 6 may wish to consider a particular offence as  
 7 part of their report but, ultimately, the  
 8 Criminal Law Team will advise on it and then  
 9 a Senior Manager will decide whether we  
 10 prosecute or not.  
 11 **Q.** I think your evidence is that you still think  
 12 that that was appropriate?  
 13 **A.** I really don't because it's been so long since  
 14 I have done it -- or whether I've had 12 years'  
 15 experience or not, I've really struggle remember  
 16 details of what I did as a Security Manager.  
 17 It's only through looking at the documentation  
 18 that I'm gaining an understanding as opposed to  
 19 a recollection.  
 20 **MR BLAKE:** Sir, I think, unless you have any  
 21 questions, that might be an appropriate moment  
 22 to take our lunch break.  
 23 **SIR WYN WILLIAMS:** Yes, start again at 2.00, yes?  
 24 **MR BLAKE:** Thank you very much.  
 25 (1.00 pm)

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1 grateful if you would arrange for copies of the  
 2 requested statements to be sent to me as soon as  
 3 possible."  
 4 So are we to understand from this that Jo  
 5 Hamilton had given you signed authority to  
 6 obtain her bank details for the relevant period  
 7 of the alleged offending.  
 8 **A.** Yes.  
 9 **Q.** Can we just look back at your witness statement  
 10 for this Inquiry, that's WITN08300100 and it's  
 11 page 24, paragraph 85, please. It's actually  
 12 page 25, paragraph 93.  
 13 At the very end of that paragraph, at the  
 14 very bottom of the page, it begins "I", and then  
 15 if we scroll down over the page, it says:  
 16 "I can also see that I sought to obtain bank  
 17 statements relating to Ms Hamilton."  
 18 Do you think that is a fair reflection of  
 19 the evidence? I mean, one thing you don't  
 20 mention there is that you don't mention that  
 21 Ms Hamilton had given you permission. It reads  
 22 perhaps as though you sought to obtain them from  
 23 Mrs Hamilton but had not been provided with  
 24 them.  
 25 **A.** Sorry, I think that was just a summary of the

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1 (The Short Adjournment)  
 2 (2.00 pm)  
 3 **MR BLAKE:** Good afternoon, sir, can you see and hear  
 4 me?  
 5 **SIR WYN WILLIAMS:** Yes, I can, thank you.  
 6 **MR BLAKE:** Thank you very much.  
 7 Mr Brander, I've got a few more questions on  
 8 the case of Hamilton and then we will move on to  
 9 the other two case studies, but they'll be quite  
 10 brief, and then I have a few miscellaneous  
 11 topics, some of which have been suggested by  
 12 other Core Participants.  
 13 **A.** Okay.  
 14 **Q.** Can we begin, please, with POL00118745, please.  
 15 This is a letter dated 30 June 2006 to the  
 16 manager at Nationwide Building Society. It's  
 17 a letter you wrote, and I'm just going to read  
 18 to you from it. You say there that:  
 19 "Mr and Mrs Hamilton have given you signed  
 20 authority for bank account details to be  
 21 disclosed to [you].  
 22 "Unfortunately, to date, I have not received  
 23 any such details from you. As this information  
 24 has been requested as part of a criminal  
 25 investigation that I am conducting, I would be

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1 enquiries I conducted.  
 2 **Q.** Yes, so what you don't say there is  
 3 "Mrs Hamilton gave me authorisation to obtain  
 4 her bank statements but I unfortunately was or  
 5 wasn't successful in obtaining them from the  
 6 bank itself"?  
 7 **A.** No, but I would have been in -- you know, the  
 8 reports and -- that had been submitted and were  
 9 part of the bundle.  
 10 **Q.** But for the purposes of this Inquiry, do you  
 11 think it might have been helpful in that  
 12 statement to have said Mrs Hamilton actually  
 13 gave permission for me to access her bank  
 14 statements?  
 15 **A.** Okay, I'm going to say it wasn't a deliberate  
 16 omission but, yeah, apologies if it should have  
 17 been added.  
 18 **Q.** Do you think that the fact that she had given  
 19 authority to obtain her bank statements was  
 20 a relevant factor to consider when weighing up  
 21 an offence of dishonesty?  
 22 **A.** Not necessarily because there may not have been  
 23 any evidence of criminality in the bank accounts  
 24 and I wouldn't have known what bank accounts she  
 25 held so I would have only been submitting

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1 requests for ones that she gave authority to.  
 2 **Q.** You're an Investigator, presumably you had the  
 3 power to obtain information as to how many bank  
 4 accounts a person had, didn't you?  
 5 **A.** I can't recall what powers I had. I know that  
 6 we would, almost as a matter of course, ask if  
 7 they would sign authority for bank accounts.  
 8 I know that we subsequently had a Financial  
 9 Investigation Team that had powers. I'm not  
 10 sure whether I had any powers, other than on  
 11 a voluntary basis.  
 12 **Q.** When you're weighing up whether somebody was  
 13 dishonest, if they've given you permission to  
 14 contact their bank and to obtain their  
 15 statements and to look to see, for example,  
 16 whether they were leading a particular  
 17 lifestyle, do you think that that might be worth  
 18 considering when you're weighing up whether  
 19 somebody was dishonest or not?  
 20 **A.** Well, not necessarily, because, as I said,  
 21 I don't know whether I'd have been given  
 22 authority for all bank accounts. Also people --  
 23 sometimes with looking at bank accounts, it's  
 24 not always what you see, it's what you don't  
 25 see. So they might not have been aware of that.

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1 over to you?  
 2 **A.** Yes.  
 3 **Q.** You would use that authority to go through and  
 4 not just check for any excessive amounts within  
 5 the bank statement but also for cash  
 6 transactions --  
 7 **A.** Yeah.  
 8 **Q.** -- et cetera. Isn't the fact that somebody is  
 9 volunteering that information, volunteering that  
 10 statement, something that you thought merits  
 11 consideration in weighing up whether they were  
 12 dishonest?  
 13 **A.** Not necessarily but it was clearly reported to  
 14 the Criminal Law Team that that's an inquiry  
 15 I had looked to conduct. So, if they want to  
 16 place any credence on it, they could have done  
 17 but I don't think so, for the reasons I've just  
 18 given.  
 19 **Q.** You were providing opinions as to offences, so  
 20 it's relevant to your own consideration of  
 21 whether offences have been committed as well as  
 22 the Criminal Law Team's, isn't it?  
 23 **A.** Yes --  
 24 **Q.** Was that something --  
 25 **A.** -- and, as I said, from recollection, I don't

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1 So for example, if -- certainly, going back, you  
 2 know, several years, people used to purchase  
 3 things with cash more so than they do with cards  
 4 these days. So if, for instance, I'm looking --  
 5 they might have thought "Okay, I haven't paid  
 6 any fraudulent deposits into my accounts so they  
 7 won't find anything, but I might also be looking  
 8 for the fact have you been making any cash  
 9 withdrawals, ie how have you paid at the cash  
 10 and carry, for your suppliers, for your private  
 11 business? How have you paid for money for your  
 12 food?"

13 So, again, I might be looking at something  
 14 that isn't there, ie cash withdrawals, to  
 15 sustain just basic living and the person may  
 16 have given authority, not realising that I will  
 17 be looking at other things, other than just,  
 18 boom, here's a deposit that looks like it's  
 19 criminality.

20 **Q.** So you didn't have powers to obtain those bank  
 21 statements by compulsion?

22 **A.** I don't recall. I may have done but I don't  
 23 recall.

24 **Q.** The way that you would go about it normally  
 25 would be to request that they sign authority

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1 think I placed any emphasis on whether somebody  
 2 did or didn't but, ultimately, I think from the  
 3 documentation, I wrote to two banks and two  
 4 banks are saying, well, I think the answer was  
 5 given that they hadn't received them. So I went  
 6 back to Mrs Hamilton and asked if she wouldn't  
 7 mind signing them again, which I know was  
 8 an inconvenience, but I don't appear to have had  
 9 a response.

10 **Q.** If somebody hadn't provided you with the  
 11 original authority to contact their bank, you  
 12 would have held that against them, wouldn't you,  
 13 in weighing up dishonesty?

14 **A.** No, I don't think so. I mean, it's hard to  
 15 think back what my mindset would have been at  
 16 that time but I don't think so.

17 **Q.** So --

18 **A.** But certainly, at the time --

19 **Q.** -- the act of obtaining a bank statement didn't  
 20 matter one way or another?

21 **A.** As I say, it's really hard to think back to what  
 22 my mindset would have been at that time but,  
 23 certainly, I don't know when the Financial  
 24 Investigation Unit came into force but they  
 25 would -- I think they could do -- was it

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1 production orders, something like that?  
 2 **Q.** Yes. How would that affect things?  
 3 **A.** Sorry, say again?  
 4 **Q.** How would that affect your decision making? If  
 5 you had the power to obtain a bank statement via  
 6 a production order but, in fact, the person you  
 7 were investigating said, "I don't mind signing  
 8 a piece of paper that allows you access to my  
 9 bank statements", did it still not make any  
 10 material difference to your decision --  
 11 **A.** I'm not sure I had any thoughts on it because  
 12 they would -- certainly in the case of  
 13 Ms Hamilton, she took advice and her solicitor,  
 14 I believe from the documentation, advised her  
 15 that it was okay to do so. I don't think I had  
 16 any firm opinion that it was being authorised.  
 17 Sometimes the advice from the solicitor was do  
 18 so, sometimes it was not do so, and I would just  
 19 report accordingly. I don't think I had any  
 20 real thoughts on it.  
 21 **Q.** Can we look at POL00118610. This is a "further  
 22 to" memo in the case of Hamilton on 11 August  
 23 2006. You provide some information further to  
 24 enquiries. Can we please turn to page 4.  
 25 I just want to ask you a few questions about  
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1 statement that would cover the integrity of  
 2 Fujitsu, I believe.  
 3 **Q.** The integrity of Horizon?  
 4 **A.** Sorry, yeah, the integrity of Horizon.  
 5 **Q.** The next paragraph:  
 6 "In respect of NBSC calls, Mr Ian Speck,  
 7 Service Review Manager, has advised me that it's  
 8 impossible to highlight what call may have  
 9 caused a discrepancy. He basically states that  
 10 discrepancies are due to mistakes made at the  
 11 Post Office branch, either directly with the  
 12 customer, which wouldn't be recoverable, or by  
 13 incorrectly using Horizon, which would usually  
 14 be recoverable by means of an error notice (now  
 15 called transaction correction) being generated  
 16 when a mismatch in the accounting becomes  
 17 apparent", and he refers to an email.  
 18 The fact that an error could generate  
 19 a discrepancy, is that something that would be  
 20 relevant to your consideration as to whether  
 21 somebody had committed an offence of dishonesty?  
 22 **A.** Sorry, can you say that again?  
 23 **Q.** You're being told, in respect of the NBSC, that  
 24 it was possible for there to be a discrepancy as  
 25 a result of user error. Is that something to  
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1 this. The first substantive paragraph there  
 2 says:  
 3 "I have spoken to Mr Graham Ward,  
 4 Investigation Team Casework Manager who advises  
 5 that a standard statement could be obtained from  
 6 Fujitsu covering the fact that the discrepancies  
 7 would not be due to system error."  
 8 Now, first of all, who was Graham Ward and  
 9 why was he the relevant person to approach?  
 10 **A.** At that time, Graham was the Casework Manager.  
 11 **Q.** Why would he be the person to approach for  
 12 a statement from Fujitsu?  
 13 **A.** At the time, as I said earlier, I think we had  
 14 links to Fujitsu and I think that was either --  
 15 I think at the time it would be the Casework  
 16 Team and I think, later on, I think the main  
 17 person was, like, Jane Owen in the Crime Risk  
 18 Team.  
 19 **Q.** What did you understand by a standard statement  
 20 from Fujitsu that could cover the fact that  
 21 discrepancies would not be due to system error?  
 22 **A.** I can only assume that was, you know, the  
 23 standard statement that we would get when --  
 24 like, for instance, when they're producing ARQ  
 25 data but, basically, as it suggests, a standard  
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1 weigh up when you are considering whether  
 2 somebody has committed an offence of dishonesty?  
 3 **A.** Yeah, yeah, I mean to say that, obviously,  
 4 there's some things called human error and, if  
 5 there was an error made, it could be something  
 6 that could be identified. If, say, for  
 7 instance, you're serving on a counter and you  
 8 give somebody £10 too much change, unless the  
 9 customer has noticed and is honest and said,  
 10 "You've given me £10 too much" that's not going  
 11 to be recoverable.  
 12 If somebody has, you know, entered something  
 13 on Horizon and when the physical document or if  
 14 it's gone -- if it's like an online transaction,  
 15 but either way when it's married up with the  
 16 actual transaction, if it's identified there's  
 17 an error then, obviously, a transaction  
 18 correction would be produced and that would have  
 19 been sent back to the branch. So yeah,  
 20 absolutely, human error can occur.  
 21 **Q.** Did you, in this case, consider whether, for  
 22 example, human error, or the fact that a human  
 23 error could result in a discrepancy, might be  
 24 something to take into account when considering  
 25 whether the alleged offender was acting  
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1 dishonestly?

2 **A.** Well, I think this is the reason why I've gone  
3 to Mr Speck in the first place and he is  
4 basically saying it's impossible to highlight  
5 what would have caused a discrepancy.

6 **Q.** So can the fact that a discrepancy can be caused  
7 by user error, did that feature in your thinking  
8 in respect of criminality, in an offence of  
9 dishonesty?

10 **A.** If somebody has made an error then that's not  
11 going to be criminality, unless it was maybe  
12 a deliberate error to hide something. But,  
13 yeah, human error can occur, and that wouldn't  
14 be, in the main part, a criminal offence.

15 **Q.** Your response to that is:  
16 "Having looked at the call logs myself,  
17 I cannot see anything that relates to a single  
18 or multiple discrepancies that would account for  
19 the audit deficit."  
20 So your response to that was to check the  
21 call logs, was it, rather than the underlying  
22 ARQ data, for example?

23 **A.** Yeah, I'm looking at the call logs and I can see  
24 reference to what we've mentioned earlier, the  
25 actual discrepancies that Ms Hamilton raised

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1 **Q.** By the 30 June, Mrs Hamilton had given you  
2 signed authority to obtain her bank statements  
3 and here, 11 August, you were, for example,  
4 being told by the NBSC, or in respect of the  
5 NBSC, that user error could be or is a potential  
6 cause of discrepancies and you're being told  
7 that there's a standard statement that's  
8 available from Fujitsu.  
9 Why isn't it, at this stage, that you are  
10 not revisiting your initial investigation report  
11 or making further inquiries of Fujitsu in  
12 respect of the particular concerns that  
13 Mrs Hamilton had raised?

14 **A.** User error can happen at any time and, if there  
15 was -- and as I say, other than the scenario  
16 I gave where you've given a customer too much  
17 money, then, generally, over a relatively short  
18 period of time, from my understanding, is  
19 a transaction correction would come back. So if  
20 you caused an error and your accounts go down,  
21 the transaction comes back and the accounts  
22 recalibrate.

23 **Q.** I'm not talking specifically about user error,  
24 I'm talking about everything you've learnt by  
25 this date. You don't seem to have in any way

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1 with the Helpdesk, but looking at Horizon data,  
2 if there were declared discrepancies, I would  
3 see them, but I wouldn't see an error.

4 **Q.** If there was user error that didn't result in  
5 a telephone call to the Helpdesk, that wouldn't  
6 have been picked up by your review of the call  
7 logs, would it?

8 **A.** If those --

9 **Q.** Because you're only reviewing those issues that  
10 are raised on the call?

11 **A.** Yeah, this calls primarily for assistance from  
12 Ms Hamilton to the Helpdesk.

13 **Q.** Yes. The paragraph below refers to the banks.  
14 It says:  
15 "I posted disclosures signed by Mrs Hamilton  
16 to the two banks in question but the banks have  
17 advised me that they never received them.  
18 I sent out further disclosure forms to  
19 Mrs Hamilton explaining the situation, but so  
20 far they haven't been returned."  
21 So we have here, on 17 May, the document  
22 I took you to before lunch, you said in that  
23 investigation report that the only evidence was  
24 the audit identified money as missing.

25 **A.** Yeah.

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1 revisited your opinion that a charge of theft  
2 would be appropriate?

3 **A.** Sorry, I missed that last bit. Sorry, my  
4 hearing is not the best.

5 **Q.** There is nothing that has shown you, since your  
6 original investigation -- nothing to build upon  
7 that charge of theft, was there? You hadn't  
8 received any further evidence that --

9 **A.** No, I don't think so, no. Not in respect of the  
10 call logs anyhow, no.

11 **Q.** Irrespective of the call logs, we've seen the  
12 investigation report and then we've seen what  
13 you've called a further two memos.

14 **A.** Yeah.

15 **Q.** So that is your standard second step --

16 **A.** Yeah.

17 **Q.** -- responding after the investigation report.  
18 You haven't received any further evidence to  
19 make you more sure of theft or anything along  
20 those lines, have you?

21 **A.** I'm going to say I believe the theft was, you  
22 know, an offence that was committed because  
23 there's nothing that had come back to show that  
24 this £36,000 attributed to any errors that I was  
25 aware of.

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1 **SIR WYN WILLIAMS:** That's it in a nutshell, isn't  
 2 it? You thought that the Auditor had identified  
 3 a loss of £36,000, you believed Horizon was  
 4 accurate and, therefore, there must have been  
 5 a theft; that's what it boils down to, isn't it?  
 6 **A.** Pretty much, sir, and --  
 7 **SIR WYN WILLIAMS:** Yes, and nothing happened during  
 8 the course of the investigation thereafter that  
 9 deflected you from that opinion. That's what it  
 10 boils down to also, isn't it?  
 11 **A.** Again, I can't recall but, from looking at this,  
 12 I think my thought was that it remained theft,  
 13 yes.  
 14 **SIR WYN WILLIAMS:** Yes. Fine.  
 15 **MR BLAKE:** Thank you. Can we look at POL00049083,  
 16 please, now in October 2007. The bottom email  
 17 is an email from Richard Jory who was,  
 18 I believe, counsel in this case. He is emailing  
 19 Jennifer Andrews in the Criminal Law Team, he  
 20 says:  
 21 "Juliet/Jenee.  
 22 "Counsel defending has offered pleas to  
 23 false accounting in this matter (I presume  
 24 Counts 2-9 inclusive) and asked me to take  
 25 instructions as to whether this might be  
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1 respect of the acceptance of pleas and the  
 2 bringing of charges. It seems there that you  
 3 are very much filling the shoes of the Senior  
 4 Security Manager, aren't you?  
 5 **A.** No, I said any decision, in respect of whether  
 6 we accept this, would need to be made by Dave  
 7 Pardoe.  
 8 **Q.** Well, your view is canvassed by the Criminal Law  
 9 Team in the email below "Could you provide your  
 10 views with regard to pleas", and you are giving  
 11 quite a definitive opinion there, aren't you?  
 12 **A.** They've asked for my opinion and I agree with  
 13 counsel.  
 14 **Q.** Do you think it was an appropriate thing to be  
 15 giving an opinion on?  
 16 **A.** Well, if I didn't think counsel felt it  
 17 appropriate, then surely counsel wouldn't have  
 18 asked the Investigator.  
 19 **Q.** Are you sure you ran this past the Senior  
 20 Security Manager?  
 21 **A.** I have no idea. This is 2007.  
 22 **Q.** You've said that the Senior Security Manager  
 23 made the decision in every case. Might it be  
 24 possible that this is a case where the Senior  
 25 Security Manager didn't make the decision?  
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1 an appropriate offer. My view is that there is  
 2 evidence that she has taken the money and that  
 3 there is sufficient evidence to support theft,  
 4 but Royal Mail may be content with guilty pleas  
 5 to dishonesty matters if she undertook to repay  
 6 the amount of the shortage, ie £36,344.89. It  
 7 might be the worth speaking to the officers  
 8 Graham Brander and Colin Price to canvass their  
 9 views."  
 10 We then have an email from Jennifer Andrews  
 11 to yourself:  
 12 "Could you provide your views with regard to  
 13 indicated please as soon as possible?"  
 14 The top email is from you responding,  
 15 saying:  
 16 "I agree with counsel. In my opinion, the  
 17 evidence clearly shows theft, Charge 1.  
 18 However, if the defence are offering up guilty  
 19 pleas to all false accounting charges then  
 20 I would suggest we accept this on the  
 21 understanding that Mrs Hamilton agrees to repay  
 22 the full amount."  
 23 So you are there giving an opinion and  
 24 suggesting that it is accepted. We spoke  
 25 earlier about who is the decision maker in  
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1 **A.** It's possible. I've gone back to the Criminal  
 2 Law Team and said it needs to be made by Dave  
 3 Pardoe. I'm going to say also included in that  
 4 email it says Investigation Team Post Office so  
 5 that would have been the generic email for the  
 6 Investigation Team. So I can't say whether --  
 7 well, I saying that, I can actually see that  
 8 Dave Pardoe is copied in.  
 9 **Q.** Are you aware of Dave Pardoe ever disagreeing  
 10 with your opinion in respect of acceptance of  
 11 pleas?  
 12 **A.** Not that I'm aware of, no. I'm going to say  
 13 I don't recall this coming up very often,  
 14 whereby I'd be asked for my opinion because,  
 15 ultimately, that would be for the, you know,  
 16 once we got to this stage, it would be like  
 17 counsel deciding.  
 18 **Q.** Is that right? By this stage, when counsel were  
 19 advising, was it effectively acceptance of  
 20 counsel's advice?  
 21 **A.** Well, as I say, I can't recall exactly how it  
 22 worked but, certainly in this case, Dave Pardoe  
 23 was copied in to what I've -- you know, how I've  
 24 responded with my opinion and the fact that it  
 25 should be for Dave Pardoe to consider. I can't  
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1 recall this case or any other particular cases  
 2 whereby I've been asked to give my opinion. But  
 3 counsel, if they need opinions sought, it might  
 4 come back to the Security Manager, it might come  
 5 back to the Criminal Law Team. I honestly can't  
 6 say.

7 **Q.** In respect of the substantive decision, do you  
 8 think it was appropriate to offer a lesser  
 9 charge in return for payment of money that you  
 10 couldn't prove had been stolen?

11 **A.** I'm not a lawyer, so it's not really my decision  
 12 on what charges to, you know, charge or accept.

13 **Q.** If you're not a lawyer --

14 **A.** I'll happily give my opinion if I'm asked for my  
 15 opinion.

16 **Q.** But you didn't think that you were qualified to  
 17 actually give that opinion?

18 **A.** I've given my opinion but the decision is to be  
 19 made by Dave Pardoe.

20 **Q.** Why did you give an opinion, if you didn't think  
 21 you were qualified to do so?

22 **A.** No, I'm not saying I wasn't qualified. I said  
 23 if I was asked to give an opinion, I would do my  
 24 best to give an opinion and that's what I've  
 25 done. But, ultimately, it's for the experts to

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1 hearings, as would any Security Manager.  
 2 **Q.** Could we look at POL00044388, 19 November. This  
 3 is the ultimate court hearing and a reporting  
 4 back from the principal lawyer. She says as  
 5 follows:

6 "The defendant pleaded guilty to false  
 7 accounting, counts 2-15 on the indictment. The  
 8 case has been adjourned to 25 January for  
 9 pre-sentence reports.

10 "The defendant has been informed that full  
 11 payment must be made prior to that date. The  
 12 theft count has remained on file on the  
 13 understanding that it should be proceeded with  
 14 if the money is not repaid."

15 At the bottom of that page, it says:

16 "It has been made clear to the defence that  
 17 there must be some recognition that the  
 18 defendant that the money short of theft and that  
 19 a plea on the basis that the loss was due to the  
 20 computer not working properly will not be  
 21 accepted."

22 Having attended that hearing, presumably you  
 23 were present at those discussions?

24 **A.** Yeah, I've attended but I don't recall that  
 25 statement, whether that statement actually came

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1 decide on what charges are acceptable and for  
 2 the Senior Security Manager to decide whether  
 3 they concur.

4 **Q.** Can we look at POL00049154, please. We're now  
 5 in November 2007. This is correspondence to the  
 6 Investigation Team from the principal lawyer,  
 7 and she says:

8 "As you know there has been some discussion  
 9 as to whether or not pleas to false accounting  
 10 would be acceptable. I note this would be  
 11 agreeable providing that Mrs Hamilton were to  
 12 repay the full amount."

13 She says:

14 "I understand, however, that she is not yet  
 15 in a position to repay and has not yet given  
 16 a date on when this can be done."

17 She says there:

18 "One option would be for the theft count to  
 19 be left on file pending payment by the date of  
 20 trial or some later date."

21 Is this something that you remember  
 22 discussing at the time?

23 **A.** No.

24 **Q.** Did you attend any of the hearings in this case?

25 **A.** Typically, I would attend most if not all

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1 up in court or whether that was just reported  
 2 back. It looks like it would have been covered  
 3 in court but I certainly can't remember that far  
 4 back.

5 **Q.** Would you have been the only Investigator in  
 6 court or would Mr Pardoe, for example, have been  
 7 present?

8 **A.** No, Mr Pardoe wouldn't have been there.

9 **Q.** Insofar as there needed to be liaison with  
 10 an Investigator, were you the appropriate person  
 11 on that occasion to be liaising with and  
 12 discussing next steps?

13 **A.** It was always the Investigator that attended  
 14 court hearings but we're not the experts there.  
 15 There would also be someone from the Criminal  
 16 Law Team, usually one of the -- either the  
 17 solicitor or one of the -- I don't know the  
 18 legal analysts or legal executives, somebody  
 19 from the Prosecution Support Office.

20 **Q.** Who would they take their instructions from?

21 **A.** Who would they take their instructions from?

22 **Q.** Yes.

23 **A.** Well, I should imagine counsel would take  
 24 instructions from the Criminal Law Team.

25 **Q.** Who do the Criminal Law Team take their

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1 instructions from?  
 2 **A.** I should imagine a Senior Security Manager.  
 3 **Q.** The Senior Security Manager not being present at  
 4 court, do you recall on this occasion who  
 5 instructions were taken from in respect of this  
 6 agreement?  
 7 **A.** I'm certainly not -- I don't -- I've had to read  
 8 that paragraph a few times to try and even  
 9 understand it. I've not instructed -- I don't  
 10 even understand -- you know, recognise that  
 11 terminology. That would have been -- whoever  
 12 has made that statement would have been Criminal  
 13 Law Team or counsel.  
 14 **Q.** I'm going to move on to a slightly different  
 15 topic but just sticking with the *Hamilton* case,  
 16 and I'll take this very quickly because you've  
 17 already given evidence in relation to your  
 18 understanding of the disclosure process. But  
 19 I just want to look through the schedules that  
 20 were completed.  
 21 Can we look at POL00059376, please. You'll  
 22 recall this morning I asked you about  
 23 a paragraph in your witness statement where you  
 24 said that the Criminal Law Team would deal with  
 25 any disclosure to the defence. I think you

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1 that you would create the Schedule of Unused  
 2 Material but then there may be further unused  
 3 material that had come from another route within  
 4 the Post Office that you're not aware of?  
 5 **A.** If I'd been asked to conduct further enquiries  
 6 or something else comes to light -- and I can  
 7 only think of the one case in the bundle and  
 8 I can't remember which case it was, but there  
 9 was further documentation, I'm going to say it  
 10 might have been Mrs Hamilton's case, that the  
 11 defence had made counsel aware of, and I don't  
 12 recall it but I had to go up to chambers to look  
 13 through loads of ringbinders containing  
 14 documentation.  
 15 So I think possibly that then was added to  
 16 another unused material statement. So in that  
 17 scenario -- but I can't recall any others. Not  
 18 to say that there weren't but that's just,  
 19 I believe, an example where it -- you know,  
 20 further enquiries were required or further items  
 21 were identified and it was then added to,  
 22 I believe, the unused material.  
 23 **Q.** In your recollection, who would decide whether  
 24 there was material that might reasonably be  
 25 considered capable of undermining the

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1 accept that, in fact, you were ultimately  
 2 responsible for disclosure and, if we look over  
 3 the page, we can see the schedule that is signed  
 4 by you.  
 5 **A.** Yes, so I would produce a committal bundle and,  
 6 if further evidence was required, I might do  
 7 further schedules, but I also believe that the  
 8 Prosecution Support Office would also disclose  
 9 things.  
 10 **Q.** So would you not be the single point of contact  
 11 for disclosure?  
 12 **A.** I don't think so, certainly from doing the  
 13 committal -- so the bulk would be covered on the  
 14 committal bundle. Once it gets into the court  
 15 process, something -- you know, counsel may  
 16 require something else and, then -- or it may  
 17 well be that they've asked for something to be  
 18 produced as an exhibit, so it might come off the  
 19 unused and then get a statement that goes on  
 20 exhibits.  
 21 But, typically, from how I remember it,  
 22 I would submit the committal bundle and, in  
 23 terms of disclosure via the Criminal Law Team,  
 24 that would generally be all I would do.  
 25 **Q.** So I properly understand this, are you saying

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1 prosecution case or assisting the defence case,  
 2 which hadn't already been disclosed?  
 3 **A.** Yeah, I'm going to say that was -- when we were  
 4 doing the committal bundle or filling these  
 5 forms anyhow, then obviously there's one of the  
 6 forms is unused material that may undermine the  
 7 prosecution, assist the defence. So the  
 8 Security Manager was tasked with doing that. So  
 9 they would fill that form in.  
 10 **Q.** Aside from the form filling though, who do you  
 11 consider was responsible for determining what  
 12 might reasonably be considered capable of  
 13 undermining or assisting?  
 14 **A.** Well, the Security Manager would present it as  
 15 they thought but, obviously, then the Criminal  
 16 Law Team and counsel would obviously have a view  
 17 on it, and there were -- I think, things were  
 18 moved or there was times when I'd been asked to  
 19 give a deeper explanation of some things on the  
 20 unused material.  
 21 **Q.** Can we look at POL00048205. We'll see a series  
 22 of memos over 2006 and 2007 that are sent by the  
 23 Criminal Law Team to the Investigation Team,  
 24 copied to you. This is the first of those. If  
 25 we scroll down to the bottom, it says:

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1 "I list below the statements which appear to  
2 be necessary in this case but the Investigation  
3 Manager should also consider whether there are  
4 any other areas which can usefully be covered",  
5 et cetera.

6 It refers at number 5, over the page, to  
7 a copy statement dealing with the Horizon system  
8 and confirming that the calls could not have  
9 been attributed to the discrepancy in the  
10 accounts.

11 Did you see it as part of your role to carry  
12 out investigations as to the reliability of the  
13 Horizon system?

14 **A.** Well, basically, I would have -- you know,  
15 when -- I'd have conducted the enquiries as part  
16 of the investigation and, once it went up to the  
17 Criminal Law, from memory it was quiet reactive.  
18 So whatever they asked for, I would have  
19 endeavoured to obtain.

20 **Q.** So you would wait for them to ask for  
21 information and you would see it as your job to  
22 go and --

23 **A.** If something else came about or I was still  
24 conducting enquiries, then, yeah, then I would  
25 do it myself. But I think, once the case file

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1 In your witness statement, as we went over,  
2 you said that the Criminal Law Team would deal  
3 with any disclosure to the defence. Looking at  
4 this and looking back now, would it be more  
5 accurate to say that, in fact, you were  
6 ultimately responsible for disclosure decisions.

7 **A.** As I said, I would disclose it to the Criminal  
8 Law Team and I'd assume they would disclose  
9 everything to the defence but I didn't know what  
10 they did disclose. I think it's terminology.

11 I didn't see myself as a Disclosure Officer. It  
12 was just one of the many tasks that the Security  
13 Manager had to deal with because there was no  
14 separate Disclosure Officer.

15 **Q.** Thank you. I'm now going to move on to the case  
16 study of Lynette Hutchings. Could we please  
17 look at POL00113278. That's the judgment in the  
18 *Hamilton* Court of Appeal case. I just want to  
19 again take you to the relevant part that deals  
20 with the *Hutchings* case, that's page 57,  
21 paragraphs 267 to 272.

22 Just to assist everybody who is sitting here  
23 today, I'm just going to briefly outline what  
24 this case is about.

25 The Court of Appeal say that on 30 July

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1 went up, most if not all enquiries had been  
2 conducted.

3 **Q.** If we scroll down, you'll see there wording  
4 that's included in other memos that says:

5 "You will be aware of the provisions of the  
6 Criminal Procedure and Investigations Act 1996  
7 concerning disclosure. Please confirm whether  
8 there is any material which might be reasonably  
9 be considered capable of undermining the  
10 prosecution case or assisting the defence case  
11 and which has not already been disclosed.  
12 Please also let me have", and there are various  
13 forms there.

14 There's another example of that at  
15 POL00048473. I think this is, in fact, the  
16 document you were referring to where there's  
17 reference to something being taken off the  
18 unused material list because it's become  
19 an exhibit. That's number 3. Then, at the  
20 bottom paragraph, it's again standard wording:

21 "I remind you that the requirement for the  
22 disclosure to the defence is a continuing duty.  
23 If there is any such material [et cetera],  
24 please forward this to this office immediately.  
25 If you're in any doubt", et cetera.

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1 2012, Lynette Hutchings pleaded guilty to one  
2 count of false accounting. The Post Office  
3 offered no evidence against her on one count of  
4 fraud and a not guilty verdict was entered.

5 They say that between 1 June 2010 and  
6 5 April 2011, Ms Hutchings made 33 calls to the  
7 National Business Support Centre, two of which  
8 related to losses or gains. Dip samples  
9 covering 13 January to 30 March showed that she  
10 had made four calls to the Horizon System  
11 Helpdesk for advice:

12 "Ms Hutchings produced a prepared statement  
13 at her interview under caution, saying that  
14 problems had arisen since her branch had  
15 transferred to Horizon Online. She had believed  
16 that the incorrect balances would be sorted out  
17 by transaction corrections in the fullness of  
18 time. She had not stolen any money nor had she  
19 acted dishonestly. She gave specific examples  
20 of problems she had experienced, including the  
21 fact that the Post Office advice was difficult  
22 to access and unreliable.

23 "In her written basis of plea, Ms Hutchings  
24 said that she had balanced the books to put off  
25 the evil day of having to sort out the muddle.

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1 She did not take any money nor had she intended  
2 to. That basis was not accepted by the  
3 prosecution but they did not contest it."

4 If we look at paragraph 271, the final part  
5 of that paragraph, it says:

6 "There was no investigation into the  
7 integrity of the Horizon figures. The  
8 investigation concentrated on proving how the  
9 accounts were falsified, which was admitted,  
10 rather than examining the root cause of the  
11 shortfall. There was no investigation of  
12 Ms Hutchings' complaints, as set out in her  
13 prepared statement. There was no proof of  
14 an actual loss, as opposed to a Horizon  
15 generated shortfall."

16 I want to take you to the interview that was  
17 carried out with Ms Hutchings and that can be  
18 found at POL00056417, please. We have two  
19 records of interviews, this is the first of  
20 those two, and you are listed there as the  
21 interviewing officer, alongside Gary Thomas.

22 If we scroll down, we can see there various  
23 things that you referred to before as being part  
24 of the interview process, so reminded of rights,  
25 confirmed solicitor explained the caution, not

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1 declarations were altered was to enable me to  
2 operate the Post Office. I am unable to explain  
3 why the balances are incorrect but would give  
4 examples of some of the difficulties as follows:  
5 the helpline was difficult to access and  
6 unreliable, secure stock created unexplained  
7 discrepancies on a weekly basis, the screen on  
8 the stock unit needed recalibrating on occasions  
9 due to cursor sticking, the back office printer  
10 was replaced because it was unreliable, the  
11 smaller counter's printer stuck and not produced  
12 expected receipts, one monitor crashed and the  
13 power pack had to be replaced", et cetera.

14 Would you agree that the reliability of the  
15 Horizon system was front and centre of her  
16 defence to this case?

17 **A.** Well, I think she's referred to a few occasions  
18 where equipment needed to be replaced. As  
19 I say, I can't recall the detail but I think --  
20 did we not get a statement from Andy Dunks that  
21 explained all the calls in this case?

22 **Q.** That wasn't actually my question. My question  
23 was about her case --

24 **A.** I know, I'm just trying to recall --

25 **Q.** -- and her defence. Do you agree that the

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1 under arrest, free to leave, et cetera. All of  
2 those are set out in the record of interview.

3 Could we turn over the page, please. This  
4 is her written statement. I'm going to read  
5 some of it. It says:

6 "I am Lynette Hutchings. This statement is  
7 my version of events and I have asked my  
8 solicitor to write it down. We migrated to  
9 Horizon Online in approximately May/June 2010.  
10 At the time of migration all accounts balanced.  
11 Ever since we have been with Horizon Online the  
12 balances have been wrong. When I talk about we,  
13 I also refer to my husband who assists me in the  
14 Post Office. At no stage have we stolen money  
15 from the Post Office nor are we aware of making  
16 mistakes in our day [must be 'to day'] operation  
17 of the system. Because of this we always  
18 believed that incorrect balances would be sorted  
19 out through transaction corrections. When  
20 I altered the cash declarations, this was not  
21 done in order to create a financial gain for  
22 myself or a loss to the Post Office.

23 I genuinely believed that there was no loss and  
24 that the balances would be corrected in the  
25 fullness of time. The only reason the cash

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1 reliability of the Horizon system was central to  
2 her defence?

3 **A.** Oh, no, absolutely, in her prepared statement  
4 she's saying that -- where is it? Yeah, she's  
5 listed a few issues that she's had with the  
6 Horizon equipment.

7 **Q.** I just want to move to page 8, please.

8 Mr Thomas, your co-interviewing officer, says as  
9 follows to Ms Hutchings, he says:

10 "Okay, in respect of obviously we have Issy  
11 today and you have prepared a statement, etc, is  
12 there any reason I could ask you why you've  
13 actually got Issy Hogg as you solicitor and not  
14 somebody from [and then it's not clear what is  
15 said]. Do you not have any solicitors locally?"

16 Do you consider that to be an appropriate  
17 question to put to a defendant in an interview?

18 **A.** I'm going to say when I was looking through the  
19 documentation I did see that and I don't  
20 understand it, to be honest. But I knew there  
21 was a reason why Gary had asked that at the time  
22 but I don't know what it would have been.

23 **Q.** Were you aware that Issy Hogg had represented,  
24 for example, Jo Hamilton, Seema Misra and other  
25 defendants?

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- 1 **A.** I wasn't aware of Seema Misra but I was aware  
2 that Issy Hogg was the person I spoke to in  
3 respect of Ms Hamilton. But Issy Hogg wasn't  
4 the solicitor in attendance at the interview.
- 5 **Q.** I mean, you were sitting next to Mr Thomas at  
6 this interview. If he had said something like  
7 that, which is recorded in the transcript, would  
8 that not have struck you as slightly odd?
- 9 **A.** As I say, it's -- I honestly don't know.  
10 I can't say. I'm going to say, looking at it  
11 now, it strikes me as slightly odd -- going back  
12 in time, there may have been some reason why  
13 Gary has asked that. Perhaps Gary was aware of  
14 other cases where Issy had represented people.
- 15 **Q.** What possible relevance could that have to  
16 whether this individual was guilty or not of  
17 a criminal offence?
- 18 **A.** Well, at face value, I don't see it does.
- 19 **Q.** You see the suggestion, it seems from there,  
20 that in some way those who were conducting these  
21 interviews held it against defendants if they  
22 were represented by a particular solicitor, the  
23 suggestion being perhaps that that solicitor is  
24 helping to run a particular argument in a range  
25 of cases?

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- 1 true? It wasn't a correct cash declaration?
- 2 **A.** Yeah, she's saying it wasn't a true figure.
- 3 **Q.** Can we please go back to a document that we  
4 started with this morning and that is  
5 POL00046706, and that is the investigation  
6 report from this particular case study. It's  
7 5 May 2011, investigation report. I read to you  
8 from it this morning. I'm just going to  
9 repeat -- it's page 5.
- 10 In fact, could we go to the bottom of page 4  
11 and down to page 5., and slightly up, thank you.  
12 Perfect.
- 13 So you can see there a paragraph that begins  
14 "I was made aware that", and that's something  
15 I'm just going to ask you just to hold in your  
16 mind when we look at another document. It may  
17 be that I can bring them both up on screen next  
18 to each other. Then the next paragraph:
- 19 "On Friday, 15 April I was contacted by  
20 Ms Issy Hogg, solicitor who was representing  
21 Ms Hutchings. It was agreed that I would  
22 conduct a voluntary interview."
- 23 Then over the page it details what was said  
24 in the interview and the detail of the prepared  
25 statement. So it says:

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- 1 **A.** I don't think that's the case. You can have  
2 whoever you like as your legal representative.
- 3 **Q.** Absolutely. So why do you think it was  
4 considered to be a relevant question to be  
5 asked?
- 6 **A.** As I say, I can't answer why Gary has asked that  
7 question.
- 8 **Q.** Can we move on to the next interview, that's  
9 POL00044505. This interview is largely a no  
10 comment interview but, if we go to page 15,  
11 halfway down page 15, it does seem to be  
12 a substantive answer to the question of the  
13 branch trading statement showing no  
14 discrepancies and her being asked was it a true  
15 and correct cash figure declared on the account  
16 on that day? She says, "No". Do you recall  
17 that at all?
- 18 **A.** Yeah, I think that was a requirement when we  
19 were -- there was an audit shortfall  
20 investigation, we would put cash accounts or  
21 branch trading statements to them and ask if the  
22 cash figure was a true reflection of the cash  
23 that was on hand, so I think that's fairly  
24 standard.
- 25 **Q.** That's in admission from her that it wasn't

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- 1 "From the prepared statement it could be  
2 seen that Mrs Hutchings believed she migrated to  
3 Horizon Online in May/June although  
4 I established just prior to the commencement of  
5 the interview that the migration date was  
6 5 July. It states that at the time of the  
7 migration all accounts balanced. It then goes  
8 on to suggest that problems arose following the  
9 migration to Horizon Online. It states that  
10 only her and her husband worked in the Post  
11 Office and at no stage had they stolen any  
12 money. It states that they only served against  
13 their own usernames and did not know each others  
14 passwords.
- 15 "It states that Ms Hutchings altered cash  
16 declarations [and that's the admission I just  
17 took you to] but not in order to create a gain  
18 for herself or a loss to the Post Office and  
19 that she felt the balances would be corrected  
20 through transaction corrections. She stated  
21 that she only altered the cash declarations in  
22 order to continue to operate the Post Office.
- 23 "The prepared statement refers to some  
24 difficulties that she encountered. These  
25 related to unexplained stock discrepancies,

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1 problems with Horizon equipment and that the  
2 helpline was difficult to access and  
3 unreliable."

4 This is the investigation report. I now  
5 want to take you to another report. I think  
6 it's the disciplinary investigation report, this  
7 being the criminal investigation report. It's  
8 POL00044508. If it's possible to have that  
9 document side by side with this, that would be  
10 ideal.

11 So if we look at the final page on the  
12 left-hand side, that one's dated 6 May. The one  
13 on the right-hand side is 5 May and they're  
14 slightly different and you explained this  
15 morning that a disciplinary investigation report  
16 is slightly different to a criminal  
17 investigation report; is that correct?

18 *(No audible answer)*

19 The one on the left-hand side, does it look  
20 like a disciplinary investigation report?

21 **A.** No, the one on the left is -- it's got --  
22 I don't understand that because it's got  
23 "Personnel" at the top and "Legal" at the  
24 bottom. Can you go to -- if it's addressed  
25 to -- did you say it was Nigel Allen, was it?

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1 about the logs.

2 If we look on the left-hand side, if we  
3 scroll over the page on the left-hand side,  
4 there is no summary of the interview. There is  
5 no summary at all of Mrs Hutchings' account, as  
6 provided in the interview. You've said that  
7 certain information was left out of the  
8 disciplinary investigation report, things like  
9 appendices or similar documents.

10 **A.** Mm.

11 **Q.** Was it standard not to include a subpostmaster's  
12 account in a disciplinary investigation report?

13 **A.** I don't think so. Whether it was because it was  
14 summarised in the prepared statement, I honestly  
15 can't say.

16 **Q.** Do you think it would have been helpful to those  
17 considering disciplinary investigations to know  
18 what was said by a defendant in an interview?

19 **A.** Well, as I say, my recollection was that it  
20 would almost be identical, other than the fact  
21 that you would remove reference to, you know,  
22 exhibits and appendices, and whatever, and  
23 I think there was a period of time when the  
24 failings of -- in procedure were included in  
25 both reports but at a time it was removed from

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1 **Q.** If we could go to the first page of the one on  
2 the left.

3 **A.** Yeah, so it's headed to Nigel Allen, so this --  
4 obviously I've not changed the footer to  
5 "Personnel". So yeah, this is the discipline  
6 one.

7 **Q.** So the one on the left is the discipline one.

8 **A.** Yes.

9 **Q.** Thank you. Can we turn to page 3 of the  
10 discipline one, so 3 on the left; and could we  
11 have a look at page 4 on the right. Could that  
12 one on the right be a full half? Thank you very  
13 much. You'll recall that I took you to the  
14 point where it said, "I was made aware that", so  
15 if we have a look on the right, that is near the  
16 bottom, and there's a paragraph that says,  
17 "I was made aware that there were two errors",  
18 and on the left discipline report, it says,  
19 "I was made aware there were two errors", on the  
20 final paragraph. Thank you.

21 The one on the right, as we've seen, if we  
22 scroll over the page on the right, goes on to  
23 detail Mrs Hutchings' account in interview and  
24 the detail of that interview. It also then  
25 refers to telephone call with Mr Allen, talking

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1 the discipline one and that was e-mailed  
2 separately.

3 **Q.** Can you think of any good reason why the account  
4 in this case doesn't seem to be included?

5 **A.** Well, I'm not sure because it was a summary of  
6 the prepared statement, which obviously came  
7 from the -- Mrs Hamilton and the defence  
8 solicitor. So I'm really not sure.

9 **Q.** It is summarised as follows, in the one on the  
10 left, it says:

11 "From the summaries, it can be seen that  
12 Ms Hogg reads out a prepared statement,  
13 following which Mrs Hutchings answers no  
14 comments to questions put to her."

15 But there is no detail contained in that  
16 report of the kind that we see on the right-hand  
17 side.

18 **A.** I'm just trying to correlate the two. I can see  
19 from the summaries it can be seen on the third  
20 paragraph on the left one --

21 **Q.** Yes, and on the right is the detail that isn't  
22 included on the left-hand side. So all of  
23 those, top half of that page, is not included at  
24 all.

25 **A.** So obviously on the left I'm going to say --

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1 Q. If you look on the left-hand side --  
 2 A. Can we go one page above, please, on the  
 3 right-hand one?  
 4 Q. Yes.  
 5 A. Right, I can't see where the bottom of page 2  
 6 finishes and I can't -- sorry, I know it's  
 7 a pain. The one on the left, can we go up  
 8 a page? I'm just trying to see where they were  
 9 last the same.  
 10 Q. So it's there it's "I was made aware that there  
 11 were two errors", that paragraph is included?  
 12 A. Right okay, yeah.  
 13 Q. But then they depart from one another over the  
 14 page --  
 15 A. Yeah.  
 16 Q. -- on the left-hand side. That's different, and  
 17 if we look on the right-hand side, if we go over  
 18 the page, they meet up again where it says, "As  
 19 can be seen from the taped summaries". So  
 20 that's the bottom --  
 21 A. Yeah, as I say, I really don't know why -- I'm  
 22 going to say there would have been some reason  
 23 but I don't know what the reason would have been  
 24 because, normally, it was the same report with  
 25 just certain things omitted for the discipline

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1 for a call log."  
 2 You had spoken to Mr Allen and requested  
 3 a schedule of call logs made to the Post Office  
 4 helpline. We're aware of a separate helpline  
 5 being held by Fujitsu, the Horizon System  
 6 Helpdesk. Did you make enquiries of Fujitsu  
 7 systems, in respect of this matter?  
 8 A. As I say, I don't recall it, but from reading  
 9 the documentation it seems -- I think Nigel  
 10 Allen was due to conduct the disciplinary  
 11 interview with Ms Hutchings and it was then that  
 12 he gave me the evidence that he had been given  
 13 by, I think, the Auditor.  
 14 I can't recall why -- the purpose of, you  
 15 know, the conversation with Mr Allen, but  
 16 I hadn't requested. He obviously made me aware  
 17 that he had a schedule of call logs to the Post  
 18 Office helpline, not the Horizon Support  
 19 Helpdesk. So, clearly, I've asked him to email  
 20 them over to me.  
 21 Q. Was it more common for you to obtain information  
 22 from the Post Office helpline than it was the  
 23 Fujitsu one?  
 24 A. Absolutely, it's purely because, for whatever  
 25 reason I spoke to Mr Allen, he made me aware

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1 report.  
 2 Q. Yes, I mean, would you accept that it's not  
 3 helpful to have a subpostmaster's account  
 4 removed from a discipline report?  
 5 A. Yeah, I can't explain why it's not there  
 6 because, as I say, they need to consider that  
 7 when they're considering that with things like  
 8 the audit report and any other evidence that  
 9 they've gathered themselves to make a decision.  
 10 So there must have been some logical reason why  
 11 it's not there but I cannot recall why not.  
 12 Q. Can we stick with the right-hand side, please.  
 13 I just want to read -- there's a paragraph there  
 14 that I haven't read out and it begins "Prior to  
 15 the interview commencing". It says:  
 16 "Prior to the interview commencing  
 17 I telephoned Mr Allen who advised me that he had  
 18 a schedule of call logs made by Rowlands Castle  
 19 Post Office to the Post Office helpline. He  
 20 then emailed it to me and I printed off a copy.  
 21 The first entry [and it gives it the date]  
 22 irrelevant, beyond that they relate to the  
 23 branch being closed for the audit [gives a date]  
 24 and after that there's one call from the interim  
 25 subpostmaster and one relating to the request

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1 that he had them. So I said -- clearly have  
 2 said, "Can you send them over?"  
 3 Q. But in terms of a typical case, for example --  
 4 A. In terms of what, sorry?  
 5 Q. -- a typical case -- was it more common for you  
 6 to obtain Post Office helpline information? We  
 7 spoke earlier about, for example, difficulties  
 8 with ARQ data. In respect of the Horizon  
 9 Helpdesk information, was it straightforward?  
 10 Did you regularly obtain that information or did  
 11 you rely more on the Post Office's own helpline  
 12 records?  
 13 A. I think, I can't remember if they were requested  
 14 all -- through the Post Office helpline or how  
 15 I got them from the Horizon Support Helpdesk,  
 16 I think it was possibly all through the Helpdesk  
 17 but the actual call logs that Mr Allen sent me  
 18 would have been the same way. He would have got  
 19 them from the Post Office Helpdesk.  
 20 Q. Okay. We can move on. One final document in  
 21 relation to this particular case, and that is  
 22 POL00046626. It's a memo from Jarnail Singh  
 23 copied to you but to the National Security Team.  
 24 If we could scroll down, please. He says:  
 25 "The defence solicitors read out the

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1 pre-prepared statement which was followed by no  
 2 comments to all questions put to the defendant.  
 3 Bearing this in mind and the contents of the  
 4 pre-prepared statement, it is very likely that  
 5 the above-named defendant may contest the case.  
 6 It appears from the contents that she may bring  
 7 into question her claim that the Horizon system  
 8 was not working properly and refers to some of  
 9 the difficulties the defendant encountered with  
 10 the system.

11 "I am therefore of the view that it would be  
 12 more prudent for the officer to complete his  
 13 enquiries and further investigations and produce  
 14 the evidence by means of witness statements and  
 15 exhibits at this stage", and it lists certain  
 16 things that needed to be obtained.

17 If we go over the page, it's number 5 and 6  
 18 that I'd like to look at. Number 5 says:

19 "The officer should find evidence rebutting  
 20 the allegations and criticisms made in the  
 21 pre-prepared statement, which was read out by  
 22 the defendant's solicitor in the defendant's  
 23 interview under caution. Evidence is needed to  
 24 rebut these."

25 Then:

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1 interview. From your recollection, in this kind  
 2 of a case, would you simply rely on a statement  
 3 from Fujitsu, rather than making direct  
 4 enquiries with Fujitsu about the reliability of  
 5 the Horizon system?

6 **A.** Well, as I've said, anything that we got from  
 7 Fujitsu, we would do from, you know, a central  
 8 point in security. I wouldn't request anything  
 9 directly from Fujitsu unless, for example, I'm  
 10 emailing Andy or Penny directly just to say when  
 11 can we expect this statement because, obviously,  
 12 the clock's ticking? But the initial request,  
 13 I would be requesting it myself, only via the  
 14 Security admin team that submitted the requests.

15 **Q.** Is that Mr Ward or somebody else?

16 **A.** I think, looking at this as addressed to Maureen  
 17 Moors, she I think, it was what was then  
 18 referred to as the -- or part of the Crime Risk  
 19 Team that would do it. I'm not even sure that  
 20 there actually was a Casework Team *per se* at  
 21 that stage. Certainly, Mr Ward, in 2011, I'm  
 22 pretty sure would have been a Financial  
 23 Investigator at that time.

24 **Q.** So was it later that he carried out that  
 25 function of liaising with Fujitsu, or?

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1 "Statements dealing with the integrity of  
 2 Horizon and call logs to the Horizon Support  
 3 Helpdesk which should also go into some depth  
 4 explaining the workings of the system."

5 Do you recall making enquiries with Fujitsu  
 6 in respect of this matter?

7 **A.** As I say, I don't recall the case at all.

8 **Q.** Do you recall ever making enquiries with  
 9 Fujitsu, other than requesting those standard  
 10 statements in respect of any concerns with the  
 11 integrity of the Horizon system?

12 **A.** Not specifically. I can see from the  
 13 documentation that there were some -- yeah, some  
 14 references to either what's a standard statement  
 15 and then some that would cover the integrity of  
 16 Horizon but, I must admit, I thought the  
 17 standard statement covered the integrity of  
 18 Horizon. But, either way, if I'm requesting  
 19 statements, it will be on the behalf of the  
 20 Criminal Law Team and it will go through the  
 21 relevant security admin department to actually  
 22 go to whoever in Fujitsu and ask for them.

23 **Q.** Looking at this particular case, obviously there  
 24 were some examples of problems with Horizon that  
 25 were raised in the prepared statement in

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1 **A.** It would have -- from recollection, it was  
 2 either through the Casework Team originally and  
 3 then it was this Crime Risk Team but, either  
 4 way, it was -- even within the Casework Team, it  
 5 may or may not have been Graham Ward that did  
 6 it, or whoever was the Casework Manager at the  
 7 time. There was other -- you know, like, direct  
 8 reports in a support function within the  
 9 Casework Team and, likewise, I think Maureen was  
 10 in, like, a support function within the Crime  
 11 Risk Team.

12 But, either way, whichever relevant  
 13 department it was, to all intents and purposes,  
 14 it was an admin team within Security that would  
 15 make the requests or, as we've seen, Graham Ward  
 16 in his capacity as Casework Manager would make  
 17 requests.

18 **Q.** Thank you. I'm going to move on to the final  
 19 case study and I'll be very brief with this case  
 20 study. This the case of Julian Wilson. Can we  
 21 look again at the Court of Appeal judgment,  
 22 POL00113278, please. It's page 43 of that  
 23 judgment, paragraph 175 to 178. Thank you.

24 Very briefly, the appeal in Mr Wilson's case  
 25 was brought posthumously. He had pleaded guilty

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1 to two counts of fraud. It appears that three  
 2 counts of false accounting did not proceed:  
 3 "In his interview under caution, Mr Wilson  
 4 said that he had raised problems with Horizon  
 5 with his line manager and was told that there  
 6 was nothing wrong with the system. In his  
 7 resignation letter to his Contract Manager, he  
 8 stated that he had raised the problem of  
 9 misbalances on three occasions and received no  
 10 adequate response. In an agreed basis of plea,  
 11 Mr Wilson stated that the losses occurred  
 12 because of staff or systemic errors and not  
 13 because the money had been stolen. He admitted  
 14 to inflating the cash-on-hand figures over five  
 15 years to ensure that the accounts balanced, but  
 16 believed that the alleged shortfall was due to  
 17 problems with Horizon."

18 The Court of Appeal notes there, in  
 19 paragraph 177, about halfway through:

20 "The Post Office did not investigate any of  
 21 the criticisms of Horizon made by Mr Wilson  
 22 historically and during his detailed interview."

23 We'll look, very briefly, at what he said  
 24 about Horizon, in interview. Can we look at  
 25 POL00050140, please. So you're one of the  
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1 were called, and I raised the question of  
 2 misbalances with him, and I'd been keeping  
 3 a record. I said could the system be wrong or  
 4 are we doing, he said "No, no the system cannot  
 5 be wrong as there's nothing wrong with the  
 6 system". Perhaps two years ago we had a letter  
 7 sent round from the Federation as to whether  
 8 anybody was experiencing misbalances. I said  
 9 that I had and I actually then was asked to  
 10 submit to the Federation copies of trading  
 11 reports. This relates to the trading reports  
 12 not the old, the old system, and I sent copies  
 13 of those to the Federation."

14 So, again, straightforward away in his case  
 15 he raised issues with the Horizon system in  
 16 interview.

17 I mean, looking at these case studies that  
 18 I've taken you to, each one raising issues with  
 19 the Horizon system, I know that you've explained  
 20 that the Casework Team would liaise with Fujitsu  
 21 but, as an Investigator, do you think that you  
 22 did enough investigating in respect of problems  
 23 with the Horizon system?

24 A. I'm really not sure what I could have done. I'm  
 25 going to say I can't go -- (a) it wouldn't have  
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1 interviewing officers, again, with Gary Thomas.  
 2 Was it quite regular for you to work with Gary  
 3 Thomas on cases to interview together?

4 A. Yeah, I think, more often than not, due to the  
 5 fact that we were relatively close to each other  
 6 in respect of other members of the team.

7 Q. Thank you. Could we scroll down, and it's here  
 8 that Mr Wilson gave his account. He says, for  
 9 example:

10 "I had an audit some six months later and  
 11 everything on the audit was fine. I had trained  
 12 for one week when I first covered the Post  
 13 Office. I didn't have any more training after  
 14 that. So not all of the transactions that  
 15 I carried out I was familiar with, so  
 16 I therefore had to ask a member of staff how to  
 17 perform a particular transaction, had it not  
 18 come up in the first week of training. When  
 19 I balanced, I balance every Wednesday as  
 20 required by Post Office Limited, some weeks it  
 21 was up, some weeks it was down and I kept  
 22 a record of all those transactions as to what  
 23 was up and down during, you know, my period as  
 24 a postmaster. I at one time had a manager who's  
 25 the line manager in those days, I think they  
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1 been my mindset to do so because we were --  
 2 I think when these -- the increased number of  
 3 cases come about, we were getting messages from  
 4 various sources, I believe, saying, yeah,  
 5 there's nothing wrong with the Horizon,  
 6 whatever, so that was in my mindset.

7 But I don't see how a Security Manager could  
 8 go to Fujitsu and say -- or anyone, and say,  
 9 "Can you check the integrity?" because I believe  
 10 that's what Fujitsu were doing when they were  
 11 being asked to produce statements.

12 Q. You were an Investigating Officer tasked with  
 13 investigating criminal offences that could lead  
 14 to people's convictions and imprisonment. Do  
 15 you not think that you should have been trying  
 16 to find out more about these alleged issues and  
 17 pressing Fujitsu in respect of them?

18 A. I say, again, it wouldn't be for me to go to  
 19 Fujitsu but there may well have been questions  
 20 asked amongst the team with these cases.  
 21 I really can't recall.

22 Q. But you were the person who was investigating  
 23 those cases, so --

24 A. Well, not this case I wasn't. I was second  
 25 officer. I was only there for the interview.  
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1 Q. Absolutely, but some of the cases that I've  
 2 taken you to, you were, for example, the  
 3 Disclosure Officer and had specific duties  
 4 relating to disclosure, specific duties to  
 5 pursue reasonable lines of inquiry. Did you  
 6 think that it was unreasonable to pursue those  
 7 kinds of lines of inquiry?

8 A. Well, all I can say, Mr Blake, is, from  
 9 recollection, I had no reason to believe that  
 10 there was any issue with the integrity of  
 11 Horizon because that was the message that came  
 12 through. That seemed to be conveyed in the  
 13 statements. As I say, we'd had challenges that  
 14 had gone through the courts system and none were  
 15 upheld so I can't say for certain but I'm just  
 16 surmising that that was probably why I, like, no  
 17 doubt, others, had the mindset that there was no  
 18 issue with Horizon.

19 Q. Who was the message coming from, internally at  
 20 the Post Office? You've said a number of times  
 21 that was the message.

22 A. Yeah.

23 Q. Who was it coming from?

24 A. As I say, I think -- I can't think specifically  
 25 or where the sources were, I think once there

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1 this doesn't look like something the  
 2 Investigator would have done.

3 Q. Thank you very much. Those are all my questions  
 4 in relation to this case study.

5 I have a few very brief miscellaneous  
 6 topics. The first is Mr Gareth Jenkins. Can we  
 7 look at FUJ00156530, please.

8 Can we start on page 3. Thank you. There's  
 9 an email here that you're not a party to yet,  
 10 and that is an email from Emma Haley to Andrew  
 11 Bolc, and she says -- it's a case of *Bramwell*.  
 12 Is that a case you remember at all, *Royal Mail v*  
 13 *Bramwell*.

14 A. I didn't until I saw the documentation.  
 15 I vaguely recall it, and I think it was  
 16 Mike Wilcox's case, and I was second officer,  
 17 and I think when Mike left it was transferred to  
 18 me, I believe.

19 Q. It says:  
 20 "Council would bluntly like Fujitsu to pour  
 21 as much cold water as possible on the defence  
 22 report. If the expert is saying we cannot  
 23 disagree with anything at all, then we're  
 24 potentially in some difficulty. I've asked  
 25 counsel to provide a specific list of questions,

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1 was number of cases, you know, at the latter  
 2 stages, possibly it was coming down the line  
 3 from, you know, like senior Security, whether  
 4 that was the Fraud strand lead, whether that was  
 5 the Head of Security, whenever we had national  
 6 meetings, I don't know. But it was just always  
 7 the belief -- and I had no reason to disbelieve  
 8 that Horizon wasn't working.

9 So I think it's possibly a combination --  
 10 because there were times when there were  
 11 becoming more and more cases where there were  
 12 challenges. So, again, I can't recall  
 13 specifically but I'm sure there was messages  
 14 saying no, Horizon is fine, but I don't know --  
 15 I couldn't give you a name of who said that or  
 16 a particular source.

17 Q. One final document in Mr Wilson's case, can we  
 18 look at POL00044767, please. This is a summary  
 19 of facts that was prepared for the Magistrates  
 20 to consider suitability for the Magistrates  
 21 Court or the Crown Court. Is this a document  
 22 that you would have seen at the time? Is it  
 23 a document you prepared? Do you recall this  
 24 document?

25 A. Well, as I say, I wasn't the Investigator but

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1 but really the essence is: how much, if  
 2 anything, can we rebut?"

3 So it seems as though there is a defence  
 4 report addressing Horizon. She says there:  
 5 "I mentioned to counsel Mr Brander's  
 6 suggestion of barrister training in Cardiff.  
 7 That might be ideal."

8 Are you able to assist us with what  
 9 barrister training in Cardiff might have been  
 10 a reference to?

11 A. I think it might have been, like, training on  
 12 the use of Horizon. I can't be certain but  
 13 I think possibly that was, I'm going to say,  
 14 because I see the barristers, you know, the  
 15 chambers are in Cardiff. My recollection was  
 16 that they would be at Bell Yard in London,  
 17 but -- so whether we started using a different  
 18 chambers and they might not have been as *au fait*  
 19 as our barristers in London, I don't know,  
 20 but --

21 Q. So that's training for prosecution counsel on --  
 22 that's prosecution counsel it's talking about,  
 23 in terms of --

24 A. Oh, absolutely, yeah, yeah, yeah, yes.

25 Q. Can we go to page 2, please, and it's the bottom

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1 of page 2 and this is where you are included in  
 2 the email, so you will have received that chain.  
 3 This says:  
 4 "Graham,  
 5 "Please see Emma's email for your  
 6 information. Could you see if Fujitsu can work  
 7 with these rather vague instructions, otherwise  
 8 I think the only way forward is for you to meet  
 9 with Sue as soon as possible to help her  
 10 understand the system and iron out the specifics  
 11 that need to be addressed.

12 "It would seem easiest if you could contact  
 13 Sue's clerk."

14 So it seems to be that counsel is called  
 15 Sue.

16 Could we scroll up to the bottom of page 2.  
 17 You then email Penny Thomas and you say:

18 "Hi Penny

19 "Please would you look at the email below  
 20 from our solicitors in the Bishops Hull case and  
 21 pass on to Gareth. Counsel would like Gareth to  
 22 advise on what from the defence expert report  
 23 faxed to you last week that he is able to rebut  
 24 if anything.

25 "I have asked for an electronic copy of the  
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1 It's the third paragraph in that email. You  
 2 say:  
 3 "... only Penny Thomas performs the expert  
 4 witness role for Fujitsu. As you have probably  
 5 gathered, we have enough problems getting Andy  
 6 Dunks to produce the call logs, let alone the  
 7 entire workings of Horizon. As such, if defence  
 8 wish to cross-examine on Horizon, ie Penny's  
 9 statement, then we will have to rearrange trial  
 10 date. If Penny isn't required to give evidence  
 11 in person then we're okay so I don't know if  
 12 Alex wants to speak to defence counterpart to  
 13 gauge if Penny will be required."

14 Why is it that you describe Penny Thomas  
 15 there as performing the expert witness role for  
 16 Fujitsu?

17 **A.** Because that would have been my understanding,  
 18 whether that was correct or not, but I think  
 19 it's because Penny was the one that was  
 20 producing the bulk of the statements so -- when  
 21 she was doing the Horizon data, and then, you  
 22 know, covering the workings of Horizon, so that  
 23 was probably why I thought it was Penny Thomas,  
 24 so I don't think I was, you know, even aware of  
 25 somebody called Gareth Jenkins until the  
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1 expert report but it is down to the defence as  
 2 to whether they are prepared to supply this as  
 3 they are only required to serve a hard copy."

4 In your witness statement for this Inquiry,  
 5 I think you've said that you have no  
 6 recollection of the name Gareth Jenkins.

7 **A.** No, not at all, until I saw this.

8 **Q.** Do you know why that might be, given that you're  
 9 referring to him, you know, by his first name  
 10 there. It seems certainly from that email that  
 11 you seem to be quite familiar with --

12 **A.** Well, I can only assume that I was advised that  
 13 Gareth was the person to give a statement in  
 14 that respect, because, previously, my  
 15 understanding was it would have been Penny  
 16 Thomas.

17 **Q.** Absolutely. So I'd like to actually take you  
 18 back to a document that we've looked at, it's  
 19 a different page of the same document. It's  
 20 POL00112329, please, and it's page 63. That's  
 21 exactly the issue that I'd like your assistance  
 22 with, and it's the role of Penny Thomas. If we  
 23 look at page 63 of this document, there's  
 24 an email from you to Phil Taylor in the case of  
 25 Wendy Buffrey. Thank you.  
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1 Bramwell case.

2 **Q.** What did you understand the expert, an expert  
 3 witness role to involve?

4 **A.** Somebody who just had an expert knowledge of the  
 5 relevant subject matter, I guess.

6 **Q.** Was it something that you'd received any  
 7 training or instruction in or were there any  
 8 policies that you're aware of?

9 **A.** Having seen bits about expert witnesses in the  
 10 bundle and Inquiry, then, no, I'm pretty sure my  
 11 understanding -- let me rephrase that.

12 I am pretty sure I wouldn't have understood  
 13 exactly what an expert was, and their duties at  
 14 that time, having seen what I've seen recently.

15 **Q.** Thank you, then I have just a couple of very  
 16 small topics. The first is Crown Offices. Did  
 17 you experience any differences in attitude  
 18 towards Crown Office employees to subpostmasters  
 19 in respect of the approach to investigations?

20 **A.** Not from anything I dealt with or was, you  
 21 know -- where I assisted in an interview with  
 22 a colleague. As far as we were concerned, if  
 23 there was evidence of a criminal offence,  
 24 everyone would be treated the same and, in my  
 25 experience, that would be fairly and  
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1 professionally.

2 **Q.** Were there any differences in the proportion of  
3 Crown Office employees you investigated  
4 compared --

5 **A.** Sorry any difference in the?

6 **Q.** Proportion of the Crown Office employees  
7 compared to subpostmasters?

8 **A.** Well, I think there were less because there were  
9 far less Crown Offices than there were sub post  
10 offices.

11 **Q.** Thank you, another topic: your role as the  
12 Network Transformation Field Change Advisor.  
13 Were there any financial incentives, such as  
14 bonuses, to convert branches to the new model?

15 **A.** I think so, yes. I think there was, for  
16 a period of time, an incentive bonus. I can't  
17 remember what the criteria was but there was  
18 a bonus of some sort, yeah.

19 **Q.** Was that to get people to change the contract  
20 that they were on?

21 **A.** Well, if they converted to either the local or  
22 the mains model, whichever one was attributed to  
23 them, then, yes, they would get a new contract.  
24 But, although there was an incentive bonus, when  
25 we -- certainly when we started the process, we

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1 least.

2 **SIR WYN WILLIAMS:** Well, unless they're going to  
3 tell me that they're only going to be literally  
4 a few minutes we'll have a break, all right.

5 **MR BLAKE:** Thank you, sir. Perhaps we could come  
6 back at 3.40.

7 **SIR WYN WILLIAMS:** Right.

8 **MR BLAKE:** I don't believe they're going to be very  
9 long but they will be more than a few minutes.

10 (3.24 pm)

11 (A short break)

12 (3.38 pm)

13 **MR BLAKE:** Thank you, sir.  
14 Mr Jacobs.

15 **Questioned by MR JACOBS**

16 **MR JACOBS:** Good afternoon, Mr Brander.  
17 Hello, I represent 156 subpostmasters and  
18 subpostmistresses and assistants instructed by  
19 Howe+Co. I want to ask you about your knowledge  
20 of the bugs, errors and defects. I don't want  
21 to go over the evidence that we've heard this  
22 morning in your answers to questions from  
23 Mr Blake but do you recall you were taken to the  
24 Helen Rose report and you were taken to  
25 a synopsis of a number of subpostmasters who'd

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1 were absolutely inundated with postmasters  
2 either wanting to leave because they would have,  
3 at the time, received a payment equivalent to  
4 18 months of their best year of remuneration out  
5 of the last three, which, fairly quickly,  
6 I believe, moved to 26 months, which, from my  
7 understanding, was possibly more than they would  
8 have obtained from looking to do a commercial  
9 transfer where they might sell their retail  
10 business and market the post office alongside  
11 it.

12 But also the postmaster would get  
13 a conversion payment, which I believe was  
14 12 months of the best year out of the last  
15 three, to convert to the local model or the  
16 mains model. So there were obviously incentives  
17 to both the postmaster but I think because the  
18 Post Office were keen to get numbers of new  
19 models ASAP, that's possibly why there was  
20 an incentive bonus, initially, but that bonus  
21 wasn't there for the whole time. I can't say  
22 how long it was.

23 **MR BLAKE:** Thank you.

24 Sir, those are all of my questions. We have  
25 questions from Mr Moloney and Mr Jacobs at

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1 raised Horizon Issues and one of those was our  
2 client Pam Stubbs.

3 **A.** Yeah, as I say, I recall that there was a larger  
4 or increased number of challenges nearer or  
5 leading up to the time when I left the Post  
6 Office, maybe the first couple of years, but  
7 yes.

8 **Q.** You were taken to page 2 of the report and we  
9 don't need to call it up because we've seen it,  
10 unless you want to see it again, but the passage  
11 was:

12 "Mike Wilcox stated, along with Graham  
13 Brander I met with Mrs Stubbs on 17th January  
14 and she was convinced that Horizon was at  
15 fault."

16 It goes on to say that Mrs Stubbs had  
17 retained her own transaction logs and was going  
18 to compare them with Fujitsu data. So she was  
19 very much challenging the Horizon system.

20 **A.** Mm-hm.

21 **Q.** Mr Blake took you to other evidence, the case of  
22 Mrs Hutchings, when at interview she again made  
23 a very strong challenge to the system. It was  
24 suggested that this is inconsistent with what  
25 you've repeatedly said in your statement, where

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1 you say, paragraph 144, an example:

2 "I have no recollection of any specific  
3 challenges to the integrity of Horizon."

4 **A.** Mm-hm.

5 **Q.** When that was put to you, you said:

6 "Well, the message from above was that there  
7 were no issues with Horizon."

8 Then you went on to say, this was about  
9 12.15 this afternoon -- I'm sure it's been  
10 a long day but you might recall saying that --  
11 you went on to say that you can't recall who  
12 that message came from.

13 **A.** Yeah.

14 **Q.** Now, my clients are a little anxious that a lot  
15 of people who were in senior positions at the  
16 time are coming to the Inquiry and are not  
17 answering this question. They're not able to  
18 say who told them to disregard, essentially,  
19 what subpostmasters were saying about the  
20 Horizon system.

21 **A.** Yeah.

22 **Q.** So what I want to do is I just want to go  
23 through that. Could you tell me who your line  
24 managers were at the time, about 2010, for  
25 example, which was when you spoke to Ms Stubbs?  
201

1 **Q.** What about John Scott?

2 **A.** John Scott was the Head of Security so,  
3 obviously, when we periodically got together as  
4 a national team, there would be agenda items but  
5 I honestly can't recall what they would be.  
6 But, like everyone seems to have been saying,  
7 this word "robust", which isn't a word I would  
8 necessarily have used in everyday occurrences,  
9 seemed to be the word that was always used.

10 So when I first joined Investigations,  
11 because I had no IT background, this was all  
12 brand new, it was new to everybody, we had no  
13 reason to believe there was any issues. But  
14 suddenly the word "robust" seemed to appear. So  
15 I am just assuming that was the wording in the  
16 message we were given but I don't know from what  
17 source.

18 **Q.** What about David Pardoe?

19 **A.** Well, Dave Pardoe would have been -- so, for  
20 instance, myself as a Security Manager, say, for  
21 instance; Jason when I left, team leader; then  
22 it would be Dave Pardoe as the Fraud Strand  
23 leader, who would then report to John Scott.

24 **Q.** So are you saying then that all of these people  
25 are people who could have told you the message  
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1 **A.** Well, going back, when I left, it was Jason  
2 Collins.

3 **Q.** Right.

4 **A.** I cannot recall, it might have been ... err ...

5 I think -- it might have been Jason. I was  
6 temporarily promoted, I think, for a few months  
7 in 2008. I think then Ged Harbinson acted as  
8 team leader for a fairly small period of time  
9 because Jason was effectively Casework Manager  
10 at that stage. So I think, roughly from --  
11 sometime in 2009 to when I left it might have  
12 been Jason Collins. So Geoff Hall early days;  
13 changed teams and I think there was Tony Utting;  
14 Paul Whitaker was just before I was temporarily  
15 promoted; Dave Posnett, I can't quite remember  
16 when he was in there; but certainly when I left,  
17 it was Jason.

18 **Q.** Jason Collins?

19 **A.** Yeah, and, as I say, I think -- but that doesn't  
20 mean to say any message came via Jason. It  
21 might have been that we were at an national team  
22 meeting and it could have been there. As I say,  
23 I can't remember what source -- well,  
24 I really -- if I could, I would absolutely have  
25 no qualms saying but I just cannot recall.  
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1 is "There's nothing wrong with the Horizon  
2 system" --

3 **A.** It could have come from there it could have been  
4 coming from cases from -- you know, where the  
5 Criminal Law Team has said that we've, you know,  
6 successful rebutted, to use the terminology,  
7 cases. I don't know but I think I do -- without  
8 being specific, I'm sure, once we got to the  
9 stage where there was more and more cases  
10 challenging Horizon, there was definitely  
11 a message that come through from somewhere,  
12 so -- and, again, even if it was, say,  
13 John Scott, and it may well be that he was given  
14 the message from somewhere else.

15 **Q.** Okay, but when you say a message came through  
16 from somewhere and you said earlier on it might  
17 have been a national team meeting, are you  
18 really not able to say who that came from?

19 **A.** I really -- if I knew, I would absolutely, I'm  
20 on oath, if I could recall where and whom,  
21 I would absolutely share that with the Inquiry.

22 **Q.** So it was just a general view that you all held;  
23 is that right?

24 **A.** Well, I can't speak for everybody but, just  
25 speaking to colleagues, that did seem to be the  
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1 actual belief, not just in Security. I think  
 2 with all personnel in Post Office.  
 3 **Q.** Did you think, when confronted by  
 4 subpostmistresses like Mrs Stubbs and when  
 5 interviewing Ms Hutchings, did you not think  
 6 "Well, there must be something wrong with that  
 7 instruction, with that general view"?

8 **A.** When there was an increase, I may well have done  
 9 but I honestly can't recall that. And, as  
 10 I said, it's -- looking back in hindsight, you  
 11 can -- if there was a national picture that  
 12 individual Security Manager was fed into and  
 13 I could see the national picture, I might have  
 14 a better gauge of it.

15 I'm going to say we talked over a period of  
 16 time of, I think, 2006 to 2011, maybe three or  
 17 four cases, and not making excuses, that would  
 18 have been maybe one of 10 to 15 cases was  
 19 dealing with at the time. So you're on the  
 20 constant conveyor belt of boom, boom, boom,  
 21 boom, dealing with umpteen different cases,  
 22 I don't really think there was much time to  
 23 reflect and review cases. I assume that, if  
 24 that was being looked at, that would be looked  
 25 at by a central point, so from the Inquiry I see  
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1 of a group of former postmasters, all of whom  
 2 were prosecuted and convicted and all of whom  
 3 have had their convictions quashed?

4 **A.** Uh-huh.  
 5 **Q.** One of those former postmasters is Mrs Josephine  
 6 "Jo" Hamilton, who sits next to me.  
 7 **A.** Yeah, okay.  
 8 **Q.** Do you recognise her, Mr Brander?  
 9 **A.** Only from -- I can't remember. I think was  
 10 there a local news article that Jo may have  
 11 appeared on that I recognised her from, fairly  
 12 recently?  
 13 **Q.** Right okay.  
 14 **A.** Then I've seen her at -- who I thought was  
 15 Jo Hamilton, I've seen her at the Inquiry and  
 16 I've seen other evidence. But, other than  
 17 seeing Jo, Mrs Hamilton, on the -- I don't know,  
 18 have I got that right or wrong? Was there  
 19 a news article? I don't know. But I think I do  
 20 recognise Jo from recent events, not from when  
 21 I did the investigation.  
 22 **Q.** All right. Well, I just want to ask you about  
 23 two days, one at the start and one at the end,  
 24 of the investigation and prosecution of  
 25 Mrs Hamilton. The first is the day of the audit  
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1 that there was the Helen Rose report. I don't  
 2 believe I was aware of that at the time, I may  
 3 have been. But that would have made sense to  
 4 me, that, if it was being looked at it would  
 5 have been a central point who would have had  
 6 access to all cases, nationally.

7 I would only have been aware of my cases.  
 8 Yes, the lady just mentioned, I think  
 9 Mrs Stubbs, I don't recall it. I would have  
 10 been aware for the interview and I would have  
 11 had no other dealings with it but it would have  
 12 made more sense to me that somebody that could  
 13 have looked at this centrally could have  
 14 reviewed the cases, but I don't believe that  
 15 report was disseminated to people like myself.  
 16 May have been, I just don't recall.

17 **MR JACOBS:** I am just going to ask if I have any  
 18 more questions for you.

19 I don't have any more questions for you.

20 **A.** Okay, thank you.

21 **MR JACOBS:** Thank you.

22 **SIR WYN WILLIAMS:** Mr Moloney?

23 **MR MOLONEY:** Thank you.

24 **Questioned by MR MOLONEY**

25 **MR MOLONEY:** Mr Brander, I ask questions on behalf  
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1 of her post office. Mr Blake has asked you  
 2 questions about that, in fact it was during the  
 3 course of this morning?

4 **A.** Yeah.

5 **Q.** You said today that your reason for going to  
 6 Mrs Hamilton's house with Elaine Ridge was to  
 7 introduce yourself and to set out how things  
 8 would proceed from that day.

9 **A.** Yes.

10 **Q.** But didn't you say to Mrs Hamilton, "There's  
 11 a big deficit, where is it?"

12 **A.** Sorry, say that bit again?

13 **Q.** There's a big deficit, where is it?

14 **A.** No, I didn't ask her any questions relating to  
 15 the investigation whatsoever.

16 **Q.** You told her about a deficit of £30,000, didn't  
 17 you?

18 **A.** I -- from looking at the documentation, I said  
 19 there's a deficit in excess of or around  
 20 £30,000, but that's probably because that was  
 21 when Ms Ridge was explaining the reason for  
 22 precautionary suspending her, that would have  
 23 been the reason given.

24 **Q.** She replied to you "I'm struggling with the  
 25 computer", didn't she, when you asked her about  
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1 where the deficit was?  
 2 **A.** No, that's not true. I made a notebook entry of  
 3 what was actually covered at the time. There  
 4 was nothing discussed and I don't believe  
 5 Mrs Hamilton made any comment whatsoever but,  
 6 again, I'm only going on the documentary  
 7 evidence including the notebook entry I would  
 8 have made at the time.  
 9 **Q.** Then didn't you say "Well, you're the only one  
 10 that's had problems with it"?  
 11 **A.** Okay -- no, that's completely untrue.  
 12 **Q.** All right. From where you were sitting on the  
 13 sofa in the living room --  
 14 **A.** Sorry, I didn't catch that last bit?  
 15 **Q.** From where you were sitting on the sofa in the  
 16 living room, do you remember --  
 17 **A.** I have no idea if I was sitting or standing.  
 18 I cannot recall, even through looking at the  
 19 documentation and my notebooks, I cannot recall  
 20 going to Ms Hamilton's address.  
 21 **Q.** All right. Well, see if you remember this, that  
 22 you began to look around the room at the objects  
 23 in the room, and --  
 24 **A.** Sorry, say that again?  
 25 **Q.** You began to look round the room at the objects  
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1 Mrs Hamilton was sentenced at Winchester Crown  
 2 Court, were you present, Mr Brander?  
 3 **A.** I was, yes.  
 4 **Q.** Yes. So you remember that. A large number of  
 5 residents of Mrs Hamilton's village, customers  
 6 of the Post Office, turned up to court to give  
 7 support to her; do you remember that?  
 8 **A.** Exactly, and that's the reason why I remember  
 9 being at that court appearance because it was  
 10 almost surreal in the fact that there were so  
 11 many people, the public gallery was filled,  
 12 I think every seat was taken.  
 13 **Q.** Outside court, after the proceedings had  
 14 concluded, the local press --  
 15 **A.** Sorry, what's the last bit?  
 16 **Q.** Is it that you can't hear me or is it you can't  
 17 understand --  
 18 **A.** My hearing is appalling. My hearing isn't the  
 19 best.  
 20 **Q.** Okay. Outside court, after the proceedings had  
 21 concluded, the local press took group photos of  
 22 Mrs Hamilton and those from the village who came  
 23 to support her. Do you remember that?  
 24 **A.** I don't, no.  
 25 **Q.** Because, as the press were taking photos, do you  
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1 in the room and Mrs Hamilton's late mother, who  
 2 sadly died before Mrs Hamilton's conviction was  
 3 quashed, said, "This is my house as well",  
 4 didn't she?  
 5 **A.** I would not be looking around -- I was in and  
 6 out in ten minutes. That was time for us to  
 7 introduce ourselves, for Elaine Ridge to then  
 8 precautionary suspend Mrs Hamilton, for me to  
 9 explain the nature of the investigation and that  
 10 I would be writing to her later that day and  
 11 asking her to contact me when she felt able to  
 12 be interviewed.  
 13 So I was just there explaining the process  
 14 because I'd been asked to attend the audit and  
 15 I was just explaining the nature of the process  
 16 to Mrs Hamilton. There was no -- in no case  
 17 whatsoever would I be asking any questions  
 18 relating to an investigation whereby somebody  
 19 hadn't been cautioned.  
 20 **Q.** No, because that would be wrong, wouldn't it?  
 21 **A.** Sorry, I didn't catch that?  
 22 **Q.** That would be wrong, wouldn't it?  
 23 **A.** Absolutely.  
 24 **Q.** The second day I'd like to ask you about is the  
 25 day of Mrs Hamilton's sentencing. When  
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1 remember saying to them as you walked past  
 2 "Don't take photos of her, she's a criminal"?  
 3 **A.** Oh, do you want -- I'm not even sure whether  
 4 I should actually grace that with an answer.  
 5 No, I wouldn't have said something like that.  
 6 **MR MOLONEY:** That's all I ask, sir. Thank you very  
 7 much.  
 8 **SIR WYN WILLIAMS:** Thank you. Is that it, Mr Blake?  
 9 **MR BLAKE:** Yes, sir, it is.  
 10 **SIR WYN WILLIAMS:** Well, thank you, Mr Brander, for  
 11 giving a witness statement and for coming to  
 12 give evidence and I hope that all those Core  
 13 Participants who are listening and/or who are  
 14 present at the hearing, including of course  
 15 Mrs Hamilton, will have found the evidence today  
 16 informative.  
 17 So I'm sorry to have to announce that we're  
 18 starting at 9.00 tomorrow morning. That is  
 19 because I have an appointment at 3.00 pm which  
 20 I have to keep and, therefore, we have to finish  
 21 at 2.00 but I thought everyone was entitled to  
 22 some explanation of why we were starting, by  
 23 court standards, at a very early time.  
 24 Thank you, I'll see you in the morning.  
 25 **MR BLAKE:** Thank you very much, sir.  
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1 (3.54 pm)

2 (The hearing adjourned until 9.00 am  
3 the following day)

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<b>Mr Ian [1]</b> 143/6	<b>Ms Taylor [1]</b> 129/25	<b>needed [14]</b> 4/15 23/17 26/22 31/5 31/10 34/20 57/21 69/22 112/24 156/9 167/8 167/18 181/16 181/23	<b>name [10]</b> 1/10 11/10 42/12 55/8 74/6 83/9 113/23 190/15 194/6 194/9 <b>named [3]</b> 42/18 59/23 181/5 <b>namely [2]</b> 45/10 63/24 <b>names [1]</b> 16/11 <b>national [12]</b> 12/13 37/6 37/24 100/8 164/7 180/23 190/5 202/21 203/4 204/17 205/11 205/13 <b>nationally [1]</b> 206/6 <b>Nationwide [1]</b> 134/16 <b>nature [10]</b> 23/22 30/15 113/10 125/4 125/15 126/2 126/7	
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<p><b>W</b></p> <p><b>written [10]</b> 33/19 55/15 73/8 74/24 77/3 77/24 105/17 105/25 164/23 166/4</p> <p><b>wrong [20]</b> 17/9 34/6 60/10 80/25 87/10 97/25 98/6 113/14 128/20 166/12 185/6 187/3 187/5 187/5 188/5 204/1 205/6 207/18 210/20 210/22</p> <p><b>wrote [3]</b> 51/17 134/17 140/3</p>	<p>86/9 95/11 95/14 105/20 108/16 126/19 127/22 131/9 132/2 138/2 185/15 187/6 200/6</p> <p><b>years' [2]</b> 49/7 133/14</p> <p><b>yes [116]</b> 1/5 1/22 2/1 2/11 2/14 2/24 3/2 5/13 5/21 7/13 7/17 8/8 10/2 10/25 15/6 15/9 17/22 21/12 22/4 25/19 35/24 36/14 36/23 39/11 39/11 40/14 41/2 42/9 42/20 45/20 48/6 49/7 49/17 55/4 55/4 56/21 58/3 58/3 58/17 59/9 60/16 60/21 60/22 63/8 65/20 67/23 68/4 68/21 72/25 73/4 75/22 80/11 85/14 85/15 86/9 88/6 93/7 94/7 95/15 97/4 97/6 97/23 102/16 102/21 102/22 103/1 103/21 104/10 109/19 112/15 114/13 117/7 117/7 120/11 121/15 122/4 123/14 123/16 124/9 125/8 125/10 127/20 127/21 130/8 131/11 131/19 132/4 132/7 133/5 133/23 133/23 134/5 135/8 136/2 139/2 139/23 141/2 146/13 149/7 149/13 149/14 156/22 158/5 174/8 176/21 177/4 178/2 192/24 197/15 197/23 200/7 206/8 208/9 211/3 211/4 212/9</p> <p><b>yet [5]</b> 9/24 120/20 154/14 154/15 191/9</p> <p><b>you [738]</b></p> <p><b>you'd [12]</b> 6/16 8/25 19/20 28/12 34/5 51/2 55/21 55/24 67/2 67/3 85/17 196/6</p> <p><b>you'll [3]</b> 157/21 162/3 174/13</p> <p><b>you're [39]</b> 8/6 28/16 35/15 35/16 41/3 46/19 51/12 59/23 72/5 72/10 90/5 99/9 106/12 107/13 110/16 115/21 120/5 120/8 122/5 124/3 125/6 126/1 131/16 137/2 137/12 137/18 143/23 144/7 146/9 147/6 153/13 159/4 162/25 185/25 191/9 194/8</p>	<p>196/8 205/19 209/9</p> <p><b>you've [40]</b> 5/1 8/15 10/4 12/17 14/5 14/6 18/13 20/21 23/18 23/22 24/7 24/17 34/14 34/19 35/1 36/11 38/3 39/8 50/4 65/15 73/5 106/13 118/15 125/6 125/25 127/25 132/5 132/24 144/10 147/16 147/24 148/13 151/22 157/16 168/12 175/6 187/19 189/20 194/5 200/25</p> <p><b>your [132]</b> 1/10 1/21 1/24 2/9 5/2 5/18 7/9 8/14 8/15 10/3 12/17 12/24 14/6 16/4 18/12 20/21 20/24 23/24 24/1 24/2 24/18 24/19 27/22 35/18 36/1 36/11 38/3 38/13 39/1 39/8 41/12 42/12 45/18 45/19 45/22 45/23 47/16 49/22 52/3 56/4 58/21 61/11 63/3 63/6 65/4 66/6 66/14 66/16 69/22 70/14 73/6 74/3 74/17 75/19 78/22 78/23 80/7 81/22 82/15 83/14 85/13 91/3 91/13 98/15 98/23 104/11 104/12 104/14 108/5 108/12 109/4 109/5 109/9 111/25 112/11 112/12 113/23 121/1 121/11 122/25 123/6 125/5 125/21 126/10 126/20 127/21 128/9 129/15 130/10 131/4 133/1 133/11 135/9 138/10 138/10 138/11 139/20 141/4 141/10 143/20 145/7 145/15 145/20 146/6 147/10 147/20 148/1 148/5 148/15 150/12 151/8 151/9 152/10 157/17 157/23 159/23 161/11 161/21 163/1 168/8 170/2 171/15 183/1 193/5 194/4 194/21 197/11 199/19 199/22 200/25 201/23 208/5</p> <p><b>yourself [9]</b> 26/20 35/11 49/9 62/25 86/10 109/1 121/11 150/11 208/7</p>		
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