
From: Christopher Knight [GRO]
Sent: Thur 12/11/2015 7:06:19 PM (UTC)
To: Patrick Bourke [GRO]
Cc: Jonathan Swift [GRO]; Jane MacLeod [GRO]
Mark Underwood1 [GRO]; Steve Allchorn [GRO]; Rodric Williams [GRO]
Subject: Re: Post Office Matter

Dear Patrick,

Thank you for this helpful summary.

Can I reiterate and add some further requests please:

Could we have a formal POL response to the recommendations of Brian Altman QC concerning POL prosecution policies and procedures? (I've mentioned this to Rodric already.) This may already exist in a document which addresses each of them but if it does not, a formal letter to us explaining what has been adopted and what has not would be helpful.

There are some legal advice documents on the original list which are still outstanding. We would welcome those please.

I have reviewed the Hamilton file you sent through a fortnight ago. As I understand it, it contains the documents which particularly go to explaining consideration of sufficiency of evidence and the charging of theft and false accounting. Is that right? Much of that is very informative but it is clearly not the full case file: could we have an indication of the size of the full file? It may be appropriate for me to look over the full file of two or three criminal cases (which you are going to make suggestions about) to ensure there is nothing which might point in a different direction, and to get a clearer idea of what Ms Hamilton says.

We should probably also see (via huddle if easier) the trial transcript at least of the Misrah prosecution. (I may have misremembered the name - the one where Jenkins was cross examined for the only time.)

I have read the Castleton judgment, which is very helpful. Is this the only civil judgment on relevant issues? I would also like some further information which arises out of this case. At para 23 the judge discusses the evidence of Ms Chapman of Fujitsu which refers to an error in the Horizon system which affected a Falkirk branch. What was the nature of this error? Is it one of the three Mr Jenkins appears to have disclosed to Second Sight? If not, has it been disclosed at any point (and if not, what is the rationale for that?)? I do not think it was something discussed in Ms Chambers' witness statement by the way the judgment is phrased, so I recognise these questions may take some time to answer.

Just on meetings, my own view is that Second Sight need not be on the VIP list which the Chair need attend, or prioritised at the outset. We are likely to have a good deal more questions for them, and more critical questions, than stakeholders such as Lord Arbuthnot or Sir Anthony Hooper, and it may not be necessary or appropriate for the Chair to attend such a meeting. We will also be better placed to speak to Second Sight towards the end rather than the beginning.

Best wishes,

Chris

Sent from my iPad

On 12 Nov 2015, at 10:15, Patrick Bourke [GRO] wrote:

Dear Jonathan, Christopher

Many thanks for coming to see us on Tuesday.

I hope you found the Horizon demonstration session helpful and that we were able, through it, to bring some of the material you are wading through to life a bit.

I said I would send you a short recap on where the discussion we had afterwards has left us.

Meetings with prominent stakeholders

You expressed the view that it would be desirable to have meetings with Lord Arbuthnot, Second Sight and Alan Bates, together with Tim Parker, as soon as practicable. This would a) sensitise them to the fact that the enquiries are underway; b) potentially enable them to inform and/or supplement your lines of enquiry (and certainly provide a platform for this); and c) help us in terms of the overall external credibility of the process. These initial meetings could be built upon at a later stage for more detail, and if necessary. Tim's availability represents a serious challenge. For that reason, we are prioritising the Lord Arbuthnot meeting. However, we will start the ball rolling on getting all of these into the diary, liaising with your clerk in the process.

The 4 strands of enquiry

We had a general discussion about the handling of these, and drew the following conclusions:

- Criminal cases – you were of the view that, in the light of the substantial work already undertaken by Brian Altman QC and Cartwright King, your role might be limited to recording whether or not, in your view, the Post Office had adopted appropriate policies and processes, perhaps by reference to specific recommendations and/or one or two cases. You asked whether we might have some suggestions as to those cases you might include in this sample and we, of course, will provide these.
- Investigations – you would, as anticipated, use the documentation we have provided (including the spreadsheet covering the 136 cases) to test the appropriateness/reasonableness of the scope and depth of our investigations under the Scheme using a sample of the actual cases to draw your conclusions from. We agreed to put you together with the relevant internal investigators at the appropriate time. You also asked whether we might suggest some cases which could usefully be included in your sampling exercise and we will, of course, provide you with some ideas.
- Helpdesk – we discussed the challenges of testing the quality of support provided by the Helpdesk given the manner in which material is recorded, and I said we would come to you with a proposal for addressing these. I will write separately on this, but for the benefit of this note, the main elements will be to supply you with documents (over and above those you already have) which show how the Helpdesk system operates generally. Then, through the administrators of the system, work is already underway to try to identify those accounting issues most frequently raised by SPMs and the answers provided by reference to the Knowledge Base. We will try to establish how long those answers have been in effect for and any changes to them over the period. We will then arrange meetings for you with the relevant personnel (including, where possible, those responsible for the Helpdesk over the relevant time period).

- Horizon – we will provide you with copies of reports prepared for the purposes of trying to confirm the reliability of the system for accounting purposes (this includes the Deloitte report(s), Second Sight's work, and the most recent ISAE3402 Report prepared by Fujitsu and Ernst & Young covering the Horizon processing environment).
- We will also provide you with the "Spot Review" responses which Post Office and Fujitsu prepared in response to specific issues raised by Second Sight in connection with their July 2013 Report, and will review other potentially relevant Horizon accreditations (e.g. that obtained for Payment Card industry standards).
- We will also ask Fujitsu to provide us with details of any system-wide upgrades which have taken place over the relevant time period which had, as one of their components, changes to the system's accounting processes. As we noted in our meeting, these will include counter, hardware, and infrastructure releases from which any specific changes to branch accounting/recording issues would need to be parsed out.
- Lastly, we can consider whether some form of testing should be conducted once a specific, testable issue has been identified, bearing in mind that this would only demonstrate how the system is operating at this point in time.

Timings

We're all conscious of the time constraints we are working within, and it may be that some limited work will need to continue after Xmas (eg any testing you recommend) and be reported as being underway in the Chairman's report to the Minister. However, our ambition remains to complete all substantial elements of the work before then, so we will need to proceed at pace. My team here is available to provide you with any support or information you may need, so do please lean on us as necessary.

At the appropriate juncture, we will want to revisit our early (and necessarily tentative) discussions about the shape and length of your report to Tim and to make arrangements for drafts etc.

The various outstanding issues identified in this note will reach you under separate cover.

Kind regards

Patrick

Patrick Bourke

GRO

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