



Mr Paul Patterson
Fujitsu Europe
7th Floor, The Lantern
75 Hampstead Road
London
NW1 2PL

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Post Office
100 Wood Street
London EC2V 7ER

Classification:
Public

BY EMAIL ONLY: paul.patterson@ **GRO**

Dear Paul,

Use of Horizon Data

I write further to your letter of 8 July 2024 addressed to Nick Read, and to thank you for coming to our offices on 18 July 2024 to meet with me. I hope you will agree that it was a useful conversation and helpful to discuss matters face-to-face so we could resolve and mutually agree next steps.

Following on from our conversation, as Acting CEO of Post Office, I would reassure you that:

- I share the commitment - which you and Nick have previously discussed - to learning the lessons of the past and ensuring that the miscarriages of justice that occurred can never happen again.
- Post Office has unquestionably changed its mindset from the days of the Horizon scandal.
- Post Office will never again take a prosecutorial role against Postmasters.

As discussed on Thursday, I was concerned by some of the points raised in your letter of 8 July. Having talked them through, it appears that there were some misunderstandings at the root of your concerns. I have set out below some further information, which I hope will assure you further that Post Office is not repeating past mistakes towards Postmasters.

(1) Expert evidence

Your letter said that Post Office was requesting that Fujitsu Services Ltd ("FSL") give expert opinion evidence, to be used in criminal proceedings against Postmasters and post office workers. That was not the case. As you rightly say, FSL is not able to provide expert opinion evidence as it is not sufficiently independent for any statements that it may provide to be deemed expert evidence by the Police or Crown Prosecution Service ("CPS"). Post Office is aware of that and has not / would not request that FSL provides expert opinion evidence.



As you are aware, our Assurance & Complex Investigations (“AC&I”) Team has been supporting a Police investigation into a significant financial crime identified in one of our branches. To enable its investigation, data from the Horizon system has been shared with the Police by Post Office. The Police have raised questions regarding the data and the Horizon system, and the AC&I Team referred the Police to FSL – as POL’s provider of the system – to obtain answers to those questions. The feedback they received in April 2024 was that the Police had only been able to have one conversation with FSL at that time and the investigation officer’s impression from that conversation was that they were indirectly being told by FSL that the Horizon system was unreliable. As a result, the Police told the AC&I Team that the investigation could not progress.

In light of that feedback from the Police, Mr Bartlett from our AC&I Team sent the email dated 19 April 2024, which you shared in your letter of 8 July. Mr Bartlett was not asking FSL to act as an independent expert witness in this case. He asked that FSL engage with the Police and provide a statement, when requested to do so by the Police, regarding the reliability of the data which was informing the Police’s investigation. I understand from your previous correspondence with Nick Read that FSL has confirmed it will engage further with the Police on this matter.

(2) Criminal investigations and prosecutions

As we discussed, in common with any commercial retail business, there are instances where Post Office may interact with the Police and/or the CPS (or other prosecutors). For example:

1. Police investigations initiated by a third-party report, where the Police request data or documents from Post Office to assist with their investigations;
2. Postmasters may proactively report incidents in their branch to the Police for independent investigation where they believe (i) a member of their staff, or (ii) a third party has engaged in criminal activity; and / or
3. Post Office may identify irregularities at a branch which it believes to be criminal in nature and report the matter to the Police for independent investigation e.g. where alleged criminal activity is suspected of a Post Office employee, a Postmaster, a member of branch staff, or an independent third party.



To get the right checks and balances in any of these investigation processes, data will be required from the Horizon system along with analysis of any known bugs, defects or errors in the system at the relevant time period. Thank you for confirming that such data will be provided, in line with contractual obligations and in cooperation with Law Enforcement Agencies.

We discussed that Post Office had used the word “victim” in correspondence with FSL. We both acknowledged that while this may be a legally and factually accurate description, it does not reflect the change in Post Office’s attitude towards Postmasters. Naturally, there will be instances where Post Office has to use the proper legal term to describe matters e.g. in correspondence with or evidence provided to the Police or the CPS. However, alternative language will be used when discussing these matters with FSL, other third parties and in internal Post Office correspondence. I am very clear that our communications must reflect the cultural change in the organisation.

(3) Postmaster shortfalls

Thank you for confirming that FSL will continue to deliver its contractual obligations including reporting promptly and transparently on branch impacting incidents. I agree that it is for the Post Office to work with Postmasters to understand and resolve branch account discrepancies fairly and promptly. However, I was concerned about your statement that FSL would not support the Post Office in the event it pursues civil recoveries from Postmasters.

While Post Office does not currently take civil recoveries action to recover established losses from Postmasters, this may be necessary in future to establish a fair, transparent and consistent approach to recoveries. Critically, this would only be undertaken in future with the wide endorsement of the Postmaster community and robust independent assurance. Post Office would expect FSL, as its contracted service provider, to assist with the provision of relevant data etc to support any civil recoveries in such instances. We will keep you updated on the proposed process as Post Office’s approach to civil recoveries evolves.

I welcome your commitment that FSL will work collaboratively with Post Office over the coming months so that together we can achieve the best outcome for Postmasters and your offer to work collaboratively on the future of the Horizon system is much appreciated. I hope that this letter and our discussion last week has helped to clarify Post Office’s position.



If you have any further concerns, please do contact me.

Yours sincerely,

GRO

Owen Woodley
Acting CEO