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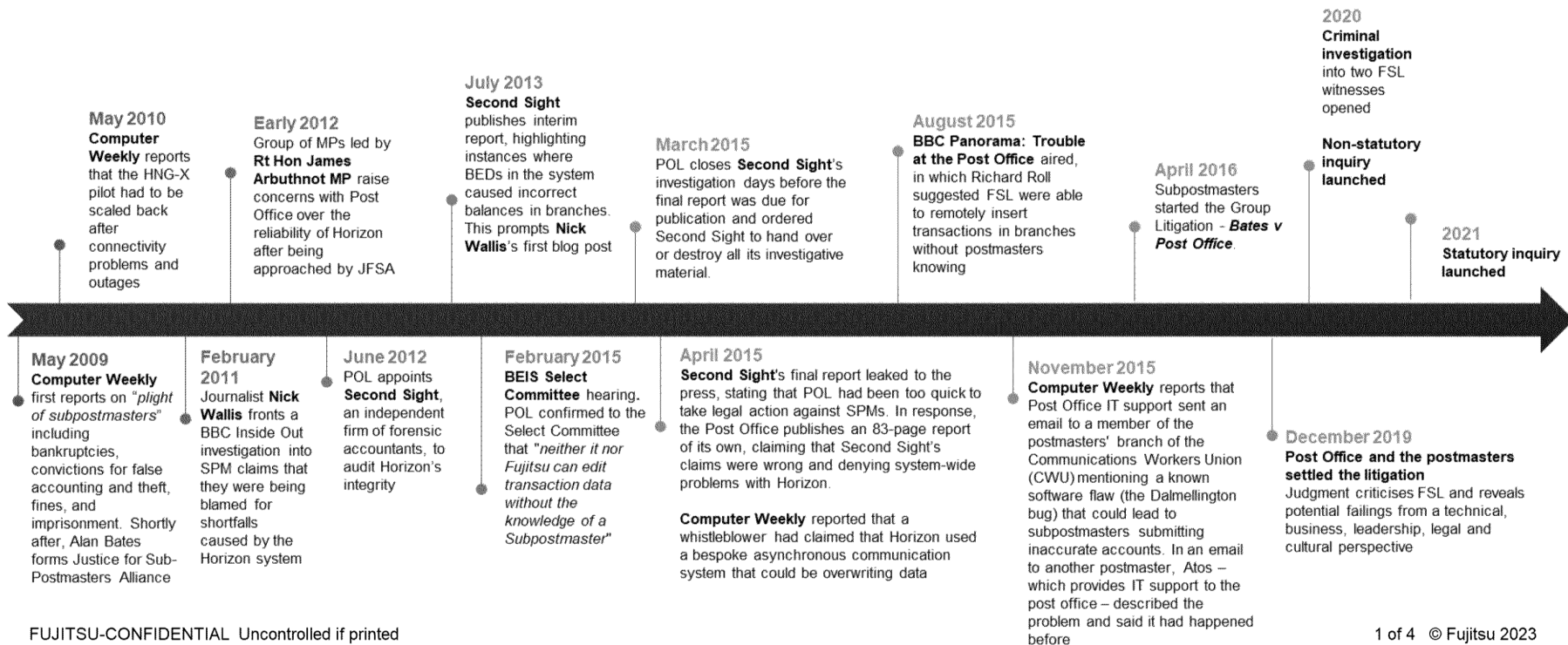
# Case Study 3

## Ethics and Values Workshop

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Please read the following and then discuss with your group. At the end of the session, the document must be returned to Fujitsu Legal.

From 2009, there has been significant publicity and media coverage of the issues between the Post Office and subpostmasters, and allegations regarding issues with Horizon. However, the Post Office continued to pursue, and FSL continued to support, prosecutions up to 2014



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- In mid-2012, the Post Office appointed Second Sight Services Limited (a forensic investigation firm) to conduct a review of Horizon in response to the criticisms that had been raised. At around the same time, the Post Office initiated a mediation process with the SPMs to compensate them for any losses or harm suffered. In March 2015, the Post Office terminated Second Sight's mandate and subsequently published its final report on the mediation scheme denying systemic problems with Horizon.
- In April 2015, the Post Office emailed FSL's Public Relations Manager flagging that the Post Office had completed a full response to Second Sight's report as they could not endorse it. The email noted that the Post Office was going to pre-emptively contact journalists based on past experiences of leakage and that news about the Post Office's future IT contract was likely to become public. FSL's Public Relations Manager forwarded the email on, copying an FSL Comms and PR employee, who then replied:

*"It is what it is, but this will likely blow up into a bigger story than it deserves to:*

- *"Post Office hid information from investigators"*
- *"Miscarriage of justice on these poor subpostmasters"*
- *"Collusion by Post Office (& Fujitsu?)"*

*and the one we need to avoid at all costs:*

- *"Fujitsu fired by Post Office after "proof" that their system did not work, leading to the suicide & false imprisonment of poor subpostmasters"*

*We need to distance ourselves from this report as much as possible... and also we would not want it getting out that we are no longer competing for the contract, for as long a gap as possible...*

*[X] – is it worth tipping off Japan...?"*

- We have not seen any indication of these concerns being escalated to Fujitsu Japan.
- FSL also worked closely with the Post Office preparing responses to questions posed by the BBC leading up to the Panorama program in 2015, including editing draft responses prepared by the Post Office. FSL senior management were also briefed by the FSL Comms and PR employee about the upcoming programme. That employee noted "Fujitsu have also decided NOT to make any comment nor give an interview – as usual, standing behind our customer, as per our commercial contract with them, and as per precedent over the last 16+ years. We did however provide the Post Office with all the information it required to respond to the allegations."
- There was recurring and sometimes graphic negative publicity focusing on alleged flaws in Horizon and their possible impact on alleged wrongful convictions and other potential injustices. Despite this, no thorough review or risk evaluation was conducted to assess and identify necessary changes, if any, to Horizon or FSL's practices, its role regarding prosecution support services (including taking directions from the Post Office), and any potential

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exposure to FSL and its individual employees. FSL's focus throughout this period remained on supporting the Post Office as an important customer and providing the Post Office with all assistance in rebutting the allegations being made, without questioning the approach.

- Earlier intervention could have impacted the evidence given in the Group Litigation and therefore the findings and observations in relation to Fujitsu and the Fujitsu Witnesses – Mr. Justice Fraser commented in his judgment “Fujitsu do not...appear to me to have properly and fully investigated these myriad problems, nor did Fujitsu categorise such incidents correctly. They also seem to have moved away, in their investigations, from concluding that there were any issues with the software wherever it was possible for them to do so, regardless of evidence to the contrary, an approach that has been carried into the Fujitsu evidence for the Horizon Issues trial”.

#### Discussion Points

Consider the following questions from the perspective of a member of the Post Office Account Team, and then separately as an employee of FSL who is not connected to the Post Office.

- At what point would you have had concerns based on the media timeline?
- Where would you have raised your concerns, and are you confident positive action would have been taken?
- With hindsight, what should have been done in relation to these events?

Disclaimer - these case studies are based on facts and events that occurred within FSL over the past 25 years. However, some of the names of FSL employees have been anonymized and some of the events and roles have been modified or composited for the purpose of this exercise to encourage discussions around key themes that have arisen during the course of Project Holly and the Post Office Horizon IT Inquiry.