

Thursday, 7 December, 2023

1  
2 (10.00 am)  
3 **MS PRICE:** Good morning, sir, can you see and hear  
4 us.  
5 **SIR WYN WILLIAMS:** Yes, thank you.  
6 **MS PRICE:** Please may we call Mr Wilcox.  
7 **MICHAEL JOHN WILCOX (sworn)**  
8 **Questioned by MS PRICE**  
9 **MS PRICE:** Good morning, Mr Wilcox. My name is Emma  
10 Price and I will be asking questions on behalf  
11 of the Inquiry.  
12 Could you confirm your full name, please.  
13 **A.** Michael John Wilcox.  
14 **Q.** Thank you for coming to the Inquiry to assist it  
15 in its work and for providing the witness  
16 statement you have in advance of today. You  
17 should have a copy of that statement in front of  
18 you, it is dated 26 October 2023.  
19 If you could turn to page 43 of that,  
20 please. Do you have a copy with a visible  
21 signature?  
22 **A.** Yes, I do.  
23 **Q.** Is that your signature?  
24 **A.** Yes, it is.  
25 **Q.** Are there any corrections which you wish to make

1

1 knowledge and belief?  
2 **A.** Yes, they are.  
3 **Q.** For the purposes of the transcript, the  
4 reference for the statement is WITN05060100.  
5 Starting, please, with an overview of your  
6 career with the Post Office, you have said in  
7 your statement that you worked for the Post  
8 Office for a total of 47 and a half years.  
9 **A.** That's correct.  
10 **Q.** Is that figure slightly lower, given your  
11 correction saying that your last day of service  
12 was sooner in time?  
13 **A.** No, because I think in my original statement  
14 I put it was January, so we're talking about two  
15 months, but it was the time that I got made  
16 redundant from the Post Office and I started  
17 another job in a Post Office, but it's how long  
18 I was actually in between the two dates.  
19 **Q.** I see it was the last date before redundancy?  
20 **A.** I was made redundant on 4 March, yes.  
21 **Q.** So the timespan from 1973 until January of last  
22 year, with a three-year break following  
23 redundancy in 2011; is that right?  
24 **A.** It was only an 18-month break because the other  
25 18 months I was still working for Martin

3

1 to your statement?  
2 **A.** Yes, there are.  
3 **Q.** Would you like to tell us what those are?  
4 **A.** Certainly.  
5 Paragraph 3, regarding my background. My  
6 last day of service was actually 4 March 2011.  
7 Paragraph 78, regarding training  
8 instruction, I have recollection of the IC codes  
9 question.  
10 Paragraph 81 and 151, due to late receipt of  
11 documentation, it's to do with Barkham Post  
12 Office, which I initially said was not my case  
13 but this is now given me another thought on  
14 that.  
15 And paragraph 84, question regarding  
16 duplicated transactions.  
17 **Q.** What was the correction you wanted to make to  
18 paragraph 84?  
19 **A.** I don't know whether it's something that's been  
20 produced to me or something that I've happened  
21 to pick up while watching the Inquiry. But  
22 there is evidence that I did have some knowledge  
23 of duplicated transactions in an ARQ.  
24 **Q.** With those corrections made, are the contents of  
25 your statement true to the best of your

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1 McColl's as a relief postmaster.  
2 **Q.** During that time, you held a range of roles,  
3 including being a counter clerk in a Crown  
4 Office branch, an Auditor and an Audit Manager  
5 and, of most relevance to your evidence today,  
6 an Investigation Manager between September 1997  
7 and January 2011 -- sorry, March 2011; is that  
8 right?  
9 **A.** That is correct.  
10 **Q.** You say in your statement at paragraph 5 that  
11 you were approached and asked to apply for the  
12 role of Investigation Manager. This was  
13 precipitated, you say, by a business review and  
14 reorganisation. Can you explain, please, the  
15 changes to the business which led to you being  
16 approached?  
17 **A.** Yes. I believe it was to do with Royal Mail and  
18 the Post Office on one of their first  
19 separations that they had. And, before that,  
20 there used to be a Post Office Investigation  
21 Department, and the Post Office Investigation  
22 Department actually dealt with enquiries right  
23 across the board.  
24 When they were announcing a split and they  
25 had to choose between whether they wanted to

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1 work for the Post Office -- Post Office  
 2 Counters, as it was -- or Royal Mail, most of  
 3 them chose Royal Mail. Basically, I think they  
 4 were paying more money and it was probably  
 5 better prospects for them. So the POID, as it  
 6 was, was left with very few, if any, people that  
 7 wanted to stay for Post Office Counters. So  
 8 there was a bit of a recruitment drive there,  
 9 I think, and I was approached because of my  
 10 accounting experience, mainly.

11 **Q.** At that point, did you have any prior experience  
 12 in criminal investigation or criminal law?

13 **A.** No.

14 **Q.** You address the training you underwent ahead of  
 15 taking up the Investigation Manager role at  
 16 paragraph 6 of your statement. Could we have  
 17 that paragraph of the statement on screen  
 18 please, it is page 5 of WITN05060100. You say:

19 "I recall attending a training course prior  
 20 to taking up the post as there was a national  
 21 training event taking place in Croydon. Over  
 22 the course of my time in the 'Security Team', as  
 23 an Investigator I attended various training  
 24 courses including refresher courses and *ad hoc*  
 25 meetings/training events when any new

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1 I knew the course and I knew the five points to  
 2 prove for theft and I knew about false  
 3 accounting, and I was the smarty pants there,  
 4 really, because every time there was a question  
 5 asked, I was able to come back on it.

6 But it was covering all sorts of initial  
 7 introduction to it. But it did cover everything  
 8 from interviewing, taking statements, putting  
 9 together case papers. Yeah.

10 **Q.** Can you recall if that initial training covered  
 11 disclosure?

12 **A.** If it covered putting together case papers, then  
 13 the disclosure forms that we had, which were the  
 14 CS forms, then yes, it would do, as far as --  
 15 these dates and times are all taken from  
 16 certificates that I found at home, so these are  
 17 firm dates that I know I had training and, as  
 18 far as I can recall, I think, because it was  
 19 a complete oversight of everything, I would have  
 20 thought so.

21 **Q.** So you think you would have been trained in the  
 22 disclosure forms which you were required to  
 23 produce as part of your case work?

24 **A.** That's correct.

25 **Q.** You then went on a Suspected Offender Interview

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1 legislation was introduced, which would affect  
 2 my role courses attended were as follows ..."

3 The first one you list is Investigation  
 4 Awareness Workshop, August 1997, two days.

5 Stopping there, the Investigation Awareness  
 6 training workshop, was that the same as the  
 7 event you refer to in Croydon, earlier up that  
 8 paragraph, or is it a different event?

9 **A.** No, that's right, all the earlier workshops were  
 10 taking place in a place called Impact House,  
 11 which was a security training centre in Croydon.

12 **Q.** So the Investigation Awareness Workshop was the  
 13 event in Croydon?

14 **A.** As were all of the others, basically, yeah.

15 **Q.** Well, just referring to the initial training  
 16 course you did prior to taking up the post,  
 17 which you say took place in Croydon, the  
 18 National Training event, is that the  
 19 Investigation Awareness Workshop?

20 **A.** Yes, sorry. Yes, it is, yes.

21 **Q.** You say that lasted two days. Can you recall  
 22 what was covered on your initial training?

23 **A.** I think it was the basics of investigation.  
 24 I know -- I remember going there. I did a lot  
 25 of research in advance, so that when I turned up

6

1 Workshop in March 1999, which you say was five  
 2 days; then a Witness Interview Workshop in April  
 3 1999, which was three days; and a Search  
 4 Awareness Course in December 1999, lasting two  
 5 days. Whilst you were on that Search Awareness  
 6 Course, was the basis for Post Office  
 7 Investigators conducting searches covered?

8 **A.** Yes.

9 **Q.** What were you told about the basis for Post  
 10 Office Investigators carrying out searches?

11 **A.** The course was conducted at a police training  
 12 centre somewhere in London, I believe, although  
 13 it was led by the Post Office Security trainers.  
 14 Searches, as far as I understood, were to --  
 15 they were purely voluntary. We had no powers of  
 16 search whatsoever, we needed to get authority  
 17 from the suspected offender to conduct the  
 18 search and they were purely to look for any  
 19 evidence that may assist in proving an offence.

20 **Q.** You went on a Prosecution Process Course in  
 21 March 2002, lasting two days. Can you recall  
 22 what was covered on that course?

23 **A.** I think that has to be the submission of the  
 24 offender file, going right through to court  
 25 attendance.

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1 Q. Was disclosure covered on that course, as far as  
2 you can recall?  
3 A. I would have to say that it was because, putting  
4 together the committal bundle, those forms have  
5 to be in there, so I would have to say yes.  
6 Q. Can you recall being given any guidance or  
7 training on disclosure, over and above how to  
8 complete the disclosure forms?  
9 A. I can't specifically say that I do. However,  
10 there were many sessions within team meetings  
11 over the years, where Legal Services would turn  
12 up and either give refresher training or  
13 anything that changed. So I honestly can't say  
14 whether there was a specific -- any more about  
15 disclosure.  
16 Q. Can you recall what you were told, if anything,  
17 it about the disclosure duties policing to  
18 Disclosure Officers and prosecutors?  
19 A. Well, disclosure, as I understand it, was a case  
20 of just basically, at the end -- when I was  
21 putting together a file, every single piece of  
22 paper or every single bit of evidence I'd lay  
23 out in front of me on the desk and it would go  
24 on one of three forms, I believe. It would  
25 either be evidence, it would be unused or the

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1 Q. Were those the reports that you could print at  
2 the counter in a branch?  
3 A. That's correct.  
4 Q. Were you told anything on that course about the  
5 potential for balancing discrepancies to arise  
6 because of bugs, errors or defects in the  
7 system?  
8 A. Absolutely not.  
9 Q. In August 1999 you became a member of, if we can  
10 scroll down a little, please, the International  
11 Institute of Security, following completion of  
12 course 137 of the International Professional  
13 Security Association. What did you cover on  
14 that course?  
15 A. I honestly can't remember what that covered. It  
16 was a business initiative at the time that I was  
17 put forward for and I know I kept having to go  
18 to Birmingham, I think, and then sit an exam at  
19 the end of it. I think it was mainly security,  
20 so physical security, as opposed to  
21 investigation.  
22 Q. You also gained a City & Guilds NVQ level 4 in  
23 Investigation in June 2005. What did you cover  
24 when you were studying for that qualification?  
25 A. That was my current job as an Investigator, so

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1 third one was anything that might harm the  
2 prosecution and help the defence, and I think  
3 the only time I ever put anything on that form  
4 was once, when it was informant details.  
5 I always used to annotate that form with  
6 "There are no items considered that will help  
7 the defence or harm the prosecution".  
8 Q. You then went on an Audit and Investigator  
9 Course for Horizon, and you say it was a one-day  
10 course delivered by ICL Pathway. There's no  
11 date there for when you attended that course;  
12 can you remember when it was?  
13 A. The certificate is undated, which is why  
14 I can't -- but it was at the introduction of  
15 Horizon, so it would have been 19 -- 1999?  
16 Q. What was covered on that course?  
17 A. It was, basically -- it wasn't how to use the  
18 system, it wasn't about transactions. It was  
19 purely for an Auditor or an Investigator, which  
20 would tell you how to pull off reports that  
21 would help you identify where losses might be or  
22 give you the end of day reports. But it wasn't  
23 about transactions at all; it was purely about  
24 how to pull off the reports that we needed which  
25 would help us.

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1 basically it would take a case, or two or three  
2 cases, that I was doing and it would be a step  
3 check to everything I did, to make sure that  
4 I was carrying it out correctly.  
5 Q. You say you also took part in or sat in on new  
6 subpostmaster and staff Horizon training on at  
7 least two occasions. Can you recall that  
8 training now?  
9 A. It was, basically -- I'm based in Plymouth and  
10 there was a training centre in Plymouth and, if  
11 I had any spare time at any time and I knew  
12 there was a course going on, I would just see if  
13 I could sit in on it, and that did cover new  
14 postmaster training, so it would be to do with  
15 transactions.  
16 Q. You refer at paragraph 67 of your statement to  
17 refresher training provided during national team  
18 meetings or whenever there was a change in  
19 legislation. Who would provide that refresher  
20 training?  
21 A. That would be the Criminal Law Team, Legal  
22 Services.  
23 Q. You say in your statement that the Legal  
24 Services would offer advice on case presentation  
25 as well as any changes in legislation. What

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1 kind of advice did they give on case  
2 presentation?  
3 **A.** I think that was all tied in with, like, the  
4 compliance, to make sure that you had everything  
5 in the file, so that, when they received it,  
6 they could make a fair judgement on the evidence  
7 that you've provided.  
8 **Q.** You say at paragraph 7, which is on the screen  
9 here now, that you understood your role to  
10 involve investigating possible criminal offences  
11 against the business or its clients, and you say  
12 "to include protecting the integrity of the  
13 business". What do you mean by the "Integrity  
14 of the business"?  
15 **A.** Yeah, I think from day one it was always  
16 an understanding that the Post Office was  
17 a public-owned company and backed by the  
18 Government and, basically, it was government  
19 money that we were using. And I think it was  
20 about being seen that the Post Office was  
21 a company that you could trust because, I mean,  
22 back in this time when I started, there were  
23 13,500 post offices and they were the hub of  
24 every city, town and village, and they wanted  
25 people to feel that that was a place that they

13

1 "From the time I started working in  
2 Investigation I was always a 'lone worker',  
3 based initially in a room in a Crown Office then  
4 later in the Security Suite in the mail centre,  
5 both in Plymouth. Initially (prior to Horizon)  
6 my manager was based in Bridgwater, some  
7 80 miles away, and my nearest colleagues were  
8 based in either Bristol or Bournemouth, some  
9 125 miles away. Latterly the Head Office and my  
10 line manager were both based in London some  
11 250 miles away. I did not therefore have the  
12 opportunity to work within a group on  
13 a day-by-day basis, like some of the teams.  
14 I therefore did not, on a daily or weekly basis,  
15 'associate' with any of the National Team. When  
16 I needed, or someone else needed a second  
17 officer then I would normally be Gary Thomas  
18 (Bournemouth) as my first port of call."

19 Given that you were a "lone worker" as you  
20 put it, was it difficult for you to get a sense  
21 of the issues which were arising in  
22 investigations carry out by other Investigators?

23 **A.** I think that that is the aim of that sentence  
24 that I put in, yes.  
25 **Q.** Was your set-up unusual or were there other

15

1 could go and they could just trust people there.  
2 **Q.** What was your role in protecting the integrity  
3 of the business?  
4 **A.** My role was to investigate if there was any  
5 criminal offences.  
6 **Q.** You say at paragraph 8 of your statement that  
7 you recall your line manager being someone  
8 called Geoff Hall, initially --  
9 **A.** Initially, yes.  
10 **Q.** -- and that was when you were part of a regional  
11 team with headquarters in Bristol; is that  
12 right?  
13 **A.** That's correct.  
14 **Q.** Then when the team became a national team, you  
15 recall your line managers being David Posnett?  
16 **A.** Correct.  
17 **Q.** Then Paul Whitaker, Ged Harbinson and, finally,  
18 Jason Collins; is that correct?  
19 **A.** That's correct. I think there might have been  
20 Paul Dawkins in between, as well, but it was not  
21 for a very long time. I think Dave Posnett was  
22 only about three or four months.  
23 **Q.** Could we have on screen, please, paragraph 9 of  
24 Mr Wilcox's statement, it's page 6.  
25 You say here:

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1 Investigators in this position as lone workers  
2 as well?  
3 **A.** I think the South team, which I was a part of,  
4 I think most of those people were -- there were  
5 five of us, I believe -- I think we were all  
6 lone workers in different parts of the country,  
7 whereas the North team, some of them -- no,  
8 because London was the South team. So London,  
9 I think, might have had one or two but the North  
10 team, I think some of them were working in  
11 pairs. But we were certainly single.  
12 **Q.** What processes existed for information sharing  
13 between Investigators?  
14 **A.** Do you mean official documentation?  
15 **Q.** I mean, any processes or means of sharing  
16 information between Investigators?  
17 **A.** There was a post office intranet site and part  
18 of that was there was a Security section in it  
19 as well, which only the Security Team would  
20 access. That would normally be used for  
21 policies, policy updates and, failing that,  
22 I suppose, anything that needed to be sent out  
23 to all team members would be sent out by email.  
24 **Q.** You say at paragraph 71 of your statement that  
25 you were totally unaware of any proceedings

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1 taking place about Horizon failings, either  
2 criminal or civil. Given that there were such  
3 cases going on during your tenure as  
4 an Investigator, how effective do you think the  
5 processes for sharing information between  
6 Investigators were?

7 **A.** It's obviously not worked. From what I've  
8 learnt, purely from this Inquiry, from 2004,  
9 I think Lee Castleton -- who I had never ever  
10 heard of before, until this Inquiry. I cannot  
11 believe myself that I've been there for  
12 seven years after that, and I didn't even know  
13 about that case. At no stage did anybody sit me  
14 down or call a team meeting and say, "We may  
15 have a problem here, this is what's happening,  
16 and this is how we're going to handle it".

17 **Q.** You say at paragraph 19 of your statement that:  
18 "The structure and role of the Security Team  
19 changed many times, including our job titles."

20 What impact, if any, do you think this  
21 regular change had on the adequacy of  
22 investigations?

23 **A.** I don't think it had an impact on that because  
24 when you took on parts of physical security,  
25 which dealt with robberies, burglaries and

17

1 because they weren't being supplied, but we  
2 would take that with us as well, and anything  
3 else, basically, would be on the policy  
4 document.

5 **Q.** You identify at paragraph 7 of your statement  
6 the official policy relating to investigations.  
7 Could we have that document on screen, please.  
8 It's reference POL00031008. This is the "Royal  
9 Mail Group Limited Criminal Investigation and  
10 Prosecution Policy". This version, if we can  
11 scroll down, please, to the bottom of the page,  
12 is dated November 2010. An earlier version,  
13 dated December 2007, was also provided to you  
14 for the purposes of preparing your statement to  
15 the Inquiry. Would you agree that it is  
16 materially very similar?

17 **A.** From what I recall, yes. Yeah.

18 **Q.** You were an Investigation Manager from 1997. In  
19 terms of the official policy governing  
20 investigations before 2007, being the earlier  
21 version of this document, there was a further  
22 document sent to you by the Inquiry for the  
23 purposes of preparing your statement, which is  
24 dated May 2001. That's a document which  
25 purported to set down the procedures and

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1 visiting offices about security weaknesses, it  
2 just meant that was another part of your  
3 caseload. Obviously, if you weren't doing that,  
4 you'd be allocated more investigation cases but  
5 I don't think that impacted at all on the  
6 quality of investigation standards.

7 **Q.** You say in your statement that:

8 "All investigations would be conducted  
9 taking into consideration the rules of the  
10 Police and Criminal Evidence Act, the Criminal  
11 Procedure and Investigations Act, the Regulation  
12 of Investigatory Powers Act, the Data Protection  
13 Act and the Human Rights Act."

14 Where would you have found copies of those  
15 Acts as an Investigation Manager?

16 **A.** I've had to refresh my memory and I've taken  
17 those from a policy statement to say what we  
18 worked to, just so that I could remember.  
19 I remember the Police and Criminal Evidence Act.  
20 We always carried that -- the Codes of Practice,  
21 we always carried that book with us because that  
22 was produced at any interview, any taped  
23 interview.

24 The CPIA, I remember having to go to every  
25 bookshop in Plymouth to try to buy a copy

18

1 standards applying to investigations.

2 Could we have that on screen, please. The  
3 reference is POL00104754. This document has  
4 a heading, in the top left corner "Investigation  
5 Policy", and then in bold and centre "Rules and  
6 Standards". The date at the bottom of the page,  
7 please, is May 2001.

8 Looking, please, to page 4 of the document,  
9 section 5, "Document details", we see a last  
10 updated date of October 2000. The "Assurance  
11 Details" and "Final Review" sections appear to  
12 be blank. Would you agree that a version of  
13 this document appears to have been in force from  
14 October 2000, on the face of that last updated  
15 entry.

16 **A.** Yes, yeah.

17 **Q.** Going back to the first page, please. Did you  
18 recognise this document when it was provided to  
19 you by the Inquiry?

20 **A.** I can't say I recognised it but I've no reason  
21 to doubt that I didn't receive it.

22 **Q.** This document sets out "Consignia Investigation  
23 Standards" and "Consignia Legal Standards", as  
24 well as referring to "Consignia employees"  
25 throughout. Was this a document which applied

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1 to the work of Post Office Investigators?  
 2 **A.** Yes, because the Post Office changed its name to  
 3 Consignia, so it would have been Post Office  
 4 only and not Royal Mail.  
 5 **Q.** Do you think that this was the official policy  
 6 governing investigations before the December  
 7 2007 document?  
 8 **A.** If that's the last one that there was, then  
 9 I would imagine that's the one, yes.  
 10 **Q.** Under paragraph 3.1, we see investigation  
 11 standards are addressed. The "high level  
 12 investigation standards" are defined as follows:  
 13 "All Security Managers who are authorised to  
 14 conduct investigations into crimes or suspected  
 15 crimes will carry out their duties in accordance  
 16 with Consignia legal standards for investigation  
 17 of crime and Consignia rules relating to the  
 18 treatment of employees and agents in accordance  
 19 with mandatory instructions detailed in  
 20 investigation policies.  
 21 "Relevant changes in the law or any  
 22 significant aspect affecting the way in which  
 23 investigations are conducted will be  
 24 communicated to all Security Managers by email  
 25 and where necessary an amendment will be made to  
 21

1 Investigators will be bound by the following  
 2 legislation ..."  
 3 For England we have Human Rights Act 1998  
 4 (in force from 2/10/2000); Police and Criminal  
 5 Evidence Act and Codes of Practice; RIP Act,  
 6 Regulatory Investigatory Powers Act 2000. Then  
 7 we see the same entries under Wales there.  
 8 Then at 3.3, please, we have "Prosecution  
 9 Casework," and it says this will be dealt with  
 10 "in compliance with the following instructions",  
 11 and for England and Wales there's Consignia  
 12 Prosecution Guidelines, Consignia Code of  
 13 Practice -- Criminal Procedure and  
 14 Investigations Act 1996.  
 15 Under paragraph 3.4 we have this:  
 16 "When undertaking investigations into crimes  
 17 or suspected crimes involving Consignia  
 18 employees and agents, all Security Managers must  
 19 comply with Consignia rules regarding the  
 20 conduct of interviews. In relation to:  
 21 "An interviewee's right to have a friend  
 22 present at interviews.  
 23 "An interviewee's right to have a friend  
 24 present at searches.  
 25 "Special treatment afforded Consignia  
 23

1 the database."  
 2 Pausing there, do you recall there being  
 3 a database with policy and standards documents  
 4 on it?  
 5 **A.** Yes, definitely.  
 6 **Q.** Were copies of relevant legislation and guidance  
 7 also contained on that database, can you  
 8 remember?  
 9 **A.** I can't remember specifically but, if it was  
 10 something that applied to everybody with  
 11 regarding the policy, then there's no reason why  
 12 it shouldn't have been there.  
 13 **Q.** Did you ever go to the legislation itself, as  
 14 opposed to a policy document, when you were  
 15 an Investigator?  
 16 **A.** I honestly couldn't say whether I did or  
 17 I didn't.  
 18 **Q.** Under paragraph 3.2, we have "Consignia Legal  
 19 Standards":  
 20 "When undertaking investigations into crimes  
 21 or suspected crimes, all Security Managers must  
 22 comply with the relevant legislation so far as  
 23 this relates to the investigation of crime, the  
 24 interview, arrest and search of persons and  
 25 process before the courts. In particular,  
 22

1 Juveniles."  
 2 Does this part on interview rights look  
 3 familiar to you?  
 4 **A.** Yes.  
 5 **Q.** Was it what governed your approach to interviews  
 6 as an Investigator, at least before the  
 7 introduction of the December 2007 Criminal  
 8 Investigation and Prosecution Policy?  
 9 **A.** Sorry, I don't understand the question.  
 10 **Q.** Were these points, so stressing an interviewee's  
 11 right to have a friend present at an interview  
 12 and an interviewee's right to have a friend  
 13 present at searches, was that what governed your  
 14 approach to interviews?  
 15 **A.** Those points would have been from day one  
 16 training, always offer a friend present at  
 17 interview, whether it's taped interview or not  
 18 a taped interview, and the same applies to  
 19 searches.  
 20 **Q.** There's no reference in this section to legal  
 21 rights in terms of solicitor representation, is  
 22 there? Simply, this is referring to the right  
 23 to have a friend present. Does that indicate  
 24 this is a Post Office policy on having a friend  
 25 present?  
 24

1 A. Yeah, it's basically saying it's a Consignia  
 2 rule or a Post Office rule. It's not a legal  
 3 right.  
 4 Q. Could we have on screen another document which  
 5 was provided to you by the Inquiry, which  
 6 governs the disclosure of unused material to the  
 7 defence and is also dated May 2001. The  
 8 document reference is POL00104762. We can see  
 9 from the title that this document covers the  
 10 disclosure of unused material and refers in the  
 11 title to the Criminal Procedure and  
 12 Investigations Act 1996 Codes of Practice.

13 Did you recognise this document when it was  
 14 sent to you by the Inquiry?

15 A. I can't say I recognised it but, again, it seems  
 16 relevant, yes.

17 Q. It seemed what, sorry?

18 A. Sorry, it seems relevant. There's no reason why  
 19 I wouldn't have had access to it or saw it,  
 20 yeah.

21 Q. Do you think it was provided to you when you  
 22 were an Investigator?

23 A. It wasn't actually handed to me but it would  
 24 have been made -- I'd have been made aware that  
 25 it was on the Security database.

25

1 Attorney General has issued new Guidelines on  
 2 the disclosure of unused material. The  
 3 Guidelines clarify the responsibilities of  
 4 Investigators, Disclosure Officers, Prosecutors  
 5 and Defence Practitioners."

6 Were you aware at the time you were  
 7 an Investigator of the Attorney General's  
 8 Guidelines on Disclosure?

9 A. I can't recall specifically about the Attorney  
 10 General rules but, if that was covered in the  
 11 updated training session we had, then it would  
 12 have been covered, yeah.

13 Q. It is not referenced in this document but were  
 14 you aware of, and did you ever refer to, the  
 15 Code for Crown Prosecutors?

16 A. No.

17 Q. Further down the page the "General Principles"  
 18 section, we see there's a section on  
 19 "Investigators and Disclosure Officers", then  
 20 over the page, please, the second paragraph on  
 21 this page says this:

22 "The Disclosure Officer is the person  
 23 responsible for examining material retained  
 24 during an investigation, revealing material to  
 25 Legal Services during the investigation and any

27

1 Q. Under "Purpose", this document sets out the  
 2 following:

3 "The aim of this policy is to ensure that  
 4 Security Managers know and understand the  
 5 investigation procedures in relation to the  
 6 Disclosure of Unused Material, as described in  
 7 the Criminal Procedure and Investigations Act  
 8 1996 Codes of Practice, which must be adhered to  
 9 by all Consignia staff undertaking  
 10 investigations."

11 You refer in your statement to the Criminal  
 12 Procedure and Investigations Act. At the time  
 13 you were an Investigator, were you aware of the  
 14 CPIA Code of Practice?

15 A. Yeah, I specifically -- as I say to you, I had  
 16 to search around Plymouth to find a copy of it  
 17 so I actually remember there was a specific  
 18 training session held by the Criminal Law Team  
 19 at one of our team meetings regarding that.

20 Q. This document explains in the introduction that:  
 21 "The rules relating to the disclosure of  
 22 unused material to the Defence are laid down in  
 23 the Criminal Procedure and Investigations Act  
 24 1996.

25 "In light of the Human Rights Act 1998 the  
 26

1 criminal proceedings resulting from it, and  
 2 certifying to Legal Services that he has done  
 3 this. Normally the Investigator and the  
 4 Disclosure Officer will be the same person."

5 Do you recall that being the case, that the  
 6 Investigator and the Disclosure Officer in  
 7 a case were usually the same person?

8 A. Yes, definitely, yes.

9 Q. You refer in your statement at paragraph 12 to  
 10 the forms which would need to be completed by  
 11 the Investigator, the form CS006C, CS006D and  
 12 CS006E. You then say at paragraph 13 of the  
 13 statement that the disclosure documentation bore  
 14 the name of that Investigator as the Disclosure  
 15 Officer.

16 Did you understand at the time that you were  
 17 acting as the Disclosure Officer in the case  
 18 when you were an Investigator?

19 A. Yeah, disclosure of the evidence that we had  
 20 obtained during our investigation, yes.

21 Q. At the time, did you understand that this was  
 22 a distinct role, over and above your role as  
 23 an Investigator, which imposed upon you  
 24 additional and distinct duties?

25 A. I think it was a role as part of the training,  
 26

28

1 as to the fact of how we conducted the  
 2 disclosure and filled in the disclosure forms.  
 3 I think we disclosed what we had to Legal  
 4 Services. It really depends on what you mean by  
 5 "further duties".

6 **Q.** Well, did you understand that you were doing  
 7 more than just filling in the paperwork, that  
 8 the role of a Disclosure Officer was a distinct  
 9 one, over and above your role as  
 10 an Investigator, which had its own duties?

11 **A.** It had a duty to make sure we disclosed  
 12 everything that we had, yes.

13 **Q.** It is not referenced in this document but were  
 14 you aware when you were an investigator that  
 15 there was an obligation on a criminal  
 16 investigator to pursue lines of inquiry which  
 17 pointed away from, as well as towards, the guilt  
 18 of the suspect?

19 **A.** Yes, definitely. I mean, especially if you had  
 20 a case where somebody wasn't accepting  
 21 responsibility, part of that investigation into  
 22 proving that they did is also trying to prove  
 23 that they didn't. So that -- I would say that  
 24 went automatically anyway.

25 **Q.** Could we have on screen, please, paragraph 33 of  
 29

1 when you worked for the Post Office. Were you  
 2 ever aware of a difference in the way Crown  
 3 Office employees and subpostmasters and their  
 4 staff were treated by the Post Office?

5 **A.** Definitely not. I took part in a prosecution  
 6 case of one of our branch managers myself.

7 **Q.** Could we have on screen, please, page 6 of  
 8 Mr Wilcox's statement. The top paragraph here  
 9 is a continuation of paragraph 7. About four  
 10 lines down, you say this:

11 "Away from any criminal investigation I was  
 12 also required to give assistance to Crown  
 13 Offices and subpostmasters regarding loss  
 14 reduction and security issues."

15 What do you mean by "loss reduction" in this  
 16 context?

17 **A.** On occasions, the Post Office had tasked people  
 18 with loss reduction. It was basically about how  
 19 to avoid them. I'm trying to think, in this --  
 20 in one of these instances, I actually made up  
 21 and prepared a presentation in connection with  
 22 loss reduction and tried it out in a team  
 23 meeting with members of our -- my own team, and  
 24 we sort of tweaked it. And, from then, I rolled  
 25 it out to the whole Security community and  
 31

1 Mr Wilcox's statement, it is page 14 of that  
 2 statement.

3 A little further down the page, please, at  
 4 paragraph 33, you say this:

5 "Throughout my team in the Security Team,  
 6 and even before when I was an Auditor, I believe  
 7 the policy and practice regarding the  
 8 investigation and prosecution of Crown Office  
 9 staff and the policy and practice regarding the  
 10 investigation and prosecution of subpostmasters  
 11 or their staff has basically remained the same."

12 You go on at paragraph 34 to say that there  
 13 was no distinction when it came to prosecution  
 14 decisions between Crown Office employees and  
 15 subpostmasters or their staff.

16 As between these two groups, do you recall  
 17 there being any difference in approach to the  
 18 question of whether a criminal investigation  
 19 should be commenced, specifically following the  
 20 identification of a shortfall in a branch?

21 **A.** It would be investigated in exactly the same way  
 22 and, if evidence was found, the prosecution  
 23 would take place in exactly the same way.

24 **Q.** You had experience of both Crown Office and  
 25 subpostmaster branches in various roles you held  
 30

1 Security Managers or Investigators were going  
 2 around to Crown Offices giving these  
 3 presentations.

4 I also offered them to the NFSP and attended  
 5 two or three NFSP meetings with postmasters to  
 6 explain to them about controls at the office and  
 7 how to reduce losses.

8 **Q.** What type of losses are we talking about here?

9 **A.** Anything, really. Obviously, branch office  
 10 losses are reported through the Post Office  
 11 because branch office staff are employed by the  
 12 Post Office. Other losses, sometimes we'd get  
 13 a request from a postmaster to say they're  
 14 having -- let's just say niggly little losses  
 15 that they can't really get to the bottom of, and  
 16 I would arrange or we would arrange to go and  
 17 meet them somewhere, normally offsite, have  
 18 a chat about what they think is going wrong, and  
 19 suggest improvements to ways they can just  
 20 monitor what's happening in their office.

21 **Q.** Did this part of your role involve advising  
 22 individuals following the identification of  
 23 unexplained shortfalls?

24 **A.** It would be unexplained shortfalls. I mean, the  
 25 fact that it's unidentified makes it an unknown  
 32



1 shortfall anyway. So, yes, if somebody said,  
2 "Look, I'm losing £20 a week, £30 a week, and  
3 I can't understand it", it would be really just  
4 having a discussion with them about the  
5 procedures at the office and what they could do  
6 to tighten up on those procedures.

7 **Q.** You address possible causes of unexplained  
8 shortfalls at paragraphs 160 to 162 of your  
9 statement and you give examples of errors on the  
10 part of a user of the system and theft by those  
11 other than the subpostmaster. Does your  
12 knowledge of the possible explanations you list  
13 there come from assisting offices as well as  
14 investigating them?

15 **A.** The reason for that paragraph was really to try  
16 to show how difficult it is for an Investigator  
17 to look at unexplained losses. The number of  
18 things that can possibly happen, and all those  
19 instances I've given you are my personal  
20 experiences over the years of money that's gone  
21 missing.

22 It's just really -- it's not -- if it's  
23 an unknown loss, especially if somebody isn't  
24 declaring it -- if somebody is declaring unknown  
25 loss it's hard enough to investigate anyway. If

33

1 support) a criminal offence at the office (if  
2 there is any). If there have been admissions of  
3 a suspected criminal offence then it would be  
4 prudent to undertake a taped interview with the  
5 suspect and get a first account at that time."

6 What evidence would an Investigator be  
7 seeking to obtain and secure at the branch?

8 **A.** If there's been a reported shortage by the  
9 Auditors, then it would be to try to find either  
10 evidence by way of an interview, or evidence of,  
11 if you had to, bank accounts or any financial  
12 information, if that would assist the  
13 investigation.

14 **Q.** What evidence would you be seeking to establish  
15 a loss to the Post Office?

16 **A.** In interview?

17 **Q.** No, at the branch when attendance was to obtain  
18 and secure evidence?

19 **A.** It may be that somebody has already admitted to  
20 taking the money, in which case it would be  
21 an interview. If they haven't admitted it, but  
22 they were a suspect and it was an interview  
23 under caution then, obviously, you'd be putting  
24 questions to them as for an explanation as to  
25 that loss.

35

1 somebody is going to cover up an unknown loss,  
2 for whatever reason, I would say it's impossible  
3 to actually assist them and find out where it  
4 is.

5 **Q.** Did it ever occur to you at the time that  
6 another explanation, in addition to those you  
7 list in your statement, might be that the  
8 Horizon-generated figure for what should be held  
9 by a branch was wrong?

10 **A.** Absolutely not.

11 **Q.** Turning, please, to the process followed by  
12 Investigators after the identification of  
13 a shortfall at an audit, could we have on  
14 screen, please, paragraph 40 of the statement.  
15 That is page 16. Here you say this:

16 "It would normally stand that if an audit  
17 shortage was reported to the Investigation Team  
18 and if an Investigator and a Second Officer were  
19 available (and could reach the branch in  
20 a reasonable time) then they would go to the  
21 office while the auditors are still there  
22 (dependant on the amount of the shortage)."

23 You go on at paragraph 41:

24 "The aim of the visit would be to obtain and  
25 secure any evidence which supports (or doesn't

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1 **Q.** What did you see as the evidence of the loss?

2 **A.** The evidence of the loss would have been the  
3 Auditor's findings.

4 **Q.** We're talking here about the difference between  
5 what the printable Horizon reports said should  
6 be in the branch and what the Auditor actually  
7 found in the branch?

8 **A.** That's correct.

9 **Q.** You say at paragraph 58 of your statement that,  
10 if there had been admissions of a criminal  
11 offence, then it would be prudent to undertake  
12 a taped interview with the suspect to get  
13 a first account at the time. Where an admission  
14 had been made to an Auditor before  
15 an Investigator was on the scene, was it common  
16 for the Auditor to ask the person who had made  
17 an admission to sign a written record of the  
18 admission?

19 **A.** They would ask them to sign a written record of  
20 the events of that day and just to agree that  
21 that's what actually took place, yeah.

22 **Q.** In general terms, how would you deal with any  
23 such written record in a subsequent interview  
24 under caution?

25 **A.** I would probably -- after the opening

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1 introductions and the legal rights and friend  
2 rights, I would probably just recap what  
3 I understood happened in the morning. I would  
4 normally read out the signed piece of paper, as  
5 a record of what happened that day, and then  
6 would ask the suspect to actually give me  
7 a reason for the shortage in their own words.

8 **Q.** At paragraph 42 of your statement you deal with  
9 interviews. You say:

10 "Interviews could take place normally at the  
11 office if enough privacy is attainable and the  
12 suspect did not require legal representation or  
13 a Post Office Friend to be present."

14 At paragraph 43:

15 "I have on occasions, either after visiting  
16 the office or on the day, or when unable to  
17 attend an office, pre-arranged an interview with  
18 the suspect for a future date. This would be  
19 especially true if they required legal  
20 representation and, in that case, the interview  
21 could normally be undertaken at the solicitor's  
22 office."

23 You deal with the process applying to  
24 interviews at paragraph 11 of your statement.

25 Could we have that on screen, please, it's

37

1 really sure. You would tend not to talk to  
2 somebody beforehand without cautioning them  
3 anyway. I've never had anybody ask me for  
4 disclosure before because, normally, when  
5 I invite them for an interview, I tell them what  
6 the interview is about and why they're being  
7 interviewed. So there's normally -- if it was  
8 a postmaster, they would general understand what  
9 it's all about, whereas if you had a solicitor,  
10 they may not even understand Post Office  
11 procedures.

12 **Q.** You go on:

13 "We used a standard cribsheet during  
14 interviews as reminders of procedures and  
15 questions. This was so a set format could be  
16 followed for standardisation, across the team,  
17 of casework papers and reports and also assisted  
18 with the correct PACE guidelines. The cribsheet  
19 would set out (from memory) reminders such as:

20 "Explaining what would happen during the  
21 interview.

22 "Opening tapes in front of the interviewee  
23 and solicitor if present.

24 "Introductions of persons present for the  
25 benefit of the tape.

39

1 page 7. You say:

2 "Interviewing persons accused or suspected  
3 of a criminal offence was part of my role as  
4 an Investigator. Interviews were conducted in  
5 connection with PACE 1984 Codes of Practice.  
6 Most of the taped interviews I conducted were  
7 voluntary attendees, ie suspects who were not  
8 under arrest, and the interview would be  
9 conducted at a mutually agreeable venue  
10 (sometimes pre-arranged)."

11 You go on to say:

12 "On occasions, if it were necessary for the  
13 Police to assist in an arrest or search then the  
14 suspect would be arrested and interviewed at  
15 a police station. If anyone being interviewed  
16 required or attended with a solicitor, then full  
17 pre-disclosure would be given before the  
18 commencement of any interview."

19 Just pausing there, would full  
20 pre-disclosure be provided to someone before  
21 an interview if they did not wish to have  
22 a solicitor present for the interview?

23 **A.** Not generally, no.

24 **Q.** Why not?

25 **A.** Not sure I can answer that question. I'm not

38

1 "Caution and checking the understanding of  
2 the caution.

3 "Explanation of Legal Rights and the rights  
4 to a friend being present (friend not applicable  
5 at Police Custody Suite).

6 "Points to cover during interview,  
7 ie background, experience, training, staffing  
8 and role at the office.

9 "Conclusion of the interview and signing and  
10 sealing of the tapes.

11 "Anything else which needed to be covered  
12 under the interviewing section of PACE 1984."

13 You then say:

14 "Dependent on the outcome of the interview,  
15 reports for Legal Services and the Discipline  
16 Manager would be prepared if necessary."

17 You deal at paragraph 97 of your statement  
18 with the role of the Post Office Friend. Could  
19 we have that on screen, please. It's page 29 of  
20 this statement. You say:

21 "Part of Post Office (and Royal Mail Group)  
22 policies are that any person being interviewed  
23 by an investigator (on tape or informally), is  
24 entitled to have a 'Post Office Friend' present  
25 with them. The role of this 'Post Office

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1 Friend' is to sit in on the interview. They are  
 2 not allowed to take part in the interview at any  
 3 stage but are allowed to take notes on the  
 4 proceedings as long as they are kept  
 5 confidential. The Post Office Friend should be  
 6 someone who works for the Post Office and  
 7 someone who is not involved in the enquiry. The  
 8 reason for not being allowed to say anything in  
 9 the interview is because they probably wouldn't  
 10 be qualified to advise and may say something  
 11 which is not beneficial to the person being  
 12 interviewed. This would be the role of  
 13 a solicitor and this right should be exercised  
 14 if advice is required."

15 Pausing there -- and we'll come back in due  
 16 course to what happened in Mrs Rudkin's case --  
 17 was a union representative classed as a Post  
 18 Office Friend where they attended an interview  
 19 with the interviewee?

20 **A.** Yes, definitely.

21 **Q.** Were individuals who chose to be accompanied by  
 22 union representatives told that their  
 23 representative would be classed as a Post Office  
 24 Friend and, therefore, not allowed to take part  
 25 in the interview?

41

1 a Post Office Friend, would not be able to take  
 2 part in the interview?

3 **A.** The forms were -- yeah, the forms were signed on  
 4 tape and that was read out and then they would  
 5 sign it that they understood they couldn't take  
 6 part in the interview.

7 **Q.** Okay. We'll come on to the form.

8 Were individuals attending interviews told  
 9 that, if they wished to be accompanied by  
 10 someone who could take part in the interview,  
 11 they would have to have a solicitor?

12 **A.** I don't know if it was worded that way but  
 13 I would have certainly said, "Do you want legal  
 14 representation or a solicitor, because if you  
 15 do, I can help you find one?" And, if they said  
 16 no, then I would explain that they're entitled  
 17 to a friend but the friend wouldn't be able to  
 18 take part in the interview and wouldn't be able  
 19 to give them advice.

20 **Q.** Could we have on screen, please, WITN01860100.  
 21 This is a statement made for the purposes of  
 22 this Inquiry by a former subpostmaster called  
 23 Timothy Brentnall, who was prosecuted for theft  
 24 and false accounting.

25 Mr Brentnall recalls who attending his

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1 **A.** Yes, because they had to sign a form to say that  
 2 they understood all of that. Whether it was  
 3 a union representative or whether it was  
 4 a counter clerk from a different town that  
 5 they'd never even heard of, they were entitled  
 6 to any of those people, as long as they worked  
 7 for the Post Office, but the same rules applied  
 8 to them all.

9 **Q.** We'll come on to the legal rights form in due  
 10 course. But you're saying it was your  
 11 understanding that that form dealt with the Post  
 12 Office Friend as well as a legal representative  
 13 solicitor?

14 **A.** No, no, sorry, I didn't say that. The Post  
 15 Office Friend was -- they could have a friend as  
 16 well as a solicitor but you normally found if  
 17 a solicitor was there, they wouldn't allow  
 18 a Post Office Friend, for obvious reasons. But  
 19 the friend form was purely for people who wanted  
 20 a Post Office Friend and that could be anybody  
 21 whatsoever that worked in the Post Office, as  
 22 long as they weren't in that office, if you  
 23 like.

24 **Q.** Did you explain to them that that union  
 25 representative, because they were acting as

42

1 branch in Roch, Pembrokeshire after an audit in  
 2 2009 found an apparent shortfall of some  
 3 £16,500. Could we turn to page 2 of this  
 4 document, please, towards the bottom,  
 5 paragraph 9. Mr Brentnall says this:

6 "By the time I was audited in 2009 I had  
 7 reduced the shortfall to some £16,500 by putting  
 8 my own money into the post office when the  
 9 Auditors came. I was very open and honest with  
 10 them about what had been happening because  
 11 I thought they were there to help. I quickly  
 12 realised that they were not there to help me but  
 13 to blame me. I recall the Auditor's name being  
 14 Gaynor Davies, who had another man with her but  
 15 I cannot remember his name.

16 "This was promptly followed by a visit from  
 17 an investigating team. This was a man called  
 18 Mike Wilcox. Another lady was with him but I do  
 19 not remember her name. Whilst at first  
 20 I thought they were there to help me and correct  
 21 the fault, it soon transpired that they were  
 22 Auditors to try and collect evidence against me.  
 23 I remember Mike Wilcox telling me it was  
 24 an informal chat and I asked if I would need  
 25 a solicitor and he said no."

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1 Do you recall Mr Brentnall now?  
 2 **A.** It would be fair to say that I have only seen  
 3 this document at 9.30 this morning. When you  
 4 said a statement from Tony Brentnall (*sic*), my  
 5 immediate thought was that it was somebody from  
 6 our Post Office department. So I remember the  
 7 name, I don't know what for. Roch is completely  
 8 out of my patch but I'm not saying I didn't do  
 9 it.

10 So, to answer your question, I remember the  
 11 name, I don't remember specifically doing this  
 12 case. But, at no time whatsoever, do I do  
 13 an informal chat with a suspect. Informal chats  
 14 are if I'm out there because somebody is asking  
 15 me -- they're having problems with losses. No  
 16 circumstances whatsoever would there be  
 17 an informal chat and I would not take a second  
 18 person with me if it was.

19 **Q.** Have you ever told a subpostmaster that you were  
 20 investigating that they did not need a solicitor  
 21 because the discussion you were having was just  
 22 an informal chat?

23 **A.** Definitely not. Never.

24 **Q.** The next paragraph, Mr Brentnall says this:

25 "I remember being told that I was the only  
 45

1 that I hadn't got it. They asked for bank  
 2 statements, credit card statements, and they  
 3 told me if I didn't cooperate, they would come  
 4 and search my flat."

5 Do you recall Mr Shingadia now?  
 6 **A.** Again, this was given to me at 9.30 this  
 7 morning. I do remember the name. More so  
 8 I remember the fact of Nippi Singh and, in fact,  
 9 I believe you've got my notebook and I recall  
 10 that there's an entry in my notebook about this  
 11 case. I don't know what it says. I don't know  
 12 what the outcome was. But I've returned my  
 13 notebook recently, because I've only just found  
 14 it, and I believe this case is mentioned in it.

15 **Q.** Well, we can certainly try and locate that.

16 In general terms, did you ever use the  
 17 threat of searching someone's property to  
 18 encourage them to cooperate and provide  
 19 documentation?

20 **A.** Searches that we conduct are purely voluntary.  
 21 There is no way that I would ever have said to  
 22 anybody "If you don't, we're going to do  
 23 a search". At the end of the day, they're told  
 24 that we may need to do a search but it's purely  
 25 with their permission and, again, they're  
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1 subpostmaster having these kinds of issues."

2 Did you ever tell a subpostmaster with  
 3 an unexplained shortfall that he or she was the  
 4 only one having problems balancing?

5 **A.** I don't use that phrase, no.

6 **Q.** Could we have on screen, please, WITN01610100.

7 This is a witness statement made by Hasmukh  
 8 Shingadia, a former subpostmaster, for the  
 9 purposes of this Inquiry.

10 Mr Shingadia explains in his statement that  
 11 he had problems balancing. Like Mr Brentnall,  
 12 he was prosecuted for theft and false  
 13 accounting. He recalls being interviewed by you  
 14 at paragraph 59 of his statement. Could we go  
 15 to that, please, it's page 7. He says:

16 "On 11 May 2010, I was interviewed at  
 17 Newbury sorting office by Michael Wilcox.

18 A Federation representative, Nippi Singh, was  
 19 there supposedly to support me. However in the  
 20 7 hours that I was there, he did not say a word.  
 21 When I challenged him about this, he said, 'Well  
 22 it's your Post Office' and got in his car and  
 23 drove away.

24 "The interview was a real grilling. I was  
 25 asked repeatedly where money was. I kept saying  
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1 entitled to a friend present. It's -- I'm  
 2 afraid I don't work for the Sweeney from the  
 3 1970s' TV programme. It's just a completely  
 4 different way altogether.

5 **Q.** Could we have on screen, please, paragraph 68 of  
 6 Mr Wilcox's statement. It's page 23. You say:

7 "With specific emphasis on obtaining  
 8 evidence from third parties, there would be  
 9 occasions when further investigation was  
 10 required, or documents required to prove or  
 11 disprove a criminal offence. With legislation  
 12 changing over the years obtaining evidence from  
 13 third parties also changed. Sometimes our  
 14 'working partners', ie Department for Work and  
 15 Pensions and Fujitsu, would have a contract with  
 16 the business for the release of any  
 17 documentation. Documentation from banks used to  
 18 be obtained by the person involved in the  
 19 enquiry signing a release form for the data to  
 20 be released. Later with legislation form (DPA,  
 21 RIPA or CPIA) we would also need to submit  
 22 a 'Data Protection Disclaimer' form confirming  
 23 that the information was for a genuine  
 24 investigation purpose. Any changes in procedure  
 25 would be notified to us either by meetings,  
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1 personally or notification on a policy change on  
2 the intranet."

3 Just picking up on the third line there,  
4 where something was required to disprove  
5 a criminal offence, can you think of an example  
6 of a time there you investigated further or  
7 sought documents to disprove an offence?  
8 **A.** I think it's just a general term, as I said  
9 before. If I'm investigating a case and  
10 somebody said they've taken some money and paid  
11 it into their bank account, we would ask for  
12 those bank accounts, and that may show the money  
13 has gone in or it may not show that money has  
14 gone in.

15 It's the same with ARQ data. I don't know  
16 if you want to cover that at later stage but,  
17 with ARQ data, you can ask for ARQ data but it's  
18 not going to prove necessarily -- it depends on  
19 what the person tells you that they've done with  
20 the money or whether they haven't done anything  
21 with the money. But ARQ data is very  
22 subjective.

23 My personal opinion is, depending on the  
24 type of loss and what you're told, in some  
25 instances, it's no good to you whatsoever.

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1 different skills who could look at such data and  
2 make different types of analyses, weren't there?  
3 Specifically, Fujitsu employees would be able to  
4 tell more from the data than you could, as  
5 a non-technical Investigator?

6 **A.** The ARQ data that we got was a mirror image of  
7 the transactions that were going through the  
8 office. There was no further information on  
9 there than a subpostmaster could have got  
10 himself. The only advantage with ARQ data is it  
11 went back further in time, as opposed to it  
12 dropping off the system in the office, and it  
13 was in the form of an Excel spreadsheet. So it  
14 was great to filter and sort figures and  
15 specifically look at things.

16 It would tell me nothing about, if what you  
17 mean -- it would tell me nothing about the back  
18 office procedures and the technical aspects of  
19 the system, no.

20 **Q.** That's your opinion on what could or couldn't be  
21 gleaned from the data. But do you understand  
22 that that would be disclosable, once you'd  
23 obtained that data, and what happened to it  
24 after it was disclosed is a separate matter from  
25 what you thought, as an Investigator?

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1 So -- can I give you an example of what I'm  
2 trying to say?

3 **Q.** Please do.

4 **A.** If there's an audit shortage of £10,000 and the  
5 postmaster says to you "I took that money six  
6 months ago and I've paid it into my bank  
7 account", you could get bank statements from him  
8 showing that £10,000 has gone into his bank.  
9 You could also ask for audit data. Now, if he  
10 tells you he's been covering up that £10,000, so  
11 nobody knows about it, you'd look at that audit  
12 data and it won't show you anything. It'll show  
13 you that he's been balancing all the time.

14 So you could argue, yeah, that's what he  
15 said, he's covering it up, that's why it's not  
16 there. But the defence could argue, "Well,  
17 there's no loss been shown, so how can you prove  
18 there was a loss"?

19 So that's what I'm trying to say by either  
20 trying to prove the offence or not the offence.  
21 It depends on what you're told, really.

22 **Q.** You're referring there to what you could glean  
23 from ARQ data.

24 **A.** Yeah.

25 **Q.** There were, of course, other people with

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1 **A.** If I ever had ARQ data, then it would always  
2 form part of my witness statement and evidence,  
3 whether it helped me or whether it didn't,  
4 because the paragraph would probably say ARQ  
5 data shows that it could back up this person's  
6 story. But it also may be not.

7 **Q.** Could we have paragraph 82 of Mr Wilcox's  
8 statement on screen, please. It's page 26. You  
9 say:

10 "I would obtain ARQ data on any  
11 investigation where unexplained losses were  
12 involved whether there was a suspected offence,  
13 or if I was trying to assist a subpostmaster in  
14 investigating losses at their office."

15 Is that right, that you obtained ARQ data in  
16 any investigation where there were unexplained  
17 losses or where you were just trying to assist  
18 a subpostmaster with unexplained losses?

19 **A.** If it was purely unexplained losses, then that  
20 is true. If somebody said to me -- an example  
21 I used before, if somebody said to me "There's  
22 £10,000 missing, I've taken that money and paid  
23 it into my bank account, and I've been inflating  
24 the cash every day for six months to cover it  
25 up", if I could prove from bank statements that

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1 they've paid the money in, ARQ data is not going  
2 to help me one little bit because, when I look  
3 at that ARQ data, if they're covering up the  
4 losses, it's not going to show me the losses  
5 anyway.

6 In that instance, it's of no use for helping  
7 me. It's -- and that's what I was saying to you  
8 before about it depends what the person tells  
9 you. If it is -- somebody says, "I'm having  
10 losses every week and it's nothing to do with  
11 me, I don't know where it's going", then, yes,  
12 it would be useful to look at but, again, I am  
13 not convinced it would actually show you  
14 anything if somebody is covering those losses  
15 up.

16 **Q.** When you were in the role of assisting, as you  
17 put it, subpostmasters to get to the bottom of  
18 things and you obtained ARQ data, would you  
19 provide that data to the subpostmaster, as  
20 a matter of course?

21 **A.** No, I wouldn't say I would provide it to them,  
22 because I was there to help them, and they knew  
23 what I was doing. I might show it to them,  
24 I might, you know, have looked at the dates of  
25 when they thought there were losses and it might

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1 data, either a decision that you were making or  
2 that another Investigator was making?

3 **A.** Well, I can't speak for other Investigators.  
4 I -- as far as I'm concerned, where I thought  
5 applicable, I always asked for ARQ data.  
6 Depending on the, you know, irrespective of the  
7 limits because, if I'm going to do a job, then  
8 I need to have that information to hand.

9 And even if it was a case where I didn't  
10 think ARQ data would help me, initially, I would  
11 still ask for it, because -- on the off-chance  
12 that I may have to do a committal bundle and it  
13 would just save time, I'd already have it.

14 **MS PRICE:** Sir, I have reached the end of one topic  
15 and the next topic is a little lengthier. Would  
16 now be a convenient moment for the morning  
17 break?

18 **SIR WYN WILLIAMS:** Yes, certainly. So what time  
19 shall we resume?

20 **MS PRICE:** Fifteen minutes. I think it's 11.15, so  
21 that would take us to 11.30.

22 **SIR WYN WILLIAMS:** 11.30, then, yes.

23 **MS PRICE:** Thank you, sir.

24 **SIR WYN WILLIAMS:** Fine.

25 **(11.15 am)**

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1 show that a member of staff to was declaring  
2 cash and it was showing a shortage in the  
3 balance and then, two minutes later, you see the  
4 cash has been altered and there's suddenly a nil  
5 discrepancy; that's good evidence that somebody  
6 is changing the cash declaration, and that would  
7 be shared with the person -- with the postmaster  
8 I was helping, yeah.

9 **Q.** You say at paragraph 85 of your statement that  
10 you did not have direct contact with Fujitsu and  
11 that all requests for ARQ data went through the  
12 Casework Management Team; is that right?

13 **A.** That's correct, yes.

14 **Q.** Is it also right that you recall there being  
15 a limit on the number of requests which could be  
16 made for ARQ data?

17 **A.** There was initially because I remember -- you  
18 used to just wing off an email and say, "Can you  
19 order me ARQ data for this office between these  
20 dates", and sometimes it would come back and  
21 say, "You'll have to wait for next month's  
22 allocation". It wasn't a major problem but it  
23 just slowed you down a bit.

24 **Q.** Do you recall those limits ever impacting upon  
25 a decision as to whether or not to request ARQ

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**(A short break)**

2 **(11.30 am)**

3 **MS PRICE:** Hello, sir, can you see and hear us?

4 **SIR WYN WILLIAMS:** Yes, thank you, yes.

5 **MS PRICE:** Could we have on screen, please,  
6 paragraph 71 Mr Wilcox's statement, it's page 24  
7 of the statement.

8 You say here:

9 "This may be the time to clarify a point  
10 made about Horizon bugs, errors and defects. Up  
11 until the time I left the Post Office in 2011  
12 and therefore my time in the Security Team,  
13 I was never given any indication of any failings  
14 within the Horizon system."

15 Does it remain your evidence that you were  
16 never aware that bugs, errors or defects in the  
17 Horizon system could cause apparent shortfalls  
18 in a branch?

19 **A.** I have never heard of the phrase "bugs, errors  
20 and defects" until I was following this Inquiry  
21 and, as I said before, that paragraph is trying  
22 to impress that nobody had specifically called  
23 the team together or me together and said about  
24 possible problems with the system. As I said to  
25 you, I can't believe, I was there for years

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1 after things were happening and this wasn't  
 2 communicated.  
 3 **Q.** Could we have on screen, please, document  
 4 reference POL00172808. This is an email that  
 5 you have relatively recently been provided with,  
 6 from Mark Dinsdale, dated 12 March 2010,  
 7 attaching something, if we can scroll down,  
 8 please, called a "Security 4 Weekly Report".  
 9 You are one of a long list of recipients of this  
 10 email. What role did Mark Dinsdale hold at this  
 11 time, can you recall?  
 12 **A.** I can only go by Security Programme Manager, as  
 13 it says at the bottom of the form.  
 14 **Q.** What was the Security 4 Weekly Report?  
 15 **A.** You say I've received this recently, this --  
 16 I haven't seen this before --  
 17 **Q.** I understand --  
 18 **A.** -- as far as I'm aware.  
 19 **Q.** -- that it's been provided. If you need some  
 20 time to look at this, we can take it. Perhaps  
 21 if I show you the report itself, you can tell me  
 22 whether you recognise that.  
 23 **A.** Yes, certainly, yeah.  
 24 **Q.** The reference is POL00172809. Has this  
 25 document -- have you seen this recently?

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1 read them.  
 2 **A.** That's correct.  
 3 **SIR WYN WILLIAMS:** All right.  
 4 **MS PRICE:** Could we have back on screen, please,  
 5 document reference POL00172808.  
 6 This is the email that we started to look at  
 7 before the break, Mark Dinsdale, dated March  
 8 2010, to a long list of recipients, including  
 9 you. Just scrolling down, please, this is  
 10 attaching something called the Security 4 Weekly  
 11 Report. My question to you before was what was  
 12 the Security 4 Weekly Report?  
 13 **A.** I'm afraid I haven't got a clue. I mean, I'm  
 14 assuming it's a report that was sent -- well,  
 15 this looks like to the whole Security team so  
 16 it's just a blanket email that's been sent to  
 17 the whole Security Team. According to this,  
 18 I mean, it's sent out every four weeks, but  
 19 I can't recall this document at all, I'm afraid.  
 20 **Q.** So you don't recall receiving four-weekly  
 21 reports?  
 22 **A.** My name's on it, so I would have received it.  
 23 If you said to me it was a one-off, I probably  
 24 would say, well, that's the reason. But,  
 25 I mean, if this came out every four weeks, I'm

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1 **A.** This rings no bells whatsoever to me. I mean --  
 2 **MS PRICE:** Sir, I'm afraid we may need to take just  
 3 five minutes so that I can establish what's  
 4 happened in terms of the provision of this  
 5 document. Certainly Mr Wilcox should have the  
 6 opportunity to read it.  
 7 **SIR WYN WILLIAMS:** Yes, of course. Yes, well, okay,  
 8 well, we'll let Mr Wilcox have the document now  
 9 and, in any event, we'll take ten minutes and  
 10 then we'll see where we go from there, all  
 11 right?  
 12 **MS PRICE:** Thank you, sir.  
 13 **(11.36 am)**  
 14 **(A short break)**  
 15 **(11.56 am)**  
 16 **MS PRICE:** Hello, sir, can you see and hear us?  
 17 **SIR WYN WILLIAMS:** Yes, I can, thank you.  
 18 **MS PRICE:** Thank you for the time, sir. The  
 19 document that I took Mr Wilcox to is one of four  
 20 documents that I plan on going to in my  
 21 questions, which were sent to Mr Wilcox  
 22 yesterday morning. Unfortunately, he hasn't had  
 23 an opportunity to read those, they were on his  
 24 emails, but he has now been shown those  
 25 documents and I understand has had a chance to

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1 not saying I didn't get it, what I'm saying is  
 2 I can't remember getting it.  
 3 **Q.** Could we have on screen, please, the report  
 4 itself, which is POL00172809, and this is dated  
 5 12 March 2010. Again, looking at this and  
 6 having had a chance to read it, do you recognise  
 7 this format at all? Going, please --  
 8 **A.** No, sorry, I was thinking --  
 9 **Q.** Apologies.  
 10 **A.** No, I don't recognise the format but I'm not  
 11 disputing that I received it.  
 12 **Q.** Going, please, to page 3 of this report.  
 13 There's a heading here "Security programmes for  
 14 products" and, under the fifth bullet point  
 15 here, there is a reference to Horizon Online,  
 16 and it says this:  
 17 "Due to live service issues, the decision  
 18 has been made not to migrate any further  
 19 branches until these issues are fully  
 20 understood, necessary actions agreed and success  
 21 criteria met. In effect, the pilot  
 22 stabilisation period has been brought forward in  
 23 order to ensure the quality before proceeding.  
 24 This will allow Fujitsu some time to resolve  
 25 issues, including a higher than expected number

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1 of screen freezes and resultant recovery  
 2 transactions."  
 3 Do you recall being updated, whether by  
 4 these kind of reports or otherwise, about issues  
 5 to do with the Horizon system?  
 6 **A.** I would have liked to have had this earlier so  
 7 I could change my statement I made about knowing  
 8 about Horizon. Having said that, to answer your  
 9 question, no, I don't. But to take it a step  
 10 further, if I was reading this back in 2008 now,  
 11 there is nothing in there that says it's  
 12 a chance it would cause losses. So, if I did  
 13 read it, it would be a case of, okay, the  
 14 Horizon -- or Fujitsu have found that there's  
 15 some sort of glitch, but it's not saying  
 16 anything about this may well affect losses.  
 17 **Q.** You've anticipated my question of whether this  
 18 would have caused you any concern if you had  
 19 read it at the time.  
 20 **A.** No, and I think, when you talk to me a bit  
 21 further on, I think the same is going to apply  
 22 but, obviously, I need to clarify to you my  
 23 reason for this thinking, and, in that, it's the  
 24 fact that it doesn't mention anything about  
 25 losses. There are bound to be glitches in the

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1 **Q.** Could we have paragraph 85 of Mr Wilcox's  
 2 statement on screen, please. That's page 27 of  
 3 the statement.  
 4 The last sentence in paragraph 85 says this:  
 5 "I have received witness statements from  
 6 staff at Fujitsu regarding the integrity of  
 7 Horizon and, I think, whether there were any  
 8 faults with a specific office to be included in  
 9 that statement."  
 10 What did you understand to be the purpose of  
 11 obtaining such statements if, as you say, you  
 12 understood the position to be, there were no  
 13 faults with the system?  
 14 **A.** Witness statements from Fujitsu were requested  
 15 for a committal bundle. They weren't requested  
 16 just for a normal investigation, and I just --  
 17 it was something that the business set up with  
 18 the contract with Fujitsu, probably we were  
 19 told -- is it a Section 69 statement, is it, or  
 20 something -- about the integrity of a computer  
 21 system? Have I got the right one?  
 22 **Q.** Well, I can't help you with that.  
 23 **A.** Sorry, well, whatever it was, there's a special  
 24 section that you have to have to say that the  
 25 computer system is working correctly and, as far

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1 system and I would expect Fujitsu to tell us  
 2 every time there is one, so we can actually act  
 3 on that.  
 4 **Q.** So are you saying, in relation to your statement  
 5 at paragraph 71, where you say you were never  
 6 given any indication of any failings within the  
 7 Horizon system, you want to modify that?  
 8 **A.** I stand by that paragraph, in the fact that  
 9 nobody called a special meeting or sat me down  
 10 or called a team meeting and said, "Look, this  
 11 is getting serious, we're getting all these  
 12 complaints", or "We know there's a problem and  
 13 this is what we need to do".  
 14 There are things like this and, as I said to  
 15 you, I spotted one, I think, during somebody  
 16 else's evidence, that, if I'd have seen it, then  
 17 it would have allowed me to alter my statement  
 18 and I would have clarified that I've never been  
 19 told anything in the fact that, yes, but it  
 20 doesn't mention anything about losses.  
 21 **Q.** So you want to modify it in the sense that you  
 22 weren't aware of failings that caused accounting  
 23 discrepancies or balancing issues; is that  
 24 right?  
 25 **A.** At the moment, yes.

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1 as I recall -- I mean, that was -- we were  
 2 just -- from day one, I think that was the  
 3 request that had to be part of a committal  
 4 bundle.  
 5 **Q.** Could we have on screen, please, paragraph 149  
 6 of Mr Wilcox's statement. That's page 39. You  
 7 say here:  
 8 "At no time from the installation of the  
 9 Horizon system to the time I left in 2011, was  
 10 I aware or made aware of any challenges  
 11 regarding the integrity of the system.  
 12 I neither heard of nor saw any official  
 13 documentation or correspondence regarding such  
 14 claims."  
 15 You've already made a correction to  
 16 an earlier paragraph in your statement relating  
 17 to challenges. In terms of this paragraph here,  
 18 has your evidence changed, in terms of your  
 19 awareness of any challenges regarding the  
 20 integrity of the system?  
 21 **A.** I think I changed paragraph 151, which basically  
 22 is linked to 149, which would be to do with  
 23 Barkham. And, as I said to you previously,  
 24 I mean, even from Lee Castleton, I hadn't even  
 25 heard of that one. So no, I was unaware of --

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1 there was -- nobody had officially told me that  
 2 we'd got a problem going on.  
 3 **Q.** You say at paragraph 150, in the context of your  
 4 awareness of challenges to integrity, that you  
 5 tried to recall your caseload over the period  
 6 and did not consider you had any cases issued to  
 7 you where the integrity of the system was  
 8 brought into doubt.

9 You then say you do recall:

10 "... being asked to sit in on an informal  
 11 interview where a subpostmistress was  
 12 experiencing losses after her Post Office had  
 13 been moved into a Portakabin."

14 You've had the chance to go through those  
 15 Barkham post office branch documents now, do you  
 16 think that the Barkham case is the one that  
 17 you're recollecting her because of the reference  
 18 to Portakabin.

19 **A.** Most definitely, yes.

20 **Q.** Could we have on screen, please, POL00165852.  
 21 This is one of the documents that you've only  
 22 just had an opportunity to look at but it  
 23 essentially draws together your comments on  
 24 a case where you've had emails in the past  
 25 relating to this case. It is a case closure

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1 asking for assistance for some time. There is  
 2 a possibility (although she will not accept it)  
 3 that an assistant has been taking the money but  
 4 that puts the onus back on her to report it to  
 5 the police. I have sent her the Fujitsu data to  
 6 reconcile with her daily transaction logs but  
 7 from a criminal/fraud point of view there is no  
 8 scope for further investigation into criminal  
 9 activity."

10 So this is a case where you were saying, at  
 11 the point of case closure, that Mrs Stubbs was  
 12 convinced that Horizon was at fault for the  
 13 apparent shortfall; is that right?

14 **A.** That's what she was saying, yeah.

15 **Q.** Could we have on screen, please, POL00004708,  
 16 page 2 of this document, please. This is  
 17 an email chain about the Barkham case. In the  
 18 middle of the page, we have an email from Mark  
 19 Dinsdale to Andy Haywood and Iain Murphy dated  
 20 14 September 2010. This email reads as follows:

21 "Andy/Iain

22 "This is quickly turning into a bit of  
 23 a problem.

24 "This is a potential fraud where losses  
 25 occurred when a subpostmaster moved into

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1 report in the Barkham case and it was authored  
 2 by you and sent on 23 February 2011. The branch  
 3 is identified three entries down on that first  
 4 page. The enquiry type is "Cash Loss", just  
 5 controlling down a bit, please. The main  
 6 enquiry type is "Disputed Transactions", and  
 7 going, please, to the bottom of page 2 of this  
 8 document, "Are there outstanding issues of  
 9 a significant nature", and you say this:

10 "This case was raised following an ongoing  
 11 dispute between Mrs Stubbs and Post Office Ltd  
 12 regarding an outstanding debt of £28,829.05.

13 Mrs Stubbs is suggesting that Horizon is at  
 14 fault when it was moved into a Portakabin during  
 15 renovations."

16 You go on:

17 "Along with Graham Brander, I met with  
 18 Mrs Stubbs on 17 January and she was convinced  
 19 that Horizon was at fault. She has retained  
 20 daily transaction logs for December to January  
 21 in which time she lost £9,000 and is not  
 22 prepared to release this until she can compare  
 23 it to Fujitsu data. I have examined the Fujitsu  
 24 data and cannot see any indications of fraud.  
 25 She has declared all the losses and has been

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1 a Portakabin, but ceased the moment she was  
 2 suspended and somebody else run the office. She  
 3 did have a clerk, so it could transpire she has  
 4 nothing to do with the losses. We are talking  
 5 about £28K, a potential flag case, with MPs  
 6 involved. The subpostmaster is questioning the  
 7 integrity of Horizon.

8 "It looks like contracts/Chesterfield dealt  
 9 with this themselves, although did speak to  
 10 investigations. Once I received the paperwork  
 11 from Nigel it looks like there are numerous  
 12 activities that have taken place, including  
 13 somebody sending in an auditor who sat with the  
 14 subpostmaster for half a day which clearly made  
 15 matters worse.

16 "I don't know why we were never approached  
 17 to deal with this as a criminal investigation in  
 18 the first instance, perhaps it was felt that it  
 19 wasn't at the time. The auditor supposedly  
 20 witness all transactions for half a day and  
 21 witness Horizon being short, thereby  
 22 corroborating her account and also now  
 23 a potential witness for her (when in fact  
 24 clearly he cannot have witnessed everything),  
 25 and also begs the question as to why it was left

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1 'high and dry' at the time and Credence was not  
2 checked etc.

3 "This now leaves us in a very difficult  
4 situation. With the subpostmaster writing  
5 letters to Dave Smith, her MP and no doubt  
6 countless other people, this is high profile.  
7 She has also joined the subpostmasters fight to  
8 question the integrity of Horizon. As it stands  
9 no investigation has taken place by us, various  
10 intervention has probably complicated this, yet  
11 because it is a question of Horizon integrity we  
12 can't simply ignore it, or drop it, but probably  
13 have some difficult questions ahead of us in  
14 terms of why it has taken so long for us to  
15 consider this criminal if this is the course of  
16 action we take."

17 So this email is referring, isn't it, in  
18 terms, to the wider subpostmasters' fight to  
19 question the integrity of Horizon. So multiple  
20 people raising this issue, a high profile issue  
21 with MPs involved.

22 **A.** Correct, yes.

23 **Q.** The email above this is from Mark Dinsdale to  
24 Iain Murphy on 17 September, and it says this:

25 "Iain, sorry I run out of time to ring you  
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1 of the next week or so in line with his own  
2 operational workloads. I've asked that he  
3 report back his findings in regards to the  
4 matter and we can [then] make an informed  
5 decision on any potential grounds for  
6 an investigation case."

7 So the email chain below, with the emails  
8 we've just looked at, was being sent to you,  
9 wasn't it --

10 **A.** Yes.

11 **Q.** -- including the emails making clear that this  
12 was one of a number of challenges to the  
13 integrity of the Horizon system?

14 **A.** Sorry, just -- no, the chain hasn't been sent to  
15 me, by the looks of it. All I've got is the  
16 email from Jason Collins that went to Mark  
17 Dinsdale and Nigel Allen. The rest of the  
18 things are --

19 **Q.** Well, we have here a top email with emails  
20 underneath, which appear to be part of a chain,  
21 don't they?

22 **A.** I'm sorry, I didn't read it that way when  
23 I received this. I thought they were just  
24 emails that you've just put together. If you're  
25 telling me it's a full chain, then I can't argue  
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1 and I'm off on Monday.

2 "I think in a nutshell, we need to decide if  
3 one of the investigators who have the knowledge  
4 to sit in and sift through what has been  
5 provided along with the ARQ and go and see what  
6 the ex-subpostmaster is holding. I think this  
7 is going to be a very onerous task, but I can't  
8 see how we can let this one go considering she  
9 is questioning the integrity of Horizon.

10 "How do you want me to deal with this one?  
11 Jason did offer some advice, but I think it has  
12 grown to be a more serious problem now with what  
13 has subsequently come to light, ie auditor  
14 corroborating the subpostmaster's account."

15 Could we go to page 1 of this document,  
16 please. At the bottom of the page, please, we  
17 see Iain Murphy to Mark Dinsdale copied to Jason  
18 Collins on 21 September 2010. There are further  
19 emails above this. Then, at the top of the  
20 page, we have an email to Mark Dinsdale and  
21 Nigel Allen, copied to you, from Jason Collins,  
22 and it is dated 8 October 2010. It says this:

23 "Mark/Nigel

24 "I've passed on the details to Mike Wilcox,  
25 who will review the information over the course  
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1 with you but I didn't read this as being the  
2 previous information that I had from it.

3 **Q.** Well, just scrolling down the document, we have  
4 a number of emails, one on top of the other.

5 **A.** Right, they all say, "Forward". Sorry, can you  
6 go back to the top one again, then. Okay,  
7 I accept that. It says, "Forward," yes,  
8 correct, yeah.

9 **Q.** Okay. So one of the emails being forwarded to  
10 you was the one making clear that this was one  
11 of a number of challenges to the integrity of  
12 the Horizon system and that there was an Auditor  
13 who had corroborated the subpostmistress's  
14 account.

15 **A.** That's correct.

16 **Q.** On any few, you were aware when you picked up  
17 this case, weren't you, that this was  
18 a challenge to the integrity on the Horizon  
19 system and that there were others?

20 **A.** Yes, yes, that would be true, yeah.

21 **Q.** So why did you say in your statement that you  
22 were not aware of any challenges regarding the  
23 integrity of the Horizon system?

24 **A.** I hadn't received this information at the time,  
25 which was why I said I'd have to make  
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1 an adjustment to it, as far as this email chain  
 2 is concerned. I mean, I was asked to look at  
 3 the case at Barkham to see whether there was any  
 4 evidence of a criminal offence. I've taken  
 5 Mrs Stubbs' side and said there is no evidence  
 6 of a -- whether or not there were challenges to  
 7 the system, which is what you're saying now,  
 8 this case was about me seeing if there any --  
 9 this is -- my case closure is a month before  
 10 I left in February.

11 I'm not saying that I didn't do my job to  
 12 the end but what I'm saying -- this was probably  
 13 the last job that I ever took on. So anything  
 14 after that -- I mean -- I think I've said to you  
 15 in my statement, 2017, I worked in a sub office  
 16 and I personally experienced a £1,000 loss.  
 17 I put that money in out of my pocket. I didn't  
 18 challenge Horizon. I still believed in it.  
 19 Irrespective of whether people were challenging  
 20 it, I still believed there was nothing wrong  
 21 with Horizon.

22 **Q.** There is one last document relating to this  
 23 case, which I'd like to take you to, please,  
 24 Mr Wilcox. The document reference is  
 25 POL00106847. Going to page 3 of this document,

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1 **A.** That is a "7", it's the ampersand above the  
 2 number "7".

3 **Q.** £7,000:

4 "I will need to trace the auditor ... and  
 5 discuss how this amount was disposed of or  
 6 accounted for.

7 "She is more annoyed at the fact that she  
 8 thinks she did not get the support from Horizon  
 9 regarding checking her figures against the  
 10 system. The main point is for the December  
 11 trading statement when she only opened for about  
 12 2 weeks and still lost £9,000."

13 Over the page, please:

14 "I have agreed to obtain the full data from  
 15 Horizon and look at the transactions for that  
 16 period. I think this may help to convince her  
 17 that Horizon is okay and it may be that someone  
 18 has taken the money.

19 "It doesn't help that someone in her village  
 20 used to help in designing Horizon and has  
 21 suggested that Horizon is not perfect.

22 "She knows she owes for the office removal  
 23 (£3,400 I think) and says she will repay when  
 24 the office is sold.

25 "Will update you later ..."

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1 please, and starting about halfway down. This  
 2 is an email from you to Lin Norbury, Nigel Allen  
 3 and Mandy Talbot, dated 18 January 2011. Do you  
 4 remember Mandy Talbot?

5 **A.** I think she was civil litigation, possibly, in  
 6 Legal Services. Not sure I ever met her.  
 7 I didn't get involved in civil litigation.

8 **Q.** Do you know why she was involved in  
 9 correspondence about the Barkham Post Office,  
 10 which is the subject of this email?

11 **A.** I'm only assuming that, if there was no criminal  
 12 offence, I mean, the Investigation Team drop out  
 13 and it's dealt with by civil litigation for  
 14 recovery under the terms of the contract.

15 **Q.** You say this in your email:

16 "I met with Mrs Stubbs yesterday and  
 17 discussed the outstanding debt with her (this  
 18 was not a suspect interview under caution).

19 "The £7,000 rem shortage on 25 May 2010 she  
 20 was aware of as this was due to the rem being  
 21 opened and checked by the auditor on the day.  
 22 Due to a rushed despatch £7,000 was left out of  
 23 the rem was it was resealed. She says this was  
 24 sorted out by the auditor on the day and she  
 25 wasn't aware that she still owed the £&000."

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1 Was this not a case where somebody whom you  
 2 interviewed explicitly raised the unreliability  
 3 of Horizon as a reason for the shortfall?

4 **A.** Yes, definitely.

5 **Q.** Why were you trying to convince Mrs Stubbs that  
 6 Horizon is okay?

7 **A.** Because I was never told anything different to  
 8 that.

9 **Q.** Was it suggested to you, by anyone from the Post  
 10 Office, that you should convince Mrs Stubbs that  
 11 Horizon is okay?

12 **A.** Absolutely not. I mean, that's probably my  
 13 terminology in the fact that I truly believed in  
 14 Horizon. I mean, I think I've -- initially, in  
 15 my witness statement I've said to you this  
 16 wasn't my case. I've gone from being not my  
 17 case to actually doing quite a bit of work on it  
 18 and not proving any criminal activity. And  
 19 I now do recall that she did have a gentleman  
 20 with her, I believe, he was a professor in  
 21 computers or something, I don't recall the bit  
 22 about he helped design Horizon and, to be  
 23 honest, he completely baffled me because it was  
 24 technicalities and that's really what I've  
 25 reported back.

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1 I've said it's not -- no evidence of  
2 a criminal offence. I go back to my thing  
3 I said this morning: just because Horizon showed  
4 no criminal offence, it doesn't mean to say that  
5 somebody wasn't taking money and covering it up  
6 but ARQ data would not show you that. So I have  
7 to stand by the fact that there was no evidence  
8 of a criminal offence and I've referred it back  
9 and closed the case, as far as the criminal  
10 aspect is concerned.

11 **Q.** Could we have back on screen, please, the case  
12 closure report which is POL00165852. Back to  
13 page 3, please.

14 You say here that you examined the Fujitsu  
15 data and could not see any indications of fraud,  
16 which is what you've just referenced. Is that  
17 what you were looking for, indicators that  
18 Mrs Stubbs had committed fraud, when you were  
19 looking at the data?

20 **A.** Not the fact that Mrs Stubbs was committing  
21 fraud, no, just anything at all. I was looking  
22 for cash that had been redeclared, I was looking  
23 for alterations to anything. As I say, it is  
24 an exact copy of what Mrs Stubbs would have had  
25 at the office. She could have looked at it on

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1 a shortage of £200 from six months ago, where do  
2 you start? The whole thing about, if you have  
3 a loss of £200, you report it on the day and ask  
4 for help: whether the Post Office gives you  
5 help, that's -- I'm afraid I can't comment on  
6 that but, if somebody comes to me and says "I've  
7 lost £200 six months ago", I've got absolutely  
8 no chance whatsoever of finding out where that  
9 £200 has gone.

10 **Q.** Once it has been decided that there will not be  
11 any criminal action taken against  
12 a subpostmaster, would there be any effort made  
13 to get to the bottom of shortfalls by the Post  
14 Office?

15 **A.** I can't comment. I'm assuming, once my case is  
16 closed, it would go back to the Customer  
17 Services or the Helpdesk, or whatever, and they  
18 should continue to look at it. If they don't,  
19 then that's pretty bad.

20 **Q.** Were you ever made aware of an issue which was  
21 termed the receipts and payments mismatch issue?

22 **A.** I don't recall that, no.

23 **Q.** Were you aware that there was a bug which could  
24 impact upon balancing in a branch?

25 **A.** I wasn't, no.

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1 a daily basis but after, I think, six weeks it  
2 drops off the system. So I could have gone back  
3 as far as I wanted to. But I think, as I said  
4 before, the fact that there are losses shown, it  
5 doesn't tell you whether it's a genuine loss or  
6 whether it's a loss because somebody has taken  
7 the money or whether it was a loss because the  
8 money has fallen in the wastepaper bin or it's  
9 fallen down behind a shelf.

10 It doesn't tell you any of that but it also  
11 doesn't tell you if somebody has covered it up.  
12 So, even on a cash declaration, if there was  
13 £1,000 shortage and then two minutes later it's  
14 been altered, it may be that they've genuinely  
15 found that when they're recounting their cash.  
16 It may be that they've covered it up because  
17 they've stolen the money. That's why I don't  
18 totally rely on the ARQ data, unless it proves  
19 what the person is telling you.

20 **Q.** Did you look at this data with a view to trying  
21 to get to the bottom of the shortfalls or was it  
22 simply to establish whether or not there was  
23 a criminal case to be pursued?

24 **A.** ARQ data would not have helped me get to the  
25 bottom of the shortfalls. If I was looking at

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1 **Q.** Were you aware that it was possible for Fujitsu  
2 to alter a branch value at the counter of  
3 a branch without the branch knowing?

4 **A.** I did not, until I watched Richard Roll's  
5 evidence two months ago and that was the only  
6 true thing that's actually convinced me that  
7 there was something wrong. Before that, no  
8 idea, nobody told us. I thought it was a secure  
9 system and common sense tells you, if somebody  
10 is going to go and alter a computer system,  
11 it's got to be controlled by a secondary  
12 management, or something. But nobody should be  
13 able to get in and have access.

14 **Q.** You have made a correction this morning to  
15 paragraph 84 of your statement relating to the  
16 duplication of transactions in ARQ data. Could  
17 we have on screen, please, POL00167367. This is  
18 one of the documents which you've only very  
19 recently had a chance to look at, I'm aware of  
20 that.

21 **A.** That's correct.

22 **Q.** This is an email from Jane Owen to a list of  
23 recipients, including you. It is blind copied  
24 to Penny Thomas. It is dated 29 July 2010 and  
25 the subject line is "Fujitsu -- Duplication of

80

1 Transaction Records".

2 Does this email assist you with recalling  
3 the duplication of transaction records issue?

4 **A.** Right, without seeing it, I'd have said no.

5 Having seen it, the only thing that rings a bell  
6 with me is saying this Tab 1, Tab 2, and Tab 3,  
7 and, if I really have to think back, I have  
8 a feeling that, whilst I'm copied in, it didn't  
9 affect me. I didn't have any outstanding ARQs,  
10 but I read this as affecting the ARQs only.

11 **Q.** Just looking at the text of the email, it says:

12 "All

13 "As you are aware, due to the recent  
14 problems with Fujitsu all ARQ requests have been  
15 suspended. I can now advise that the  
16 enhancement to delete duplicated records from  
17 the returns has been developed and is due to be  
18 tested by Fujitsu at the weekend.

19 "The attached spreadsheet highlights all  
20 requests as follows:

21 "Tab 1 -- duplicate entries. Fujitsu have  
22 supplied this list of requests that have been  
23 despatched to you but contain the duplicate  
24 data."

25 Then there are two other tabs. It says

81

1 honest I don't really know. I don't know in  
2 what context they would have been used.

3 **Q.** Did this issue cause you any concern at all at  
4 the time?

5 **A.** No. As I say, I think I put in my statement, as  
6 well, that whenever I got ARQ data, I always  
7 sorted it anyway into either -- first thing  
8 I would do is check to see the users in the  
9 office, so that would show me that anybody that  
10 has used the computer properly meant to be at  
11 the office anyway.

12 And then, if I'm looking for -- say I'm  
13 looking for a £900 shortage, I would sort it so  
14 I've got all the £1,000 deposits, because that  
15 might show that it's been a keying entry,  
16 somebody wanted to deposit £100, the clerk has  
17 put an extra nought on, that gives you £900  
18 shortage. It doesn't mean to say it would prove  
19 it, I'm back to my same argument, but there's  
20 a chance that may have happened.

21 So I think I would have noticed -- and  
22 I say, I don't think I had any involvement in  
23 this but I would have noticed if there were  
24 duplicate entries because they would have been  
25 sorted in order.

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1 underneath there:

2 "I realise that you all have deadlines but  
3 we now need to be realistic in how we expect  
4 Fujitsu to deal with the outstanding requests.  
5 Can I ask that you all please look at your cases  
6 and advise the actual dates that you require the  
7 information by. Court cases and committals will  
8 need to take priority especially those on the  
9 1st tab as the incorrect data could already have  
10 been submitted."

11 If entries were being duplicated, that would  
12 affect the integrity of the audit data, wouldn't  
13 it?

14 **A.** Yes, it would, yes.

15 **Q.** This was, on the face of things, an issue  
16 meaning that unreliable Horizon data had been  
17 produced in support of shortfalls which were  
18 being prosecuted, wasn't it?

19 **A.** I mean, Fujitsu have pointed this out to us,  
20 which I would have expected them to do anyway.  
21 It does say they have supplied some lists  
22 already but, as I said to you, it depends in  
23 which context they're being used. But if  
24 they're being used in the context that -- that  
25 they're being used to support a shortage, to be

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1 **Q.** I would like to turn, please, to your  
2 involvement in the criminal investigation and  
3 prosecution of Susan Rudkin. You first became  
4 involved in the investigation on 20 August 2008;  
5 is that right?

6 **A.** Yes.

7 **Q.** Do feel free to refer to your statement, if you  
8 need to.

9 **A.** Yes. No, I'll take that. Yes, thank you.

10 **Q.** You and your colleague, Gary Thomas, were on  
11 another enquiry in the Worcester area and you  
12 received a call asking you to attend the Ibstock  
13 branch?

14 **A.** That's correct.

15 **Q.** Can you recall who it was who called you to ask  
16 you to attend?

17 **A.** I can only assume it would have been my line  
18 manager because I wouldn't -- nobody else would  
19 have any reason to tell me to, really.

20 **Q.** Can you recall what they told you about the  
21 case?

22 **A.** That there was an audit shortage and we needed  
23 to -- I think -- yeah, I think there was  
24 an audit shortage and we needed to attend to  
25 make some enquiries.

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1 Q. The person who called you, you say in your  
2 statement, told you about a conversation which  
3 had already taken place between Colin Price and  
4 Mr Rudkin, the subpostmaster of Ibstock branch;  
5 is that right?

6 A. That's correct, yeah.

7 Q. What were you told about this conversation?

8 A. I was told that they'd had a conversation,  
9 and -- can I --

10 Q. Please do.

11 A. Yeah, sorry.

12 Q. You start dealing with the case at paragraph 91,  
13 and at 93 you refer to Colin Price. If we can  
14 have that on screen, please, it's WITN05060100,  
15 it's paragraph 93 on page 29. You say here:

16 "I was informed [and this is in the context  
17 of you being telephoned to go out to the branch]  
18 that Michael Rudkin the subpostmaster, had  
19 spoken to my colleague Colin Price, who knew  
20 Mr Rudkin."

21 Then you say this at 94:

22 "I contacted Colin Price and was told that  
23 Mr Rudkin had said he would allow an interview  
24 to take place on his premises and said that his  
25 wife would cooperate fully with any

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1 So part of that conversation in the back of  
2 my mind would have been about do I do a risk  
3 assessment on whether we go or not? And the  
4 fact that Colin knew Mr Rudkin, it was a case of  
5 deciding I didn't need a third person. It  
6 wasn't like we were possibly going to -- you  
7 know, it's not like you're looking for stolen  
8 pension books or stolen mail sacks or stolen --  
9 at the end of the day, it was going to be  
10 a normal investigation.

11 So I was quite happy, without -- other times  
12 we phone the police and we ask if there's any  
13 markers on the premises that we're going in and  
14 I decided not to do, you know, a risk assessment  
15 on that. So that's really why those  
16 questions -- or that's the conversation we had  
17 about it.

18 Q. So that was because Colin Price knew Mr Rudkin?

19 A. I'm assuming, yeah. I mean, Leicester area is  
20 way out of my patch. I mean, I don't think  
21 I've -- well, I've been to Manchester before but  
22 I've never been to Leicester.

23 Q. But, in terms of the relevance of this to you  
24 not doing a risk assessment, are you saying you  
25 didn't do a risk assessment because you didn't

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1 investigation and would not require  
2 a solicitor."

3 Who was Colin Price?

4 A. Colin Price was an Investigation Manager in our  
5 team.

6 Q. What were you told about the conversation that  
7 Colin Price had had with Mr Rudkin? Was it just  
8 this, what he'd said about allowing an interview  
9 to take place on his premises and that his wife  
10 would cooperate fully and would not require  
11 a solicitor?

12 A. Yeah, I think the reasoning behind that is the  
13 system changed over the years with regard to the  
14 number of people that were required to do  
15 an audit -- sorry, an investigation. Just after  
16 I joined the Investigation Team, one of our  
17 colleagues in Royal Mail, during a search of  
18 a premises, got stabbed and fatally wounded, and  
19 the business changed its risk assessment policy,  
20 and said that if you were going to go to  
21 a premises and you were going to do a search,  
22 there had to be three people with you, so that  
23 one could always stay with the suspect and you'd  
24 have warning signs if you needed to leave the  
25 premises quickly.

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1 think Mr Rudkin was a threat, because he knew  
2 Colin Price?

3 A. I think so. Colin must have been -- it must  
4 have been his area that he covered and Mr Rudkin  
5 must have known Colin, yes.

6 Q. So looking at paragraph 94, you'd been told that  
7 Mr Rudkin would allow an interview to take place  
8 on his premises, his wife would cooperate fully,  
9 and any investigation would not require  
10 a solicitor. So when you went to the branch,  
11 was that your expectation, that Mrs Rudkin would  
12 be interviewed there, without a solicitor?

13 A. That's what I'd been told but, obviously,  
14 I would have checked that when I arrived.

15 Q. Could we have on screen, please, your report for  
16 Legal Services, completed in this case. The  
17 reference is POL00046485. We can see Susan  
18 Rudkin's name at the top. Going to page 3,  
19 please, of this document, we can see towards the  
20 bottom your name and date of the report,  
21 a little further down, please, 2 September 2008.

22 Going back a page, please, and towards the  
23 top of the page, in the second paragraph, you  
24 deal with what happened when you attended the  
25 branch. You say:

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1 "When we arrived at the office we introduced  
2 ourselves to Mr Rudkin and then went into the  
3 Post Office secure area where Paul Field was  
4 compiling the audit. He handed me a signed  
5 admission statement by Mrs Rudkin and informed  
6 me that at the time the discrepancy in the  
7 account was £43,856.89, which was mainly due to  
8 a shortage in the cash of £43,761.17."

9 You describe here a signed admission  
10 statement made by Mrs Rudkin. Can we have on  
11 screen, please, the document to which you're  
12 referring. The reference is POL00045243. Is it  
13 possible to zoom out a little? Just looking at  
14 this document, the first thing to note here is  
15 that it is not, in fact, a statement made by  
16 Mrs Rudkin, is it? It's authored by and from  
17 the perspective of the auditor.

18 **A.** Yeah, I think I said it's a signed statement,  
19 I didn't say it was a signed admission  
20 statement, so signed statement of facts of what  
21 happened on the day.

22 **Q.** We've just looked at it but we can look at it  
23 again. Going back, please, POL00046485, second  
24 page, please, second paragraph:

25 "He handed me a signed admission statement  
89

1 would be a little short of money. When asked  
2 how much she stated approximately £40,000. She  
3 also stated that the subpostmaster Mr Michael  
4 Rudkin did not know anything about the  
5 shortage."

6 Then there's a line underneath "This is  
7 a true and accurate reflection of what was  
8 said", and it seems to have been signed by both,  
9 although we can't see the signatures, Mrs Rudkin  
10 and the auditor.

11 **A.** Yeah.

12 **Q.** On this account, Mrs Rudkin had said the Auditor  
13 would find a shortage. Just to be clear,  
14 because you have used the word "admission" to  
15 describe this document, Mrs Rudkin, on the  
16 Auditor's account, was not admitting to any  
17 offence, was she? She was informing him that  
18 there would be a shortage?

19 **A.** She was admitting that there would be  
20 a shortage, correct.

21 **Q.** Can we have back on screen, please, POL00046485,  
22 page 2, please. About a third of the way down  
23 the page, in the fourth paragraph here, you say:

24 "Later that day, after declining  
25 representation, (GS001 copied at Appendix 'B'),  
91

1 by Mrs Rudkin."

2 **A.** Apologies, I'm reading the next one down which  
3 says a signed -- it is an admission, it's  
4 an admission that there's going to be money  
5 missing at that stage.

6 **Q.** If you can just hold on there and wait for my  
7 questions.

8 **A.** Sorry.

9 **Q.** If we can go back, please, to the note itself,  
10 it's POL00045243. So this is not, in fact,  
11 a statement made by Mrs Rudkin; it's authored by  
12 and from the perspective of the auditor, isn't  
13 it. It starts "Myself and Kevin Watkins arrived  
14 at the office".

15 **A.** Correct, yes.

16 **Q.** The auditor wrote as follows:

17 "myself and Kevin Watkins arrived at the  
18 office at 8.20 am. Following the necessary  
19 checks with the Helpline ..."

20 That word seems difficult to read but:

21 "... Sue Rudkin (wife of subpostmaster),  
22 allowed us access to the secure area.

23 "Mrs Rudkin asked me if she could have  
24 a word in the back office.

25 "When I entered she told me that the safe  
90

1 I conducted a tape-recorded interview with Susan  
2 Rudkin in the private residence at Ibstock Post  
3 Office."

4 Just to get the order of events clear before  
5 we look further at that paragraph, can we look  
6 two paragraphs down on this page, please. The  
7 penultimate paragraph starting with "Following  
8 the interview". You say:

9 "Following the interview, Mr and Mrs Rudkin  
10 consented to a search of the premises and  
11 produced current bank details and statements,  
12 which have been forwarded to Ged Harbinson,  
13 Financial Investigator, who has an interest in  
14 this case."

15 Then you say:

16 "We also recovered paperwork from the Post  
17 Office including the record of shortages being  
18 maintained by Mrs Rudkin."

19 Is it right, therefore, that you did not  
20 obtain any documentation, other than the signed  
21 Auditor statement, before interviewing  
22 Mrs Rudkin? Just to get the order of events  
23 clear.

24 **A.** Yes, correct.

25 **Q.** Could we have on screen, please, paragraph 96 of  
92

1 Mr Wilcox's statement. That is page 29 of the  
 2 statement.  
 3 You say:  
 4 "Mrs Rudkin agreed to be interviewed on tape  
 5 in her private residence and she did not require  
 6 any legal representation which confirmed  
 7 Mr Rudkin's conversation with Colin Price."  
 8 Could we have back on screen, please,  
 9 Mr Wilcox's report for Legal Services,  
 10 POL00046485, page 2 again, please. At the top  
 11 of this page you refer to Mr Rudkin's  
 12 conversation with Mr Price. So this is  
 13 continuing from the previous page:  
 14 "... interview to take place on his premises  
 15 and said that his wife would cooperate fully  
 16 with any investigation and would not require  
 17 a solicitor."  
 18 At the fourth paragraph on this page, you  
 19 refer to conducting that interview at the  
 20 private residence. You do not, in this report,  
 21 refer to any conversation with Mrs Rudkin about  
 22 whether she would consent to be interviewed.  
 23 Did you, in fact, ask her whether she would  
 24 agree to be interviewed before sitting down to  
 25 the interview.

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1 acting as friend for his wife, but no one was  
 2 available. As it was her wish to have a friend  
 3 present, I took the unusual approach of allowing  
 4 her son Dale to sit in if she was agreeable.  
 5 Unusual because Dale did not work for the Post  
 6 Office so although I 'broke' the Post Office  
 7 Friend rule it was not a legal entitlement.  
 8 I could of course have suggested the interview  
 9 was conducted at the police station where the  
 10 'Post Office Friend' rule was not applicable,  
 11 but I considered that to be unnecessary and over  
 12 the top as Mrs Rudkin was agreeable and  
 13 compliant."  
 14 So you recall Mrs Rudkin wanting to have  
 15 someone present interview with her; is that  
 16 right?  
 17 **A.** I would say, yes, it must have been, but  
 18 probably her husband had said to her "You need  
 19 to have somebody with you", as well. I can't  
 20 guarantee that, but that's from my reckoning.  
 21 He was sort of trying to look after her the best  
 22 he could, I think.  
 23 **Q.** So Mr Rudkin tried to find someone from the Post  
 24 Office to attend but nobody was available. Why  
 25 didn't you put off interviewing Mrs Rudkin until

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1 **A.** Yeah, I would have explained that I would need  
 2 to interview her regarding the alleged shortage  
 3 in the accounts, yes, and she agreed, yeah.  
 4 **Q.** So you didn't just take her husband's word for  
 5 it?  
 6 **A.** Well, I couldn't force her to be interviewed,  
 7 no. I mean, I'd just say, "I need to interview  
 8 you, are you willing to do that here? I can do  
 9 that at your premises, if you're happy with  
 10 that". I'd have probably said to her at the  
 11 time, "Are you likely to want a solicitor?" And  
 12 she said no, which would have been confirmed on  
 13 the tape with the signing of the GS001.  
 14 **Q.** Could we have on screen, please, page 30 of  
 15 Mr Wilcox's statement. At the top of this page,  
 16 which is a continuation of paragraph 97 of your  
 17 statement, you deal with the question of  
 18 representation at interview, and you say --  
 19 Oh, apologies, I'm ahead of the monitor.  
 20 So at the top of the page, this is  
 21 a continuation of paragraph 97, and you're  
 22 dealing here with the question of representation  
 23 at interview, in Mrs Rudkin's case. You say:  
 24 "I seem to recall that Mr Rudkin had made  
 25 some phone calls to 'colleagues' with a view to

94

1 someone could be found?  
 2 **A.** I think there was a large shortage, there was  
 3 an admission that the money was missing, she was  
 4 the suspect, and I had a job to do and it seemed  
 5 right to continue the interview there. I wasn't  
 6 stopping her from having anything. If she  
 7 wanted a solicitor, on the other hand, and we  
 8 couldn't get one, then I might have had no  
 9 option but to suspend it.  
 10 **Q.** You took the unusual step of letting  
 11 Mrs Rudkin's son sit in the interview with her  
 12 and you suggested here that the alternative was  
 13 to suggest that the interview was conducted at  
 14 a police station. Did you suggest that  
 15 alternative to Mrs Rudkin?  
 16 **A.** Absolutely not. I'm trying to explain to the  
 17 Inquiry why I made that decision.  
 18 **Q.** Could we have on screen, please, POL00046546.  
 19 This is the legal rights document, the GS001  
 20 form, that you completed with Mrs Rudkin at the  
 21 start of her interview, so we see the date  
 22 there, 20 August 2008. Scrolling down, please,  
 23 you can see the name printed at the bottom and  
 24 signed.  
 25 Looking at that form, this deals solely with

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1 the question of legal representation, doesn't  
 2 it --  
 3 **A.** Yes, it does.  
 4 **Q.** -- because it is a legal rights form? So it  
 5 doesn't deal with the Post Office policy on  
 6 someone being accompanied by a Post Office  
 7 Friend, does it?  
 8 **A.** Not this form doesn't, no.  
 9 **Q.** Which form does, because you referred earlier to  
 10 a form that did refer to a Post Office Friend?  
 11 **A.** Yeah, it's the same layout as this. I don't  
 12 know the -- is it a -- this is a -- GS001, was  
 13 this?  
 14 **Q.** GS001, yes.  
 15 **A.** 1 -- I think it may be a 003, it's the same  
 16 format, it's got the same "Do you understand  
 17 you're acting as a friend? Yes. Do you  
 18 understand you're not allowed to take part in  
 19 the interview? Yes. You may keep notes but  
 20 they may not be shown to anybody without the  
 21 permission of the Post Office. Yes, yes, yes",  
 22 and then they sign that.  
 23 So that is also part of the -- that would  
 24 have been in the same appendix as this form was  
 25 in my case file.

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1 find somebody. I think I've put "emotional  
 2 support" in my statement, which is probably the  
 3 best -- what I'm saying is it just felt like she  
 4 had somebody with her.  
 5 **Q.** Did you ask yourself at the outset of the  
 6 interview whether Mrs Rudkin was in a fit state  
 7 to be interviewed, emotionally?  
 8 **A.** I had no reason to doubt that she wasn't.  
 9 **Q.** Could we go to page 2 of this document, please.  
 10 Scrolling down, please, to 9.18 on the left. At  
 11 9.18, you show Mrs Rudkin the auditor's  
 12 statement and you ask her why it is short, so  
 13 why the branch is short.  
 14 Over the page, please. Four lines down, you  
 15 ask where the money has gone, and Mrs Rudkin  
 16 says this:  
 17 "Well, because the business as a whole and  
 18 the staff, the overheads and the business have  
 19 not really been doing what it should be doing.  
 20 I've had, you know, losses behind the Post  
 21 Office counter and then coupled with trying to  
 22 sort out the business and difficulties, I've  
 23 just not know which way to turn."  
 24 Then you say this, "MW":  
 25 "Clarifies that there have been losses in

99

1 **Q.** Could we have on screen, please, the record of  
 2 tape-recorded interview with Mrs Rudkin, the  
 3 reference is POL00050026. We can see the date  
 4 of interview, 20 August 2008. The time is  
 5 1.00 pm, the duration 44 minutes and the  
 6 location, "Private Residence", Ibstock branch.  
 7 Scrolling down a little, please. There is  
 8 a summary of what you covered at the outset of  
 9 the interview:  
 10 "Normal introductions including voice  
 11 identification, legal rights and caution. No  
 12 legal representation required. Son Dale allowed  
 13 to sit in as 'friend'.  
 14 You described the step of letting  
 15 Mrs Rudkin's son sit in on the interview with  
 16 her as unusual. Did you allow Mrs Rudkin's son  
 17 to sit in because Mrs Rudkin appeared to need  
 18 emotional support; was that the reason?  
 19 **A.** No, I think it was more a case of because he was  
 20 there and he was a family member, she would have  
 21 felt that she wasn't alone. I was just trying  
 22 to help out the fact that they were trying to  
 23 get a friend and I did my bit, the best I could,  
 24 to get that dealt with, and not let it go on for  
 25 however long until we could agree that she could

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1 the Post Office and under the terms of the  
 2 contract that should be made good."  
 3 You ask:  
 4 "Is part if this because you haven't been  
 5 putting the money in a make the losses up?"  
 6 Mrs Rudkin says, "Yes".  
 7 You ask:  
 8 "Asks if trading statement is short would  
 9 you just inflate the cash to make that right?"  
 10 "Yes.  
 11 "Also had bills for shop and house, gas and  
 12 electric."  
 13 Mrs Rudkin agrees.  
 14 Going over the page, please, to page 4.  
 15 Towards the bottom 19.27. We see "GT" here,  
 16 that's not you, is it? That's Gary Thomas --  
 17 **A.** Gary Thomas, correct.  
 18 **Q.** -- asking:  
 19 "Trying to understand how the amount got so  
 20 high."  
 21 Mrs Rudkin:  
 22 "Says that it started with the shortages and  
 23 not being able to make them good and when she  
 24 did pay some back she would be short for bills  
 25 and then taking money in the hope of paying back

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1 from takings."  
 2 Then, over the page, please, towards the  
 3 bottom of the page, if we can have page 7,  
 4 please. Again, towards the bottom of the page.  
 5 Apologies. Back to page 6, towards the  
 6 bottom, and "MW" at the bottom here:  
 7 "Clarifies the other option could have been  
 8 a balance snapshot to tell you how much it was  
 9 out."  
 10 This is in the context, isn't it, of  
 11 Mrs Rudkin having kept a running total, so she  
 12 knew how much things were out by?  
 13 **A.** Correct.  
 14 **Q.** Going over to the top of the next page, please.  
 15 Mrs Rudkin says:  
 16 "As time has gone on, I've had to do  
 17 a balance snapshot and check the figure and then  
 18 write that figure down so I know what to put  
 19 in."  
 20 You explain that:  
 21 "... any difference between the balance  
 22 snapshot and her piece of paper would be  
 23 a genuine shortage, which would have been added  
 24 on to the paper."  
 25 She says, "Yes".

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1 point, she took money out for this reason and  
 2 she meant to pay it back. Is that a fair  
 3 summary of what she was telling you?  
 4 **A.** Yeah, I think, yes, that's probably a fair  
 5 summary, yeah.  
 6 **Q.** So Mrs Rudkin may not explicitly have said that  
 7 the shortages she was experiencing were caused  
 8 by a fault in Horizon but she was quite clearly  
 9 telling you that her problems started with  
 10 unexplained losses, wasn't she?  
 11 **A.** I think, to be fair to Mrs Rudkin, in 2008, like  
 12 me, she probably had never suspected anything  
 13 wrong with Horizon. So that would be the reason  
 14 that she's never mentioned it and that's trying  
 15 to be fair, really. She did but, on numerous  
 16 occasions, she said that they were errors, a lot  
 17 of them had come back, some of them they'd  
 18 found. But I'll carry on when you -- when we  
 19 get to the next part.  
 20 **Q.** Could we have back on screen, please,  
 21 Mr Wilcox's report for Legal Services.  
 22 POL00046485, page 2, please. The penultimate  
 23 paragraph on this page towards the bottom,  
 24 please.

In the second sentence here, which we've

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1 Gary Thomas:  
 2 "Clarifies that any difference between the  
 3 snapshot and paper record must be added on the  
 4 running total as well."  
 5 MW: "Asks if she ever made any shortages  
 6 good."  
 7 She says:  
 8 "Yes I tried the best way I could."  
 9 MW: "What, the smaller amounts?"  
 10 Mrs Rudkin: "Yes."  
 11 "Confirms larger amounts would be added on  
 12 to the piece of paper. Discussion whether  
 13 anyone else could have taken any money and SR  
 14 says she believes it was just mistakes. Staff  
 15 were good with the paperwork."  
 16 Mrs Rudkin was in this interview telling her  
 17 that her problems had started because she was  
 18 experiencing shortages, wasn't she?  
 19 **A.** That's correct.  
 20 **Q.** That she made these good for a time, from her  
 21 own money, until she was no longer able to do  
 22 so?  
 23 **A.** Correct, yeah.  
 24 **Q.** Because she had been making good shortages, she  
 25 was short on money for the bills and, at that

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1 already looked at:  
 2 "We also recovered paperwork from the Post  
 3 Office including the record of shortages being  
 4 maintained by Mrs Rudkin."  
 5 So, after the interview, you found a record  
 6 of the shortages that Mrs Rudkin had been  
 7 experiencing; is that right?  
 8 **A.** I asked her in the interview -- because she  
 9 brought up the record, I asked her in the  
 10 interview where it was and she told me where it  
 11 was and she produced it to me afterwards.  
 12 **Q.** You described this further over the page in your  
 13 report as "a summary of the weekly balance  
 14 discrepancies compiled by Mrs Rudkin".  
 15 Apart from attaching this documentation to  
 16 your report for Legal Services, what did you do  
 17 with this document produced to you by  
 18 Mrs Rudkin?  
 19 **A.** That would have been in Appendix B, with the  
 20 evidence.  
 21 **Q.** Did you make any attempt to establish the reason  
 22 for the shortages listed on that document?  
 23 **A.** The -- right. Because of what she was telling  
 24 me in interview about the way that she was  
 25 dealing with the losses and this is where we

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1 come back to audit data, if somebody says to you  
2 "I've been taking money and I've been inflating  
3 the cash each week to covering it up", audit  
4 data will not show you that at all. It will not  
5 prove anything either way.

6 We've also got the fact that she was doing  
7 a balance snapshot. Now, if I can explain, the  
8 normal way of declaring your cash at night is  
9 you count the cash you've got, you put it into  
10 the Horizon system, and the system will tell you  
11 how much you're out by discrepancy, whether  
12 you're over or you're short. That will show on  
13 audit data, that will show that you've done  
14 that.

15 If, however, you go into the system and you  
16 ask the system how much money you should have,  
17 which is called a balance snapshot, you can then  
18 automatically add that money into the system,  
19 whether it's there or not, and that will not  
20 show a shortage. And this is what I was saying  
21 about it depends what somebody tells you about  
22 audit data. Audit data would have not helped me  
23 or Mrs Rudkin one bit in proving it.

24 The evidence I had was an audit shortage,  
25 I had an admission telling me that she'd been  
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1 I discussed whether it was practicable to call  
2 Mr Longman tomorrow, given that there had been,  
3 as I understand it, disclosure of hundreds of  
4 documents, which had a bearing on Mr Longman's  
5 evidence, at the end of last week, as  
6 I understand it.

7 Counsel to the Inquiry has only just begun  
8 to understand the significance of some of those  
9 documents and, in truth, he informs me that many  
10 of the documents disclosed are of relevance and  
11 need to be made public and the subject of  
12 questioning on Mr Longman.

13 Given where we are in relation to that, I've  
14 decided that it would not be fair to Mr Longman  
15 to ask him to consider many documents at  
16 extremely short notice, that's assuming even  
17 that they can be got to him before he begins his  
18 evidence and it would certainly be very  
19 unsatisfactory for him to be seeing documents as  
20 he is giving evidence.

21 So, as I've said, I've decided that  
22 Mr Longman's evidence should be postponed. That  
23 is regrettable, in one sense, in the obvious  
24 sense that we're going to lose a day tomorrow.  
25 However, it does make some sense that  
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1 taking money in inflated cash and I had this  
2 piece of paper from her supporting those  
3 figures. That evidence was far greater than  
4 I would have ever got from any Horizon data.

5 **MS PRICE:** Sir, it is 1.00. May we take lunch at  
6 that point? Could I ask that we have a slightly  
7 shorter lunch, given the time we lost earlier,  
8 coming back at 1.50, please.

9 **SIR WYN WILLIAMS:** Yeah, fine. Yes. See you at  
10 1.50.

11 **MS PRICE:** Thank you, sir.

12 (1.01 pm)

(The Short Adjournment)

14 (1.50 pm)

15 **Announcement re evidence of JON LONGMAN**

16 **MS PRICE:** Good afternoon, sir.

17 **SIR WYN WILLIAMS:** Good afternoon.

18 **MS PRICE:** Can you see and hear us?

19 **SIR WYN WILLIAMS:** Yes, I can. Just before you  
20 begin, can I make an announcement about  
21 tomorrow.

22 **MS PRICE:** Yes, sir.

23 **SIR WYN WILLIAMS:** I'm not sure whether it has yet  
24 been communicated to anyone but, during the  
25 lunch break, one of the counsel team and  
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1 Mr Longman's evidence be heard at about the same  
2 time as the evidence or the further evidence to  
3 be given by Mr Jarnail Singh, and so it's my  
4 intention that both those witnesses should be  
5 called either at the end of Phase 4, or perhaps  
6 even in Phase 5, when those parts of their  
7 evidence which overlap and/or dovetail can be  
8 examined more or less sequentially.

9 So that's an oral announcement. It may not  
10 have been preceded by a written announcement.  
11 But the effect of it is that there will be no  
12 evidence from Mr Longman tomorrow and it will be  
13 postponed to a suitable date in the New Year.

14 **MS PRICE:** Thank you, sir.

15 Shall I proceed with the questioning of  
16 Mr Wilcox?

17 **SIR WYN WILLIAMS:** Yes, please.

**MICHAEL JOHN WILCOX (continued)**

**Questioned by MS PRICE (continued)**

20 **MS PRICE:** Mr Wilcox, we left off before lunch on  
21 the question of the use to which you put  
22 Mrs Rudkin's list of weekly discrepancies and  
23 the question of the use you consider ARQ data  
24 would have served in this case. Could we have  
25 on screen, please, paragraph 115 of Mr Wilcox's  
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1 statement, that's page 33, please.

2 At paragraph 115 you say this, in the  
3 context of the investigation into Mrs Rudkin:

4 "As part of the investigation, I requested  
5 Horizon ARQ data, and my report to Jarnail Singh  
6 dated 29/1/2009 shows that there was nothing  
7 untoward regarding these figures."

8 There is no reference to you obtaining ARQ  
9 data in your report to Legal Services. Is the  
10 only reason you think you requested any ARQ data  
11 the document referenced here, POL00046505?

12 *(No audible answer)*

13 Is that document the basis for you  
14 understanding that you requested some ARQ data.

15 **A.** I was asked to do some further investigations  
16 with regard to previous time to my actual  
17 investigation I was undertaking. But I think  
18 I would have ordered ARQ data anyway, pending  
19 a committal.

20 **Q.** Could we have on screen, please, the summons for  
21 Mrs Rudkin at POL00046537. This is dated  
22 12 February 2009. In the middle of the page  
23 there is the alleged offence, "Theft", and the  
24 period to which that charge relates, 1 January  
25 2007 to 20 August 2008.

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1 1 January 2007 to 20 September 2008 but instead  
2 for the earlier period in 2006, when the robbery  
3 took place; is that right?

4 **A.** I was asked to continue investigations into the  
5 previous robbery, so ARQ data was requested to  
6 look into that. However, because the ARQ data  
7 wasn't considered necessary for the initial  
8 investigation, I would have asked for that after  
9 the papers had been submitted, in case there was  
10 a committal. So I would have requested it but  
11 it wasn't used to form my decision.

12 **Q.** What is the basis for you saying you would have  
13 requested it? There's no reference in your  
14 legal report to it?

15 **A.** Because it wasn't relevant. As I said, the fact  
16 that Mrs Rudkin was covering up losses and  
17 inflating the cash, it would not have shown in  
18 the ARQ data. So I didn't consider it necessary  
19 to look at that because it wouldn't have given  
20 me any evidence either way, but I would have  
21 requested it once the papers were sent in, in  
22 case it was required as part of a legal bundle.

23 **Q.** So when you're referring, at paragraph 15, to  
24 requesting Horizon data, at that paragraph, are  
25 you referring to your request for the period

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1 Could we now have on screen, please, the  
2 document you reference at paragraph 115 of your  
3 statement, that is POL00046505.

4 The recipient of this communication is  
5 Jarnail Singh. Going over to the second page,  
6 please. We can see it's from you and dated  
7 29 January 2009. Going back to page 1, please,  
8 you say this:

9 "Your original advice is noted on pages 14  
10 to 16 of these papers. Thank you.

11 "Due to the admissions made by Mrs Rudkin to  
12 the theft in excess of £43,000, I was instructed  
13 to revisit the case and in particular the  
14 reported robbery which took place on 5 January  
15 2006, in which the business has stood a loss of  
16 £58,000 (after appeal against culpability). The  
17 confidential Police reports can be found at  
18 pages 26 to 31 of these papers."

19 Then you say this:

20 "I requested Horizon data for this period  
21 (which showed nothing untoward) and also  
22 obtained bank disclosure authority for the last  
23 6 years' bank accounts."

24 You appear to be saying here that you  
25 requested Horizon data, not for the period of

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1 relating to the robbery alone, or both that and  
2 another request?

3 **A.** That particular request, where I said I have  
4 examined ARQ data and it shows no anomalies,  
5 that was to do with the robbery, yeah.

6 **Q.** Okay. Is it right that you made no attempt to  
7 compare the list of weekly discrepancies made by  
8 Mrs Rudkin to any Horizon data to try to  
9 establish the cause of the shortages?

10 **A.** Absolutely pointless. The --

11 **Q.** I'm sorry, if you could answer my question,  
12 please.

13 **A.** Yeah, sorry. No, because it wouldn't have  
14 compared because there were no losses being  
15 shown.

16 **Q.** You have referred in a number of places to  
17 assisting subpostmasters and branches to  
18 investigate unexplained losses. What did you do  
19 to help Mrs Rudkin to get to the bottom of her  
20 unexplained losses?

21 **A.** I couldn't do anything because the ARQ data --  
22 once you start altering cash figures and  
23 covering them up, you don't know whether it's  
24 a genuine loss or not. There is absolutely  
25 nothing you can do if somebody is covering up

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1 losses. You've got nothing to go on at all.

2 **Q.** Going back, please, to the communication on  
3 screen with Jarnail Singh, three paragraphs up  
4 from the bottom. You say:

5 "I wrote to Mrs Rudkin requesting that she  
6 attend a further interview regarding the  
7 financial situation prior to the admitted  
8 thefts. I have since been in contact with  
9 Richard Nelson solicitors (pages 33 to 35) who  
10 have notified me that Mrs Rudkin does not wish  
11 to attend a further interview as they have  
12 concerns over her deteriorating mental health."

13 You were writing this communication around  
14 two weeks before the summons for Mrs Rudkin was  
15 served. Did you feel any concern about  
16 Mrs Rudkin's mental health, in the context of  
17 the criminal proceedings being brought against  
18 her by the Post Office?

19 **A.** I think I've mentioned in there that she may not  
20 be fit to even go to court and that was my  
21 opinion. It wasn't my decision whether or not  
22 we served a summons.

23 **Q.** It appears that after this communication, you  
24 contacted the police seeking their assistance to  
25 pursue investigation of the robbery in 2006.

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1 charges.

2 "Thanks for your help and any problems  
3 please give me a ring."

4 This email appears to have led to a response  
5 from the police on 25 March 2009. Could we have  
6 that on screen, please. It is POL00046522.  
7 This is an email from Detective Sergeant David  
8 Bacon, dated 25 March at 3.06 in the afternoon.

9 He says:

10 "Dear Mr Wilcox,  
11 "I write to acknowledge your recent email to  
12 DS Gareth Goddard and to introduce myself as  
13 a future point of contact. I have discussed the  
14 robberies with Gareth at length and the  
15 exhaustive enquiries that were undertaken.  
16 There is no evidence at this time to support the  
17 fact that Susan Rudkin fabricated this offence  
18 in order to steal monies. Without fresh  
19 evidence I do not propose to reopen the offence  
20 after this amount of time; and decline the  
21 invitation to reinterview Mrs Rudkin.  
22 "I propose that you continue as planned with  
23 the theft charges."  
24 So the police were declining to reopen the  
25 investigation.

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1 Could we have on screen, please, POL00051258,  
2 starting on page 2, please.

3 This is an email dated 16 February 2009,  
4 from you to Gareth Goddard of the Leicestershire  
5 constabulary, and it reads as follows:

6 "Gareth, I have today served the summons on  
7 Mrs Rudkin in connection with her admissions to  
8 the theft of £43,000 from the Post Office last  
9 year.

10 "An analysis of her financial investigation  
11 over the last 6 years was undertaken and it was  
12 deemed that a further interview was required  
13 regarding the period prior to and leading up to  
14 the robbery at the office in 2006.

15 "Through her solicitor ... she declined the  
16 invitation to attend a voluntary interview due  
17 to her mental state and the fact that she would  
18 not remember events that far back.

19 "Would you please make enquiries as to  
20 whether any officers would be willing to meet  
21 with me to discuss the further evidence with  
22 a view to reinterviewing Mrs Rudkin regarding  
23 the state of the post office accounts at the  
24 time of the reported robbery.

25 "If not, we will just proceed with the theft

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1 **A.** Yeah.

2 **Q.** Could we have back on screen, please,  
3 POL00051258. In the middle of the first page,  
4 there is an email from Gareth Goddard, also  
5 dated 25 March 2009 and timed around three hours  
6 before DS Bacon's email, which we've just looked  
7 at. This is him to a number of police officers  
8 copied to you. It says:

9 "Sir,  
10 "Please could someone make contact with Mike  
11 Wilcox from the Post Office. He is sending  
12 these emails to me because he had my contact  
13 details from my days at Coalville CID. The post  
14 office he refers to was subject to two armed  
15 robberies, one of which I charged an offender  
16 with and he was convicted but the second one was  
17 believed to be an inside job by the  
18 subpostmistress. We never had any evidence to  
19 support this however and it remains undetected."  
20 This leads to a further email at the top of  
21 the page, suggesting that you speak to  
22 DS Wheeler and there are some handwritten notes  
23 at the top. Are those made by you?

24 **A.** Yes, they are, yeah.

25 **Q.** They read:

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1 "Will assist on voluntary interview. Will  
2 not arrest."

3 So just to be clear, you were asking the  
4 police to arrest Mrs Rudkin for the purposes of  
5 interviewing her about the robbery in 2006; is  
6 that right?

7 **A.** Absolutely not. That's not what I'm asking them  
8 for is their assistance and what he said to me,  
9 "Yes, I'll come along and do an interview with  
10 you", and it would have been under caution, if  
11 she attended, but not under arrest. I wasn't  
12 asking for her to be arrested. She wasn't  
13 a suspect in my opinion for that, unless the  
14 police thought so.

15 It was just a point of saying it's going to  
16 be a voluntary interview.

17 **Q.** That email at the top suggests there might have  
18 been some further discussion about whether or  
19 not the police would be involved. Did the  
20 police ultimately decline to be further  
21 involved?

22 **A.** No, the last contact I got, according to this,  
23 is they will assist me on a voluntary interview,  
24 but, because of the letters I got from the  
25 doctor about Mrs Rudkin, I just dropped it.

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1 losses, as Mrs Rudkin did?

2 **A.** The situation I was in at the time the evidence  
3 I had was an audit shortage. I had an admission  
4 from Mrs Rudkin that she'd been disguising the  
5 losses and she'd been taking money to pay into  
6 her bank account and I'd had the piece of paper  
7 from her showing what money was missing.  
8 I was -- it was not possible to investigate why  
9 there were losses because of what she was doing  
10 with the accounts, and I'm very surprised,  
11 having seen this, that Mr Rudkin never mentioned  
12 it to me at all.

13 **Q.** Is it right that, during your investigation into  
14 Mrs Rudkin, you didn't make any enquiries of the  
15 National Business Support Centre or the Horizon  
16 helpline to see whether there were any calls  
17 made from the branch, which might shed light on  
18 the unexplained losses being experienced by  
19 Mrs Rudkin?

20 **A.** That is true, and the reason for that is because  
21 she told me that she did not ask for any help  
22 and she knew she should have done but she  
23 didn't.

24 **Q.** You appear in your statement to the Inquiry to  
25 be casting some doubt on Mrs Rudkin's account,

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1 **Q.** In terms of the enquiries you made in  
2 Mrs Rudkin's case, relating to the theft charge  
3 actually brought, you didn't make any enquiries  
4 as to the history of the operation of the  
5 Horizon system at the Ibstock branch, did you,  
6 at the time?

7 **A.** Any history of the Horizon?

8 **Q.** Any history of the operation of Horizon and any  
9 concerns or complaints regarding that. You  
10 didn't make any enquiries about that at the  
11 time, did you?

12 **A.** No.

13 **Q.** You are now aware, I think, from documents  
14 provided to you by the Inquiry, for the purposes  
15 of preparing your statement, that, had you done  
16 so, you would have discovered that Mr Rudkin had  
17 raised concerns about the operation of the  
18 Horizon system on a number of occasions, prior  
19 to the investigation of Mrs Rudkin, including  
20 concerns about shortages, phantom transactions,  
21 and balancing issues with the Horizon system in  
22 2004 and 2005; is that right?

23 **A.** I've seen that since, yes.

24 **Q.** Looking back, do you think you should have made  
25 such enquiries where someone had unexplained

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1 in her statement to the Inquiry, that she called  
2 the helpline when she was experiencing  
3 difficulties with the system; is that right?

4 **A.** That's correct. That's not what she told me  
5 during the interview, yeah.

6 **Q.** You have no knowledge yourself, do you, of  
7 whether Mrs Rudkin called the helpline or not,  
8 because you didn't ask the question?

9 **A.** Because she told me she hadn't. That's correct.

10 **Q.** Why is it, therefore, that you seek to cast  
11 doubt on what Mrs Rudkin says about the fact of  
12 calling the helpline?

13 **A.** Sorry, can you say that again?

14 **Q.** Why is it, then, that in your statement you seek  
15 to cast doubt on what Mrs Rudkin says about  
16 having called the helpline?

17 **A.** I think, when I read that statement, I'm very  
18 upset at the fact that I was accused of denying  
19 her legal representation because that just  
20 didn't happen. When I reread the tapes and the  
21 taped summary, she told me that she did not ask  
22 for help. So I'm suggest -- I'm not suggesting,  
23 I'm giving her the benefit of the doubt that  
24 maybe she didn't remember what happened on the  
25 day correctly.

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1 Q. Are you now aware that Mrs Rudkin's conviction  
2 was quashed by Southwark Crown Court on  
3 7 December 2020?

4 A. I am.

5 Q. At that hearing, it was accepted by the Post  
6 Office that the reliability of Horizon in her  
7 case was essential, and this was said by counsel  
8 for the Post Office appearing at that hearing to  
9 be because there were a number of calls from her  
10 branch to the Helpdesk relating to Horizon and  
11 balancing issues.

12 Could we have paragraph 146, please, of  
13 Mr Wilcox's statement on screen. That is  
14 page 38, please. You say here:

15 "Prior to the original court proceedings of  
16 *Bates v Post Office* I was contacted by Post  
17 Office Limited regarding my recollection of this  
18 case and it was agreed that it did not fall into  
19 the category of Horizon reliability."

20 Why did you feel the need to include that in  
21 your statement?

22 A. Because I think I was surprised that the case  
23 was part of that initial batch of offices,  
24 because I didn't consider -- I thought the whole  
25 trial and the whole Inquiry was about being

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1 were stealing money and they were admitting to  
2 it, and obviously then you couldn't blame the  
3 computer system.

4 There were also people that had unexplained  
5 losses and, again, you couldn't blame the  
6 computer system. In those days, prior to  
7 Horizon, you could phone up and say, "I've run  
8 out of money, can I have some more, please?" and  
9 nobody would know because it was all paper  
10 based. You could go two or three years in  
11 between audits and you could be using money all  
12 the time and nobody would know.

13 I was just trying to make a point that, at  
14 the introduction of Horizon, it's not possible  
15 to do that. So if people were taking money  
16 prior to Horizon, there's no reason why that  
17 shouldn't have stopped and I'm just trying to  
18 make a point that, because it was easier to get  
19 caught, I would have -- to be honest, I would  
20 have expected it to increase.

21 Q. Setting aside anything you have read or heard  
22 since you ceased being an Investigator for the  
23 Post Office, did you personally have any  
24 knowledge at the time of the numbers of  
25 prosecutions being brought by the Post Office

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1 reliant on Horizon data. I wasn't reliant on  
2 Horizon data when I first wrote the case. It  
3 was purely based -- there was nothing to prove  
4 through Horizon, so it was based on the other  
5 evidence that I'd obtained.

6 Q. Is it the case that you are still disbelieving  
7 of subpostmasters, even after their convictions  
8 had been overturned?

9 A. When the convictions had been overturned, I --  
10 if we're talking about this case in particular,  
11 I believe that what she told me on the day was  
12 correct.

13 Q. You deal at paragraphs 163 to 167 of your  
14 statement with prosecution numbers. What are  
15 you referring to when you say:

16 "There has been a great deal of discussion  
17 regarding the increase in prosecutions since the  
18 installation of Horizon."

19 A. Yeah, um, I've been following the Horizon  
20 Inquiry for a couple of months now and there  
21 just seemed initially to be discussion around  
22 the increase since Horizon. I was just trying  
23 to point out that, even prior to Horizon, people  
24 were stealing money, whether it was postmasters,  
25 whether it was staff. There were people that

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1 before and after the introduction of Horizon?

2 A. Not before the Inquiry, no.

3 Q. You say at paragraph 153 of your statement that  
4 you understand, through following the Inquiry,  
5 that Fujitsu was withholding information from  
6 the Post Office regarding known bugs, errors and  
7 defects. Is the basis for that understanding  
8 the evidence you have now watched given by  
9 Richard Roll, referenced at paragraph 169 of  
10 your statement?

11 A. I initially read the book by Nick Wallis and,  
12 you know, put me over the edge, but Richard  
13 Roll's evidence has been a complete eye-opener.

14 Q. You expressed some anger at Fujitsu at  
15 paragraph 168 of your statement. You do not  
16 seem to express any anger towards the Post  
17 Office. Do you feel any?

18 A. I think -- from what I understand, I don't think  
19 the Post Office actually were told by Fujitsu  
20 until about 2011, which is the time I left.  
21 That may be wrong but I've got nothing to do to  
22 defend the Post Office at all. I'm here at the  
23 Inquiry to defend the way that I conducted the  
24 investigations.

25 Q. Having had the opportunity to reflect on

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1 matters, do you feel any responsibility for what  
2 happened to Mrs Rudkin?  
3 **A.** I've had a long think about this and would  
4 I have done anything different? I think the  
5 problem I've got is Mrs Rudkin was inflating  
6 cash figures, she was taking money from the Post  
7 Office, even though she wasn't making losses  
8 good, and all that happened way before I got  
9 involved. I cannot take responsibility for  
10 that. I only became in -- once I became  
11 involved, I purely worked on the evidence that  
12 I had.

13 **MS PRICE:** Sir, those are all the questions that  
14 I have for Mr Wilcox. Do you have any before  
15 I turn to Core Participants?

16 **SIR WYN WILLIAMS:** No, thank you. No.

17 **MS PRICE:** It appears that there are no questions  
18 from Core Participants for Mr Wilcox, sir.

19 **SIR WYN WILLIAMS:** Right. Thank you, Mr Wilcox, for  
20 coming to give evidence to the Inquiry and for  
21 answering a good number of questions. I'm  
22 grateful to you.

23 **THE WITNESS:** Thank you.

24 **SIR WYN WILLIAMS:** So that concludes Mr Wilcox's  
25 evidence. Do you want a short break before

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1 **Q.** I understand that, before we start, you want to  
2 make some corrections to your witness statement;  
3 is that right?

4 **A.** If possible, yes.

5 **Q.** So if you just take us through what corrections  
6 you would like to make.

7 **A.** Right, okay. First one is paragraph 20, on the  
8 second page of paragraph 20, eight lines down,  
9 the sentence starts with, "If any admission was  
10 made to the Auditor either on arrival or during  
11 the audit", and it currently says "they would  
12 write this down", I just wanted to insert the  
13 word "would usually write this down" in case it  
14 wasn't 100 per cent time that they did.

15 The next two are exactly the same wording  
16 for paragraph 45 and 56, and it's at the end of  
17 each of those paragraphs, which makes it  
18 a little bit easier, and I wanted to just add:

19 "... were the now known bugs, errors and  
20 defects apparent and identifiable in any of the  
21 ARQ data we received."

22 The fourth one is paragraph 81, and it's  
23 a name error there. In my statement I've put,  
24 at point (i) "Graham Brander's witness statement  
25 in support for an application for a restraint

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1 Mr Thomas starts giving his evidence?

2 **MS PRICE:** Maybe five minutes, sir, just so we can  
3 bring the next witness in.

4 **SIR WYN WILLIAMS:** That's fine. I'll remain where  
5 I am, so to speak, but I'll just turn myself off  
6 for five minutes.

7 **MS PRICE:** Thank you, sir.

8 **(2.18 pm)**

9 **(A short break)**

10 **(2.23 pm)**

11 **MS MILLAR:** Good afternoon, sir, can you see and  
12 hear us?

13 **SIR WYN WILLIAMS:** Yes, thank you, yes.

14 **MS MILLAR:** May we please call Mr Thomas?

15 **SIR WYN WILLIAMS:** Yes.

16 **GARY REECE THOMAS (sworn)**

17 **Questioned by MS MILLAR**

18 **MS MILLAR:** Can you confirm your full name please,  
19 Mr Thomas?

20 **A.** Yes, Gary Reece Thomas.

21 **Q.** You should have in front of you a witness  
22 statement dated 4 October 2023. If you turn to  
23 the last page of that, which is page 36, is that  
24 your signature?

25 **A.** It is, yes.

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1 order". That should actually be Graham Ward,  
2 not Graham Brander, I believe, as he was  
3 a financial -- FIU.

4 **Q.** Thank you.

5 **A.** The final one is on the final paragraph,  
6 I think, at 119, and four lines from the bottom,  
7 the sentence starting "Again". "Again,  
8 compensation worries appear to be their primary  
9 focus", and then I'd like to omit between "yes"  
10 and "appropriate".

11 **Q.** So you'd like to remove the words --

12 **A.** "... yes, whilst I do think this would be  
13 appropriate."

14 I'd like to omit that, yes.

15 **Q.** Those are all the corrections you'd like to  
16 make?

17 **A.** That's right, yes.

18 **Q.** Having made those corrections are the contents  
19 of your witness statement true to the best of  
20 your knock and belief?

21 **A.** Yes, they are.

22 **Q.** For the purposes of the transcript the URN is  
23 WITN09160100.

24 My name is Megan Millar and, as you know,  
25 I'll be asking you questions on behalf of the

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1 Inquiry. I'm going to ask you questions about  
 2 issues which arise from Phase 4 of the Inquiry,  
 3 focusing on your involvement in the Security  
 4 team and, in particular, your involvement in the  
 5 case of Mr Julian Wilson.

6 **A.** Yes.

7 **Q.** So, first, I'd like to ask you some questions  
 8 about your professional background. Is it  
 9 correct that you joined the Post Office in 1985  
 10 as a counter clerk?

11 **A.** That's correct, yes.

12 **Q.** Following that, you were an assistant manager  
 13 and a branch manager before joining the Security  
 14 Team in 2000?

15 **A.** That's right, yes.

16 **Q.** You joined the Security Team as a Security  
 17 Manager; is that correct?

18 **A.** That's correct, yes.

19 **Q.** Is it correct that you then left the Security  
 20 Team in 2012?

21 **A.** It was around 2012, yes. Yeah, I think it was  
 22 around maybe the March 2012, something like  
 23 that. I did take my personnel papers so I can  
 24 confirm exactly if you need me to.

25 **Q.** After you left the Security Team, you became  
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1 main post office in Bournemouth in Albert Road.  
 2 I had an office that I worked out of from there.

3 **Q.** Is it correct that Geoff Hall was your line  
 4 manager when you first joined?

5 **A.** It was, yes.

6 **Q.** Later, your line managers included Tony Utting,  
 7 Andy Haywood, Dave Posnett and Jason Collins?

8 **A.** Not -- Dave Posnett -- sorry, Dave Pardoe,  
 9 I think you mentioned, and Andy Haywood they  
 10 weren't my direct line managers, they were more  
 11 Senior Managers. Jason Collins, yes. Dave  
 12 Posnett -- we did sometimes go through a change  
 13 of some people might be in for a few months on  
 14 temporary promotion or something but,  
 15 predominantly, it started with Geoff Hall and  
 16 ended with Jason Collins.

17 **Q.** Thank you. Was your line manager located in the  
 18 same place as you?

19 **A.** No, Geoff was located in Taunton and Jason was  
 20 initially located in Croydon and then moved to  
 21 a different part within London.

22 **Q.** Is it right that, during the time you were in  
 23 the Security Team, you remembered the Heads of  
 24 Security being Tony Marsh, then followed by Phil  
 25 Gerrish, Tony Utting and then John Scott?  
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1 a Network Transformation Field Change Advisor;  
 2 is that correct?

3 **A.** That's correct, yes.

4 **Q.** Can you just explain briefly what that role  
 5 entailed?

6 **A.** The Network Transformation role?

7 **Q.** Yes, please.

8 **A.** The Post Office was going through a complete  
 9 transformation of its network, where I think,  
 10 again, it was probably another cost cutting  
 11 exercise, where they were looking to change the  
 12 sub post office network into what they called  
 13 mains post offices or local post offices. They  
 14 were trying to modernise it by taking down the  
 15 old-fashioned screens and trying to get  
 16 postmasters to convert to the new model, and  
 17 that was the type of work I was undertaking at  
 18 that time.

19 **Q.** Is it correct that you then left the Post Office  
 20 in 2017?

21 **A.** I did, yes. I took redundancy.

22 **Q.** So moving on, please, then to the structure of  
 23 the Security Team. When you joined the Security  
 24 Team, where was your office located?

25 **A.** My office was located, when I joined, in the  
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1 **A.** That's right, yes.

2 **Q.** Who was the Head of Security when you left the  
 3 Security Team?

4 **A.** It was John Scott.

5 **Q.** Could we please turn to page 2 of your witness  
 6 statement, the reference is WITN09160100 and if  
 7 we start at paragraph 4 of the bottom of the  
 8 page. So you say:

9 "During my time in the Security/Fraud Team,  
 10 I found all of my colleagues and Direct Line  
 11 Managers (Area Team Leaders) to be both  
 12 competent, professional and approachable. I did  
 13 not necessarily feel the same or hold the  
 14 respect of all of the Security Senior Managers  
 15 in my final last few years within the team and  
 16 before I left."

17 Who are the Security Senior Managers you  
 18 were referring to there?

19 **A.** Predominantly just one, really, which was John  
 20 Scott. I don't like to mention the other ones,  
 21 who were probably his understudies, because  
 22 I think -- how can I put the word -- they were  
 23 just his whipping men.

24 **Q.** You then go on to say:

25 "The reason I say this is the firsthand  
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1 experience I witnessed with the treatment of  
2 Security Team colleagues and managers in the  
3 last few years I worked there. They appeared to  
4 not welcome any challenges or questions raised  
5 from team members with regards to any decisions  
6 or changes made or planned to introduce."

7 Did that extend to the way in which criminal  
8 investigations were conducted?

9 **A.** Not necessarily, although I can't be specific.  
10 It's quite a long time ago, and I know everyone  
11 has used that comment pretty much through this  
12 Inquiry, but it was just various things that  
13 would happen, and if you -- no one sort of  
14 wanted to make a challenge because they felt  
15 that they were going to put their head above the  
16 parapet and then replications (*sic*) might happen  
17 afterwards. So it seemed like everyone was  
18 remaining quiet at times, I think, is probably  
19 the word to say.

20 **Q.** So can you provide us any specific examples?

21 **A.** There was a couple. I mean, one personally  
22 towards myself was Mr Scott wanted to -- and I'm  
23 not saying it was a bad thing at all, but he was  
24 trying to encourage everyone within the Security  
25 Team, Investigation Managers, whatever you call  
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1 working group in our various locations -- and  
2 I think we've heard I was in Bournemouth, Graham  
3 was in Southampton, Mike was in Plymouth, we  
4 were dotted around --

5 **Q.** Can I just ask you to slow down a little just  
6 because we've got a stenographer.

7 **A.** Sorry. So we were dotted around the country but  
8 we were all in our hometowns, if you like, home  
9 locations. Some of us worked out of offices,  
10 which I found fine, others were what I call LIW,  
11 so they could work from home.

12 I'm trying to slow down again.

13 Now, the time came where Mr Scott decided  
14 that he didn't want that to happen and that he  
15 was going to introduce what he called "hub  
16 working", and I was told, along with Mr Wilcox  
17 and Mr Brander, et cetera, that we would now be  
18 going to a converted -- I think the best way to  
19 describe it is a shed that they were  
20 converting -- a shed, a Romec shed, that they  
21 were going to turn into an office for us to be  
22 office based in the Swindon Stock Centre.

23 **Q.** Sorry to interrupt you but did you challenge  
24 Mr Scott?

25 **A.** Oh, yes. It was mainly being driven, at that  
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1 it, to study specifically for a degree in  
2 investigation-type work. It was something that  
3 I wasn't probably academically able to do and  
4 something I didn't really want to do and then  
5 find I'd failed and, et cetera, et cetera.

6 So it was something that I wasn't really  
7 keen to do. I think it was through the  
8 University of Leicester, or somewhere like that.

9 Now, some of the -- I actually said "No,  
10 I don't want to do that". Some of my  
11 colleagues, I think, shall we say, didn't want  
12 to obviously cause confrontation, so agreed to  
13 do it and subsequently ended up dropping out of  
14 it so there was probably undue costs that they  
15 should have -- you know, wouldn't have incurred  
16 had they not have dropped out. So that was one  
17 example. I won't witter on too long because  
18 I tend to do that.

19 The second thing was more personal again but  
20 also linked to my colleague who was here earlier  
21 this morning, Mike Wilcox, also Graham Brander,  
22 and other members of the team, probably  
23 nationally, as well, where Mr Scott decided that  
24 it was going to be the best way of working now  
25 where, after eight or nine, ten years, we'd been  
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1 time, by Dave Pardoe and that's why my first  
2 comment was -- I think it was being introduced  
3 via Dave Pardoe but at the request of John  
4 Scott.

5 The request was that my colleague, as in  
6 Mike, who was in here this morning, would have  
7 a 300-mile round trip from Plymouth to Swindon  
8 every day, at his own cost and at his own time  
9 and, basically, he couldn't fulfil that and the  
10 question was, "Well, that's where the job  
11 location will now be".

12 Myself, Graham and another gentleman called  
13 Lester Chine, we decide that we would  
14 obviously -- how can I say, not let Mr Scott win  
15 and we would go. We had a requirement we had to  
16 be in Swindon at least three days a week.  
17 Obviously, the other two days we'd probably be  
18 out on investigations and enquiries, et cetera.  
19 So it was basically an office based in Swindon,  
20 which I managed to do for several months, at our  
21 own cost or shared costs, we'd try and pick each  
22 other up, if we could to try to keep those costs  
23 down.

24 But Mike, unfortunately, had to leave the  
25 business because, in my eyes, it was  
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1 a constructive dismissal. He had no option --  
 2 he had no option.  
 3 **Q.** Okay, so we'll move on then to the training you  
 4 received when you joined the Security Team.  
 5 When you joined the Security Team, did you  
 6 have any experience of conducting criminal  
 7 investigations?  
 8 **A.** No.  
 9 **Q.** Did you have any knowledge of criminal law?  
 10 **A.** No.  
 11 **Q.** After you joined the team, it's correct that you  
 12 went on a residential training course, which  
 13 lasted around three weeks?  
 14 **A.** As I recall, about three weeks, yes.  
 15 **Q.** Do you remember who delivered this training?  
 16 **A.** I do. It was two gentlemen. The first one  
 17 I don't remember so much, although I remember  
 18 his name. It was a guy called Andy Brown and  
 19 I think he was a Royal Mail based Investigation  
 20 Manager, and the second one was a guy called  
 21 Mick Matthews.  
 22 **Q.** Is it right, then, that the topics you remember  
 23 being covered included the PACE Codes of  
 24 Practice, interviews, searches and the retention  
 25 and storing of exhibits?

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1 investigations or just shortly around the same  
 2 sort of time.  
 3 **Q.** Did you receive any training on Horizon in the  
 4 residential training course?  
 5 **A.** Not on the residential training course, no.  
 6 **Q.** After your initial training, did you shadow  
 7 anyone in the Security Team before conducting  
 8 a criminal investigation on your own?  
 9 **A.** Yeah, I didn't go straight into the -- straight  
 10 to what we call first officer work. I would  
 11 have shadowed Geoff Hall, as my line manager,  
 12 and obviously more experienced people like Mike  
 13 Wilcox, for example, who would have been in the  
 14 job at least a year or two before me.  
 15 **Q.** Did you receive any further training or  
 16 refresher training in the further 12 years you  
 17 were a member of the Security Team?  
 18 **A.** Very minimal. I think a lot of it would have  
 19 been either email based, or I remember going on  
 20 something called a defensive driving course,  
 21 where it was as if we were going -- well, it  
 22 seems a bit strange going after someone but, if  
 23 you're with the case -- there was different  
 24 forms you could have, tape recorded or video  
 25 cameras or CCTV, surveillance -- that's what I'm

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1 **A.** Yes.  
 2 **Q.** You explained in your statement that you were  
 3 tested to ensure that you passed the necessarily  
 4 levels of competence; is that right?  
 5 **A.** That's right, yeah. We had a set of -- as  
 6 I remember, a set of books, pre-course books,  
 7 I think, and that was to sort of -- how can  
 8 I say -- give us a very basic start before we  
 9 got on the course and then there was a test at  
 10 the beginning of the course, I think, and a test  
 11 at the end of the course and a passmark.  
 12 **Q.** Do you remember this course including  
 13 disclosure?  
 14 **A.** Specifically, if I'm honest, no, but I'm sure it  
 15 did. It was a bit of a -- yeah, I think we'll  
 16 go on to that a little bit later.  
 17 **Q.** We will. Do you remember the Horizon system  
 18 being rolled out around the same time that you  
 19 joined the Security Team?  
 20 **A.** Yes, I don't specifically again recall but I was  
 21 a branch manager in Southampton at the time.  
 22 We'd previously operated what was called an ECCO  
 23 computer system and I remember Horizon coming in  
 24 around that sort of time. I can't recall if it  
 25 was introduced before I left to join

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1 looking for, surveillance type work.  
 2 **Q.** Moving on, then, to the guidance which was  
 3 available to you, relating to the conduct of  
 4 criminal investigations. If we could look at  
 5 your witness statement again at page 5. This is  
 6 a list of policies and guidance documents you  
 7 were provided with by the Inquiry, and that goes  
 8 on, if we go down the page, over to page 6 as  
 9 well.  
 10 If we go down to your paragraph 12, you say  
 11 that:  
 12 "In respect of all the numerous documents  
 13 I have accessed, I can say a few look familiar,  
 14 a few were more Royal Mail specific and some  
 15 documents I have never seen or recall as I had  
 16 already possibly left the Security Team when  
 17 they were produced and/or circulated."  
 18 Where were the policies kept so that Post  
 19 Office employees could access them?  
 20 **A.** As I vaguely remember there was something called  
 21 an intranet site and I think there was  
 22 a Security Team database, and whether they were  
 23 the same thing I'm not sure, but there were  
 24 things that you were able to get on to, to  
 25 obviously access these various policies and

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1 things.

2 **Q.** That statement can come down. Thank you.

3 Did you have access to the Royal Mail Group

4 policies?

5 **A.** I probably did, if I'm honest, especially at the

6 start because, obviously, we were part of the

7 wider team of the Royal Mail Group Security.

8 **Q.** You go on to say at paragraph 15 that any

9 legislation, policies or relevant changes would

10 have been communicated to you. Do you remember

11 how they would have been communicated to you?

12 **A.** Again, it would have possibly been through

13 a circular or an email attachment or referring

14 you to go to one of these sites to look at it.

15 **Q.** So turning then, please, to casework compliance.

16 One of the documents provided to you by the

17 Inquiry was a document titled "Casework

18 Management", and there are two versions of that

19 policy, one from March 2000 and one from October

20 2002. You say in your statement at paragraph 34

21 that you would have had no reason to doubt you

22 were provided with those documents; is that

23 correct?

24 **A.** Yes.

25 **Q.** Do you recall that these documents set out the

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1 **Q.** One of the attachments explains the information

2 which should be included in the offender report.

3 So could we, please, have POL00118101 on screen.

4 So we can see it's titled "Guide to the

5 Preparation and Layout of Investigation Red

6 Label Case Files, Offender Reports and

7 Discipline Reports". Could we go to page 10,

8 please, the bottom of page 10.

9 So this section then, you can see, is titled

10 "Post-interview", paragraph 2.15 says:

11 "Details of failures in security,

12 supervision, procedures and product integrity."

13 It says:

14 "This must be a comprehensive list of all

15 failures in security, supervision, procedures

16 and product integrity and it must be highlighted

17 bold in the report. Where the investigator

18 concludes that there are no failures a statement

19 to this effect should be made and highlighted in

20 bold."

21 So what did you understand failures in

22 product integrity to include?

23 **A.** Well, certainly now, Horizon itself. But at the

24 time, it would have been, I guess, our clients

25 more than anything, I guess, product integrity,

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1 need for two separate reports, one which would

2 go to the discipline manager, which was known as

3 the conduct or discipline report, and a second

4 report, known as the offender report, which

5 would go to the Legal Services team?

6 **A.** I do, yes.

7 **Q.** What did you understand the purpose of the

8 offender report to be?

9 **A.** The offender report would be -- how can I say --

10 the whole picture. Everything including any

11 exhibits or anything that we referred to during

12 the interview, any failings we may have found,

13 and I think, at the end, we put a summary if

14 there was anything we felt would -- it was like

15 a piece in bold that we would write, which was

16 to do with anything that may have undermined the

17 investigation possibly, something like that.

18 **Q.** You've pre-empted my question.

19 **A.** Sorry.

20 **Q.** Not at all. So the Inquiry also provided you

21 with a number of emails, dated 2011, from David

22 Posnett, relating to casework compliance. So is

23 it right that you remember the introduction of

24 compliance checks?

25 **A.** I do, yes.

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1 as to whether there was anything that would

2 impact on those. But I can't really recall at

3 the moment.

4 **Q.** So when you say now that you would appreciate it

5 would be Horizon at the time, would you not have

6 thought that would have included Horizon issues?

7 **A.** No, because, again, the message came out that

8 there was -- and I don't know where the message

9 came from because, again, everyone said the

10 same, but line managers, colleagues, senior lead

11 team manager, the business, was that we had

12 somebody who would give a witness statement from

13 Fujitsu that all the cases seemed to suggest

14 that there was no product integrity with

15 Horizon. I now know that that's not the case.

16 **Q.** Would you have considered it to include

17 allegations of problems with Horizon?

18 **A.** Again, it should have done because I should have

19 taken those a bit more seriously than we did,

20 but I can only apologise.

21 **Q.** So I'll move on, then. Another one of the

22 attachments to David Posnett's emails is the

23 Identification Codes document which you comment

24 on at paragraphs 42 and 43 of your witness

25 statement. Could we have that on screen,

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1 please, and the reference is POL00118104. Can  
 2 you see that it lists seven identification  
 3 codes?  
 4 **A.** I do, yes.  
 5 **Q.** Is it still your position that you don't  
 6 remember ever having seen this document?  
 7 **A.** I don't. It was in an attachment. I can't deny  
 8 that it came to me. I think I say in my  
 9 statement that, having been -- when it was  
 10 circulated, I'd been in the role for probably  
 11 a number of years then, it seemed to be more  
 12 that these things were being circulated for more  
 13 new members of the team, rather than experienced  
 14 members of the team, and I'm not taking that as  
 15 disrespect to them or blowing my own trumpet but  
 16 I'd obviously been using the identification  
 17 codes for quite a few years.  
 18 **Q.** At paragraph 44 of your statement you say that  
 19 you were requiring to record identification  
 20 codes when you notified the police of criminal  
 21 proceedings on an NPA1 or NPA2 form; is that  
 22 correct?  
 23 **A.** I do, but I think I've learnt that it's now  
 24 an NPA3, or 003 or something. I think it's  
 25 different sides of the forms, et cetera.

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1 Identification Codes document.  
 2 **A.** Without a doubt, yes.  
 3 **Q.** So for example, this form refers to "White  
 4 European", while the Post Office Identification  
 5 Codes document refers to "White skinned  
 6 European", and gives a list of countries.  
 7 **A.** Yes.  
 8 **Q.** So if I could take you back then to paragraph 80  
 9 of your witness statement, please. Paragraph 80  
 10 is on page 25.  
 11 Just down to paragraph 80, please.  
 12 So you say there that:  
 13 "It was therefore fairly standard practice  
 14 to complete these Antecedents/NPA forms and was  
 15 therefore answers of how the person best  
 16 described their appearance along with all the  
 17 other questions for its completion."  
 18 You go on to then say:  
 19 "For example an IC1 was stated in PACE as --  
 20 White-skinned European: English, Scottish,  
 21 Welsh, French, German, Swedish, Norwegian,  
 22 Polish, Russia."  
 23 That language there is the same language as  
 24 the Post Office Identification Codes document;  
 25 do you agree with that?

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1 **Q.** Could we have POL00119211 on screen, please.  
 2 I think this is an example of an NPA1 form.  
 3 **A.** Yes.  
 4 **Q.** You can see in the top right.  
 5 **A.** Yeah.  
 6 **Q.** This form is from the case of Julian Wilson,  
 7 which is a case we'll come back to in more  
 8 detail later. But you say at paragraph 80 of  
 9 your statement that you completed this form  
 10 after Mr Wilson's interview; do you remember  
 11 that?  
 12 **A.** That I think would be normal -- the normal  
 13 process. So I can't remember it exactly but I'm  
 14 guessing I did. I think that was the -- without  
 15 being rude, I think that was -- the last  
 16 occasion I actually saw Mr Wilson was after the  
 17 interview, so I think the details were taken  
 18 from him at that time.  
 19 **Q.** So on page 2, then, of that form, we can see  
 20 there are seven boxes for ethnic appearance to  
 21 be recorded and the boxes are "White European",  
 22 "Dark European", "Afro-Caribbean", "Asian",  
 23 "Oriental", "Arab", and "Unknown".  
 24 Can you see that the language used here is  
 25 different from the language in the

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1 **A.** Quite possibly. I -- it was something I Googled  
 2 on -- when I was doing my statement, to be  
 3 truthful. I'd always previously used the  
 4 identification on the back of the NPA002/3, on  
 5 the back where you just showed a moment ago, and  
 6 the -- whilst you're filling the form in, in  
 7 theory, going across from, you know, right --  
 8 left to right, sorry, 1, 2, 3, 4, 5, 6 or 7, so  
 9 I would just have used that form when I was  
 10 completing -- or asked the person I was asking  
 11 the questions to, suspect, whatever you want to  
 12 call it, what they best described themselves as.  
 13 **Q.** So when you refer there to "IC1 was stated in  
 14 PACE", what are you referring to? You're  
 15 referring to the NPA1 form?  
 16 **A.** No, I'm referring to the fact that, whilst  
 17 I was -- obviously, I saw Mr Posnett's email,  
 18 and hadn't previously seen it, as my  
 19 recollection was I hadn't open it and, if I had,  
 20 I think I would have challenged, that I'd seen  
 21 that and was not -- how can I say -- entirely  
 22 comfortable with the email that was part of the  
 23 Inquiry, and basically thought "Well, that's not  
 24 something -- not a document I opened or used".  
 25 So, in preparation for my statement,

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1 I think, although I'd obviously mentioned --  
 2 I probably should have just left it as "I've  
 3 gone across the top of the NPA form", would be  
 4 my normal thing of doing that. And, as I say,  
 5 after a number of years in the role, you tended  
 6 to have in idea of what the code -- and  
 7 pre-dominantly, I think I say in my statement,  
 8 as well, is that the majority of our people  
 9 would have been -- or was known or considered  
 10 themselves an IC1.

11 **Q.** So despite using, in paragraph 80, the same  
 12 language as the Identification Codes document,  
 13 is your evidence that actually what you were  
 14 referring to were the boxes on the NPA forms?

15 **A.** Yes, yes, I used the NPA form.

16 **Q.** I'd like to move on then to ask you some  
 17 questions about the involvement of Post Office  
 18 Investigators, following the identification of  
 19 an apparent shortfall at audit.

20 So you explain in your statement that  
 21 an Investigator would sometimes attend an audit  
 22 if they had instigated or requested it. Can you  
 23 explain the circumstances in which you would  
 24 have requested an audit.

25 **A.** A couple of reasons. One going back to pension  
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1 hypothetically they said that they had £50,000  
 2 in the branch, but the Post Office knew that  
 3 their outgoings for the customers that are on  
 4 a regular basis coming in was £20,000, they may  
 5 request for some cash to be returned to the  
 6 central cash centre, if you like.

7 They would make a phone call, the cash  
 8 centre, and say, "Could you return that cash?"  
 9 And if it came back, great. They may then make  
 10 another phone call saying, "You didn't send that  
 11 cash back, can you sent some £20,000/£30,000  
 12 back?" et cetera, et cetera. And eventually the  
 13 money never came, so there would be a suspicion  
 14 possibly that that money wasn't actually held at  
 15 the branch so it may, on the enquiry of the  
 16 investigation, instigate an audit to be  
 17 requested.

18 **Q.** Then in respect of Crown Offices, if we could  
 19 have your statement up again at page 8, please,  
 20 paragraph 19. You say that the same approach  
 21 was taken in respect of both Crown Offices and  
 22 subpostmasters who were under investigation.  
 23 You then go on to say, if we could just go --  
 24 thank you:

25 "The only thing that changed in my opinion  
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1 and allowance frauds that were apparent. If we  
 2 had one case where we had a complaint that we  
 3 understood that these pension allowance fraud --  
 4 the suspect, I shall say, was looking in the  
 5 obituaries to find out when someone had passed  
 6 away -- and it was when we were going back to  
 7 the old pension book scenario -- and they would  
 8 look in the drawer to find their pension book  
 9 and subsequently think "Unfortunately, they've  
 10 passed away, we'll steal that book because they  
 11 won't be coming in to collect it", and  
 12 systematically cash the dockets, et cetera. So  
 13 things like that we would have obviously  
 14 instigated an audit.

15 I think I had another occasion where -- and  
 16 I think that's part of the evidence here --  
 17 where a holiday relief had contacted the Post  
 18 Office to say that they believed that there  
 19 would be a shortage at an office, and the other  
 20 thing we had was cash -- Overnight Cash Holding.

21 A lot of times there was -- when Horizon  
 22 came in, there was occasions where they would do  
 23 their daily cash declarations or they would show  
 24 their cash declarations at the end of day, end  
 25 of week, end of trading period and, let's say,  
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1 was the actual number of audits carried out at  
 2 the Crown Offices. It seemed to reduce over the  
 3 years as the staffing numbers reduced within  
 4 Audits, as it had also done with the Security  
 5 Team."

6 You go on to say that that was because of  
 7 cutbacks.

8 The last sentence there where you say:

9 "The Post Office's focus on Crown Office  
 10 losses for branch managers was another factor  
 11 that meant the Security Team had to prioritise  
 12 their enquiries around the offices with the  
 13 consistently worst or highest losses to the  
 14 business, including the worst Crown Offices."

15 Can you just help us with what you mean by  
 16 that?

17 **A.** Sorry, it's a bit ambiguous, isn't it?

18 Basically, when I joined the Security Team there  
 19 was about, let's say, 50 of us working to seven  
 20 team leaders. When I left, there was two team  
 21 leaders and maybe 15 or 16 of us working. In  
 22 the same way, the Audit Teams had similar  
 23 numbers. There would be fairly regular audits  
 24 of sub offices, Crown Offices, you know, at  
 25 various periods. With the reduction in staffing  
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1 numbers, obviously the frequency of audits at  
2 any particular branch reduced quite  
3 dramatically.

4 There was also very much a focus, because  
5 I was a Crown Office branch manager myself, on  
6 ensuring that you maintained losses to  
7 a minimum, as much as you possibly could, and  
8 that you undertook, as a branch manager, spot  
9 checks on tills, on particular stocks, if there  
10 was obviously a clerk that was balancing not as  
11 well as the others, you obviously tried to  
12 assist them with additional training or find out  
13 to try to get to the reasons why. So there was  
14 more of a focus within the branch office network  
15 away from the audits section, if you like.

16 **Q.** Moving on, then, to interviews. You explained  
17 in your statement that you conducted both  
18 voluntary interviews and interviews at police  
19 stations. At paragraph 7 of your statement, if  
20 we can just go back to page 4, please. At the  
21 end of that paragraph, you say that, even if it  
22 was at a police station, you would have been  
23 involved, as:

24 "... we were a well-known recognised  
25 interviewing authority with the police ..."

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1 the suspect at interview. So whether it be  
2 Horizon printouts or personnel printouts or  
3 anything that we'd done prior to the  
4 investigation, anything on the day, audit  
5 result, any signed confession or -- "confession"  
6 is probably not the right word but, if the  
7 auditor had written out a statement if someone  
8 had made --

9 **Q.** An admission?

10 **A.** An admission. Sorry, that's the right word,  
11 yeah.

12 **Q.** What about in circumstances where the individual  
13 you're interviewing was unrepresented? What  
14 would you do in terms of giving disclosure?

15 **A.** I'll be perfectly honest, I don't remember that  
16 we did, if I'm honest.

17 **Q.** You don't remember interviewing someone that was  
18 unrepresented or you don't remember giving  
19 disclosure to someone who was unrepresented?

20 **A.** I don't necessarily remember giving disclosure  
21 to someone. I think it may just have been part  
22 of the interview. I may be wrong.

23 **Q.** Was there a reason for the difference in  
24 approach?

25 **A.** No, I've no idea.

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1 Did you understand that to be a technical  
2 term?

3 **A.** It was something I think when I joined that --  
4 I don't know whether it came from Geoff Hall or  
5 came from my team leader, or whatever, at the  
6 time but, as far as I was led to believe, that  
7 we were a similar organisation, a bit like the  
8 DWP, who had their own investigatory people  
9 involved, and that the police were aware of Post  
10 Office and DWP investigation teams, and that,  
11 obviously, we were recognised as that if we  
12 should call and speak to anyone.

13 **Q.** So you'd heard someone else refer to the Post  
14 Office Security Team as a well-known recognised  
15 interviewing authority?

16 **A.** I had, yes, and that's the only place I got it  
17 from, if you like, but, yes.

18 **Q.** Moving down to paragraph 8, please. You explain  
19 then that you would always give disclosure to  
20 any legal representative who was present in  
21 either suspected criminal or voluntary  
22 interviews. What would this disclosure  
23 typically include?

24 **A.** I guess everything, as far as I could be aware,  
25 that was available that we were going to put to

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1 **Q.** After you completed the interview, would you  
2 typically carry out further investigation before  
3 completing the discipline and offender report?

4 **A.** If something was brought up during the  
5 interview, then, yes, generally, I would go and  
6 try and corroborate what was said.

7 **Q.** Is it right that then, following the initial  
8 investigation, the case papers, including the  
9 offender report, would be forwarded on to the  
10 Legal team, who would advise whether prosecution  
11 was appropriate?

12 **A.** Yes, that would -- it would go generally through  
13 the Casework Manager for the compliance checks  
14 to be made, and for obviously a score to be  
15 given to us on each particular case that went  
16 through them. Sometimes it may be that the line  
17 manager may look at it, if he was coming down  
18 for a one-to-one or anything like that, but the  
19 ultimate place it was going was the Legal team  
20 for advice, basically.

21 **Q.** Who made the decision to prosecute?

22 **A.** Well, the Legal team. They would make  
23 a recommendation whether they felt the evidence  
24 was sufficient or not to realise a -- whatever  
25 prospect, be it a good or bad prospect, of

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1 conviction. And, subsequently, that would then  
2 get the authority or rubber stamp, shall we say,  
3 as it's been disclosed, or I think said, from  
4 the Senior Authorising Manager within Security  
5 Team, I think, or, prior to that, personnel  
6 team, I think it was said.

7 **Q.** At paragraph 27 of your statement, you say that  
8 you have no idea of any tests being applied by  
9 those making prosecution or charging decisions.  
10 You say:

11 "I always believed the decision was only  
12 made if there was sufficient evidence to suggest  
13 beyond reasonable doubt that a criminal offence  
14 had been committed by the individual."

15 Where did that understanding of the test  
16 come from?

17 **A.** Exactly as I said, prior to you reading that,  
18 I understood it was a decision -- or any test  
19 that was applied was the test was applied by the  
20 criminal lawyer that was looking at the case  
21 papers.

22 **Q.** Where did you get that understanding of the  
23 test, that it was beyond reasonable doubt?

24 **A.** I would suggest, possibly again, through mentor,  
25 line manager, somewhere like that.

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1 **A.** Yes.

2 **Q.** If we could go to page 6 of that document,  
3 please, and if we just scroll down. So we see  
4 there that the title is "Behaviour and  
5 Competency 1 Information", and the name is "Post  
6 Office -- I challenge to make things better".

7 Was that one of your personal objectives at  
8 the time in the Security Team?

9 **A.** I would probably have said so, yes.

10 **Q.** If we could go over to the next page, then,  
11 please, and scroll down towards the bottom. At  
12 paragraph 6, then, you -- I understand this to  
13 be your entry:

14 "During November 2009 Mr Jarnail Singh  
15 Criminal Law Team suggested 5 theft charges in  
16 a case of mine against ... I challenged these  
17 charges as I had previously advised Mr Singh  
18 that there are no Branch Trading Statements  
19 available. Not only did I challenge the  
20 suggested charges but I also suggest that  
21 an appropriate charge under the Fraud Act 2006  
22 should be considered."

23 So is it the case, then, that you would have  
24 input into some of these decisions as to  
25 appropriate charges?

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1 **Q.** Did you have any involvement in the decision to  
2 prosecute someone?

3 **A.** No.

4 **Q.** Were you ever involved in recommending  
5 appropriate charges?

6 **A.** As I recall towards the latter years, I'll say,  
7 of my time in Security, I think there may have  
8 been a suggestion or an idea that we may put  
9 something within the papers but I can't recall  
10 whether I ever did, because I'm not sure I was  
11 ever that confident of what I would be  
12 recommending would be correct.

13 I think it was trying to give us a bit  
14 more -- I don't know, knowledge base, perhaps,  
15 of "This is a theft charge" or "This is  
16 a false" -- I mean, I probably would know but  
17 I wouldn't know what Act it was under or  
18 anything like that. So no, it was probably  
19 something that may have been suggested me might  
20 wish to, but I don't remember actually doing it.

21 **Q.** So can I take you to a document with the  
22 reference POL00166128, please. So we can see  
23 that this is your "2009 to 2010 Full Year  
24 Review", and, at the time, your manager was  
25 Jason Collins.

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1 **A.** Not that I recall, no. Obviously, I have  
2 written this. As I said, under what Act or not,  
3 the only thing I can say is that I've challenged  
4 Mr Singh because he was suggesting possibly  
5 a false accounting charge but there was no  
6 branch trading statements available. So I've  
7 made that challenge. Where I've managed to get  
8 the next bit from, of suggesting an appropriate  
9 charge, maybe I was digging from friends,  
10 colleagues, or management or something, but it's  
11 nothing I can definitely say or recall.

12 **Q.** So when you refer to digging from friends,  
13 colleagues or management, do you mean in respect  
14 of what the appropriate charge might be?

15 **A.** Probably, yes, yes.

16 **Q.** Was it common for you, as an Investigator, to  
17 challenge the Post Office lawyers in respect of  
18 the appropriate charges?

19 **A.** No, not at all. Well, certainly not the  
20 majority. Maybe more so towards Mr Singh than  
21 any of the others, if I'm honest, but I'm not  
22 saying anything specifically there, but I can't  
23 answer that.

24 **Q.** Why do you say in respect of Mr Singh more than  
25 the others?

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1 A. He -- and, again, it's my own perception, he  
2 didn't perhaps come over quite as competent as  
3 Debbie Helszajn -- and I can't remember what her  
4 new married name was but she was Helszajn --

5 Q. Stapel?

6 A. Debbie Stapel, Rob Wilson, Juliet McFarlane,  
7 they all seemed to have, in my opinion a high  
8 level of competency.

9 Q. So would it have been the case then that  
10 primarily it would have been Mr Singh you would  
11 have challenged but not the other --

12 A. I would have thought so -- I wouldn't have  
13 thought -- well, I may be wrong, you may prove  
14 me wrong -- that there was ever a challenge to  
15 any of the others I would have thought.

16 Q. Thank you, that can come down.

17 So I want to turn, then, to ask you some  
18 questions about the obligations on  
19 an Investigator, and one of the policies listed  
20 in your statement is the Disclosure of Unused  
21 Material Criminal Procedure and Investigations  
22 Act 1996, Codes of Practice policy. That's  
23 dated May 2001. Can we have that on screen,  
24 please. The reference is POL00104762.

25 If we just look at section 1, then:

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1 Q. Is it correct that, once the decision had been  
2 made to proceed with the prosecution, that the  
3 decision would then be relayed back to you,  
4 along with an Advice on further evidence, which  
5 was considered to be necessary?

6 A. It would, yes.

7 Q. Was it your responsibility to then obtain this  
8 further evidence?

9 A. Yes, it was.

10 Q. Were you conscious that there was an obligation  
11 on you as an Investigator to pursue all  
12 reasonable lines of inquiry, whether these  
13 pointed towards or away from a suspect?

14 A. I was, yes.

15 Q. Were you aware that this obligation extended to  
16 material held in the hands of third parties,  
17 such as Fujitsu?

18 A. Yes.

19 Q. Can we, please, have your witness statement back  
20 on screen at page 12, paragraph 32, please. So  
21 starting at "My recollection", which is about  
22 a third of the way down that paragraph, it says:

23 "My recollection of [the point] above [which  
24 refers to disclosure in the hands of third  
25 parties] as to whether and in what circumstances

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1 "The purpose of the policy is to ensure that  
2 Security Managers know and understand the  
3 Investigation Procedures in relation to the  
4 Disclosure of Unused Material, as described in  
5 the Criminal Procedure and Investigations Act  
6 1996 Codes of Practice."

7 Do you recognise this document?

8 A. Not specifically but I'm sure I have seen it or  
9 would have seen it.

10 Q. If we look down, then, at section 3. At 3.2, in  
11 the first bullet point, it describes  
12 an investigator as:

13 "... a person involved in the conduct of  
14 a criminal investigation involving Consignia.  
15 All Investigators have a responsibility for  
16 carrying out the duties imposed on them under  
17 this Code, including in particular recording  
18 information, and retaining records of  
19 information and other material."

20 So do you agree that the point of advising  
21 whether a prosecution test was met, the Legal  
22 Services team would have been reliant on you as  
23 the Investigator to provide them with all the  
24 relevant material?

25 A. Yes, I do.

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1 evidence should be sought from third parties who  
2 might hold relevant evidence and, in particular,  
3 Fujitsu, where shortfalls were identified in  
4 branch was often through discussions with the  
5 Legal Team/Casework Manager and Line Manager  
6 (Team Leader), was that any requests for Fujitsu  
7 data was only when this became available to us  
8 ..."

9 What do you mean by that, "when it became  
10 available to us"?

11 A. I'm not sure in the very early days that -- and  
12 I'm saying probably on the introduction of  
13 Horizon 2000 to 2001/2, et cetera, that I have  
14 any recollection of us having any kind of  
15 contact whatsoever with Fujitsu. I may be wrong  
16 but, certainly, from my level or point of view.  
17 Then it gradually came to I think fruition that  
18 there was two -- as I vaguely recall, and I may  
19 be completely wrong, but there was two ways that  
20 you could look at the Horizon data, which was  
21 either by requesting Fujitsu -- an ARQ data, and  
22 I've got something that -- in the back of my  
23 mind, whether this was later in the day or  
24 before, that we had a thing called Credence that  
25 we could go on to as well.

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1 And I think the point I was trying to get  
 2 across here is that, when I would have spoken  
 3 with, let's say initially, my line manager or  
 4 Casework Manager, depending on where the  
 5 investigation was or what type of investigation  
 6 it was, et cetera, I would have probably been  
 7 looking for some guidance as to what we should  
 8 be doing or shouldn't be doing with regards to  
 9 that, and there was obviously a restricted  
 10 number of ARQ requests we could make so should  
 11 we look at Credence and try to find what we were  
 12 looking for, for the postmaster or against the  
 13 postmaster?

14 **Q.** So when you say that at some point you became  
 15 aware that you could request data from Fujitsu,  
 16 at what point, what year; can you remember?

17 **A.** I can't remember. I know we would have to  
 18 request it and, again, it's in my statement,  
 19 it's a certain part that we would not have  
 20 direct contact with Fujitsu, and I think I put  
 21 in my statement -- again, I couldn't be 100 per  
 22 cent -- but I think again it was so they didn't  
 23 get inundated with loads of people contacting  
 24 them and not knowing who it was.

25 There was a single point of contact, which  
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1 you decide to make your requests to Fujitsu for,  
 2 for example, ARQ data?

3 **A.** I think if there was, again, a timespan of  
 4 an audit or if there was an allegation that  
 5 there was something wrong, or, you know, that we  
 6 were trying to, if you like, prove that what had  
 7 happened at the audit was correct or, if you  
 8 like, to try to corroborate our evidence,  
 9 I guess.

10 **Q.** Would you ever request data from Fujitsu to try  
 11 to confirm what a subpostmaster had said in  
 12 interview?

13 **A.** Yes, I had, yes, I'm sure I had.

14 **Q.** What types of data were you aware of that could  
 15 be requested from Fujitsu?

16 **A.** Well, I only knew that there was one.

17 **Q.** Is that ARQ data?

18 **A.** Yeah.

19 **Q.** So you then go on to say in your statement at  
 20 paragraph 32 that:

21 "Requests were not necessarily made in every  
 22 case as they were not always deemed necessary if  
 23 admissions were made ..."

24 So is it your position that, where  
 25 a subpostmaster made admissions in interview,  
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1 I believe now was the Casework Manager, which  
 2 later on became in my statement I mentioned  
 3 a guy called Mark Dinsdale and a lady called  
 4 Jane Owen and I wasn't sure if there was a form  
 5 we completed or an email they would send and  
 6 then they would complete a form and then  
 7 subsequently order the ARQ request.

8 **Q.** So in what circumstances would you request data  
 9 from Fujitsu when you were aware this was  
 10 available?

11 **A.** I'm struggling to remember exactly when, because  
 12 all the ARQ data, and that's -- I've sort of --  
 13 I think yesterday, it actually came out, shall  
 14 we say, and I think it was something that  
 15 I added to my statement today, at the start of  
 16 today, and although I added it because I sent  
 17 the email on Monday about adding to my  
 18 statement, before I learnt yesterday, was that  
 19 the ARQ data that I had in whatever case, or  
 20 however many cases -- from obviously analysing  
 21 it or looking at it, I'd never personally found  
 22 any of these bugs, errors or defects.

23 **Q.** So the question was a little bit different?

24 **A.** Sorry.

25 **Q.** The question was: in what circumstances would  
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1 that you wouldn't have requested evidence from  
 2 Fujitsu?

3 **A.** I think I would have taken the advice, again,  
 4 from the Casework and Legal Team, in my report,  
 5 to, if you like, take a guidance or a direction,  
 6 wrongly, I know now, wrongly, because, again, as  
 7 I -- the last sentence is: I had no reason to  
 8 confirm that any of these -- I had no knowledge  
 9 of any of these things. So if we'd had  
 10 an admission, we'd had the evidence, the audit  
 11 was showing shortages, there was -- we'd looked  
 12 at the Credence possibly and all those things,  
 13 I'm not sure that I would have, in all cases,  
 14 no.

15 **Q.** Then moving to paragraph 55 of your statement at  
 16 page 17, please -- paragraph 55, just further  
 17 down the page. You say:

18 "I never recall any of my cases suggesting  
 19 where a shortfall had been identified and the  
 20 relevant SPM/SPMs manager(s) or  
 21 assistant(s)/Crown Office employee(s) attributed  
 22 the shortfall to problems with Horizon, that ARQ  
 23 data requested from Fujitsu was requested as a  
 24 matter of course."

25 This was the case at Astwood Bank, which was  
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1 the case of Julian Wilson?  
 2 **A.** Yes.  
 3 **Q.** You go on to say:  
 4 "It was my belief and that of my colleagues,  
 5 I would guess, that shortfalls could not  
 6 actually be attributed to Horizon ..."  
 7 Is that the reason, then, why you didn't  
 8 request the ARQ data?  
 9 **A.** Yes.  
 10 **Q.** Looking back now, can you see any problem with  
 11 that approach?  
 12 **A.** Massive, yes.  
 13 **Q.** What problem is it that --  
 14 **A.** Well, whilst I -- I say massive, because of the  
 15 fact that I now am aware that there were bugs,  
 16 errors and defects, which at that time, and up  
 17 until not that long ago, I actually still felt  
 18 the same -- wrongly, I hasten to add. Although,  
 19 if I had have requested that data, now, learning  
 20 yesterday that there was more than one form of  
 21 ARQ data that could have been requested -- now  
 22 I don't know whose -- and I'm not trying to  
 23 ascertain blame here, but who knew that there  
 24 was more than one, or whether that Fujitsu knew  
 25 but the Post Office didn't or the Post Office

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1 months, month or months, to come.  
 2 **Q.** So is it the position that you could have it but  
 3 at a later date?  
 4 **A.** Yes, generally, yes.  
 5 **Q.** Do you ever remember a case where someone came  
 6 back to you and said, "No, we've reached the  
 7 limit, you can't have it on this case"?  
 8 **A.** Not specifically, no. Whether they would have  
 9 said, "Do you really need this data?" or raised  
 10 a question, or, how can I say, a query in my  
 11 mind whether I needed it or not, I don't know.  
 12 But I can't specifically say no, it was  
 13 declined.  
 14 **Q.** You go on to say in your statement that, where  
 15 ARQ data was available to you, then you would  
 16 have spent time reviewing it to look for  
 17 potential issues. Did you receive any training  
 18 on how to interpret ARQ data?  
 19 **A.** No. It was basically part of the -- I think the  
 20 statement that we received that we ended up  
 21 becoming I think fairly -- pretty much, from  
 22 what I can gather, self-taught.  
 23 **Q.** When you refer to a statement, sorry, what are  
 24 you referring to?  
 25 **A.** I think if we got ARQ data in the early days or

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1 did but it was more costly or whatever, I don't  
 2 know.  
 3 But I think because Mr Wilson raised that  
 4 there was -- you know, he had no explanation,  
 5 et cetera, then, yes, I wish I had have  
 6 requested it.  
 7 **Q.** So in cases where there was an allegation that  
 8 there was problems with Horizon, would you take  
 9 the same approach?  
 10 **A.** I would, but the frustration for me is that, had  
 11 I done that, I'm still not sure that I would  
 12 have found any problems within there, which is  
 13 hard for me to -- I wish I had, on every single  
 14 case. But I'm frustrated in the fact that, had  
 15 I done it, which I didn't in Mr Wilson's case,  
 16 whether I would have found anything different.  
 17 **Q.** So you mentioned that you recall a limit on the  
 18 number of ARQ requests which could be provided  
 19 by Fujitsu. Do you ever recall being told that  
 20 you couldn't have ARQ data because of these  
 21 limits?  
 22 **A.** I do. I'm not so sure about being told I could  
 23 never have them but I certainly recall being  
 24 told that we'd hit the monthly limit and that  
 25 they may have to fall over into the following

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1 later days, I think there was more than one  
 2 person that would supply the ARQ data. One  
 3 I remember was Penny Thomas. It would  
 4 sometimes, within her witness statement,  
 5 I think, set out the columns, for use of  
 6 a better word, of -- the first column might be  
 7 the log-on of the clerk, the next might be the  
 8 transaction, whether it was a serve customer or  
 9 a transfer or cash in or cash declaration, and  
 10 it was specifically in there. And, obviously,  
 11 it was a bit like an Excel spreadsheet that you  
 12 were able to sort and filter it into amounts or  
 13 log-on codes, et cetera.  
 14 So it was, as far as I remember, pretty much  
 15 self-taught.  
 16 **Q.** So what would you be looking for when you're  
 17 looking for potential issues?  
 18 **A.** Well, if, for example, there was a -- shall we  
 19 say, a high increase in a cash declaration, from  
 20 a Tuesday to a Wednesday, so on a Tuesday it was  
 21 saying £10,000 and on a Wednesday it was saying  
 22 £30,000, there's obviously been an increase in  
 23 £20,000, and I would be looking to see if they'd  
 24 received any cash in or I would be looking to  
 25 see if there'd been any high levels of business

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1 deposits that would obviously, how can I say,  
2 equate for why that cash that gone up by  
3 £20,000.

4 Or if all the transactions were, "I've sold  
5 a stamp, I've paid out £10 here or £100 there",  
6 ups and downs, et cetera, it would probably say  
7 well I can't -- there is no reason why that's  
8 gone up by that amount or the cash declaration  
9 has changed by such a large amount.

10 **Q.** Do you think that it's adequate that you were  
11 left to be self-taught on how to interpret ARQ  
12 data?

13 **A.** No, not at all.

14 **Q.** Did you ever ask for any help on how to  
15 interpret ARQ data?

16 **A.** I can't recall that I did, no. I think it was  
17 just considered that that was it. But I should  
18 have asked.

19 **Q.** Further on in your statement you say that you  
20 understood that, if ARQ data was obtained, you  
21 assumed it was unlikely to have been provided to  
22 the defence; is that correct?

23 **A.** As far as I -- yeah, I'm not -- I'm not sure.  
24 I think there was occasions where the -- where  
25 the defence requested it, whether we copied the

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1 policy we looked at earlier in relation to  
2 investigators.

3 On page 2, then, please, at the first bullet  
4 point on this page, it explains that:

5 "The Disclosure Officer is the person  
6 responsible for examining material retained  
7 during an investigation, revealing material to  
8 Legal Services during the investigation and any  
9 criminal proceedings resulting from it, and  
10 certifying to Legal Services that this has been  
11 done. Normally the Investigator and the  
12 Disclosure Officer will be the same person."

13 Did you understand that to be the case in  
14 the majority of cases you were involved in?

15 **A.** It wasn't clear. I would say this is probably  
16 my least knowledge in the role. I've obviously  
17 seen and understand that, as the Investigator,  
18 I was also the Disclosure Officer.

19 The --

20 **Q.** Sorry, just to query, when you say "least  
21 knowledgeable", do you mean in relation to your  
22 role as Disclosure Officer?

23 **A.** Disclosure Officer, yes. I was always advised,  
24 as part of the training coming out, the training  
25 and being mentored, if you like, in that, that

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1 disks or there was a way of doing that, I can't  
2 be 100 per cent, but -- or if it was just  
3 extracts that we took from the ARQ data, if  
4 there was something that, if you like, raised  
5 a query or -- and it became part of the evidence  
6 as, from ARQ data, 1, 2, 3, I have extracted  
7 this particular day and it is now as part of my  
8 exhibit GRT1, or whatever.

9 **Q.** So in circumstances where it hasn't been  
10 requested by the defence but you've requested it  
11 as the Investigator, is it your understanding  
12 that it wouldn't have been provided to the  
13 defence in those situations?

14 **A.** I don't know because, of course, it would have  
15 gone up to the Criminal Law Team and, if it was  
16 part of the defence, if you like, I would have  
17 expected it that it would have been given to the  
18 defence. I'm not saying whether it was or it  
19 wasn't, but I would have expected it to be, if  
20 it was within evidence.

21 **Q.** So I want to move on, then, to ask you some  
22 questions about the role of the Disclosure  
23 Officer. Could we have the "Disclosure of  
24 Unused Material" policy back on screen, please.  
25 The reference is POL00104762, and this the

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1 you had to retain everything and everything had  
2 a place, if that makes sense.

3 Whether it was in the right place, I often  
4 would assist -- ask for some assistance whether  
5 it was on the right schedule, was it unused, was  
6 it used, was it disclosable, et cetera, but  
7 I always was aware that everything was retained.  
8 As I recall, it was put on to the schedules of  
9 CS or GS, or whatever it was at the time, 006Cs,  
10 Ds and Es, and put as part of the casework file,  
11 if you like.

12 **Q.** Sorry, just to clarify, the 6C, 6D and 6E, is  
13 that the Schedule of Unused Material --

14 **A.** The --

15 **Q.** -- the non-sensitive unused --

16 **A.** Yes.

17 **Q.** -- then the next one was sensitive unused  
18 material and then the last one was Disclosure  
19 Officer's report; is that correct?

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

21 **Q.** Okay. When you said that you would ask for  
22 assistance on where to record things, who would  
23 you ask for that assistance from?

24 **A.** I think it would have been either the criminal  
25 law -- the criminal law person -- lawyer, or my

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1 line manager at the time.

2 **Q.** But do you now accept that, having seen the  
3 documents provided to you by the Inquiry, that  
4 you were the Disclosure Officer in a number of  
5 cases that you were investigating?

6 **A.** I accept that now, yes.

7 **Q.** Did you understand that where you were the  
8 Disclosure Officer, you had a duty to draw  
9 material to the attention of the prosecutor,  
10 where you were in any doubt as to whether it  
11 might undermine the prosecution case or assist  
12 the defence?

13 **A.** Again, I believe so, because I was told you had  
14 to -- you know, everything had a place, if that  
15 makes sense.

16 **Q.** When we were talking earlier, then, about having  
17 requested the ARQ data, would you understand  
18 that that would also have to be retained, if you  
19 were the Disclosure Officer?

20 **A.** Yes, yes.

21 **Q.** Where would you have recorded, then, the things  
22 that you'd considered during the course of  
23 an investigation?

24 **A.** Well, I'm saying would it not have been part of  
25 the case papers that were submitted, if there

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1 Based on the papers available from the criminal  
2 proceedings, there is nothing to suggest any ARQ  
3 data was obtained, the Post Office did not  
4 investigate any of the criticisms of Horizon  
5 made by Mr Wilson historically and during his  
6 detailed interview. There is no evidence to  
7 corroborate the Horizon evidence, there is no  
8 proof of an actual loss as opposed to  
9 a Horizon-generated shortage."

10 The Post Office, at paragraph 178, conceded  
11 that the prosecution was unfair but the court  
12 also concluded that his prosecution was  
13 an affront to justice, and his convictions were  
14 quashed.

15 Is it correct, then, that you were the Lead  
16 Investigator in this case?

17 **A.** I was, yes.

18 **Q.** You explain in your statement that you became  
19 involved in the case after an audit, which took  
20 place on the 11 September 2008, identified  
21 an apparent shortfall.

22 **A.** Yes, that's right.

23 **Q.** Is it right, then, that you spoke to the  
24 auditor, Mr David Patrick, while he was at the  
25 branch on the day the audit took place?

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1 was ARQ data because it would have been  
2 an exhibit of Penny Thomas'?

3 **Q.** Say that it wasn't an exhibit, it hadn't been  
4 exhibited by anyone in Fujitsu: you just  
5 considered it?

6 **A.** Then yes, I guess it -- if it -- so I've ordered  
7 ARQ data, it's not in evidence and it's should  
8 be on the schedule?

9 **Q.** Yes.

10 **A.** Yes, I agree.

11 **Q.** So I would like then to turn now, please to your  
12 involvement in the investigation of Mr Julian  
13 Wilson who was the subpostmaster at Astwood Bank  
14 Post Office. Could we please have the judgment  
15 in *Hamilton and Others* on the screen, our  
16 reference is POL00113278, and it's page 43.

17 Thank you. If we just go down the page  
18 a little bit.

19 So his appeal was brought posthumously by  
20 his widow, Mrs Karen Wilson, and his convictions  
21 were quashed by the Court of Appeal in 2021. At  
22 paragraph 177, the court observed that:

23 "[The Post Office accepted] that this was  
24 an unexplained shortfall case and that evidence  
25 from Horizon was essential to Mr Wilson's case.

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1 **A.** I can't recall but quite possible. It may --  
2 I'm not sure if it was myself or it would have  
3 been my team leader at the time and then the  
4 case was raised from the report because,  
5 generally, if there was an audit -- obviously,  
6 if I was aware of an audit I may well have been  
7 in attendance or I may have been aware an audit  
8 was taking place and they may have contacted me.

9 On this occasion, again, it was, I think,  
10 outside of my normal area, and it may well have  
11 been that the auditor had informed the Contracts  
12 Manager, who in turned would have informed  
13 Jason Collins, if that was my line manager at  
14 the time, and subsequently then would have come  
15 to me. I can't be 100 per cent whether I would  
16 have spoken to David Patrick or not.

17 **Q.** Can you remember asking the auditors to obtain  
18 a signed statement from Mr Wilson?

19 **A.** No.

20 **Q.** Could we then just go to the offender report,  
21 and it is the reference is POL00044803, and  
22 could we go to the third page of that report, at  
23 the bottom. So we can see that the offender  
24 report was completed by you on 2 December.

25 **A.** Yes.

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1 **Q.** If we go back to the bottom of the first page,  
 2 please. At the bottom paragraph, you say:  
 3 "Upon confirmation of the shortage by the  
 4 auditor the postmaster was advised that he was  
 5 precautionary suspended on the authority of  
 6 Mr Glenn Chester ... I was also contacted at  
 7 this time and I asked the auditors to obtain  
 8 a signed statement confirming these facts from  
 9 the postmaster ..."  
 10 So do you accept, then --  
 11 **A.** I accept that then, yes, yeah. I don't know who  
 12 he would have spoken to first, maybe Glenn  
 13 Chester and then myself, but I accept that, yes,  
 14 that that was the case then.  
 15 **Q.** Do you remember asking any questions about the  
 16 circumstances in which Mr Wilson made this  
 17 statement to the auditors?  
 18 **A.** Not that I can recall, no.  
 19 **Q.** Did you give any consideration to the  
 20 possibility that the auditors may have said or  
 21 done something that may have made both the  
 22 written note unreliable?  
 23 **A.** I didn't, no.  
 24 **MS MILLAR:** Sir, if that would be a convenient  
 25 moment to have a short break of ten minutes?

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1 **A.** Yes.  
 2 **Q.** -- is that correct?  
 3 So can we have the first part of the  
 4 interview transcript on screen, please. The  
 5 reference is POL00050140. Just at the top,  
 6 then, we can see the interviewing officers were  
 7 you and Mr Brander, and the other persons  
 8 present were Mr Wilson's solicitor and Donna  
 9 Evans, who was the branch secretary of the  
 10 Federation of SubPostmasters.  
 11 **A.** Yes.  
 12 **Q.** If we go down the page to the bottom of page 1,  
 13 then, please. So at 10.40 minutes into the  
 14 interview, we can see that Mr Wilson was asked  
 15 for his version of events.  
 16 **A.** Yes.  
 17 **Q.** The second line up from the bottom, he explains:  
 18 "When I balanced, I balance every Wednesday  
 19 as required by Post Office Limited, some weeks  
 20 it was up, some weeks it was down ..."  
 21 Over the page, please:  
 22 "... and I kept a record of all those  
 23 transactions as to what was up and down during,  
 24 you know, my period as postmaster. I at one  
 25 time had a manager who's the line manager in

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1 **SIR WYN WILLIAMS:** Yes, by all means.  
 2 **MS MILLAR:** Thank you.  
 3 **SIR WYN WILLIAMS:** So we'll start again at 3.45?  
 4 **MS MILLAR:** Yes, thank you very much.  
 5 **(3.34 pm)**  
 6 **(A short break)**  
 7 **(3.45 pm)**  
 8 **MS MILLAR:** Good afternoon, sir, can you see and  
 9 hear us?  
 10 **SIR WYN WILLIAMS:** Yes, thank you, yes.  
 11 **MS MILLAR:** Mr Thomas, we've been just speaking  
 12 about the audit that had taken place in  
 13 Mr Wilson's case. So, moving on, is it correct  
 14 that you attended Mr Wilson's home address with  
 15 Graham Brander on 15 September 2008?  
 16 **A.** Yes, I did.  
 17 **Q.** Was that to conduct a voluntary search?  
 18 **A.** Yes, so I think, as I recall, I'd spoken to  
 19 Mr Wilson on the telephone and had asked him if  
 20 he was happy to allow us to do a voluntary  
 21 search, and he agreed, and we went to his home  
 22 address prior to going to his solicitor's office  
 23 to conduct the interview.  
 24 **Q.** You conducted an interview later that same  
 25 day --

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1 those days, I think they were called Paul  
 2 Vantoosy, and I raised the question of  
 3 misbalances with him and I'd been keeping  
 4 a record."  
 5 Can you see that immediately he raised the  
 6 fact that he had been having problems with  
 7 Horizon?  
 8 **A.** With misbalancing, yeah.  
 9 **Q.** He said to Mr Vantoosy:  
 10 "Could the system be wrong, or are we doing,  
 11 he said 'no the system cannot be wrong, there's  
 12 nothing wrong with the system'. "  
 13 So he was told by that manager that the  
 14 system couldn't cause his misbalances.  
 15 **A.** Clearly, yes.  
 16 **Q.** He then goes on to say:  
 17 "Perhaps 2 years ago we had a letter sent  
 18 round from the Federation as to whether anybody  
 19 was experiencing misbalances. I said that  
 20 I had, and I actually then was asked to submit  
 21 to the Federation copies of Trading Reports ..."  
 22 So he's then explained that he's also  
 23 reported problems to the Federation of  
 24 SubPostmasters.  
 25 **A.** Yes.

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1 Q. Then going down to 13.10 in, the middle of the  
2 second line, he said:  
3 "I also then had a BDM [a manager] called  
4 and his name was Keith Bridges. I also raised  
5 the fact that I was having these problems with  
6 balancing and I had noticed that when I declared  
7 the cash each night, on a Saturday,  
8 Friday/Saturday when you declared the cash there  
9 was never -- never balanced exactly ... and  
10 I noticed on Monday the discrepancy had  
11 increased."

12 So he's then explaining he's reported  
13 problems to a third person; is that correct?

14 A. That's correct, yes.

15 Q. If we then turn over the page to page 4, please,  
16 and just down at 22 minutes in, we see your  
17 initials there --

18 A. Yes.

19 Q. -- and you then say:

20 "Well, obviously in respect of the Horizon  
21 system obviously it's been in for quite a number  
22 of years now, we've had shall we say instances  
23 or allegations by postmasters who have claimed  
24 that the system's not perhaps working correctly  
25 which may have triggered off your letters

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1 they'd been up to no good."

2 Are you referring there to Donna Evans?

3 A. I'm referring to Donna Evans, in that I think he  
4 had spoken to her or that he said, I think, that  
5 he'd heard from the Federation, and she was  
6 obviously from the Federation, and I say --  
7 wrongly now -- the allegations or the ones that  
8 the people that were saying there was something  
9 wrong with the Horizon system, as far as I was  
10 aware, concerned or whatever, was that there  
11 hadn't been any evidence to corroborate what  
12 a number of people -- I say a number -- some  
13 people were now saying about the system.

14 Q. So do you see there that it seems like you're  
15 going one step further and you're saying,  
16 actually, people had been up to no good and they  
17 were alleging that it was the system at fault?

18 A. Yes, so I was completely wrong.

19 Q. And --

20 A. I was believing, because -- sorry to -- I was  
21 believing -- because I believed and I thought  
22 the whole business believed, and that Fujitsu  
23 were giving evidence to say there was nothing  
24 wrong with the Horizon system, that clearly that  
25 people had been up to no good. I know that's

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1 originally out from the Federation."

2 Can you explain what you meant by that?

3 A. Well, again, I think it was -- it perhaps became  
4 that it was -- I don't know, 2008, something  
5 like that, that a few people had now started to  
6 cite the Horizon as a reason, possibly, for the  
7 losses. I was still of the impression, and  
8 I believe the majority of my colleagues were, as  
9 well, that there wasn't anything wrong with the  
10 Horizon system and I think, in the actual taped  
11 summary, as I think at some point I may have  
12 mentioned, when he said about saying to the two  
13 managers that had visited his office, had he  
14 explained to them how much he was out or what  
15 was the loss, or was it a general question of  
16 "Could there be anything wrong with Horizon?"

17 And I think -- I may be -- stand corrected  
18 but I think he just said he hadn't mentioned the  
19 exact amounts but he was just asking if  
20 something could be wrong with Horizon.

21 Q. You go on to say:

22 "I think possibly speaking to Donna since  
23 that some of those things that have been  
24 generated by those questions from postmasters  
25 weren't founded in the Horizon system in that

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1 not the case now and I, you know, apologise for  
2 the wording in there as part of that interview.

3 Q. Do you accept that, even if that had been the  
4 case, that that had been an inappropriate thing  
5 to say in his interview?

6 A. Yes, I do, yes.

7 Q. Can we look then at the second part of the  
8 interview transcript and the reference is  
9 POL00050128.

10 So we can see the interview continued later  
11 on in the same day and the same people were  
12 present. At 6.57 in, at the bottom of the page,  
13 it's you speaking again, and you say:

14 "At what stage do you think you would have  
15 been in a position or you're going to get in  
16 a position to repay the Post Office the money  
17 that was clearly missing?"

18 So are you asking Mr Wilson to pay the  
19 shortfall at that stage?

20 A. Not at all, no. What I was in inferencing the  
21 fact that -- well, his suggestion was that he'd  
22 been changing the accounts for a period of  
23 around five years, which he says as part of the  
24 interview and, obviously, on the thing that he'd  
25 spoken to the auditor about, which I wasn't

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1 there, so I don't know how accurate that was or  
2 not. But I think my concern was that what --  
3 when was he going to be in a position -- because  
4 if this audit hadn't taken place, and we'd gone  
5 to six years or seven years or whatever, rightly  
6 or wrongly, under the terms of his contract, he  
7 was going to have a responsibility to repay the  
8 money.

9 So I think what I was saying was at what  
10 stage did he think he was going to be in  
11 a position to make good, as under the terms of  
12 his contract, that money? I wasn't actually  
13 asking him "Can you give me the money now?" sort  
14 of thing.

15 **Q.** But was that your responsibility as  
16 an Investigator or was that a contractual  
17 matter?

18 **A.** It depended. If it was a non-criminal enquiry  
19 it would be a contractual matter. If it was  
20 a criminal enquiry, then, if it went to court,  
21 then we would always say that, under the  
22 terms -- as an Investigator, under the terms of  
23 your contract, you have an obligation to repay  
24 the money. It wasn't "You have to repay the  
25 money" because he may not have been in

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1 **A.** Yes, quite possibly, then.

2 **Q.** So can we then go to what happened after this  
3 interview, then and can that interview  
4 transcript come down, please.

5 So you say in your statement that you didn't  
6 think any references made by Mr Wilson to  
7 Horizon or documents circulated by the  
8 Federation of SubPostmasters had any  
9 significance, as you had no doubts about  
10 Horizon. Was that correct? That was your  
11 position?

12 **A.** That is correct at the time, yes.

13 **Q.** You also referred a moment ago to trying to make  
14 some enquiries with people that Mr Wilson may  
15 have had contact with.

16 **A.** Yes.

17 **Q.** What enquiries do you remember making?

18 **A.** I can't exactly, but I do -- in refreshing  
19 myself with the papers of the taped transcripts,  
20 which I think I also said, I'm not even sure  
21 that I transcribed them personally, in the way  
22 that they're laid out, but I've got no reason to  
23 doubt what's in the transcripts at all.

24 But I'm sure, in the back of my mind, I have  
25 recollection of trying to contact -- and I think

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1 a position to do so.

2 **Q.** Given the issues that Mr Wilson had explained to  
3 you that he was having with the Horizon system,  
4 why did you think it was appropriate to ask that  
5 question at that point?

6 **A.** I think it was just the fact that perhaps, if  
7 the audit had taken place at year 2, it would  
8 have been a lot less and, if it was at year 7,  
9 it would have been a lot more. It was just  
10 ask -- I guess I was asking -- he'd raised it  
11 with the a couple of Area Managers that had come  
12 in to his branch and, rightly or wrongly,  
13 I don't know what they did. I'm sure after the  
14 interview I tried to contact them, I've got  
15 a feeling that one was long gone and -- or --  
16 and got it hold of one, and he had no  
17 recollection, or something, I don't know. But  
18 I was unsure as to -- I think what I was trying  
19 to get at was how long was it -- it was not  
20 going to get better, by the look of it.

21 **Q.** At this point you are at the very start of the  
22 criminal investigation, so you aren't even sure  
23 whether this is an actual loss or not. Do you  
24 think it's appropriate to ask him whether he's  
25 in a position to repay at that stage?

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1 I may have even said to Mr Wilson my plan was to  
2 try to see if -- because I think I asked him  
3 were they still -- because, obviously, he said  
4 one was an Area Manager and then it was replaced  
5 by another one, which was perhaps no different  
6 than perhaps in the Security Team then going on  
7 to different roles, et cetera. But because  
8 I was out of area, all those three gentlemen's  
9 names that he brought up, they weren't known to  
10 me. So I had to obviously find out who they  
11 were and if they still worked in the business  
12 and what was --

13 **Q.** Can I just ask you to slow down a little bit for  
14 the transcriber.

15 **A.** Sorry.

16 **Q.** Is it the case that you remember making contact  
17 or trying to make contact with these --

18 **A.** I do have a vague recollection of trying to make  
19 contact, yes, and the vague recollection may be  
20 that -- because I think could get hold of one of  
21 the three.

22 **Q.** So we took you, a moment ago, to the offender  
23 report. If we could go back to that document,  
24 please. It's POL00044803, and it was dated  
25 2 December 2008. So that was around 11 weeks,

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1 then, after the interview. You explain in your  
2 statement, and a moment ago, that you thought  
3 there was maybe a period where you were absent  
4 from work and there was a delay?

5 **A.** Mm.

6 **Q.** So when you were writing this report, would you  
7 have refreshed your memory of the case before  
8 drafting it?

9 **A.** I would have obviously referred to the taped  
10 summaries very much and, obviously, the case  
11 papers that I had -- the jacketed case papers,  
12 as well. What I'm unsure is -- and probably  
13 I would probably have been marked down on  
14 compliance here, is the delay, which I found  
15 unusual.

16 I'd like to say that I did all the necessary  
17 enquiries during that period of time but I do  
18 remember speaking to the -- or trying to contact  
19 those gentlemen but I don't know why it was such  
20 a long time.

21 **Q.** Do you remember trying to contact them before  
22 you wrote the offender report?

23 **A.** I would have said so, yes.

24 **Q.** At the bottom of page 2 of the offender report,  
25 you summarise the interview that you had with

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1 please, you put in bold there:

2 "There did not appear to be any further  
3 failings in security, procedures or product  
4 integrity that directly affect this case."

5 Do you think that that's a fair reflection,  
6 given what Mr Wilson said to you in his  
7 interview?

8 **A.** No.

9 **Q.** Why do you think you positively put that  
10 assertion in the report?

11 **A.** Because I should have put in there, regarding  
12 what was raised with the Federation, and the  
13 document that I think that they referred to  
14 about postmasters raising issues, and the only  
15 reason I can say that I didn't was because of my  
16 own personal beliefs that there wasn't anything  
17 wrong with Horizon, and that's not an acceptable  
18 answer, probably, but that's all I can offer.

19 **Q.** Do you also accept that you don't provide any  
20 details of conducting further enquiries in that  
21 report?

22 **A.** Yeah, I accept that.

23 **Q.** Why is that the case, if you said that you had  
24 contacted his managers?

25 **A.** I don't know. That's completely wrong.

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1 Mr Wilson and, just at the bottom of that  
2 paragraph, you say:

3 "Mr Wilson explained how this had been  
4 common practice for the past five years or so.  
5 He was asked if he had considered theft by his  
6 employees, given the fact it appeared the  
7 shortages were a regular occurrence with no  
8 explanation or corresponding errors ever  
9 appearing apparent. He said he had not believed  
10 this to be the case."

11 You don't include there the allegations that  
12 he made about the Horizon system; do you accept  
13 that?

14 **A.** I accept that, yes.

15 **Q.** Why did you not include those details in your  
16 summary of the interview?

17 **A.** I don't know, and I think I also said -- I'm not  
18 going to say I didn't write this report, because  
19 I believe I probably did. But I don't recall  
20 doing the taped summaries but, yeah, I accept  
21 that it's not in there.

22 **Q.** The end of this report that we looked at has  
23 your signature --

24 **A.** Then it's my report. Then it's my report.

25 **Q.** Then, if we can go down to the bottom of page 3,  
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1 **Q.** Could it be because you didn't conduct those  
2 enquiries?

3 **A.** No, no, I definitely, I'm sure, I did speak to  
4 at least one of the three gentlemen but, to  
5 recall the actual conversation, I can't recall  
6 that. But --

7 **Q.** So later in December, the Post Office applied  
8 for a restraint order against Mr Wilson. Did  
9 you have any involvement in the financial  
10 investigation side or the subsequent  
11 confiscation proceedings?

12 **A.** No, no, we just -- we'd done the report as  
13 you've just described, and it obviously went  
14 through the Casework Team to the Legal Team and  
15 then back and then through the court process and  
16 then it was during the court process, I believe,  
17 that the Financial Investigation Unit got  
18 involved, dependent on whether any payment had  
19 been made or seen to be made or not.

20 **Q.** Moving on in time, then, you were cc'd into  
21 a memo from Jarnail Singh, dated 6 January 2009,  
22 and the reference for this document is  
23 POL00044806, if we could have it on screen,  
24 please.

25 So it's to the Fraud Team, and we can see  
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1 that you're cc'd. If we go to the bottom of  
2 that page, please, Jarnail Singh says there:  
3 "If the defendant should elect trial or if  
4 the Magistrates refuse jurisdiction or if a Not  
5 Guilty plea is entered, the Investigation  
6 Manager should obtain and associate all  
7 necessary statements and exhibits."

8 He lists a number of statements which appear  
9 to be necessary but also says the Investigation  
10 Manager should also consider whether there are  
11 any other areas which can usefully be covered.

12 Was it your responsibility, then, to conduct  
13 those further enquiries or consider if anything  
14 else was necessary?

15 **A.** I guess it was, yes.

16 **Q.** Did you consider whether anything was necessary  
17 at that point?

18 **A.** I'll be honest, no, I didn't.

19 **Q.** Did you read this memo from Jarnail Singh?

20 **A.** I would have done, yes. I think a copy would  
21 have probably been within the case papers as  
22 well.

23 **Q.** Mr Wilson subsequently appeared at Redditch  
24 Magistrates Court and pleaded not guilty on  
25 4 March 2009. Is it correct that you then

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1 You produce those trading statements.

2 Do you accept, again, that you don't include  
3 the mention of problems with Horizon?

4 **A.** Yes, I haven't mentioned it, no.

5 **Q.** You don't then go on to explain whether any  
6 further enquiries have been made in his case?

7 **A.** No.

8 **Q.** Is there any reason that you haven't provided  
9 any more detail in your witness statement?

10 **A.** No.

11 **Q.** Can we then move to POL00119090 on screen,  
12 please. I think this is you forwarding on the  
13 committal bundle to the Casework Manager,  
14 Croydon. So you say you provided a list of  
15 documents and then, under that list, you say:

16 "Please note I have not forwarded a GS006D  
17 or GS006E as there is no sensitive material and  
18 nothing to undermine the case or assist the  
19 defence."

20 So are we referring there to the schedule of  
21 sensitive material and the Disclosure Officer's  
22 report?

23 **A.** Yes.

24 **Q.** Did you appreciate that these documents needed  
25 to be completed in any event, even if there's

199

1 prepared the committal bundle in this case?

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

3 **Q.** As part of this bundle, I think you provided  
4 a witness statement on 12 March 2009. Could we  
5 have POL00044778 on screen, please. So we can  
6 see that this is dated 12 March 2009. This is  
7 some period of time after you've conducted the  
8 interview.

9 **A.** Yeah.

10 **Q.** Would you have referred back to the interview  
11 summaries to compile your witness statement?

12 **A.** I would have thought so, yes.

13 **Q.** So going over the page at page 2, then, please.  
14 Going down the page, please. So at the bottom  
15 of that page, again, you summarise the interview  
16 with Mr Wilson. You say:

17 "During the interview I showed Mr Wilson  
18 a selection of Branch Trading Statements for the  
19 Astwood Bank Post Office that Mr Wilson  
20 confirmed were all false accounts."

21 Then going over the page:

22 "He confirmed that all accounts produced by  
23 him over the past 5 years would also have been  
24 false accounts as he deliberately inflated  
25 cash-on-hand figure."

198

1 nothing to disclose?

2 **A.** I didn't, no.

3 **Q.** You subsequently went on to then complete  
4 a Disclosure Officers report, in which you state  
5 there was nothing to disclose. Do you remember  
6 that?

7 **A.** No.

8 **Q.** So I'll take you to that.

9 **A.** Sorry, I was saying I didn't forward those two  
10 and subsequently --

11 **Q.** You did?

12 **A.** -- Jarnail Singh must have asked. Okay. All  
13 right.

14 **Q.** Could we then please have POL00051720 on screen,  
15 please. We can see this is dated 28 May 2009  
16 and, again, you're cc'd in. Jarnail Singh says:

17 "I now enclose a copy of counsel's advice  
18 and would be grateful if you could make further  
19 enquiries and deal with the matters set out in  
20 counsel's advice."

21 Did you understand that to be your  
22 responsibility?

23 **A.** I'm not sure because, obviously, this would have  
24 gone into the Casework Team, I believe. But if  
25 there was any further enquiries to be dealt

200

1 with, then I'm sure they would have advised what  
2 they were, or it would have been within  
3 counsel's advice within the case papers for me  
4 to do that.

5 **Q.** Do you remember seeing a copy of counsel's  
6 advice in this case?

7 **A.** Not specifically but, if it was in the case  
8 papers then, yes, because I would have obviously  
9 had to have looked at doing that.

10 **Q.** Could we bring that up, please. It's  
11 POL00044751. So this advice is written by  
12 Anthony Vines, and it's dated 22 May 2009. On  
13 paragraph 4 of page 1, just further down the  
14 page, he lists a number of items that should be  
15 obtained and served. Over the page, then, at  
16 paragraph (c)(iv), he says that:

17 "A further statement from Mr Patrick [the  
18 Auditor] should ...

19 "State that at all material times the  
20 computer was working appropriately and that  
21 there is no reason to doubt the accuracy of the  
22 information received ..."

23 Did you consider that at the time?

24 **A.** I can't recall but it seems a bit -- I don't  
25 know how Mr Patrick would be able to do that,  
201

1 seeks information as to the number and location  
2 of other Royal Mail prosecutions."

3 Were you aware of that letter?

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

5 **Q.** Halfway down that paragraph he says:

6 "I personally am not aware that Horizon has  
7 been found to be faulty in any respects but  
8 I would be grateful to have this point  
9 clarified."

10 Do you remember speaking to counsel or Post  
11 Office lawyers about that point?

12 **A.** I don't, no.

13 **Q.** Do you remember considering this advice at all?

14 **A.** I don't, no. I'm sorry, I don't.

15 **Q.** If we could turn, then, to an email and the  
16 reference is POL00051803, please. This is  
17 an email from you to Jarnail Singh, dated  
18 11 June 2009, and you say, the third paragraph  
19 down:

20 "I have noted the further advice requested  
21 from Counsel and will await the outcome on  
22 15 June 2009 as to the necessity of this further  
23 evidence."

24 Why did you think that the hearing on  
25 15 June would affect whether it was necessary to  
203

1 really.

2 **Q.** Is that because of his role as an Auditor?

3 **A.** Yeah, but he wouldn't know that the computer was  
4 working appropriately at all times.

5 **Q.** Going further down that page, then, at  
6 paragraph 5(a), it states that:

7 "Dependent upon what occurs at the PCMH  
8 [which is short for the Plea and Case Management  
9 Hearing] it may be necessary to obtain  
10 statements from Paul Vantoosy and Keith Bridges  
11 ..."

12 Then, going over on to the next page: and  
13 Donna Evans.

14 So those would be the three people that  
15 would be able to speak to what Mr Wilson was  
16 raising in his interview; do you accept that?

17 **A.** Yes.

18 **Q.** Do you accept that, if counsel is asking for it,  
19 it's because counsel hasn't seen any evidence  
20 that that has been done to date?

21 **A.** I agree, yes.

22 **Q.** Then at paragraph 7 of his advice, just further  
23 down the page, he makes reference to a letter,  
24 dated 14 May 2009, and:

25 "... the Defendant's solicitors apparently  
202

1 obtain this further evidence?

2 **A.** I don't know what kind of -- I don't know  
3 whether it was a plea and case management  
4 hearing --

5 **Q.** It was.

6 **A.** -- on 15 June, and whether I was waiting -- what  
7 date was this? Oh, it was four days before the  
8 hearing. I can only assume that I was waiting  
9 to see, from the plea and case management, as to  
10 whether -- well, necessity for getting the  
11 further evidence, I guess. With --

12 **Q.** Do you mean --

13 **A.** If it had been a longer period of time then  
14 I probably was thinking, you know, I would have  
15 needed to have got that, but I'm not saying it.  
16 It wasn't probably the only case I was dealing  
17 with, and I'm not saying rightly or wrongly  
18 here, but I've probably several other cases  
19 being chased in different manners and, wrongly,  
20 I've probably said that I'll wait for the  
21 outcome on 15 June. So, yeah, I'm sorry.

22 **Q.** Do you mean by that that you were waiting to see  
23 if Mr Wilson would plead guilty?

24 **A.** I guess so, yes.

25 **Q.** Do you think that, looking back, that's in  
204

1 appropriate way to conduct --

2 **A.** No, not at all. Not at all.

3 **Q.** So Mr Wilson did plead guilty at that hearing on

4 15 June 2009 were you present at court during

5 that hearing?

6 **A.** No, I wasn't.

7 **Q.** Did you have any involvement in agreeing his

8 basis of plea?

9 **A.** No.

10 **Q.** Do you remember being made aware of his basis of

11 plea later?

12 **A.** Later, yes, after the -- I think it was agreed

13 with probably Jarnail Singh, Mr Anthony Vines

14 and, obviously, between the defence as well. So

15 I was made aware, obviously later, because I was

16 the officer in the case but, again, it was

17 unusual for me to be that far away from

18 Bournemouth, and I didn't attend, there was

19 I think a local guy, Mr Dove, who was attending

20 and I was at the end of a telephone, basically.

21 **Q.** In his basis he stated that the losses occurred

22 as a result of staff or systemic errors. So

23 what was your view of that basis, when you were

24 made aware of it?

25 **A.** Either of those two, I guess. It had to be one

205

1 interview.

2 **Q.** Were you aware that Ms Hogg had represented

3 other subpostmasters who'd raised problems with

4 Horizon?

5 **A.** I wasn't at that time but I am now.

6 **Q.** So over the page at page 2, at the start of the

7 interview, Mrs Hutchings read a prepared

8 statement and she blamed the losses at her

9 branch on Horizon. She says, at the second

10 line:

11 "We migrated to Horizon Online in

12 approximately May/June 2010. At the time of

13 migration all accounts balanced. Ever since we

14 have been with HOL [Horizon Online] the balances

15 have been wrong."

16 If we could then go to page 8, please, and

17 we can see your initials on the left side, and

18 you say:

19 "Okay, in respect of obviously we have Issy

20 today and you have prepared a statement, etc, is

21 there any reason I could ask you why you have

22 actually got Issy Hogg as your Solicitor and not

23 somebody from (indistinct) do you have not have

24 any solicitors locally."

25 Why did you ask that question?

207

1 of -- he felt it was one of those two but --

2 **Q.** Were you concerned that he'd said that the

3 losses might have been due to systemic errors?

4 **A.** Yes, but then that wasn't anything that he

5 hadn't said before, I think, possibly.

6 **Q.** Looking back now, do you have any reflections in

7 respect of how this investigation was conducted?

8 **A.** Yes, it was poor.

9 **Q.** So I want to move on, then, to discuss the case

10 of Ms Lynette Hutchings and she was the

11 subpostmaster at Rowlands Castle sub post office

12 branch. Is it correct that your role was as

13 Second Officer at the interview during this

14 case?

15 **A.** From the papers I received, yes.

16 **Q.** Can we please bring up the transcript from that

17 interview, it's POL00056417. So we can see

18 there that you were the interviewing officer

19 with Mr Brander and, if we just go down a little

20 bit, that Issy Hogg was the solicitor

21 representing Mrs Hutchings.

22 **A.** Yes.

23 **Q.** Were you familiar with Issy Hogg before this

24 interview?

25 **A.** I believe I'd met her once before, at another

206

1 **A.** I think it was because we'd had a prepared

2 statement and, recalling back to the occasion

3 I had met Issy Hogg, I'm not -- can't be 100 per

4 cent but I had a feeling we had a prepared

5 statement and the prepared statement read out

6 that the person, Lynette somebody, that she --

7 **Q.** Hutchings.

8 **A.** Hutchings, sorry, Lynette Hutchings had

9 struggled to get hold of people to raise the

10 issues, et cetera, et cetera and, as

11 an investigating officer, I was feeling that

12 this was her opportunity to, if you like, tell

13 us exactly what was going wrong or what was --

14 and I know -- I think I said that she -- it's

15 her obligation to do a prepared statement, but

16 I was trying to, if you like, say "Look, are

17 you -- have you got Issy Hogg today, because,

18 you know, she's told you to give a prepared

19 statement", which as a solicitor, that's what

20 her role is to do. But there was no other

21 specific reason than that, really.

22 **Q.** Why were you asking if she didn't have any

23 solicitors locally? Why would that have been

24 relevant?

25 **A.** I guess that because I'd come across Issy

208

1 before, that I was just thinking, well, it  
 2 seemed a bit -- how can I say? Unusual for --  
 3 to be in another interview. I think I was the  
 4 first officer with the previous case with Issy  
 5 Hogg and, on this occasion, I was the second  
 6 officer and it was Issy Hogg and I think  
 7 possibly that, as I say, there'd been two  
 8 instances of a prepared statement and no comment  
 9 and, from the first interview, I think  
 10 Issy Hogg, off memory lived around the Guildford  
 11 area, or somewhere like that, but I might be  
 12 mistaken.

13 **Q.** Do you think it's an appropriate question to ask  
 14 in interview?

15 **A.** No, no.

16 **Q.** Is it right that, with the exception of the  
 17 interview, you didn't have any other involvement  
 18 in this case?

19 **A.** No.

20 **Q.** Moving on very briefly to the case of Mrs Susan  
 21 Rudkin, who was the subpostmaster at Ibstock  
 22 Post Office, is it correct that you were also  
 23 the second investigating officer in this case?

24 **A.** I was, yes.

25 **Q.** You were assisting Mike Wilcox?  
 209

1 interview. You say:  
 2 "On commencement of the interview PM  
 3 produced documentation from Computer Weekly with  
 4 regards to the enquiry Justice for  
 5 Subpostmasters being undertaken by Shoosmiths  
 6 stating that 11,500 postmasters were saying the  
 7 system was at fault."

8 Do you accept that, by this time, you were  
 9 aware that a significant number of  
 10 subpostmasters were raising errors with Horizon?

11 **A.** I'm not sure 11,500. That would probably be  
 12 everybody but --

13 **Q.** But that's your summary.

14 **A.** Yeah. She's obviously produced a document by  
 15 the look of it, yes.

16 **Q.** I just want to take you now to an email chain  
 17 dated April 2015, and the reference is  
 18 POL00176521, please. If we start at the middle  
 19 of page 2. So it starts with an email from Dave  
 20 Posnett, April 2015, and he's asking for files  
 21 in cases where you and others were Criminal  
 22 Investigator and Financial Investigator because  
 23 they're being subject to the review by the  
 24 Criminal Case Review Commission.

25 If we go up the page, then, please, and up  
 211

1 **A.** Correct, yeah.

2 **Q.** Did you have any further involvement in this  
 3 case, other than the interview?

4 **A.** No, probably other than maybe producing a second  
 5 officer statement, if it was required. I can't  
 6 remember, but yeah.

7 **Q.** So the final topic, then, I want to just turn to  
 8 is about your knowledge of errors in Horizon.  
 9 Throughout your statement, and again today,  
 10 you've emphasised that you were not aware of any  
 11 bugs, errors or defects in Horizon while you  
 12 were an Investigator. But do you accept that,  
 13 during your time as an Investigator, you'd been  
 14 told by multiple subpostmasters that they were  
 15 having problems with Horizon?

16 **A.** I wouldn't say multiple but, yeah.

17 **Q.** More than one?

18 **A.** More than one, yes, and now a greater awareness  
 19 that there's more.

20 **Q.** Can I take you, then, to POL00107562, please.

21 This is a suspect offender report in the case of  
 22 Tracey Merritt. We can see that it's sent by  
 23 you on 10 November 2011. Then if we look at  
 24 page 3 of that report, please. You give a brief  
 25 summary of admissions or denials made at the  
 210

1 a bit more, thank you. We see that you reply  
 2 saying:

3 "I am pleased to advise you that I still  
 4 have the electronic documents relating to [two  
 5 cases including Mr Wilson's]."

6 If we go up the page again, please, and we  
 7 then see an email from Graham Ward asking:

8 "Why are you pleased ..."

9 If we go up to the top of the page, please.

10 So this is an email sent by you to Mr Ward on  
 11 the 21 April 2015. You say:

12 "Because I want to prove that there is  
 13 FFFFiiiiinnn no 'Case for the Justice of Thieving  
 14 Subpostmasters' and that we were the best  
 15 Investigators they ever had and they were all  
 16 crooks!!"

17 Can you explain what you meant by that?

18 **A.** Absolutely disgraceful. It's the thing that  
 19 I received last night at about 6.00 and I'm  
 20 appalled. I've no explanation other than you'll  
 21 see the time of the email being sent.

22 **Q.** 4.10.

23 **A.** I think it -- oh, I thought it was 11.40 pm.

24 **Q.** I think it's 4.11 in the afternoon.

25 **A.** Okay. Then I have no ...  
 212

1 Q. Was that your view at the time, that these  
 2 people were guilty?  
 3 A. The only thing I can say about this email and  
 4 the only -- well, the two things I can say about  
 5 this email -- other than say it's an absolute  
 6 disgrace and it's something that I wouldn't have  
 7 wanted to be part of the Inquiry and I can only  
 8 apologise to absolutely everybody, because I've  
 9 labelled absolutely everybody, so I can't defend  
 10 it -- is that on the 21 April 2015, I still,  
 11 replying to no one else other than a colleague,  
 12 a friend within the Post Office Security Team,  
 13 that I still believed that Horizon was still  
 14 nothing wrong with it, and I wasn't aware of any  
 15 bugs, errors or defects.

16 So my inference here, that everybody was  
 17 guilty, is wrong and I'm embarrassed, is all  
 18 I can say.

19 Q. Can we move on, then, to an email that you sent  
 20 in 2021 addressed to Nick Read please. The  
 21 reference is POL00113304, and it's on page 5.

22 This was your email, addressed to Nick Read.  
 23 Why did you decide to write to Nick Read in  
 24 2021?

25 A. I think this was a couple of weeks after  
 213

1 cent correct ..."

2 Who were you told that by in the Post  
 3 Office?

4 A. Again, it's -- it was in my opinion -- and,  
 5 again, it was a wrong opinion -- was the  
 6 message, and I don't know where this message  
 7 comes from or whatever this belief is, that, as  
 8 far as I was aware, all my colleagues and  
 9 myself, yes, we'd had challenges, yes, we'd had  
 10 people saying that we've got this document or  
 11 that document but, as I say, I've been through  
 12 I don't know how many ARQ data things, and  
 13 nothing had come to light to me to say, "That's  
 14 a bit suspicious".

15 And I'm not saying I was an expert because  
 16 I'd already I was self-taught, I didn't accept  
 17 the training. But what I will say is that  
 18 I couldn't, myself, corroborate it. He's been  
 19 used in previous evidence that I've watched, as  
 20 an expert, whether he was an expert or a lay  
 21 witness, as far as I was concerned, Mr Jenkins  
 22 was given a statement to say that everything was  
 23 okay.

24 The more I've listened is now maybe that  
 25 wasn't the case because he wasn't being asked  
 215

1 Mr Wilson was acquitted and, for the first time,  
 2 I now knew that there was some kind of  
 3 knowledge, possibly within the Post Office at  
 4 board level, senior team of investigations or  
 5 whatever, and it was an email of anger. I'm  
 6 angry with myself for the one we looked at  
 7 before this, I hasten to add, and this is my  
 8 frustration that the business, in my opinion,  
 9 for all the justices of postmasters, given what  
 10 I'd said previously, should have been listened  
 11 to.

12 I was angry that, after 32 years of being  
 13 pleased for working for the Post Office and  
 14 actually felt proud to work for them, I was no  
 15 longer proud to work for them, that if anybody  
 16 knew something, they certainly didn't tell me.  
 17 If they didn't tell all my colleagues or people  
 18 made out they didn't, I don't know. The level  
 19 of my email before this one and this one,  
 20 hopefully will reiterate that that was exactly  
 21 my feelings, is -- that I had no knowledge,  
 22 which I do now have.

23 Q. So your paragraph 3 of that email, you say:

24 "We were informed by Post Office Limited  
 25 that the Horizon Computer System was 100 per  
 214

1 the correct questions to put in his statement  
 2 and, likewise, I've now learnt that ARQ data,  
 3 there was more than one option to request. So  
 4 all of these things are now bringing to a head,  
 5 to me, in this email, my anger and frustration.

6 And I'd like to -- and it's not a question,  
 7 but what I'd like Sir Wyn to be able to do is to  
 8 find all the evidence and all the solution --  
 9 you know, everything here, and this isn't  
 10 painting a picture wrongly, Sir Wyn, in -- what  
 11 I don't know about these bugs, errors and  
 12 defects is the subpostmasters that have been  
 13 brought before here and have been found  
 14 innocent, is they're all reference to losses.

15 Now, under the terms of the contract --

16 Q. That is something that the Inquiry will be  
 17 investigating.

18 A. Yeah, investigating as well. Okay.

19 Q. If I could just take you back, then, to your  
 20 email, and two paragraphs below, that's the  
 21 fifth paragraph down, in the middle of that  
 22 paragraph, you say:

23 "In fact my yearly objectives that were  
 24 bonus worthy at the time were based on numbers  
 25 of successful prosecutions and recovery amounts  
 216

1 of money to the business."

2 So is it the case, then, that your personal  
3 objectives, for which you received bonuses,  
4 depended on those two things?

5 **A.** I can't be 100 per cent sure, if I'm honest.

6 There was bonus objectives. I don't know if  
7 they were individual, team based, but there was  
8 some kind of bonus worthy, dependent, as far as  
9 I can recall, on percentage amounts recovered  
10 for the business, something along those lines.

11 So please accept this is an anger statement  
12 to the Chairman of the Post Office, and I'm not  
13 saying that I spent a lot of time researching  
14 what I put in there. Maybe I should have. And  
15 I'm not --

16 **Q.** I'm actually just going to take you to another  
17 back to that document we looked at earlier,  
18 which was your 2009 to 2010 full year review,  
19 and the reference is POL00166128, please. Just  
20 the bottom of that first page, where we see  
21 "Objective 1 Information". The title of that is  
22 "40% Loss Recovery".

23 Is that what you're referring to in terms of  
24 the loss recovery objective?

25 **A.** Yes, and reading it here now, I think the last  
217

1 a postmaster's contract with the Contracts  
2 Manager. It was, rightly or wrongly, within the  
3 contact that they were responsible for making  
4 good losses. So, yeah.

5 **Q.** Just, finally, then, if we could go back to your  
6 email addressed to Nick Read, the reference is  
7 POL00113304, on page 5, at the bottom of that  
8 page. In the penultimate paragraph of your  
9 letter, you say:

10 "Whilst compensation is being correctly  
11 awarded now to the subpostmasters, I feel the  
12 employees instructed to conduct these  
13 prosecutions, arrests and searches have been  
14 completely overlooked."

15 Can you explain what you meant by that part  
16 of your letter?

17 **A.** Well, I think there is part of the chain,  
18 I won't go into it too much, but I think they  
19 think I was looking for compensation when all  
20 I was really looking for was an apology that  
21 they'd never actually brought any of this  
22 attention to myself and my colleagues, if there  
23 was any knowledge -- and I say if there was any  
24 knowledge -- whoever had that knowledge, that it  
25 was never -- so I -- they've overlooked, where  
219

1 word on there is "team", so recovery of

2 40 per cent of monies from investigations  
3 conducted to have a positive return rate against  
4 investigation element of teams. So I'm guessing  
5 that wasn't specifically towards me.

6 **Q.** It was a team objective, rather than personal  
7 objective?

8 **A.** A team objective. But I knew there was some  
9 kind of, if you like, in that email chain, some  
10 kind of link, because I'd been in the  
11 Investigation Team for a number of years and  
12 I remember there was some kind of percentage  
13 against recovery that they were -- the business  
14 was looking for.

15 **Q.** Were you aware of any benefit that you  
16 personally received, if you achieved that  
17 benefit?

18 **A.** Only if there was a team-based element to it,  
19 I guess.

20 **Q.** Did that objective influence the way in which  
21 you acted as an Investigator?

22 **A.** I'd probably be lying if I said no because  
23 I probably -- you know, it was part of the  
24 business, the culture of the business of  
25 recoveries or even under the terms of  
218

1 we are today.

2 **Q.** Did you think that it would be appropriate to  
3 compensate staff who were involved in these  
4 investigations and prosecutions?

5 **A.** No.

6 **MS MILLAR:** Thank you very much for your assistance,  
7 Mr Thomas, I don't have any questions for you.

8 Sir, do you have any questions before  
9 I check whether the Core Participants have any  
10 questions?

11 **SIR WYN WILLIAMS:** No, thank you, no.

12 **MS MILLAR:** Mr Stein, thank you.

#### 13 Questioned by MR STEIN

14 **MR STEIN:** Sir, I have five minutes of questions.

15 I have with me Tracey Merritt, who started her  
16 day at 4.00 this morning so that she could  
17 attend, so that you're aware that she is present  
18 with us in the Inquiry room.

19 **SIR WYN WILLIAMS:** Mm-hm.

20 **MR STEIN:** Mr Thomas, I've got a few questions for  
21 you. As I've just indicated to the Chair,  
22 I won't be long.

23 I appear on behalf of a very large number of  
24 subpostmasters and mistresses, who are the  
25 victims of this scandal. Can we just quickly go  
220

1 back, please, to the time you've spoken about  
2 with the barrister that's just been asking you  
3 questions today, Ms Millar.

4 You were talking about the time at around  
5 2008 where there was a growing awareness of  
6 subpostmasters saying there were problems with  
7 the Horizon system, okay? You said in your  
8 evidence that "a message came out", were your  
9 words earlier. That was, I think, at about  
10 2.20/2.25 this afternoon.

11 The message came out, it seems you were  
12 saying, from the Post Office, that there wasn't  
13 a problem with the Horizon system. Is that what  
14 you were trying to say?

15 **A.** Yes.

16 **Q.** Okay. So we know from other evidence that you  
17 probably have seen and heard in this Inquiry,  
18 that Computer Weekly, a publication dealing with  
19 computers and their issues, had started  
20 an investigation in relation to the Horizon  
21 system. Were you aware of that, around that  
22 time?

23 **A.** I can't be sure exactly when. I am aware now,  
24 yes.

25 **Q.** Yes, well, considering that you and your  
221

1 **Q.** Okay. Now, you mention in your statement -- and  
2 if you can go up on the screen, please, with  
3 Mr Thomas' statement, paragraph 45, witness  
4 statement is WITN09160100. Thank you. So  
5 that's paragraph 45. The copy I have, I'm  
6 afraid, isn't a paginated statement.

7 **SIR WYN WILLIAMS:** That's okay, I've got  
8 paragraph 45 there.

9 **MR STEIN:** I'm very grateful.

10 It's going to be the previous page to that,  
11 it looks like.

12 Thank you.

13 If you could highlight paragraph 45. Just  
14 make it slightly larger on the screen. So here  
15 you're talking about you having held relevant  
16 roles within the Security Team. You:

17 "... have no specific examples of analysis  
18 being done by Security Team Investigators of  
19 Horizon data when an SPM/SPM's manager(s) or  
20 assistant(s)/Crown Office employee(s) attributed  
21 a shortfall to a problem with Horizon."

22 You go on:

23 "But if there were any employees that  
24 suggested this was the case, I would have asked  
25 them initially what steps they had taken to  
223

1 colleagues were involved in the investigation of  
2 individuals in relation to the Horizon system.

3 **A.** Yes.

4 **Q.** I'm sure that this was at least a matter of some  
5 passing interest?

6 **A.** Yes.

7 **Q.** Yes. Okay. So the message comes out from the  
8 Post Office that you shouldn't be concerned  
9 about it, and yet you've also had some questions  
10 from Ms Millar this afternoon about the fact  
11 that you were aware that, during your own  
12 investigations, some subpostmasters and  
13 mistresses were saying that there were problems  
14 with the system; is that also right?

15 **A.** Yes.

16 **Q.** Right. So there's a growing body of such  
17 evidence; is that correct?

18 **A.** Yes.

19 **Q.** You speak about that in relation to your  
20 statement, where you were involved in  
21 Mr Wilson's case -- and it's one of those cases,  
22 again, that was around 2008 -- Mr Wilson's was  
23 one where Mr Wilson was highlighting the fact of  
24 his concerns with the Horizon system, yes?

25 **A.** Yes.  
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1 report this fact. What examples they had  
2 actually discovered on Horizon to claim this and  
3 had they reported this at their earliest  
4 opportunity to say the Post Office Helpdesk,  
5 their Contracts Manager or the possibility of  
6 requesting some further training assistance or  
7 even an audit for example."

8 So there you're saying in your statement  
9 that, if, in a matter that you were looking at,  
10 someone were to say, "Mr Thomas, there seems to  
11 be a problem with your system", those are the  
12 sorts of steps that you say you would have  
13 taken; is that correct?

14 **A.** Yes.

15 **Q.** To be fair, looking back in time to what we're  
16 thinking about, you had that by what, 2008, as  
17 we mentioned earlier, you were on notice that  
18 there was a growing body of claims by  
19 subpostmasters that there were problems in the  
20 Horizon system, yes?

21 **A.** Yes.

22 **Q.** Presumably, what you're saying here, at  
23 paragraph 45, was that, well, with the knowledge  
24 that there is this growing body of problems that  
25 are being made public about the Horizon system,  
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1 you'd want to operate with care, you'd want to  
2 make sure that someone has had the opportunity  
3 to raise this within the system; is that right?

4 **A.** Yes.

5 **Q.** Okay. You go on to say that, the same  
6 paragraph:

7 "If I had any ARQ Horizon data available to  
8 me either before any interview or requested this  
9 subsequently after I would have spent time  
10 viewing and assessing any such claim they made  
11 by looking for any potential issue."

12 So, again, what you seem to be saying there  
13 is, if a subpostmaster or subpostmistress had  
14 made such a claim, what you would want to do is  
15 to speak to them about what they had tried to  
16 do, how they'd raised it, how it had come about;  
17 is that right?

18 **A.** Yes.

19 **Q.** Also, you'd want to then do the other side of  
20 it, from an Investigator's point of view, which  
21 is to try to find, within the system, ARQ data,  
22 yes?

23 **A.** Yes.

24 **Q.** Trying to analyse what you were doing,  
25 therefore, rather than just ignoring

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1 So we can see there that you're one of the  
2 interviewing officers of Tracey Merritt, and  
3 another person present is Mike Robinson,  
4 a solicitor. You're with also Lisa Allen  
5 a colleague of yours; is that right?

6 **A.** That's correct, yes.

7 **Q.** Now, Tracey Merritt, her background was that she  
8 was someone that used to work for Social  
9 Services, before becoming a subpostmaster or  
10 mistress, she was a childcare officer. She had,  
11 with her family, gone into the Post Office  
12 business, if you like, in order to find a stable  
13 income and also to support her family.

14 She had two post office branches in Dorset,  
15 the one at Yetminster and the one at Chetnole.  
16 I'm probably saying both of those names very  
17 badly but that's where she operated from and had  
18 her businesses. So she'd put a lot of effort  
19 a lot of time into these businesses, and her  
20 background in childcare, working for Social  
21 Services, might be said to be something to her  
22 credit; do you agree?

23 **A.** Yes.

24 **Q.** Yes.

25 Now, what she then says when she's being

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1 a subpostmaster or mistress, you'd want to  
2 actually, you know, look at this thing properly,  
3 as an Investigator; is that right?

4 **A.** Yes, obviously now, at the time I wasn't aware  
5 that Horizon data or ARQ data wouldn't have  
6 shown me anything but, in writing this  
7 statement, that is exactly what I would want to  
8 do --

9 **Q.** These are steps, you're saying --

10 **A.** Yes.

11 **Q.** -- it seems, reading it your statement.

12 **A.** Yes.

13 **Q.** These are the steps you'd want to take?

14 Okay, if we can then go, please, to  
15 Mrs Tracey Merritt's interview, it's got  
16 a slightly odd citation for it, so on the system  
17 it's HOCO0000002, and Frankie I think has it  
18 available on the screen. I'm very grateful.

19 Sir, the pagination of this isn't very good,  
20 it's the top right-hand corner in hand, and so  
21 I'm going to be referring to the top right-hand  
22 corner pagination as we have it there. If you  
23 could just show the first page further down, so  
24 that we can see what's going on. The date of  
25 interview is 9/11/2011.

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1 asked questions by you, Mr Thomas, we see at the  
2 bottom of the page that's on the screen next to  
3 303 and then GT, your initials:

4 "Can I ask you to explain to me why there  
5 was that shortage at the branch?"

6 Tracey Merritt says:

7 "Because your computers are naff, basically.  
8 Because the computers do their own thing ... You  
9 go off at night and they're balanced and you  
10 come on in the morning and you've got a deficit  
11 ..."

12 Can we go, please, Frankie to page 15, again  
13 using the handwritten pagination, top right-hand  
14 corner. Now, here we've got a continuation of  
15 this interview. You're saying this:

16 "On the night of the balance on the 28th but  
17 this cheque hadn't been entered on the Horizon  
18 system had it?"

19 "No.

20 "Why did you not enter it onto the Horizon  
21 system then?"

22 "Cos I'd just told you I'd already done all  
23 my work done my end of week, realised that the  
24 office was throwing up losses again which were,  
25 it seems to do, cos I -- your computer system

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1 does its own thing so I wrote out the cheque.  
 2 Once I've already done the end of week you can't  
 3 go back in and do it cos that looks stupid. So  
 4 first thing in the morning that is the first  
 5 thing to do but obviously I've never got to that  
 6 stage because your auditors were there."

7 So you can see that Tracey Merritt in the  
 8 interview has said, you know, with pinpoint  
 9 clarity, that basically the computer system  
 10 doesn't work properly, it's naff. It is  
 11 throwing up the wrong numbers. It's fairly  
 12 clear, isn't it?

13 **A.** Yes.

14 **Q.** Yes, okay. Let's then consider how you dealt  
 15 with that at this stage and can we go, please,  
 16 to page 24 of the interview, again using the  
 17 same handwritten pagination, top right-hand  
 18 corner. Thank you.

19 So here we have, against the tape counter  
 20 times, 29.00, the person speaking, GT, this is  
 21 you:

22 "Do you think that it is only your two  
 23 computers at Chetnole and Yetminster that there  
 24 is a problem with the Post Office then given  
 25 that we have I don't know 17,000 post offices  
 229

1 have I don't know 17,000 post offices operating  
 2 on the same system?"

3 Basically you're saying to Tracey Merritt  
 4 "What's your problem? Nobody else has got it".  
 5 You're saying to her that she's an isolated case  
 6 of a difficulty with two computers that she  
 7 happens to be running at two branches. That's  
 8 what you're saying, aren't you, Mr Thomas?

9 **A.** I think we've not gone through the whole  
 10 transcript, sir.

11 **Q.** Well --

12 **A.** I think when you look at the whole transcript  
 13 you may get a better picture of it possibly,  
 14 rather than the highlighted bits you've just  
 15 brought out.

16 **Q.** Well, let's just stay with what we've got here  
 17 for the moment, Mr Thomas. I went through what  
 18 you said in your statement about the way you  
 19 would like to deal with these issues when they  
 20 were raised. You would enquire as to "Well,  
 21 what's the problem and have you raised this with  
 22 anybody?" You would want to make sure that  
 23 you've got the data from the computer system,  
 24 the ARQ data, and the like. It's hardly the  
 25 attitude you're displaying here. This is just  
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1 operating on the same computer system?"

2 Tracey Merritt says:

3 "No, I don't, I'm sorry no, I don't cos  
 4 there's 11,500 of us that are all having  
 5 problems."

6 Now, let's work backwards. So the 11,500  
 7 mentioned seems to be, if this transcript and  
 8 this note of what she said is correct, is what  
 9 she's saying, she's also shown you -- from the  
 10 other evidence that the Inquiry has seen -- some  
 11 information that's come from the campaign group,  
 12 in relation to Justice for Subpostmasters.  
 13 You're aware of the background in relation to  
 14 Computer Weekly, all of these things, yes?

15 **A.** I'm not sure about Computer Weekly but, yes, the  
 16 one that she showed me.

17 **Q.** Yes, and you're aware of the background in  
 18 relation to the issues that have been coming to  
 19 your attention since 2008, yes?

20 **A.** A couple, a handful, yes.

21 **Q.** And you dismiss her. You dismiss her complaint  
 22 by saying this:

23 "Do you think it's only your two computers  
 24 at Chetnole and Yetminster that there is  
 25 a problem with the Post Office then given we  
 230

1 you saying, "This is rubbish, you're making it  
 2 up. Why is it only you that's making this  
 3 complaint?" You knew it was different to that,  
 4 didn't you, Mr Thomas?

5 **A.** No, no, I don't know if it's possible to look at  
 6 but I only received this information yesterday  
 7 but I did notice, because, a bit like  
 8 Ms Merritt, I was up very early this morning,  
 9 but the evidence I looked at earlier on, I think  
 10 there's a tab in there, number 30, and it talks  
 11 about a second interview tape, which I don't  
 12 think we've got there -- I don't know if it's  
 13 possible to refer to it at all?

14 **Q.** Tell us what you want to say about it,  
 15 Mr Thomas.

16 **A.** I think it was to do with -- I don't know if it  
 17 was known as a Helen Rose inquiry, or whatever,  
 18 but it's the first one on the actual document  
 19 that came in, as well, at the same time, saying  
 20 about the brief summaries of recent challenges,  
 21 Yetminster being one, and on the summary it  
 22 says -- and obviously I haven't got the second  
 23 tape:

24 "Six minutes into the second tape Ms Merritt  
 25 states:

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1 "I'm not trying to blame the Horizon  
2 system, I'm saying that my office kept coming up  
3 with losses'.

4 "Towards the end of the second tape  
5 transcript Ms Merritt admitted that losses had  
6 been accumulating since the end of July 2011 and  
7 that she had not been putting the money in for  
8 these losses, simply rolling the losses and  
9 inflating the cash.

10 "Gary Thomas, the lead officer in this case,  
11 commented at the end of the report:

12 "It should be noted that this likely to be  
13 further challenged towards the integrity of the  
14 Horizon system'."

15 So I hadn't seen the second tape. I haven't  
16 seen the second tape. I can only go on what's  
17 been written in this Horizon integrity report  
18 that I saw this morning at the same time I saw  
19 this. So I'm not defending any of my actions,  
20 because, as I've said all along, I'm not saying  
21 that I shouldn't have raised it and I did raise  
22 it, by the look of it, that there was a Horizon  
23 integrity issue. But it does say in tape 2,  
24 which I have no action to, within there. So  
25 that's the only reasonable offer and answer

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1 there have been these problems raised.  
2 I appreciate where you're coming from. I'll  
3 check into that"? Why didn't you do that,  
4 Mr Thomas?

5 **A.** I don't know, and I apologise.

6 **Q.** Now, Mr Thomas, you've said in your statement  
7 that you're livid about the fact that these  
8 issues with the Horizon system were kept from  
9 you?

10 **A.** Yes.

11 **Q.** You say you're very angry. You say that at two  
12 different sections of your statement and you've  
13 obviously been referred by Ms Millar to the note  
14 that you wrote to Mr Read, yes?

15 **A.** Yes.

16 **Q.** Okay. Have you any idea how Tracey Merritt  
17 feels about your operation, your part in what  
18 happened to her, about the loss of her business?  
19 The damage to her life? The shock to her  
20 system? The health deficits that she has felt  
21 over the years? Have you the slightest idea how  
22 she feels?

23 **A.** I can imagine a bit like Mrs Wilson, as well.  
24 And my apologies go to Mrs Wilson, Mrs Merritt,  
25 and everybody.

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1 I can give you.

2 **Q.** It's not what we're asking about, Mr Thomas, is  
3 it? We're asking about your reaction to --  
4 well, it's said by Tracey Merritt, she's saying,  
5 "I've got these two problems with these two  
6 computers at the two branches I operate", and  
7 your response is "You're the only one, Tracey  
8 Merritt, you're the only one complaining about  
9 this".

10 Yet you knew, Mr Thomas -- you knew -- that  
11 there had been a rise in these issues that had  
12 been coming forward. So when you said that you  
13 looked at these things with care, or would do if  
14 they were ever brought to your attention, in  
15 your statement, it wasn't true, was it  
16 Mr Thomas?

17 **A.** I'll agree with you but, as I say, there was  
18 other things within the tapes including a cheque  
19 that was written out and there wasn't funds in  
20 the account.

21 **Q.** Well, why didn't you, Mr Thomas, operate with  
22 a bit more care? With a bit more respect to the  
23 subpostmaster -- or subpostmistress, I should  
24 say -- in this case? Why didn't you operate  
25 with a little more circumspection to say: "Look,

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1 **SIR WYN WILLIAMS:** Is that it, Mr Stein?

2 **MR STEIN:** Yes, sir.

3 **SIR WYN WILLIAMS:** Anybody else?

4 **MS PATRICK:** Sir, Ms Patrick here.

5 We'd like to ask one question about one  
6 document, if there is time.

7 **Questioned by MS PATRICK**

8 **SIR WYN WILLIAMS:** Well, as long as your one  
9 question is one question, unlike Mr Stein's five  
10 minutes!

11 **MS PATRICK:** Sir, I will do my best.

12 **SIR WYN WILLIAMS:** Thank you.

13 **MS PATRICK:** Mr Thomas, my name is Ms Patrick.  
14 I, like Mr Stein, represent a number of  
15 subpostmasters. The majority of our clients  
16 were convicted and have now had their  
17 convictions overturned.

18 I know that you've talked about your  
19 feelings about the email in 2015. I'd like to  
20 go back to that document, just very briefly.  
21 It's POL00176521. If we can just look at the  
22 first paragraph, please.

23 Before we look at what that says, Ms Millar  
24 took you, I just remind you, to the internal  
25 document looking at targets and I think that you

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1 agreed the target that was set there on 40 per  
 2 cent losses, I think that was about recovery of  
 3 losses up to 40 per cent across the team; is  
 4 that fair?

5 **A.** I think that's right, yes.

6 **Q.** I just want to put these two together. The  
 7 second part of this email, the first paragraph,  
 8 we haven't looked at yet. I just want to read  
 9 it, after saying "and they were all crooks!!":  
 10 "Oh and we never hit our [Post Office]  
 11 Profit targets any more as we stopped getting  
 12 £XX million in recoveries from bloody good  
 13 financial recoveries through my good friends,  
 14 Ward, Harbinson, Posnett and the like!!"

15 To be fair, I just want to check, the  
 16 40 per cent target on recoveries, are those the  
 17 recoveries that you're referencing here in that  
 18 email?

19 **A.** They would be part of it, yes.

20 **MS PATRICK:** Thank you. I don't have any other  
 21 questions, Mr Thomas.

22 **SIR WYN WILLIAMS:** Thank you, Ms Patrick.

23 Thank you, Mr Thomas, for coming to give  
 24 evidence and for answering the questions that  
 25 you have this afternoon.

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1 Mrs Merritt, I'm pleased to see you in  
 2 attendance at the Inquiry and I hope that you  
 3 have found the session which you've attended  
 4 informative, and I wish you a good journey home,  
 5 if you're going home, if that's going to take  
 6 another long time.

7 So thank you all very much. We're not going  
 8 to sit tomorrow, as I indicated at the beginning  
 9 of this session, and I'll see everyone on  
 10 Tuesday morning.

11 **MS MILLAR:** Thank you, sir.

12 **(4.57 pm)**

13 **(The hearing adjourned until 10.00 am on**  
 14 **Tuesday, 12 December 2023)**

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<b>who [55]</b> 12/19 17/9 21/13 36/16 38/7 41/6 41/7 41/21 42/19 43/10 43/23 43/25 44/14 51/1 68/13 70/3 70/25 72/13 84/15 84/15 85/1 85/19 86/3 92/13 113/9 132/2 132/17 132/21 134/20 136/6 137/15 139/13 144/12 151/22 154/8 154/20 155/19 156/10 156/21 164/1 165/24 169/23 176/22 178/13 180/12 181/11 183/9 185/23 192/10 205/19 209/21 215/2 220/3 220/15 220/24	<b>witnesses [1]</b> 108/4 <b>witter [1]</b> 134/17 <b>won't [5]</b> 50/12 134/17 150/11 219/18 220/22	<b>written [10]</b> 36/17 36/19 36/23 108/10 155/7 160/2 181/22 201/11 233/17 234/19	<b>yes [228]</b> 1/5 1/22 1/24 2/2 3/2 3/20 4/17 6/20 6/20 6/20 7/14 8/8 9/5 14/9 15/24 19/17 20/16 21/2 21/9 22/5 24/4 25/16 28/8 28/8 28/20 29/12 29/19 33/1 41/20 42/1 53/11 54/13 55/18 55/22 56/4 56/4 57/23 58/7 58/7 58/17 62/19 62/25 65/19 69/22 71/10 72/7 72/20 72/20 76/4 82/14 82/14 84/6 84/9 84/9 88/5 90/15 92/24 94/3 95/17 97/3 97/14 97/17 97/19 97/21 97/21 97/21 100/6 100/10 101/25 102/8 102/10 103/4 106/9 106/19 106/22 108/17 116/24 117/9 118/23 126/13 126/13 126/15 126/20 126/25 127/4 128/9 128/12 128/14 128/17 128/21 129/6 129/11 129/15 129/18 129/21 130/3 130/7 130/21 131/5 131/11 132/1 135/25 137/14 138/1 138/20 141/24 142/6 142/25 145/4 146/3 147/2 147/7 149/15 149/15 154/16 154/17 156/5 156/12 159/1 159/9 160/15 160/15 162/25 163/6 163/9 163/14 163/18 167/13 167/13 169/2 169/9 169/12 170/5 171/4 171/4 175/23 176/16 176/20 177/6 177/20 177/20 178/6 178/9 178/10 179/17 179/22 180/25 181/11 181/13 182/1 182/4 182/10 182/10 182/16 182/18 183/1 183/11 183/16 184/15 184/25 185/14 185/18 187/18 188/6 188/6 191/1 191/12 191/16 192/19 193/23 194/14 197/15 197/20 198/2 198/12 199/4 199/23 201/8 202/17 202/21 204/24 205/12 206/4 206/8 206/15 206/22 209/24	
<b>who'd [1]</b> 207/3	<b>willing [2]</b> 94/8 114/20	<b>worced [1]</b> 43/12	<b>wrong [29]</b> 32/18 34/9 73/20 80/7 103/13 124/21 155/22 161/13 161/14 164/15 164/19 167/5 184/10 184/11 184/12 186/9 186/16 186/20 187/9 187/18 187/24 195/17 195/25 207/15 208/13 213/14 213/17 215/5 229/11	<b>years' [1]</b> 110/23
<b>who's [1]</b> 183/25	<b>Wilson [33]</b> 129/5 146/6 146/16 161/6 169/1 170/3 178/13 178/20 179/5 180/18 181/16 182/19 183/14 188/18 190/2 191/6 191/14 192/1 194/1 194/3 195/6 196/8 197/23 198/16 198/17 198/19 202/15 204/23 205/3 214/1 222/23 235/23 235/24	<b>worded [1]</b> 43/12	<b>wrote [6]</b> 90/16 113/5 122/2 193/22 229/1 235/14	<b>years' [1]</b> 110/23
<b>whoever [1]</b> 219/24	<b>Wilson's [9]</b> 146/10 170/15 178/25 182/13 182/14 183/8 212/5 222/21 222/22	<b>wording [2]</b> 127/15 188/2	<b>wrongly [10]</b> 168/6 168/6 169/18 187/7 189/6 190/12 204/17 204/19 216/10 219/2	<b>years' [1]</b> 110/23
<b>whole [11]</b> 31/25 59/15 59/17 79/2 99/17 121/24 121/25 142/10 187/22 231/9 231/12	<b>within [25]</b> 9/10 15/12 56/14 62/6 131/21 132/15 133/24 152/3 153/14 157/4 158/9 170/12 172/4 174/20 197/21 201/2 201/3 213/12 214/3 219/2 223/16 225/3 225/21 233/24 234/18	<b>words [3]</b> 37/7 128/11 221/9	<b>Wyn [2]</b> 216/7 216/10	<b>years' [1]</b> 110/23
<b>whom [1]</b> 76/1	<b>win [1]</b> 136/14	<b>work [21]</b> 1/15 5/1 7/23 15/12 21/1 48/2 48/14 76/17 95/5 130/17 134/2 135/11 139/10 140/1 193/4 214/14 214/15 227/8 228/23 229/10 230/6	<b>X</b>	<b>years' [1]</b> 110/23
<b>whose [1]</b> 169/22	<b>wing [1]</b> 54/18	<b>worked [12]</b> 3/7 17/7 18/18 31/1 42/6 42/21 73/15 125/11 131/2 133/3 135/9 192/11	<b>XX [1]</b> 237/12	<b>years' [1]</b> 110/23
<b>why [48]</b> 10/13 22/11 25/18 38/24 39/6 50/15 68/16 68/25 69/14 72/21 72/25 74/8 76/5 78/17 87/15 95/24 96/17 99/12 99/13 119/8 120/10 120/14 121/20 123/16 136/1 153/13 160/24 169/7 173/2 173/7 190/4 193/19 194/15 195/9 195/23 203/24 207/21 207/25 208/22 208/23 212/8 213/23 228/4 228/20 232/2 234/21 234/24 235/3	<b>wish [8]</b> 1/25 38/21 95/2 113/10 158/20 170/5 170/13 238/4	<b>worker [1]</b> 15/19 <b>worker' [1]</b> 15/2 <b>workers [2]</b> 16/1 16/6 <b>working [14]</b> 3/25 15/1 16/10 63/25 134/24 135/1 135/16 152/19 152/21 185/24 201/20 202/4 214/13 227/20	<b>Y</b>	<b>years' [1]</b> 110/23
<b>wider [2]</b> 69/18 141/7	<b>wished [1]</b> 43/9	<b>workloads [1]</b> 71/2	<b>yeah [60]</b> 6/14 7/9 13/15 19/17 20/16 25/1 25/20 26/15 27/12 28/19 36/21 43/3 50/14 50/24 54/8 57/23 67/14 72/8 72/20 84/23 85/6 85/11 86/12 87/19 89/18 91/11 94/1 94/3 97/11 102/23 103/4 103/5 106/9 112/5 112/13 116/1 116/24 120/5 122/19 129/21 138/5 138/15 139/9 146/5 155/11 167/18 173/23 181/11 184/8 194/20 195/22 198/9 202/3 204/21 210/1 210/6 210/16 211/14 216/18 219/4	<b>years' [1]</b> 110/23
<b>widow [1]</b> 178/20	<b>withholding [1]</b> 124/5	<b>works [1]</b> 41/6	<b>year [10]</b> 3/22 3/22 108/13 114/9 139/14 158/23 165/16 190/7 190/8 217/18	<b>years' [1]</b> 110/23
<b>wife [6]</b> 85/25 86/9 88/8 90/21 93/15 95/1	<b>within [25]</b> 9/10 15/12 56/14 62/6 131/21 132/15 133/24 152/3 153/14 157/4 158/9 170/12 172/4 174/20 197/21 201/2 201/3 213/12 214/3 219/2 223/16 225/3 225/21 233/24 234/18	<b>workshop [6]</b> 6/4 6/6 6/12 6/19 8/1 8/2	<b>yearly [1]</b> 216/23	<b>years' [1]</b> 110/23
<b>Wilcox [27]</b> 1/6 1/7 1/9 1/13 44/18 44/23 46/17 58/5 58/8 58/19 58/21 70/24 73/24 108/16 108/18 108/20 115/10 116/11 125/14 125/18 125/19 134/21 135/16 139/13 209/25 239/3 239/9	<b>without [9]</b> 39/2 80/3 81/4 87/11 88/12 97/20 115/18 146/14 147/2	<b>workshops [1]</b> 6/9	<b>years [28]</b> 3/8 9/11 17/12 33/20 48/12 56/25 86/13 114/11 123/10 132/15 133/3 134/25 139/16 145/11 145/17 149/5 152/3	<b>years' [1]</b> 110/23
<b>Wilcox's [15]</b> 14/24 30/1 31/8 48/6 52/7 56/6 63/1 64/6 93/1	<b>WITN01610100 [1]</b> 46/6 <b>WITN01860100 [1]</b> 43/20 <b>WITN05060100 [3]</b> 3/4 5/18 85/14 <b>WITN09160100 [3]</b> 128/23 132/6 223/4	<b>worries [1]</b> 128/8	<b>years [28]</b> 3/8 9/11 17/12 33/20 48/12 56/25 86/13 114/11 123/10 132/15 133/3 134/25 139/16 145/11 145/17 149/5 152/3	<b>years' [1]</b> 110/23
	<b>witness [27]</b> 1/15 8/2 46/7 52/2 63/5 63/14 68/20 68/21 68/23	<b>worst [2]</b> 152/13 152/14	<b>years [28]</b> 3/8 9/11 17/12 33/20 48/12 56/25 86/13 114/11 123/10 132/15 133/3 134/25 139/16 145/11 145/17 149/5 152/3	<b>years' [1]</b> 110/23
		<b>worthy [2]</b> 216/24 217/8	<b>years [28]</b> 3/8 9/11 17/12 33/20 48/12 56/25 86/13 114/11 123/10 132/15 133/3 134/25 139/16 145/11 145/17 149/5 152/3	<b>years' [1]</b> 110/23
		<b>would [349]</b> <b>wouldn't [19]</b> 25/19 41/9 42/17 43/17 43/18 53/21 82/12 84/18 111/19 112/13 134/15 158/17 161/12 168/1 174/12 202/3 210/16 213/6 226/5	<b>years [28]</b> 3/8 9/11 17/12 33/20 48/12 56/25 86/13 114/11 123/10 132/15 133/3 134/25 139/16 145/11 145/17 149/5 152/3	<b>years' [1]</b> 110/23
		<b>wounded [1]</b> 86/18	<b>years [28]</b> 3/8 9/11 17/12 33/20 48/12 56/25 86/13 114/11 123/10 132/15 133/3 134/25 139/16 145/11 145/17 149/5 152/3	<b>years' [1]</b> 110/23

<p><b>Y</b></p> <p><b>yes... [41]</b> 210/18 211/15 215/9 215/9 217/25 221/15 221/24 221/25 222/3 222/6 222/7 222/15 222/18 222/24 222/25 224/14 224/20 224/21 225/4 225/18 225/22 225/23 226/4 226/10 226/12 227/6 227/23 227/24 229/13 229/14 230/14 230/15 230/17 230/19 230/20 235/10 235/14 235/15 236/2 237/5 237/19</p> <p><b>yesterday [6]</b> 58/22 74/16 166/13 166/18 169/20 232/6</p> <p><b>yet [5]</b> 69/10 106/23 222/9 234/10 237/8</p> <p><b>Yetminster [4]</b> 227/15 229/23 230/24 232/21</p> <p><b>you [1036]</b></p> <p><b>you'd [16]</b> 18/4 35/23 50/11 51/22 86/23 88/6 128/11 128/15 154/13 177/22 210/13 225/1 225/1 225/19 226/1 226/13</p> <p><b>you'll [2]</b> 54/21 212/20</p> <p><b>you're [50]</b> 42/10 49/24 50/21 50/22 65/17 71/24 73/7 87/7 89/11 94/9 94/21 97/17 97/18 105/11 105/12 105/12 111/23 139/23 148/6 148/14 155/13 172/16 187/14 187/15 188/15 197/1 200/16 217/23 220/17 223/15 224/8 224/22 226/9 227/1 227/4 228/15 230/13 230/17 231/3 231/5 231/8 231/25 232/1 234/7 234/8 235/2 235/7 235/11 237/17 238/5</p> <p><b>you've [27]</b> 13/7 47/9 61/17 64/15 65/14 65/21 65/24 71/24 77/16 80/18 105/9 105/13 113/1 142/18 174/10 196/13 198/7 210/10 221/1 222/9 228/10 231/14 231/23 235/6 235/12 236/18 238/3</p> <p><b>your [197]</b> 1/12 1/23 2/1 2/25 2/25 3/5 3/7 3/10 3/11 4/5 4/10</p>	<p>5/16 6/22 7/23 12/16 12/23 13/9 14/2 14/6 14/7 14/15 15/25 16/24 17/3 17/17 18/2 18/7 19/5 19/14 19/23 24/5 24/13 26/11 28/9 28/22 29/9 32/21 33/8 33/11 34/7 36/9 37/8 37/24 40/17 42/10 45/10 46/22 51/20 54/9 56/15 61/8 62/4 64/16 64/18 64/18 65/3 65/5 65/23 72/21 74/15 80/15 82/5 84/1 84/7 84/10 85/1 88/11 88/15 88/20 94/9 94/16 104/12 104/16 105/8 109/9 110/2 110/9 111/13 111/25 115/2 115/11 118/15 119/13 119/24 120/14 121/21 122/13 124/3 124/10 124/15 126/18 126/24 127/2 128/19 128/20 129/3 129/4 129/8 130/24 131/3 131/6 131/17 132/5 138/2 139/6 139/8 140/5 140/10 141/20 144/24 145/5 145/18 146/9 147/9 149/13 149/20 151/19 153/17 153/19 157/7 158/23 158/24 159/7 159/13 161/20 163/7 163/19 167/1 167/19 167/24 168/15 171/14 173/19 174/11 175/21 178/11 179/18 185/16 185/25 189/15 189/23 191/5 191/10 193/1 193/7 194/15 194/23 197/12 198/11 199/9 200/21 205/23 206/12 207/17 207/22 210/8 210/9 210/13 211/13 213/1 213/22 214/23 216/19 217/2 217/18 219/5 219/8 219/16 220/6 221/7 221/8 221/25 222/11 222/19 223/1 224/8 224/11 226/11 228/3 228/7 228/25 229/6 229/22 230/19 230/23 231/4 231/18 234/3 234/7 234/14 234/15 235/6 235/12 235/17 235/17 236/8 236/18</p> <p><b>yours [1]</b> 227/5</p> <p><b>yourself [2]</b> 99/5 120/6</p>	<p><b>Z</b></p> <p><b>zoom [1]</b> 89/13</p>		
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