

POST OFFICE HORIZON IT INQUIRY

Note for the Inquiry on behalf of Anne Chambers

1. The Inquiry will recall that in the Phase 4 closing submissions provided on behalf of Mr Castleton an allegation of perjury was made against Mrs Chambers by the Hodge Jones and Allen team, alongside other unfair and unrealistic criticisms of her. On her behalf, we submitted a short document rebutting that allegation of a criminal offence and making the point that counsel for interested parties should not abuse the privilege afforded to them in the Inquiry to make unsupported allegations which would otherwise be defamatory, and which are published on the Inquiry website.
2. The Chair made a statement published on 19 March 2024 in which he explained that exceptionally, our document would be placed on the website so that it could be read alongside the Castleton document. The Chair made clear he would receive no further submissions on the topic save that he explained Core Participants and others should understand that opportunities exist to make submissions at the conclusion of all of the evidence of the Inquiry, and that any person who it is proposed should be explicitly or significantly criticised in the Inquiry Report will receive a warning letter in accordance with Rules 13-15 of the Inquiry Rules 2006 and will be given a reasonable opportunity to respond to it.
3. In their final written closing submissions following conclusion of the evidence, counsel for Mr Castleton have repeated and attempted to reformulate their perjury allegation. On Mrs Chambers behalf we therefore seek the opportunity (through this document) to make these points. We submit that, in these particular circumstances, it is appropriate that a person accused of a criminal offence has the opportunity of a reply and, primarily, a facility to assist the Inquiry by correction of points of fact, prior to the Inquiry considering whether it is *proposed* to criticise the witness in the report. For the avoidance of doubt, this short document is not provided as a substitute for participation in the Maxwellisation process should that be necessary. We acknowledge of course that the Inquiry may already have the points made here well in mind.
4. The reformulated allegation is at paragraphs 27 to 29 of the Hodge Jones and Allen submission (page 9). As before, we do not propose to engage here with any of the comments made elsewhere in the document about Mrs Chambers; this does not imply they are accepted as true or fair.

5. It is alleged that Mrs Chambers *suppressed knowledge* of KELs. That is not true for the reasons set out below.
6. Mrs Chambers gave oral evidence to the Inquiry over four days. On the 27 September 2023 she was asked questions about the evidence she gave in the civil trial in December 2006 concerning Lee Castleton and the Marine Drive post office [poh_27_september_2003].
7. In answer to questions from Counsel to the Inquiry [at pages 49 to 50], Mrs Chambers gave evidence that, shortly before she was called as a witness in the Castleton trial, she was told, she thought either by her manager or someone in the Fujitsu security team, that Known Error Logs (“KELs”) were not disclosed and that she should refer in her oral evidence to the records of Powerhelp Calls rather than to PEAKs.
8. Later during her 27 September 2023 evidence to the Inquiry, questions were put to Mrs Chambers on behalf of Mr Castleton [at pages 145-147]. She was asked: *Did it not strike you even then as perhaps slightly suspicious that nobody wanted you to mention known error logs with that title being what it was?* She answered that she thought it was strange, not suspicious and that she was in a very unfamiliar situation.
9. In point of fact, Mrs Chambers did give evidence about KELs in the Castleton trial. Mrs Chambers signed a witness statement dated 14 September 2006 [LCAS0001265 and LCAS0000112]. Paragraph 6 of that witness statement recounts part of the investigation she had conducted in February 2004 and reads:

I refer to the call log of 25 February 2004, 4.56pm, call reference e-0402251011 (pages 12 and 13). This states "Critical event seen @13.00.36 18/02/04 on H21333700101. This particular call was raised several days after the event occurred, by a member of the team responsible for monitoring system events. I do not know why they raised this call so long after the event. The Known Error Log entry quoted did not match the specific symptoms of this instance. Upon checking further, I found that hundreds of branches had had the same event at the same time. The cause had already been investigated by another member of the SSC on 18 February 2004 (call reference e-040218083 at pages 5 and 6) and was benign. The event would not have been seen by users at the branches, and in no way affected the branch accounts.
10. Paragraph 2 of the witness statement explains that the references to page numbers were references to Mrs Chambers’ exhibit. “AC1”. The call log referred to in her paragraph 6 is at pages 12 and 13 in the exhibit [LCAS0001265, at pg 20]. The Log reads “KEL Ref No. KEL Reference: Stephenson5630V”
11. Page 14 of her exhibit [LCAS0001265, at pg 22] is a further call log which gives the same Stephenson5630V KEL reference and states: “*could ssc please investigate why*

this P.o is experiencing large discrepancies ever since BT engineer has moved BT box in preparation for ADSL Install. Kel ref given as possible problem. NBSC have said there is no user error, Thank you”.

12. Page 5 of the exhibit [LCAS0001265, at pg 13] is a call log opened 18 February 2004. It reads: “These events were from a number of FAD's - *An error has occurred see audit log for details*” Source CASEPOSSDailyRecon, KEL DRowe24Q ... *I am raising this call as KEL seems to indicate this should not occur on a large amount of FADs at the same time. KEL will also need updating with actions for the SMC.”*
13. Mrs Chambers’ witness statement and exhibits were adopted as her evidence in chief at trial in the usual way [LCAS0001382 at page 218, (trial transcript)]. Mr Castleton then cross-examined as transcribed [LCAS0001382 at pages 218-231 (internal pagination 33-46)]. He began his cross-examination by turning to bundle 12, tab 106, page 4120. The index to the trial bundle shows this to have been the December 2003 HSH Calls Log [LCAS 0000365 at page 12]. He then moved on through the bundle of call logs.
14. The suggestion put before the Inquiry on behalf of Mr Castleton that there was no *mention* of KELs because their very title disclosed the existence of bugs, is clearly wrong given the contents of paragraph 6 of Mrs Chambers’ witness statement (which include the full title) and the further references to KELs in the exhibits which Mr Castleton had in his hands. There are complaints Mr Castleton can properly make about the conduct of his civil trial; criticism of Mrs Chambers is not one of them.
15. It is further alleged she *suppressed knowledge* of remote access. There is no basis for any suggestion that Mrs Chambers thought remote access was somehow relevant to the Marine Drive losses.
16. Finally, it is alleged she *suppressed knowledge* of her work on the Week 42 data which had revealed a *known error*. The *known error* relied upon here related to a sale of a Smartpost stamp and Mr Beer covered this in his questioning of Mrs Chambers on 27 September 2023 at pages 17 to 24. Her work in respect of week 42 had culminated in the production of a report by Mr Jenkins. Mrs Chambers was not asked about the Smartpost stamp or week 42 when she gave evidence in the Castleton trial (Mr Castleton had given evidence about Week 42 but Mrs Chambers would not have watched that evidence being given and he did not ask her any questions about it). It is clear from her answers to Mr Beer’s questions that Mrs Chambers had no reason to think it was incumbent upon her to raise it of her own volition in the Castleton trial.

17. The suggestion that by not mentioning these things in her oral evidence at the Castleton trial (notwithstanding that the first was expressly referred to in her witness statement adopted as her evidence in chief) Mrs Chambers rendered her answers in chief and cross-examination untrue and perjurious is unsustainable.

19 December 2024

Stuart Biggs

Cloth Fair Chambers