

To Counsel to the Inquiry for the attention of the Chair, Sir Wyn Williams

**Note to the Inquiry re Sir Alex Chisholm and constructive knowledge
of the Swift Review by BIS, BEIS & DBT**

1. It is submitted that Sir Alex. Chisholm's department, BEIS, were on notice that the SWIFT Review was completed, and ought to have followed up on it. It was originally the brainchild of Baroness Neville-Rolfe ("BNR"), and the predecessor department was keeping a watching brief on it, so it should not have been allowed to disappear.
2. On 10 September 2015, Baroness Neville-Rolfe wrote to Tim Parker to express the Government's concern at the ongoing, unresolved Horizon IT issue, and to ask him what action he intended to take.¹ He replied on 30 September, saying that he intended to appoint a QC to advise him.² Baroness Neville-Rolfe is quite clear that that idea had come from her – but (perhaps) optically it had to appear as if it was the new Chair's decision.
3. A briefing note from November 2015 for the Secretary of State, the Rt Hon Sajid Javid, supports the above thesis. It stated:

Tim Parker agreed with Baroness Neville-Rolfe that he would undertake a review into the Post Office "Horizon" IT system and various claims that subpostmasters have been wrongly prosecuted as a result of faults in the system. Tim has appointed a QC to assist him in that review, and expects to report back to Baroness Neville-Rolfe early in the New Year.

¹ WITN10010104

² POL00117722

We do not expect Tim will want to discuss this matter in detail. The Government's position is that, while Tim is undertaking his review, while Post Office continue to work through mediation of individual cases, and while the Criminal Cases Review Commission considers the c.20 applications on this matter, it would not be appropriate for Government to intervene.³

4. It is submitted that the decision, or judgement call, referred to in the paragraph quoted immediately above, mandated constant review. It could not be forgotten or ignored. For example, Tim Parker's team had in advance of a meeting with Baroness Neville-Rolfe, given an update to BIS officials in January 2016. This is the evidence that officials in BIS were apprised of developments: they were clearly informed of the existence of the SWIFT review, POL00238734, as may be seen in this link at in January 2016:

<https://anx-uk.relativity.one/Relativity/go?id=6699315-1596557>

5. Officials in BIS and Baroness Neville-Rolfe continued to be apprised of developments. See, for example, a note on 9 March 2016, from Laura Thompson in ShEx to Baroness Neville-Rolfe.⁴ The Minister had requested advice regarding Tim Parker's letter of 4 March⁵ in which he gave a limited and partial overview of the Swift Review. Because Mr Parker said that the follow-up work would take a few more months, the Advice was as follows:

8. We recommend therefore that while Mr Parker's review concludes and the CCRC investigations are ongoing, there is no need for a further meeting on this subject or a reply to Mr Parker's letter, unless you wish to send a short note thanking him for the update and proposing to discuss in May/June.

9. We suggest the Secretary of State should see Mr Parker's letter and this advice.

Annex: Letter from Tim Parker

³ UKGI00006252

⁴ UKGI00006058 (although the document bears the date 9 March 2015, this must be an error)

⁵ UKGI00008800

Copied to: Ministers' offices, SpAds, **Perm Sec**, Mark Russell, Justin Manson, Patrick Kilgarriff, ShEx POL team

[Emphasis added]

6. On 3 May 2016, Laura Thompson wrote to the Minister again following a recent meeting with Tim Parker. She said “As far we are aware, the litigation is not affecting the last pieces of work underway in Mr Parker's review of the matter — as you heard [at the meeting] on Wednesday, that remaining work (with Deloitte) may take another month or so.”⁶

7. However, by 13 July 2016, Baroness Neville-Rolfe was no longer the Minister in charge of Postal Affairs,⁷ and it seems that the matter was dropped. It was thereafter ‘lost in the wash’ by Whitehall.

8. In Baroness Neville-Rolfe’s witness statement, WITN10200100, there are the following references to the inception of the Swift Review:
 - a. Paragraph 66 at pp 18-19;
 - b. Paragraph 74 at p.20;
 - c. Paragraph 93 at p.25;
 - d. Paragraph 103 at p.28.

9. In these circumstances, BIS knew, Ministers knew, and ShEX knew that the Swift Review was underway, that it had made certain findings, and that follow-up work was still underway. The ball was dropped when BIS became BEIS⁸ and subsequently the DBT; and, in particular, when Baroness Neville-Rolfe left her role in July 2016. The Department (BIS/BEIS/DBT) and the Permanent Secretary ought to have continued to monitor developments to their conclusion.

⁶ BEIS0000062

⁷ WITN10200100 – Paragraph 3 of her First Witness Statement.

⁸ The Department for Business, Innovation and Skills (BIS) was replaced by the Department for Business, Energy and Industrial Strategy (BEIS) in July 2016.

10. **From this it is submitted that Sir Alex Chisholm and his subordinates ought to have known of the Swift Review's existence and made sure that they were fully apprised of its conclusions and the outcome of all follow-up work. They did know of the Swift Review but had lost track of it.**

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