

Message

**From:** Simon Baker [IMCEAEX-  
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D2E0-4DEC-94EA-591DFA651F2E@C72A47.ingest.local]  
on Simon Baker <IMCEAEX-  
behalf \_O=MMS\_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29\_CN=RECIPIENTS\_CN=SIMON+2EBAKER4B1A8  
of D2E0-4DEC-94EA-591DFA651F2E@C72A47.ingest.local> [IMCEAEX-  
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D2E0-4DEC-94EA-591DFA651F2E@C72A47.ingest.local]  
**Sent:** 11/05/2013 10:05:06  
**To:** Alwen Lyons [GRO]  
**CC:** Lesley J Sewell [GRO] Susan Crichton [GRO]  
**Subject:** FW: Letter from James re Alan Bates' letter

Alwen

Note below from Second Sight to James makes fairly positive reading.

The main negative against POL, which James may raise at the meeting with Paula, is that we have not adopted an iterative approach to the Spot Reviews. The reason for this that we wanted a clear audit trail of the evidence levelled against POL, and the chance to thoroughly respond to it. An iterative approach may have clouded the allegation and created moving target for us.

Simon

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**From:** Ron Warmington [GRO]  
**Sent:** 10 May 2013 11:38  
**To:** Simon Baker  
**Cc:** 'Ian Henderson'  
**Subject:** FW: Letter from James re Alan Bates' letter

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**From:** WALKER, Janet [GRO]  
**Sent:** Friday, May 10, 2013 10:17 AM  
**To:** Ron Warmington; 'Ian Henderson'  
**Subject:** RE: Letter from James re Alan Bates' letter

Hugely helpful, Ron,

Thank you so much for this. James is about to disappear on Defence Committee business for a week or so, and will digest this carefully on his return. He'll get back to you, and also draft a letter to Alan, at that stage.

This is really appreciated.

Kind regards  
Janet

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**From:** Ron Warmington [GRO]  
**Sent:** 10 May 2013 10:09  
**To:** WALKER, Janet; 'Ian Henderson'  
**Subject:** RE: Letter from James re Alan Bates' letter

Hello Janet:

Here are our thoughts on Alan's 1st April letter to James:

First of all, we want to reassure James as to the strong and respectful relationship that has evolved between Ian and Ron in 2nd Sight, and Alan and Kay representing the JFSA. There has been regular, even extensive, dialogue here. Ron calls Alan and Kay routinely once a week to give a full update, and has been in frequent contact during the writing of the 'Spot Reviews' that are the principal building blocks of this investigation.

As James will have realised, Alan is primarily concerned with what he refers to as the "systemic" issues that have surfaced. He has made it clear to us and to James and others that he regards those main issues as already proven beyond doubt. In our view they are not. We do also have a slight disagreement with Alan here over that word "systemic". It can be, and usually is, taken to mean relating to the entirety of a system. That meaning would give readers the impression that those "systemic issues" were being routinely encountered right across the network of 11,500 branches. That is not what we are seeing here. If the term is used, as Alan, we believe is here using it, to denote issues that derive from not only the Horizon SOFTWARE but also from POL's surrounding OPERATIONAL PROCEDURES... but are encountered in quite rare instances, where a set of very specific factors have come into play, then the term is almost acceptable.

Alan is understandably expressing frustration that those "systemic issues" (that we have been calling "themes") have not been slammed down hard on the table and released to the world. That said, Alan is a clever chap and in his heart realises, and has accepted during calls that Ron has had with him, that it's not as simple as that. Ron has explained (and Alan has of course verbally accepted) that POL has to be given the opportunity to refute the assertions made in those Spot Reviews. Ron has explained that natural justice and professionalism demand that. But Alan expresses the feelings of many: Why should POL be afforded such generous treatment when they have (in his judgement) consistently failed to extend the same courtesy to the accused SPMRs? He seems to be seriously worried that POL is either pursuing a time-wasting strategy or is so bureaucratic and defensive that the detailed assertions will never be answered. He suspects that, if every one of the 49 cases has to be completely reviewed and every Spot Review answered by POL before the Final Report can be issued, POL will play the *"this has gone way beyond what we agreed to suffer - and to spend"* card before the investigation can be properly completed. Those feelings (and we are not mind-reading here, we are relaying feelings that Alan - and Kay - have clearly expressed to us) lie behind the words in Alan's letter to James.

So... we have been at pains to ensure that Alan - and Kay - understand (even if they perhaps don't really accept) 2nd Sight's position: that we do not yet have "conclusions" (*"they too have independently arrived at the same conclusions through their analysis of the cases"*). We have consistently said (and Ron said this during the March 25th meeting at Portcullis House) that we

have relayed (and are relaying) a series of assertions to POL. It is true that we would not relay assertions that have no basis in fact; or where no evidence is available to support them. Our job has been to extract, reduce, simplify and articulate those issues. In essence, our work has been directed at distilling, from the masses of paper and verbal input, the vital few points that are really relevant. That has been going rather well. What has been going VERY slowly (and this has frustrated everybody) is the validation of the Spot Reviews (with Fujitsu-sourced data) and getting responses from POL. Sadly, whereas the Spot Reviews have been produced iteratively with constant input from the affected SPMR and (often) Alan and Kay, POL is not reacting to the supplied Spot Reviews in that same (iterative) manner. Rather, POL seems set on a time-consuming and insular process of preparing a complete defence (to each Spot Review) and delivering those to 2nd Sight. As yet, we have no finalised Spot Reviews because we have no responses from POL.

Coming to Alan's point made in his third paragraph: (*"we can neither understand why 2nd Sight were so reluctant to bring systemic failures to the fore at the meeting, nor see why the focus of the investigation has not now been centred on them."*), we had explained to Alan and Kay, prior to the meeting - indeed on several occasions - that this would happen and that there were two reasons for that. The first was that we simply HAD to avoid any exaggeration; any unfounded/unproven assertions; and any 'journalistic' comments. To have done that would have been to breach generally-accepted rules of investigative professionalism. Our second reason was to avoid the negative repercussions of premature media coverage that would most likely have followed had we 'shot from the hip' in the meeting. Though Alan (and Kay) both expressed their agreement with our sentiment, they clearly felt that we had, in this instance, leant too far the other way. Alan also seems, in that third paragraph, to have dismissed the MP-sourced cases. He has told us that, in his view, the revelation of those "systemic" issues is far more important than the individual cases (see *"Yet the work involved would be minor in comparison with labouring through the individual cases first"*). But Alan; the JFSA; and the JFSA's members are not the only stakeholders here and 2nd Sight has been working towards completing a review of every one of the 49 cases (the 29 MP-sourced ones and the 20 JFSA-referred ones). There are two barriers in the path of achieving that: Cost and Elapsed Time. Alan wants results sooner, rather than later, of course... and who could blame him?... and POL wants to limit its costs. We also can't expect him to be satisfied with the jettisoning of some of those "systemic" issues - and certainly not if the driver here is cost containment for POL.

Alan's sixth paragraph (at the top of the second page of his letter) is not in the least contentious to us in 2nd Sight. As we have progressed through the individual cases, we have come across more and more examples of the same old issues, interspersed of course with new ones and one-off matters. In recognition of this, we have grouped the issues raised in the Spot Reviews under the common thematic ("systemic" as Alan calls them) headings. The Final Report will expand on those thematic issues, with the anonymised Spot Reviews in the Report's Appendix. Since POL has also agreed to that approach, we all seem to be singing from the same Hymn Sheet. Alan's approach would be to have us write the Final Report now, using the Spot

Reviews as supporting evidence. That would be rough justice for POL since the company would have less opportunity to refute the allegations.

In Alan's seventh paragraph, he is showing us his frustration in what he sees as a continuation of some of (all of?) the issues. He sees POL carrying on as though nothing has happened, wrecking people's lives and refusing to acknowledge any failings at all... and therefore not even starting to correct any of them.

Alan concludes by suggesting some sort of early reparation. It is not for us to comment on that.

In summary, though it may not look like it, Alan and Kay... and Ian and Ron... are really not far apart in their thinking. It is just frustrating that the investigation has turned out to be so much larger, and more time-consuming, than most of the stakeholders anticipated.

We do hope this is helpful.

Ron Warmington and Ian Henderson

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**From:** WALKER, Janet [GRO]  
**Sent:** Thursday, May 09, 2013 3:43 PM  
**To:** Ian Henderson; 'Ron Warmington'  
**Subject:** Letter from James re Alan Bates' letter  
**Importance:** High

Dear Ian and Ron,

James wonders when you might offer him some comments to this? He would like something as soon as possible, as he needs to take some actions depending on your response.

Many thanks,  
Janet

Janet Walker  
Office of the Rt Hon James Arbuthnot  
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