

Comments on Ishaq DCS Addendum

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1. Introduction

I have been asked comment on the Addendum Defence Case Statement in the case of Regina v Khayyam Ishaq.

In order to do that I have copied in the DCS below in blue font and added in my comments in black font.

It is good that they are now being more specific. However I don't have anything to examine that enables me to comment on detail on any of these more specific points.

It may be that some has already been provided as evidence (I'm currently checking that out), but most of the dates quoted are outside the dates relevant to the transactional evidence produced so I think it is unlikely to have already been produced.

It will take a few days to retrieve the relevant information and a longer period to analyse it. This certainly can't be done between now and Monday.

2. Defence Case Statement

1. This Addendum Defence Case Statement is served in addition to the original Defence Case Statement dated 29th August 2012.

The Horizon Online system.

2. The malfunctions to the Horizon Online System and the defendant's actions in response included the following:
 - i. The Horizon Online system would often crash and freeze and would give inaccurate total figures at the end of trading and/or balance periods

I am aware that there were some issues in the early days of Horizon Online. However I don't believe that these impacted the overall accounting at the end of the periods provided Recovery was carried out correctly. The migration date (10th July 2010) for the Birkenshaw Branch was well into the full rollout and the Branch was not operating Horizon Online during the pilot between January and June.

- ii. As a result of these problems the defendant called the Horizon Help Desk in the region of 8-10 times a month on the telephone number 0845 6011022. These calls were made over a period of about 12 months

- iii. The following are some of the reports (date of report and corresponding allocated reference number) made by the defendant to the Horizon Help Desk on telephone number GRO using an automated switchboard when he selected the option which dealt with technical problems with the Horizon system.
- a. 19/04/2010: Report H-22766041
 - b. 11/05/2010, Report had no Reference Number
 - c. 24/06/2010, Report H-22792410

My records show that the Branch Migrated to Horizon Online on 10th July so the reports above relate to Horizon rather than Horizon Online.

- d. 10/07/2010, Report H- 22792410 & Report 2572046
- e. 12/7/2010, Report H-022792410
- f. 13/07/2010, Report H-22792410
- g. 21/07/2010, Report H-2572046
- h. 9/08/2010 Report H-2572046
- i. 10/08/2010 same reference number as above regarding same problem Report H-2572046
- j. 11/08/2010 same reference number as above regarding same problem Report H-2572046
- k. 12/08/2010 same reference number as above regarding same problem Report H-2572046
- l. 16/08/2010 Report H — 16795487
- m. 1/08/2010 Report T1687336
- n. 16/09/2010 No reference number
- o. 6/10/2010 Report H-16923076
- p. 27/10/2010 Report H-16951682

I have no easy visibility of these reports. It is possible to retrieve them from the system and examine them, but I am not aware of them having been provided in evidence. I have certainly not been asked to examine them but am happy to do so.

If the details of the reports have not yet been provided then there is a process to ask for them to be provided by Fujitsu.

I am checking to see if these reports have been retrieved and submitted as evidence. If so I'll try and get hold of them. However as the period of the calls outlined above has little overlap with the period for which detailed transaction logs have been obtained, it is likely that there is not much that can be done to tie them together without getting more information.

- iv. It is noted that the telephone call logs recently served by the prosecution deal only with specific identifiable transaction problems (for example a DVLA tax disc issued incorrectly) and not with

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problems experienced with the Horizon Online system generally whereby erroneous and/or inexplicable results appeared to be produced by the system

I know nothing about these.

- v. When a balance and/or trading report produced by the system showed there was a shortage of cash the system would give the defendant an option to "make good the discrepancies" ;

I agree that is the system behaviour

- vi. On occasions the defendant did not accept that he had made an error and requested that the issue be dealt with centrally by the Post Office. On such occasions he received a letter from Chesterfield ("Central")

Again that is normal.

- vii. Approximately twice the defendant called Chesterfield ("Central") on the telephone number [GRO] & [GRO] to discuss the discrepancies and shortfalls and in order to explain the problems he was encountering with the system. No reference numbers were provided by the Chesterfield staff to the defendant but he was assured the matter would be investigated ;

Post Office would need to respond to this.

- viii. Specifically in relation to the indictment period the defendant estimates the dates to be Mid September 2010 and Mid December 2010 when such calls were made.

Again have call logs been requested? Were such calls made to HSD or NBSC? If the latter, then addressing this would be Post Office Ltd's responsibility. Note also problem with balancing are normally handled by NBSC and not HSD.

- ix. Prior to the indictment period, the problems and issues were discussed by the defendant with Post Office staff in Chesterfield during the middle of each calendar month from about November 2009 to August 2010.

My records show we only retrieved evidence from 1/11/10 to 31/1/11 and then from 9/9/10 to 9/2/11 (which is actually a wider period). Branch Migrated from Horizon to Horizon Online on 10/7/10.

This addendum defence statement has been read and approved by me.