OPUS|2

INTERNATIONAL

Horizons Issues - Alan Bates & Others v Post Office Limited

Day 3

March 13, 2019

            1   Wednesday, 13 March 2019
            2   (10.30 am)
            3   Housekeeping
            4   MR HENDERSON: My Lord, a couple of housekeeping points
            5   first of all. I reviewed my notes for cross-examination
            6   overnight, particularly in the light of your Lordship's
            7   final observation of the suggestion that various points
            8   be put to Mr Patny junior as well and I have taken the
            9   view that I don't need to continue my cross-examination
           10   of Mr Patny senior.
           11   MR JUSTICE FRASER: Understood.
           12   MR HENDERSON: So I have notified my learned friend
           13   yesterday evening, but apologies for that slight change.
           14   MR JUSTICE FRASER: No, it is not an apology. So you don't
           15   have any re-examination?
           16   MR GREEN: I don't, my Lord.
           17   MR JUSTICE FRASER: Let me just check if I have any
           18   questions for him. Just give me one second.
           19   (Pause).
           20   There was one minor point but it's not worth having
           21   him back to ask him. So we're going to start with a new
           22   witness today.
           23   MR HENDERSON: I'm grateful. And just for your Lordship's
           24   information, I think we're on track in terms of
           25   timetable.

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            1   MR JUSTICE FRASER: Don't worry about that. I have been
            2   keeping an eye on that. Right, so Mr Green -- sorry,
            3   you had some more housekeeping?
            4   MR HENDERSON: No.
            5   MR JUSTICE FRASER: Have you got housekeeping?
            6   MR GREEN: Only one thing just in case your Lordship wants
            7   to see it. Mr Roll wanted to clarify more precisely
            8   some points in his witness statement overnight and in
            9   accordance with what we did in the common issues trial
           10   we have incorporated it into his statement so
           11   your Lordship can see how it fits in.
           12   MR JUSTICE FRASER: If you could hand that up that would be
           13   excellent. Thank you. So he is being called on
           14   Thursday.
           15   MR GREEN: He is going to be called this afternoon
           16   I understand because we're going to -- I understand
           17   we're going to get to him this afternoon.
           18   MR JUSTICE FRASER: All right, fine.
           19   MR HENDERSON: Actually there was one final matter I was
           20   going to deal with during cross-examination but perhaps
           21   it is more convenient to deal with it now. There is
           22   a further document which is on its way on to finding its
           23   way to the trial bundle but isn't there yet. So I have
           24   hard copies again, I have notified my learned friend,
           25   but could I perhaps hand a copy up just for convenience

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            1   now.
            2   MR JUSTICE FRASER: Yes please. If it hasn't been uploaded
            3   we can use it in the old fashioned way, that's not
            4   a problem.
            5   MR HENDERSON: Yes of course and I will hand it to the
            6   witness in due course.
            7   MR JUSTICE FRASER: All right, I will just put that to one
            8   side.
            9   On the basis that we're dealing with housekeeping
           10   generally, I was going to deal with this point at the
           11   end of today but I will deal with it now and a similar
           12   point came up in the common issues trial, or two similar
           13   points came up, but I will just explain what they are.
           14   If you're going to be putting -- and you are of course
           15   perfectly entitled to put certain matters which might
           16   suggest criminal conduct, at an appropriate point the
           17   witness has to have the warning against
           18   self-incrimination. If you can just bear that in
           19   mind -- it doesn't have to be done at the very beginning
           20   of their evidence, it can be done at the stage when you
           21   get to that cross-examination, but can you just bear
           22   that in mind so that the warning has to be administered.
           23   MR HENDERSON: My Lord, yes.
           24   MR JUSTICE FRASER: You don't have to tell me in advance,
           25   but each witness is potentially, if that's going to be

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            1   put to them they have to be given that warning. That's
            2   the first point.
            3   The second point is as far as what we have called in
            4   the common issues trial a hard start in terms of trial
            5   timetabling, if you find yourself going quicker than you
            6   expected, that is not a problem. I am working on the
            7   basis that we will be starting with the Post Office
            8   witnesses on Monday morning in terms of a hard start for
            9   week 2. I am not in any way going to become intemperate
           10   or get upset if for example on Thursday at 11.30 or
           11   early afternoon you effectively run out of questions to
           12   ask the Post Office witnesses and the same applies for
           13   the witness of fact. We're basically doing this trial
           14   in self-contained weeks.
           15   Then the final point, which is really a point for
           16   Mr Draper: I reviewed the transcript overnight, it
           17   appeared to me that I came across as an exceptionally
           18   abrupt in at least two occasions in respect of the way
           19   you were cross-examining Mr Latif, that was really in
           20   the sense that (a) I was aware of the time difference
           21   and (b) I was aware of the fact that he was on
           22   a videolink from Pakistan, which is why I was probably
           23   a little more -- or I might have come across a little
           24   more acerbic about how long you were going to be and
           25   I don't want you to read anything into that.

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1 MR DRAPER: I understand.

2 MR JUSTICE FRASER: All right? So is that all the

3   housekeeping.

4 MR HENDERSON: My Lord, yes. Dealing with the first point

5   first which is the relevant warning, Mr Aakash Patny is

6   coming in this morning and I think out of an abundance

7   of caution it may simply be sensible to make the warning

8   since we are talking about a lot of declarations.

9 MR JUSTICE FRASER: Right, okay. Do you have it with you,

10   Mr Green?

11 MR GREEN: My Lord, I haven't brought it with me and

12   I should have done this morning because your Lordship

13   didn't have the wording yesterday. I apologise.

14 MR JUSTICE FRASER: It will be in the White Book.

15 MR GREEN: We can find it on the transcript of the common

16   issues trial which we've got on Opus.

17 MR JUSTICE FRASER: Or it will be in volume 2. So you do

18   Opus, I will do volume 2 and we will see who gets there

19   first.

20   (Pause).

21 MR GREEN: My Lord, I'm afraid you are going to beat me

22   because I can't get back in from this Opus to what

23   I have in chambers.

24 MR JUSTICE FRASER: I wouldn't give up so quickly, you don't

25   know how long it is going to take me to do it this way.

5

1   Just remind me of the section?

2 MR GREEN: Is it C8.11 in -- have we got it? My learned

3   junior Mr Miletic has found it in the transcript.

4 MR JUSTICE FRASER: Oh, he has found it in the transcript.

5   All right, then just call it up because I've got to …

6 MR GREEN: So in the documents bundle --

7 MR JUSTICE FRASER: I have found it, it is 9B, 10.42.

8   "Privilege against incrimination", section 14. So if

9   you call up what I said last I think.

10   (Pause).

11 MR GREEN: My Lord, I've got it at the wording that is --

12   shall I just read it out to your Lordship?

13 MR JUSTICE FRASER: Where are you looking?

14 MR GREEN: So this is the warning your Lordship gave

15   Mrs Stockdale.

16 MR JUSTICE FRASER: Why can't it just be called up on the

17   screen?

18 MR GREEN: It can be called up on the screen. So it is

19   {C8.11/24/50} and it is on internal page 196 and it

20   begins at line 6.

21 MR JUSTICE FRASER: Or line 7.

22 MR GREEN: And it is line 10 where your Lordship explains

23   it.

24 MR JUSTICE FRASER: Yes. Now, last time I said to the

25   witness what the specific offence was. I'm not sure

6

1   that necessarily is required, so instead of specifying

2   that false accounting was a criminal offence I am going

3   to be saying what? "Certain facts and matters in

4   relation to your making of cash declarations"?

5 MR HENDERSON: Yes, "making declarations of cash and stock".

6 MR JUSTICE FRASER: "Making declarations to the Post Office

7   regarding the cash and stock."

8 MR HENDERSON: My Lord, yes.

9 MR JUSTICE FRASER: Right, well, I will do that at the

10   beginning.

11   Is that everything?

12 MR HENDERSON: Yes.

13 MR JUSTICE FRASER: Yes? Are you about to call another

14   witness?

15 MR GREEN: I am, my Lord.

16 MR JUSTICE FRASER: Right.

17 MR GREEN: My Lord, I am calling Mr Aakash Patny.

18   MR AAKASH PATNY (affirmed)

19 MR JUSTICE FRASER: Thank you very much, Mr Patny. Have

20   a seat. Can I firstly say that you have been referred

21   to once or twice as Mr Patny junior. That's not meant

22   to be patronising or anything like that, it was just to

23   differentiate you from your father.

24   Secondly, I'm now going to give you a warning which

25   you have heard debated. I think you might have been in

7

1   court yesterday?

2 A. Yes.

3 MR JUSTICE FRASER: So you would have heard a similar form

4   of words to your father. But it is just to tell you,

5   Mr Henderson is going to ask you some questions and some

6   of those questions are going to relate to certain facts

7   and matters relating to the declarations that you made

8   to the Post Office regarding cash and stock. Under the

9   Civil Evidence Act 1968 you have the right to refuse to

10   answer any of his questions if it would tend to expose

11   you to proceedings for a criminal offence or the

12   recovery of a penalty. So you might choose to answer

13   his questions but it is correct that I should warn you

14   you don't have to answer any of them if you don't want

15   to. If he asks you a question and you want to decline

16   to answer it, just say "I decline to answer that

17   question". Is that fairly clear?

18 A. Yes.

19 MR JUSTICE FRASER: Thank you very much, Mr Patny. Over to

20   you, Mr Green.

21   Examination-in-chief by MR GREEN

22 MR GREEN: Mr Patny, hopefully there is a bundle in front of

23   you and if you turn to tab 2 please {E1/2/1}. You will

24   see there "Amended witness statement of Aakash Patny"?

25 A. It has Adrees Latif on it. Sorry, wrong tab sorry.

8

1   Q. That's it , if you're in tab 2 do you have "Amended
2   witness statement of Aakash Patny"?
3   A. Yes.
4   Q. And if you turn very kindly to the back of that
5   statement, page 4 {E1/2/4}.
6   A. Yes.
7   Q. Do you have that? And is that your signature?
8   A. It is , yes.
9   Q. And do you believe the contents of the statement to be
10   true?
11   A. Yes.
12   Q. Thank you very much. Would you wait there. There will
13   be some questions.
14   Cross-examination by MR HENDERSON
15   MR HENDERSON: Mr Patny, good morning.
16   A. Good morning.
17   Q. I assume that you were in court yesterday when your
18   father gave evidence, is that right?
19   A. Yes.
20   Q. And I don't want to go through everything with you that
21   I said to him, but there are a few points I would like
22   to deal with.
23   A. Okay.
24   Q. In particular I want to deal with various allegations
25   that you make concerning a shortfall , which varies in

<center>9</center>

1   amount but which during May 2016 comes and goes, in the
2   value of about £17,000. Do you recall that?
3   A. Yes.
4   Q. And eventually it is right , isn't it , that a sum of
5   around that sum of money was required by the Post Office
6   to be settled centrally . Do you recall that?
7   A. Yes.
8   Q. Although it hasn't actually been paid to the Post Office
9   I think?
10   A. No, it hasn't .
11   Q. And that was towards the end of May or the beginning
12   of June, something like that?
13   A. Around that time, yes.
14   Q. And as I understand the case put forward by you and your
15   father is that this was caused by a bug or bugs in
16   Horizon, is that right?
17   A. I believe so, yes.
18   Q. And your evidence is that the outage on 9 May is the
19   start of the problems, is that right?
20   A. Yes.
21   Q. Okay. And again -- and I think this is just covering
22   common ground and you have dealt with it in your
23   statement -- I think you are responsible for the
24   declarations in the branch, or you were responsible for
25   the declarations in the branch?

<center>10</center>

1   A. Mostly, yes.
2   Q. Cash and stamps particularly ?
3   A. Yes.
4   Q. But it is also right , and your father explained
5   yesterday that you sometimes shared log in IDs, is that
6   right?
7   A. Sometimes, yes.
8   Q. So I hope I can take this reasonably quickly . I don't
9   want to go through with you the events of the outage.
10   I discussed that with your father yesterday as you will
11   recall , but can we look at {F/1507.1} and can you enable
12   editing and remove filtering .
13   MR JUSTICE FRASER: What document is this?
14   MR HENDERSON: This is the event data I think for the
15   relevant branch and it shows -- well, can we go to
16   row -- it is the event data spreadsheet. Can we go to
17   row 13904. We looked at this yesterday.
18   Mr Patny, it would help me -- when your father was
19   being cross-examined yesterday were you able to see the
20   documents on the screen from somewhere?
21   A. No.
22   Q. Not particularly , okay, fair enough.
23   So this is the day of the outage and this is the
24   cash declaration that you made at the end of that day at
25   19.04. Do you see that?

<center>11</center>

1   A. Yes.
2   Q. And below it we can see that there is a variance for
3   minus £1,138.21, do you see that?
4   A. Yes.
5   Q. And that suggests that there is less cash than you were
6   expecting to the tune of that figure?
7   A. Yes.
8   Q. So based on that, do you agree that it is very unlikely
9   that the outage that had occurred during that day was
10   responsible for the discrepancy of £17,000?
11   A. No.
12   Q. Why not?
13   A. Well, that's a big amount to be missing, isn't it ,
14   £1,000?
15   Q. Yes, but it's not £17,000, that's my point.
16   A. No, it's not £17,000, no.
17   Q. My understanding of your evidence is that you believe
18   that the outage on 9 May led to the discrepancy of
19   £17,000 which you discovered on 11 May.
20   A. Yes.
21   Q. And what I'm taking you to is the position on 9 May on
22   the day of the outage itself and pointing out that there
23   wasn't a discrepancy of £17,000 on that day. Do you
24   accept that?
25   A. I do, but it is after 7 o'clock as well so that's after

<center>12</center>

1   polling time, so I don't know if that could have been an

2   issue as well.

3 Q. Why would that have been an issue?

4 A. I'm not too sure.

5 Q. You discovered, or you tell us you discovered the

6   shortfall on 11 May. Can we have a look at {F/1522.1}.

7   This is the help desk log and could we go to row 136.

8   So this is your call on 11 May, we see that from

9   column D and if we could just scroll right a little way.

10   Just pause there. So column N is what the operator is

11   told by you and you are saying:

12   "Doing BP ..."

13   What's "BP" there?

14 A. Balance period.

15 Q. Balance period:

16   "... and got a shortage in cash £17,000. Had a rem

17   in of [46,500] ..."

18   There's a typo there:

19   "... cash 16,000 coin."

20   And it appears from this document that that's what

21   you told the operator, is that right?

22 A. I didn't tell them 16,000 coin.

23 Q. Okay. And then if we carry on to column V this is what

24   they told you to do, or suggested that you do:

25   "Asked the ..."

13

1   It must be postmaster:

2   "... to make sure only one cash declaration and make

3   sure rem was scanned in correctly ."

4   So essentially what you were being told, I think, is

5   that you need to check that you have counted the cash

6   properly, is that right?

7 A. Yes.

8 Q. Now, if we go back to -- apologies for all the dotting

9   around, but if we go back to 1507.1 {F/1507.1} and if we

10   could go to row 14515.

11   Just while that is being brought up, Mr Patny, your

12   evidence in your witness statement is that what the

13   helpline told you to do was to readjust the cash stock

14   figure ; do you remember that?

15 A. Yes.

16 Q. And by that I understand you to mean that you needed to

17   carry out a fresh declaration?

18 A. Yes.

19 Q. And you say in your -- or at least I think you say in

20   paragraph 10 of your witness statement {E1/2/2} that

21   that resolved the problem?

22 A. I believe it did, yes.

23 Q. Okay. And I just wanted to have a look at 14515 because

24   as far as -- if we look at 14515 that's the discrepancy

25   on 11 May for £17,000, do you see that?

14

1 A. Yes.

2 Q. And I can't see anything else after that that is a fresh

3   declaration on that day.

4 A. Yes.

5 Q. And I wondered why that was. I understood from your

6   evidence that you had been told to carry out a fresh

7   declaration , that you had done so?

8 A. Yes.

9 Q. But that's not recorded there?

10 A. I'm not too sure why.

11 MR JUSTICE FRASER: We saw a document yesterday with two

12   cash declarations on, did we not?

13 MR HENDERSON: We did. We're coming to that one later,

14   my Lord. That's a different date.

15   So you can't help me with what happened then, but

16   your witness statement suggests that you were told to

17   recount?

18 A. Yes.

19 Q. You did recount and you sorted the problem out. That

20   was my understanding. Is that a fair understanding?

21 A. I believe I did, yes.

22 Q. Okay. So what I would have expected to see is on the

23   events data that there was a discrepancy, you found the

24   money and it was corrected?

25 A. Yes.

15

1 Q. But that's not shown there.

2 A. I'm not too sure why that's not shown there. I remember

3   we went through quite a few steps, I had to readjust

4   various things and then eventually it seemed okay and

5   I carried on.

6 Q. Okay.

7 MR JUSTICE FRASER: When you said you found the money, does

8   that mean after you did those steps, the physical amount

9   of money --

10 A. After I did the physical steps it seemed that everything

11   was in order so I carried on.

12 MR JUSTICE FRASER: So there was no longer a discrepancy of

13   17,000?

14 A. No.

15 MR HENDERSON: When you say "the physical steps", can I just

16   repeat his Lordship's question: do you mean that you

17   found the money?

18 A. I didn't find no money as such. It said -- it seemed to

19   me that everything was in order, there was no

20   discrepancy, so I carried on.

21 Q. But I mean you are carrying out a physical count of

22   money, aren't you?

23 A. Well, after the various adjustments that we did it

24   seemed that everything was okay.

25 Q. What adjustments were they then?

16

1   A.   I can't remember. There were various things that they
2   made me go over the phone on.
3   MR JUSTICE FRASER: Could you maybe keep your voice up,
4   Mr Patny.
5   A.   Sorry.
6   MR JUSTICE FRASER: So whatever steps they told you to do
7   over the phone, you did them?
8   A.   Yes.
9   MR JUSTICE FRASER: And were they steps to be taken on the
10   Horizon terminal?
11   A.   It was, yes.
12   MR JUSTICE FRASER: Right, okay.
13   MR HENDERSON: But you didn't make any fresh cash
14   declaration?
15   A.   I can't remember.
16   Q.   Let's look at the cash management report for your
17   branch. Again we looked at this yesterday with your
18   father, so I can hopefully take it reasonably quickly.
19   In {F/1514.1} -- actually just before -- it might be
20   quicker if I take a further reference in this document
21   before we leave it, do you mind? Could we go to 15030
22   in this current document, just to speed things up.
23   MR JUSTICE FRASER: Where are we going now? 15030.
24   MR HENDERSON: 15030. And this, Mr Patny, is a cash
25   declaration on 13 May, a further declaration, and you

17

1   see in 15029, do you see that you declare cash for
2   a little over £80,000? Do you see that?
3   MR JUSTICE FRASER: Where?
4   MR HENDERSON: 15029, "Declare cash total 80,000"?
5   A.   Yes.
6   Q.   And then below that the variance check discrepancy is
7   plus 17,000-odd, do you see that?
8   A.   Yes.
9   Q.   So that appears to cancel out the previous discrepancy,
10   doesn't it?
11   A.   It does. Yes.
12   Q.   So just pausing at this point, as far as the branch is
13   concerned and as far as these records are concerned,
14   there is no longer a cash problem, is there?
15   A.   Is this saying that it is £17,000 up now, or is it
16   saying that --
17   Q.   I think that that is saying that whereas before you were
18   minus 17, you're now on this one plus 17 so you're
19   cancelling each other out?
20   A.   Well, if it was cancelling it would be zero, wouldn't
21   it?
22   Q.   Well, I think --
23   MR JUSTICE FRASER: You might want to just take instructions
24   to be absolutely clear.
25   MR HENDERSON: I'm told that is right, what I have said.

18

1   MR GREEN: Sorry, what?
2   MR HENDERSON: So my understanding is that the discrepancy
3   that is shown here has the effect of cancelling out the
4   previous minus figure, effectively.
5   A.   But then that would be zero, wouldn't it, it wouldn't be
6   17 --
7   Q.   Well, the overall net position would be zero, yes.
8   A.   But then that's what that would show there.
9   Q.   I'm suggesting that it wouldn't, that what this is doing
10   is taking a later comparison on the information that was
11   available to it before, which will include the previous
12   cash declaration, and is saying that compared to that
13   position it's £17,000 up?
14   A.   But when you are doing the cash decs every day it tells
15   you a running total of whether you are up or down which
16   is what you're showing there, so if that in essence
17   would mean we are now £17,964 up, which is -- well, that
18   means I've found £34,000 all of a sudden from the day
19   before.
20   Q.   My understanding is that's not the right position. I'm
21   sure you can keep a running view of it as well, but that
22   what this line demonstrates is as I have previously
23   said.
24   (Pause).
25   A clearer way of putting the point. You are 17,000

19

1   down on the 11th, you roll the branch, that's the
2   starting position, this is the result of the latest cash
3   declaration which is 17,000 up and the net position is
4   to balance broadly.
5   A.   Okay. But like I said, the previous cash dec was after
6   7 o'clock so as far as I'm aware before 7 o'clock all
7   discrepancies or whatever would have been done before
8   7 o'clock would have rolled over. I'm not 100% certain
9   on that but that's what --
10   MR JUSTICE FRASER: I'm not sure Mr Henderson necessarily is
11   to be honest.
12   When you say "roll the branch" would you like to put
13   to the witness exactly what you mean by that because we
14   had quite a lot of evidence about that before Christmas.
15   MR HENDERSON: Well, I believe the position is that the
16   position you have reached on the 11th a rolled
17   forward --
18   A.   Yes.
19   Q.   -- and then when you take the next declaration which we
20   are looking here on the 13th -- I can't quite recall
21   what happened on the 12th, but anyway on the 13th -- it
22   takes that rolled forward position as the starting
23   position and it measures it against that?
24   A.   Yes.
25   MR JUSTICE FRASER: And your case is that that line in 15030

20

1   means there is no discrepancy, is that correct?
2   MR HENDERSON: Yes.
3   MR JUSTICE FRASER: Right. That's what's being put to you,
4   Mr Patny, that as at the 13th there should be no
5   discrepancy.
6   A. Yes.
7   MR HENDERSON: Cash has been found, in other words.
8   A. But like I say the previous day's was done after
9   7 o'clock so whatever I declared before 7 o'clock would
10   have been taken, so if I had declared zero,
11   for instance, before 7 o'clock, that's -- from my
12   understanding that's what would have showed the next
13   day. Because the minus 17,000 you have shown me has
14   happened at 19.04 which is after the polling time.
15 Q. Let's have a look at what I'm suggesting may be the
16   explanation which was the document I was going to go to,
17   which was {F/1514.1}. And this has got some rows
18   highlighted. This is the cash management report for
19   your branch on various days and if we could just scroll
20   right until we can see the M column, you can see that on
21   10 May -- do you see that, which is row 382, do you see
22   that?
23 A. Yes.
24 Q. There is £16,070 worth of £10 notes, do you see that?
25 A. Yes.

21

1   Q. And then we know -- I don't need to take you through
2   that, but we know that there's £16,000 worth of £10
3   notes remmed in on 11 May, do you recall that?
4   A. I believe there was. I wasn't there when the remming in
5   happened.
6   Q. No, but that's your father's evidence and we have looked
7   at that.
8   So what you would expect on the 11 May at the end of
9   the day is that there would be roughly £32,000 worth of
10   £10 notes, less any notes which you had paid out?
11 A. Yes.
12 Q. In fact we can see that there's only 22,130, do you see
13   that?
14 A. Yes.
15 Q. Which seems strange?
16 A. Slightly, yes.
17 Q. And again I went through this with your father. We know
18   that there's no further £10 notes remmed in on the 12th
19   or the 13th, but if you look at those entries, on the
20   following day you have gone up by £15,000-odd, do you
21   see that?
22 A. Yes.
23 Q. Now, that suggests, doesn't it, that at around this time
24   there was some sort of problem with counting cash, but
25   it was resolved, you found the cash somewhere? Perhaps

22

1   it had been put in a safe. Do you think that's
2   a possibility?
3   A. I'm not sure. It potentially could be, yes.
4   Q. So doing the best that we can at this stage, looking at
5   all the records that we've got, it doesn't look as
6   though there is a problem with £17,000, does it? It
7   looks as though any problem with the cash has now been
8   resolved.
9   A. No, because the cash dec still shows £17,000 in plus,
10   doesn't it, so ...
11 Q. Okay, well, we have been through that.
12   Let me --
13 MR JUSTICE FRASER: Are you moving off that point?
14 MR HENDERSON: I'm moving off that.
15 MR JUSTICE FRASER: Right. I just want to be clear about an
16   important point that Mr Henderson has been exploring
17   with you round the edges and I just want to be
18   absolutely clear that I understand what your evidence
19   is.
20 A. Yes.
21 MR JUSTICE FRASER: When you thought you were £17,000 down
22   and you went through the steps on Horizon, did that lead
23   to you discovering physical cash of £17,000 --
24 A. No.
25 MR JUSTICE FRASER: -- elsewhere -- just wait for me to

23

1   finish -- which you hadn't counted before?
2   A. No.
3   MR JUSTICE FRASER: It didn't.
4   A. No.
5   MR JUSTICE FRASER: So when you say in different places in
6   your evidence "It all looked okay" or "It all worked
7   out", what is it that you mean please?
8   A. From what I understand is when I did my --
9   MR JUSTICE FRASER: From what you can remember.
10 A. Yes. When I did the various adjustments online at the
11   end of it there looked like there was no discrepancies
12   at all.
13 MR JUSTICE FRASER: In terms of information on a screen.
14 A. Yes, they had made me change various things and that
15   made it okay.
16 MR JUSTICE FRASER: All right. And by "made it okay" you
17   mean what?
18 A. The discrepancy wasn't something that -- well, wasn't
19   alarming, as such.
20 MR JUSTICE FRASER: Right. Over to you.
21 MR HENDERSON: My Lord, just to be clear, the Post Office's
22   case is that there were various declarations and various
23   steps taken and at this period it resulted in no
24   problem.
25 MR JUSTICE FRASER: Well, it depends how you define

24

1   "no problem", Mr Henderson. The way you were putting it
2   seemed to suggest, in at least two questions, that money
3   had been discovered physically and that's very important
4   and that's why I needed to clarify what his evidence
5   was.
6 MR HENDERSON: I understand.
7 MR JUSTICE FRASER: Because if you roll them up in terms
8   that can be open to misunderstanding the evidence won't
9   necessarily be very clear for me.
10 MR HENDERSON: I understand, my Lord.
11 MR JUSTICE FRASER: I know what the Post Office's case is,
12   I think.
13 MR HENDERSON: I understand.
14   I just wanted to ask you about something on document
15   {F/1834.3} and this is a separate point, I think, and
16   again I touched on it with your father, but let me just
17   ask you. If you could go to sheet 1 and then row 2336
18   and this is the point your Lordship mentioned this
19   morning when there are two cash declarations one after
20   the other.
21 MR JUSTICE FRASER: And what are we calling this document?
22 MR HENDERSON: This is the events spreadsheet.
23 MR JUSTICE FRASER: The events data spreadsheet?
24 MR HENDERSON: Yes.
25   Do you see that, Mr Patny? Row 236?

1 A. Yes.
2 Q. Actually 2336. So this is 17 May 2016 and there's two
3   cash declarations only seven minutes apart but for
4   a significant difference, do you see?
5 A. Yes.
6 Q. About £16,000 difference. Now, I think -- do you accept
7   you made these declarations?
8 A. Yes.
9 Q. And again -- and I don't need to turn this up I don't
10   think, unless you want me to, but we looked yesterday
11   with your father that the transaction data shows that
12   all that had happened between those two times was a --
13 A. £300 dec.
14 Q. -- £300 declaration? Okay. Can you explain how that
15   can happen in that way, that there can be two
16   declarations so close to each other for such differing
17   figures?
18 A. From what I can see there that I must have been £16,000
19   up for some reason, I have entered in the wrong figure
20   and after when I have changed it it has come to the
21   second one. I mean that was -- sometimes when you were
22   entering figures sometimes you could enter them in wrong
23   and, you know, you would end up with a massive gain or
24   a loss and then when you went through and re-entered
25   them again it would come to a more correct figure.

1 Q. When you say you re-enter them again, would that involve
2   physically counting cash again --
3 A. Sometimes.
4 Q. -- or checking the piles of cash or whatever it is
5   you're doing?
6 A. Sometimes, but sometimes it could just genuinely be
7   a case of, you know, as you're rushing through pressing
8   tab keys -- you have to bear in mind we were serving
9   customers whilst we were doing this as well. It was
10   a fairly busy branch after closing times -- well,
11   general post office closing times are half past five;
12   because we were one of the very few in the city that
13   were open after 5.30 so we would get customers coming
14   from all around, other side of the city coming to us
15   because they knew there was a post office open, so as
16   you're rushing through sometimes you didn't tab
17   correctly and you would end up instead of writing 20,000
18   £20 notes you could add the £10 notes of say 10,000
19   £10 notes into that as well so you could end up with
20   40,000 in £20 notes. Just a minor mistake can cause ...
21 Q. Okay. I just wanted to ask you a few questions about
22   the phone call you had from Debra Lambley, do you
23   remember this, from Chesterfield about stamps?
24 A. Yes.
25 Q. Again, this was a call that was prompted by a concern

1   that you had that you had declared a much higher value
2   of stamps than you could conceivably have been holding
3   on to, is that right?
4 A. Yes.
5 Q. And that was a declaration that you made?
6 A. I never made the declaration of the stamps. I don't
7   know how they got there.
8 Q. Who made the declaration of stamps then?
9 A. I did the declaration of stamps, but I never put that
10   much in. I don't know what --
11 Q. I'm sorry, I didn't hear. You said you made the
12   declarations --
13 A. I declared the stamps but I never entered in that amount
14   on the £1.09 stamps or whatever that was that caused the
15   increase.
16 Q. Well, let's have a look at that this. Well, just before
17   I do that, you were the only one who declared the
18   stamps?
19 A. Yes.
20 Q. The figure for the declared stamps was -- we will come
21   to it, but it's £18,000. Everyone agrees it is wrong.
22 A. Yes.
23 Q. Can you explain how that came to be wrong?
24 A. No.
25 Q. Isn't it possible that you just made the sort of error

1   that you have just described to me?

2 A. No.

3 Q. Why is that not possible?

4 A. Because you would -- when you entered in the stamps --

5   with cash decs, for example, you have to go through all

6   of it at the end and then see your variances. With

7   stamps are you literally just enter them in and then

8   a report is printed out saying "You have said this much

9   is in there", so I would have seen at this point I'd put

10   in £18,000 worth of stamps.

11 Q. But it's still possible to make a mistake in that

12   process, isn't it?

13 A. Sometimes, yes, if I didn't check it correctly.

14 Q. And isn't it overwhelmingly likely that that's what

15   happened here, you made a mistake in declaring the

16   stamps which was picked up and corrected?

17 A. Okay, but then the same issue has came back, so

18   I couldn't make the same mistake twice, could I?

19 Q. Well, let's look at it. Let's look at the call log

20   first of all at {F/1522.1}, row 138. If you just go

21   right to column N:

22   "Call today from Chesterfield and £16,000 adjustment

23   now down in the office ..."

24   Not quite sure exactly what that means.

25   "Activity: declarations and adjustments" and if you go

<center>29</center>

1   right a couple more, you were told to balance the stock

2   unit, weren't you?

3 A. Yes.

4 Q. Which is essentially recount, isn't it?

5 A. It was enter in all the figures again, that's what

6   I counted it as.

7 Q. That's what I mean, yes. And if we look at the events

8   data spreadsheet for the declaration of stamps, that's

9   at {F/1507.1}. This has been filtered and we can leave

10   the filtering on for present purposes because this is

11   what we need.

12 MR JUSTICE FRASER: What is it filtered, just to show the

13   stamp declaration?

14 MR HENDERSON: The stamp declaration I believe, yes.

15 MR JUSTICE FRASER: Well, that is how it has been filtered?

16 MR HENDERSON: Yes, it is, my Lord.

17   So the reason the rows aren't sequential is because

18   it has been filtered, Mr Patny, okay? But if you look

19   at the dates you can see that there is reasonably

20   regular stamp declarations, generally once a week. If

21   you look at the 11 May one, stamps are declared for

22   1,633, do you see that?

23 A. Yes.

24 Q. And then they go up to £18,000, which we all agree is

25   wrong I think?

<center>30</center>

1 A. Yes.

2 Q. And it stays at that sort of level until 25 May, the

3   following week, and it goes down to 1,551. So there has

4   obviously been a mistake here, hasn't there?

5 A. Not by me there's not.

6 Q. How can you be so sure it is not by you? No one is

7   saying it's the worst mistake to have made, but there

8   has been a declaration of stamps in the branch which has

9   been inaccurate.

10 A. Yes.

11 Q. It has been picked up by Chesterfield and business as

12   usual, they have said "You need to sort it out", you do

13   sort it out and that's what happens. Why do you say

14   that that's a bug in Horizon?

15 A. Because after I've sorted it out, it's stayed there.

16 Q. I'm sorry, I didn't hear?

17 A. After I'd sorted it out, the issue has stayed there,

18   hasn't it, it has gone back up to that many stamps up?

19   So why would I change it down and then change it back

20   again? I'd understand you said that I'd made the

21   mistake the first time, but I couldn't make the mistake

22   again the second time, could I?

23 Q. I don't quite understand the point you're making?

24 A. I'm saying you're saying I potentially could have made

25   a mistake the first time. If I did make a mistake the

<center>31</center>

1   first time, fair enough, but I couldn't make the same

2   mistake again, could I?

3 Q. This just suggests that stamps are being declared at the

4   same sort of level for that week until 25 May and it is

5   then corrected, isn't it?

6 A. Yes, but the stamps issue came back.

7 Q. When?

8 A. The following week. After I adjusted them they still

9   went back up. Debra had to phone me twice.

10 MR JUSTICE FRASER: It might help if you did some of this by

11   reference to his witness statement, Mr Henderson. We

12   are having a lot of "I don't understand".

13 MR HENDERSON: I apologise, my Lord.

14   Well, I don't understand and I apologise for that if

15   it is my error, but are you saying that you carried out

16   a declaration which took it down, took the value down

17   and it went back up again?

18 A. Well, yes. Debra -- sorry, I have forgotten her

19   surname.

20 Q. Lambley I think.

21 A. Debra Lambley phoned in the morning, spoke to my father.

22   When I came in I spoke to her. She made me readjust

23   them down and what she made me do was very complicated,

24   she made me go into areas of Horizon I could never dream

25   of going into and then this issue of the extra stamps

<center>32</center>

1　　came back after I had done that, so then she's had to
2　　phone me again the following week and her words were
3　　"Why have you changed them back?" and I said
4　　"I haven't".
5　　　　So in answer to your question I could have made
6　　a mistake the first time, okay potentially I could have,
7　　but then why would I make the same mistake a second
8　　time?
9　Q.　So what you have said -- if you look at your witness
10　　statement in paragraph 13 {E1/2/3}, you say:
11　　　　"She told me it was showing the branch had
12　　overdeclared the amount of stamp stock that was held."
13　　　　And we have gone through that?
14　A.　Yes.
15　Q.　"Ms Lambley told me I had to adjust the stamp stock on
16　　the system."
17　　　　And you say that you did that.
18　A.　Yes.
19　Q.　All right, that's not shown in that declaration that we
20　　just looked at?
21　A.　But she checked it on her side and said that everything
22　　was fine as well.
23　Q.　And then you say you rang the helpline and said that
24　　they had given incorrect advice and you had to readjust
25　　the stamp stock?

33

1　A.　No, when I rang the helpline that night I was £16,000
2　　short and they made me do various adjustments to make it
3　　okay again and what this has done is somehow the stamps
4　　have gone back up and Debra has had to ring me again the
5　　next week. So then as I was answering your original
6　　question, if I made the mistake of entering extra stamps
7　　the first time, I haven't definitely done it the second
8　　time, have I?
9　Q.　Well, I accept it is unclear, Mr Patny, but what appears
10　　to have been the case according to the stamp
11　　declarations is that there was a problem which persisted
12　　for a week and then was corrected.
13　A.　But it hasn't corrected though.
14　Q.　Well, it was corrected on 25 May.
15　A.　On the day -- Debra rang me the first day, she has
16　　corrected it. The issue has persisted, she has rang me
17　　again a couple of weeks -- well, a week and a half later
18　　and she has made me do the same thing again.
19　Q.　And is it possible that you hadn't properly followed the
20　　instructions that you were given by her over the phone
21　　at the time?
22　A.　No, because Debra checked it on her side and said that
23　　everything was okay.
24　Q.　But she wouldn't know what stamps you had in the branch,
25　　would she? You would have to count it properly?

34

1　A.　Well, if she didn't know what we had in the branch then
2　　how did she know we were £18,000 up on stamps then?
3　Q.　I think the point about that is it is just
4　　an extraordinarily high amount which everyone accepts
5　　would not be the number of stamps in a branch of your
6　　sort?
7　A.　Well, then you can't have it in -- you're talking
8　　hypothetically in her defence but talking factually in
9　　mine, aren't you?
10　Q.　No, because I think it is agreed, isn't it, that you
11　　didn't have anything like £18,000 --
12　A.　No.
13　Q.　-- worth of stamps in your branch?
14　A.　No, we didn't.
15　Q.　You did have that number?
16　A.　We didn't.
17　Q.　You didn't, okay. So what happens is a process whereby
18　　it is adjusted from a high figure that's been wrongly
19　　declared to the correct figure?
20　A.　Yes. And Debra has agreed at that point that everything
21　　is okay.
22　Q.　Okay. Well, I don't think I can take that any further
23　　for now.
24　MR JUSTICE FRASER: Can I just check what was your
25　　understanding of "everything is okay", just in terms of

35

1　　what's shown and what your understanding was?
2　A.　Yes, it is. Debra has checked on her side that the
3　　correct amount of stamps are now in holding and
4　　everything is fine with our branch, but if you have
5　　a look the stamps clearly wasn't reduced down but she
6　　has verified that everything was okay and from my side
7　　I verified everything was okay and I followed what she
8　　said.
9　MR HENDERSON: I want to ask you now, Mr Patny, about the
10　　MoneyGram transaction. Do you remember this one?
11　A.　Yes.
12　Q.　And your complaint here is that you had a MoneyGram
13　　transaction for money to be sent in the amount of
14　　£3,100. That transaction didn't go through, it was
15　　cancelled and retried, didn't go through again.
16　A.　Yes. The actual transaction wasn't cancelled, just the
17　　debit card.
18　Q.　Okay. And you say that you had a shortfall of exactly
19　　£6,200?
20　A.　Yes.
21　Q.　So just to understand what had happened, to make sure
22　　I have understood this properly, presumably someone
23　　comes in, wants to carry out a MoneyGram transaction,
24　　you put it onto the stack on the screen, you then try
25　　and clear the customer's card and it is declined?

36

1　A.　Yes.

2　Q.　But by which stage you have already got it on your stack

3　　　and you have to do something with it in order to balance

4　　　the books, if I can just put it in that way?

5　A.　Yes.

6　Q.　Okay. So can we first of all look at the transaction

7　　　data which is at {F/1436.1} and if we go to sheet 1 at

8　　　the bottom please and enable editing and row 1067.

9　　　Thank you. So this is, I believe, the transaction. Do

10　　you see that £3,100?

11　A.　Yes, I do.

12　Q.　And what we see is a -- we see two appearances of

13　　　£3,100, but that's a single transaction, yes?

14　A.　Yes.

15　Q.　But what we don't see at around this time is a second

16　　　entry for £3,100. We do not see that. Your evidence

17　　　effectively is that we should see that because you say

18　　　that this caused a problem of £6,200.

19　A.　No, but from -- what we used to do with MoneyGram, the

20　　　procedure was you cash it through, so you cash -- say it

21　　　has gone through and then you cancel it at that point.

22　　　I have done that correctly, but the Post Office had

23　　　changed the procedure in December which I wasn't aware

24　　　of that you had to cancel it on the back office as well

25　　　at that point, so I've never cancelled it there, so that

37

1　　　was still hanging.

2　Q.　Okay. That's what I wanted to come to. So you are

3　　　absolutely right, there is a two-stage process. Could

4　　　I just hand this document to the -- this is the document

5　　　I handed up to your Lordship earlier. Apologies,

6　　　Mr Patny, for the paper. This is finding its way into

7　　　the electronic form.

8　　　　This is the procedure which was online and this is

9　　　an operational update, as you will see, from

10　　　19 October 2015. Do you see that date in the top left?

11　A.　Yes.

12　Q.　And this is the procedure for dealing with the situation

13　　　that had arisen and if you look at page 4, and you have

14　　　just described it I think, it says:

15　　　　"The refund cancellation process for MoneyGram has

16　　　changed …"

17　MR JUSTICE FRASER:　Whereabouts are we, sorry?

18　MR HENDERSON:　I'm so sorry, my Lord, it's the final page of

19　　　this clip, the fourth page. It says "Page 4 of 4" at

20　　　the top.

21　MR JUSTICE FRASER:　It says "Page 4" on the top?

22　MR HENDERSON:　4 of 4 on the top left, yes.

23　　　　It says:

24　　　　"If a customer wants to cancel their transaction and

25　　　obtain a refund on the same day you must go through the

38

1　　　MoneyGram refund button to cancel the transaction. You

2　　　then need to use the back office reversals process to

3　　　reverse out the transaction."

4　　　　And that's the point you are just making, isn't it?

5　A.　Yes.

6　Q.　So you were supposed to follow a two-stage process which

7　　　is cancellation and reversal?

8　A.　Yes.

9　Q.　And you just did cancellation --

10　A.　Yes.

11　Q.　-- not reversal?

12　A.　No.

13　MR JUSTICE FRASER:　"No" as in you agree you didn't do

14　　　reversal.

15　A.　Yes, I agree with what …

16　MR HENDERSON:　And that procedure, that was part of the

17　　　Horizon Online guidance at the time.

18　MR GREEN:　Well, I'm sorry, my Lord, it should be pointed

19　　　out to the witness the date of the document that's not

20　　　on Opus yet but we have just seen. The date of this

21　　　document is "Operational updates of 19 October 2015", so

22　　　it is fair to -- because you can put something in front

23　　　of someone and it may influence their confidence about

24　　　what they can remember.

25　MR HENDERSON:　Okay. In any event you now accept that there

39

1　　　was a two-stage process --

2　A.　Yes.

3　Q.　-- that in an ideal world you would have followed, which

4　　　is cancellation and reversal.

5　A.　(Nods).

6　Q.　And you rang the help desk, didn't you, in relation to

7　　　this?

8　A.　I did, yes.

9　Q.　Let's have a look at {F/1522.1}. If we go to row 115.

10　MR JUSTICE FRASER:　Is this the call log?

11　MR HENDERSON:　Yes. This is your call -- do you see this,

12　　　Mr Patny? This is 23 February 2016, at column D, and if

13　　　you go across and then just pause there at N, column N,

14　　　you said:

15　　　　"Debit card declined for MoneyGram, how to clear."

16　　　　So you had rung to ask what to do about this?

17　A.　Yes.

18　Q.　And then you go across and the advice was "settle to

19　　　cash and then cancel and reverse".

20　A.　Yes.

21　Q.　So you were told you did need to reverse it but for

22　　　whatever reason you didn't understand that or you didn't

23　　　do it, but in any event you didn't reverse it?

24　A.　I didn't reverse it at the time of the transaction but

25　　　I reversed it when the helpline helped me through it.

40

1   Q.   Well, according to Post Office it was never reversed.

2   It was only cancelled, not reversed.

3   A.   Sorry, are you on about the 7 o'clock phone call here or

4   the 12 o'clock phone call?

5   MR JUSTICE FRASER: This phone call is -- well, let's go

6   back to the left-hand side and we will see the time.

7   Could we go back to column A. This is at 12.50.

8   A.   Sorry, I was talking about when I rang them later on in

9   the day.

10   MR HENDERSON: You rang them later on in the day?

11   A.   Yes.

12   Q.   Well, I had understood you to say before in your

13   evidence that you accepted that you had not reversed the

14   transaction?

15   A.   No, I hadn't reversed it in the back office, no.

16   Q.   Are you saying that you did reverse it in due course?

17   A.   I did after I spoke to the help desk, who they told me

18   I had to reverse it at the back office.

19   Q.   Okay. So as far as the data is concerned and as far as

20   the Post Office is concerned you did not reverse it.

21   You did cancel it.

22   A.   Yes.

23   Q.   But you did no not reverse it?

24   A.   No.

25   MR JUSTICE FRASER: At 12.50.

41

1   MR HENDERSON: At all.

2   A.   As the transaction took place I believe at midday,

3   I cancelled it, I never reversed it at that point.

4   I reversed it in the evening when I did my cash dec and

5   saw I was short and I reversed it after speaking to the

6   NSBC[sic] because at that point I was still unaware that

7   I had to reverse it on the back office. Reversals take

8   place on the back office, cancellations was on the front

9   office.

10   Q.   My suggestion to you, Mr Patny, is whether or not you

11   understood the process, as a matter of fact you didn't

12   effectively reverse the transaction?

13   A.   I didn't reverse it when I should have, but I did later

14   on.

15   Q.   Okay. I'm just being clear, I am saying you didn't

16   succeed in reversing the transaction at all?

17   A.   But we did, we reversed it later on, didn't we?

18   Q.   Well, as far as the evidence the Post Office can see

19   that didn't happen. It did cancel, didn't reverse?

20   A.   It did cancel and it did reverse but because that's

21   after -- once again, after 7 o'clock, the issue was the

22   day's data had been polled so I have -- effectively it

23   doesn't look like I have done it on that day, where in

24   terms of date I have but for business dates I haven't

25   done it on that date.

42

1   MR JUSTICE FRASER: And you think there's a second phone

2   call, did you say?

3   A.   Yes. That's here, this quarter past 7 one, that's the

4   second phone call.

5   MR JUSTICE FRASER: When you say "that's here", what are you

6   pointing out?

7   A.   116 is it? No, sorry I saw it -- if you scroll across.

8   There, 116, "Cash dec £6,000 short due to MoneyGram".

9   That took place at quarter past 7.

10   MR HENDERSON: Okay and you say "Short due to MoneyGram

11   refund did not do the existing reversal".

12   A.   Yes.

13   Q.   Okay. And carry on across. Just look at 117 below

14   that, what does that involve, "Cancellation refund"?

15   Can we just go back to the beginning of 117. And can

16   you go across from 117. Here you are ringing again

17   saying:

18   "Asking if the discrepancy has been resolved yet -

19   waiting for a TC to be issued - had failed to reverse

20   a [MoneyGram] for £6,000 that was cancelled on the same

21   day as having been sent."

22   A.   So the next day when I rang up I have asked "Where's

23   the TC?"; I wasn't aware that a TC took several days to

24   come.

25   Q.   Okay, but there is a single transaction here of £3,100?

43

1   A.   Yes.

2   Q.   Right. The process is it needs to be cancelled and

3   reversed?

4   A.   Yes.

5   Q.   You only cancelled it?

6   A.   Yes.

7   Q.   You then think you may have reversed it?

8   A.   I did reverse it, as you can see there, quarter past 7

9   in the evening.

10   Q.   Well, on 117 it says that it had failed to reverse

11   a MoneyGram for 6,000, which is not right, it's

12   a MoneyGram for 3,100?

13   A.   Yes.

14   Q.   And can we carry on going across on 117. Okay, so doing

15   the best we can, Mr Patny, and I appreciate these things

16   are not as straightforward as they could be, it looks as

17   though there has been a transaction for £3,100 --

18   A.   Yes.

19   Q.   -- which has not been reversed properly?

20   A.   At the time --

21   Q.   In other words you need a transaction correction for

22   £3,100?

23   A.   We do, yes.

24   Q.   And just to be quick about it, you in fact receive

25   a transaction correction for £3,100, don't you?

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1 A. We do, several days later , yes.
2 Q. Yes, several days later . But your complaint is that you
3   were £6,200 out-of-pocket, is that right?
4 A. Yes.
5 Q. And what you say in paragraph 20 of your first witness
6   statement {E1/2/4}. What you have said in paragraph 20
7   is that you thought it was strange that it was exactly
8   double the amount of the problematic MoneyGram
9   transaction . Do you see that?
10 A. Yes.
11 MR HENDERSON: My Lord, I just wondered -- this is going to
12   take a little while. I wonder if it might be sensible
13   to have a brief break now?
14 MR JUSTICE FRASER: Very good idea.
15   We're going to have a short break. Today it is
16   going to be seven minutes long. It is for the shorthand
17   writers just to have a break from transcribing
18   everything word for word. Because you are in the middle
19   of your evidence you're not allowed to talk to anyone
20   about the case but you don't have to stay in the witness
21   box. Feel free to move, go out, stretch your legs .
22   If everyone could be back in at quarter to.
23 (11.38 am)
24   (Short Break)
25 (11.46 am)

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1 MR HENDERSON: Mr Patny, I want to just ask you a couple
2   more questions about the stamp situation before I come
3   back to the MoneyGram situation that we were dealing
4   with before.
5   Do you agree with this , that if a declaration of
6   stamps goes up, the cash position is automatically
7   decreased, isn't it?
8 A. I 'm not sure. I don't know that. As in do you mean for
9   overall , or holding --
10 Q. It automatically happens, doesn't it , that as the
11   declaration of stamps goes up, the cash position will go
12   down?
13 A. I don't see why that would. The cash is going to remain
14   the same, isn't it , if stamps go up?
15 Q. Let me put it in a different way. If you were trying to
16   disguise a shortfall of cash, one thing you could do is
17   to declare too much by way of stamps, isn't it?
18 A. No.
19 Q. You disagree with that?
20 A. Yes, because why would stock make a difference to cash?
21 Q. Because the more stock you've got, the less cash will
22   show, as a matter of balance?
23 A.   Potentially , but I 'm not too sure of that .
24 Q. Are you confirming that all of the declarations that you
25   made in relation to both cash and stamps at all times

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1   were accurate to the best of your knowledge?
2 A. I tried to, yes.
3 Q. And a declaration of stamps -- you remember the £18,000
4   declaration of stamps, was that an attempt by you to
5   disguise a shortfall of cash?
6 A. No.
7 Q. I suggest it may have been. I suggest it was, Mr Patny.
8   You deny that?
9 A. I do, yes.
10 Q. I suggest finally , Mr Patny, it is rather surprising,
11   given that you do all the balancing, or did all the
12   balancing in the branch, that you don't understand that
13   the effect of increasing the declaration of stamps is to
14   have a corresponding effect on the declaration of cash?
15 A. I wasn't aware of that , no.
16 Q. All right . So let 's go back to the MoneyGram
17   transaction and just to remind you where we had got to
18   with that , there's a transaction for £3,100, you recall
19   that?
20 A. Yes.
21 Q. And you say you reversed it   effectively ?
22 A. At that point, or …?
23 Q. Well, my understanding is that your evidence was that
24   you did reverse it properly?
25 A. Eventually I did, yes.

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1 Q. Separately from the transaction correction?
2 A. Yes.
3 Q. So you both reversed it and you received a transaction
4   correction?
5 A. Yes.
6 Q. That makes you £3,100 up, doesn't it ?
7 A. No, because the reversal happened on the wrong
8   day --well, on the wrong business day, because once
9   again if you have a look at the call log , I spoke to
10   them at quarter past 7 and they told me to do this ,
11   7 o'clock is polling . So it would have polled as the
12   £6,200 short for the day.
13 Q. Mr Patny, it has nothing to do with the day. If you
14   have reversed the transaction with the effect that
15   you're no longer losing that £3,100 and you're getting
16   a transaction correction for £3,100, you end up £3,100
17   up, don't you?
18 A. No.
19 Q. Is that what you're saying happened?
20 A. No, we were -- would it be easier if I explained from
21   the start what's happened with this MoneyGram issue?
22   Would that make it easier for my Lord, or …?
23 Q. By all means.
24 MR JUSTICE FRASER: Go ahead.
25 A. A gentleman came in. His MoneyGram has declined for

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1   3,100. His card has declined twice. I have cancelled

2   it at that point on the front office but I haven't done

3   anything on the back office which is what I should have

4   done, but I wasn't aware of that because it had changed

5   a couple of months earlier. Later on that night I'm

6   £6,200 short. I phoned up the helpline to ask why this

7   was and immediately "Look 6,200, you've got a £3,100

8   short MoneyGram", that to me meant it doubled up

9   somewhere and overall there had been an issue there.

10   MoneyGram told me to reverse it on the back office, they

11   made me do various things and they said --

12 MR JUSTICE FRASER: When you say MoneyGram told you?

13 A. Not MoneyGram, sorry, the helpline told me. They also

14   said a transaction correction would be sent to balance

15   out the losses.

16   So that's what they made me do. Now, the issue is

17   on that day it would have polled as a £6,200 shortfall

18   because at 7 o'clock that's when the polling happens and

19   the business day ceases as such, so I finished the day

20   as technically the business day I have not corrected it

21   on the right day, but date-wise I have actually done it

22   on that day, because I have done it after 7 o'clock. So

23   the next day I phoned up to ask -- because we had never

24   had an issue like this before of where the TC was and

25   where the money was and they said it takes a few days to

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1   generate and that's what's happened.

2 MR JUSTICE FRASER: Just two questions from me about

3   MoneyGram so I can understand. MoneyGram is where

4   somebody wants to send some money overseas.

5 A. Yes.

6 MR JUSTICE FRASER: And it is done in a secure way.

7 A. Yes.

8 MR JUSTICE FRASER: So they come into your post office and

9   either give you cash or give you a debit card and you

10   take the money from them.

11 A. Yes.

12 MR JUSTICE FRASER: And then the recipient in another

13   country can use that MoneyGram account to withdraw that

14   money, is that correct?

15 A. Yes.

16 MR JUSTICE FRASER: So when the gentleman came in to try and

17   do this transfer and his debit card was declined, am

18   I right in concluding that that means you didn't take

19   any money off him for his MoneyGram, is that right?

20 A. No, his card declined twice.

21 MR JUSTICE FRASER: Which meant he could not then -- or

22   whoever it was, his relative or friend in another

23   country could not have the benefit of the money that you

24   hadn't taken --

25 A. Yes.

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1 MR JUSTICE FRASER: -- is that right?

2 A. Yes.

3 MR JUSTICE FRASER: Over to you, Mr Henderson.

4 MR HENDERSON: My Lord and just to be clear as to the

5   Post Office's position which I anticipate your Lordship

6   understands, it is accepted that the issue arose in

7   relation to 3,100 and there was a transaction correction

8   in relation to it, which is accepted --

9 MR JUSTICE FRASER: The issue being ..?

10 MR HENDERSON: The issue is whether there was a double

11   transaction for 6,200. And that's what --

12 MR JUSTICE FRASER: Because you did -- as I understand it,

13   and you can correct me if I'm wrong and Mr Henderson you

14   can correct me if I'm wrong -- you did get a transaction

15   correction for £3,100.

16 A. Yes.

17 MR JUSTICE FRASER: And that took a number of days, is that

18   right?

19 A. Yes.

20 MR JUSTICE FRASER: Am I right?

21 MR HENDERSON: Correct.

22 MR JUSTICE FRASER: Over to you.

23 MR HENDERSON: But what I have been exploring with the

24   witness is his suggestion, which I didn't understand

25   from his witness evidence, that he had additionally

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1   reversed the transaction and if he had effectively

2   reversed the transaction he wouldn't be entitled to

3   a transaction correction. But there is a single

4   transaction here and the data shows a single transaction

5   of £3,100 --

6 MR JUSTICE FRASER: When you say "the data", are you talking

7   about --

8 MR HENDERSON: The transaction data.

9 MR JUSTICE FRASER: But not the call log.

10 MR HENDERSON: Not the call log, no, but the transaction

11   data. But the call log suggests, as we were looking at

12   before -- it might be sensible --

13 MR JUSTICE FRASER: Well, let's not go into the arena of you

14   explaining it to me because you are still in the middle

15   of cross-examining him.

16 MR HENDERSON: No, indeed.

17   So let's explore the suggestion that I have put to

18   you just before the break, Mr Patny, that your loss was

19   exactly £6,200. Do you remember that?

20 A. Yes.

21 Q. So can we look at {F/1507.1}. If we go to -- you need

22   to take the filter off and go to row 1903. Now, this is

23   a bit fiddly, Mr Patny, and I apologise for that but we

24   need just to take this in stages.

25   So the actual discrepancy that you experienced and

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1　　declared at the end of 23 February was not for £6,200,
2　　it was for £6,825.95. Do you see that?
3　A. Yes.
4　Q. So in itself that does not suggest that there is
5　　a problem for £6,200, does it, in itself? I'm going to
6　　go on.
7　A. No.
8　Q. But we need to look at the previous day and if we look
9　　at -- it may be sensible if you just make a note --
10　　your Lordship may take the arithmetic from me, but we
11　　have a declaration of 25,803.87. Let's look at the
12　　previous declaration of cash --
13　MR JUSTICE FRASER: Sorry, where? Oh, you are taking it
14　　from the line above, 25,803, yes.
15　MR HENDERSON: My Lord, yes, 25,803.87, discrepancy of
16　　6,825.95. And if you look at the previous day which is
17　　row 1717, that is cash declaration for that day of
18　　34,405.46. Do you see that?
19　A. Yes.
20　Q. So there is movement between the 22nd and the 23rd in
21　　the cash declaration figure of £8,601.59. Perhaps you
22　　would accept that from me. Your maths is probably
23　　better but that's fine.
24　　　So what I want to explore is whether we can see the
25　　figure of 6,200 somewhere in that figure. Do you

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1　　understand?
2　A. Yes.
3　Q. Now, the first thing is we can have a look at what the
4　　session data shows us for cash transactions over the
5　　relevant period and this is to be found in document
6　　{F/1436.1.1}. Sheet 1.
7　　　My Lord, I should just explain this, and Mr Patny
8　　I should just explain this document. This is
9　　transaction data filtered for trading date and cash
10　　between the times of the two cash declarations that
11　　I have just taken you to, Mr Patny. Do you understand
12　　that?
13　A. Yes.
14　Q. Now, this is a document that we have created for the
15　　purposes of today in order to demonstrate this point
16　　because otherwise it is just too painful to make it.
17　　I have explained it to Mr Green and Mr Green -- if you
18　　just go to the top of that document -- sorry, before you
19　　do so, just look at the figure of 1,806.71 which is in
20　　row 216. That's the total of the decrease in cash in
21　　the branch, okay?
22　A. Okay.
23　Q. And if we just go to the top of the document, it is
24　　right to say that column U, "Calculation", is one that
25　　we have added, all right? That's not one that appears

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1　　in the actual transaction log. So we have filtered this
2　　in order to demonstrate the movement of cash of
3　　1,806.71. Does that make sense?
4　A. Yes.
5　Q. It is a figure that you will see in Ms van den Bogerd's
6　　witness statement in I think paragraph 74 {E2/5/20},
7　　I think from memory.
8　　　So taking it in stages, we started with a figure of
9　　1,806 as the movement in cash. We've got the MoneyGram
10　　transaction for 3,100 which we know about which at this
11　　stage the transaction correction hasn't been issued,
12　　okay, so that's another 3,100. So the total decrease
13　　that we can account for is 3,100 plus 1,806.71, which
14　　leaves £3,694.88 of cash movement unaccounted for.
15　　　Do you agree with the approach I have taken at
16　　least? I appreciate it's very difficult for you to
17　　agree with specific figures.
18　A. I'm trying to understand what you're saying, yes.
19　Q. Okay. The point that I'm putting, clumsily and at great
20　　length, is that there is not a discrepancy of £3,100.
21　　It is a figure of over £3,600.
22　A. Right.
23　Q. So when you say that there was a shortfall of exactly
24　　£6,200, that's just not right, is it?
25　A. Well, according to your calculations there it's

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1　　different, yes, but that 6,200 -- when I'm saying
2　　"exactly" it could be to the pence but I'm claiming that
3　　3,100 times two which showed up as a shortfall on my
4　　cash dec.
5　Q. Well, Ms van den Bogerd suggests that it is much more
6　　likely to have been -- I mean the 3,100 for the
7　　MoneyGram is one thing, but for the rest of it it's much
8　　more likely to be a cash handling problem or a user
9　　error when making cash declarations. Can you say that
10　　she is wrong in saying that?
11　A. Well, yes, I can.
12　Q. On what basis?
13　A. On what basis can she say that that's a cash user …
14　Q. Because there's no indication in any of this data that
15　　there were two lots of £3,100 that were processed in any
16　　way. There is every indication that there was one lot
17　　of £3,100 and the story that is told in relation to that
18　　£3,100 makes entire sense. There is no indication of
19　　the £6,200.
20　A. The only points I can raise to that is we spoke to our
21　　area manager, Mark Irwin(?), we showed him all this
22　　evidence and he agreed with us that it seemed like this
23　　had doubled up and he is the one who put the block on
24　　our behalf of Chesterfield asking for this money. So
25　　Mark Irwin is obviously a Post Office employee and he

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1   said this and done this as well.
2   Then the second thing, I don't know if I'm being
3   obtuse here, but we have requested this data many times
4   from the Post Office and they have never gave it once.
5 MR JUSTICE FRASER: The data that you are being shown.
6 A. Yes, I believe this is what's the Credence report --
7   I might be wrong, but I believe this is the Credence
8   report and we have requested on at least five to six
9   occasions of this so we could try to go through it
10   ourselves on the behest of Mark Irwin. He is the one
11   who told us to ask for this, as it Tony Sanghera, as did
12   the NBSC as well and they said this is where you could
13   work out and see if there are some difficulties with you
14   guys …
15 MR HENDERSON: Mr Patny, I'm in some difficulty because
16   I can only go on what you've said in your witness
17   statement and you haven't dealt with any of those
18   matters in your witness statement and I can only go on
19   the data that I can show you and again my suggestion is
20   there is no possible basis for you asking for a further
21   £3,100 when you have already had the transaction
22   correction arising out of this transaction.
23 A. Without accusing Ms van den Bogerd, you said yourself
24   she has created this so we don't know what she has
25   created, do we? She could have done anything on it.

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1 MR HENDERSON: My Lord, I have no further questions.
2 MR JUSTICE FRASER: Re-examination, Mr Green?
3   Re-examination by MR GREEN
4 MR GREEN: Just a couple of points, if I may.
5   Could you please look at the helpline logs which are
6   at {F/1509.1} and could we please select A and B columns
7   just for the moment. Don't worry, we will just do it
8   manually. We will do it manually.
9   Let's go down please to row 140 and could you just
10   bring that a little bit higher up please.
11   Now, you will see there that's 26 May. Can you see
12   that?
13 A. Yes.
14 Q. And if we go across please you can see it is recorded
15   there 26 May, 12.33 the record is created, that's the
16   "Created" column. If we go across please you will see
17   row 140 still, you see "Aakash" with one A but that is
18   you though. You actually have two As?
19 A. Yes.
20 Q. And then "17,000 shortage open postage". Now, could the
21   operator very kindly click on "£17,000 shortage open
22   postage", that cell, and then please click "Wrap text"
23   if we can see that. You might have to go -- I think you
24   might have to go to the right top corner.
25 MR JUSTICE FRASER: Do you want to show all the text in that

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1   column?
2 MR GREEN: Yes. Actually we can go to the top right, little
3   down arrow.
4 MR JUSTICE FRASER: I think what you need to do is if you go
5   to the very top where the letters for the columns are.
6   Is that what you wanted?
7 MR GREEN: I'm very grateful.
8   Now, let's just look at the entry on the 26th. You
9   will see there in row 140 "£17,000 shortage open
10   postage" and then a reference to 09/05 "£17,000 loss
11   £1.05."
12   Can we please go across one column to the right
13   please. Just scroll to the right one column very
14   kindly. And you will see Horizon Online "Stock",
15   "Declarations and adjustments" and then could you please
16   click on "Emailed ESG" and then perhaps go up to the top
17   and do the same exercise.
18   It may be actually easier -- do you see in the
19   formula bar at the top just underneath the ribbon
20   there's a right little arrow pointing downwards, could
21   you click on that arrow very kindly in the formula bar.
22   You can just see the text there.
23   So this is the entry on helpline log, Mr Patny:
24   "Emailed ESG Thursday 26/05/2016 14.22 requesting
25   Credence report. Please see attached documents advised

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1   office of Credence info. Office adamant stamps are
2   declaring themselves and overriding [IS] figure referred
3   to IT if believes system issue."
4   Now, you mentioned that you had requested a Credence
5   report. Can you remember whether they told you they
6   were providing you with one or not?
7 A. They said they would but we never received it.
8 Q. Okay, well, let's follow that through. If you then go
9   down please, let's go down please six rows to row 147.
10   Can we go to the left now please. If you look at 147
11   could we please click on the cell "Office state" in
12   row 147. You can see up at the top we can see what that
13   says:
14   "Office state they were advised a Credence report
15   was being submitted for amount £17,200 but no report has
16   been requested …"
17   Even though the prior entry suggests that an email
18   was sent:
19   "… see previous references. Advised will request
20   report and ring office back 22/06 from 11/05, will then
21   require an audit if cannot be found. No details on
22   previous calls. Need to call office back for further
23   details."
24   Then if we go further down in that, so the bit you
25   kindly did, can you scroll down a tiny bit there, in the

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1   formula bar. Then:

2   "Have emailed ESG. The office are adjusting stamps

3   by a similar amount to the discrepancy. ESG are

4   investigating, called office ... spoke to Akash. I have

5   also spoken to Sarah H who has been investigating the

6   office ..."

7   Can you go down a bit more.

8 MR JUSTICE FRASER: I'm sorry, I can't see where you are

9   reading from.

10 MR GREEN: In the formula bar, my Lord, at the top.

11 MR JUSTICE FRASER: Which row is this?

12 MR GREEN: The row that's highlighted is 147.

13 MR JUSTICE FRASER: There are about eight highlighted which

14   is why I'm asking.

15 MR GREEN: Sorry, the row that's highlighted with the blue

16   round it. It is row 147 and it is "Office state", the

17   bit your Lordship pointed out is in block capitals.

18 MR JUSTICE FRASER: So you are reading from the formula bar

19   which is a more full entry.

20 MR GREEN: It is a full entry.

21 MR JUSTICE FRASER: Understood, okay.

22 MR GREEN: So it says:

23   "I have also spoken to Sarah H who has been

24   investigating this office activity through Horace.

25   There is no conclusive information relating to the loss

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1   that has been found at this time. However the office

2   transactions are still being investigated and the office

3   hopefully should be contacted before the end of next

4   week 08/07. PM has been advised this information."

5   Now, at this stage what did you understand was

6   happening?

7 A. That they were going to be sorting out all these issues

8   that were prior really. They would sort out a Credence

9   report and we would be told what was happening.

10 Q. Okay. Can we go down two further to 149, which has not

11   been highlighted. And you can see "Previous call". Can

12   you click on that very kindly please. And you will see:

13   "Previous call ... still waiting to hear back

14   regarding a requested Credence report."

15   Then can we go down please to 3 August which is,

16   I will just tell you now ... if we go down to 3 August

17   on the left-hand side. It is row 155. So if you

18   actually just go just to 155 there. It is not

19   highlighted. It says "ACKAH" is the person.

20 A. I assume that's me.

21 Q. But you assume -- there's no person called Ackah in the

22   branch?

23 A. No.

24 Q. Can you just very kindly click on the cell starting

25   1895075 and then it says:

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1   "Branch still waiting a call back. Call closed,

2   Sarah ESG advised to assign to your stack to call the

3   office back. No details listed on the call regarding

4   how the incorrect cash rem is dealt with."

5   Did you ever receive back the Credence report you

6   understood you were going to get?

7 A. No.

8 Q. And did the sums that we have been looking at here,

9   stamps and cash, £17,000, feature in the special audit?

10 A. They did, yes.

11 MR GREEN: No further questions, my Lord.

12   Questions from MR JUSTICE FRASER

13 MR JUSTICE FRASER: I have two questions.

14   Can we go to {F/1507.1} please. Right, that doesn't

15   appear to be the document I was expecting it to be.

16   Mr Henderson, you are going to have to help me with this

17   then because it was the document that showed the

18   discrepancies, do you remember? Row 1903 had the

19   discrepancy of 6,825 on 23 February 2016 and a total

20   cash figure of 25,803.87 and you were comparing that

21   with --

22 MR HENDERSON: Yes, my Lord, that's 1507.1. If we take the

23   filter off.

24 MR JUSTICE FRASER: Oh, I do beg your pardon. Could we take

25   the filter off. Thank you very much. Right, if we can

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1   go to row 1903 please.

2   You were asked, Mr Patny, about the discrepancy on

3   23 February. Do you remember those questions?

4 A. Yes.

5 MR JUSTICE FRASER: And you were shown row 1903 which had

6   a discrepancy of £6,825. It had a declare to cash total

7   of 25,803 and a discrepancy of 6,825.

8 A. Yes.

9 MR JUSTICE FRASER: And as I understand your answers, the

10   £6,200 is within or should be within the 6,825

11   discrepancy, is that correct?

12 A. Yes.

13 MR JUSTICE FRASER: Is that a correct understanding?

14 A. Yes.

15 MR JUSTICE FRASER: If you go to the previous day which is

16   on 1717, you were asked about the cash declaration of

17   34,405. And that was the cash total I think for the

18   previous day, is that right?

19 A. Yes.

20 MR JUSTICE FRASER: Which is 34,405. And you were then

21   taken to another document which I'm not going to take

22   you to, to examine the movement of cash from one day to

23   the next.

24 A. Yes.

25 MR JUSTICE FRASER: And that I think is the document which

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1   you said you had been asking for which you referred to
2   as a Credence report.
3 A. I believe that's what the Credence report is.
4 MR JUSTICE FRASER: But if you look on 22 February there are
5   also two other entries. One is immediately above 1717
6   which shows a cash discrepancy I think of £781 and one
7   is a cash discrepancy in row 1718 which shows £31. Do
8   you see those two figures?
9 A. Yes.
10 MR JUSTICE FRASER: If I want to go away and compare like
11   with like, should I be taking just the cash declaration
12   the day before, or should I taking the cash declaration
13   and the discrepancy the day before --
14 A. I'm --
15 MR JUSTICE FRASER: -- and comparing it with the cash
16   declaration and the discrepancy for the following day?
17 A. I think the second one would be more beneficial to you,
18   wouldn't it, because then you can see --
19 MR JUSTICE FRASER: So therefore is it correct that as at
20   22 February whatever the discrepancy was on these
21   figures, that is not included in the 34,405 figure; is
22   that right? Or is it?
23 A. That £31.07 -- that 34,405 should be, to my
24   understanding, after that £31 discrepancy.
25 MR JUSTICE FRASER: That was my understanding. And does the

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1   same point apply for the two figures the day before as
2   well?
3 A. Yes.
4 MR JUSTICE FRASER: So if ever you look at the cash figure
5   you have to look at the cash figure plus the
6   discrepancy, is that right?
7 A. Yes.
8 MR JUSTICE FRASER: Thank you very much.
9   That's all my questions. Thank you very much for
10   coming. You are now free to leave the witness box.
11   Right, Mr Green.
12 MR GREEN: My Lord, I am calling Mrs Burke now.
13   MRS ANGELA BURKE (sworn)
14 MR JUSTICE FRASER: Have a seat.
15 A. Thank you.
16   Examination-in-chief by MR GREEN
17 MR GREEN: Mrs Burke, there will be a folder in front of
18   you. Move that sheet of paper away. You can put the
19   loose sheet away somewhere else because that was
20   separate and if you very kindly have a look in tab 4
21   {E1/4/1}, you will see "Amended witness statement of
22   Angela Burke"?
23 A. Mm-hm, that's right.
24 Q. And at paragraph 5 of that {E1/4/2} you deal with your
25   background.

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1 A. That's right.
2 Q. It is right that you are no longer working as
3   a subpostmistress?
4 A. No.
5 Q. And subject to that correction can we have a look at the
6   back page --
7 A. I don't work in the greetings card and stationary
8   business either now, that's closed.
9 Q. So you are no longer working there either.
10 A. No. I've got no employment.
11 Q. And if you look at the final page of your witness
12   statement, which is page 6 {E1/4/6}.
13 A. Yes.
14 Q. You see a signature there.
15 A. Mm-hm.
16 Q. Is that your signature?
17 A. That's my signature, that's correct.
18 Q. And subject to those points about no longer working as
19   a subpostmistress or in the branch, are the contents of
20   your statement true?
21 A. That's correct, yes. Everything else is fine.
22 Q. Thank you very much. Would you wait -- sorry?
23 A. Yes, everything else is fine.
24 Q. Would you wait there, there will be some questions from
25   Mr Draper.

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1   Cross-examination by MR DRAPER
2 A. Hello.
3 MR DRAPER: Good afternoon, Mrs Burke. You just said you
4   were an assistant at Newport which was your husband's
5   branch.
6 A. That's correct, yes.
7 Q. I understand that before that you were also yourself
8   a subpostmistress, is that right?
9 A. Yes, that's right.
10 Q. In total then how long have you worked as either
11   a subpostmistress or an assistant?
12 A. I have worked with the Post Office since I was 16 on and
13   off, sometimes in sub-post offices, sometimes I had
14   three -- probably five years as subpostmaster and then
15   intermittently as an assistant.
16 Q. Can you give any indication of the number of years
17   during which you were an assistant; are we talking five,
18   ten or more?
19 A. Let me just think. Probably about 15.
20 Q. I just want to ask you quickly about a change that you
21   recently made to your witness statement. If you have it
22   there in front of you, in paragraph 8 {E1/4/2} you say
23   that you and your husband never had any major issues
24   with unexplained shortfalls during your time running the
25   branch.

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1 A. That's right.

2 Q. You then say there was £1 here or there but never

3 anything more than that. In that paragraph the word

4 "unexplained" was added recently. I'm going to ask you

5 what you mean by that but I'm going to suggest what it

6 may be. Is that clarification because you did have some

7 shortfalls that were over £1 but you were able to

8 investigate and resolve them?

9 A. That's correct, yes.

10 Q. And do you say you were able to do that typically at the

11 end of the day when you carried out your cash

12 declaration, you would identify the shortfall and then

13 look into it, is that right?

14 A. Usually, yes.

15 Q. If you identified a shortfall of a fairly substantial

16 size, say £50 or £100, much more than a pound, and you

17 were unable that evening to identify where it had come

18 from, was your practice to contact Post Office?

19 A. No.

20 Q. Did that situation not arise?

21 A. No -- normally if you had a shortfall and -- you would

22 try and investigate it yourself and try and find out

23 what the cause of it was and if you didn't know it, you

24 would hopefully -- I mean in days gone by it could have

25 been that it could be a transaction that had been sent

1 off and you had recorded it wrong and an error notice --

2 in the old days -- would come. They have now been

3 replaced by transaction corrections.

4 Q. So you're saying sometimes where even if you had

5 a relatively substantial shortfall, for the time being

6 you might assume that a transaction correction would

7 come and correct it?

8 A. That's right, yes.

9 Q. Is that right? And in your experience is that what

10 happened in those circumstances where you had those kind

11 of shortfalls?

12 A. Usually, yes.

13 Q. In your witness statement you describe a problem you had

14 with recovering transactions on 9 May 2016.

15 A. Right.

16 Q. You give the details of a number of transactions that

17 either didn't go through at all or had to be recovered.

18 The only one I want to ask you about is the £150

19 withdrawal.

20 A. Okay.

21 Q. Before I do that it would be helpful to take you to some

22 images of the Horizon screen so we can make sure that

23 we're talking about the same thing when I describe the

24 process. So if we could call up please {E2/4/6} and

25 could we zoom in please on the first image on that page.

1 This is obviously not a photograph, it is an image to

2 represent the front office home screen on

3 Horizon Online. If you look towards the right of the

4 screen there, Mrs Burke, where it says British Gas in

5 blue -- do you see that?

6 A. Yes.

7 Q. And then below it in red "Total due from customer"?

8 A. Yes.

9 Q. That section of the screen I suggest is what we will

10 refer to as the basket or stack?

11 A. Yes, that's correct.

12 Q. And products and services that you enter into the system

13 by using the buttons that we see on the rest of this

14 image then stack up in that section of the screen, is

15 that right?

16 A. Yes, that's correct.

17 Q. And each one of those items when it goes into the stack

18 will show a price which may be negative or it might be

19 positive and that depends on whether that product or

20 service involves payment to or payment from the branch.

21 A. Yes.

22 Q. That's right, isn't it?

23 A. Yes.

24 Q. Could you speak up please.

25 A. Yes, that's right.

1 Q. And underneath the stack, as we have just established,

2 in this image it says "Total due from customer" and it

3 is in red, but it might also, if the transactions were

4 different, say "Total due to customer" in which case it

5 would be green?

6 A. Yes, that's correct.

7 Q. And whether you get a green or a red section there

8 depends on the net effect of all the transactions in the

9 stack, doesn't it?

10 A. Yes.

11 Q. So if we take, for example, this British Gas payment, if

12 the same customer in this transaction were then to ask

13 to withdraw £100 and you were to process that

14 withdrawal, it would then go into the stack and the net

15 effect would change, wouldn't it, to be in green?

16 A. Yes.

17 Q. And that would be because there would then be cash due

18 to the customer?

19 A. That's correct.

20 Q. Taking the two transactions together?

21 A. Yes, it would.

22 Q. Going back then to the failed transaction on 9 May, in

23 your witness statement you seem to suggest in one

24 paragraph -- and I will take you to it -- that once the

25 £150 withdrawal was authorised, Horizon then instructed

1   you to pay that amount over to the customer.
2 A. Yes, that's right.
3 Q. By that, when you use that kind of language, do you
4   simply mean that the withdrawal went into the stack that
5   we have just seen?
6 A. When the £150 withdrawal was done, the customer was
7   inserting a card into the PIN pad on his side of the
8   counter. He would put the card in, when the transaction
9   authorised it would bring "Authorised" on the PIN pad on
10   the customer's side of the screen. It would put the
11   £150 onto the stack on my side of the screen and then it
12   would print off a receipt off the Horizon printer and
13   the receipt that came off there said "Authorised, £150"
14   and then that's passed to the customer and then you pay
15   the customer. Press the "enter" button and pay the
16   customer.
17 Q. Sorry, press the "enter" key and then pay the customer?
18 A. Yes.
19 Q. That's the only point I wanted to clarify with you is
20   that ordinarily what you would do -- I'm not talking
21   about 9 May what you actually did, but what you should
22   normally do is get all of the transactions, including
23   any withdrawals, into the stack that we have looked at
24   and then when the customer wants no more products or
25   services you close the stack, or we would say submit it,

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1   by either pressing "enter" or "fast cash" or any other
2   way that closes the basket and ends the session; that's
3   right, isn't it?
4 A. If you do that you can't see what's actually -- you've
5   got to then memorise then because as soon as you press
6   that button and it goes there's no -- you've got no
7   reference as what you're actually paying the customer
8   because it will clear it, so you won't be able to see on
9   the screen what you're supposed to be paying and if the
10   customer then queries anything there will not be any
11   information on your screen because it will have gone.
12 Q. I see, so what you say is you would prepare whatever
13   money was due to the customer and then you may hand
14   money over once you had the money in your hand, or you
15   may click "enter" or "fast cash" and then hand it over,
16   but the two are basically at the same time I think you
17   are saying on a normal transaction?
18 A. You would normally take the money out, you would say it
19   is £75 to pay or whatever -- like this case you say 150.
20   You would have the 150, you count the 150, press the
21   "enter" and it would clear.
22 Q. And on 9 May, the situation we're talking about, on the
23   right-hand side of your screen here you would have had
24   three transactions stacked up; that's right, isn't it?
25 A. Yes.

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1 Q. You would have had the two for the customer earlier, the
2   gentleman who was withdrawing money from two different
3   cards?
4 A. Yes.
5 Q. And you would have had the 150 from the customer who was
6   presently before you?
7 A. Yes.
8   Normally you wouldn't have two customers'
9   transactions at the stack on one time. It was just the
10   circumstances on that day were exceptional. The systems
11   were slow, because they was connecting I had two
12   customers' transactions on there, but I actually said
13   that in my statement, that there was two customers.
14 Q. Yes, you have explained that you wouldn't ordinarily do
15   it --
16 A. No.
17 Q. -- it wasn't the procedure you were supposed to
18   follow --
19 A. Yes.
20 Q. -- but you were doing it in difficult circumstances?
21 A. That's right, that's correct.
22 Q. Could I ask you to turn to the witness statement of
23   a Post Office witness, Ms van den Bogerd, which is at
24   {E2/5/25}. It should come up on in your screen. Have
25   you seen this witness statement before, Mrs Burke?

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1 A. Yes, I have seen that.
2 Q. Can I ask you to read to yourself please paragraph 105.
3   It largely confirms what we have just discussed.
4   (Pause).
5 A. Yes.
6 Q. Sorry, over the page as well please {E2/5/26}, just
7   finishing paragraph 105.
8   (Pause).
9 A. Right, yes.
10 Q. Do you agree with what is said there?
11 A. I have read what she has said, but I have no idea of how
12   the back office procedures of Horizon work. We're
13   trained on transactions and how to process transactions,
14   we have no idea about how the system in the back
15   connects to Horizon, when it goes to a bank, how it
16   checks the bank or when it feeds things back.
17 Q. Sure.
18 A. We're not --
19 Q. Sure. I'm not trying to suggest that you're aware of
20   the technical data --
21 A. No.
22 Q. -- the data processing, everything that goes on within
23   the system. What I suggest you would have known is that
24   it is when you close the stack that the transactions in
25   the stack go into your accounts?

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1   A.   Yes, what should be in the stack, yes, should go into
2   our accounts.
3   Q.   And that happens when you close the stack, because
4   that's when those transactions are finally confirmed?
5   A.   When you press the "enter" button and it clears the
6   screen, everything that's in the stack should be in your
7   accounts.
8   Q.   Thank you.
9   On 9 May, you have explained that you were keeping
10   a single session open and were processing withdrawals
11   for two different customers from that single session
12   because of the difficult circumstances.
13 A.   Yes.
14 Q.   You would ultimately though, wouldn't you, have to close
15   that stack and, as we have just described, it is at that
16   point that those transactions would go into the account?
17 A.   Sorry, can you repeat that again please.
18 Q.   You had kept the session open because you were concerned
19   about problems with the system.
20 A.   Right.
21 Q.   But you would ultimately at some point, wouldn't you,
22   have to close the stack in order to put the transactions
23   finally through?
24 A.   Yes.
25 Q.   And so not closing the stack between customers but

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1   keeping the session open increased the time between you
2   obtaining authorisation for the withdrawals and dealing
3   with the customer and when the transactions then were
4   submitted on the system; do you follow?
5   A.   Yes, I don't think that would have made any difference,
6   because it could have been the one customer doing those
7   transactions himself anyway. One customer could have
8   been doing two card withdrawals and then ultimately
9   a bank withdrawal, so that it was two customers doesn't
10   really make any difference.
11 Q.   It would have the advantage that the single customer
12   would likely be there at the time you entered the
13   transactions into Horizon; that would be one advantage
14   of doing it the proper way?
15 A.   No, because normally you have counted the cash out to
16   your customer, pressed the "enter" key and then it is
17   just on to the next customer -- the next customer comes
18   forward then and you are serving then, so it would be
19   the same whether it was one or two.
20 Q.   I follow that, yes, Mrs Burke, but in relation to --
21   thinking about the first customer, for whom the
22   transactions actually were recovered, but thinking about
23   that customer, when you ultimately come to press "enter"
24   and clear the stack, it might be several minutes since
25   those withdrawals had been authorised and since the

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1   customer had been in front of you; that's fair,
2   isn't it?
3   A.   But that would be the same if they were buying postal
4   orders, stamps, et cetera, when -- you know, it could be
5   the same time difference no matter what customer was
6   there.
7   Q.   Mrs Burke, to be clear, it's not the type of
8   transaction. The point I'm asking you about is the
9   difference it makes that you were serving different
10   customers from the same session so had to keep the
11   session open, even after the time when the first
12   customer may have left. Do you follow that?
13 A.   I don't see what you're trying to get at there.
14 Q.   Well, imagine a really extreme circumstance where you
15   kept the session open for an hour and served ten
16   customers from it. Do you follow?
17 A.   Well, yes, but in a scenario you wouldn't do that. You
18   couldn't remember it.
19 Q.   That's taking it to extremes, Mrs Burke, but the point
20   is all I'm trying to suggest to you is that by not
21   closing the stack as you go along after each customer
22   session, what you're doing is increasing the gap in time
23   between the authorisation and closing the stack and
24   submitting the transactions.
25 A.   You are increasing the time, but that could be the same

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1   if it had been the same customer who had carried on.
2   Q.   I understand.
3   A.   If it had been the first it would have been the same.
4   Q.   Your point is if you had a customer who said he wanted
5   to process a withdrawal and then had seven other
6   transactions, he may have been in front of you for
7   ten minutes.
8   A.   Yes, it would have made no difference, it would still
9   have been the same. You would have still had that time
10   delay before you actually cleared your stack and then
11   they would have gone onto your log.
12 Q.   In that circumstance though it's right, isn't it, that
13   you would not, following proper procedure, have passed
14   the money to the customer before you had gone through
15   the rest of the transactions?
16 A.   You would complete all the transactions that that
17   customer was wanting before you cleared.
18 Q.   Yes. And on 9 May it was when you went to settle the
19   basket and clear the screen that the system went down,
20   wasn't it?
21 A.   Yes.
22 Q.   And Horizon then printed a disconnected session receipt
23   and we can see that at {F/1461} please. What that
24   receipt shows is essentially what was in your stack in
25   that session when the system went down; that's right,

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1   isn't it?
2 A. That's correct, yes, but that took two minutes to come
3   up to after I had been serving the customer.
4 Q. Yes. And then what you next saw -- I'm just running you
5   through the documents. What you next saw is the
6   document at {F/1464}. This again, Mrs Burke, was a few
7   minutes later this receipt was printed; that's right,
8   isn't it?
9 A. Correct.
10 Q. And you say in your witness statement that what you
11   initially understood from this receipt was that the two
12   transactions listed on it had failed to recover; that's
13   right, isn't it?
14 A. Yes.
15 Q. And you inferred from that that the third transaction
16   for £150 had been successfully recovered?
17 A. Yes.
18 Q. You now understand, it seems from your witness
19   statement, that what this receipt was intended to convey
20   was two things. 1, there had been a failure of recovery
21   for some transactions, one or more, but that these two
22   listed had been recovered?
23 A. Yes. I found that out when I went through my
24   transaction log and I started to tick off the
25   transactions, then I realised that the "recovery failed"

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1   wasn't the fail -- the items it showed weren't the
2   failed transactions, they were the ones that had
3   actually gone through and it was the other transaction
4   that had failed.
5 Q. Yes. Shall we look at the -- the transaction log is at
6   {F/1465}. So you printed this off within a matter of
7   minutes, as I understand it, is that right?
8 A. It was after I had closed the branch.
9 Q. So approximately how long, do you think?
10 A. I did say in my statement. Can I just refer to it?
11 Q. Well, the "recovery failed" receipt was printed at 9.36.
12   We see that at paragraph 17 of your statement {E1/4/3}.
13   You don't actually say at paragraph 17 --
14 A. 9.36, yes.
15 MR JUSTICE FRASER: You phoned the helpline after you had
16   closed the branch?
17 A. Yes. I served another couple of customers and there
18   were some problems with connection then and then
19   I decided to close the branch and then I went and ran
20   off the transaction log and that's when I sat down,
21   closed the branch and worked through it.
22 MR JUSTICE FRASER: And at the end of paragraph 18, did you
23   then phone the helpline?
24 A. I phoned the helpline -- I think it was --
25 MR JUSTICE FRASER: So we can work the time window out,

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1   I think.
2 MR DRAPER: Yes, my Lord.
3   Looking at this document that you have on screen at
4   the moment, Mrs Burke --
5 A. It would have been about 9.34. It would have been after
6   the -- because that's -- when the 253 total came up ...
7 Q. In any event, the precise time is --
8 A. About -- say 9.34.
9 Q. Yes, so you printed off this transaction log that we can
10   see on screen and we can see from your handwritten
11   annotation on it the ticks on the transactions that you
12   expected to see and do see there and you have then
13   indicated between two transactions that the £150
14   withdrawal was missing.
15 A. Yes.
16 Q. So you were able to work out quite quickly from looking
17   at this transaction log that one of the transactions you
18   expected to see wasn't there?
19 A. Yes.
20 Q. It's from that that you corrected what you had
21   understood from the "recovery failed" receipt?
22 A. Yes.
23 Q. You saw it was the other way round?
24 A. It was the other way round, yes.
25 Q. So by this point, after you have sat down with the

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1   transaction log, you knew you had had a system outage,
2   problem with the system, you knew that the session you
3   were in when the outage occurred had a problem, because
4   you had the discontinued session receipt?
5 A. Yes.
6 Q. You knew that the recovery process on Horizon, the
7   automatic recovery process, had failed in some way; you
8   knew that from your "recovery failed" receipt?
9 A. Yes.
10 Q. And you had been able to identify from this transaction
11   log which transaction it was that had not been
12   recovered?
13 A. Yes.
14 Q. And that meant that in this fairly short space of time
15   you were able to work out that the £150 withdrawal for
16   which you had physically paid out had not gone into your
17   accounts?
18 A. Yes.
19 Q. And you knew that the result of that was that unless you
20   obtained a transaction correction to put the transaction
21   into your accounts, you were going to have a £150
22   shortfall?
23 A. Yes.
24 Q. And you knew what would have caused that shortfall,
25   didn't you, you knew it was the failed recovery for the

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1   150?
2 A. Yes.
3 Q. Can I ask you to look at paragraph 19 of your witness
4   statement please {E1/4/4}, and can I ask you to look in
5   particular, Mrs Burke, at the last sentence of that
6   paragraph.
7   Have you read that?
8 A. I'm just finishing it off.
9 Q. Okay.
10 A. Right.
11 Q. What I suggest to you, Mrs Burke, is that that sentence
12   isn't accurate, is it? You had been able to ascertain
13   from the system what the discrepancy would be, the £150
14   shortfall, and you knew exactly what its cause was?
15 A. But it hadn't been recorded on my transaction log, so it
16   had not shown that a transaction for that amount had
17   gone through on my accounts.
18 Q. Yes that's right, but that actually was something that
19   helped you understand what had happened, wasn't it?
20   That's what showed you that it hadn't got through to
21   your accounts. Do you follow?
22 A. I just knew that the system -- it was missing off my log
23   and that it should have been there and then my accounts
24   would have balanced, but as it was it wasn't there, so
25   my accounts didn't balance.

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1 Q. Yes, I appreciate that. I'm focusing quite closely, if
2   I may, on the wording of the last sentence of
3   paragraph 19 of your statement. It says there:
4   "There was therefore no means through the Horizon
5   system for the discrepancy to be identified ..."
6   Stopping there, I suggest to you that's wrong
7   because you knew exactly what the discrepancy would be,
8   it would be a £150 shortfall. So that's not correct, is
9   it?
10 MR JUSTICE FRASER: Well, Mr Draper -- well, I will wait for
11   the answer and then ...
12 A. Well, the Horizon system didn't identify it; I knew it
13   was the £150. Oh, I see what you mean, that I had the
14   two receipts. Yes, I will agree with that.
15 MR DRAPER: And focusing on the second half please of the
16   sentence:
17   "... or for its cause to be established in [your]
18   situation."
19   I suggest that based on what we have just discussed,
20   you knew what the cause of a £150 shortfall would be,
21   didn't you?
22 A. Sorry, could you say that again?
23 Q. You knew that when a £150 shortfall arose --
24 A. Yes.
25 Q. You knew what would have caused it, because you had

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1   worked out that the £150 withdrawal hadn't made its way
2   to your account?
3 A. I did after studying all that paperwork, yes.
4 MR JUSTICE FRASER: Mr Draper, just so I understand, by the
5   discrepancy being shown on the Horizon system you mean
6   the receipt, do you, that was printed off, or do you
7   mean something else?
8 MR DRAPER: No, the point I was taking was "no means for the
9   discrepancy to be identified" and my point was that
10   Mrs Burke had identified the discrepancy.
11 MR JUSTICE FRASER: Well, you actually were putting the
12   point on the last sentence which says "no means through
13   the Horizon system for the discrepancy to be
14   identified".
15 MR DRAPER: Yes, that's right.
16 MR JUSTICE FRASER: So are you putting the point that it was
17   the receipt that demonstrated the discrepancy being
18   identified in the Horizon system, or is it in some other
19   way?
20 MR DRAPER: Well, two points, if I may.
21   First, Mrs Burke, you knew there would be
22   a shortfall without even asking Horizon to tell you
23   that, didn't you?
24 A. Because I had paid the customer the money.
25 Q. Yes. So that's the first point.

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1 A. And it wasn't recorded on my transaction log.
2 Q. And secondly, you could see that discrepancy, couldn't
3   you, by running a balance snapshot?
4 A. Because the transaction was missing on the snapshot.
5 Q. Yes. And if you were -- we will come back to it,
6   my Lord.
7   The next step then, after what we have just gone
8   through, is that you call the helpline; that's right,
9   isn't it?
10 A. That's right.
11 Q. You can see the transcript at {F/1466}. Before we look
12   at the detail of it, it's this call to the helpline that
13   makes you think that without your efforts in tracking
14   the customer and taking him to the bank and so on,
15   Post Office would not have resolved the problem for you,
16   is that fair?
17 A. That's fair, yes.
18 Q. Mrs Burke, I assume you are quite familiar with the
19   transcript. Do you need an opportunity to read it, or
20   would you be happy for me to ask you questions about it?
21 A. I think I would be happy. There will be odd bits.
22   I can always refer back to it if I'm not.
23 Q. You are the customer shown on this transcript, aren't
24   you? Mrs Burke?
25 A. Sorry? Oh, yes, I'm the customer.

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1 Q. And if we look to the bottom of this first page -- this
2   is you speaking -- you explain in that final entry on
3   the page that you know the £150 withdrawal hasn't gone
4   through and you know that your branch therefore won't
5   balance.
6 A. Yes.
7 Q. If we flip over the page now please {F/1466/2}, you then
8   explain there about the disconnected session. I think
9   it is fair to say, just skipping forward, you didn't
10   feel you were getting very far with the initial helpline
11   operator so you asked to speak to a supervisor?
12 A. Correct, yes.
13 Q. If we go then to the conversation with the supervisor
14   and pick it up on the third page please {F/1466/3}, do
15   you see four entries from the bottom there's an entry
16   starting "But the £150"; do you see that?
17 A. Yes.
18 Q. The supervisor says there:
19   "But the £150 hasn't gone through, that's why it's
20   not on your transaction log. If the £150 hasn't gone
21   through and you have given the customer the £150 that
22   will give you a discrepancy because there is no
23   transaction for it."
24   So that reflected your understanding, didn't it?
25 A. That's right. But she is saying there's no transaction

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1   for it, but it had already given me an authorised
2   receipt and the customer had had an "Authorised" message
3   on the screen as well, on the PIN pad.
4 Q. Yes, we will be I think just several more minutes on
5   this transcript.
6   On page 4 --
7 MR JUSTICE FRASER: Sorry, do you mean you want to keep
8   going past 1 o'clock or …
9 MR DRAPER: Yes just the next three minutes.
10 MR JUSTICE FRASER: For how long?
11 MR DRAPER: Three minutes, my Lord.
12 MR JUSTICE FRASER: Yes, of course.
13 MR DRAPER: On page 4 though please {F/1466/4} in the middle
14   do you see a long paragraph where the supervisor starts
15   by saying "No"?
16 A. Yes.
17 Q. The supervisor there says:
18   "When you're doing the transaction, at the very end
19   of the transaction. When you're selecting 'settle'
20   before you give the customer any money, because you
21   should never give the customer any money until the
22   transaction has been settled, it's at that point that
23   the transactions seem to be disconnecting. It's
24   a nationwide issue. Erm, we are aware of it and it's
25   being dealt with by the Horizon service desk at the

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1   moment. If the transaction isn't on your transaction
2   log then the transaction hasn't gone through."
3   We see that you're not very pleased with that
4   answer. And then the supervisor says:
5   "The only thing we can advise at this point, if you
6   want to discuss this further you would need to speak to
7   the IT help desk … because they are the ones that are
8   running the invest …"
9   And I suggest that would be "investigation". Does
10   that accord with your recollection?
11 A. Yes.
12 Q. Then towards the bottom of the page you see the third
13   entry:
14   "Yeah but it is a nationwide issue at the moment and
15   we are aware of it. So it may be -- I can't guarantee
16   anything but it may be once we are aware of it and we
17   can sort something out. It may be we are looking into
18   it at a later date to try and recoup any losses but we
19   can't guarantee anything at the moment until we are
20   aware of what is causing the issue."
21   So two points I would like to take from what we see
22   from this transcript, Mrs Burke. The first is that you
23   had been informed it was a nationwide problem that was
24   being investigated?
25 A. Yes, it was a nationwide problem.

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1 Q. And that it was being investigated?
2 A. But they were also saying that they can't guarantee
3   anything either.
4 Q. Yes. But you accept that you were told it was being
5   investigated and you understood that?
6 A. I did, but never at any point did they say in the
7   conversation that they would come back to me and take
8   a note of my problem and "We will come back to you and
9   make a note this is the problem you're having in your
10   branch", which --
11 Q. Maybe I will try and summarise the position.
12 A. Okay.
13 Q. I appreciate that this call didn't give you the
14   certainty that you would have liked that you were going
15   to be taken care of and the problem resolved
16   essentially.
17 A. Yes.
18 Q. But it would be unfair, wouldn't it, to suggest that
19   Post Office told you that it wasn't going to resolve the
20   situation. It essentially said that that might be the
21   case. Is that fair?
22 A. They are saying they couldn't guarantee and for me as
23   a branch, if they can't guarantee, I would be losing --
24   I would be out-of-pocket.
25 Q. Yes and you understood from what you had been told here

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1   that there were people other than the helpline operators
2   here, you were told about the IT service desk,
3   essentially this was being investigated by someone else
4   and they would get back to you with the results; that's
5   fair, isn't it?
6 A. They didn't say they would get back to me. I can't
7   recall them saying they would come back to me.
8 Q. If you look at the third entry from the bottom,
9   Mrs Burke -- it is not precisely in those words -- third
10   entry from the bottom, last sentence:
11   "It may be we are looking into it at a later date to
12   try and recoup any losses ..."
13   That would be recoup losses for you, wouldn't it?
14 A. They are saying that they may be looking into it.
15   That's not a guarantee of looking into it.
16 Q. I understand.
17   I think we can sense apply take a break there,
18   my Lord.
19 MR JUSTICE FRASER: Right, we're going to have a break for
20   lunch. I would like you to come back at 2 o'clock
21   please. Because -- I say this to every witness so don't
22   read anything into it, but because you are in the middle
23   of giving your evidence don't talk to anyone about the
24   case please and come back at 2 o'clock.
25   Anything else? No. 2 o'clock. Thank you all very

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1   much.
2 (1.05 pm)
3   (The luncheon adjournment)
4 (2.00 pm)
5 MR DRAPER: Mrs Burke, we have just got through before the
6   break the helpline call, going through the transcript.
7   The next step that you explain in your witness statement
8   is the things that you yourself did to track down the
9   customer and obtain records from him and from his bank.
10 A. That's correct, yes.
11 Q. And it's right, isn't it, that it was on 12 May that you
12   went with the customer to his bank to obtain
13   confirmation of the withdrawal?
14 A. That's right.
15 Q. And it is one day after that, on 13 May, that your
16   husband spoke to a lady at Post Office and he was told
17   in that telephone call that your branch could expect to
18   receive a transaction correction?
19 A. Yes.
20 Q. Presumably it was in that call, on the 13th, that you or
21   your husband told Post Office about everything that you
22   had done in the meantime?
23 A. Yes, we told them that we had seen -- that we had seen
24   the "authorised" receipt from the customer and that we
25   had also got the statement from the bank to show that

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1   the money had gone out of the customer's bank account,
2   even though it had not appeared on our system.
3 Q. I should make clear before moving on that Post Office
4   makes absolutely no criticism of you for doing all that
5   work yourself and for having tracked the customer down
6   and similarly I didn't intend to criticise you earlier
7   about the impression you took from the telephone call.
8   You were understandably frustrated. I just wanted to
9   make that clear.
10 A. Fine.
11 Q. The point I do intend to challenge in your witness
12   statement is a relatively small one, which is your
13   suggestion that the shortfall in your branch would not
14   have been resolved if you hadn't done the work that you
15   did. Do you follow?
16 A. I understand what you're saying.
17 Q. It might help to take it from your statement at
18   paragraph 27, which is {E1/4/5}. It is the second
19   sentence in that paragraph, Mrs Burke. That's the only
20   one I want to address with you at the moment. You say
21   there:
22   "Based upon my initial experience of the helpline,
23   I do not think that Post Office would have resolved this
24   if I had not had the clear proof that the £150
25   transaction had in fact been authorised and that the

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1   money had left the customer's bank account."
2 A. No.
3 Q. You of course were not aware at the time in May 2016, or
4   indeed when you prepared this witness statement, of the
5   steps that were going on in the background at
6   Post Office and at Fujitsu, were you?
7 A. No.
8 Q. What I intend to do is show you some documents produced
9   during that process that I will suggest show that
10   Post Office and Fujitsu were dealing with the problem
11   and would have been able to resolve it. Do you follow?
12 A. I follow.
13 Q. The first document is at {F/1470.1}. This is what is
14   called a BIMS incident report which is a wonderfully
15   tautologous phrase because BIMS stands for business
16   incident management service, which is a function
17   performed by Fujitsu.
18   You see at the bottom that this is a document
19   produced by Mr Andy Dunks. Do you see that in the
20   rectangle at the bottom of the page "Analyst" on the
21   right?
22 A. Yes.
23 Q. You can take it from me that he is a Fujitsu employee.
24   This is a report that Fujitsu has generated to identify
25   branches affected by the outage on 9 May. Again, in the

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1   box at the bottom of the page do you see under "actions:
2   date and time", the first entry there:
3   "On the 9th May 2016 there was a major outage at
4   branches that caused multiple transactions to fail.
5   Transactions that require [Post Office Limited]
6   reconciliation have been identified and a spreadsheet
7   created."
8   Do you see that?
9   A. Yes.
10   Q. And do you see that this document is dated 12 May,
11   that's in the same box after "Actions: date and time"?
12   A. Yes.
13   Q. So am I right to say this is then the same date as that
14   on which you went to the customer's bank with him?
15   A. Yes.
16   Q. Going right to the bottom of this document, do you see
17   at the bottom it says:
18   "The resultant spreadsheet has been attached to the
19   same email that this BIMS has been sent."
20   A. Yes.
21   Q. I can then show you that email quickly. It is at
22   {F/1470.1.1}. So this is the email that attaches the
23   report that you have just seen, Mrs Burke, and you see
24   from the top of the email that it is sent to various
25   recipients at Post Office.

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1   A. Yes.
2   Q. And it says in the last sentence of the email:
3   "I have attached a spreadsheet containing the list
4   of all transactions that require POL …"
5   Which is Post Office Limited:
6   "… to manually reconcile as appropriate."
7   A. Yes.
8   Q. The next document, Mrs Burke, is a spreadsheet which is
9   at {F/1848.4}. It will just take a moment. This,
10   Mrs Burke, is the spreadsheet that we have just seen
11   described as having been attached to the email that went
12   to Post Office. If you could please look at row 12, if
13   the operator could scan down please. You recognise in
14   the first column, column A, where it identifies the
15   branch, the branch ID there 216321. Do you recognise
16   that branch ID?
17   A. Yes.
18   Q. That's the Newport branch, isn't it?
19   A. The Newport branch, yes.
20   Q. Now can we move it over just slightly so we can see all
21   of column H please. What it says there in this Fujitsu
22   document is:
23   "The £150 cash withdrawal transaction was authorised
24   by the FI …"
25   Which I take to be financial institution:

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1   "… and an authorised receipt was produced on the
2   counter. However, when the user attempted to settle the
3   transaction it failed due to the known data centre issue
4   at the time so disconnected session receipts were
5   produced and the user was logged off. The user managed
6   to log back in but recovery also failed. As
7   an authorised receipt was produced the user should have
8   handed money over to the customer but we cannot be
9   certain that they actually did so. Assuming money was
10   handed over the customer account will be correct but the
11   branch will have a shortage given that the transaction
12   hasn't been recorded on the system. This will need to
13   be manually reconciled."
14   So what I suggest is it looks, doesn't it, like
15   whoever at Fujitsu wrote this didn't know whether or not
16   you had paid money over the counter, is that right?
17   A. Yes, they have put they don't know if it was handed over
18   even though I had already called in and said we had paid
19   the customer. So they knew on the 9th that I had paid
20   the customer.
21   Q. Remember, Mrs Burke, this is a Fujitsu document rather
22   than a Post Office document so this is the people
23   managing the system and what I suggest is this is what
24   they have discerned from the data available to them on
25   the system. Do you follow?

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1   A. Right.
2   Q. And that they have essentially obtained data reports on
3   the thousands of branches that were affected and this is
4   what they can see from their data.
5   So do you see then that Fujitsu says, on the
6   assumption that the money was handed over,
7   reconciliation would be required?
8   A. Right. Yes, I can see what they're saying.
9   Q. Continuing with this account of what's going on in the
10   background, Post Office then produces a spreadsheet to
11   show what it is doing in response to this analysis from
12   Fujitsu and that's at {F/1848.5}. It is another
13   document that will take a moment to come up. Do you see
14   there, Mrs Burke, row 13 that's been highlighted?
15   A. Yes.
16   Q. And we see in column A the branch code but helpfully the
17   branch name in column B as well. Then if the screen can
18   be moved over a little please. Column H is the same, it
19   is the statement we have already seen from Fujitsu that
20   we just read. If we move further please to the right --
21   A. When it says the transaction date and it says 9 May.
22   Q. Forgive me, where are you looking? Can we move the
23   screen back.
24   A. 9 May. But it says the time 8.28. How can that be
25   8.28? My branch doesn't open until 9.

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1 Q. I'm instructed that these records will be an hour
2   different because of not accounting for savings time.
3   So it's just every time you see a document like this
4   they will be an hour out.
5 A. Earlier?
6 Q. Forgive me?
7 A. An hour earlier? So how would they know I had done that
8   an hour earlier?
9 Q. No, the suggestion isn't that the transaction occurred
10   at 8.28. It did occur -- the session start date I think
11   that will show. No one is suggesting that it was at
12   8.28, it's just this time stamp doesn't take account of
13   changes in GMT, so it will be an hour off. This time
14   stamp is an hour wrong.
15 MR JUSTICE FRASER: I don't think GMT does change.
16 MR DRAPER: Forgive me.
17 MR JUSTICE FRASER: I think what you mean is this is GMT and
18   it would be daylight saving time in May.
19 MR DRAPER: That's right. I'm sure that's what I meant.
20 MR JUSTICE FRASER: So it has GMT at the top of the
21   column under letter F.
22 MR DRAPER: Yes, I think it is just unadjusted.
23 A. Okay.
24 Q. If we can move across then please. I think you
25   confirmed that H looks like the same content we have

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1   already seen, Mrs Burke. If we go back just across
2   please.
3 A. Yes.
4 Q. That's what we have just already seen in the other
5   spreadsheet.
6 A. Okay.
7 Q. But this is a document into which Post Office has added
8   further information and that's over in column J. You
9   see the heading to that column is "Action taken" and
10   what Post Office has included in that box for your
11   branch is:
12   "Branch contacted. Shortage in branch so TC issued
13   to adjust cash."
14   So what I suggest is that's Post Office, with the
15   information it has about what actually happened in your
16   branch, information from you, confirming that it will
17   issue a TC?
18 A. Right.
19 Q. And I suggest that this coincides, Mrs Burke, with your
20   witness statement where you say that your husband was
21   told on 13 May to expect a transaction correction.
22 A. Yes.
23 Q. Just to complete the picture, the transaction correction
24   was in fact produced on 16 May. We can see that from
25   {F/1687.1}. If you look please at row 5 you will see

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1   the date at A, 16/05/2016. And then if the operator
2   could move the screen along a little please to the
3   right, in column L we see a description -- we see the
4   text that accompanied the transaction correction and
5   that reads:
6   "To correct communications failure on 9.5.16 for in
7   pounds 150 …"
8   It gives a reference and it says then "so credit to
9   office", then provides the number for the financial
10   services enquiry team. That's the transaction that you
11   received -- I think you say received and processed on
12   the 17th, is that right?
13 A. Yes, 17 May. Yes, it was 17 May when we got it through.
14 Q. So the point I want to take from these documents that
15   I have just taken you through, Mrs Burke, is nothing to
16   do really with the impression that you took at the time
17   or the impression that you set out in your witness
18   statement -- as I say, we don't criticise you for having
19   taken that view -- the point I'm trying to establish is
20   that having seen now, with the benefit of what you have
21   seen here about what Post Office and Fujitsu were in
22   fact doing in the background, as it were, unknown to
23   you, with the benefit of that knowledge would you accept
24   that it looks as though Post Office would have been able
25   to resolve the problem in your branch even if you hadn't

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1   taken the steps that you did?
2 A. Possibly, yes.
3 Q. Thank you.
4   No further questions, my Lord.
5 MR JUSTICE FRASER: Mr Green?
6   Re-examination by MR GREEN
7 MR GREEN: Only one question, my Lord.
8   Mrs Burke, if you just have a very quick look on
9   page {F/1461/1}. Do you recognise that?
10 A. Yes.
11 Q. The transactions that we see on there, are they in
12   chronological order going down, so 180 comes first,
13   73 --
14 A. Then 73, then 150.
15 Q. -- or are they going up in chronological order?
16 A. No, the 180 and then the 73 and the 150 was the last
17   one.
18 Q. Right. And that's the one there was a problem with.
19 A. Yes.
20 Q. Thank you very much.
21 MR JUSTICE FRASER: Thank you very much, no questions from
22   me. You are free to go, thank you.
23 MR GREEN: My Lord, there is a tiny possibility I might need
24   to ask your Lordship for just five minutes. There is
25   a PEAK that has been uploaded, a new one today, which

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1   I don't understand and the haste with which it has been
2   done suggests it might be going to be put to Mr Roll.
3 MR JUSTICE FRASER: When you say uploaded you mean put in
4   the trial bundle?
5 MR GREEN: Yes. And so because I haven't had a chance to
6   discuss it with him, can I have five minutes?
7 MR JUSTICE FRASER: When did that appear, that document?
8 MR GREEN: During the course of today. It uploaded at 9.43
9   this morning but unfortunately I haven't managed to get
10   on top of it.
11 MR DE GARR ROBINSON: My Lord, I won't be asking any
12   questions on that PEAK.
13 MR JUSTICE FRASER: You're not? You are cross-examining
14   Mr Roll, are you?
15 MR DE GARR ROBINSON: I am cross-examining Mr Roll and there
16   will be no questions about that PEAK. It is there for
17   an entirely separate, coincidental reason.
18 MR JUSTICE FRASER: Is Mr Roll going into tomorrow?
19 MR DE GARR ROBINSON: Yes, I would expect so.
20 MR JUSTICE FRASER: Are there going to be any questions on
21   that PEAK tomorrow?
22 MR DE GARR ROBINSON: No.
23 MR JUSTICE FRASER: No, all right.
24   Well then that means there won't be a situation
25   where you need to speak to Mr Roll overnight and he will

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1   be in purdah.
2 MR GREEN: My only anxiety, my Lord, is if it arises in the
3   evidence of someone else and I haven't dealt with it --
4   I don't want to be -- could I just have five minutes to
5   make sure?
6 MR JUSTICE FRASER: I'm not going to give you five minutes,
7   I will actually give you ten minutes. That's the
8   easiest way of dealing with it. So we will come back in
9   at half past.
10 (2.20 pm)
11   (Short Break)
12 (2.30 pm)
13 MR GREEN: My Lord, I call Mr Roll if I may please.
14   MR RICHARD ROLL (affirmed)
15 MR JUSTICE FRASER: Thank you, Mr Roll. Have a seat.
16 A. Thank you.
17   Examination-in-chief by MR GREEN
18 MR GREEN: Mr Roll, in front of you there should be
19   a folder, you can see.
20 A. Yes.
21 Q. And if you turn please to tab 7 {E1/7/1}.
22 A. Yes.
23 Q. You can see there's a witness statement with your name
24   on it.
25 A. Yes.

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1 Q. And at the back of that witness statement is
2   a signature.
3 A. Yes.
4 Q. Is that your signature?
5 A. It is.
6 Q. And are the contents of that witness statement true?
7 A. Yes, they are.
8 Q. And if we go to tab 10 {E1/10/1}, have you got a copy of
9   the amended statement there?
10 A. Not here, no. Thank you.
11 Q. Do you want to keep it in front of you.
12 A. Thank you, yes.
13 Q. Have a look at the back page of that if you would, very
14   kindly.
15 A. Yes.
16 Q. And have you got your signature?
17 A. Yes.
18 Q. On that one, or have you signed another one?
19 A. I have signed another one, yes.
20 Q. And are the contents of that statement true?
21 A. Yes.
22 Q. Thank you very much.
23   Cross-examination by MR DE GARR ROBINSON
24 MR DE GARR ROBINSON: Mr Roll, you say that between 2001 and
25   2004 you worked at Fujitsu and you describe it in

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1   paragraph 2 of your first statement {E1/7/1} as working
2   in third/fourth line support.
3   I would just like to ask you some general questions
4   about the support teams first of all and for that
5   purpose I would like to ask you to look at Mr Parker's
6   first witness statement, the reference is {E2/11/5}. It
7   will come up on the screen for you. You will see that
8   Mr Parker says in paragraph 24:
9   "There were four lines of support for Horizon while
10   Mr Roll was employed by Fujitsu and they are described
11   in paragraph 26 below. There are still four lines of
12   support ..."
13   Stopping there actually there is a general question
14   I should ask which is that you know that Mr Parker has
15   made three witness statements, don't you, in this
16   matter?
17 A. I know he has made some witness statements, I don't know
18   how many.
19 Q. Have you read any of them?
20 A. I have looked at them briefly.
21 Q. Have you looked at all of them briefly or just some of
22   them briefly?
23 A. I don't think I have read all of them.
24 Q. Okay. His first witness statement, the witness
25   statement that we're now looking at, have you read that

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1   carefully or briefly?
2 A. Briefly.
3 Q. Paragraph 25, perhaps I could ask you to read that
4   paragraph very quickly to yourself.
5   (Pause).
6 A. Yes.
7 Q. That's true, isn't it, what's said there?
8 A. Yes.
9 Q. And then he describes in paragraph 26 the four lines of
10   support for Horizon. The first line involved several
11   different elements. This is in paragraph 26.1. First
12   of all he refers to the Horizon service desk, which was
13   a help desk operated by Fujitsu that branches could
14   contact with issues relating to Horizon application or
15   hardware provided in branch. Then over the page
16   {E2/11/6}, in 26.1.2 he said:
17   "There was also a 1st line communications management
18   team operated by Fujitsu which specifically focused on
19   communication incidents ..."
20   And then finally in 26.1.3 he says:
21   "Post Office also operated a 1st line help desk for
22   operational issues called the national business support
23   centre ..."
24   Are you able to confirm that all those facts are
25   true from your own knowledge?

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1 A. I don't remember.
2 Q. You do know that Post Office operated a first line help
3   desk for operational issues called the national business
4   support centre, don't you?
5 A. There was a first line support desk and I believe it was
6   shared between Fujitsu and the Post Office, or ICL and
7   the Post Office as it was when I joined, but I don't
8   recall what the splits were or anything like that.
9 Q. That's fair.
10   Then if I could ask you to read the next unnumbered
11   paragraph underneath 26.1.3 to yourself please.
12   (Pause).
13 A. Yes.
14 Q. Are you able to agree with the points made in that
15   paragraph?
16 A. From what I remember, yes.
17 Q. I'm grateful.
18   Then the next unnumbered paragraph, Mr Parker says:
19   "If NBSC were unable to identify the cause of
20   a discrepancy they would often fall back on a default
21   statement along the lines of 'this looks like a software
22   issue' so that the SSC would investigate it. However,
23   Mr Roll's statement that 'if an error was referred to us
24   then it was extremely unlikely to be due to a mistake
25   made by a postmaster' is not correct. The vast majority

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1   of discrepancies investigated by the SSC as pseudo
2   'software issues' were (and are) not caused by software
3   issues."
4   I would like to suggest to you, Mr Roll, that that's
5   true, isn't it?
6 A. The way that I remember it, it was issues to do with the
7   software that were causing the problems. Whether that
8   was the programme that had been written or data
9   corruption, that's what I remember as our problems
10   being.
11 Q. You remember there being problems with data corruption?
12 A. Yes.
13 Q. I'm not asking you about data corruption, Mr Roll, I'm
14   asking you about software issues. The claim I would
15   like to put to you again is the last sentence of that
16   paragraph:
17   "The vast majority of discrepancies investigated by
18   the SSC as pseudo 'software issues' were (and are) not
19   caused by software issues."
20   Are you in a position to agree to that?
21 A. From my recollection I would disagree with that, but it
22   was a long time ago.
23 Q. I'm grateful.
24   Paragraph 26.2 {E2/11/7}, there's then a description
25   of the second line support:

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1   "Second line support was provided by senior members
2   of the HSD and SMC ..."
3 MR JUSTICE FRASER: Hold on, the page hadn't changed.
4 MR DE GARR ROBINSON: I'm so sorry, it is page 7.
5 MR JUSTICE FRASER: It is all right. It has now, it just
6   takes a little while. We are at 26.2, yes? Or
7   whichever one it is on page 7.
8 MR DE GARR ROBINSON: Can I ask you to read paragraph 26.2
9   and its description of the second line of support.
10 A. Yes.
11 Q. Is that something that you can recall and can agree
12   with?
13 A. It's not something I can definitely say yes or no to.
14 Q. Your caution does you great credit, Mr Roll. What
15   I discern from you -- and if I'm putting words in your
16   mouth do let me know -- you think it may well be right
17   but you don't want to commit yourself --
18 A. Yes.
19 Q. -- because it is a long time ago and you didn't work in
20   second line?
21 A. Yes.
22 Q. That's very fair. But just to be clear, people who
23   worked in the second line included junior members of the
24   SSC team, yes?
25 A. Hm. That's not how I remember it. Second line was

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1   a separate entity and we were third line in the SSC.
2 Q. Well, I put his evidence to you and I will move on.
3   Then we come to the third line, 26.3. He says:
4   "The SSC also provided 3rd line support. The staff
5   that provided 3rd line support had a detailed knowledge
6   of the Horizon application based on documentation and
7   some inspection of source code. They:
8   "Designed, tested and documented work rounds for the
9   1st and 2nd lines of support;
10   "[They] applied analytical skills to the symptoms
11   and evidence gathered by the 1st and 2nd line functions
12   and undertook in-depth investigation into incidents
13   (incidents are the basic unit of work for the support
14   team and come from help desk calls and other Horizon
15   support teams);
16   "[They] undertook complex configuration
17   (configuration items can be used to alter the behaviour
18   of the application) and data fixes which might have
19   required the generation of special tooling;
20   "[They] designed, wrote and documented new support
21   tools ... [they] undertook source code examination,
22   complex diagnosis and documentation (including methods
23   to recreate faults) of new application problems before
24   sending them to the 4th line support group for root
25   cause software fix; and [they] provided technical

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1   support to other internal Fujitsu teams working on
2   Horizon."
3   Now, I have read an awful lot to you, Mr Roll, and
4   I have done that on the apprehension that none of this
5   is going to be controversial. Can I ask you to indicate
6   whether you accept what Mr Parker says there in
7   paragraph 26.3?
8 A. Yes.
9 Q. I'm grateful. Then there is a description of the PEAK
10   and KEL system which I need not trouble you with.
11   Paragraph 26.4 on page 8 {E2/11/8}, there's
12   a description of the fourth line:
13   "4th line support staff had an intimate knowledge of
14   narrow areas of the system and were (and are) ultimately
15   responsible for the production of permanent fixes to
16   repair the root cause of an incident or problem in the
17   live application. They had knowledge of computer
18   languages which they used to amend source code to fix
19   problem in the live application code. There was often
20   overlap between 4th line and developers, who added new
21   features into the application."
22   Do I apprehend, Mr Roll, that you agree with that as
23   well?
24 A. Broadly speaking, yes.
25 Q. I'm grateful.

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1   Now, you describe yourself in paragraph 2 of your
2   first statement {E1/7/1} as "third/fourth line support".
3   You in fact worked in third line support, didn't you?
4 A. I worked in third line support, yes.
5 Q. And it is fair to say that -- well, this is my language
6   and if you disagree with the nomenclature do let me
7   know, but would it be fair to say that third line
8   support was the elite, but the fourth line support, the
9   people that actually fixed software problems, they were
10   the super elite. Would that be a fair thing to say?
11 A. I would say there were some members of third line who
12   were super elite as well.
13 Q. And would you describe yourself as one of those people?
14 A. No.
15 Q. Let's talk about third line. The third line, they were
16   on a floor that even other Fujitsu staff members
17   couldn't generally access, is that right?
18 A. Yes.
19 Q. And if we can pick it up at paragraph 28 of Mr Parker's
20   witness statement {E2/11/8}, you worked in third line
21   for between -- well:
22   "Between 1 January 2001 and 31 December 2014 ..."
23   And those are the years that you worked for Fujitsu:
24   "... the SSC received a total of 27,005 calls,
25   meaning that on average 563 calls per month were dealt

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1   with over this 4-year period."
2   And he refers to a spreadsheet setting that out and
3   he then analyses the data in that spreadsheet. Would
4   you accept that that is a fair reflection of the amount
5   of calls coming in, the amount of incidents coming in to
6   SSC when you were there, third line?
7 A. I can't really remember. I know there were periods when
8   it was very busy and periods when it wasn't so busy.
9   Sometimes we had three or four jobs on the go at once,
10   other times we were given other work to do from the
11   manager.
12 Q. And paragraph 29, Mr Parker says:
13   "Transferred calls (ie those not resolved by the
14   SSC) are of interest."
15   He says:
16   "A very small proportion of calls transferred to
17   4th line support would have concerned software errors
18   requiring resolution ..."
19   Stopping there, Mr Roll, that's true, isn't it?
20 A. Yes.
21 Q. So he then says:
22   "... it would be interesting [therefore] to know the
23   number of calls transferred to [fourth line]."
24   Would you agree to that? It would give some
25   indication of the extent to which incidents coming into

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1   the SSC properly, genuinely represented software areas
2   that required fixing? That would be a useful way of --
3   a touchstone of trying to work out --
4   A. Yes.
5   Q. Thank you. He then says that, unfortunately:
6   "... while the SSC have records of the volume of
7   transferred calls, we do not retain records of where
8   they are transferred to and it is not the case that all
9   of these would have been transferred to 4th line
10 support. For example incidents would often arrive at
11 SSC from internal teams for routing back to help desks."
12   Do you remember that?
13 A. I don't remember that particular ...
14 Q. But would it be right to say that of the calls coming
15 into third line support, a significant proportion would
16 go -- of calls that would then be transferred out, would
17 go to places other than fourth line support? Would that
18 be fair? Does that accord with your recollection?
19 A. The way I recollect it is that calls would come in and
20 we would work on them, either fix them, in which case
21 they would go back to the originator, or we would pass
22 them on.
23 Q. To other people?
24 A. To other people.
25 Q. Depending on the nature of the problem?

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1   A. Yes.
2   Q. So if there was an infrastructure problem you would
3   probably pass the call on to the infrastructure team, it
4   wouldn't go to fourth line support, would it?
5   A. Probably.
6   Q. And there are a number of other teams that calls coming
7   into third line would be passed to who would not be
8   fourth line support?
9   A. Probably. I can't remember the full details.
10 Q. I accept, it's a long time ago. If we could just look
11 at an analysis that Mr Parker has done of calls coming
12 in and calls coming out, could we go to {F/1839} please.
13 This is a series of spreadsheets which I have -- I'm
14 probably the least qualified person in court to be
15 talking about spreadsheets and I would like to go to the
16 tab which is "Live PEAKs into SSC" please, at the bottom
17 of the page. "RRP live PEAKs into SSC", there. And you
18 will see that there is a calculation of from 2002 -- oh,
19 from 2002 all the way through to 2004 -- actually, I'm
20 sorry, if you go up to the top of the page you will see
21 there is more. But it's from January 2001 all the way
22 through to December 2004 and you will see at the bottom
23 there's a figure of 27,005 calls. Mr Parker's evidence
24 is that's the number of incidents/calls that came into
25 the third line support during the years that you were

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1   there. Are you in a position to dispute that?
2   A. I would say that's probably the number of recorded calls
3   that came in, yes.
4   Q. I'm grateful. If we could go to the next tab, which is
5   "RRP live PEAKs out of SSC", here is the calculation,
6   again from January 2001 all the way through
7   to December 2004, of the total number of calls that were
8   passed out of third line support and we have already
9   established that a proportion of those calls would have
10 gone elsewhere?
11 A. Mm-hm.
12 Q. Some of them would have gone to fourth line support and
13 I believe you have already accepted that a small
14 proportion of those going to fourth line support would
15 have gone to fourth line support because they required
16 software fixes?
17 A. Yes.
18 Q. Very good.
19   Now, the total figure that Mr Parker has analysed
20 comes to 3,764 calls. Do you see that?
21 A. Yes.
22 Q. Are you in a position to dispute that calculation?
23 A. I can't dispute that, no.
24 Q. No. And I didn't expect you to.
25   So what that means is that of the calls coming into

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1   third line support while you were there, 14% of them
2   went elsewhere and of that 14% only a subset would have
3   gone to fourth line support. Do you accept that?
4   A. Yes.
5   Q. And of that subset only a small subset would have
6   represented calls relating to software errors requiring
7   fixing by fourth line support. Do you accept that?
8   A. Does this figure, 3,764 -- is that -- and the other
9   figure earlier on, is that calls that have come in, gone
10 out then come back to us and gone out again somewhere
11 else, or is it just ones that have come in, gone all
12 round the houses, as it were, and then gone out for
13 final resolution?
14 Q. My understanding is it is the latter but I had better
15 check. Yes, Mr Parker is nodding. Are you in
16 a position to challenge that?
17 A. No.
18 Q. Very good.
19   So what that indicates then is summarised by
20 Mr Parker in paragraph 32 on page {E2/11/9} and
21 Mr Parker says:
22   "From the SSC, only a tiny proportion of incidents
23 were escalated to the 4th line support team. It follows
24 that only a tiny fraction of incidents raised actually
25 needed to be looked at by the only team who might

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1   potentially effect changes in software."
2   Do you accept that conclusion?
3 A. Which paragraph are we looking at now, sorry?
4 Q. Paragraph 32, Mr Roll.
5 A. 32, sorry.
6 Q. The first sentence is right, isn't it?
7 A. When you take it as an average then yes I suppose so,
8   but the system evolved from -- I started there in 2000
9   I think it was and left in August 2004. The nature of
10   the work changed over time and the ones that stick in my
11   mind are the ones where there was sort of the
12   fire-fighting efforts where it was -- there were
13   difficult periods where there were software issues,
14   so …
15 Q. Yes, Mr Roll. We could by all means go back to the
16   graphs because you will have seen from the live PEAKs
17   into and out of the SSC it actually gave monthly
18   figures, but what I'm suggesting to you, Mr Roll, is
19   that -- although you may well have been busy on all
20   sorts of things, the fact of the matter is that software
21   problems requiring a software fix represented a tiny
22   fraction of the work that was handled by the SSC third
23   line support.
24 A. Yes.
25 Q. I'm grateful. Now, you don't say anything about your

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1   seniority, although you have already expressed some
2   modesty in that respect. We have established that you
3   weren't part of fourth line. Is it fair to say that you
4   were described as a SSC support consultant, was that
5   your job title?
6 A. I think I was a product specialist.
7 Q. I'm sorry?
8 A. I believe my job title was product specialist.
9 Q. You were a product specialist and was that the junior
10   level of people working --
11 A. It was the generic level. I believe most people there
12   were product specialists.
13 Q. And I think we have established that is it 30 people
14   worked in --
15 A. Approximately.
16 Q. -- the SSC? Of that 30 people how many people were at
17   your level?
18 A. When I worked there I -- it was two or three people were
19   senior levels, I think Mr Parker was one, a couple of
20   others, then there was Mik Peach and I believe the rest
21   of us -- 25 or so.
22 Q. The figures I would like to ask suggest to you, Mr Roll,
23   are about 25 people had the junior level and there were
24   about five people who were true specialists who I think
25   you fairly described as specialist earlier on in your

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1   evidence. Would you accept that that might be the case?
2 A. Junior level seems to -- it doesn't fully explain the
3   complexity of the system or the knowledge of the system
4   required, but yes, I suppose …
5 Q. Well, let's agree on ordinary -- I'm not seeking to cast
6   any imputations and it is right that you should -- words
7   do have implications. So the ordinary level was your
8   level --
9 A. Base level.
10 Q. -- and there was this perhaps five or so people above --
11   the senior people above you and what did they do? Did
12   they do the more challenging work?
13 A. Their experience and knowledge was more focused, shall
14   we say. Some people had a very good -- even I suppose
15   some of the junior level had a very in-depth knowledge
16   of the accounting side of things, so certain aspects
17   would be passed over to them. A couple were very, very
18   clued up on UNIX and that side of things so the actual
19   servers, any problems with those, if it was involved
20   problems would go over to them. So that was where their
21   knowledge lay in specific areas, very in-depth very
22   specific knowledge of those particular areas. Does that
23   explain the question?
24 Q. I'm really trying to grope towards what the five true
25   specialists, what kind of work they were doing. They

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1   were doing the more challenging kind of work, weren't
2   they?
3 A. I find it difficult to answer that from what I remember
4   of the way we worked. There were some areas where some
5   of the senior people where I would perhaps have been
6   more -- had more experience because of previous work and
7   previous programming that I would have been better off
8   and had more knowledge than they would have done, but in
9   other areas then they would be far superior to me.
10 Q. Well, let me suggest one area where they would have been
11   far superior to you, Mr Roll, or at least it was
12   perceived within the organisation -- I'm not trying to
13   have a debate with you about your own perceptions of
14   yourself, that would be completely unfair, but the
15   perception at the SSC was that were there software
16   errors or potential software errors that required large
17   amounts of code to be examined, the people who would
18   generally do that examination would be those five
19   people, people like Mr Parker. Would you accept that?
20 A. Generally I suppose, yes, although --
21 Q. And it would be relatively rare for someone outside that
22   core specialist team to be doing that kind of work --
23   not impossible but relatively rare, yes?
24 A. Several of us looked at the code on occasions. I was
25   a C programmer in that and other languages before

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1   I moved to Fujitsu so there were areas of knowledge we
2   had from previous areas, but I suppose most of it would
3   then be passed on to those people.
4 Q. I see. So would you accept from me then that generally
5   it would be them that would look at lots of code but
6   occasionally there might be occasions when someone else
7   would look at lots of code?
8 A. From a PINICL perspective yes, but some of us looked at
9   code more often, just out of interest.
10 Q. Well, I will ask you about that in a while.
11   Now, the last thing I'm going to be doing in this
12   cross-examination is suggesting that you didn't have
13   a responsible position and a responsible job. You were
14   well trained, weren't you?
15 A. I was well trained by Fujitsu, yes.
16 Q. Is it the case that there was a mandatory six month
17   training process you had to go through at Fujitsu before
18   you were allowed unsupervised access to the live system?
19 A. I don't fully recall that.
20 Q. And would it also be fair to say that the work that you
21   did involved tasks that were much easier and were much
22   more mundane -- I don't mean to be insulting -- than the
23   kind of tasks that the senior people within the third
24   line of support did?
25 A. I think one of the comments Mr Parker made in his

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1   statement at some point was that some things stick in
2   the mind more than others and over time one tends to
3   forget the mundane aspects of the job and tends to
4   remember more the aspects that were not mundane, so my
5   recollection is that -- as I put in my statement --
6   I spent sort of 70% of the time doing not mundane tasks,
7   as it were, and only 30%, but that could be wrong, it
8   could be my perception of events from 15/17 years ago.
9 Q. That's very fair, Mr Roll, and I'm grateful for that.
10   Can we look at some PEAKs which indicate the kind of
11   work that you were doing and I'm not suggesting, by the
12   way, that these PEAKs are representative of all the work
13   that you did. But if we can go to {F/94.1} please.
14   That's a PEAK that's dated 26 March 2001 so it is quite
15   early on in your tenure at the SSC. Could I ask you
16   just to -- well, let's -- it's halfway down the first
17   box we've got "Information: long calls detected on
18   Bootle ISDN66" and then there is a series of times
19   relating to particular branches, particular FADs. Are
20   you able to explain what that's about? What that
21   problem was?
22 A. I think from what I remember calls were only supposed to
23   last a certain time. If they lasted more than so many
24   minutes then it would flag up an error. I think that's
25   what that says but that's --

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1 Q. I see, and then you will see several boxes down under
2   the heading "Graham Critchley", do you see that?
3 A. Yes.
4 Q. And then the next box down:
5   "F response: lines checked, no longer up. All long
6   calls cleared. KEL updated."
7   And then there is a reference to a KEL.
8   Can you describe what you were doing in relation to
9   this?
10 A. No, I can't remember.
11 Q. You can't remember.
12   Then you would have been -- it would have been your
13   final response. The fact that your name is at the
14   bottom indicates that you are the final responder for
15   this PEAK, yes?
16 A. Yes.
17 Q. And generally speaking would it be right to say that the
18   final responder is the person who has ownership of the
19   conclusion of the process?
20 A. Yes.
21 Q. And the resolution and usually knows more about the
22   problem than anybody else, would that be fair?
23 A. Not necessarily knows more about the problem, no, but
24   would have ownership of the problem.
25 Q. And its resolution?

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1 A. Yes.
2 Q. And if we could move on to {F/164.01} please. This is
3   a PEAK -- it is now a couple of years, perhaps three
4   years into your tenure. It is dated 28 November 2003
5   and at the top on the first box we've got at 15/10/03,
6   11.17 and then there is a long acronym. Could you tell
7   the court what OBC stands for?
8 A. I don't remember.
9 Q. "Engineer to site 21/11/03 am to remove 2 counters and
10   pin pads from site and return to Triage Services.
11   Engineer to ensure EOD marker is received prior to
12   decommissioning."
13   So an engineer is going into a branch to remove some
14   counters.
15 A. Looks like the branch has closed.
16 Q. It looks like the branch is closing.
17   Then if we go to the next box we've got
18   Barbara Longley -- who was Barbara Longley, do you
19   remember her?
20 A. I think she was the lady who was the administrative
21   person responsible for allocating calls.
22 Q. And then several lines down, "the call summary is now"
23   and there is a FAD number "check for marooned
24   transactions". Could you explain what the marooned
25   transactions are?

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1 A. I can't really remember but I think you had an end of
2   date marker and if anything had been -- any transactions
3   that were done after the last end of day marker -- so if
4   the branch had closed say at lunchtime, anything done in
5   the morning there wouldn't have been an end of data
6   marker left so I believe they may not have been
7   harvested properly and I think that was ...
8 Q. Well, can I suggest to you that what's happening here is
9   that there's a basic kit removal operation and marooned
10   transactions are transactions that might be located on
11   the machines but are trapped in -- they are stuck in the
12   machines, possibly because of a hardware error. Would
13   that be right?
14 A. Possibly.
15 Q. I see. And you will see halfway down the same box:
16   "Pre-scan: assigning call to Richard Roll in EDSC."
17   Do you remember what EDSC stands for?
18 A. No, I don't.
19 Q. But it is assigned to you and then if we go to the next
20   box down your response is:
21   "There are no marooned transactions; EODs and cash
22   accounts harvested okay."
23   So what work would you have done there to result in
24   that report?
25 A. I don't know.

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1 Q. You can't recall?
2 A. I don't remember.
3 Q. I see. Well, let's try the next one {F/193.1} please.
4   This is dated 26 February 2004. This is the year you
5   left and the first big box with big text in, another OBC
6   exercise of some sort, "planned short notice close", so
7   it looks as if a branch is closing down:
8   "ROMEC Engineer to site 18/02/2004 AM to remove 1
9   counter and pin pad from site and return to triage
10   Services. Engineer to ensure EOD marker is received
11   prior to decommissioning."
12   So an engineer is going to a branch to close it down
13   and remove the equipment, so similar to what we saw
14   before.
15   And then the next box down, about a third of the way
16   down there's a line which reads:
17   "Attended site [18 February]. SMC John confirmed.
18   Synchronisation ... ROMEC work complete."
19   Who were ROMEC, do you remember?
20 A. No.
21 Q. And two lines down:
22   "Information: please check for last CA and potential
23   marooned transactions."
24   Do you know what "last CA" means?
25 A. Last cash account I think.

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1 Q. And potential marooned transactions, again is someone
2   seeking to check whether there were any transactions
3   stuck on a machine that haven't been harvested and sent
4   elsewhere, is that right?
5 A. Yes.
6 Q. And then if we go down the page to the bottom of the
7   page, right at the bottom it is assigned to you, so you
8   are still doing this kind of work amongst many other
9   kinds of work --
10 A. Yes.
11 Q. -- in 2004 and over the page {F/193.1/2} about halfway
12   down, 19 February at 11.8, user Richard Roll:
13   "Final cash account harvested correctly, there are
14   no marooned transactions. No further action required."
15   Now, is it fair to say that a significant portion of
16   your work did involve supporting engineers doing that
17   kind of work? Would that be right?
18 A. I can't remember what percentage was what. It would
19   have varied over time. Certainly for the last year
20   after I had handed my notice in, I'm not -- I can't
21   remember if there was a change in my workload or not.
22 Q. Well, let's go to your second witness statement that you
23   made in January of this year. It is at {E1/10}. You
24   have already alluded to it. I would like to go to
25   page 8 {E1/10/8} which is paragraph 25. Perhaps you

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1   could just read it quietly to yourself.
2   (Pause).
3 A. Yes.
4 Q. About a third of the way down you say:
5   "However, if it is helpful to the court for me to at
6   least clarify my role, then I would add the following
7   short points: 1, whilst my workload did involve some
8   support to engineers opening and closing branches,
9   I would estimate that this made up only 30% of my work,
10   and the majority of my workload (estimate 70%) involved
11   looking for faults on data stores, preparing reports for
12   the manager as a result of reports of problems with
13   Horizon experienced by the estate ..."
14   And then you say:
15   "... as part of this role, at least some of the time
16   I was involved in examining source code ..."
17 A. Yes.
18 Q. Now, first of all, when you say "looking for faults on
19   data stores", what do you mean? Would that include
20   looking for marooned transactions on counters, on the
21   message stores?
22 A. It could do, yes.
23 Q. I see. And would it include checking to see whether
24   message -- whether counters, whether the machines are
25   locked when they should be unlocked, that kind of --

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1   looking for problems in the configuration data for
2   example in machines which prevent them from working
3   properly? Would you include that as looking for faults
4   on data stores? Because it does seem to be what those
5   words mean, Mr Roll?
6 A. I find -- I can't remember any specific details of that
7   sort of depth of work that I did. What I believe was
8   that I said most of my work was of a more technical
9   nature, not supporting the engineers, but that's my
10   recollection and that's the best I can give you.
11 Q. Faults in data or data stores, that doesn't mean looking
12   for bugs in software, does it?
13 A. It's not technically looking for a bug in the code, more
14   a bug in the data, a corruption in the data.
15 Q. Yes. So that's a very useful distinction actually.
16   A difference between errors in code, bugs in -- what
17   layman would probably call bugs and then data
18   corruption?
19 A. Yes.
20 Q. And data corruption is a vast sort of panoply of
21   problems. It could include configuration problems, you
22   could have data which has some fields that are missing,
23   you could have machines that are locked because they've
24   got the wrong binary setting -- I'm not putting this
25   very technically, I hope you will forgive me. It would

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1   will include a vast array of problems, many of which
2   would be hardware related, would that be right?
3 A. No, not necessarily. The data ... it could -- it's not
4   necessarily the hardware that's corrupted it. The data
5   becomes corrupt. Data is not hardware or software, it's
6   the data.
7 Q. Yes, when I say "many of which could be hardware
8   related" I'm actually trying to put that very point to
9   you, Mr Roll, which is that if you have a data
10   corruption, it may be the result of a software bug --
11 A. Yes.
12 Q. -- but it may well be the result of something completely
13   different, there are a wide array of things, including
14   hardware issues, would you accept that?
15 A. Yes.
16 Q. So when you describe 70 per cent of your work as
17   including looking for faults on data stores, you are not
18   saying, are you, that that work was looking for software
19   bugs? That's not what you mean?
20 A. Not 70% of it, no.
21 Q. I'm grateful. And then you say:
22   "... preparing reports for the manager as a result
23   of reports of problems with Horizon experienced by the
24   estate ..."
25   First of all, who is the manager in that sentence?

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1 A. Mik Peach.
2 Q. I see. So what you were doing, he would appoint you to
3   provide him with reports, would he?
4 A. He did, yes.
5 Q. And those reports -- he would do that because he himself
6   had received reports of one kind or another, is that
7   right?
8 A. He -- Mik Peach was engaged to another lady who worked
9   in Fujitsu who was of a similar or maybe senior level to
10   him and she occasionally asked him for favours and he
11   would ask me to write reports and generate reports to
12   give to her.
13 Q. You describe them as being "as a result of reports of
14   problems with Horizon experienced by the estate". What
15   are these reports of problems with Horizon experienced
16   by the estate?
17 A. I don't remember the details.
18 Q. Are we talking about standard routine reports that are
19   generated automatically?
20 A. No.
21 Q. So we're talking about specific reports, what, by human
22   beings?
23 A. Specific reports where I would look at the various
24   reports that had already been generated, collate the
25   data and extract specific data for him.

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1 Q. I see. So there were people producing reports and then
2   Mr Peach would then ask you to do reports collating the
3   information that was in those underlying reports; is
4   that what you are describing?
5 A. Some of the reports were systems generated, some were
6   generated by other people.
7 Q. And systems generated -- I would like to investigate
8   that a little bit. This also applies to the looking for
9   faults on data stores that you describe. A lot of the
10   work you did in looking for faults on data stores was
11   related to system reports that -- there are a series,
12   a vast series actually, of reports that are
13   automatically generated by the system as to its own
14   performance just to make sure it is working, lots and
15   lots of automated reports, and when you were looking for
16   faults on data stores you would be using those reports
17   to look for problems which you would then be looking to
18   see whether you could see if there was a problem and if
19   so what should be done about it?
20 A. Okay. Some of the reports were looking for
21   communications problems, so long calls. Others would be
22   looking for errors in the data stores. The data store
23   was harvested every day and the information would then
24   be processed overnight, so there would be all the
25   banking transactions from all the counters would be

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1   extracted and batched up and then sent off to different

2   banks and every process along there would generate

3   a report as well. So it wasn't just the data stores, it

4   was the whole system was generating reports.

5 Q. There were an enormous --

6 A. We would have access to all those reports, sorry.

7 Q. I'm sorry, I didn't hear you that last -- that's my

8   fault, I talked over you and now I'm saying I can't hear

9   you. I'm sorry, Mr Roll.

10   Yes, I see.

11   So you would agree with me, would you, that there

12   were a large number of automatic reports that were

13   continually produced by the Horizon system --

14 A. Yes.

15 Q. -- to monitor its performance and to look for problems?

16 A. Yes.

17 Q. And that when those reports generated some hits when

18   potential problems were identified, then people at your

19   level would go and look at them to see whether there was

20   anything that needed to be done about them?

21 A. Yes. As time progressed we wrote more and more reports

22   ourselves -- or programmes ourselves to monitor the

23   system, to alert us to any potential problems.

24 Q. And then perhaps I could ask you to go back to

25   Mr Parker's statement, {E2/11/9}. If I could pick it up

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1   at paragraph 34. Mr Parker says:

2   "As noted above, the SSC team provided both 2nd and

3   3rd line support. As with any mix of people, there are

4   (and were) various levels of talent within SSC. Mr Roll

5   was primarily used in operational business change (OBC),

6   which involved supporting the engineers who were opening

7   and closing branches and increasing and decreasing the

8   number of counters in branches."

9   Stopping there, does that remind you as to what OBC

10   stands for?

11 A. It does, now.

12 Q. And would you agree that you were primarily involved in

13   that activity?

14 A. That's not how I remember it, no.

15 Q. Could I suggest to you that it is quite possible that

16   because of the process you yourself described a few

17   minutes ago, that one tends to remember only the more

18   interesting things --

19 A. It is, it is possible.

20 Q. -- it is actually possible that that did represent your

21   primary set of jobs?

22 A. Yes, it could be.

23 Q. I'm grateful. He says:

24   "Mr Roll would also have been regularly correcting

25   the application environment after engineers had replaced

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1   failed counter hardware and clearing temporary files to

2   increase disc space."

3   Is that true?

4 A. It's possible. I don't remember it, but it's possible.

5 Q. "This could fairly be described as 2nd line work and it

6   was done by the SSC because it required a higher level

7   of access to the system than other support teams had."

8   Would you accept that?

9 A. It could be considered that.

10 Q. And then paragraph 35:

11   "Some members of the 3rd line support group

12   identified the need for software fixes via source code

13   examination and would pass this on to the 4th line team

14   for a code fix to be written. Mr Roll did not play any

15   significant part in this and was not involved in any

16   extensive source code examination. An application code

17   fix would not be written by anyone in the 3rd line team

18   and he was not involved in the provision of 4th line

19   support."

20   Could I suggest to you, Mr Roll, that you did not

21   play any significant part -- I'm not saying you played

22   no part, but you did not play a significant part in that

23   process and you weren't generally involved in extensive

24   source code examination?

25 A. That is correct, not generally involved, but I was

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1   involved in some source code examination.

2 Q. On occasion?

3 A. On occasion.

4 Q. And then would you agree that an application code fix,

5   that's a software fix to correct what I would call

6   a bug, would not be written by anyone in the 3rd line

7   team; that's right, isn't it?

8 A. Yes, we would identify a problem but the software

9   development team would write it.

10 Q. It's the fourth line people that fix them and I think

11   you would agree that from Mr Parker says here is that

12   you were not involved in the provision of fourth line

13   support.

14 MR JUSTICE FRASER: Is that right?

15 A. Fourth line support, from that way -- I suppose yes, you

16   could say that. The way I was looking at fourth line

17   support was writing code that would monitor the systems

18   and generate errors -- generate alerts if there was

19   a potential error, so from the way that's put then yes,

20   you could say that.

21 MR DE GARR ROBINSON: You weren't involved in the support

22   that was provided by the fourth line?

23 A. No.

24 Q. Thank you.

25   So would it be fair to say that the reading of

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1   copious amounts of code was relatively rare for the
2   third line of support and when it did happen it was
3   generally done by the senior people that we have
4   discussed?
5 A. Yes, I would think so.
6 Q. And although you did it on occasion, it was even rarer
7   for you; would that be --
8 A. Yes.
9 Q. I'm grateful.
10   Then if we move on to paragraph 37 {E2/11/10}.
11   Perhaps I could ask you to read paragraph 37.
12 A. Sorry, read out loud or ..?
13 Q. No, no, just read it to yourself. I'm so sorry.
14   (Pause).
15   Subject to one point which I'm about to raise with
16   you, Mr Parker says here:
17   "Moreover, Mr Roll was not working at a level where
18   he would be required to review code."
19   Mr Roll, I'm not suggesting that you never reviewed
20   code, sometimes you did, but subject to those occasional
21   times would you accept what Mr Parker says in
22   paragraph 37?
23 A. It's again what we said earlier. My recollection is
24   different to this but it's possible that predominantly
25   I did do the workaround. It's a long time ago.

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1 MR JUSTICE FRASER: What about the sentences that say about
2   the role of the SSC, do you agree with them? The SSC
3   had access to view, but couldn't amend, source code?
4 A. Yes, I agree with that.
5 MR JUSTICE FRASER: That's correct. And the access which is
6   then described in the second sentence was rarely used,
7   or do you not know?
8 A. I looked at the source code on several occasions, but
9   over a four year period that is rarely used, so ...
10 MR JUSTICE FRASER: Okay.
11 MR DE GARR ROBINSON: Well then, Mr Roll, if I could ask you
12   to go back to your first witness statement, it is E1,
13   tab 7. If we could pick it up at paragraph 6 {E1/7/1}
14   you say:
15   "My role involved receiving issues or problems being
16   experienced by people working within Post Office
17   branches. In many cases, this involved me dealing
18   directly with subpostmasters and others employed in
19   Post Office branches."
20   And then in paragraph 7 you say:
21   "By way of example of the type of issue that I would
22   deal with, if a financial discrepancy had arisen in
23   a branch (eg a 'shortfall' of £5,000) then I would need
24   to work sequentially through all transactions over the
25   relevant period and also work through thousands of lines

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1   of computer coding. Software programmes were written by
2   us to strip out irrelevant data to enable us to more
3   easily locate the error."
4   Given the discussion we have just been having,
5   Mr Roll, would you accept that perhaps with the benefit
6   of hindsight paragraph 7 might give a slightly
7   misleading impression, I'm sure unintentionally. It
8   gives, I would suggest, the impression that this is
9   something you did regularly, that when dealing with
10   problems arising in branches you would regularly work
11   through thousands of lines of computer coding, but
12   that's not actually the case, is it?
13 A. That is not the case, no, and that is -- I must agree
14   that is what that suggests.
15 Q. That's fair. That wasn't your intention to suggest that
16   and it may be I'm reading too much into it. Is that
17   what you are saying?
18 A. My recollection was that I did work through computer
19   coding of the programmes, but now I'm not so sure.
20 Q. I'm very grateful, Mr Roll.
21   Then if we could go back to {E2/11}, Mr Parker's
22   statement. If we could pick it up at page 10
23   {E2/11/10}, in paragraph 39 Mr Parker describes how:
24   "When an incident is resolved, the SSC team member
25   (or technician as they are sometimes called) types

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1   a summary of the incident (known as a final response)
2   and allocates a response code to the incident in order
3   to classify it."
4   Pausing there, do you remember that that was how the
5   SSC worked?
6 A. No, I don't remember that.
7 Q. You do remember the fact that someone would be
8   responsible for producing the final response on any
9   PEAK, yes?
10 A. Yes.
11 Q. And do you remember that that person would allocate
12   a code to the PEAK reflecting his or her judgment as to
13   the nature of the problem that had been dealt with?
14 A. I know that that's what happened because I have seen the
15   documents here, but I don't remember that.
16 Q. Oh, well, it might be that the questions I was about to
17   ask you could go quicker but I will try anyway.
18   "While guidance is provided on when to use each
19   response code ... allocation is the subjective view of
20   the technician closing the incident and there is no
21   re-examination of the response codes later to ensure
22   consistency."
23   Would I be right in thinking that you are not really
24   in a position to comment at this remove of time?
25 A. No.

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1   Q. Then Mr Parker says in paragraph 40:
2   "With that in mind, the final response codes that
3   were allocated to incidents ... reported to SSC between
4   1 January 2010 and 31 December 2004 were as follows:-
5   "Known issue/workaround - 35.3%;
6   "Admin - 27.5%;
7   "Reconciliation - 15.7%;
8   "Potential user error - 10.9%;
9   "Potential software error - 8.3%; and
10   "Hardware error - 1.2%."
11   Are those terms, those characterisations, known
12   issue/workarounds, admin, reconciliation, are they
13   familiar to you? Would you be able to -- do you have
14   a sense of what these things mean?
15   A. Not from my time there, I can't remember them.
16   Q. You can't remember. Well, let me ask you this then.
17   You will see in paragraph 40.5 he suggests that if you
18   review the PEAKs for the relevant period the PEAKs that
19   qualified as potential software errors represented 8.3%
20   of the work that was done by the SSC. Would you be in
21   a position to challenge that or accept it?
22   A. No, neither. I wouldn't --
23   Q. Neither? You just don't know. Fair enough.
24   Then Mr Parker says in paragraph 41:
25   "A major part of 1st line's raison d'etre is to deal

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1   with user error and therefore the percentage of issues
2   attributable to user error would be much higher at
3   1st line."
4   Would you agree with that?
5   A. Yes.
6   Q. And 41.2 {E2/11/11}:
7   "Very few hardware incidents reached the SSC because
8   they were the preserve of the HSD (ie they were
9   relatively easy to spot and therefore filtered out by
10   1st line support)."
11   Would you agree with that?
12   A. Yes.
13   Q. 41.3:
14   "8.3% of calls to the SSC ... are attributed to
15   potential software errors over these four years. This
16   includes duplicates ..."
17   Would that be right, do you recall?
18   A. No.
19   Q. Would you be in a position to dispute that --
20   A. No.
21   Q. -- the 8.3% -- the PEAK analysis would include PEAKs
22   that were essentially duplicates of other PEAKs?
23   A. No, I couldn't -- I couldn't --
24   Q. You couldn't remember?
25   A. No.

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1   Q. So he also says this:
2   "... does not provide any clarity on the
3   significance of the error corrected."
4   I suppose that's a statement of the obvious,
5   isn't it, you would accept that? The 8.3% could include
6   trivial problems, could involve major problems?
7   A. Yes.
8   Q. "Many software errors, particularly in a new product,
9   were insignificant, such as correcting capitalisation in
10   printed output."
11   Would you agree with that?
12   A. Yes, I assume so. I don't know if anything that trivial
13   would have been passed through to us, or maybe it would,
14   I can't remember.
15   Q. Well, if we could look at your own -- my Lord, I see
16   that it is 25 past 3. There was a break earlier, but
17   would your Lordship --
18   MR JUSTICE FRASER: Well, I assume -- are you going to go
19   what until about quarter past 4, half past 4?
20   MR DE GARR ROBINSON: If I could go to half past 4 I would
21   be grateful.
22   MR JUSTICE FRASER: Let's have a break now for the shorthand
23   writers.
24   Mr Roll, you are in the middle of giving your
25   evidence. Please don't talk to anyone in the short

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1   break or indeed overnight about your evidence, because
2   you are being cross-examined. We will have a break
3   until 25 to for the shorthand writers, and if everybody
4   could come back for that time that would be good. Thank
5   you very much.
6   (3.28 pm)
7   (Short Break)
8   (3.38 pm)
9   MR DE GARR ROBINSON: My Lord, thank you.
10   Could we go to {F/1839} please and once you've got
11   it up I would like the "RRP live PEAK by category" tab
12   again, if that's possible.
13   MR JUSTICE FRASER: Do you want in or out?
14   MR DE GARR ROBINSON: Could you keep going, I'm so sorry.
15   Yes, that's the one.
16   So, Mr Roll, can you see that there's a table
17   here -- if you could perhaps bring the table up so we
18   could see the whole of it because we are missing the
19   first nine rows, I think.
20   This is a table which Mr Parker describes in his
21   witness statement. It is an analysis of the PEAKs that
22   were produced during the four years 2001 to 2004 and it
23   is an analysis of the codes that were applied by the
24   final responder to the relevant PEAKs and do you see,
25   Mr Roll, that there are a number of -- there's

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1   a column on A which is "Closure category" and these are
2   the codes, the codes that were used at the time that you
3   very fairly said you don't remember, it being so long
4   ago, and all the numbers going down from zero which is
5   "Deleted", all the way up to 200. Then there is a brief
6   description of these codes and then there is the
7   column C is the overall count of total number of PEAKs
8   with these particular codes and you will see it comes to
9   27,002 and I should -- it is worth mentioning, my Lord,
10   Mr Parker says there are 27,005. This says 27,002,
11   there are three missing, I'm afraid I'm not in
12   a position to tell anyone why.
13   MR JUSTICE FRASER: They might be in cell C2 which has been
14   deleted. It might not count.
15   Can we just click on cell 34C -- I mean it is not
16   a big point so it is not worth … no, sometimes it
17   shows the formula.
18   All right, it doesn't matter.
19   MR DE GARR ROBINSON: I'm afraid it was posited only
20   a couple of hours ago and I'm not in a position to --
21   MR JUSTICE FRASER: I don't think the difference between
22   27,002 and 27,005 is going to make any difference.
23   MR DE GARR ROBINSON: I don't either.
24   So you will see, Mr Roll, just to explain it,
25   there's the overall analysis of the codes, the

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1   distribution of the PEAKs between these different codes
2   and then there is a -- if you go -- you can skip D for
3   the moment, but E, F, G, H, I, J and K, these are sort
4   of broader categories which are intended to encompass
5   different groups of code, so Mr Parker has chosen
6   "Potential software error" then "Potential user error",
7   "Hardware", "Admin", "Known issue/work round",
8   "Reconciliation" and "Documentation", do you see those
9   broad categories?
10   A. Yes.
11   Q. Just to explain how it works -- it is not nearly as
12   complicated as it looks. If you look at "Potential
13   software error" you go down and you see there is a 1 on
14   row 12. That corresponds to closure category 59:
15   "Ref data fix available to call logger."
16   That's the official code, or rather a brief summary
17   of code 59 and it shows that there are some hits in that
18   code category during the four years that you are there.
19   Do you understand how it works?
20   A. Yes.
21   Q. Then next one down, another potential software error is
22   60:
23   "Software fix available to call logger."
24   And the third one down is 61 "Build fix available to
25   call logger". Do these phrases, "Reference data fix

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1   available to call logger", "Software fix available to
2   call logger", "Build fix available to call logger", do
3   those terms ring any bells?
4   A. No.
5   Q. Or is it really just to -- would I be wasting valuable
6   time trying to --
7   A. I'm afraid I can't remember any of those.
8   Q. That's fair and I won't -- and then just to complete the
9   picture, row 24 there's a code 74 which is also treated
10   as a potential software error and this is "Fixed at
11   future release" but given what you have just said
12   perhaps I will leave it at the fact that you are not in
13   a position to challenge these categorisations, are you?
14   A. No.
15   Q. And then we've got "Known issue/workround" in column I.
16   The first one, the first hit is at 64, "publish known
17   error", that sounds quite logical, so if there's a known
18   error log already in existence that's just taking it and
19   saying "This is the KEL that applies to this problem".
20   And the next one down is "Unpublished known error" and
21   the next one down is "Solicited known error" and the
22   next one down is "Avoidance action supplied". Again,
23   would I be right in thinking it is probably not
24   a valuable use of time to ask you about those
25   categories?

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1   A. No.
2   Q. Okay. Well, this is Mr Parker's categorisation and you
3   will see that he distinguishes between potential
4   software error and known issue/work-arounds and if we go
5   down to the bottom of the table, looking at the overall
6   figures of the 27,002, we have 2,252 which are treated
7   as potential software errors, that's 8.3% and I think we
8   have already discussed that figure and I believe you
9   said you are not in a position to dispute that
10   calculation, is that right?
11   A. That's correct.
12   Q. And then if we go over to "Known issue/work round" there
13   are 9,545 of those which represents 35%, 35.3% of the
14   work being undertaken by the SSC while you were there.
15   Again, would I be right in thinking you are not in
16   a position to dispute that?
17   A. Yes.
18   Q. Thank you.
19   Now, staying with this document I would like to go
20   to a different tab please. Could we go to the
21   "Final responses" tab. Now, this, Mr Roll, is an
22   analysis of the PEAKs for which you were the final
23   responder.
24   A. Right.
25   Q. And you will recall that this is addressed in

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1   Mr Parker's witness statement. You will see that there
2   are 915 PEAKs in which you are the final responder while
3   you were there in your 44 months when you were at
4   Fujitsu and there's a breakdown of which particular
5   categories you had applied to the relevant PEAKs when
6   you closed them.
7 A. Right.
8 Q. Do you see that? And if we could go back please to "RRP
9   live PEAK by category" which I think is to the right ,
10   you will see that as well as an overall analysis of the
11   work done by the SSC there's also an analysis of the
12   would, that you did, "RR", this is in the pale -- is it
13   beige? When I was a child I think I would have called
14   it fawn but we have to say beige now. There is a beige
15   line and it has your 915 PEAKs and you will see
16   " Potential software error ", the total for the SSC is
17   8.3% but do you see that your total comes out at 3.2%?
18 A. Mm-hm.
19 Q. Would you be in a position to challenge that percentage?
20 A. No.
21 Q. Is it fair to say that it would reflect the nature of
22   the work that you did because you weren't one of the
23   senior specialists ?
24 A. It 's possible , yes.
25 Q. And if we go along to "Known issue/work round", which is

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1   column I, as I say we have 35.3% for the SSC but we've
2   got 61%, nearly 62% for you.   Again, would you be in
3   a position to challenge that allocation ?
4 A. Not on the figures here. What I can say is that in some
5   instances more than one person worked on a snag at
6   a time, but their involvement may not be included in
7   this and also that over time my workload would have
8   shifted and … well, I --
9 Q. I see what you are saying.   The point about this doesn't
10   cover all the work you did because you would have worked
11   on other PEAKs for which you were not the final
12   responder, could I just suggest to you that that may be
13   true, I 'm sure that is true , but it 's also true,
14   isn't it , that the PEAKs on which you are the final
15   responder are representative of how you spent your time,
16   the proportion of the work that you did as allocated
17   between different -- it 's unlikely that you would be
18   a final responder in categories which didn't represent,
19   you know, a fair allocation of the work you were
20   actually doing at any particular time, would it?
21 A. It 's interesting because this isn't how I remember it,
22   but that's what the figures say so …
23 Q. But just if I could put my point again, it 's a small
24   point and I will move on. You say, fairly , that these
25   are just -- assuming these figures are right and I 'm not

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1   demanding that you accept them --
2 A. I -- yes.
3 Q. If these figures are right , these just represent the
4   PEAKs in relation to which you were the final responder,
5   you were the one who had ownership -- if I can use that
6   horrible cliche -- of the resolution of the problem and
7   the closure of the PEAK. It 's true that you would have
8   worked on other PEAKs along the way, you would have
9   been, you know, allocated the job and then it would pass
10   to someone else and so on, it would have passed through
11   your hands, but wouldn't it be right to say that the
12   PEAKs where the music stopped -- the PEAKs that landed
13   in your lap as the final responder would be a fair --
14   a representative reflection of the nature of the work
15   that you did as between different categories of work?
16 A. Yes, I should think so.   There were probably some that
17   I got to start with that I then passed on to, as you
18   said earlier on, more qualified personnel within the
19   department.
20 Q. I see.
21 MR JUSTICE FRASER: Mr De Garr Robinson, just so that I can
22   follow one of the tabs on this document can we go back
23   to the -- I just have a question for you about the
24   entry.   Can we go back to the "Final responses" tab
25   please.   Do you see there from row 21 downwards on the

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1   left -hand side the category is given but for some reason
2   there isn't a description on the left -hand side.   Is
3   that just because there isn't enough room in that cell
4   and I should look across to column D for the
5   description?
6 MR DE GARR ROBINSON: Are we looking at column --
7 MR JUSTICE FRASER: I mean look, for example, at row 21
8   which is "As category 70", row 13 category 70 then says
9   "Avoidance action supplied" but for some reason it
10   doesn't on row 21. That might not be an issue because
11   it has avoidance action in column D.
12 MR DE GARR ROBINSON: Let me take instructions. I hadn't
13   noticed that and I will take instructions .
14 MR JUSTICE FRASER: It is not important for now, just tell
15   me in the morning.
16 MR DE GARR ROBINSON: I can tell your Lordship one thing
17   your Lordship may find helpful is that there is
18   a document which gives an indication as to what these
19   codes actually mean. It is from a later period in 2011
20   but I 'm instructed that it is broadly accurate and for
21   your Lordship's note, if it your Lordship is interested
22   as to what these codes actually mean, it is {F/823} and
23   the analysis of the codes starts at page 23 of that
24   {F/823/23}. I'm not suggesting -- there are some codes
25   that are omitted but if your Lordship would like to know

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1   more about those codes, it is actually -- I was going to
2   take Mr Roll to them but given his --
3   MR JUSTICE FRASER: I imagined you probably would. I was
4   just curious about that column but it doesn't matter,
5   please don't interrupt your flow.
6   MR DE GARR ROBINSON: I will take instructions overnight.
7   I'm so sorry to keep you waiting.
8   MR JUSTICE FRASER: It is my fault for interrupting.
9   MR DE GARR ROBINSON: So, Mr Roll, with that analysis can we
10   go back to your first statement please. It is {E1/7/2}.
11   It is paragraph 11 that I'm interested in. You say:
12   "I would estimate that there were over 30
13   individuals working on the same floor as me ... in the
14   Fujitsu building at Bracknell. My recollection is that
15   many of those individuals were involved in similar work
16   to myself, or were involved in other Horizon related IT
17   work. I would describe much of the work being carried
18   out as 'fire-fighting' coding problems in the Horizon
19   system."
20   For "coding problems" I take it you're talking about
21   software bugs. On the basis of the analysis of the
22   evidence that we have just been through at slightly
23   painful length, would you accept that it is possible
24   that you may have rather exaggerated the position, no
25   doubt unintentionally, in the last sentence of

1   paragraph 11?
2 A. Certainly the way I remember it doesn't agree with the
3   figures, so yes, it is possible that --
4 Q. Much of your work was not fire-fighting coding problems
5   at all, was it, coding problems represented a tiny
6   amount of your work?
7 A. On the evidence you have just supplied, that's correct.
8 Q. Nor did it occupy much of your colleagues' work either,
9   if we look at the overall figures, 8.3% for software
10   errors, would you accept that? Even that -- it would be
11   unfair to describe the process that was undertaken
12   during that four-year period as fire-fighting coding
13   errors by the SSC. It's just not accurate, is it,
14   Mr Roll?
15 A. From volume perhaps not. Time-wise avoidance action
16   would obviously take much less time than trying to find
17   a software problem. But the figures certainly
18   contradict my recollections of it.
19 Q. That's fair.
20   If we could move back to paragraph 9 {E1/7/2} you
21   say:
22   "We regularly identified issues with the computer
23   coding in the Horizon system. We would then flag those
24   issues to the Fujitsu IT software developers."
25   Mr Roll, you didn't regularly identify issues with

1   computer coding that would be flagged for the fourth
2   line support, did you? That's just not consistent with
3   the figures we have been looking at?
4 A. The way I remembered it was that we were as a department
5   finding issues every week but I'm not sure if that is
6   the case now. That was my recollection.
7 Q. I'm grateful. Then paragraph 8 -- this may have been
8   carefully drafted, or it may actually have been
9   carelessly drafted and I'm not attributing any motives
10   to you, I'm genuinely not, but if you look at the last
11   sentence of paragraph 8, you say:
12   "If an error was referred to us then it was
13   extremely unlikely to be due to a mistake made by
14   a postmaster; the vast majority of errors I dealt with
15   were due to coding errors or data corruption."
16   Just to be clear, Mr Roll, you are not saying that
17   the vast majority of errors you dealt with were coding
18   errors, are you?
19 A. No.
20 Q. And when you say "or data corruption", that includes all
21   sorts of problems --
22 A. All sorts of problems --
23 Q. -- that had nothing to do with software bugs?
24 A. Yes.
25 Q. I'm grateful. Now, I would like to ask you about

1   paragraph 10 of your witness statement {E1/7/2}.
2   I'm sorry, Mr Roll, I'm told that the transcriber
3   hasn't got the last answer. Could I read my question
4   again and then you can answer it again. I think it may
5   be my fault for having talked over you. My question
6   was: and when you say "or data corruption" that includes
7   all sorts of problems that have nothing to do with
8   software bugs?
9 A. Yes.
10 Q. I'm very grateful.
11   Then paragraph 10 on page 2 {E1/7/2} of your witness
12   statement:
13   "My recollection is that the software issues we were
14   routinely encountering ..."
15   Do you think there's a danger that by describing
16   yourself as "routinely encountering" software errors,
17   you may have unintentionally exaggerated the position?
18 A. I'm referencing here the whole department, not myself
19   and it was my recollection that as a department we were
20   routinely encountering software errors, which, as we
21   have previously said, the figures don't support that but
22   that was my recollection.
23 Q. That's very fair, Mr Roll, thank you.
24   You say:
25   "My recollection is that the software issues we were

1   routinely encountering could and did cause financial
2   discrepancies at branch level, including 'shortfalls'
3   being incorrectly shown on the Horizon system."
4   I think you will accept, won't you, that software
5   issues did not routinely cause branch discrepancies?
6   You are not saying that, are you?
7 A. By "software" there I mean software and data issues,
8   corruption, et cetera.
9 Q. You're including data corruption issues and --
10 A. The whole thing, yes.
11 Q. I see. So when you say "software issues" we should --
12   would it be fair to say that whenever you refer to
13   "software issues" we should probably read in the
14   possibility of other data issues that aren't concerned
15   with software bugs?
16 A. Yes.
17 Q. I'm grateful.
18 MR JUSTICE FRASER: By "software bugs" I think
19   Mr De Garr Robinson is talking about code issues.
20 A. Yes.
21 MR JUSTICE FRASER: That's how you are putting it. You are
22   using in your statement, as far as I can tell,
23   "software" in a rather more generic way, is that
24   correct?
25 A. I'm afraid so, yes. I should have -- it has been a long

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1   time.
2 MR JUSTICE FRASER: That's my understanding from both other
3   cases and today. Coding is what in the computer
4   industry they would describe as software issues, I think
5   and that's the way you are putting your questions.
6 MR DE GARR ROBINSON: Yes and I'm suggesting that the fact
7   that you have a data problem --
8 MR JUSTICE FRASER: I understand that.
9 MR DE GARR ROBINSON: -- bears no necessary relation to --
10 MR JUSTICE FRASER: I entirely understand all of those
11   points. Just so that you, Mr Roll, if you could specify
12   in any of your answers when you are referring to coding
13   using the word "code" then I will understand and
14   Mr De Garr Robinson will understand what your answer
15   relates to.
16 A. Yes, my Lord.
17 MR JUSTICE FRASER: All right.
18 MR DE GARR ROBINSON: So back to paragraph 10, I think you
19   have -- I hope I'm not putting words into your mouth.
20   Well, let me -- the software issues properly
21   so-called -- that's unfair, that's suggesting I'm
22   pulling rank on you or something, that's not my
23   intention.
24   Software issues in my definition, bugs.
25 A. Bugs.

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1 Q. Coding issues. You are not saying that even the whole
2   group of you, not just you, routinely encountered issues
3   of that sort? You're not saying that, are you?
4 A. We would -- a call would come into us with an error in
5   the accounts or something like that basically. We would
6   then look for a cause. And so unfortunately my
7   terminology -- it has been a long time since I was in
8   the industry. So it could be the code or it could be
9   the data corruption and we would have to try and find
10   out which one it was.
11 Q. So you are not saying that you were routinely
12   encountering coding issues, are you?
13 A. Bugs, no.
14 Q. I'm grateful. And then you said these issues could and
15   did cause financial discrepancies at branch level,
16   "these issues" being both software issues and data --
17 A. Data.
18 Q. -- more generally data issues. You are not
19   suggesting -- actually let me break it down so we can be
20   completely clear about what we're talking about. You've
21   got -- it is not a venn diagram, in fact it is the
22   opposite of a venn diagram. We've got a category of
23   what I would call -- let's call them coding issues so we
24   know exactly what we're talking about, and then we have
25   a category of data issues. Would I be right in thinking

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1   that the data issues that you encountered were far more
2   frequent than the coding issues, the coding issues
3   actually were quite rare?
4 A. We would always encounter data issues. Those data
5   issues could be caused by a coding issue, or they could
6   be caused by something else and I would say they were
7   usually caused by something else.
8 Q. I'm grateful. So data issues that were the result of
9   coding issues represented a very small proportion of the
10   total world of data issues, yes?
11 A. Yes.
12 Q. I'm grateful. And then of that -- we then look at data
13   issues and we have data issues that result in
14   discrepancies at branch level.
15 A. Yes.
16 Q. Would I be right in thinking that the number of data
17   issues that cause discrepancies at branch level were
18   very small compared with the total number of data issues
19   with which you were wrestling?
20 A. My recollection is that the data issues we were dealing
21   with were generally -- that it was quite a high
22   percentage of -- they were causing problems at the
23   branches. I will ...
24 Q. You say causing problems at branches, there are all
25   sorts of problems that would be caused at a branch. For

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1   example you could have a configuration problem which
2   means the machine isn't working properly. That's a data
3   issue, isn't it?
4 A. Yes, yes.
5 Q. That would be a problem at the branch but it wouldn't be
6   a problem that would cause a discrepancy, would it?
7 A. So what I mean is from what I remember, a lot of the
8   data issues that came in, we got them because there was
9   a problem with the accounts, a balance mismatch
10   somewhere. This is how I remember it. And if we could
11   find a problem -- if you could pinpoint it to the data
12   itself then you could perhaps find the problem and fix
13   it . If you couldn't find where the problem was in the
14   data, or you couldn't understand why it had happened
15   then there was the potential for it to be a software
16   problem, so then you would pass it over. It didn't mean
17   there was a software problem, it meant there was
18   a potential for it .
19 Q. Well, I'm grateful for that and actually I think you may
20   have just agreed with what I'm about to put to you.
21   Could I ask you to go to Mr Parker's first statement
22   please. It is at {E2/11/11}. This is where Mr Parker
23   says this :
24   " Classifying an incident as a 'potential' software
25   error does not necessarily mean that there was

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1   a software error …"
2   I believe that's the point you just made to me,
3   isn't it?
4 A. Mm-hm.
5 Q. "… and, even if there was, it does not mean that the
6   error was one that could have caused a financial impact
7   in a branch's accounts …"
8   Would you agree with that?
9 A. Yes.
10 Q. And then he says in brackets:
11   "… (a large proportion of these would be errors in
12   numerous data centre resident systems that the
13   subpostmaster never sees - errors were often as trivial
14   as the use of 'Kg' instead of 'kg' on receipts)."
15   Would you agree with that?
16 A. I can't remember.
17 Q. Well, I do suggest to you, Mr Roll, that even when you
18   had a coding error that created a data problem in
19   a branch, the number of data errors that actually
20   created a branch shortfall was a vanishingly small
21   proportion?
22 A. My recollection is that it was a big part of our job, so
23   for me working there it didn't seem like a small
24   proportion, a vanishingly small proportion. Also
25   just -- if there was a potential software issue and we

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1   passed it over for investigation , if they couldn't find
2   a problem it didn't necessarily mean there wasn't
3   a problem, it just meant they couldn't find it . So …
4   I can't agree fully with what you have just said.
5 Q. Well, let me continue with what Mr Parker says:
6   "As stated in paragraph 16 above, such errors were
7   extremely rare ."
8   That's coding errors which caused a financial impact
9   on branch accounts. As a proportion of the work coming
10   into the SSC, coding errors causing financial impact on
11   branch accounts was extremely rare, would you agree?
12 A. Yes.
13 Q. Thank you. And you say that problems would come in
14   because there were discrepancies in branch accounts and
15   that's how you would often see a problem, but of course
16   there's a large number of possible causes --
17 A. Yes.
18 Q. -- for those problems, including user error, would you
19   agree?
20 A. Yes.
21 Q. And would you agree that a significant proportion,
22   a large proportion of even the problems that got through
23   to the SSC, to third line , they were due -- probably due
24   to user error?
25 A. My recollection is that maybe 50% -- I'm trying to

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1   remember now. I can't remember it fully . But my
2   recollection is that it was a pretty balanced mix as to
3   either user error or maybe data corruption.
4 Q. So let me see if I understand your answer. So what you
5   are suggesting is of the problems that came in that were
6   concerned with branch account discrepancies, you say
7   your recollection is 50% you would have put down to user
8   error?
9 A. Yes, I'm -- I'm trying to just think of it now and maybe
10   50% was user error. Certainly -- I wouldn't have liked
11   to have said that the majority, or a vast majority was
12   user error, but it is possible.
13 Q. Then let's move on to paragraph 42:
14   "Mr Roll's suggestion in paragraph 10 that software
15   issues in Horizon 'routinely' caused discrepancies in
16   branch accounts is misleading. In the vast majority of
17   cases such an occurrence would cause a receipts and
18   payments … mismatch that would be flagged by the
19   branch system as part of the balancing process …"
20   Is that right?
21 A. There were instances -- no, I can't -- I think -- I'm
22   not sure. I think that's right .
23 Q. "In the vast majority of cases such an occurrence would
24   cause a receipts and payments … mismatch that would be
25   flagged …"

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1   That's true, isn't it?
2   A. In the vast majority, yes.
3   Q. Then he adds:
4   " ... (the Horizon system carries out
5   self-consistency checks which generate alerts in the
6   event of a receipts and payments mismatch that are
7   picked up by SMC and incidents raised for the SSC) ..."
8   Do you remember that?
9   A. In the vast majority of cases, yes.
10 Q. And it appears on MSU reporting. Do you remember what
11 MSU reporting is?
12 A. No.
13 Q. "These would then be investigated and resolved by the
14 SSC."
15   Is that right?
16 A. I can't remember.
17 Q. And then in 42.1 he says:
18   "Since the introduction of Horizon in 1999 there
19 have been 735 live incidents which refer to 'payments
20 and receipt mismatch' (ie incidents recorded against
21 components of the system providing Horizon service to
22 Post Office rather than incidents raised against test
23 systems)."
24   Stopping there, would I take it that you are not in
25 a position to challenge that figure?

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1   A. No.
2   Q. "This figure has been obtained using a textual search
3   across all incidents where the title or one of the
4   incident updates contains all of the words 'receipts',
5   'payments', 'mismatch'."
6   Would you agree that there would be a fair way of
7   trying to find the relevant PEAKs in this respect?
8   A. If you're looking for receipts and payments or mismatch
9   then yes.
10 Q. I'm grateful:
11   "It should be noted that this is not 735 unique
12 incidents; there will be a lot of duplicates with the
13 same root cause."
14   Would you agree with that?
15 A. I can't disagree with it.
16 Q. "The only way to determine how many unique incidents
17 there were would be to manually review all of the
18 incidents."
19   I take it you would agree with that?
20 A. Yes.
21 Q. "All of them were resolved."
22   Do you accept that?
23 A. I can't comment.
24 MR JUSTICE FRASER: I don't think he would be in a position
25   to -- I mean a question would be I suppose: from your

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1   time there do you remember any that were not resolved?
2   MR DE GARR ROBINSON: Yes, thank you.
3   A. I -- only vague memories of some things that may have
4   not been -- we couldn't pin anything down specifically
5   to code, or we couldn't find a problem, so it was
6   assumed that the postmaster must have made a mistake.
7   Q. Well, you say "assumed", Mr Roll, wouldn't it be fair to
8   say that when you're looking at -- we're now looking at
9   software coding issues, you're looking for coding issues
10 that may have caused a problem, would you agree that an
11 enormously thorough amount of analysis is done to try
12 and figure out how a coding problem may have caused this
13 particular symptom; would you accept that?
14 A. Yes.
15 Q. And the SSC would keep going, people like the five
16 specialists and indeed you when you were involved on
17 those occasions, you would keep going until you had
18 satisfied yourself, as far as any human being could,
19 that it wasn't down to a coding error; would you accept
20 that?
21 A. Sometimes there were times -- well, sometimes there were
22 time constraints from what I remember, so you had a few
23 days to find a problem and produce an answer.
24 Q. "Sometimes". How often did that occur?
25 A. I couldn't say, but that's one of the things that sticks

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1   in my mind that there were occasions. Very
2   infrequently.
3   Q. I'm grateful. Let's move on to page 12 please
4   {E2/11/12}:
5   "These incidents ..."
6   We are now talking about receipts and payments
7   mismatches:
8   "These incidents are reported as a result of
9   self-consistency checks carried out by Horizon. It
10 should be noted that a R&P mismatch is not only caused
11 by a software error. It can also be caused by incorrect
12 product reference ... data."
13   That's right, isn't it?
14 A. Yes.
15 Q. Then 42.3:
16   "Receipts and payments mismatches happened more
17 often during the early life of Horizon ..."
18   And there is a reference to a tab which I will go to
19 in a moment:
20   "My analysis of that data shows that there were
21 around 8.6 such incidents per month on average between
22 1 January 2001 and 31 December 2014 (417 out of a total
23 of 27,005 incidents into SSC, or 1.5% of SSC incidents
24 during that period)."
25   We can go to the table if you like but I apprehend

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1   that you would probably give me the same answer that

2   you're going to give me now which is that you are not in

3   a position to challenge that analysis?

4   A. I'm not.

5   Q. So what we're talking about, if this analysis is right,

6   is 1.5% of incidents going to third level, going to the

7   third line which consist of payments and receipts

8   mismatches and that means that less than 1.5% of

9   incidents going into SSC would have been discrepancies

10   in branch accounts caused by software issues, by coding

11   issues. Do you accept --

12   A. Yes.

13   Q. -- the logic of what Mr Parker is saying?

14   A. I don't know if the receipts payments mismatch would

15   include other balancing problems or not.

16   Q. But I think you have already agreed that in the vast

17   majority of cases such an occurrence would cause

18   a receipts and payments mismatch?

19   A. I believe so.

20   Q. I'm grateful. On the basis of that evidence -- would

21   you give me a moment, Mr Roll, I do apologise. One of

22   my questions is being corrected by a junior who is far

23   too able for his own good.

24   At page 172 I think I did what is conventionally

25   called an American misspeaking. My question was "1.5%

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1   of incidents going to third level which consist of

2   payments and receipts mismatches and that means less

3   than 1.5% of incidents going into SSC would have been

4   discrepancies in branch accounts caused by software

5   issues" and I'm corrected, I should have said:

6   potentially caused by software issues.

7   MR JUSTICE FRASER: I think you meant potentially caused by

8   coding issues.

9   MR DE GARR ROBINSON: I really do mean that.

10   MR JUSTICE FRASER: But you then did go on to say "by coding

11   issues" after software issues.

12   MR DE GARR ROBINSON: But the key word is "potential".

13   I wasn't seeking to suggest to you -- I was seeking to

14   suggest to you there is a wider category. You recognise

15   of course there are potential coding issues and then

16   there are actual coding issues and the former is

17   a larger class than the latter. We have lots of venn

18   diagrams today and what I was suggesting to you there

19   was I was talking about the larger class.

20   A. Yes.

21   Q. That is what must be less than 1.5% --

22   A. Yes.

23   Q. -- would you accept that logic?

24   A. Yes.

25   Q. Thank you, Mr Roll.

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1   Now, if you encountered a software error causing

2   a branch -- well, actually, I'm so sorry, let's go back

3   to paragraph 19 of your first statement which is at

4   page 3 {E1/7/3}.

5   Could I suggest a way of rewriting paragraph 19 that

6   would make it if not more accurate, at least read more

7   fairly. You start by saying:

8   "In summary, the issues with coding in the Horizon

9   system were extensive."

10   But it would be fair to say "but represented a tiny

11   proportion of the work coming into the SSC", would you

12   accept that?

13   A. Sorry, which one are we looking at now?

14   Q. I'm so sorry, paragraph 19 on page 3 of your first

15   witness statement.

16   MR JUSTICE FRASER: I don't think the witness has reached it

17   yet. He is using the hard copy.

18   Look under tab 7 and then look at the penultimate

19   page of your witness statement which should have

20   {E1/7/3} in the bottom right-hand corner. Do you see

21   that?

22   A. Yes, thank you, my Lord.

23   MR JUSTICE FRASER: It has paragraph 19.

24   MR DE GARR ROBINSON: Mr Roll, I should have done that and

25   I do apologise for not having seen your predicament.

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1   You start by saying:

2   "In summary, the issues with coding in the Horizon

3   system were extensive."

4   Would it be fairer to say that the issues with

5   coding in the Horizon system represented a very, very

6   small proportion of the issues that the SSC dealt with?

7   A. From the evidence you have shown me just then I would

8   agree with that.

9   Q. And then you say:

10   "Furthermore, the coding issues impacted on

11   transaction data and caused financial discrepancies on

12   the Horizon system at branch level."

13   Would you accept that the proportion of coding

14   issues that had that effect was even smaller?

15   A. Yes.

16   Q. And the next sentence:

17   "It was those issues that I, and other colleagues at

18   Fujitsu, were routinely working on daily."

19   Well, that's not really right, is it, Mr Roll? You

20   and others were not working on these issues daily, were

21   you, they were a very small proportion of the work that

22   was being done?

23   A. From the bugs then yes.

24   Q. Thank you.

25   MR JUSTICE FRASER: By bugs you mean coding?

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1 MR DE GARR ROBINSON: Coding.

2 MR JUSTICE FRASER: I seem to be the only person who cares

3   about what words are used.

4 MR DE GARR ROBINSON: So if we could go back to paragraph 10

5   please on page 2 of the same document {E1/7/2}. You say

6   that -- you refer to software issues, which we now know

7   is a wider category, it's both coding issues and data

8   issues:

9   "... could and did cause financial discrepancies ...

10   if we were unable to find the cause of the discrepancy

11   then this was reported up the chain and it was assumed

12   that the postmaster was to blame."

13   When you say "reported up the chain", to whom was it

14   reported?

15 A. To our manager and that's as far as I knew. I don't

16   know where it went after that.

17 Q. And why would you report it up the chain? Why wouldn't

18   you just complete the PEAK in the normal way? There

19   seems to be some significance attached to a process of

20   reporting?

21 A. Usually, from what I remember, there was some pressure

22   on us to come to a resolution, a solution.

23 Q. Oh, you mean -- I see, so do I understand this, that it

24   wasn't -- the management didn't want you to close your

25   eyes to issues of that sort, management wanted you to

1   figure out what the problem was?

2 A. Quickly.

3 Q. That was the encouragement that --

4 A. They wanted a quick answer, yes.

5 Q. No, let's take this in stages. They wanted you to

6   figure out what the problem was, is that right?

7 A. Yes.

8 Q. And now you have added the word "quick". Why do you say

9   quick --

10 A. "Quick" was perhaps the wrong word.

11 Q. -- do you think that's entirely fair?

12 A. As I recall, sometimes we felt under pressure to

13   provide -- to examine the data and give an answer within

14   the timescale.

15 Q. So sometimes the SSC was busier than other times and

16   when the SSC was busy then sometimes you would say,

17   what, you didn't have as much time as you would have

18   liked to have got to the bottom of the problem?

19 A. Yes.

20 Q. And in that situation where you hadn't done enough you

21   would report that situation up to your manager, would

22   you?

23 A. Yes.

24 Q. And that would be Mr Peach, would it?

25 A. Yes.

1 Q. And what would Mr Peach say?

2 A. I don't know what he said to his -- to the management

3   above that, I've got no idea.

4 Q. But it would be fair to say -- I think I'm -- I hope I'm

5   drawing the right inference from what you said a minute

6   ago -- it would be fair to say that Mr Peach would want

7   you to bottom out the issue, to get to the bottom --

8 A. Yes.

9 Q. -- of that issue that was reported to you. He didn't

10   want you to close your eyes to a problem, did he?

11 A. No.

12 Q. I'm very grateful, Mr Roll.

13   When you encountered a coding issue which had --

14   well, did you ever encounter a coding issue which had

15   a financial impact on the branch account?

16 A. I can't remember. There were times when I suspected

17   something like that and passed it on, from what I do

18   remember, to one of the other --

19 Q. To seek more senior people --

20 A. Yes.

21 Q. -- who might be able to look at it in more greater

22   depth?

23 A. Yes.

24 Q. But you don't recall ever having encountered, in all the

25   PEAKs that you worked on, a coding issue that definitely

1   caused a financial impact?

2 A. I don't recall discovering one, no.

3 Q. I'm grateful.

4   So my next question was going to be when you were in

5   that position, what would you do, but I apprehend that

6   you won't be able to answer that question?

7 A. I can't remember.

8 Q. I was going to ask you about identifying all the

9   branches that were affected by that coding issue but

10   I apprehend that it's just not something you can speak

11   to, is that right?

12 A. No.

13 Q. I see. Can you just give me a moment. I'm sorry to

14   keep you waiting.

15   So if we could go to {E2/11/3}. Paragraph 17,

16   Mr Parker says:

17   "On the very rare occasion that a software problem

18   which could cause a financial impact in branch accounts

19   arose, it would be investigated and resolved and Fujitsu

20   would determine its impact on the Horizon estate and

21   inform Post Office of any financial impact on branches

22   so that they could be resolved."

23   Would I be right in thinking that's just not

24   something that's within your experience because you were

25   never in that situation?

 1 A. Yes.
 2 Q. Then I don't need to go there.
 3   My Lord, it occurs to me that now might be
 4   a convenient moment.
 5 MR JUSTICE FRASER: All right.
 6   Mr Roll, I said at the break you were going to go
 7   overnight, so if you could come back tomorrow please,
 8   10.30.
 9 A. Yes.
10 MR JUSTICE FRASER: And remember what I said about not
11   talking to anyone about your evidence. That doesn't
12   mean that you can't talk to anyone about anything, but
13   you can't talk to anyone about your case or your
14   evidence.
15   Housekeeping
16 MR JUSTICE FRASER: Couple of housekeeping things, we may as
17   well deal with them now. I don't think I have had
18   a file next of your witness statements for next week.
19 MR DE GARR ROBINSON: No, that's in hand, my Lord.
20 MR JUSTICE FRASER: I would also like a single -- and this
21   can be done as a running file. The PEAKs that are being
22   used in cross-examination -- and I think there have only
23   been two or three of them so far -- if I can just have
24   a hard copy of whichever ones are in fact used and those
25   just put in a file and that file can be updated each

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 1   day.
 2 MR DE GARR ROBINSON: My Lord, we can prepare that. That
 3   would be helpful.
 4 MR JUSTICE FRASER: At the moment I think there is just the
 5   ones used in opening plus the three from today, so it's
 6   not going to be very difficult.
 7 MR GREEN: My Lord, would you like as we go along to have
 8   a second section with the associated KELs?
 9 MR JUSTICE FRASER: Yes, if that's going to be useful.
10 MR GREEN: I think typically you may see both.
11 MR JUSTICE FRASER: All right. So that's that.
12   You were going to tell me how many documents had had
13   to be disclosed result of your recollection, or the
14   redaction review.
15 MR DE GARR ROBINSON: I was. My Lord, may we do it tomorrow
16   morning?
17 MR JUSTICE FRASER: Do it tomorrow, yes, we will do it at
18   the end of tomorrow.
19   I would like both your openings in Word but not the
20   appendices. And then I thought I would just give you an
21   outline on the current plan on the judgment in common
22   issues. I've had a list of typos from the claimants.
23   That has not affected the intended timetable to hand it
24   down on Friday. I imagine I will have some -- I think
25   the time I asked for them was 5 o'clock, so I know it is

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 1   a different team.
 2 MR DE GARR ROBINSON: I'm afraid I know nothing about --
 3 MR JUSTICE FRASER: No, it is just on the basis that it is
 4   the Post Office here, I thought I would just say.
 5   Assuming they are in the normal scope of typographical
 6   errors, et cetera, I'm still on track to be able to hand
 7   it down finally on Friday at 12 o'clock, but if that
 8   changes I will tell you tomorrow.
 9   Then one grammatical point which you may or may not
10   find amusing, I do, but I thought I would ask you.
11   "Subpostmasters" in the draft judgment you will see
12   I abbreviated to a three letter abbreviation, or TLA, of
13   SPM. I have put it as the indefinite article "an SPM".
14   Mr Warwick's helpful corrections have suggested that
15   throughout it should be changed to "a SPM". I don't
16   mind because it takes a single keystroke, but in terms
17   of grammar I thought it should be "an" SPM but I thought
18   I would explore your views before I hand down a 180,000
19   word judgment riddled with a potential grammatical
20   inaccuracy. So Mr De Garr Robinson?
21 MR DE GARR ROBINSON: Your Lordship will have seen from our
22   submissions we say "an" SPM.
23 MR GREEN: My Lord, I have no problem with "an" SPM at all.
24 MR JUSTICE FRASER: You hadn't spotted that. I'm not sure
25   I actually know with absolute precision what the rule is

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 1   for abbreviations, but we will probably stay with "an".
 2   Anything else?
 3 MR GREEN: No, my Lord.
 4 MR JUSTICE FRASER: 10.30 tomorrow.
 5   See you tomorrow, Mr Roll. Thank you all very much.
 6 (4.30 pm)
 7   (The court adjourned until 10.30 am on Thursday,
 8   14 March 2019)

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