

From: Parsons, Andrew [GRO]
Sent: Fri 12/07/2013 2:06:49 PM (UTC)
To: Susan Crichton [GRO]; Rodric Williams [GRO]
Cc: Hugh Flemington [GRO]; Jarnail A Singh [GRO]; Matthews, Gavin [GRO]
Subject: RE: Thoughts from the meeting this morning

Susan

Alan's approach seems similar to what we discussed yesterday, however there are some critical differences:

- SS seem to be being used as a weapon by JFSA to force POL into settlement – that is not their job.
- The approach assumes POL is liable and will offer settlements (and seems to hint at cash settlements). I'm not sure where SS have got this idea from? Any hint that POL may be considering cash settlements would encourage the toxic cases, encourage Shoosmiths and play badly in the media. I think we need to put a stop to this quickly.
- Item 2 - SS should not be reporting on the "level of damage" suffered by an SPMR – this is way outside SS' scope of work or expertise.
- Item 4 - I would remove SS from the adjudicator / mediator position. SS cannot act as mediator between POL and SPMRs – it is not independent, it will be looking for defend its own conclusions in its report.
- Item 5 (a) – agree that there should be a way to "arbitrate" if no resolution is reach between POL and the SPMRs. This however is through the courts and will not involve SS.
- Item 5(b) – SS have no role in criminal issues. That is a matter solely from the criminal courts.
- Overall, SS are still approaching their work on a "case by case" basis rather than focussing on general themes.

I wonder if rather than Paula discussing this further with SS, she should tell them that we will pick this up at our meeting on Tuesday? We (or me as the pushy external lawyer) can then be slightly more firm with them

Kind regards

Andy

Andrew Parsons

Senior Associate

for and on behalf of Bond Dickinson LLP

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From: Susan Crichton [mailto: GRO]
Sent: 12 July 2013 14:24
To: Rodric Williams; Parsons, Andrew
Cc: Hugh Flemington; Jarnail A Singh
Subject: FW: Thoughts from the meeting this morning

Rod and Andy – this is an email chain which starts with Alan Bates – could you take a look at his


From: Alwen Lyons
Sent: 12 July 2013 13:41
To: Susan Crichton
Subject: FW: Thoughts from the meeting this morning


Don't know if Paula has sent you this already


Thanks


Alwen

Alwen Lyons | Company Secretary

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POST
OFFICE

From: Paula Vennells
Sent: 12 July 2013 12:50
To: Alwen Lyons
Subject: Fwd: Thoughts from the meeting this morning

Sent from my iPad

Begin forwarded message:

From: Alan Bates { **GRO** }
Date: 11 July 2013 21:22:52 BST
To: Paula Vennells { **GRO** }
Subject: Re: Thoughts from the meeting this morning
Reply-To: Alan Bates { **GRO** }

Any time after 10 am and please keep trying my mobile as I will be in the valleys and reception can be intermittent.

----- Original message -----

From: Paula Vennells { **GRO** }
Date:
To: Alan Bates { **GRO** }
Subject: Re: Thoughts from the meeting this morning

Alan, thank you very much indeed.

I will look at this properly, it is helpful to have a 'starter for ten'.

A question for clarification: I think 4a suggests POL may agree to some sort of apology or settlement or redress - is that right? And presumably, as you refer to convictions under 5, 4a implies an out of court agreement? If that is correct, can we talk about what that could be?

This is simply for discussion with no commitment either way - but it will help shape my understanding.

I am happy to call you tomorrow? Is that possible?

Paula

Sent from my iPhone

On 11 Jul 2013, at 20:06, "Alan Bates" <GRO> wrote:

Hello Paula,

Following on from the discussion this morning I drafted the following note on one possible way forward to deal with the historic cases using a number of stages. I sent it to Janet for James to see, but I understand that he will be in his constituency all tomorrow and knowing time is pressing thought I should send it to you. It is only the barebones of a scheme and much work is required if it is not unacceptable. Hence the email to find out if such a direction might work for POL.

The approach would be to assess each of the cases, in the first instance on the thematic/systemic failures/issues and secondly, the software/hardware problems. Weight would be given to each document of supporting evidence provided by the exSPMR as well as other factors surrounding their issue. By the same token, weight would be given to any supporting documentation provided by POL in reply to the assertions made by the exSPMR.

Process

1. With the aid of JFSA, 2nd Sight would batch the cases by location and arrange to interview each person in that batch at a small number of locations around the country (time assessment required + interviews to arrange; other assessor to be involved specializing in these types of issues, able to explain realities to victim).
2. 2nd Sight + specialist assessor would prepare a summary of each case measured against the systemic issues and other factors, producing a summary report to the extent of damage claimed by the treatment by POL.
3. Each case report is sent to POL for comment and assessment/agreement, then POL prepares a response and declares what they believe might be suitable (POL may wait for all reports to be completed to assess liability). 2nd Sight and JFSA would assist if required.
4. exSPMR, possibly through 2nd Sight, discusses (on telephone) response from POL, and
 - a. Accepts POL's response and implications
 - b. Refutes POL's comments, adds their own and updated report then returned to POL, starts point 3 again.
5. If victim chooses 4a, POL meets agreed settlement.

To be considered

- a. If 4b continually fails there has to be a way to arbitrate the issue.
- b. The matter of any conviction has to be addressed at some point.
- c. Timescales required for:-
 - I. Dealing with historic cases

II. Responses from each of the parties

III. Accepting new cases

Personally I think such a scheme could run quite quickly once the finer details and processes have been established.

Your initial thoughts would be welcomed, but it is one way to clear out the historic cases.

Regards

Alan

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