
From: Parsons, Andrew [redacted] **GRO**
Sent: Mon 30/12/2013 10:15:12 AM (UTC)
To: Angela Van-Den-Bogerd [redacted] **GRO**; Belinda Crowe [redacted]; Chris Aujard [redacted] **GRO**
Cc: Sophie Bialaszewski [redacted] **GRO**; Jessica Barker [redacted] **GRO**
Subject: RE: mediation [BD-4A.FID20472253]

All

My thoughts:

1. I highly doubt the mediators will want access to Huddle. CEDR will want a limited and finite bundle of documents for each mediator so to speed up mediation prep.
2. In any event, it is for the parties (applicant and POL) to agree what information will go to each mediator – not SS.
3. Introducing late information to mediations does happen however it tends to distract than assist. It causes the parties to re-think their positions on the fly which is not productive (particularly if it pushes POL outside the remit of its settlement mandate). Mediators are accustom to dealing with this type of situation and although they will do their best to resolve any ad hoc issues, the normal approach is to park the new issues so to move away from issues in dispute and towards talking about a resolution.
4. If SS attend the mediation it will no longer be a mediation process. SS' role is to give an opinion. The mediator's role is to remain entirely neutral and assist the parties to find their own solution. With SS in the room, the role of the "independent" parties will become confused. The SPMR will inevitably look to SS for answers rather than dealing with POL.
5. More voices in the mediation room tends to cause confusion rather than help reach a settlement. I fear that putting SS in the room will cause such confusion.
6. In general, my view is that SS' role is to investigate each case, render a report and submit a recommendation on whether the case should proceed to mediation. Following submission of their report, they have no further role (and should have absolutely no further contact with any mediator, advisor or SPMR).
7. I have no idea what is Kay's "oversight" role.

Kind regards
Andy

Andrew Parsons
Senior Associate
for and on behalf of Bond Dickinson LLP

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GRO

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From: Angela Van-Den-Bogerd [REDACTED] **GRO**
Sent: 30 December 2013 09:29
To: Belinda Crowe; Chris Aujard; Parsons, Andrew
Cc: Sophie Bialaszewski; Jessica Barker
Subject: RE: mediation

Belinda,

We need to bottom this out as soon as possible as it will influence the way in which SS approach the production of their investigation report. If they believe the mediation process to be an iterative process in which they take an active part then I believe their report will be somewhat light on detail and incomplete (they appear to find it easier to talk about bits of cases rather than the whole case). If this were to be the case then virtually none of the cases will reach closure before the mediation process as the applicant will feel the SS investigation is incomplete ie only one side of the story (ie POL's) has been heard.

Then there is the consideration of SS's exit? If they are part of the mediation process they will be active in the process potentially until the back end of the Summer. And then there's the question of who funds them?

Angela

Angela Van Den Bogerd | Head of Partnerships



148 Old Street, LONDON, EC1V 9HQ



GRO

Mobex: [REDACTED]

GRO



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From: Belinda Crowe
Sent: 28 December 2013 11:26
To: Chris Aujard; Angela Van-Den-Bogerd; Andrew Parsons
Cc: Sophie Bialaszewski; Jessica Barker
Subject: mediation

Please see Ron's email below and my response.

Do we know what Kay's oversight work is? I have never heard of this.

I suspect the mediation issue arises from a conversation Jess and I had with Ron and Ian yesterday about Huddle where it emerged (as Angela had previously highlighted) that Ron and Ian consider they may have a role in the mediation itself. Although they claim not to want to as they will not have the time they believe that this was something that was alluded to (when I pressed them on what exactly had been agreed they would go no stronger than 'alluded to' and that there was an expectation that they would be involved).

It also became clear that they consider that the mediation is an iterative and dynamic process. That is that if an applicant raises new issues that have not been raised in the CQR then we will all need to be ready to deal with those issues and provide further information. Ian's view was that if this is about closure for the applicants then we need to be able to deal with all issues they raise, regardless of when they raise them. I made the point that the whole idea of providing applicants with the opportunity to have a professional advisor to make their case is that it's a one off opportunity to document their complaints and have them properly investigated.

The reason these issues arose in the call we had yesterday was that Ian clearly believes that the mediators should have access to Huddle and if they want further information during the mediation process we should put that into Huddle. Aside from the points above, from a security and cost point of view we cannot give mediators, applicants and their advisors access to Huddle. We have to pay for each licence (and potentially this would be around 400 users) and also we could not have an open site whereby everyone could look at everything. We could only allow the applicant, advisor, POL team and mediator look at the documents appropriate to the individual case. It is important that the people involved in the mediation of a particular case all get the same bundle of material (either electronically - by email - or in hard copy) and that is a one-off provision of all relevant material.

I think the mediation requirements conversation is properly for the Working Group but my reason for suggesting that I join the call today is that we hope to put something to the Working Group next week about the mediation process and I want to make sure it addresses everything it needs to address and in a way that gets agreement on how to proceed.

If Ron does provide me with information so that I can join the call I will report back.

Best wishes

Belinda Crowe

Begin forwarded message:

From: Belinda Crowe <GRO>
Date: 28 December 2013 10:57:06 GMT
To: "rjw" <GRO> <GRO>
Cc: "ron.warmington" <GRO> " " <GRO>
"mediation" <GRO> <GRO> <GRO> <alan.bates> <GRO>
Belinda Crowe <GRO>
Subject: Re: M119 - mediation

Thanks Ron

I think if there is to be a conversation about what the mediators might want it would be helpful if I were involved too. Although I would have thought that would be a conversation for the working group.

I am happy to dial in or to be called if you can give me a time.

Best wishes

Belinda

From: Ron Warmington [mailto: GRO]
Sent: Saturday, December 28, 2013 10:45 AM
To: Belinda Crowe

Cc: 'Ron Warmington' [REDACTED] GRO [REDACTED] ; mediation@ [REDACTED] GRO
GRO [REDACTED] ; 'Alan Bates' [REDACTED] GRO [REDACTED]
Subject: RE: M119 - mediation

Many thanks Belinda. Ron.

All: Kay Linnell is calling in here today to carry out some of her 'oversight' work. We (Ian and I) also hope to gain some insight as to what the Mediators will need (Kay is a Mediator herself so knows where they'll be coming from). Ian and I will have a conference call with Kay around lunchtime today. Alan: Are you in if we need to patch you into that meeting? (and is your mobile number the best one to catch you on?).

From: Belinda Crowe [mailto:[REDACTED]] GRO [REDACTED]
Sent: Saturday, December 28, 2013 9:29 AM
To: <[REDACTED]> GRO [REDACTED]
Cc: Ron Warmington; mediation@ [REDACTED] GRO [REDACTED] ; Alan Bates
Subject: Re: M119 - mediation

Ron, Alan

You will have seen my mail to Marion.

I cannot explain why the letter took so long to arrive. I thought it best if I speak to Marion and I will find what she has and talk her through it. If she appears to be missing anything I will resend everything special delivery.

It is a standard pack that goes with the SL01, and it all goes out on the day it is dated. I will let you know the position when I have spoken to Marion. If she has only just got the letter then I would assume that the timescale for appointing an advisor and completing the questionnaire starts from when she receives the information and not from the date on the letter.

Alan, I am not taking any time off over the holidays (except Christmas Day, Boxing Day and New Year's Day). If Marion calls you, please feel free to give her my number. Alternatively if you want me to call her, drop me an email at this address. My number is [REDACTED] GRO [REDACTED]

Best wishes

Belinda

On 27 Dec 2013, at 10:08, "Ron Warmington" [REDACTED] GRO [REDACTED] wrote:

I got Marion's email address wrong so am re-sending.

From: Ron Warmington [mailto:[REDACTED]] GRO [REDACTED]
Sent: Friday, December 27, 2013 10:07 AM
To: 'Belinda Crowe' [REDACTED] GRO [REDACTED] ; 'mailto:mdrydale@ [REDACTED]' GRO [REDACTED]
Cc: 'mediation@ [REDACTED]' GRO [REDACTED] ; Alan Bates' [REDACTED]
Subject: M119 - mediation

Belinda: Is it possible that Marion only received her letter only a week ago? Also, Marion has referred to her "main application form". We had already received (on Nov 15th) the formal Application Form and our acceptance of it was signified by my letter to Marion dated November 26th. .

Marion: What do you mean by your "main application form"? I suspect that you mean the form that you need to complete and sign in order to get funding from POL for help from a Professional Advisor. On what exact date did you receive my November 26th letter? The pack should also have enclosed a List of Professional Advisors plus an Application Form for funding for such an Advisor and a set of Questions and Answers about the Mediation Scheme.

Regards,

Ron Warmington CFE, FCA

Director

Second Sight Support Services Ltd

Tythe Farm
Maugersbury
Cheltenham
Gloucestershire
GL54 1HR

Phone:
Mobile:
Email:
Website: <http://www.2ndssight.eu>

GRO

From: Alan Bates [mailto:] **GRO**
Sent: Friday, December 27, 2013 8:15 AM
To: ">ron.warmington@ **GRO**
Subject: FW: mediation

FYI

From: Alan Bates [mailto:] **GRO**
Sent: 27 December 2013 07:26
To: 'Marion Drydale'
Subject: RE: mediation

The application form, funding application and list of Advisors to select from should have been enclosed with the letter informing you that your case had been accepted. Was it just a single sheet you received or a pack?

I will chase this up for you when POL is back at work, was the letter only delivered by Royal Mail this week?

Alan

From: Marion Drydale [mailto:] **GRO**
Sent: 27 December 2013 01:01
To: ">alan.bates@ **GRO**
Subject: mediation

I received a letter only this week saying my case had been accepted. saying I had a month from

the date on the letter which was the 26.11.13 to submit my application. I have not received a main application form and am now worried that I have missed the date. please help

GRO marion Drydale

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