

From: Scott, Joshua - UKGI[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0224934F23B1444386FD031B130603A8-SCOTT, JOSH]

Sent: Fri 09/12/2022 12:28:39 PM (UTC)

To: 'Creswell, Carl (Services Directorate)'; GRO; 'Simon Recaldin'; GRO; 'Matthew Nelson Hilton'; GRO; 'Catherine Connolly'; GRO; 'Mackie, Robert - UKGI'; GRO; 'Gourlay, James - UKGI'; GRO; 'Brooks-White'; GRO; 'Wones, Eleri (BEIS)'; GRO; 'Liam Butler'; GRO; 'Fallowfield, Harry (BEIS)'; GRO; 'Pavandeep Dhami'; GRO; 'Lawrence, Ciara (BEIS)'; GRO; 'Evelyn Hocking'; GRO; 'Nigel Machin'; GRO; 'Victoria Green'; GRO; 'Zhang, Sisi - UKGI'; GRO; 'Snow, Emily (BEIS)'; GRO; 'Richard Paddington'; GRO; 'Elvin, Dominic - UKGI'; GRO; 'Tan, Li - UKGI'; GRO; 'Dunseath, Laura - UKGI'; GRO; 'Paul Gallagher'; GRO; 'Neil McDaid'; GRO; 'Nicola Munden'; GRO; 'Eldridge, Chiara - UKGI'; GRO; 'Aaron Davey'; GRO

Cc: 'HM Governance'; GRO

Subject: RE: [OFF:SEN] RE: OHC / HSS Monthly Monitoring - Note of Meeting 1/12/22

Hi all,

Please see below a note of the MMM from 1 December.

Please let me know if there should be any amendments.

Have a good weekend,

Josh

OFFICIAL SENSITIVE - Confidential & Subject to Legal Privilege
OHC / HSS Monthly Monitoring Meeting
Thursday 1 December 2022

OHC 13:00-13:45

- CC welcomed attendees and noted the ongoing work in preparation for 8 Dec POHIT hearing.

Status Update and Interim Payments ("IPs")

- SR highlighted the good progress on Non-Pecuniary ("NP") claims and the shift in focus to Pecuniary ("P") claims.
- SR reiterated the rationale for IPs and explained that from 1 Dec POL may issue 18-21 top-up payments though this may reduce given recently submitted NP claims from Howe and Co. SR and RW noted the lower quality submissions from other law firms and highlighted POL's activities to help familiarise these law firms with the process.
- SR clarified that the one claimant with a £75k interim payment would be entitled to the top-up but that POL is hoping to settle their full NP claim.

Public Interest Cases

- SR noted the discussion with officials on 30/11. RW explained POL's plans in preparation for the mediation on 19/20 Dec and thanked POHC for its helpful steer with regard to the consideration of modest settlement payments.
- RW was hopeful that in w/c 5 Dec, POL will be able to work up the settlement mandate focusing on shortfalls paid and the cost of proceedings.
- CC thanked POL for their work and noted POHC were broadly comfortable with the position paper and supportive of the mediation going ahead (subject to HRC approval). CL noted that she was clarifying the position with regard to the business case with HMT.

Remediation Model and Law Firm Engagement

- SR highlighted that GE have been presented with the latest iteration of the model and were supportive. POL Board to consider on 6 Dec. CC explained that POHC were comfortable with the proposal and felt the operational changed did not require Ministerial approval because it was consistent with the business case but would inform them of POL's proposal. ES is double-checking the latter point with HMT and will revert to POL for any further information if required.
- SR and NMCD summarised the model and transition phases. NMCD noted that POL are undertaking "no regrets" work upfront and that HSF will likely not step away completely, though their involvement will be dependent on what proposals they bring forward,
- RM highlighted the importance of collectively lining up governance cycles.
- CC queried P claims status, where POHC is awaiting more cases. NMCD noted that a small number of P claims are currently under consideration; however, the documents remain lengthy and required significant resource to progress. JS agreed with POL to have a substantive follow up discussion on 09 Dec on this topic.
- SR highlighted a recent meeting he held with non-Hudgells law firms. SR explained the feedback he had received and noted a recommendation from Paul Marshall to undertake an ENE for P claims. SR thanked officials for their encouragement and noted recent follow up correspondence with Howe and Co.
- NMCD explained the importance of positioning the legal fees issue. Further work need to be done and he queried what overall fixed-fee POL and HMG would consider for OHC cases under the remediation model. EW noted recent correspondence with NMCD on this issue with regard to the GLO. RM flagged that a starting point could be the generic payments previously agreed with Hudgells, and queried whether a costs draftsman should be engaged. RW noted this was an available option which is particular analytical and suggested that a court approach may be more appropriate.

Appeal Pipeline

- SR noted that this was a topic of discussion at GE. SR highlighted current costing assumptions were with regard to 161 successful appeals. NMCD shared the other volume forecasts with officials – this documented was circulated following the meeting.
- CL highlighted that officials had pre-emptively advised the Minister explaining the work POL has done to progress the appeal pipeline.
- SR noted that the PFA Triage work continues. This will be completed in the new year with further decision points to come. SR also noted that the CCRC has also written to the Minister. CL confirmed receipt of the letter which is under consideration.

Legal Cost Challenge

- NMCD suggested an offline update. CC requested this via email.

Action – POL to provide an email update to BEIS with regard to the status of the Legal Cost Challenge workstream.

HSS 13:45-14:10

- CC thanked POL for the comprehensive slides. He suggested that there may be more information in the pack than is now required for these meetings, though he would be happy to continue to receive them if POL find it useful to include for other purposes. POL to consider.

Delivery Plan Update

- SR highlighted that POL is currently at 93% offers issued. Aiming for 95% by the end of week. SR indicated that he was confident POL's KC would be able to inform the inquiry on 8 Dec that POL had issued at least 95% of offers.
- DS explained the current position with regard to RFIs, noting that there are now only 30 outstanding RFIs (for 31 cases) split as follows: five with 3rd parties; two with extended deadlines; and 23 due to time out this month or early-Jan. Statistics were subsequently confirmed by CCon after the meeting. CC praised POL and HSF for the significant progress made on RFIs.
- On dissolved companies, SR highlighted his previous experience handling these types of claims. SR explained the plan to issue offers letter by end-March but that this is subject to third parties. SR noted that a further funding extension may be required. This was noted by CC who stated that BEIS will consider funding implications once more detail is known.
- SR highlighted his recent visit to HSF Belfast. His meeting with HSF colleagues was very positive and professional.

Late Applications

- SR highlighted the progress made on late applications. He noted that POL has received 77 responses, of which 61 are fully complete. SR was conscious of the end-March 100 offers issued target but noted the flexibility agreed in the funding arrangements. CCon explained that it was likely the first de minimis claims (24 at present) would be issued early-Jan. CC thanked SR for the updated and noted the good progress made.

Legal Fee Support

- SR noted that this was an error in the pack. This issue has been resolved.

DRP Status

- SR highlighted that dispute numbers had increased but that this was expected due to case complexity and value. Overall disputes however continue to be below planning assumptions. In terms of the increased time to resolve disputes this is largely due to the following:
 - Increased involvement of legal representation for claimants;
 - Post-offer panel capacity limitations due to focus on pre-offer; and,
 - POL's assessment of reasonable fees assessment taking longer than expected.
- PG also highlighted the positive and negatives of IPs in resolving disputes. He flagged that the panel capacity for post-offer issue should resolve itself in the new year.
- CC noted the trade-offs with regard to IPs but that, overall, the new IP policy was a positive introduction.
- SZ queried whether POL wanted to highlighted anything in addition from the "To-Do" list. CCon noted the status of the outstanding CAP test cases for insolvency / bankruptcy and malicious prosecution claims. On this, SZ also queried whether dissolved companies may need its own CAP – DS and CCon advised that the issue is how the offer is constructed and paid, as opposed to the actual assessment of the claim, and therefore a CAP is not required.
- CC reiterated a steer received from SteerCo / POHC with regard to ensuring appropriate POL governance, followed by HMG governance, is maintained.

Action – POL to consider streamlining and reducing HSS slide deck.

END


Joshua Scott | Manager

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Follow on 

From: Scott, Joshua - UKGI

Sent: 01 December 2022 12:25

To: Creswell, Carl (Services Directorate); GRO Simon Recaldin

GRO Matthew Nelson Hilton; GRO Catherine Connolly; GRO Mackie, Robert - UKGI; GRO Gourlay, James - UKGI; GRO 'Brooks-White'; GRO 'Wones, Eleri (BEIS)'; GRO 'Liam Butler'; GRO Fallowfield, Harry (BEIS); GRO Pavandeep Dhami; GRO Lawrence, Ciara (BEIS); GRO Evelyn Hocking; GRO Nigel Machin; GRO Victoria Green; GRO Zhang, Sisi - UKGI; GRO Snow; GRO Emily (BEIS); GRO Richard Paddington; GRO Elvin, Dominic - UKGI; GRO Tan, Li - UKGI; GRO Dunseath, Laura - UKGI; GRO Paul Gallagher; GRO Neil McDaid; GRO 'Nicola Munden'; GRO Eldridge, Chiara - UKGI; GRO Aaron Davey; GRO

Cc: HM Governance; GRO

Subject: RE: [OFF:SEN] RE: OHC / HSS Monthly Monitoring - Papers and Agenda

Hello again all,

With thanks to Catherine please see the latest version of the HSS 'to-do' list.

Cheers,

Josh


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Follow on 

From: Scott, Joshua - UKGI

Sent: 01 December 2022 10:27

To: 'Creswell, Carl (Services Directorate)'; GRO; 'Simon Recaldin'

GRO 'Matthew Nelson Hilton'; GRO Catherine Connolly; GRO Mackie, Robert - UKGI; GRO Gourlay, James - UKGI; GRO 'Brooks-White'; GRO 'Wones, Eleri (BEIS)'; GRO 'Liam Butler'; GRO Fallowfield, Harry (BEIS); GRO Pavandeep Dhami; GRO Lawrence, Ciara (BEIS); GRO Evelyn Hocking; GRO Nigel Machin; GRO 'Victoria Green'; GRO Zhang, Sisi - UKGI; GRO Snow; GRO Emily (BEIS); GRO Richard Paddington; GRO Elvin, Dominic - UKGI; GRO Tan, Li - UKGI; GRO Dunseath, Laura - UKGI; GRO Paul Gallagher; GRO Neil McDaid; GRO 'Nicola Munden'; GRO Eldridge, Chiara - UKGI; GRO Aaron Davey; GRO

Cc: 'HM Governance'; GRO

Subject: RE: [OFF:SEN] RE: OHC / HSS Monthly Monitoring - Papers and Agenda

Good morning,

My apologies I issued the feedback the wrong way round. As per usual we will do OHC first, followed by HSS.

Cheers,

Josh


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Follow on 

From: Scott, Joshua - UKGI

Sent: 30 November 2022 14:12

To: Creswell, Carl (Services Directorate) **GRO** Simon Recaldin

GRO Matthew Nelson Hilton **GRO** Catherine
Connolly **GRO** Mackie, Robert - UKGI **GRO** Gourlay,
James - UKGI **GRO** 'Brooks-White' **GRO** 'Wones, Eleri (BEIS)
(BEIS) **GRO** 'Liam Butler' **GRO** Fallowfield, Harry
(BEIS) **GRO** Pavandeep Dhami **GRO** Lawrence, Ciara
(BEIS) **GRO** Evelyn Hocking **GRO** Nigel Machin
GRO Victoria Green **GRO** Zhang, Sisi - UKGI
GRO Snow **GRO** Emily (BEIS) **GRO** Richard Paddington
GRO Elvin, Dominic - UKGI **GRO** Tan, Li - UKGI
GRO Dunseath, Laura - UKGI **GRO** Paul Gallagher
GRO Neil McDaid **GRO** 'Nicola Munden'
GRO Eldridge, Chiara - UKGI **GRO** Aaron Davey
GRO

Cc: HM Governance **GRO**

Subject: [OFF:SEN] RE: OHC / HSS Monthly Monitoring - Papers and Agenda

OFFICIAL SENSITIVE – Confidential and Subject to Legal Privilege

Hi all,

Please see the papers and agenda items for tomorrows MMM.

OHC

Discussions Points for MMM

- Interim Payments
 - Pack notes 22 may be eligible after 1 Dec. We have also seen 24 previously so would be good to confirm. How is POL handling these between 1 – 8 Dec? Optically you can see the benefits of being able to say all of these have received a further interim payment offer.
 - Also, will the person who got £75k originally also get the £63k top-up?
- Public Interest Cases Mediation: Any update on papers and status in advance of 8 Dec.
- Implementing Remediation Model:
 - Subject to board approval, how does POL see the implementation of the remediation model playing out?

- It would be helpful to touch on other law firm engagement and whether there is anything BEIS could do to assist.
- Appeal Pipeline:
 - Slide 15 flags 24 cases still with CCRC. Has the CCRC given any indication as to when to expect these?
 - We would also like a strategic discussion as to what POL would or could do if / when this pipeline dries up (which it looks like it might in 2023).
- Legal Cost Challenge:
 - Grateful if Rod Campbell could attend to give an update on this workstream in advance of the Dec Board meeting

HSS

Discussion Points for MMM

- Delivery Plan Update: Month end position in advance of 8 Dec
 - Specifically, we would like to touch on the status of outstanding RFIs (which as of 11/11 stood at c. 200)
- Progress on late applications – pack notes 64 in progress.
- Legal Fee Support Provision
 - Note the commentary on slide 4 with regard to POL internal discussions on the £2m funding provision for legal fees. Could you expand?
- DRP Status
 - Update on DRP cases and forward pipeline. It would be helpful to discuss how quickly cases are moving through the system, if there are any blockers etc.

Cheers,

Josh


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M: **GRO**

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Follow on 

-----Original Appointment-----

From: Scott, Joshua - UKGI

Sent: 02 September 2022 12:42

To: Creswell, Carl (Services Directorate); Scott, Joshua - UKGI; Simon Recaldin; Matthew Nelson Hilton; Catherine Connolly; Mackie, Robert - UKGI; Gourlay, James - UKGI; Brooks-White; Wones, Eleri (BEIS)

GRO Liam Butler; Fallowfield, Harry (BEIS); Pavandeep Dhani; Lawrence, Ciara (BEIS); Evelyn Hocking; Nigel Machin; Victoria Green; Zhang, Sisi - UKGI; Snow, Emily (BEIS); Richard Paddington; Elvin, Dominic - UKGI; Tan, Li - UKGI; Dunseath, Laura - UKGI; Paul Gallagher; Neil McDaid; 'Nicola Munden'; Eldridge, Chiara - UKGI; Aaron Davey

Cc: HM Governance

Subject: OHC / HSS Monthly Monitoring

When: 01 December 2022 13:00-14:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Microsoft Teams Meeting

Updated Distribution list as per discussion with POL on 04/11

Hi all,

Reissued the recurring invite for the OHC and HSS Monthly Monitoring meetings from 6 October 2022.

Usual agenda as per the below.

13:00 – 13:45 OHC Monitoring

- Introductions and welcomes (BEIS)
- Status Update and Overview (POL)
- General Discussion on Feedback (All)
- AOB and Close

13:45 – 14:30 HSS Monitoring

- Introductions and welcomes (UKGI)
- Status Update and Overview (POL)
- General Discussion on Feedback (All)
- AOB and Close

Cheers,

Josh

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