

**From:** Scott, Joshua - UKGI [IMCEAEX-  
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**Sent:** 10/08/2022 16:04:38

**To:** Simon Recaldin [GRO]; graham.hemingway [GRO]; Wones, Eleri (BEIS) [GRO]; Creswell, Carl (Business  
Sectors - Services Directorate) [GRO]; benjamin.tidswell [GRO]; Ben.Foat [GRO]; Matthew Nelson Hilton  
[GRO]; rodric.williams [GRO]; maria.runsewe [GRO]; Catherine Connolly  
[GRO]; jo.fox [GRO]; Mackie, Robert - UKGI [GRO]; Singh, Gurdeep - UKGI  
[GRO]; Gourlay, James - UKGI [GRO]; Cooper, Tom - UKGI [GRO]; brooks-white [GRO]; GRO  
Debenham, Jory (BEIS) [GRO]; Butler, Liam (BEIS) [GRO]; Heath, Daniel (Corporate Services - Finance)  
[GRO]; Nickels, Jo (BEIS) [GRO]; Pavandeep Dhami [GRO]; Diane Wills  
[GRO]; Jacki Adams [GRO]; Lawrence, Ciara (Business Sectors - Services Directorate)  
[GRO]; Fallowfield, Harry (Business Sectors - Services Directorate) [GRO]; Evelyn Hocking  
[GRO]; Andrew Mortimer [GRO]; Aaron Davey [GRO]; Nigel Machin  
[GRO]; Stuart Lill [GRO]; HM Governance [GRO]; Zhang, Sisi - UKGI  
[GRO]; Snow, Emily (BEIS) [GRO]

**CC:** Victor Turner [GRO]; James Rolling [GRO]; Richard Paddington [GRO]; Elvin,  
Dominic - UKGI [GRO]; Tan, Li - UKGI [GRO]; Dunseath, Laura - UKGI [GRO]; Shevaun Carneiro  
[GRO]

**Subject:** [OFF:SEN] RE: OHC Monthly Monitoring - Note of Meeting

Hi all,

Please see below a note of the OHC Monitoring Meeting from last week.

Any comments / amends please let me know.

Cheers,

Josh

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**OFFICIAL SENSITIVE - Confidential & Subject to Legal Privilege**  
**OHC Monthly Monitoring Meeting**  
**Thursday 4 August 2022**

*Opening Remarks*

- CC opened the meeting by thanking HSF and POL colleagues on the good progress on Early Neutral Evaluation (ENE). Noted that the BEIS NED in POHC commented that it was a good strategy and well executed.

- SR thanked CC for feedback, highlighting that POL feels that the ENE is a good outcome but we are yet to understand Hudgells' and his clients' perspectives.

*ENE Discussion*

- CC explained BEIS' view is that POL should be looking to table offers if possible at the upcoming 11 August meeting with Hudgells. Noted by SR who highlighted that the Evaluation must first be agreed between all parties but did explain that HRC has given HSF a mandate to accept the recommendations in the Evaluation and make offers accordingly.
- AW flagged that Hudgells is currently submitting applications for additional interim payments regularly and that he hoped agreement to pay all non-pecuniary claims should avoid the need for these. AW highlighted the challenges and issues posed by handling large numbers of additional interim payments. SR instructed HSF to prepare a paper following the HRC mandate on the mechanism to take forward payments for non-pecuniary losses following ENE. CC noted that this could be considered by correspondence but that if a discussion is required BEIS would need to receive the paper early w/c 8 Aug.
- BW queried how payments for non-pecuniary losses would correlate with previous interim payments. AW stated that this would be covered in the paper. SR also flagged that offsetting interim payments against pecuniary losses could also encourage Hudgells to submit his clients pecuniary losses.
- NM provided an update on the fact checking exercise undertaken by POL. NM stated no significant issues had been raised but that there are a number of small points Hudgells needs to address before payments can be made. It was clarified that this should not hold up offers being made.

**Action – HSF to prepare paper on the mechanism for delivering payments for non-pecuniary losses following ENE.**

*General Discussion on Feedback*

- SR provided an update on the status of interim payments and potential operational implications.
- SR provided an update on the Potential Future Appellants (PFA) work undertaken by P&P. SR explained that 120 cases have been reviewed and reported to HRC. In that 120 there were 5 likely Horizon Cases; 86 non-Horizon cases and 29 TBD. HRC instructed POL to reach out to the 5 likely Horizon Cases; continue its analysis of the 120; and, do the remaining c. 390. SR also noted budgetary implications and challenges received at HRC which POL are investigating.
- SR confirmed that discussion with regard ongoing remediation work to be picked up separately.
- *Discussion on the possibility of making offers for exemplary damages alongside interim payments.* AW explained that from HSF's perspective they would prefer to make offers for all non-pecuniary losses at once, noting administrative implications, but could understand the rationale of the proposal. CC explained that POHC was leaning towards this route given the ruling and defensibility but recognised AW's points with regard to administrative costs. NM explained given the meaning of exemplary damages that optically it may be beneficial to make payments as soon as practicable. AW suggested that the next step may be to ask Hudgells how quickly he can submit his clients' non-pecuniary details and if this may take some time further interim payments of this sort may be worth exploring. CC said that POL could ask this, alongside assessing the administrative costs, but that he would prefer to see the £100k interim payment be increased to £175k for all future interim payments, and for an additional £75k to be offered to those whose convictions have already been overturned, given that ENE has provided a ruling on what POL should pay to the claimants.
- *Discussions on OHC tax implications.* SR explained that this needs to be resolved soon and CL provided an update following a discussion with HMRC/HMT earlier in the day. CL explained that HMT are in the process of developing a policy paper with the intention of submitting Ministerial advice early-Sept. It will also be flagged as high priority. GS explained that in his view the discussion with HMRC / HMT was positive and that he is picking up a number of info / data requests with POL Finance. GS explained that it would be helpful for POL to work through, as a contingency, the gross-up and indemnity options (pros / cons etc.) in order to bring these out in the policy paper as it is being developed.
- Noted by SR who explained that in the meantime payments will need to be made, some of which will be subject to tax. AW explained that HSF is leaning towards the gross-up option as to the only viable solution but highlighted some of the issues that need to be worked through.
- GS explained that HMG/POL/HSF need to agree a position collectively before submission to strengthen the position. JG noted that one option could be to indemnify until a decision is reached. AW explained that this was effectively what was done on one of the recent claims but that a mechanism still needs to be found on the grossed up amount.
- SR explained that POL need to approach POHC formerly with regard to the approach to payments that attract tax and will submit a paper in due course.

**Action – POL to prepare paper on the approach to payments that attract tax**

*Closing Remarks*

- CC queried whether other claimants' solicitors should be further engaged and offered the Department's assistance in reaching out if it would be helpful. Noted by AW who explained that Hudgells might be wary about sharing the evaluation and suggested that a separate discussion be had on the overall engagement strategy.
- CC thanked attendees and closed the meeting.

### **Joshua Scott | Manager**

#### **UK Government Investments**

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Follow on

**From:** Scott, Joshua - UKGI

**Sent:** 03 August 2022 15:55

**To:** Simon Recaldin <[GRO](#)>; 'graham.hemingway' <[GRO](#)>; Wones, Eleri (BEIS) <[GRO](#)>; 'Creswell, Carl (Services Directorate)' <[GRO](#)>; 'benjamin.tidswell' <[GRO](#)>; 'Ben.Foat' <[GRO](#)>; 'Matthew Nelson Hilton' <[GRO](#)>; 'rodric.williams' <[GRO](#)>; 'maria.runsewe' <[GRO](#)>; 'Catherine Connolly' <[GRO](#)>; 'jo.fox' <[GRO](#)>; 'mackie' <[GRO](#)>; Robert - UKGI <[GRO](#)>; Singh, Gurdeep - UKGI <[GRO](#)>; 'Gourlay, James - UKGI' <[GRO](#)>; 'Lakhani, Nikhil - UKGI' <[GRO](#)>; 'Mackie, Cooper, Tom - UKGI' <[GRO](#)>; Morgan, Simon - UKGI <[GRO](#)>; 'brooksville-white' <[GRO](#)>; 'Debenham, Jory (BEIS)' <[GRO](#)>; 'Butler' <[GRO](#)>; Liam (BEIS) <[GRO](#)>; 'Daniel Heath' <[GRO](#)>; 'Thomas, Kaye (Business Investment)' <[GRO](#)>; 'Nickels, Jo (BEIS)' <[GRO](#)>; 'Pavandeep Dhami' <[GRO](#)>; 'Diane Wills' <[GRO](#)>; 'Jacki Adams' <[GRO](#)>; 'Evelyn Hocking' <[GRO](#)>; 'Andrew Mortimer' <[GRO](#)>; 'Aaron Davey' <[GRO](#)>; 'Nigel Machin' <[GRO](#)>; 'Stuart Lill' <[GRO](#)>; 'HM Governance' <[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](#)>; 'Shevaun Carneiro' <[GRO](#)>; 'Brooks-White' <[GRO](#)>; 'Lawrence, Ciara (BEIS)' <[GRO](#)>;

**Subject:** RE: OHC Monthly Monitoring - Papers

OFFICIAL SENSITIVE – Confidential & Subject to Legal Privilege

Hi all,

Please see attached the agenda and papers for the OHC Monthly Monitoring meeting tomorrow.

If there is anything in particular POL colleagues would like to raise please do let me know.

Cheers,

Josh

**Joshua Scott | Manager**

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Follow on 

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

**From:** Scott, Joshua - UKGI

**Sent:** 06 December 2021 10:18

**To:** Scott, Joshua - UKGI; [graham.hemingway](#) **GRO**; Wones, Eleri (BEIS); Creswell, Carl (Services Directorate); [benjamin.tidswell](#) **GRO**; [Ben.Foat](#) **GRO**; Matthew Nelson Hilton; [rodric.williams](#) **GRO**; [maria.runsewe](#) **GRO**; Catherine Connolly; [jo.fox](#) **GRO**; Mackie, Robert - UKGI; Singh, Gurdeep - UKGI; Gourlay, James - UKGI; Cooper, Tom - UKGI; Morgan, Simon - UKGI; Lakhani, Nikhil - UKGI; Jones, Ramona - UKGI; [brooks-white](#) **GRO**; Debenham, Jory (BEIS); Butler, Liam (BEIS); 'Daniel Heath'; Thomas, Kaye (Business Investment); Nickels, Jo (BEIS); Pavandeep Dhami; Diane Wills; Jacki Adams; Lawrence, Ciara (BEIS); Fallowfield, Harry (BEIS); Evelyn Hocking; Andrew Mortimer; Aaron Davey; Nigel Machin; Stuart Lill; HM Governance; Zhang, Sisi - UKGI; Snow, **GRO** Emily (BEIS)  
**Cc:** Victor Turner; James Rolling; Richard Paddington; Elvin, Dominic - UKGI; Tan, Li - UKGI; Dunseath, Laura - UKGI; Shevaun Carneiro  
**Subject:** OHC Monthly Monitoring  
**When:** 04 August 2022 13:15-14:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.  
**Where:** Microsoft Teams Meeting

**UPDATE – Shortened to 45 mins on OHC due to HSS QR the following week.**

Hi all,

Please see the new invite for the OHC and HSS Monthly Monitoring meetings.

Usual agenda as per the below. Will review the agendas and make any changes if needed closer to the time.

**13:15 – 14:00 OHC Monitoring**

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

- AOB and Close

Cheers,

Josh

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