

Message

From: Patrick Bourke [GRO]
 on behalf of Patrick Bourke [GRO]
Sent: 08/12/2014 18:18:55
To: Paula Vennells [GRO]; Mark R Davies [GRO]
CC: Belinda Crowe [GRO]; Tom Wechsler [GRO]; Chris Aujard [GRO];
 [GRO]; Melanie Corfield [GRO]; Jane Hill [GRO];
 [GRO]; Rodric Williams [GRO]
Subject: Meeting with Oliver Letwin

Very brief notes of this meeting for the record – Paula and Mark may wish to add or correct.

Comment: Useful meeting in which POL managed to achieve some of its objectives, especially in terms of beginning to sow the seeds of doubt in OL's mind over the reliability of all he is being told by SS, JFSA, JA and individual Applicants. He also suggested that he was 'quite prepared' to believe that the IT system was ok and that there were crooks and chancers in the Scheme. But he will need some convincing that SS has lost objectivity and appears to suffer from a blind spot in relation to what a guilty plea means. But he is a good channel of communication for us and, on balance, the meeting was positive from a POL perspective.

PV opened by setting context (strong support from HMG for POL, not least through subsidy; huge thumbs up from BIS Cttee for all that we are doing to transform the business) but said that all these positives were increasingly being overshadowed by Sparrow. We were therefore keen to speak to him as a Government Minister as well as an MP with a constituent's case in the Scheme. Biggest concern was the presumption of fault on the part of POL – the cases re-investigated to date simply do not reveal evidence of a problem with Horizon. We were becoming concerned that SS might be losing some of their objectivity – the pressure, whether perceived or real, could be hard to resist, particularly against the backdrop of a presumption of fault. Criminal cases are a particular challenge – but where convictions have occurred, they are based on evidence not a malicious whim.

OL said that, as he saw it, the crux of the issue was suggesting bias on the part of SS was 'difficult to swallow'. After all POL appointed them. They did not appear to him to have any obvious axe to grind, unlike Applicants, JFSA, MPs or POL. He said he was in no position to judge what had happened in any of the cases, and even accepted that there might not be a problem with the IT system, but did seek to draw a distinction between criminal cases which went to full trial and those in which the Applicant pleaded guilty. He thought that there were circumstances in which a small SPMR, faced with a big organisation threatening prosecution for theft and possible imprisonment, might plead guilty to a lesser charge. He also asked why we thought SS might have lost their impartiality.

MD and PB answered that a substantial number of SS case reviews were drafted in such a way as for the reader to come to the obvious and natural conclusion that the SPMR was at fault (convictions, admissions and other evidence) only to be surprised by a final paragraph suggesting that mediation was nonetheless recommended since it afforded the Parties the opportunity for 'closure'. POL said that, in such circumstances, it was difficult to reconcile the analysis and the conclusion put forward by SS unless a lack of objectivity (PB stressed that we were not using the term bias) was at play. The case for mediation in such cases, including its attendant cost, was less than compelling to say the least.

OL then said that he could quite see that, if true, that would appear to be a waste of time but he himself simply wasn't in a position to make that assessment and, after all, POL would say that wouldn't it. He mooted the possibility that he might be prepared to hold a meeting at which JA, POL and SS were present, during which POL would present examples of 2 or 3 cases in which this had happened to which SS would be given the opportunity to reply. It would then become apparent which view was to be preferred.

PV stressed again that this was not an accusation of bias but that, somewhere along the line and probably as a result of pressure and a desire to demonstrate their total independence from POL, the objectivity pendulum had begun to swing unhelpfully. PV left the meeting thanking OL for his time and making it clear that she was happy to meet again with OL at some further point.

MD and PB then stayed on to take OL through a few examples – cases in which we had mediated and cases where it was difficult to see how any reasonable person could recommend for mediation (including the 11 counts of theft, with Applicant asking for a further 23 to be taken into account). He said that he saw what we were doing but couldn't be expected to opine, although he did say that cases which had resulted in a conviction as a result of a full trial (as opposed to a guilty plea) seemed to him not to be sensible to mediate.

OL re-iterated his suggestion of a SS/POL/OL/JA meeting – we said we would 'take it back' and consider with colleagues. The meeting ended with good atmospherics and an anecdote from OL about the accidental 'theft' of his wife's cashmere coat by Mrs T...

Kind regards

Patrick

Patrick Bourke

GRO