

Note from SAH

I have prepared and sent this note to SS for their consideration. It suggests a way of approaching the claims- my suggestions are no more than tentative. Perhaps we could discuss on the phone on Thursday.

Quantify POL losses for which SPM is or has been alleged to be responsible.	
Are these, in the reasoned opinion of SS, "real" losses, in the sense that POL has actually lost cash/stock etc?	
Is it alleged by the PO that the losses were caused by theft? If yes, then, in the reasoned opinion of SS, were the losses caused by theft?	
Is it alleged (directly or indirectly) by the PO that the SPM, by some identified or unidentified act or omission, caused the losses? If yes, then, in the reasoned opinion of SS, did the SPM cause the losses and, if so and if possible, how?	
If in the reasoned opinion of SS the SPM caused the losses, should the SPM, in the reasoned opinion of SS, be held wholly or partially responsible for the losses? In considering this question, SS should consider whether, for example, the SPM received adequate training and/or assistance; whether the SPM could have or should have carried out checks to identify the causes of the losses and whether such checks would have avoided the losses; whether, if the SPM reported the losses, there was timely and adequate investigation by POL; whether the SPM, having informed POL of the losses/difficulties, followed any advice given to him/her to identify how losses had occurred and to avoid their re-occurrence?	
If in the reasoned opinion of SS the SPM did not cause the losses, what, in the reasoned opinion of SS, were the causes of the losses?	

In giving its reasoned conclusions on disputed issues of fact, SS should explain what standard of proof SS has applied, ranging from sure to probable.

In reaching its conclusions, SS will have regard, where it is helpful to do so, to other cases similar to that of the applicant.