
From: Patrick Bourke; [redacted] GRO
Sent: Fri 19/02/2016 2:56:13 PM (UTC)
To: Mark Underwood; [redacted] GRO; Jane MacLeod; [redacted] GRO; Rodric Williams; [redacted] GRO
Subject: RE: Draft Letter to Minister
Attachment: DRAFT LETTER TO BNR from TP re report- (JM comments with one PB addition)v1955.docx

Hi Jane

Hope the dentist was bearable.

1. I have just spoken to Laura who confirms that they are comfortable with this approach. She mentioned it to Callard and he agrees it's the preferable method. She did say that, if there were any chance of seeing a copy before it is formally sent, that might be helpful in that they now have a good understanding of the sort of thing which makes BNR wobble and it might help in fine tuning to mitigate the risk of that happening as much as possible. I obviously didn't say we would do so, but that I would see what was possible. Personally, I don't have a problem with it, but Tim may.
2. I attach a further version of the letter which, through one small addition of the words (and it is only an accusation) does, now, address the point Mark raises in relation to the dual charge issue I think.
3. As to the email, I would suggest the following tweak:

"Accordingly we have sought to construct a report from you to the Minister which carries fewer risks should it ultimately (have to) be made public by BIS, and which therefore balances a description of the scope of work that has been done and the resulting key findings, with the need to retain privilege."

I would also add the words "status and" before "positioning" at the end of para 1.

But these are not critical points.

Best wishes

Patrick

From: Mark Underwood [redacted]
Sent: Friday, February 19, 2016 1:39 PM
To: Jane MacLeod; Patrick Bourke; Rodric Williams
Subject: RE: Draft Letter to Minister

Hi Jane,

I have attached some minor comments to the attached letter for your consideration. I do not have any comments on your note, save that I think the bracketed text warrants inclusion. It is excellent.

I have also attached BNR's letter to TP, for ease and info

Hope this helps – let me know if you need me to do anything else

Mark

Mark Underwood
Complaint Review and Mediation Scheme

GRO

From: Jane MacLeod
Sent: 19 February 2016 12:06
To: Patrick Bourke
Cc: Mark Underwood; Rodric Williams
Subject: RE: Draft Letter to Minister

Thanks Patrick

I think this fits the requirement – at least to my mind, and I have made some minor changes to the document. If however I have changed any of the comments that you have lifted directly from Jonathan's report then we should go back to his language – apologies that I haven't checked this. So subject to any thoughts that Rod/Mark may have my proposals is as follows:

- Is it worth asking Laura if the approach set out in the letter would work for them?
- Subject to the outcome of that discussion (if it's appropriate), we should send the draft report to Jonathan explaining our objective and asking him to advise whether he is happy with the way we have represented his findings.
- I will send the draft letter to Tim for information (see below) and explain the positioning – please let me have any comments on both the email and my amendments to the letter (including items in [] for which I apologise, but I haven't gone back and checked all the underlying documents).
- We need to progress the various lines of enquiry (which I know are in hand).

Many thanks,

Jane

Draft email to Tim:

"Tim

As discussed last week, we have considered the best way for you to brief the Minister on the outcome of your enquiry to date. As you will recall, I expressed concerns that were we to provide the Minister with a copy of the legal advice you have received from Jonathan Swift, there was a risk that privilege could be lost and that the report could become disclosable by BIS through FOI requests or similar. We have also received a call from the Minister's office in which they sought to understand how the reporting would be undertaken. During that call it became apparent that BIS officials are also concerned as to the positioning of any report received from you.

Accordingly we have sought to construct a report from you to the Minister which is capable of being made public by BIS should that circumstance arise, and which therefore balances a description of the scope of work that has been done and the resulting key findings, with the need to retain privilege.

To this end, please find attached for your consideration a draft letter from you to the Minister. It describes the questions addressed in the review work, as well as the high level findings, and it summarises the further work that is being undertaken. [We have discussed this approach with BIS, and believe that it will be acceptable to the Minister]. We have sent the draft letter to Jonathan Swift for him to advise whether he is satisfied as to how his findings are represented.

We have also progressed the [8] recommendations for further enquiry:

- We have held several meetings with Deloitte to agree the scope of the work and we should have a final version of the scope by early next week. We have sought to structure their work on a phased basis so that we have checkpoints after each phase to assess findings to date, and the cost and timings of moving to each successive phase.
- We have sent instructions to Brian Altman QC on the specific legal questions that were identified. Unfortunately he is in a major trial over the next 3 weeks, so it may be mid-March before he is able to provide us with the formal advice that we have requested.
- We have also been working with Bond Dickinson (our external lawyers) to identify those call centre staff whose records should be reviewed. We have now identified these records and are waiting for these to be recalled from storage so we should be able to complete this line of enquiry within the next 2 weeks.

Yours etc''



Jane MacLeod

General Counsel
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Mobile number: GRO

From: Patrick Bourke
Sent: 18 February 2016 19:54
To: Jane MacLeod
Cc: Mark Underwood; Rodric Williams
Subject: Draft Letter to Minister

Jane

Here is a draft letter from Tim to BNR.

I could carrying on playing with it ad nauseam, but judged it better to take your mind on it as it stands, and amend it in the light of your comments and observations.

Aside from an unpleasant meeting with my builders at 0900, which won't last long since there really aren't 100 different ways to say what I have to say to them, I am free to discuss etc.

Best wishes

Patrick