

From: Rodric Williams [GRO]
To: "Parsons, Andrew" [GRO], Susan Crichton [GRO]
Cc: Hugh Flemington [GRO], Alwen Lyons [GRO], "Matthews, Gavin" [GRO]
Subject: RE: RE:
Date: Fri, 12 Jul 2013 09:22:54 +0000
Importance: Normal

My email crossed - very pleased to see we're looking at this the same way!

-----Original Message-----

From: Parsons, Andrew [GRO]
Sent: 12 July 2013 10:19
To: Susan Crichton
Cc: Rodric Williams; Hugh Flemington; Alwen Lyons; Matthews, Gavin
Subject: RE:

Susan

Had a quick chat with Gavin.

Arbitration will probably end up as formal and long winded as court proceedings. We'd also lose a degree control - the process and timing would be controlled by the arbitrator. I'm not attracted to this.

Mediation is a definite possibility. I could envisage a mediation between POL and each SPMR (with also SS in the room - and perhaps Shoosmiths?). This gives each SPMR the opportunity to voice their views and discuss SS' findings. Having a mediator in the room would help equalise the imbalance of power. Mediation would not commit POL to any outcome (unless one was agreed by both parties) and could be conducted on our timetable. If the mediations were run after SS's final report, this may help ensure that the report focuses on general themes whilst leaving specific cases to be heard in the subsequent mediation process.

The risk is that mediation is usually set up with a view to reaching an resolution. As discussed yesterday I doubt we will ever reach closure on these cases. POL's comms team would therefore need a robust media strategy to explain why the mediations will, in the majority of cases, fail to reach a consensus between POL and the SPMR. Otherwise, this may be spun as a failure to close out this matter.

Cost: for a decent mediator (ie. corporate background / someone who isn't going to roll over on hearing a sob story), we'd be looking at around £1,000 - £3,000 per half day, though we should get a "bulk buy" discount! I know a number of mediators who would be suitable for this project.

Castleton - will do.

Kind regards
Andy

Andrew Parsons
Senior Associate
for and on behalf of Bond Dickinson LLP

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-----Original Message-----

From: Susan Crichton [GRO]
Sent: 12 July 2013 09:17
To: Parsons, Andrew
Cc: Rodric Williams; Hugh Flemington; Alwen Lyons
Subject:

Andy - I have been giving some thought to how we might 'sort' what JFSA calls the 'toxic' cases. So a couple of things firstly given that this is about reaching a conclusion I wondered if we could use either an arbitrator or a mediator - both would be independent tho paid by POL, they could even sit between POL and SS?

Secondly we know that Castleton is on the list can you get one of the BD team to do a summary of the facts and suggest what we can do ...?

Thanks
Susan

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