

Message

From: Parsons, Andrew [GRO]
Sent: 09/02/2015 21:19:23
To: Belinda Crowe [GRO]
CC: Rodric Williams [GRO]; Matthews, Gavin
Subject: RE: Urgent - paper for sub committee [BD-4A.FID20472253]

Belinda

A few thoughts below on the Sparrow paper. In general, I agree with the idea of disbanding the WG as (i) it offers no real value and (ii) it is the source of much of the criticism of POL. However, I can see some challenges with the other two limbs of the proposal. I've only sent this to you and Rod as I'm not sure what has been discussed internally at POL already and don't want to step on toes!

Second Sight's role

If SS are independently contracted by Applicants then I cannot see how POL can dictate SS' scope of work. Any pretence of SS being "independent" will be lost and they will become an advocate for Applicants. The effect of this will likely be even more vociferous attacks on POL. The only viable response that I can imagine would be for POL to also go on the attack; this will likely mean criticising SS directly and publicly. I actually think this might be quite useful in giving POL the freedom to challenge SS but it may then raise questions about why POL engaged SS in the first instance if it was to later call them incompetent.

Similarly, without direct control over SS' scope of work, it will be very difficult for POL to stop Applicants aggregating their funding to pay SS to produce a "Part 2 Report".

I can see some difficult questions around what happens to all the material currently held by SS. If POL take the information back when they stop working for POL, this may prevent SS working for Applicants leading to criticism. However, POL can't leave the information with SS as POL is the controller of the data but would no longer have a contract in place with SS to manage that information. This may require a slightly convoluted exercise of POL getting all the info back from SS and for Applicants to then resubmit their cases to SS.

A final concern is with timing. Without the firm hand of POL making SS crack on with their work, I can see them slowing down (or even stopping work to complete a "Part 2 Report"). There would be little that POL could do to pressure SS into completing work quicker. As SS was working for the Applicants, POL would have to pressure the Applicants - perhaps by putting a time limit on reaching mediation or making funding conditional on prompt performance. This is obviously unattractive as it may be seen to be heavy handed.

I wonder whether POL would be better keeping SS under direct contract and then, without the WG, POL could more easily dictate SS' work (ie. stopping Part 2 and focus on cases). This has the advantage of narrowing SS' role whilst maintaining more direct control.

Mediating all non-criminal cases

Mediating all non-criminal cases of course means mediating lots of hopeless cases. Mediating unmeritorious cases raises Applicants' expectations unfairly and may in fact create greater animosity and complaints (certainly that was my experience from M002). My recommendation would be for POL to take a tougher line and only mediate meritorious cases (even if the bar for this is set low).

This would also be consistent with the principle of not mediating criminal cases. Although the primary reason for not mediating the criminal cases is the criminal risk, another way of seeing them is simply as cases that lack any merit because the Applicants have committed criminal offences..

Taking a stance that POL will not mediate unmeritorious cases has the advantage of carving out more cases as well as avoiding the criminal cases without having to base this on unattractive "legal risk" argument.

Happy to discuss.

Kind regards
Andy

Andrew Parsons
Managing Associate

Direct: 
Mobile:
Fax:

Follow Bond Dickinson:

www.bonddickinson.com

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

From: Mark R Davies <mailto:mark.davies@bond-dickinson.com> 

Sent: 09 February 2015 11:41

To: Chris Aujard; Jane MacLeod

Cc: Belinda Crowe; Rodric Williams; Jane Hill; Parsons, Andrew; Angela Van-Den-Bogerd; Ruth X Barker; Gavin Lambert; Melanie Corfield; Mark Underwood1; Patrick Bourke; Alisdair Cameron

Subject: Urgent - paper for sub committee

All

Please see attached a first draft of paper for the Sparrow sub committee. Please can you make this a priority and let me have comments by close of play today. Please ignore the formatting on the paper, which will be fixed once we are all happy. Please restrict to substantive comments. This follows Exco-sub group call on Friday.

Thanks

Best wishes,

Mark

Mark Davies
Communications and Corporate Affairs Director

1st Floor, Banner Street Wing
148 Old Street
London EC1V 9HQ



This email and any attachments are confidential and intended for the addressee only. If you are not the named recipient, you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender by reply email and then delete this email from your system. Any views or opinions expressed within this email are solely those of the sender, unless otherwise specifically stated.

POST OFFICE LIMITED is registered in England and Wales no 2154540. Registered Office: 148 OLD STREET,
LONDON EC1V 9HQ.
