

Message

From: Code B
Sent: 17/02/2016 16:02:27
To: Mellor Peter - Director of Corporate Affairs and Business Development; Code A
CC: Code A
Subject: Inquiry
Attachments: AT of a Conference Call with Peter Mellor at 3_30 pm on 12.02.2016..DOC; Dr Reid.pdf; Other privileged papers.pdf

Dear Peter

I email further to our telephone conversation Code B on Friday.

Attached is an attendance note of our discussion. This note provides confirmation of Code A conversation with Code A Code A colleague that their client (DH/PCT) has not agreed to waive privilege and provide all their papers and in fact they are still reviewing their papers. The Trust is therefore not an outlier, and the information you have been given is not correct.

Hearing bundles and other non-contentious papers have been disclosed. We have another small batch of papers that are again non-controversial and that can easily be disclosed but it does not make sense to do so in 'bits and pieces'.

The rest of the papers would attract privilege. As Code A explained, most of them are routine and wouldn't cause you any concern. Others need more careful consideration before you decide whether you wish to waive privilege. There are also documents which involve third parties and as a matter of courtesy we should liaise with others before we disclose, if that is your decision.

As you will imagine, the file runs to several lever arch folders.

I have set out below a summary of the categories of documents that we hold within the umbrella of privileged documents.

- Emails, attendance notes and letters reflecting discussions on strategy, strength of evidence, cost with us.

- Emails and attendance notes relating to the Steering Group that managed much of the liaison, evidence gathering and early strategy discussions. These involved the then PCT [Code A] (and others) and their lawyers, as there was a collaborative approach to the preparation for the hearing.
- Communications strategy with Trimedia (inc media briefing pack and witness preparation and media strategy in advance of the verdict)
- Communication with Dr Logan's solicitors
- Communication with Dr Reid (including his comments on statements which were sent to Counsel).
- In the run up to the Inquest, there was a lot of email exchange with [Code A]
- Instructions/general dealings with Counsel (notes from meetings, frank conversations as you would expect, best/worse case scenarios – nothing that you would not expect to be covered by your lawyers but which you would not expect to have a wider audience subsequently). I would not immediately disclose but keep under review.
- Notes/emails with M&R.
- Letters/emails relating to legal costs.
- Letters/emails relating to client care issues – these could be extracted.

I have attached a representative sample of documents that fall into the above categories to help you to determine whether you have any concerns with disclosure, and to jog your memory after so many years. I have also put these documents in the post to you 'special delivery' so these will be with you tomorrow. Although the attachments are not extensive you may want to hold off printing and await the hard copies. I have tabbed a few documents but do consider these in their entirety.

There is also a separate set of documents that reflect our exchanges with Dr Reid. As [Code A] has already suggested, as a matter of courtesy contact should be made with Dr Reid, if you decide to disclose these documents.

[Code A] will progress discussions with Kieran so we know what position the DH is taking and it also allows us to say to her quite clearly whether you are prepared to waive privilege (or any caveats on privilege). As so much of the work was done on a joint basis, we need to let the DH (through [Code A]) know what our intentions are. You will no doubt have further questions once you have reviewed these papers. Do come back to Stuart and me and we can arrange to speak again. Time is now of the essence and we will work to ensure that the Trust is not further unfairly criticised but it is equally important to make informed decisions at this juncture.

I hope this is acceptable.

Kind Regards

Code B

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