

Message

From: TEO HOCS (DS) [/O=NIGOV/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=286B5F4D742442098CBED44F7B75FAAC-TEO HOCS (DS) TEO-]
Sent: 15/03/2020 10:46:39
To: McBride, Michael [michael.mcbride@health-ni.gov.uk]; Baker, Derek [derek.baker@education-ni.gov.uk]; Pengelly, Richard [richard.pengelly@health-ni.gov.uk]; Sterling, David [david.sterling@executiveoffice-ni.gov.uk];
CC: [REDACTED] [REDACTED]@finance-ni.gsi.gov.uk [REDACTED] [REDACTED]@education-ni.gov.uk
Subject: RE: Coronavirus JR

All

I share the frustration here and am copying Hugh in to seek his urgent advice on what might be done to stave off this legal distraction.

Derek

Any reason not to alert FM and dFM about this development (in general terms)?

David

Sent with BlackBerry Work
(www.blackberry.com)

From: McBride, Michael <Michael.McBride@health-ni.gov.uk>
Date: Sunday, 15 Mar 2020, 10:38
To: Baker, Derek <Derek.Baker@education-ni.gov.uk>, Pengelly, Richard <Richard.Pengelly@health-ni.gov.uk>, Sterling, David <David.Sterling@executiveoffice-ni.gov.uk>
Cc: [REDACTED] [REDACTED]@education-ni.gov.uk
Subject: RE: Coronavirus JR

Derek,

While fully respecting due process I would suggest that DSO considers challenging the appropriateness and proportionate nature of such an approach at this time. Normal judicial processes need to be considered as to their appropriateness at this time. Would a conversation with DoJ, AG and the Lord Chief Justice be warranted?

We simply do not have the time and this should not be our focus. This is a distraction. There are I would contend much more pressing matters in respect of human rights considerations and national efforts to protect human life.

While I would not wish to add to the already emotive language and narrative we are effectively on a “war footing.” I would be confident that a robust argument could be presented to challenge this proceeding at this time.

There must be legislation and case law mechanism to consider and apply in the current circumstances.

Michael

Sent with BlackBerry Work
(www.blackberry.com)

From: Baker, Derek <Derek.Baker@education-ni.gov.uk>
Date: Sunday, 15 Mar 2020, 10:24 am
To: Pengelly, Richard <Richard.Pengelly@health-ni.gov.uk>, McBride, Michael <Michael.McBride@health-ni.gov.uk>, Sterling, David <David.Sterling@executiveoffice-ni.gov.uk>
Cc: [REDACTED] NR [REDACTED] <[\[REDACTED\]@education-ni.gov.uk](mailto:[REDACTED]@education-ni.gov.uk)>
Subject: FW: Coronavirus JR

Dear all,

We've just received from DSO a pre-action letter threatening JR proceedings regarding the decision not to close schools, seeking a response by 5.00pm tomorrow and, failing that, a hearing on Wednesday.

As it happens, my senior team and I are in the office this morning with the SpAD and will start to try to deal with this, on top of everything else.

We will be engaging now with DSO, but it seems certain that this will require professional public health input in preparing a response, just to add to everyone's already impossible burdens.

Derek

From: Hepper, Fiona [mailto:Fiona.Hepper@education-ni.gsi.gov.uk]
Sent: 15 March 2020 10:10
To: Baker, Derek <Derek.Baker@education-ni.gsi.gov.uk>; [REDACTED] NR [REDACTED] <[\[REDACTED\]@education-ni.gsi.gov.uk](mailto:[REDACTED]@education-ni.gsi.gov.uk)>; [REDACTED] NR [REDACTED] <[\[REDACTED\]@education-ni.gsi.gov.uk](mailto:[REDACTED]@education-ni.gsi.gov.uk)>
Cc: Hepper, Fiona <Fiona.Hepper@education-ni.gsi.gov.uk>
Subject: FW: Coronavirus JR

Derek

As discussed - see attached and below which will need consideration. Let me know if input is required from my side in due course.

Fiona

Sent with BlackBerry Work (www.blackberry.com)

From: [REDACTED] NR [REDACTED] <[\[REDACTED\]@finance-ni.gsi.gov.uk](mailto:[REDACTED]@finance-ni.gsi.gov.uk)>
Sent: 15 Mar 2020 09:47
To: "Hepper, Fiona" <Fiona.Hepper@education-ni.gsi.gov.uk>
Cc: [REDACTED] NR [REDACTED] <[\[REDACTED\]@finance-ni.gsi.gov.uk](mailto:[REDACTED]@finance-ni.gsi.gov.uk)>
Subject: FW: Coronavirus JR

Fiona

URGENT PAP LETTER

Yesterday evening we received the attached pre-action letter from KRW Law threatening judicial review proceedings regarding the decision not to close schools in NI.

Caroline Martin shall deal with this case and has already been in touch with Junior Crown Counsel, Philip McAteer. Philip considers this is an issue of such importance that the Department may also want to instruct Senior Crown Counsel but we shall see.

KRW Law seek a response to their letter by 5pm tomorrow evening given the urgency. I believe the Court shall accept such a tight timeframe is reasonable in the circumstances.

Grateful if you could instruct one of your staff to gather together instructions for us tomorrow morning to enable us to reply to this letter.

Our office is not opening tomorrow (we have had one member of staff who has tested positive for coronavirus and the building is undergoing a deep clean) but we all have our laptops at home with us.

You will see from KRW's email below that they intend to ask the Court for an urgent hearing on Wednesday morning and shall have medical experts in attendance.

Regards

NR

Litigation Division
Departmental Solicitor's Office
2nd Floor, Centre House
79 Chichester Street
BELFAST BT1 4JE

Direct Dial: I&S

Email: NR [@finance-ni.gov.uk](mailto:NR@finance-ni.gov.uk)

This communication (and any attachment) is covered by legal professional privilege. Its unauthorised use, disclosure, storage or copying is not permitted. If you are not the intended recipient please return or destroy and inform the sender accordingly. Internet e-mail is not a secure medium. Any reply to this message could be intercepted and read by someone else. Please bear that in mind when deciding whether to send material in response to this message by e-mail. This e-mail (whether you are the sender or the recipient) may be monitored, recorded and retained by the ITAssist. E-mail monitoring and blocking software may be used. You have a responsibility to ensure laws are not broken when composing or forwarding e-mails and their contents.

The Departmental Solicitor's Office adheres to the principles of the General Data Protection Regulation (GDPR) and asks you, as recipient of this information, to be aware of, and act in accordance with, your responsibilities under GDPR. You can find out more about GDPR [here](#).

From: [redacted] NR [redacted]@finance-ni.gsi.gov.uk]
Sent: 14 March 2020 22:27
To: [redacted] NR [redacted]@finance-ni.gsi.gov.uk>
Cc: [redacted] NR [redacted]@finance-ni.gsi.gov.uk>
Subject: Coronavirus JR

Mona
I am not sure who deals with education JRs.

[redacted] NR [redacted]

Sent with BlackBerry Work (www.blackberry.com)

From: Niall Murphy <niallm@kevinrwinters.com>
Sent: 14 Mar 2020 21:29
To: peter.weir@mla.niassembly.gov.uk
Cc: [redacted] NR [redacted]@finance-ni.gov.uk>; [redacted] NR [redacted]@finance-ni.gov.uk>
Subject: Aodhan McGrath PAP letter 14.3.20

Dear Sir / Madam

**Re : Aodhan McGrath
Pre-Action Protocol Letter Before Claim**

We act for Aodhan McGrath and write to provide you with a detailed letter before claim in accordance with the pre-action protocol for judicial review, as set out in Appendix 1 to Practice Direction 3 of 2018. This matter requires your prompt attention. We would be grateful for your response immediately and, not later than 5pm on 16 March 2020.

We expect a substantive response by 5pm on Monday 16 March. If you fail to respond we will proceed with the application and ask for it to be listed for a rolled-up hearing on Wednesday morning.

It is further our intention to request medical experts to be present at the hearing and in this time of national emergency they can give evidence if required by the High Court.

Yours Faithfully

Niall Murphy

This communication (and any attachment) is covered by legal professional privilege. Its unauthorised use, disclosure, storage or copying is not permitted. If you are not the intended recipient please return or destroy and inform the sender accordingly. Internet e-mail is not a secure medium. Any reply to this message could be intercepted and read by someone else. Please bear that in mind when deciding whether to send material in response to this message by e-mail. This e-mail (whether you are the sender or the recipient) may be monitored, recorded and retained by the ITAssist. E-mail monitoring and blocking software may be used. You have a responsibility to ensure laws are not broken when composing or forwarding e-mails and their contents. This communication (and any attachment) is covered by legal professional privilege. Its unauthorised use, disclosure, storage or copying is not permitted. If you are not the intended recipient please return or destroy and inform the sender accordingly. Internet e-mail is not a secure medium. Any reply to this message could be

intercepted and read by someone else. Please bear that in mind when deciding whether to send material in response to this message by e-mail. This e-mail (whether you are the sender or the recipient) may be monitored, recorded and retained by the ITAssist. E-mail monitoring and blocking software may be used. You have a responsibility to ensure laws are not broken when composing or forwarding e-mails and their contents.