

Sunday, October 3, 2010

LETTER TO BRITISH PRIME MINISTER AND SECRETARY OF STATE

I start this blog with a copy of my self-explanatory e-mail/fax

DON'T FORGET TO READ THE STORIES IN THE TWO LINKS IN THE LEFTHAND SIDEBAR WHEN YOU HAVE FINISHED READING THIS.

Rt. Hon. David Cameron, MP, Prime Minister, United Kingdom
And Rt. Hon. Kenneth Clarke, QC, MP, Secretary of State for Justice, and Lord Chancellor, United Kingdom

Dear Sirs

The contents of this e-mail will be of interest to Public Guardians and the general public worldwide. Attached is a letter that was sent, two years ago, to Judge Denzil Lush, who was then Master of the Court of Protection, and now is Senior Judge. Certain names have been removed due to an ongoing criminal investigation.

A copy was sent to Sir Mark Potter, then President of the Family Court, who did nothing. In addition, I wrote to Sir Mark Potter on several occasions about my concern that alleged fraudsters had obtained Power of Attorney over my aunt, using the Public Guardian's Office as a tool.

Judge Lush did nothing about the situation about which I now formally complain to government. I believe he simply passed the letter to Martin John, Public Guardian, who did nothing either, but did eventually write to me, saying that it was of no concern to the Public Guardian's Office because my aunt was now dead and he seemed to think that her death now absolved him of any

criminal negligence, responsibility, or obligation towards her and her family.

I did point out to him that the negligent act which facilitated fraud occurred while my aunt was under the Court of Protection and the Public Guardian's jurisdiction, and he never replied; nor did he deny or excuse the lack of policy or procedure for verifying information supplied on applications for Deputyships.

As you can see, the National Audit Office was also made aware of the lack of policy and procedures, and my concerns about fraud operating through the Public Guardian's Office.

Sir Mark Potter, President of the Family Court, again doing nothing and, not expressing any concern, wrote to me and told me not to write to him again. Others, even higher in government, were also advised and either did nothing, or passed my various letters back to the Public Guardian's Office.

The Ministry of Justice was one of the departments that did that. The list is long, and could prove very embarrassing to the government; I have lots of documentation. It appears to be standard practice within the government to send complaints back to the department which is being complained about.

In business, this would be described as "no accountability".
Perhaps the British government is exempt from accountability?

With respect to the complaint that I lodged with Manchester police, nobody has ever checked the bank's source documents for account balances at my aunt's bank, the NatWest Bank, at the date of the Deputy's appointment, or the date on which he closed the two accounts. It is not the Public Guardian's policy to do so.

I do not believe that they verify any information at all. In fact, I have it on good authority that no information is ever verified. It seems to me that the objective of the Public Guardian's Office and the Court of Protection is just to collect fees, and enable lawyers to profit, rather than to protect the vulnerable in its care.

There was no forensic examination of files by either the National Audit Office, who claim to audit finances, Manchester Police, the Public Guardian's Office, or the Court of Protection (which is pulling the strings of the Public Guardian's Office).

How can the National Audit Office have completed a proper investigative review without examining source documents at the bank? These were being held by the NatWest Bank and the various investment companies. Without examining the source documents, a complete review cannot possibly have been done in relation to my complaint of alleged fraud and perjury.

Obviously, everyone concerned has just relied on the Deputy's statements, false or otherwise, and hedged their bets that I would be satisfied with their responses. This, I believe, is standard procedure. Most people would go away at this point, and I am sure they have been doing, but not so in my case. I am still here.

Unfortunately, when persons (including potential fraudsters) apply for Deputyships, there appears to be a **"no questions asked"** policy from the Public Guardian's Office up to the very top, including the Court of Protection and the Family Courts (as evidenced by Judge Suzanne Walker's behavior, described later) and beyond.

I am convinced that solicitors are aware of this deliberate lack of policy and are benefitting widely from gaining control of people's lives and assets, and charging excessive deputyship fees. **The British public would be shocked if they knew what is really going on.**

This could well be the reason why my alleged fraudster solicitor didn't feel the need to send out mail, much less send it registered, and keep receipts as proof. The Public Guardian's Office (which is, after all, only a tool for the Court of Protection) does not require that relatives reply to the letters or acknowledge them in any way. It just requires that a person applying for Deputyship writes on the application form a couple of names of relatives and pretends that they have contacted them. **No proof is requested; no proof of mailing or receipt.**

I was shocked a couple of days ago, when someone from the UK told me that there has recently been a petition online asking that parliament make a law requiring solicitors to send letters by registered mail. If it is true that it is common practice that they do not register important letters and are not required to show proof when challenged, then I suggest that the matter is even worse than I describe here and that Britain's legal system **could be described as organized crime.**

The rest of us have to show proof if challenged. It is normal business practice. Any solicitor not keeping proper records must be hiding something. At the very least, he should not be

practicing.

For the British public to be forced to post a petition online asking for a law that requires solicitors be made to keep proper records is absolutely beyond belief! No doubt the petition will be turned down, like the rest of the petitions usually are.

My aunt's bank accounts were closed out as soon as the alleged fraudsters were awarded Power of Attorney through the courts. Other accounts were opened, and investments were closed out, and then accounts were opened with different account numbers. The sad fact is that I had to find out all this information by myself from Canada, while police appeared to be doing nothing.

I realize they have murders and rapes on the books, and that they considered my case to be rather a nuisance, but I supplied just about every piece of information to police on a plate. As a writer, my journalistic skills include research and investigation; I made it easy for police, and I was patient. However, I do not have the same investigative power or tools as that of the police, and went as far as I could without their help.

The British public is being hoodwinked into accepting that the Family Courts are operating legitimately. I have others lined up behind me to attest to the fact that "The emperor isn't wearing any clothes." Perhaps now, with Sir Mark Potter removed and Mr. Cameron as Prime Minister, things can be changed?

There is serious dead wood to be removed, however, and the named government departments need investigation by an external independent body (not appointed by the UK Ministry of Justice or the Family Courts) - not investigations from within!

The cuckoo is still in the nest, judging by the recent Office of the Public Guardian's Review Committee report. (attached, see paragraph 1)

Additionally, police officers need to be fully informed of the difference between a criminal case and a civil case, especially where fraud and perjury are involved. Fraud is a criminal matter and does not belong in civil courts.

Allegations of fraud should be investigated by police, and not simply by paying lip service to the complainant. I should not have had to go to civil court to try to expose fraud, which is what I had attempted to do, but Judge Suzanne Walker (again part of the Family Court) took no notice and probated a very questionable will that was improperly witnessed, ignoring the fact that the Deputy and his solicitor were under police investigation.

I believe the will was not just questionable (she questioned it herself) but also fraudulent, but she probated the will regardless of any concerns, both hers and mine. The legal system is designed to bet against people going to the trouble of investigating files, and exposing and challenging any irregularities. Every government department appears to have a policy of returning complaints to the department which is being complained about. Even the Home Office didn't listen.

It is all set up to deceive, frustrate, and defraud the British people in the hope that they will desist from complaining. Most eventually do, or die waiting for justice. Not this time.

In my aunt's case, why did money have to be moved around at all? It was a simple enough estate to manage: two pensions were supposed to go into the bank accounts, and a payment would

have to be made to the nursing home; then the deputy would do the income tax each year and receive investment revenue, and deposit it. That's it! Her name was not Rothschilds.

Why the elaborate moving around of money? I am very suspicious about accounts being closed, when the Deputy just needed to operate the existing accounts and investments with his authorized signature. I suspect money was laundered.

Deputies have an obligation to look after assets in the best interests of the owner, which is not the Deputy. Anything less than that is fraud. These details were never checked, and the NatWest Bank is holding the source documents in the archives, still waiting to hear from police as far as I know. I did talk to them and told them to expect to hear from police, but police never contacted them and never had any intention of doing so.

They would only release the information to police, so that is proof positive that the National Audit Office did not do its homework. There has been no forensic examination of my aunt's bank accounts, from dates either before or at the time application was made for power of attorney, and none was made after I complained. I suspect it is routine that the Court of Protection and the Public Guardian's Office takes everything at face value from the Deputies, despite complaints of alleged fraud by families and others.

If the Office of the Public Guardian and the Court of Protection themselves do not use best practice and due diligence, how can it monitor deputies? More importantly, how can Judge Lush be writing books and travelling around the world speaking at conventions? He is currently in Japan, speaking at a convention. He should get his own house in

order before he sets himself up as an expert speaker.

I also suspect worse - that “someone” actually mandates staff not to investigate certain irregularities. In other words, unless specifically mandated, they don't do it. Deliberate omission. I believe someone is pulling all the strings from a judicial perspective.

Obviously, the National Audit Office and Mr. Pxxxx at the Public Guardian's Office never found the irregularities in the invalid will and various other irregularities that were on file. They never contacted named relatives, even after I made a complaint that relatives had not been contacted. They never attempted to find out whether or not my allegation was true. This must be because Mr. Pxxxx and the Public Guardian's Office, and the National Audit Office have **no mandate to contact relatives under any circumstances - investigative or otherwise.**

So every Tom, Dick or Harry in England is being offered a carte blanche opportunity to defraud. No questions asked. The courts will be flooded with applications if this gets out.

Who is ultimately responsible for this state of affairs? The Court of Protection, the Family Courts, or the Ministry of Justice?
Answer: Nobody, as there is no accountability.

After Mr. Pxxxx's supposed review and investigation of my aunt's file, I obtained just three documents from the Court of Protection file, each one of which was flawed with irregularities. In order to get these documents, I had to appeal the fact that my initial request for documents had been turned

down. I had to wait to put an appeal before a circuit judge, as my appeal would have been turned down by the regular judge again. .

My aunt was dead and he found a reason not to give me the information. The reason he gave was that she was dead. Had she been alive, the reason would have been that he was trying to protect her privacy. I should not have had to appeal to anyone for this information. I was her closest living relative and she was now dead.

All parties are negligent, as they did not act to close up any loopholes in the flawed system. The reason, I believe, is that these loopholes have been made deliberately to facilitate potential fraud from various professional sources.

The application for Deputyship form clearly states that persons applying to be deputies are required to contact relatives. However, the Public Guardian and the Court of Protection secretly never check statements made on government forms. Fraud and perjury are occurring, and have the potential for occurring.

False statements are being made on government forms, as referred to in my own complaint file with the Manchester Police. There is no protection for the donor and their families. Originally, police even tried to insist that it was a civil matter, whereas, at the very least, there is a Perjury Act of 1911, not to mention that the perjury was made in order to obtain fraudulent access to my aunt's financial affairs. Perhaps even worse.

The Adjudicator's Office stated that all was well. Obviously, it was not. They are negligent too. They never checked my aunt's

records at the bank or examined why accounts were closed. They never checked the whereabouts of certain valuable jewellery, which was never accounted for. It's all covered up. They never checked to see whether perjury had been committed.

If they only check to see that policy and procedure has been followed, and not to see if there are omissions in policy and procedure. They can then say that it has all been done by the books. I say again, that the policies and procedures are lacking, and it is deliberate fraud enablement.

The Adjudicator's Office only checks to see that policy has been followed - they don't check to see if proper policy and procedure has been written.

There are no risk management procedures because, with no accountability, there is no risk. The same applies for the professional Deputies. There is no accountability because there is no due process, and therefore no recourse.

Justice Suzanne Walker, also of the Family Courts, chose to ignore the evidence of the invalid will and alleged fraud, and probated my aunt's will, knowing that individuals were under investigation by police for fraud and that I was alleging that the will was fraudulent. She had been presented with the evidence on February 16, 2009 in court, by an affidavit and other documentary evidence, together with my personal testimony. She chose not to read all the evidence and ignored my concerns.

What kind of justice is British justice? What kind of judges are operating in the UK courts? There are "live ones" the world over, but everywhere I turned for help in the UK, I was blocked. It was

not just inefficiency; I now believe that it is much more sinister.

I am requesting a thorough investigation of my complaint against the Public Guardian's Office and the Court of Protection. I am suggesting that the matter of the courts being fraud enablers is deliberate, and is perhaps a matter for the Serious Fraud Office.

I have requested a review of my complaint about named individuals in Manchester, as all evidence was not considered at the time of the police investigation.

Although my individual case, in and of itself, would not come under the jurisdiction of the Serious Fraud Office, I do believe that, collectively, the problem will amount to very much more than one million pounds. Of the 4,000 or so complaints received against the Public Guardian's Office in the past two years, a very large percentage was from people complaining that relatives had not been advised of the application for deputyship - according to the British press.

Not to inform relatives is deliberate omission (or fraud), and I believe it is encouraged by the Court of Protection. Billions of pounds have been, and are, involved. I am outlining here just one indication that there is fraud operating in this system. This is just one small crack with many others to be revealed. Others have complaints about different aspects of operation which they say are fraudulent. I only speak here about my own personal experience. I will leave it for others to describe their own experiences.

Manchester Police are already reviewing the file mentioned. There are individuals operating in Manchester alone through law offices and otherwise, using the Public Guardian as a tool for

fraud. A public example needs to be made. I believe an injunction should be placed on the business while files are forensically investigated.

The named individuals at work within the courts are directly involved in enabling fraud and perjury as, at the very least, they are criminally negligent for having done nothing about changing policies and procedures even after they were clearly advised of the problems. Even now, in the newly published June review of the Office of the Public Guardian, some of these individuals were on the review committee, and are still indicating (in subsection 1 of the report) that they do not want to advise relatives when deputyship applications are made.

This has to be in violation of Section 8 of the UK Human Rights Act, if nothing else. I am convinced that there is purpose behind this deliberate omission and negligence, which is far more sinister than not wanting to invite contentious litigation, as stated in the report.

I have been investigating now for three years, during which time I have made contact with both other complainants, and interested organizations, both in the UK and abroad. Most of the complaints are perhaps even more serious than mine, and reports of fraud facilitated by the courts are well into the millions of pounds, even in certain individual cases, but the complaints are definitely about the Court of Protection, the Office of the Public Guardian, the Family Courts, and their often unlawful procedures and fraud enablement.

Exploitation of the elderly and those lacking capacity, the tearing apart of families, forced adoption, family members being thrown into prison when they object or try to appeal for

help, websites being shut down by the government when people protest injustice - it is certainly social engineering going very wrong and the public needs to know what is happening.

The government should be working with its police forces to prevent fraud, and not working against them from inside the courts. No wonder police don't want to investigate these cases.

I am asking that parliament order an investigation for serious fraud, that parliamentary changes be made to prevent future abuses and that each of you responds to me with your position in the matter on or before October 29, 2010.

I am a British citizen with voting rights in the UK.

Yours truly

SEE JUDICIARY REVIEW OF THE OFFICE OF THE PUBLIC GUARDIAN

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<http://www.judiciary.gov.uk/NR/rdonlyres/35347F04-7A4F-4A00-8DF9-A0C240A1F3E8/0/committeereportcourtprotection29072010.pdf>

LETTER SENT TO JUDGE DENZIL LUSH, MASTER OF THE COURT OF PROTECTION September 17, 2008

The Rt. Hon. Judge Denzil Lush
The Court of Protection
Office of the Public Guardian
Archway Tower
2 Junction Road
London
N19 5SZ, United Kingdom

Dear Senior Judge Lush

Mxxxxxxx Hxxxxxx File CR/xxxxxxx

I wish to draw your attention to a serious matter concerning a man who fraudulently obtained Power of Attorney through the Public Guardianship system.

On November 5, 2007, I first reported the matter to Sir Mark Potter, who passed the matter over to the courts for investigation. There has been correspondence with the Public Guardian's Office and the Court of Protection ever since.

Mxxxxxxx Hxxxxxx (now deceased) was my aunt, but she did not die until February 26 of this year. I had expressed concerns that family was not aware of lxxxx Jxxxxxxx's application for Power of Attorney, as required by law.

lxxx Jxxxxxxx pretended to me that he did not know she had any family. I was assured by the Public Guardian's Office that he had contacted family members, but I did not believe it, and I had many concerns about the motives of this man because he is a liar. I could not afford to pay eight hundred pounds and travel to England to go before a judge in order to look at the files, as I was requested to do in order to see the files for myself.

I appealed for help in every area, including the National Audit Office, who requested an investigation into this matter by the Public Guardian's Office. I also maintained that there were problems with the will as, at that time, I believed it invalid, due to testamentary incapacity and undue influence. I had not seen it, but I suspected it.

I also maintained that family had not been contacted, as I was aware that she had not had any visitors from anyone except lxxx

Jxxxxxxxx. I was advised by both Paul Kxxxx of the National Audit Office, and a Mr. D. Pxxxx of the Public Guardian's Office, that they had conducted a review of the file, that my concerns were unfounded, and that everything was in order.

I have spent night and day investigating xxxx xxxxxxxx from Canada and, although I have involved police, there has been little action from them. Finally, I was advised that I could apply for a waiver of court application fees if I met certain criteria. This waiver was approved, and I was eventually, after having to make an appeal, allowed to view the three documents that I had requested.

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These are my findings:

- (1)The will on file was invalid because it was improperly witnessed
- (2)The medical evidence does suggest that she may not have been of sound mind in any case at the time she supposedly made this will of her own accord
- (3)The medical certificate was not signed by either a medical doctor or a psychiatrist, but what appears to be a social worker with a psychology degree. Surely, this is not acceptable?
- (4)lxxx Jxxxxxxxx advised the courts that he had contacted two persons in support of his application for the appointment of Deputy. The statement was false. I contacted the two relatives as named on his application, who advised me that they have been unaware of my aunt's fate, and her

committal to a nursing home in April 2003. They were also unaware as to what had happened to her prior to that, when she was taken into the home of lxxx Jxxxxxxx's mother, lxxx Jxxxxxxx, and therefore came under the influence of his family when changing her will from benefiting her family to naming his entire family and himself as beneficiaries (within a month of having a stroke affecting the left hemisphere of her brain). She was, effectively, hijacked by these people and disappeared from sight. In addition, these family members were not advised of the Deputy's application, her death or funeral, and the parties involved would not give me the address of her second cousin, Txx Mxxxxxxx, as named on the application form, as they were deathly afraid that I would contact him and all of this would come out. The cat is now completely out of the bag, as he feared. Surely, it should be the courts who advise the named relatives and not the applicant? The system is faulty.

(5)Section 8 of the UK Human Rights Act was violated. My aunt was denied her family by this non-contact, which has been facilitated by a faulty system within the Court of Protection. It was also violated by BUPA, who denied me my connection to my aunt, and my aunt to her family, in favor of lxxx Jxxxxxxx.

The Administrator of Gorton Parks Nursing Home advised me that she had no intention of putting my name of file as she would only recognize lxxx Jxxxxxxx as next-of-kin, despite the fact that he was not. I have learned that, for some strange reason, BUPA seems to be above the laws in the UK. I cannot tell you how shocking I find this to be. I

am also suspicious of this Manager, Jxxxx Mxxxxx's role in all of this, as I found her response towards me unnatural and nervous.

This matter was also reported to police in November 2007 (Greater Manchester Police file LOG NUMBER XXXX NOVEMBER 9, 2007 CORRESPONDENCE XXXX/07), and they appear to have done very little, leaving it up to me to obtain the documents from the court, which, as far as I am concerned, not only proves that lxxx Jxxxxxxx fraudulently obtained Power of Attorney, with the help of the Public Guardian system, but also prove his intent to further defraud. This further defraudment is also evidenced by his attempts to obtain Letters of Representation, without having any right to do so. He is not family.

Her two bank accounts, named in lxxx Jxxxxxxx's application, were closed over six years ago, according to NatWest, and other account numbers given on the application form appear to be untraceable for the most part. Either that, or they were fictitious to start with.

When the Power of Attorney ceased at my aunt's death lxxx Jxxxxxxx and his solicitor, Dxxxx Jxxxxxxx, did not advise relatives, but continued to act for my aunt to administer an invalid will. They have applied to the Probate Registry for Letters of Representation, when they have no right to do so. Dxxxx Jxxxxxxx, solicitor, is facilitating this. Her next-of-kin should have been advised. He was not.

From what I can see, the value of my aunt's inventory of assets, in today's money, when the assets were declared ought to be in

the region of 300,000 pounds. In addition, no inventory checks were made regarding my complaint that a very valuable diamond brooch and some war medals may have gone missing. My aunt would never have disposed of these items. To date, they have not been accounted for.

Ixxx Jxxxxxxx and his wife, Nxxxx Jxxx Jxxxxxxx, have been taking advice from Dxxxx Jxxxxxxx, solicitor, and they have all been involved in not only fraudulently obtaining control over not only my aunt and her affairs, but now they are administering her estate.

After I discovered that Ixxx Jxxxxxxx had made false statements on a government document, and should therefore be charged with up to two years in prison and a fine of up to 5000, under either the Perjury Act of 1911 or the Mental Health Act of 1983, I advised the Court of Protection.

They have today advised me that, since the file has been closed, the court has no more responsibility. I cannot believe that this is the case. Justice must be seen to be done. This matter was reported a long time ago while the court was involved with my aunt and her affairs.

Suspicion of fraud was reported in November 2007, and improperly investigated. I therefore request that action be taken to rectify the matter. I speak for the entire family, when I say that we want to see this man charged to the fullest penalty and made a public example of.

The court has a duty to protect the elderly or mentally infirmed public in the United Kingdom, and the public should be made highly aware of the penalties involved with fraud of this nature, so that it will never happen again.

I also would like an investigation into all Powers of Attorney granted by the Public Guardian's office that have been, or are currently being, administered by lxxxx Jxxxxxxxx, Nxxxx Jxxxxxxxx, and/or Dxxxx Jxxxxxxx. Dxxxx Jxxxxxxxx, so his advertising touts, is a specialist in Public Guardianship work. He needs investigating, not only for his part in this affair, but also in the part he plays with other elderly people and the Public Guardian's office.

There must be a way that your data system can reveal how many other people these named individuals have control over through the courts.

There are loopholes in the Public Guardianship system, which need to be addressed. In addition, my aunt was not provided with any kind of advocate, as she fell through the cracks in both the Public Guardianship System, and in Social Services System.

I asked for a social worker, once I discovered her situation, but I was turned down everywhere, and told that the courts did not deem it to be a requirement, and that she was not a ward of court, so therefore the courts had no obligation to provide her with an advocate.

The City of Manchester felt no obligation either, perhaps because of Nxxxx Jxxx Jxxxxxxxx and her position as a manager of a mental health unit for the City of Manchester. I feel that

the three people named are in position to victimize the elderly, and mentally infirm in this manner. No doubt they act as Power of Attorneys for many old ladies in Manchester. I think it shocking that I could not obtain an advocate for her from anywhere.

There needs to be a thorough forensic audit of all my aunt's financial affairs, and the accounts of Ixxxx and Nxxxx Jxxxxxxx, Dxxxx Jxxxxxxx, solicitor, and Hxxxxxx and Mxxx Axxxxxx Hxxxxxx, who were living with my aunt from 1997, at least back until 1996. Dxxxx Jxxxxxxx conveyed property for my aunt and it involved a tenants-in-common arrangement with Ixxx Jxxxxxxx's mother, Ixxx.

My aunt had a nice little apartment and the Jxxxxxxxs persuaded her to sell it and buy property with their family, thereby gaining more control over both her and her assets. In the meantime, they moved her into Ixxx Jxxxxxxx's house. Dxxxx Jxxxxxxx handled all conveyances involved in sales and purchases.

Other parties, by the name of Hxxxxxx, also moved into the new home that was purchased by Ixxx Jxxxxxxx and my aunt, and operated a taxi business which, I suspect, may have been subsidized by my aunt, possibly using Ixxx Jxxxxxxx's bank account to do this.

This business lost its license several times and eventually disappeared. Ixxx Jxxxxxxx was a director, but I suspect money may have been filtered out of my aunt's bank accounts into this business through Ixxx.

It is very long and involved and I have advised DI Txxxxx Cxxxxxxx and Superintendent Cxxxxxxx Hxxxxxxx of Greater Manchester Police of my findings every inch of the way, but little progress has been made towards an arrest since November 2007. The suspected fraud involves far more than making false statements. The fact that the trio of fraudsters is now trying to administer an invalid will further proves that it was their intent to defraud from the very beginning.

I feel that the Public Guardian's Office had, and still has, a responsibility to properly investigate my complaint, and it did not. It has therefore played an enormous role in facilitating this situation. They merely conducted an internal audit to make sure they had done things by the book. Nobody thought outside of the box and followed up with any intelligence on the type of complaint that had been made.

Therefore, I feel that the Public Guardian's Office should work hard and quickly now with police to provide a full and complete investigation into the backgrounds, bank accounts, etc. of all concerned with my aunt since 1997.

There is endless correspondence from me, providing evidence and/or information to DI Txxxxx Cxxxxxxx, which also indicates that, in April 2003, one of the beneficiaries of the invalid will, Hxxxxxx Hxxxxx (formerly Sxxxxxx, nee Jxxxxxxx), dropped down dead in the home of my aunt, and there was a coroner's inquest, which I believe should be reopened.

Hxxxxxxx Jxxxxxxx was lxxx's sister, and he now has one less person to have to share the estate with. His mother, another beneficiary, has also since died, but she was receiving 75 pounds a week from my aunt by direct debit, even though my aunt was

only one of four people living in a house with no mortgage, that my aunt own AT LEAST half of.

On lxxx Jxxxxxxx's application form, he seemed to be asking that this continue, despite the fact that she was no longer living in the house, and was in a nursing home. In addition, his mother had control over my aunt's credit cards. lxxx Jxxxxxxx also had Power of Attorney for his mother.

I am heartbroken over this state of affairs, and to think that a government could have helped facilitate this is very hard to swallow. But then, to be told that it is no longer the Court's responsibility is beyond belief.

Now that I have investigated and highlighted the matter, I trust that you can confirm to me that an error has been made and that justice will done to the fullest extent of the law

I look forward to hearing from you.

Yours truly,

c.c. Sir Mark Potter

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I was advised that Gary Streeter, MP for Devon, would be someone to contact as he helps expats living abroad. When I asked him for help, he sent the following e-mail reply.

From: DEAN, Sally [mailto:DEANS@parliament.uk]
Sent: Friday, October 01, 2010 8:17 AM

Thank you for your email. I am afraid you may have the wrong person as I do not intend to raise any issues regarding the public guardian's office.

Kind regards,
Gary Streeter

Well done, Gary. I wonder why not? Here he is [http://
en.wikipedia.org/wiki/Gary_Streeter](http://en.wikipedia.org/wiki/Gary_Streeter)

READ THE EXPLANATION OF THE NEW BRIBERY LAW:

This is soon to come into effect and incorporates the fact that owners of companies not operating within a healthy risk management environment (and even if they are), can be charged with being guilty of a bribery offence even if it was an employee who did it and they knew nothing about it.

In effect, this act will encompass criminal negligence. It should bring in a healthy revenue for the government - but why not start with the criminal negligence in the courts and whatever other public departments also need to look at their risk management policies? The Public Guardian's office doesn't have proper risk management, obviously.

Like I said, they don't consider themselves to be at risk. They have no accountability and can always bend laws and rules to suit the situation.

The act is very broad reaching in its scope and affects other businesses all over the world. Total chaos about to erupt, I think. However, it might be appropriate to extend the Briber Act to include other kinds of criminal negligence and corruption.

This would hold the British legal system and its courts accountable for any corruption occurring within itself. I think the government will get caught in its own trap, and the dragon would consume itself and disappear.

<http://amlawdaily.typepad.com/amlawdaily/2010/10/letter-from-london-uk-s-draconian-new-bribery-law-is-boon-for-americas-fcpa-specialists.html>

A serving Borough Councilor who is prepared to raise her own grandchildren, being denied , so the state can generate money from Forced Adoption.

Follow the link to read this letter. There are thousands of complaints like this. Wake up Britons! Where is your mettle? Stand up for what is right and help these people. One day it might be you that the Court of Protection comes for.

This woman is telling the truth. Thousands of people cannot have misunderstood the oppression and corruption.

http://www.whatdotheyknow.com/request/a_serving_borough_councillor_who#comment-13806

See these comments made by another blogger 1 month ago

[Meeting with MP](#), by [vordrak](#)

Hi guys,

I am very concerned about this topic. I became aware of these rules because of an elderly relative who was affected, and I have been horrified by what I have learned. In any case I went to see my MP on Friday, and discussed it with him. I put forward some specific concerns and proposals and I would be grateful to know what everyone else thinks too.

MONEY

1. Financial Deputyship

Problems -

- a. A court application is required for every case. At most 4-6 judges but 40,000 'protected' persons. Why is a court application necessary at all to get a financial deputyship, when someone can be locked up on the signature of two professionals without a court application?
- b. No automatic review for cases to check the Deputyship is still necessary.
- c. Inadequate oversight of Deputies (problem of fraud, or more generally just incompetence)
- d. The Court actually *charges* to consider complaints against Deputies
- e. Impenetrable procedure. How is a full blown court under the civil procedure rules accessible TO SOMEONE WITH A DISABILITY?
- f. As above, the difficulties of challenging wrong decisions.
- g. Did I mention expense?

Solutions -

a. In the first instance why does a Deputyship require a court application? Why not a local action similar to a Deprivation of Liberty Safeguards Standard Authorization issued by the local Supervising Authority for the first instance. Something like a 'Financial Deputyship Authorisation'.

b. The 'protected' person could then ask for a local review at any time similar to DoLS, without the huge expense of a court application. As I propose below they should also have a right of a second opinion on their mental health and capacity.

c. The Office of the Public Guardian is not the best way to oversee deputies. This duty should be transferred to the local authority. For people with simple finances all that is necessary is visits from a social worker and a clerical grade worker at the authority just to check the person's bank statements.

d. If there is a contention, the first appeal should be to the local Mental Health Review Tribunal, which already exists, already does similar work under the Mental Health Act and is relatively accessible and cheap.

e. The Court of Protection should be the second tier appeal, before the usual higher appellate courts.

f. There should be legal aid for a 'protected' person wishing to challenge a Deputyship or complain about a Deputy.

DEPRIVATION OF LIBERTY SAFEGUARDS

2. Locking People Up

Problems -

a. There is no second opinion regarding mental disorder or functional capacity required unlike detention under Mental Health Act 1983.

b. The 'Safeguards' overlap with the Mental Health Act 1983 and this causes confusion. In some cases professionals can pick and choose which to use.

c. The 'Safeguards' rely heavily on appointment of a 'representative' to support the detained person and challenge and question the Managing and Supervising Authorities.

i. The representative is chosen by authority. The criteria can actually include agreeing with detention (the 'best interests' loophole).

ii. If a professional, they are paid on consultancy basis by the authority. This is an obvious and horrendous conflict of interest.

d. Appeal rights - the right local of review is vague. The authority can simply decline to review. No representation. No legal aid. No requirement the review even be conducted by fresh staff.

e. Appeal rights - to Court of Protection. How is a full blown court under the civil procedure rules accessible TO SOMEONE WITH A DISABILITY?

f. There is no right of information to relatives, friends other than the representative.

g. If the detained person disagrees with their representative there is a theoretical right to appeal to the Court of Protection anyway but no clear guidelines on safeguarding this right.

Solutions -

a. If the detained person or their representative requests a review, this should include the right to a second opinion for any of the six assessments by a professional from outside the managing and supervising authority. A second opinion for each assessment should be available at least once in the duration of any Authorisation.

b.. i. For representative use the nearest relative like the Mental Health Act 1983, power to displace as per subsequent amendments

ii. If representative is professional they should be centrally commissioned by somebody other than the Managing or Supervising Authority outside the Supervising Authority's control, but the Supervising Authority must pay for the representative.

c. First tier appeal should be to to the local Mental Health Act Review Tribunal, not the Court of Protection. Legal aid should be available at the same rates as for people detained under the Mental Health Act 1983.

d. Second tier appeal should be to the Court of Protection.

e. To protect their appeal rights, the detained person must have the right to - (1) Seek a lawyer, (2) Appeal in Person. Incidental materials such as writing materials, access to a phone etcetera.

Summary

Basically the whole system is expensive, inefficient and treats those within it poorly. It should be localized and made cheaper. What do you guys think?

View the horror stories on this website [http://
courtofprotectionproblems.lefora.com/](http://courtofprotectionproblems.lefora.com/)

More light reading on the Court of Protection, et al.

[http://www.dailymail.co.uk/news/article-1222764/Secret-
court-seizes-3-2bn-elderly-mentally-impaired.html](http://www.dailymail.co.uk/news/article-1222764/Secret-court-seizes-3-2bn-elderly-mentally-impaired.html)

[http://courtofprotectionproblems.lefora.com/2009/10/29/
court-of-protection-problems-2/](http://courtofprotectionproblems.lefora.com/2009/10/29/court-of-protection-problems-2/)

[http://www.dailymail.co.uk/news/article-1304489/Council-
criticised-judge-try-force-low-IQ-woman-use-birth-control.html](http://www.dailymail.co.uk/news/article-1304489/Council-criticised-judge-try-force-low-IQ-woman-use-birth-control.html)

[http://www.guardian.co.uk/society/2005/feb/09/
guardiansocietysupplement.socialcare](http://www.guardian.co.uk/society/2005/feb/09/guardiansocietysupplement.socialcare)

<http://www.annaraccoon.com/category/court-of-protection/>

<http://www.opg.me/>

<http://www.bbc.co.uk/programmes/b00t3zb8>

<http://www.bbc.co.uk/news/uk-10763890>

<http://yourfreedom.hmg.gov.uk/restoring-civil-liberties/the-court-of-protection-office-of-the-public-guardian>

<http://www.telegraph.co.uk/health/healthnews/7772172/Secret-Court-of-Protection-can-order-abortions-and-sterilisations-of-mentally-ill-patients.html>

<http://www.telegraph.co.uk/news/uknews/law-and-order/7818032/Judge-admits-Court-of-Protection-has-more-than-fair-share-of-setbacks.html>

<http://www.independent.co.uk/news/media/press/media-win-right-to-attend-court-of-protection-case-1932470.html>

<http://www.telegraph.co.uk/news/uknews/law-and-order/7721078/Secret-court-opened-up-in-autistic-pianist-case.html>

<http://www.bbc.co.uk/blogs/theoneshow/2010/01/power-of-attorney-top-tips.shtml?page=18>

<http://www.consumeractiongroup.co.uk/forum/general-consumer-issues/108852-court-protection.html>

http://www.thisismoney.co.uk/pensions/article.html?in_article_id=492737&in_page_id=6

<http://www.theglobeandmail.com/news/opinions/britains-failed-human-rights-revolution/article1662021/#comments>

<http://ukhumanrightsblog.com/2010/07/23/deprivation-of-liberty-best-interests-test-compatible-with-human-rights-law/>

<http://elleeseymour.com/2009/10/25/who-is-the-court-of-protection-really-protecting/>

<http://www.annaraccoon.com/annas-personal-stuff/the-court-of-protection/comment-page-1/#comment-13593>

<http://odonnells-solicitors.co.uk/info-sheet/view/court-of-protection-complaints.html>

<http://business.timesonline.co.uk/tol/business/law/reports/article7106357.ece>

<http://timesonline.typepad.com/law/2010/01/judge-calls-for-press-access-to-court-of-protection.html>

<http://www.dailymail.co.uk/news/article-466510/Care-home-battle-hastened-wifes-death-says-veteran.html>

<http://www.publications.parliament.uk/pa/jt200203/jtselect/jtdmi/189/3101401.htm>

<http://www.publications.parliament.uk/pa/jt200203/jtselect/jtdmi/189/3101408.htm>

http://www.international-guardianship.com/pdf/IGN_memberlist.pdf

http://www.blogistan.co.uk/blog/mt.php/2010/08/02/the_court_of_little_protection

DON'T FORGET TO READ THE STORIES IN THE TWO LINKS IN THE LEFTHAND SIDEBAR

PLEASE NOTE THAT THE LINK TO ANNA RACCOON IS NO LONGER WORKING. ANNA RACCOON WAS A RETIRED LAWYER AND BRILLIANT JOURNALIST WHO WROTE MANY, MANY STORIES ABOUT THE PROBLEMS WITH THE COURT OF PROTECTION. SINCE I POSTED THIS BLOG, HER WEBSITE WAS CLOSED DOWN. SHE WROTE A LETTER TO A FRIEND, TELLING OF HOW, FOR YEARS, SHE HAS BEEN HARRASSED BY WHAT SHE REFERS TO AS THUGS ABOUT HER WEBSITE AND THE CONTENT. THEY FABRICATED LIES ABOUT HER, SAYING SUCH THINGS AS SHE A PAEDOPHILE WHICH, OF COURSE, SHE IS NOT. WHOEVER THESE "THUGS" ARE, THEY PERSECUTED HER FOR YEARS ABOUT HER STORIES AND CAUSED THE ALIENATION OF HER FAMILY. SOMEBODY DIDN'T WANT HER STORIES PUBLISHED. I WONDER WHO THAT COULD BE?

FRAUD, PERJURY, AND FORGERY ARE ALL CRIMINAL OFFENCES, NO MATTER WHERE IN THE WORLD YOU LIVE. THEY ARE CRIMES.

THERE IS A RULE OF LAW, AND ONLY THE BRITISH JUDICIAL SYSTEM AND ITS POLICE AND LAWYERS SEEM TO BE ABOVE IT. I HOPE SOMEONE IN GOVERNMENT WILL PROVE ME WRONG, BUT THE FOLLOWING DOCUMENT WILL EXPLAIN WHY PEOPLE IN BRITAIN CANNOT GET JUSTICE FOR THE FRAUD AND HARRASSMENT COMMITTED AGAINST THEM. MAKE NO MISTAKE, THERE ARE THOUSANDS OF THEM, AND THEY ARE WELL

EDUCATED AND LITERATE FOR THE MOST PART, AND THEY ARE NOT CRANKS.

WHY WON'T BRITISH POLICE INVESTIGATE FRAUD, PERJURY, OR FORGERY IF IT IS ALLEGED THAT IT WAS COMMITTED THROUGH A LEGAL PROFESSIONAL OF ANY TYPE?

MAYBE THIS LEAKED DOCUMENT WILL EXPLAIN:

<http://humanintelligenceproductions.wordpress.com/2010/09/26/memorandum-of-understanding-between-association-of-chief-police-officers-and-the-law-society-of-england-and-wales/>

Memorandum of Understanding Between Association of Chief Police Officers and The Law Society of England and Wales
by humanintelligenceproductions on September 26, 2010

The MOU attached is a document that is relied on in law to protect it's actions by a lobbying group Law Society of England and Wales Company no. RC000304 - which is an organization that has high value financial dealings but does not have to register any financial accounts or comply with any company business laws

<http://wck2.companieshouse.gov.uk/26454f9b36547999858e2ecf229bcd0f/compdetails>

Which has agreed an MOU with a private company The Association of Chief Police Officers Company Number 03344583 which came into existence on 1st April 1997

<http://wck2.companieshouse.gov.uk/26454f9b36547999858e2ecf229bcd0f/compdetailsand>

This document is relied on in law to **negatively affect** terrorist and other organised crime investigations.

Association of Chief Police Officers of England, Wales and Northern Ireland

25 Victoria Street, London, SW1 OEX. Tel: (020) 7227 3419. Fax (020) 7227 3400/1

4th September 2003

Dear —,

With reference to your letter dated the 29th of August I enclose a copy of our memorandum of understanding with the Law Society as requested.

Yours sincerely,

Brian Younger ACPO

The Association of Chief Police Officers of England, Wales and Northern Ireland is registered in England and Wales as a private company limited by guarantee. Registered number: 3344583.

Registered office: 25 Victoria Street, London, SW 1 HOEX.

Company Secretary: Mr Charles Nisbet.

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE ASSOCIATION OF CHIEF POLICE OFFICERS OF ENGLAND AND WALES

AND THE LAW SOCIETY

Statement of Intent

This document records an understanding between the Association of Chief Police Officers, England and Wales and the Law Society about the operation of certain functions in which they have a mutual interest. It sets out the manner in which the reports of alleged criminal conduct, malpractice or professional misconduct by solicitors and their employees or intelligence related to such conduct, can be exchanged, and consideration given to the appropriate course of action under the Rules of the Law Society or criminal law or both. This initiative is intended to create a better working relationship

and to develop clear lines of communication to the mutual benefit of both professional bodies, and to further their aims to protect clients and the general public.

2. The Role of the Law Society and the Office for the Supervision of Solicitors (OSS)

2.1 The Law Society is the governing body for the solicitors' profession in England and Wales, and has powers and duties under the Solicitors Act 1974 as amended and subsequent legislation. The Solicitors' Practice Rules and Solicitor's Accounts Rules are enacted under these statutory powers. The Rules are designed to ensure that all solicitors observe proper standards of conduct, probity and service when dealing with clients and other solicitors.

2.2 The Law Society's statutory powers for the regulation of conduct and discipline have been delegated to the Office for the Supervision of Solicitors to provide impartial and fair investigation of complaints, and effective policing of the Solicitors' Practice Rules and Solicitors' Accounts Rules.

2.3 The Solicitors Complaints Bureau, now the Office for the Supervision of Solicitors, was set up in 1986 by the Law Society's Council to investigate complaints and to police the profession independently of the Law Society. The staff of the OSS, headed by the Director, investigate and resolve the majority of complaints. Under powers delegated by the Law Society's Council, the Director, the Deputy Directors and Assistant Directors may adjudicate at first instance on professional services complaints and may award compensation reduce or remit fees and/or order rectification. They may also exercise the power of inspection of solicitors' accounts, impose or renew conditions on practising certificates, and undertake a considerable number of other regulatory functions. Most first instance decisions are subject to a right of appeal to the Compliance and Supervision Committee (The Committee), although there is no appeal to the Committee against a

resolution by the Director, Deputy Directors or an Assistant Director to inspect solicitors' accounts.

2.4 The Committee is a standing committee of the Law Society, and comprises both solicitors and lay members. Its function is to make first instance decisions on complaints of misconduct and other matters and to act as an appellate body in relation to all first instance decisions which carry a right of appeal. Only the Committee (or in certain circumstances its chairman) has the power on behalf of the Law Society to order an intervention into a solicitor's practice (implemented by OSS staff) and (except in certain limited circumstances where delegated powers have been granted) to send a solicitor for disciplinary proceedings before the independent Solicitors Disciplinary Tribunal in which the OSS acts as prosecutor. There is no right of appeal to the Committee in relation to a decision to intervene, but there are statutory rights of appeal to the courts. The OSS also administers the Law Society's Compensation Fund.

3. The Cost of Default Programme

3.1 The Law Society and the OSS have taken the following steps to combat solicitor dishonesty and default. The Law Society has a Fraud Intelligence Office located within the Monitoring and Investigation Unit of the OSS. The Monitoring and Investigation Unit combines a substantial programme of targeted and random monitoring of solicitors' accounts together with an investigation role tasked with investigating and providing forensic evidence of dishonesty and breaches of the Solicitors' Accounts Rules. Inspections of accounts may be authorised immediately by delegated authority of the Law Society's Council and subject to urgency, can be implemented without notice by the Monitoring and Investigation Unit. It is the policy of the Law Society's Council, enshrined within the Solicitors Accounts Rules, not to provide reasons for an inspection.

3.2 The role of the Head of Fraud Intelligence Office and his

staff is to gather information of potential fraud and dishonesty by maintaining contacts not only within the Monitoring and Investigation Unit and other Law Society departments but also with a wide range of interested parties such as financial institutions and enforcement agencies. They also have responsibility for the Red Alert telephone system which provides a confidential telephone line for solicitors to provide information on default and dishonesty. All interested parties, including the OSS's enforcement staff, representatives of the Solicitors Indemnity Fund and a representative of the Legal Aid Board meet monthly as the Fraud Intelligence Group. Members of the Monitoring and Investigation Unit also work in close liaison with the other staff of the OSS, and in particular the Solicitors Practice Unit which deals with the professional conduct and regulation of solicitors.

3.3 In taking steps to pool information on default and dishonesty the Law Society is conscious of the need to maintain the flow of information between its departments and police forces. It also recognises that the provision and exchange of such information can assist the police to take a clear view of a suspect's activities.

4. Exchange of Information

4.1 The Law Society (including the OSS) will provide to a police force, so far as is practicable and in accordance with the procedure set out below, any indication or evidence of a crime committed by a solicitor or employee. The police will, so far as is practicable and in accordance with the procedure, pass to the Law Society indications of crime, malpractice and/or professional misconduct committed by a solicitor or employee or intelligence relating to such matters.

The objective is to enable both parties to make a considered decision as to what further action may be taken through disciplinary, regulatory or criminal procedures, and what further co-operative action may be required or desirable.

4.2 In order to facilitate the flow of information, with both confidence and confidentiality, each police force and the National Criminal Intelligence Service will appoint a nominated senior CID officer to liaise with the Law Society. This officer will act as a filter and authority in order to ensure that information/intelligence passing between the police and the Law Society is screened and processed with an appropriate degree of uniformity and expediency. It is envisaged that some information will be of a sensitive nature and source protection may therefore be essential. Care will need to be taken that the parties are not burdened with trivial or speculative matters. Contact between police forces and the Law Society will normally be through the Law Society's Fraud Intelligence Office. However, contact on ongoing prosecutions and investigations, or in relation to urgent action, may be directly with the Assistant Director (Solicitors Practice Unit) or the Deputy Head of the Monitoring and Investigation Unit at the OSS.

4.3 When the OSS or another Law Society Department receives evidence of an allegation of fraud or other criminal activity an authorised person at the OSS or the Head of the Fraud Intelligence Office will in appropriate cases communicate with the nominated liaison officer as soon as practicable and where appropriate, before any overt action is taken. The parties can then consider the proper course of action having regard to their respective priorities and requirement for confidentiality.

4.4 Where either the Law Society (including the OSS) or a police force receives information relating to suspected criminal activity or associations or malpractice which does not indicate the commission of a specific crime, such information shall, in appropriate cases, be passed between the nominated liaison officer of the police force concerned and the Fraud Intelligence Office. Similarly, when a police force has suspicions or concerns about a solicitors' conduct or employee contact will in the first

instance be between the nominated liaison officer and the Fraud Intelligence Office in order to exchange information and assess the nature and urgency of the problem.

4.5 When a police force has evidence of crime, malpractice or professional misconduct or has arrested a solicitor or employee, the nominated liaison officer will in appropriate cases contact the Head of Fraud Intelligence or a number of his staff at the OSS. Where an arrest is contemplated but has yet to take place, the police may ask through its nominated liaison officer for information and/or assistance.

4.6 Whilst contact respectively with the Fraud Intelligence Office and the OSS is defined by the urgency of the situation or the substantive nature of the information or evidence, the objective is to ensure co-operation and the sharing of intelligence in appropriate cases between the Law Society and the police. Any such intelligence will be pooled.

5. Other Assistance

5.1 Where police are involved in an investigation into an allegation of crime, malpractice and/or professional misconduct, the Law Society (including the OSS) will in appropriate cases and subject to available resources, provide advice and guidance to the Investigating Officer on the Solicitors' Practice Rules or Accounts Rules. For extended periods of assistance, a charge may need to be made. If requested by a senior police officer an appropriate representative of the Law Society will provide a statement of evidence relating to the Law Society's Solicitors' Practice Rules or Accounts Rules. Other than in exceptional circumstances when there is evidence of crime in the Monitoring and Investigation Unit's report, a copy will normally be provided to the police.

5.2 Where the OSS has intervened in a solicitor's practice and an agent is in possession of files on which there is evidence of an offence by the client, the Law Society is bound by the same

duty of confidentiality as was owned by the solicitor. Where the solicitor and the client are both believed to be involved in criminal activity, this duty of confidentiality does not exist. However, the objective of an intervention is to prevent the solicitor continuing in practice with minimum inconvenience to clients. Whilst this does not include identifying evidence of crime, every co-operation will be afforded to the police by the OSS in appropriate cases.

5.3 It should be noted that the ownership of a client's file always remains with the client. Following intervention, the authority for the police to examine a client's file can only be obtained directly from the client concerned or by order of a court under the provisions of the Police and Criminal Evidence Act 1984 or other statutory authority.

5.4 On occasions complainants ask the OSS to take action and indicate that a crime or crimes may have been committed by a solicitor. The complainant will normally be directed to inform the police. However, the Law Society and the OSS reserve the right to inform the police within the terms of this memorandum. It should be noted that such facts can only be communicated to the police with the client's consent, or where the Law Society (including the OSS) is protected by public interest immunity.

6. Conclusion

The Association of Chief Police Officers of England and Wales and the Law Society recognise and respect their differing statutory duties, operational priorities and constraints, and confidentiality requirements. However, in the public interest they commit themselves to improved professional co-operation and to systematic exchange of information their joint campaign against dishonesty and default involving solicitors or their employees.

The Client can report to the police but offences are covered by the MOU so the evidence will not be given to the Police

Client confidentiality means that criminal evidence is not allowed to be reported to the Police

Again client confidentiality is used to stop police getting evidence

The police DO NOT investigate by themselves

DO NOT report criminal evidence to Police

Offline

The sections of concern and which are used to stop criminal and terrorist investigations are **Section 5**. A summary of the ramifications of **Section 5** are with the MOU in force no police force can investigate solicitors. The Law Society decides if any solicitor should be investigated and if ANY evidence of criminal offences should be given to the police.

Section 5.1 says that Other than in exceptional circumstances when there is evidence of crime in the Monitoring and Investigation Unit's report, a copy will normally be provided to the police. If there is crime found then the police will not automatically receive a copy of the report. Who defines 'exceptional circumstances'? does that include evidence of terrorist offences from witnessed events and evidence gained when terrorism is involved the evidence or notification of any offences are not given to the police or security services. The evidence is destroyed after 6 years.

Section 5.3 is of special concern as files are covered by client confidentiality so evidence of terrorist facilitation or organised crime held in those files even international bank transactions or evidence of offences committed abroad will only be disclosed IF the client aka the person being investigated gives their permission. No offender will hand over incriminatory evidence especially of terrorism or organised criminal activities.

AND

Understanding between Police and Law Society

[\[Home\]](#)

<http://www.lcs-test.co.uk/UJMOU1.htm>

SEE ALSO LATEST NEWS

<http://www.prlog.org/11039787-prisoners-taken-in-uk-member-of-parliament-gagged.html?>

June 2004

Here is the full text of the [Memorandum](#), taken from the [ACPO](#) site

This is the text of a letter from the Department for Constitutional Affairs to a group of individuals concerned about the lack of accountability to the public of solicitors and the legal system in England. How right they are to be concerned. UJ.

Dated 07 June 2004

Dear

Thank you for your letter of 4 April addressed to Mr Grant Morris at the Department for Constitutional Affairs. I have been asked to reply. Please accept my sincere apologies for the delay in replying.

Firstly, I would like to thank you for your letter, the contents of which have been noted. I understand you remain concerned about the ability of the Law Society and its complaints handling wing, the Office for the Supervision of Solicitors (OSS) to deal with complaints about its member's adequately.

Firstly, it may interest you to note that the OSS has changed its name. The Law Society has created a new Consumer Complaint Service (CCS) which was launched on the 19 April, to focus exclusively on the rapid resolution of complaints about poor service and replaces the OSS in that role.

I hope you will also find it helpful to note that, Lord Falconer has made clear his view that the solicitor's role as the link between the public and the legal system is vital, but it will only continue to work effectively if the services and subsequent complaints handling processes provided by solicitors are carried out to a high standard. To ensure that the public get the complaints handling service from solicitors that they are entitled to expect, Lord Falconer has taken a significant step and formally appointed the current Legal

Services Ombudsman Zahida Manzoor, as Legal Services Complaints Commissioner (LSCC) to oversee the Law Society's Complaints handling processes. Ms Manzoor will carry out both the roles of Commissioner and of Ombudsman, which will remain separate. The Ombudsman is concerned with individual complaints while the LSCC will scrutinise the Law Society's complaints handling processes.

The LSCC has powers to:

- Set targets for the handling of complaints;
- Make recommendations about the complaints systems;
- Require the Law Society to submit a plan for complaints handling; and
- Impose a fine if the Law Society fails to meet the agreed plans for improvements in complaints handling.

The appointment of the LSCC is an interim measure put in place until the review of the regulation of the legal services market led by Sir David Clementi, Prudential plc chairman and former Deputy Governor of the Bank of England, is completed. The aim of the review is to open up the legal services market, promote competition and to improve the services for the customer. Sir David's report is expected in December 2004.

Finally, you raise concerns regarding the Memorandum of Understanding (MOU) between the police and the Law Society which you suggest provides that all complaints made by a member of the public to the police relating to the conduct of a solicitor will be passed to the CCS to investigate. The Department understands that there are several MOU's between the Law Society and other organisations, which clarifies their roles and responsibilities. The content of the MOU is agreed by the Law Society and that respective body, and neither the Secretary of State and his officials are able to intervene in or comment on the contents of an MOU between the Law Society and other organisations. This is entirely for the Law Society and that body to agree on.

However, to be helpful, officials have contacted the Law Society who advise that, there is an MOU between the Law Society and Association of Chief Police Officers (ACPO). The MOU encourages the sharing of relevant information between ACPO and the Law Society, however once information is passed on the Law Society would have no influence on what action the Police would take or vice versa. If the police consider, after investigation, that there is a case to answer they will place the matter before the Crown Prosecution Service for action. I am unable to comment as to the level of evidence the police will require before they take action.

If the police refer concerns about solicitors to the Crown Prosecution Service, they can also refer the matter to the CCS. The CCS will treat the matter as one of misconduct. If the CCS make a finding of misconduct based on all the evidence before them, the Office is able to discipline the solicitor.

I hope you find this information of some use.

Yours sincerely

Legal Services Development Division

Posted by Anajinn at [3:57 PM](#) 

[Email This](#)[Blog This!](#)[Share to Twitter](#)[Share to Facebook](#)[Share to Pinterest](#)

1 comment:



[humanintelligenceproductions](#) October 28, 2010 at 8:59 AM

Hiya Anajinn,

It's Kerry here from Human Intelligence Productions. If you check the same blog I amended it with an actual Case Study. Also check out some of the other blogs in the Organized Crime section that cover solicitors and barristers, I'm also putting some more information up too. My interest was due to Terrorism but the abuses of power are the same. You may think that GMP will not be able to look at your case because of the MOU above, that is the defense any police and solicitors will use.

If you want to talk please just email me. Don't expect any reaction from the Government as I have an email which says that they do not get involved in these areas but there is a Hollywood film being made and it will bring a lot of this into the fore. Good luck and please keep in touch.

Kindest Regards from Kerry

[Reply](#)