



6 July 2021

By E-mail

Dear Mr Egerton,

As you are aware, I am conducting a Review into the events at Grampound Road Depot on 16 December 2016 and its aftermath. You have previously assisted my enquiry by providing documents and you have attended an oral examination.

I have prepared a draft report which has been submitted to each Commissioning Organisation. The protocol for my review states:-

“Insofar as you intend in your report to name and/or criticise any current or former employees, Directors, or Officers holding public office at the Commissioning Organisations, you will identify those individuals and provide them with a reasonable opportunity to make representations in relation to your proposed criticism and you shall consider those representations before finalising your report.”

It is not my intention to name you personally within my report. However, it is my intention to refer to your position and you may be identifiable. There are passages in my draft report which may be interpreted explicitly or implicitly as a criticism of you having regard to your position and/or involvement. I am writing to you to give you an opportunity to respond to the points below.

The Cormac Investigation, the RIDDOR Report & Communications with the HSE

In my draft report, I reference numerous allegations that you have made about the conduct of individuals, particularly within Cormac/Corserv. These include:

- a. That Cormac notified the Health & Safety Executive (HSE) of the incident in *‘deliberately false and misleading’* terms on 23 January 2017. You have alleged that the ‘RIDDOR report’ to the HSE was not truthful about the extent of injury and failed to mention that the Employee had fractured his skull.
- b. That Cormac’s re-investigation of the incident in August 2017 was a cover-up of the original failure to investigate the incident.
- c. That Cormac and Corserv subsequently knowingly and deliberately withheld information from the HSE in the course of subsequent communications with the HSE. [NB the focus was on the content of e-mail correspondence with the HSE on 4 October 2017 and the subsequent letter from Corserv to the HSE 17 September 2019 which are well known to you].

These allegations feature in your briefing note prepared in late August 2019 which was

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discussed at your meeting with the Chief Executive of Cornwall Council and the Managing Director of Corserv on 4 September 2019 and in your Cabinet Report prepared in March 2020.

In my draft report I have concluded that those involved in the preparation of the RIDDOR report and subsequent correspondence did not seek to deceive in the way you assert. In other words, they did not seek to provide deliberately false information when the RIDDOR report was submitted. Additionally, I do not accept that the August 2017 investigation was a 'cover-up' of the original failure by Cormac to investigate the incident further. Accordingly, I have concluded that some of your allegations went 'too far'.

The RIDDOR Flow Chart

You have also expressed the view that the RIDDOR Flow Chart was '*fabricated*' in a '*desperate ploy to present something to the HSE*'. In my draft report I state that I would express myself in more moderate terms. I have indicated that I am satisfied that the RIDDOR report was created at least in part because Corserv was communicating with the HSE about the accuracy of the RIDDOR report (see the letter from Corserv to the HSE dated 17 September 2019) and that it was likely to be in Corserv's interest to have evidence of meaningful change. It is possible that my observation that I would have expressed myself in more moderate terms will be treated as a criticism of you.

Representations

I am writing to you to giving you an opportunity to respond to points above. You are not obliged to respond to this letter. If you wish to do so, please can you provide your representations by 4pm on 12 July 2021. Given that my Review has not yet concluded I would ask that you treat this letter as confidential.

Yours sincerely,

Dominic Adamson QC

Grampound Reviewer

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