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*Council Brought this
Secret Agreement*

Dear Mr Thornton,

Thank you for your letter dated 6 February 2015.

The claims for compensation following abuse at Greenfields House go back to the 1960s. It is important to note that at no time did RBWM run this home. It was operated by Berkshire County Council (BCC). The reason for RBWM's name being mentioned throughout Mr Affleck's concerns is, because as the successor authority, RBWM inherited the past responsibilities of the county council when the abuse claims came to light. The insurers of the county council (MMI) appointed solicitors to deal with all the claims arising from this time.

The Berkshire County Council insurance arrangements operated to compensate Mr Affleck not those of RBWM, and any payments received from Mr Gilbert-Smith reimbursed these costs. At the time of the compensation claims Mr Gilbert-Smith was not subject to any criminal prosecution, and has not been convicted of any child abuse offences. A trial was held in July 2010 at which Mr Gilbert-Smith was cleared of fifteen charges and the Crown Prosecution Service did not pursue a retrial on the two charges which the jury were unable to reach a verdict on.

The "factual overview" set out in Mr Affleck's letter dated 9 January 2015 is therefore incorrect. There was no meeting in March 2007 between solicitors Browne Jacobsen, RBWM and Mr Gilbert-Smith or at any time, and RBWM never received a cheque for £1.5M, nor any other amount from Mr Gilbert-Smith in March 2007 or at any other time.

1. Mr Affleck asks if RBWM had any duty of care to inform him of what arrangements were made with Mr Gilbert-Smith. Normal legal process were followed in the course of settling these claims, including attempting to make a recovery of any outlay where possible. It was determined there was merit in pursuing such a recovery against Mr Gilbert-Smith and a counter claim was issued. On legal advice, the first claimants settled their claims and Mr Gilbert-Smith also elected to settle these proceedings out of court. As this was a civil matter, the outcome did not affect the decision of the Crown Prosecution Service to bring criminal proceedings and did not prevent the individuals from testifying against Mr Gilbert-Smith. Agreeing to settle the matter out of court cannot be said to equate to accepting a bribe or is part of a cover-up. RBWM cannot comment on the advice provided by his legal advisers to Mr Affleck about the settlement.
2. Mr Affleck asks if it was "immoral and inappropriate for RBWM to accept the alleged payment". RBWM did not receive any monies from Mr Gilbert-Smith.

While RBWM has every sympathy with Mr Affleck, it appears that neither the council nor its legal representatives have handled the matter in a fashion that perverts the course of justice as suggested.

Yours sincerely,

Christabel Shawcross
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