



PARSONS MEAD ACTION GROUP

Financial Compensation

Findings:

- Breach of Contract paragraph 7(a)
- Breach of Contract paragraph 7(b)
- Implied breach of not keeping parents informed

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Financial Compensation

- Potential claims:
- Return of deposit
- A term's fees
- New uniform
- Entrance exam fees, registration fees and deposits
- Time-off for parents to visit schools, child care, transport costs etc
- Emotional distress
- Incremental costs relating to higher fees

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Options available:

- Mediation
- Small Claims Court
- Class Action

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Mediation

PROS

- Avoids legal action
- Lowest cost option for all parties
- Less confrontational
- Is potentially a pre-cursor to small claims or class action

CONS

- If unsuccessful a delay in pursuit of legal action
- Lack of expert guidance on realistic claims

SUGGESTED NEXT STEPS

- Appointment of PM Mediation team
- Choose an independent mediator from CEDR, Centre for Effective Dispute Resolution, at a cost
- Meeting with PMET, CEDR and Mediation team
- Submission of individual claim details to Mediation team, pro-forma provided
- If unsuccessful, chose one of the other options

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Small Claims Court

PROS

- Low cost legal action
- Relatively speedy resolution
- Test cases to set precedent, establishes route for further successful claims

CONS

- Inexperience of small claims process
- Detailed study of process required
- Expectation from the courts of prior attempt to mediate
- Emphasis is on the individual to process claim
- Limit of £5,000

SUGGESTED NEXT STEPS

- Appointment of PM Small Claims co-ordinator
- Investigate and establish proforma “test cases”
- Submission of individual claim details to co-ordinator, proforma provided
- Useful website hmcourts-service.gov.uk/info/about/claims

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Class Action

PROS

- Single co-ordinated legal action
- Expert lawyer appointed
- Economies of scale, with families having identical cases
- For claims in excess of £5,000
- Spread of costs

CONS

- Spiralling costs if no fixed fee
- Potential liability for PMET costs if unsuccessful
- “Locked-in”, unable to afford to pull out
- Time scale of court case

SUGGESTED NEXT STEPS

- Appointment of PM Class Action co-ordinator
- Determination of financial commitment from individuals
- Submission of individual claim details to co-ordinator, pro-forma provided
- Selection of legal advisor

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The way forward:

- Appointment of figureheads for the 3 options
- Feedback on which option people want to commit to
- Individuals to submit claims via pro-forma letter on website

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