

1 **Wednesday, 10 March 2021**

2 **(9.59 am)**

3 **SIR BRIAN LANGSTAFF:** Good morning, Ms Daniels.

4 **THE WITNESS:** Good morning.

5 **SIR BRIAN LANGSTAFF:** Are you there at home on your own?

6 **THE WITNESS:** Yes, I am, yes.

7 **SIR BRIAN LANGSTAFF:** Let me tell you who you're talking

8 to here. You're talking to Fleetbank House, a large

9 room which can, at its fullest accommodate, about 200

10 but in these particular times you understand that we

11 only have a total of nine people in the room. One of

12 those is a name you will hear from time to time,

13 Soumik, whose job it is to make sure that you get the

14 right document on your screen so that you can follow

15 the question in relation to it, and one of them Mary

16 who, before Ms Scott begins the questions for you,

17 will ask you to take the affirmation.

18 Beyond this room, though, is the main audience

19 to whom you are talking and giving your evidence.

20 They are the public who want to hear what you have to

21 say and there will be about 250 people who are

22 listening, at least 250 screens from time to time.

23 The number will vary throughout the day but that's the

24 audience that you are addressing.

25 **THE WITNESS:** Okay. Thank you.

1

1 **Q.** At the end of 2007 you became the secretary for the

2 Eileen Trust; is that right?

3 **A.** Yes, that's correct.

4 **Q.** You also, at that stage, began to manage the Eileen

5 Trust investments?

6 **A.** Yes, with the trustees, yes.

7 **Q.** You discharged those roles until the Eileen Trust

8 closed down in the end of 2017/beginning of 2018?

9 **A.** Correct, yes.

10 **Q.** Have you ever provided any advice to any of the

11 members registered with either the Skipton Fund or the

12 Caxton Foundation?

13 **A.** I have had enquiries regarding life assurance for

14 people with hepatitis C but that's been very few

15 compared to the work I did with the Macfarlane and

16 Eileen Trusts.

17 **Q.** Have you provided any independent financial advice or

18 other services to registrants who are registered with

19 the new schemes in England, Ireland, Scotland and

20 Wales, that took over from the Alliance House

21 organisations?

22 **A.** Yes, I have. The registrants have kept -- a lot of

23 the registrants have kept in regular touch with me for

24 all the time I was with the charities and when the

25 charities were no longer. So, yes, I have a very good

3

1 **SIR BRIAN LANGSTAFF:** So without any more ado I will ask

2 Mary to administer the oath.

3 **THE WITNESS:** Right.

4 **SUSAN DANIELS, affirmed**

5 **Questions by MS SCOTT**

6 **MS SCOTT:** Can you see and hear me?

7 **A.** Yes, I can, thanks.

8 **Q.** So Ms Daniels you first became involved with the

9 Macfarlane Trust in 1990 as an independent financial

10 adviser; is that correct?

11 **A.** Yes, that's correct, although I did think it was 1991

12 but 1990/1991, around that time.

13 **Q.** You also, between about the end of 2005 and summer of

14 2006 undertook the role of a case worker for the

15 Macfarlane Trust on a self-employed basis; is that

16 also correct?

17 **A.** Yes. Yes, it is. I've always been -- my career has

18 mainly been self-employment for the last -- years.

19 **Q.** You also provided independent financial advice to

20 registrants of the Eileen Trust; is that right?

21 **A.** Correct, yes.

22 **Q.** In February 2005 you became the Eileen Trust case

23 worker, first of all, on a self-employed basis and

24 later on an employed basis; is that right?

25 **A.** Correct, yes. Correct.

2

1 relationship with the registrants.

2 **Q.** You continue to provide financial advice to some of

3 those, do you?

4 **A.** If someone wants it, yes, I do.

5 **Q.** Do you have an arrangement with the new schemes for

6 payment of your fees?

7 **A.** No, I don't. I've always taken -- I believe that with

8 the new schemes that the registrants can ask for help

9 with fees for financial advice but if someone can't

10 pay me I will just help them.

11 **Q.** Lastly, just in terms of the broad outline of your

12 involvement with the Alliance House organisations and

13 the registrants there, you also were instructed as

14 an expert witness in the hepatitis litigation in 2001;

15 is that right?

16 **A.** Yes, I was. That wasn't really anything to do with

17 the charities. It was totally separate from it.

18 **Q.** You provided an expert report and gave evidence in

19 those proceedings?

20 **A.** Yes, I did, yes.

21 **Q.** We'll look at that report a little bit later on.

22 Can I take you then back to 1990/1991 when you

23 first became involved with the Macfarlane Trust.

24 **A.** Yes.

25 **Q.** Soumik, can we have up please MACF0000005_187. So

4

1 this is a draft terms of reference for the financial
 2 adviser for a trustees meeting.
 3 **A.** Yes.
 4 **Q.** What we understand from the coding on Macfarlane Trust
 5 documents is that's from 1998.
 6 **A.** Right, yes.
 7 **Q.** As "Background":
 8 "The Macfarlane Trust has been using
 9 a Financial Adviser to assist Registrants with
 10 financial planning and mortgage arrangements since
 11 early in 1991.
 12 "Susan Daniels was originally approached by
 13 Tudur Williams because Trust registrants were finding
 14 it very difficult to obtain mortgages due to their HIV
 15 status and dependence on Benefits. Susan managed to
 16 negotiate a 'Benefits only' mortgage package for
 17 Registrants with Nationwide Building Society, and in
 18 the first 5 or 6 years of her involvement with
 19 Macfarlane Trust she arranged approximately 40
 20 mortgages for Registrants and at the same time advised
 21 many on their personal finances."
 22 **A.** Correct.
 23 **Q.** So just pausing there, at that time, were you running
 24 your own business JTA Financial Services?
 25 **A.** Yes. I think I was for most of it, although when

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1 because we now had a group of people who had their
 2 capital payments who were able to use some of that to
 3 put down as a deposit on a property. So they could
 4 move out of poor housing or inappropriate housing or
 5 move in the way that everybody might need to move,
 6 family, job, whatever, and that assisted them, yes.
 7 **Q.** Were the registrants of the Macfarlane Trust -- were
 8 they finding it difficult to secure mortgages?
 9 **A.** I think at the time Tudur Williams contacted me they
 10 were finding it impossible to secure mortgages and it
 11 took me -- as I said to you, I knew nothing about the
 12 Macfarlane Trust and the background but it just struck
 13 a cord with me what he told me during, probably,
 14 a 45-minute telephone conversation and I took away
 15 with me and I just thought I'd like to do something
 16 about this.
 17 I approached many lenders. I was turned down
 18 by the majority of them but, at that stage, I did
 19 a lot of business with the Nationwide Building Society
 20 in Victoria Street and the manager there, a lovely
 21 man, agreed with me that it would be a good thing for
 22 the Nationwide to do and he said to me "Susie, just
 23 leave it with me". It took him about three months.
 24 He took it all the way up to the chief executive of
 25 the Nationwide Building Society and he came back to me

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1 I was -- when I first -- in 1991, I was working based
 2 mainly doing mortgage broking for one main firm, John
 3 Lamb, who at that stage were in Grosvenor Gardens but
 4 a couple of other companies had asked me to go in and
 5 do some mortgage work for them, and I can't remember
 6 where I took the call, but I just -- it was just one
 7 of these events that happen in life. I took the call
 8 from Tudur Williams, I'd never heard of the Macfarlane
 9 Trust, I knew as much as the average man on the street
 10 about haemophilia and HIV but he explained the
 11 circumstances to me and, as it says in the notes that
 12 you've just brought up, the difficulty that
 13 registrants had in getting mortgages because a lot of
 14 them were on benefits, they had the additional problem
 15 that they couldn't get life assurance and he explained
 16 that a lot of people were living in very poor housing
 17 and that it was ridiculous because, at that stage, the
 18 DWP would pay the interest on a mortgage up to
 19 £100,000 if someone was on income support and they met
 20 the criteria for getting the mortgage interest paid.
 21 **Q.** At that time, a number of -- well, the registrants of
 22 the Macfarlane Trust had been given their capital --
 23 had received capital payments from the Government and
 24 were they looking to invest in their futures?
 25 **A.** Well, that helped with the mortgage side of things

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1 and said yes, you know, "I've agreed it for you, they
 2 will do it subject to certain parameters", and that
 3 was basically confirmation where somebody wasn't
 4 working that the DWP would pay the interest on the
 5 mortgage.
 6 **Q.** So this was mortgage that was available to all the
 7 infected registrants of the Macfarlane Trust, so
 8 people with haemophilia and HIV?
 9 **A.** Yes.
 10 **Q.** Even if they were only on benefits?
 11 **A.** Yes, correct. It was available if they were on
 12 benefits or obviously if they were working the same
 13 criteria applied to them as applied to the general
 14 population. Their salary and other income would be
 15 looked at.
 16 **Q.** Were there any particular terms, can you recall, that
 17 applied to those mortgages because of --
 18 **A.** No, it was exactly the same mortgage that you or
 19 I could have got. There were no kind of onerous
 20 conditions. It was just a straightforward mortgage.
 21 **Q.** In the document that we looked at it suggested that
 22 you had arranged approximately 40 of those in the
 23 first five or six years of your time with the
 24 Macfarlane Trust.
 25 **A.** Yes, I did. I had people wanted to move.

8

1 Q. You mentioned that at the time, 1991, when you became
 2 involved with the Macfarlane Trust another difficulty
 3 that registrants were experiencing was difficulty in
 4 getting life assurance.
 5 A. Yes.
 6 Q. Were you able to assist them with that?
 7 A. It was impossible for them to get life assurance. The
 8 fact that they were HIV positive and that they had
 9 other health issues made it impossible. The
 10 combination of the two, in my experience, it would
 11 have been impossible to get life assurance under those
 12 circumstances, and I did do a lot of research into it
 13 through normal insurance companies. I think I even
 14 approached the Lloyd's insurance market and was flatly
 15 turned down.
 16 Q. Can we look now at the expert report you provided for
 17 the litigation in 2001. That's WITN3598002. We can
 18 see that's the front page of your report and at the
 19 bottom there it's got a date on it, 23 April 2001.
 20 A. Yes.
 21 Q. If we turn through to the penultimate page -- sorry,
 22 two pages back. It's not signed but is this the final
 23 copy of the report?
 24 A. Yes, it is, yes.
 25 Q. The page we just looked at was the address of the

1 A. Yes.
 2 Q. Then paragraph 1.7, with severe haemophilia, the
 3 rating is likely to be significantly higher, and so,
 4 over the page, in terms of premium, you say, this
 5 means that the rating could be 200 or 300 per cent
 6 depending on the age of the applicant.
 7 Then at 1.8:
 8 "If the haemophilia was very severe, [it could]
 9 be declined or rated at more than 300 per cent."
 10 Just to understand, this is your evidence in
 11 relation to somebody with haemophilia but without
 12 being infected with hepatitis C or indeed HIV?
 13 A. Yes, that's right. That's just haemophilia. So --
 14 Q. And -- sorry?
 15 A. I was just going to say, sorry, I'm probably jumping
 16 on a bit, I was just going to say that just proves how
 17 difficult it is when you add in HIV and/or
 18 hepatitis C, if those are the ratings for someone just
 19 with haemophilia.
 20 Q. If we turn over the page, you carry out a similar
 21 exercise in relation to other financial products. You
 22 look there at income protection first of all, and you
 23 conclude, at paragraph 2.3:
 24 "For clients suffering from moderate or severe
 25 haemophilia it is most unlikely that they would be

1 solicitors. Were you instructed by the Claimant's
 2 solicitors in that litigation?
 3 A. Yes, I was.
 4 Q. Can we turn then to page 3, I think it's going to be,
 5 of this report. Yes, it sets out your instructions.
 6 A. Yes.
 7 Q. "The author has been asked to give her opinion on the
 8 prospect of obtaining various financial products for
 9 claimants affected by Haemophilia and Hepatitis C
 10 infection."
 11 Then if we go over the page we see your
 12 conclusions in relation to life cover and you set out
 13 there the different ratings that would be applied to
 14 premiums, dependent on whether somebody has mild,
 15 moderate, severe or very severe haemophilia.
 16 A. Yes.
 17 Q. You conclude, for example, in relation to somebody
 18 with mild haemophilia that normal rates or -- they may
 19 be able to get life assurance with normal rates or
 20 with a small increase in premium?
 21 A. Yes.
 22 Q. Then at 1.4, if it is classified as moderate and an
 23 applicant is under 25, the rating will be eight years
 24 or an increase in premium of 100 per cent, and over
 25 35 years, six years, or an increase of 100 per cent?

1 able to obtain this protection."
 2 A. Yes.
 3 Q. Then you look at critical illness cover, and you say
 4 at 3.2:
 5 "For sufferers of mild or moderate haemophilia
 6 there is likely to be a small rating or no rating at
 7 all for this type of insurance."
 8 What did you mean there? Do you mean a small
 9 rating increase or no rating increase?
 10 A. A small increase or no increase at all.
 11 Q. But cover unlikely to be -- likely to be declined for
 12 somebody with severe haemophilia?
 13 A. Correct.
 14 Q. Then paragraph 4.1, you look at the position for those
 15 people with haemophilia who have been infected with
 16 hepatitis C and you say:
 17 "The conditions of haemophilia and Hepatitis C
 18 are treated completely separately by the underwriters,
 19 in terms of assessing premium. Therefore, if there
 20 is, say, a 50 per cent rating for haemophilia and
 21 a 50 per cent rating for Hepatitis C, the total rating
 22 be 100 per cent. If the cumulative rating exceeds the
 23 insurers maximum (which is often 400 per cent), then
 24 cover will be declined, whereas cover would have been
 25 available if only haemophilia or hepatitis C had been

1 present."
 2 A. Yes.
 3 Q. So I think you have indicated then that we read this
 4 report, do we, to understand that for people with
 5 haemophilia and hepatitis C -- moderate haemophilia,
 6 severe haemophilia and, you classify as well, very
 7 severe haemophilia -- impossible to get life
 8 insurance, income protection or critical illness
 9 cover; is that how we should read this report?
 10 A. Yes. Yes, definitely.
 11 Q. That also applies, does it, to people with haemophilia
 12 and HIV?
 13 A. Yes. Yes. For people with haemophilia and HIV, it
 14 was impossible to get them any sort of life assurance
 15 or any sort of, you know, income protection, for
 16 a mortgage. It just wasn't available.
 17 Q. And once you start talking about people with
 18 haemophilia who are co-infected with HIV and
 19 hepatitis C, presumably those two conditions are also
 20 treated separately by underwriters for rating --
 21 A. Oh, they are. The three conditions together would be
 22 a decline.
 23 Q. Now this was the position in 2001.
 24 A. Yes.
 25 Q. Has that remained the position until today as far as

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1 Q. Did you have any kind of arrangement with The
 2 Haemophilia Society about that they would pay for
 3 their members to see you?
 4 A. No. No, I didn't.
 5 Q. You are asked there about the situation for those
 6 infected with HCV and HIV, and I understand that to be
 7 members of the population that do not suffer with
 8 haemophilia; is that what you were being asked about?
 9 A. Yes.
 10 Q. And you say there, in 2007:
 11 "In general, if [you're] infected with HCV
 12 and/or HIV, there is a denial of access to mortgages
 13 and pensions."
 14 Then you go on to say:
 15 "If infected with HCV, it is incredibly
 16 difficult to get a mortgage and if co-infected with
 17 HIV, it is virtually impossible."
 18 You're there talking about, I think,
 19 Macfarlane Trust registrants, but does that apply
 20 equally to people who don't have haemophilia?
 21 A. No, I think -- sorry, I don't remember this interview
 22 but I think what it was, because the Macfarlane Trust
 23 registrants were able to get -- a lot of them were on
 24 income support, I was able to get them a mortgage,
 25 but -- and they had additional payments from the

15

1 you're aware?
 2 A. As far as I'm aware it is the position, yes. I think
 3 there's been a lot in the press which people
 4 misunderstand or think -- there is life assurance
 5 available for people who have solely got HIV and
 6 no other health problems, but if you combine HIV with
 7 haemophilia or hepatitis C, then in my experience it
 8 would be a decline.
 9 Q. Can I just take you to one more document on this point
 10 then before we go back to the chronology, if I can put
 11 it that way. It's HSOC0003443.
 12 This is an interview dated April 9, 2007 and
 13 it's an interview with you as independent financial
 14 adviser for Haemophilia Society and Macfarlane Trust.
 15 Do you remember this interview and who conducted it?
 16 A. No, I don't, for some reason, although -- no, I don't.
 17 Q. Just before I ask you what was said in the interview,
 18 did you provide, or do you provide, independent
 19 financial advice for members of The Haemophilia
 20 Society?
 21 A. Well, The Haemophilia Society at the time obviously
 22 heard about me and wanted to talk to me and find out
 23 what I did. So, yes, if anyone from The Haemophilia
 24 Society wanted to speak to me, I'd be available to
 25 give them advice. So, yes.

14

1 Macfarlane Trust, but I think for people who weren't
 2 members of the Macfarlane Trust or the Eileen Trust,
 3 they weren't necessarily in that situation. Sometimes
 4 I couldn't get them a mortgage.
 5 Q. So that would be because their financial situation
 6 wasn't sufficient for the --
 7 A. Yes, it was purely based on their financial situation.
 8 Q. So for somebody who's been infected by blood or blood
 9 products that doesn't have haemophilia, if their
 10 financial situation is such that they can afford
 11 a mortgage --
 12 A. Then I can --
 13 Q. -- mortgages are available.
 14 A. Yes, they are, yes.
 15 Q. Then you are asked questions about a pension and then
 16 you are asked questions about life assurance, and you
 17 say:
 18 "... life assurance is virtually impossible for
 19 those infected; most insurers require those with HCVB
 20 to have no liver damage at all in order to comply with
 21 their regulations, yet a large majority of those with
 22 HCV will have incurred some liver damage. Again,
 23 those who are co-infected are at the biggest
 24 disadvantage when attempting to acquire life
 25 insurance."

16

1 A. Yes.

2 Q. So do you understand that for somebody without

3 haemophilia but with hepatitis C, it's almost

4 impossible to get life assurance?

5 A. If -- well, as is written there, if they've got very

6 little damage to their liver then there might be

7 a chance of them getting life assurance, but -- and

8 I did have success in a few cases, but they were very

9 few and far between.

10 Q. As far as you're aware, does that remain the case now?

11 A. Yes. Yes, I've just got a case that I'm doing for

12 someone at the moment and I'm having problems with it,

13 where I arranged the insurance for them, it came to

14 the end of its term and the person wanted to renew it,

15 and I am having difficulty being able to renew it.

16 Q. So going back then to the early -- your early days

17 with the Macfarlane Trust --

18 A. Yes.

19 Q. -- you were contacted by Tudur Williams who was the

20 social worker at the Macfarlane Trust at the time.

21 A. Yes.

22 Q. Did you have much contact during those early years

23 with the trustees and the employees? So the chair of

24 the Trust at the time was a Reverend Tanner and the

25 administrator was Wing Commander Williams. Did you

17

1 there were a lot of people living in great poverty but

2 as time went on people got into, you know, more and

3 more poverty and more and more debt. You know, people

4 had lost their jobs, they were very, very ill, they

5 didn't really get any proper financial support, in my

6 view, and it was very hard for them.

7 Q. So in those years, 1998, when you're being asked to

8 become involved with financial planning more and

9 more --

10 A. Yes.

11 Q. -- what did that look like? What were you helping

12 people with --

13 A. Well, in those years I would think it was more kind of

14 debt counselling than financial planning. A lot of

15 the registrants had -- taking away mortgages a lot of

16 the registrants had significant debts on credit cards

17 and loans. I used to visit them, try and go through

18 all their finances with them, get them to provide me

19 with a schedule of all their debts and I then used to

20 go away and negotiate with the lenders, you know, the

21 credit card companies, the banks, write to them.

22 I had a lot of success with, particularly, Lloyds Bank

23 because I just wrote to the chief executive of these

24 organisations, and the chief executive of Lloyds Bank

25 I used to write and say "Why have you lent someone

19

1 have much to do with them?

2 A. I met John Williams and my main point of contact was

3 Tudur Williams. I think I may have met the

4 Reverend Tanner once or -- but not really. I think it

5 was Tudur Williams I was in contact with on a fairly

6 regular basis.

7 Q. So you weren't attending board meetings or anything of

8 that sort --

9 A. No, I wasn't. No.

10 Q. Can we go back then to the document we were looking at

11 earlier, which is MACF0000005_187, which gives us the

12 picture in 1998.

13 So we have looked at the second paragraph

14 there, and then the third paragraph says:

15 "As time went on Tudur Williams asked

16 Susan Daniels to become involved with financial

17 planning more and more frequently due to the number of

18 Registrants who had spent their original MFT payments

19 and were left in poor circumstances."

20 Is that an accurate reflection of how matters

21 developed broadly, that originally there were a group

22 of people with a capital payment who needed help

23 investing it, and as time went on the picture changes

24 to people living in great poverty and needing help?

25 A. I think when I was contacted initially, people --

18

1 who's on income support, who's ill, £50,000", or

2 whatever it was, and he used to write back to me and

3 say "You're absolutely right and I'll write the debt

4 off", but that wasn't the case with the majority of

5 lenders.

6 Some did because they realised that they were

7 never going to get the money back but others I had to

8 negotiate with, get them to accept a much lower sum to

9 settle the debt.

10 Q. Just going down, then, this document the next

11 paragraph says:

12 "Following a period of 'negative equity' and

13 a flat housing market, things have improved

14 considerably in the past two years, and many

15 Registrants have been able to move to more appropriate

16 housing with help from Susan Daniels."

17 Does that mean because of the mortgage or were

18 you giving other assistance as well?

19 A. I think that means because of the mortgage scheme that

20 I'd been able to arrange.

21 Q. Then the next paragraph deals with what you just told

22 us about debt counselling and negotiating with

23 creditors, and so on, and rescheduling debt in a way

24 that's acceptable. Then the following paragraph:

25 "Susan Daniels also gives advice to families

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1 following bereavement, and has become very much part
2 of the support network offered to Registrants by the
3 Trust."

4 Can you tell us a little bit about that,
5 please?

6 **A.** Yes. Well, obviously when someone had died I used to
7 visit, usually the widow, like I do with, you know,
8 any client whose partner had died, help them with
9 things, you know, help them with probate if they
10 needed it, help them to sort out finances, if there
11 are any pensions available and just, you know, just
12 generally be a support to them.

13 **Q.** You have spoken about visiting -- you mentioned
14 visiting registrants on a number of occasions. Was
15 that very much a key part of how you worked with
16 people?

17 **A.** Yes, I did. When I was with the Macfarlane Trust, and
18 indeed the Eileen Trust, I travelled all over the
19 country visiting Registrants --

20 **Q.** Did you --

21 **A.** -- and their families.

22 **Q.** Did you visit people in Scotland and Wales and
23 Northern Ireland, as well?

24 **A.** Yes. Yes, I did. I did.

25 **Q.** What was the advantage, in your view, of meeting

21

1 demeaning. The Government should have actually given
2 them -- paid proper compensation at the time.

3 **Q.** Can I take you to one of your financial adviser's
4 report that you prepared for the Macfarlane Trust
5 Board meeting in October 2004. It's MACF0000019_119.
6 This is a Financial Advisers Report which deals
7 primarily with the question of widows, which is
8 something I want to ask you about a little bit later
9 but it's probably helpful to look at it now:

10 "Since the last Trustees Meeting, I have made
11 a large number of visits to registrants up and down
12 the country providing a range of advice, including
13 mortgages, budgeting, advice on how to purchase
14 a property, getting back into the work place, building
15 queries, bankruptcy and about to write wills."

16 Just pausing there, this is at a time when you
17 were not a case -- you were not the case worker at
18 this stage. This was you as an independent financial
19 adviser providing services to --

20 **A.** Yes, and I think, you know, I was more than
21 an independent financial adviser. I think I was
22 a cross between an independent financial adviser and
23 a social worker and, really, someone that the --
24 I hope someone that the registrants felt that they
25 could talk to and confide in.

23

1 people face-to-face, rather than dealing with all of
2 this on the telephone?

3 **A.** Well, I think if you meet people face-to-face you can
4 develop a personal relationship with somebody. People
5 will tell you things when you're face-to-face that
6 they won't necessarily tell you during a phone call,
7 and you can empathise with somebody. You can get some
8 sort of feeling of what they're going through and
9 I think that's much more difficult to do during
10 a telephone conversation.

11 **Q.** The Inquiry's heard some evidence or has received some
12 evidence or some information that suggests that some
13 registrants found, particularly in relation to the
14 Macfarlane Trust, suggestions of visits to meet with
15 them in their own homes as intrusive. Is that a view
16 that was ever expressed to you or that you ever came
17 across?

18 **A.** No. Everybody was always very welcoming to me and
19 kind and I didn't experience any of that feeling
20 whatsoever. I think that what was felt, that people
21 had to, sort of -- that registrants felt they
22 shouldn't have been in a position where they had to
23 ask a charity for, you know, small sums of money, for
24 example, to buy a washing machine or, you know, they
25 felt that it was demeaning, and it was. It was

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1 **Q.** You say in the first paragraph that debt cases seemed
2 to diminish and you hope that's due to the work you
3 have been doing and that you have had a few enquiries
4 from the Skipton Fund, and then enquiries about moving
5 to suitable accommodation. But you say here:

6 "The most common problem is the plight of
7 widows and the fact that they do not have sufficient
8 funds for everyday living."

9 Then, at the bottom half of that page, you say:

10 "Pending the Trust establishing a specific
11 policy for widows, it does appear that the current
12 trend is to reduce income to a base figure of
13 approximately £100 per month ... this [leads] to real
14 hardship and ... very vulnerable people will be forced
15 to seek funds from highly expensive and sometimes
16 unscrupulous loan companies."

17 Then you ask whether or not it's possible to
18 facilitate an interim policy. Then you say, at the
19 bottom paragraph there:

20 "Some older widows, who I believe have not been
21 in touch with the Trust for many years, have contacted
22 me for financial advice. The main problem is, that
23 although they have been careful with their savings,
24 funds have been used over time for everyday living ...
25 To compound that situation, because of their role as

24

1 carers, they receive very little in the way of
 2 pension. These are not lazy people, they have just
 3 [not] been paid very much."
 4 **A.** Yes.
 5 **Q.** Over the page:
 6 "I appreciate all the Trustees are very busy
 7 ... but I do believe that visiting some of these
 8 weekends ..."
 9 You are talking about the weekend event you had
 10 been to.
 11 **A.** Yes.
 12 **Q.** "... and talking to the longer term registrants would
 13 be of value. Having spent 12 years talking with the
 14 members of the Trust it puts a different complexion on
 15 the problems of medically disadvantaged people and
 16 their families."
 17 So there you are saying really what you said to
 18 us, that meeting people changes the information that
 19 you get; is that right?
 20 **A.** Definitely, yes.
 21 **Q.** Were you concerned that trustees didn't have enough
 22 one-to-one, face-to-face contact with registrants at
 23 that time?
 24 **A.** Yes, I was. I was concerned. I think that a lot of
 25 trust -- you know, I've got no evidence to support

1 not when I was doing it and involved in these things,
 2 but I think ultimately it became much too complicated
 3 and bureaucratic.
 4 **Q.** We see there in October 2004, you making a plea to the
 5 trustees, you know, "Get out there and meet the
 6 registrants", was that taken up? Was that acted on?
 7 **A.** I think the trustees did go on some of the weekends.
 8 When I was running the Eileen Trust, the trustees did
 9 attend all the weekends that I organised. Peter
 10 Stevens used to go for the whole weekend and was very
 11 good with the registrants, and some of the other
 12 registrants took it in turns to go, maybe not for the
 13 whole weekend but they would certainly go for, you
 14 know, a day and a night and have dinner with the
 15 registrants, and I think it gave them a much better
 16 understanding of what the registrants were going
 17 through.
 18 **Q.** You can take that down now, Soumik. Can we go back
 19 then to MACF000005187. That's the 1998 document,
 20 sets out the position in 1998, and to the bottom of
 21 that first page, which sets out the arrangements for
 22 payment of your fees. It says there:
 23 "Susan Daniels is professionally qualified with
 24 a Financial Planning Certificate awarded by the
 25 Institute of Chartered Insurers and carries her own

1 this, but my feeling was that some of -- not all of
 2 them, some of the trustees did make efforts to meet
 3 the registrants and come to the weekends, but I think
 4 some of the trustees just attended the Board meetings,
 5 didn't meet any of the registrants and, if I may
 6 expand on that, I think that most of -- maybe,
 7 I think, probably this goes to trustees generally of
 8 charities, they are generally middle class -- the
 9 majority of them were men, successful men, probably
 10 quite well off. I don't think if you're in that
 11 position you can have any understanding of what it's
 12 like not to be able to be ill, not to be able to -- to
 13 worry about a gas bill arriving and that you might not
 14 be able to pay it. The knock-on effects of being ill,
 15 being poor, the things that go wrong, that for the
 16 average person in the street who's got a job and who's
 17 healthy things go wrong but you can fix them. But
 18 when you have got all these problems on top of that,
 19 it's very difficult to be able to fix anything.
 20 **Q.** Were you concerned that the lack of understanding of
 21 how -- the lack of understanding the trustees may have
 22 as a result of their own experience impacted on the
 23 decisions that they were making about grants, and so
 24 on?
 25 **A.** Yes. I think that the Macfarlane Trust grant process,

1 Professional Indemnity Insurance."
 2 So just pausing there, what were your
 3 qualifications at that time. Are those correct?
 4 **A.** Going back -- yes, probably at the time that's what
 5 the qualification was to be a financial adviser.
 6 Obviously, as the years have gone on, there are
 7 slightly different qualifications and I've taken all
 8 those, so I had qualifications to be a financial
 9 adviser, I had mortgage qualifications, I had
 10 qualifications in equity release, and I think I had
 11 qualifications in long-term care as well.
 12 **Q.** And I think I've seen reference to you undertaking
 13 further training in relation to benefits at some later
 14 point; is that right as well?
 15 **A.** Yes, I did, because, you know, obviously, if you're
 16 a financial adviser, you do know a certain amount
 17 about benefits but it's not, you know, something that
 18 you do on an everyday basis. So I did go on
 19 a benefits course as well, just so I could widen my
 20 knowledge.
 21 **Q.** Then the next paragraph down:
 22 "General Financial Advice ..."
 23 For which you charge, per client:
 24 "... £100 per client on the basis that advice
 25 is given is 'guaranteed to be totally disinterested'

1 for which [your] only financial return is the fee paid
 2 by Macfarlane Trust ..."
 3 So what does that mean, "totally
 4 disinterested"?
 5 **A.** I'm not sure because I didn't write this so -- could
 6 it have meant that it was totally independent?
 7 **Q.** That's what you understood?
 8 **A.** Yes.
 9 **Q.** You were to give totally independent advice?
 10 **A.** Yes, I did. I gave totally independent advice. And,
 11 you know, people could speak to me in confidence.
 12 **Q.** When you were giving that advice, what consideration
 13 did you give to the financial constraints of the
 14 Macfarlane Trust when giving that advice?
 15 **A.** Well, I had to give consideration to the financial
 16 constraints because the Macfarlane Trust never had
 17 enough money to fund the registrants adequately and do
 18 all the things that the registrants needed. But my
 19 main priority when giving financial advice to the
 20 registrants was to (a) keep them in their house and
 21 make sure that if they had a mortgage, the mortgage
 22 payments and the rent payments were up-to-date, and to
 23 make them feel that they were in a -- you know,
 24 "comfortable" is the wrong word, but that to get them
 25 in a position where at least they didn't have to worry

29

1 **Q.** And then you also receive a small fee from the
 2 Nationwide as a mortgage broker?
 3 **A.** That's right, yes.
 4 **Q.** So there's those hybrid arrangements. Then you've
 5 described the more traditional independent financial
 6 adviser-type arrangements with clients?
 7 **A.** Yes.
 8 **Q.** So those three ways in which you received fees.
 9 **A.** Yes.
 10 **Q.** Can I just ask you then about the point -- the bit of
 11 paragraph 2 which says:
 12 "... the Trust pays a fee of £275 for each
 13 arrangement which in most cases is deducted from the
 14 'Moving Home Grant'."
 15 Did you know did you understand that the fees
 16 that you received or some of the fees that you
 17 received from the Macfarlane Trust were deducted from
 18 grants that the beneficiary would otherwise have been
 19 entitled to?
 20 **A.** No, I don't think I knew that the mortgage fee was
 21 deducted from the Moving Home Grant.
 22 **Q.** So that's presumably not something you would have
 23 discussed with the registrant?
 24 **A.** No, that would have been an internal matter for the
 25 Macfarlane Trust.

31

1 so much, and that they knew if they had a problem they
 2 could phone me up and I'd try to sort it out to the
 3 best of my ability.
 4 **Q.** Then, going back to the document, so: pay per client,
 5 guaranteed to give disinterested -- independent
 6 advice, and for which your only financial return is
 7 the fee paid by the Macfarlane Trust.
 8 So you were paid by the Macfarlane Trust for
 9 the advice you gave to the registrants; is that right?
 10 **A.** If it was just a general review, then yes. Yes.
 11 Obviously, in some cases, if registrants wanted to
 12 use -- if registrants did have savings and they wanted
 13 to use me as a financial adviser to help them make
 14 investments, that was more in the minority of
 15 registrants, then obviously they became a client and
 16 they were notified what fees I would charge, and that
 17 was between me and the registrant and nothing to do
 18 with the Macfarlane Trust.
 19 **Q.** So we see, at paragraph 2, "Mortgage Assistance",
 20 I think, there --
 21 **A.** Yes.
 22 **Q.** That's, I think, what's described there as a hybrid,
 23 so the Trust pays a fee for each arrangement that you
 24 make for mortgage?
 25 **A.** Yes.

30

1 **Q.** In other documentation that the Inquiry has, it seems
 2 to suggest that your fees, and indeed fees of other
 3 advisers, were met from the beneficiary grant pot, if
 4 I can put it like that, rather than the pot of money
 5 that was for running the Trust for staff costs and
 6 rent and so on. Is that something you were aware of?
 7 **A.** No. No, I didn't have any input into -- obviously
 8 where my fees were paid from was a matter for the
 9 charities, so I didn't -- I wasn't aware of that.
 10 **Q.** You can take that down now, Soumik.
 11 How were registrants referred to you when you
 12 were at the Macfarlane Trust, when you were
 13 an independent financial adviser?
 14 **A.** When I first became involved with the Macfarlane Trust
 15 and with Tudur Williams, he used to just put me in
 16 contact with his people, so he just either asked me to
 17 contact them or give them my telephone number. Later
 18 on -- because obviously a lot of the registrants knew
 19 about me and told other registrants, so if I was
 20 contacted directly I would just let the office know
 21 and said, "Someone's contacted me and would like
 22 mortgage advice; is this acceptable for you?" And in
 23 most cases it was.
 24 **Q.** Did you consider that the financial and other
 25 information provided to you by the registrant was

32

1 confidential?

2 **A.** In terms of mortgage advice and, you know, financial

3 planning, then, yes, I did, but if the charity had

4 sent me to see someone about debts that the charity

5 was going to have to help with the repayment of, then

6 obviously I had to do a report for the charity

7 detailing the person's income and a schedule of their

8 debts.

9 **Q.** So can I break it down in this way: were you required

10 to give information about a registrant's financial

11 affairs as a matter of course when reporting back to

12 the Macfarlane Trust, in order to receive your fees,

13 for example, or --

14 **A.** No, no, not in all cases, no. For a mortgage,

15 obviously I would go through the standard process for

16 any mortgage, but I did need a letter from the

17 Macfarlane Trust to the Nationwide -- that was part of

18 the process -- confirming the benefits that the

19 registrant got, which, obviously, the Macfarlane Trust

20 would know about. So it was the payments made to the

21 registrant by the Macfarlane Trust, any benefits they

22 got, and the fact that the DWP -- if, indeed, and the

23 DWP would pay the interest on a mortgage, that that

24 was the case. But if someone wasn't on income support

25 and just asked me to arrange a mortgage for them and

1 they had a particular financial issue and then they

2 were going to need assistance from the

3 Macfarlane Trust with regards that issue.

4 **Q.** Were beneficiaries or were registrants aware that you

5 were sharing that information with the

6 Macfarlane Trust?

7 **A.** Yes, they were. I always made it clear that when

8 I went to visit them that I was doing a report for the

9 Trust, probably for the trustees, and that, you know,

10 I was recording the information. And obviously in

11 a debt case if someone is going to help you pay your

12 debts, it's important for them to have an overall

13 picture of the person's income and level of debt.

14 **Q.** Was it ever a condition, insofar as you know, of

15 somebody receiving assistance from the

16 Macfarlane Trust that they had to have advice from you

17 and follow your advice?

18 **A.** No, I think they could have had advice from any

19 financial adviser or any debt counsellor. They didn't

20 have to come to me.

21 **Q.** I am now going to ask you some questions about the

22 picture in October 2005. Can we have up

23 MACF0000001_074.

24 So this is a "Paper on Susan Daniels as MFT

25 case officer, 25th October, 2005".

1 told me details of their income, then I had absolutely

2 no reason to report that to the Macfarlane Trust.

3 **Q.** So in order to receive your fees, for example, would

4 you just have had to have said to the

5 Macfarlane Trust, "I have provided this trust to this

6 registrant, can you pay me, please"?

7 **A.** Yes, I would have let them know beforehand, obviously,

8 because if I would have just presented a bill with no,

9 you know, prior warning, they wouldn't have paid me.

10 So I would let them know that, you know, a registrant

11 had contacted me for mortgage advice and was it okay

12 that I -- you know, that I did so under the normal

13 basis, which was whatever I charged at the time.

14 **Q.** So, is this right --

15 **A.** They would be "yes" or "no".

16 **Q.** So is this right, then, you would provide information

17 about a registrant's finances and potentially what

18 advice had been given and what discussions had

19 happened if the registrant was turning to the

20 Macfarlane Trust for some intervention, whether it's

21 assistance with getting a mortgage in terms of

22 information, or a loan, or a grant and so on?

23 **A.** Yes. I think I'd provide information to the

24 Macfarlane Trust -- I think that's correct -- if the

25 Macfarlane Trust had sent me to visit someone because

1 Can we just turn to the last page of that,

2 please, Soumik.

3 That's, in fact -- it seems to be authored by

4 you in fact dated 26 October 2005. But are we right

5 to understand that this is a paper that you presented

6 to the board as a proposal for you to become a case

7 officer at the Macfarlane Trust?

8 **A.** I can't exactly remember but then, yes, I assume it

9 was.

10 **Q.** It's slightly -- you refer to yourself in the third --

11 you refer to yourself through the paper as

12 Susan Daniels which maybe makes it a bit -- but that's

13 something you might have done, is it?

14 **A.** Yes, yes.

15 **Q.** Okay. Can we go back to the first page, please.

16 You set out there the history, and at the

17 bottom of that last paragraph, in that section, you

18 make the point that you've:

19 "... [seen] more registrants, in their homes,

20 than any other [Macfarlane Trust] associate and

21 developed a close working relationship with a large

22 number of registrants. ... often receives ...

23 [telephone] calls on Saturday evenings, Sunday

24 mornings and even on bank holidays at 9 o'clock in the

25 evening, truly a 24/7 service!"

1 Is it right that, in fact, you probably visited
 2 more registrants in their home than any of the
 3 trustees or any of the employees of the
 4 Macfarlane Trust?
 5 A. At that time I would think that was the case, yes.
 6 Q. You then set out what the present situation is and
 7 that as a result of a recent appointment of the head
 8 of HSS you only have had small amounts of work
 9 allocated to you.
 10 Was that because the work was going elsewhere
 11 or because those services weren't being provided to
 12 registrants at that time? Do you know? You talk
 13 about there being a backlog.
 14 A. I don't think the services were being provided to
 15 registrants at that time, and I think, from memory,
 16 I'm not sure whether someone had left or people were
 17 off sick and that had led to a backlog of work.
 18 Q. Then you set out page 3 the role and the draft job
 19 specification of the case officer: receiving
 20 instructions, feedback, visiting registrants,
 21 co-operating with arrangements of events, providing
 22 telephone support, regular office visits, attending
 23 trustee meetings or other meetings, co-operating with
 24 professionals such as social workers, providing
 25 a budgeting debt counselling service, attempting to

1 advise on people's finances -- and this goes to the
 2 general population as well -- you advise on -- people
 3 want to talk to you about every aspect of their lives.
 4 So it wasn't difficult for me to do that, and I didn't
 5 feel that I had a conflict with my two roles. Where
 6 it was necessary to keep them separate, I did, but,
 7 no, I didn't feel there was a conflict and I felt that
 8 most people trusted me and I tried to you know keep
 9 that confidence.
 10 Q. So when you were -- I mean, as the case officer for
 11 Macfarlane, did you consider yourself to owe a duty to
 12 the Macfarlane Trust to ensure that any
 13 recommendations that you made about assistance for
 14 particular registrants were viable for the
 15 Macfarlane Trust, i.e. did you have to consider the
 16 recommendation from the perspective of the
 17 Macfarlane Trust?
 18 A. I did consider it from the perspective of the
 19 Macfarlane Trust because obviously there were
 20 guidelines but I considered them purely as guidelines.
 21 But if I felt that someone needed additional help that
 22 was outside the guidelines, I would put it to the
 23 trustees and make an appropriate case for it.
 24 Q. Were you -- therefore, do you think sometimes at
 25 least, in a position of owing a duty both to the

1 reduce debts, establishing good term relationship with
 2 MFT staff, providing pastoral care to the registrants,
 3 just a phone call to enquire about their situation,
 4 encouraging registrants and widows to retrain and seek
 5 employment, advising on training courses, advising on
 6 benefits matters, carrying out relevant research on
 7 benefits and legal and financial matters, and
 8 discussing progress with trustees, chief executives,
 9 to modify the services needed.

10 How did -- well, first of all, was that the
 11 role and the job specification as you understand it
 12 when you were appointed?

13 A. Yes.
 14 Q. And how different, if at all, was that to what you
 15 were already doing as an independent financial
 16 adviser?
 17 A. It wasn't different in any way. I was already doing
 18 that.

19 Q. Soumik, you can take that down.
 20 When you were formally appointed as the
 21 self-employed case officer, did you have to keep in
 22 mind when you were with a registrant which hat you
 23 were wearing, whether you were wearing your case
 24 officer hat or your independent financial adviser hat?

25 A. I think if you're a financial adviser you don't only

1 registrant, acting as their independent financial
 2 adviser, to give independent advice, independent from
 3 the Macfarlane Trust, and on the same -- and at the
 4 same time owing a duty to the Macfarlane Trust?

5 A. I think I had a duty to be fair to both sides, which
 6 I hope I was able to carry out.
 7 Q. So is the answer to that, yes, you did have a duty to
 8 both sides but you didn't consider that to be
 9 a conflict?

10 A. Correct.
 11 Q. What or how -- what and how did you explain the dual
 12 role to the registrants?

13 A. Well, they knew that my background was in financial
 14 advice and that was one of the reasons that I think
 15 the Macfarlane Trust wanted to me to work with them
 16 because most of the people's problems were financial.
 17 But they also knew I was there to help them with
 18 everyday matters. You know, if they needed help
 19 applying for something, a new gas boiler, anything
 20 really, if I could help them with it I would do.

21 Q. I'm going to ask you some questions now about the
 22 position in relation to widows. We've already seen
 23 one of your case reports to the Macfarlane Trust Board
 24 where you set out that it's a common problem,
 25 a widespread problem.

1 Can you just tell us what it was that you saw
2 and what it was that you -- that led you to make
3 reports like that, and other reports, other examples
4 of bringing this to the Board's attention. What is it
5 you saw?

6 **A.** Well, when the primary beneficiary had died, the
7 widows got very little support. They'd lost the
8 payments that the beneficiary received from the
9 Macfarlane Trust, they also lost a lot of payments in
10 income support, or whatever benefits the primary
11 beneficiary was receiving, and they were in a very
12 poor financial position. I think, as I said in
13 an earlier report a lot of them had devoted their
14 lives to being a carer, they'd looked after children,
15 their employment prospects were poor, a lot of them
16 were very damaged by what they'd been through, and
17 I didn't feel the support was there for them.

18 **Q.** In the paper that we've just looked at, the proposal
19 for you to be appointed case officer, one of the
20 things you say there is in some cases it's more the
21 depression caused by bereavement and/or the very low
22 income that leads to difficulties. You are obviously
23 not a qualified medical practitioner but were you
24 seeing high levels of mental health difficulties and
25 problems of that nature?

41

1 whether or not there are things you think they could
2 have done given that, to improve the situation for
3 widows?

4 **A.** Yes.

5 **Q.** What are those things that they could have done to
6 improve the situation?

7 **A.** I think in some cases there was a lack of compassion
8 and empathy, and they did have -- you know, I don't
9 think I was aware of it all the time but they had
10 a lot of money and reserves, they could have used some
11 of those reserves to help the widows.

12 **Q.** Is that something that the widows were talking to you
13 about? Did they know about the levels of reserves?

14 **A.** No, I think we're going back years and I don't think
15 people were aware of that.

16 **Q.** I'm going to take you to a couple of documents from
17 August 2005 and then ask you some questions about
18 them. The first one is MACF0000113_002.

19 This is case number 1059, redecoration to
20 bedrooms, et cetera, and school uniform. So is this
21 what the papers would look like for an application to
22 the NSSC for a grant?

23 **A.** Yes, it would. The registrant wouldn't be named.
24 They just have the number, as is shown on the screen.

25 **Q.** There's some papers which we don't need to go to but,

43

1 **A.** Yes, I was. You know, obviously I'm not a qualified
2 mental health practitioner but I have got a lot of
3 experience dealing with people over the years and,
4 yes, people were very depressed and down, not
5 unnaturally. The other problem -- sorry, can I just
6 make one more point?

7 The other problem is if somebody dies, normally
8 the person who's died might have a life assurance
9 policy, which would pay back the mortgage or provide
10 additional funds to help with children, and this just
11 wasn't available in this case. One of the things --
12 I think the Government should underwritten
13 an insurance scheme.

14 **Q.** This community of the bereaved, non-infected community
15 were looking to the Macfarlane Trust and you said, in
16 your view, they were not getting sufficient support;
17 is that right?

18 **A.** No, no, because the Macfarlane Trust always said that
19 there wasn't sufficient funds to support them.

20 **Q.** So your pleas, as we've seen, to put in place
21 an interim policy, and so on, did that bring any about
22 any change while you were at the Macfarlane Trust?

23 **A.** No. No.

24 **Q.** We've heard a lot about the financial constraints that
25 the Macfarlane Trust were under. Are you able to say

42

1 Soumik, can we turn to page 6. This is a record of
2 a report to the trustees on a visit in Birmingham on
3 3 August 2005, which you make to a couple with Mark
4 Simmons, who is their social worker?

5 **A.** Yes.

6 **Q.** It is the first paragraph of this that I want to draw
7 your attention to:

8 "[Two names are blanked out] were extremely
9 nervous about my visit and [one of them] was visibly
10 trembling when I arrived. It took them a little while
11 to realise that I was there to help them deal with
12 their problems [and] not make them worse."

13 Then you go and set out what their problems
14 are. We don't need to look at that but, Soumik, can
15 we go over to the next page, to the bottom, where it
16 says summary:

17 "This family is going to need a lot of help and
18 support to get their debts under control and end up in
19 reasonable financial shape, over the next few years.
20 It is going to be difficult to achieve but not
21 impossible."

22 So am I right to understand this, that you were
23 looking at the whole picture, so they may have come to
24 you in relation to a particular concern that they had,
25 a particular grant application, but actually you're

44

1 looking at the whole picture. Is that how you
 2 practised?
 3 **A.** Yes, that's what I tried to do. On every visit,
 4 I tried to look at the whole picture so I could come
 5 back and give an overall picture of the person's
 6 circumstances to the trustees, not just one particular
 7 issue, whether they needed a washing machine or they
 8 had a debt problem. I wanted to try and paint
 9 a picture so that the trustees could feel what it was
 10 like to be them, if that's not too overemotional.
 11 **Q.** Did you find that somebody might come to you for a new
 12 washing machine, for example, and actually come away
 13 with a recommendation to the trustees for something
 14 completely different, paying off debts from credit
 15 cards, et cetera?
 16 **A.** Yes, I did. I did. I hope that people felt that they
 17 could talk to me and, you know, open up about things,
 18 whether it was personal or whether it was about their
 19 finances.
 20 **Q.** Then it's the last paragraph in this that I wanted to
 21 ask you about:
 22 "I feel deeply saddened, after all my years
 23 with the Trust and the excellent work it has done in
 24 the past, that it has now come to the point when
 25 registrants inform me that 'The MFT is the major

1 "... the Trust wastes money on 'unnecessary
 2 bureaucracy, taking money off the people who need it'.
 3 "... the Trust does not consider the stress of
 4 being a long-term survivor, or the guilt he feels
 5 regarding the death of his first wife for which he
 6 feels responsible.
 7 "Finally, they asked me to convey that [his]
 8 condition impacts every aspect of their lives and
 9 every decision they make."
 10 You say:
 11 "[Those] comments were made on an unsolicited
 12 basis [and represent] the views of the registrants ...
 13 "As someone with 15 years' experience in
 14 dealing with registrants of the Macfarlane Trust,
 15 I can only say that this meeting, which lasted nearly
 16 two hours, made me wonder whether compassion is still
 17 an objective of the Trust in dealing with its members?
 18 "Should a long hard look be taken at the
 19 treatment of registrants and the decision that are
 20 being made on their behalf? Delaying a decision on
 21 somebody who is already in a highly stressful
 22 condition can be as bad as a poor decision, perhaps
 23 worse."
 24 So, Soumik, you can take that document down.
 25 The wording that you use in both of those two

1 stress point in my life' and are frightened by the
 2 prospect of my visit."
 3 I just want to show you another document before
 4 I ask you questions about that issue. Soumik, it's
 5 MACF0000101_086. That is another visit in Birmingham
 6 in August 2005. Again, don't need -- you said you had
 7 spoken to them a number of times over the years, first
 8 time you have met in person. Again, we don't need to
 9 go through the circumstances. If we can go over to
 10 the next page, please -- the circumstances which they
 11 were presenting with -- but it's this:
 12 "Some of the comments that [were] made about
 13 their treatment are as follows ..."
 14 You took notes as verbatim as you can provide.
 15 **A.** Yes.
 16 **Q.** There's a concern that the funds were requested for
 17 a headstone for the registrant's first wife's grave,
 18 and that amounted to less than two months what she
 19 would have been receiving had she lived. A complaint
 20 about the way that the case was handled by Jude Cohen:
 21 "They feel the Trust considers them to be 'out
 22 of sight and out of mind'.
 23 "They are now too frightened to ask for
 24 anything ... the stress caused worsens his condition
 25 and he does in fact get bleeds due to stress.

1 documents suggests, perhaps, or could be read to
 2 suggest that this was a change. You talk about
 3 previously excellent work that the Macfarlane Trust
 4 has done and then this. About that time, were you
 5 hearing different experiences related by Macfarlane
 6 Trust registrants?
 7 **A.** Yes, I was. Yes, I was.
 8 **Q.** Both of those documents come from August 2005. Is
 9 that about the time that things started to change, as
 10 you understood?
 11 **A.** Yes. When I first -- when I first joined or worked
 12 for the Trust in 1999, I found Tudur Williams to be
 13 a very kind and caring person. I also found Ann
 14 Hithersay to be very caring. But after she left the
 15 Trust became -- it became almost -- the bureaucracy
 16 became much more. They seemed to have more and more
 17 people working there, more and more committees. It
 18 became much harder for the registrants to get grants.
 19 I think they were making ill people go through hoops
 20 to get, you know, a simple -- for a simple grant and,
 21 as I said, yes, I stand by what I said in both those
 22 things. I think there was [a] total lack of
 23 compassion. Not with the junior staff, let me say
 24 that, that I got on very well with most of the
 25 staff -- the junior staff who worked in the office and

1 they were all very -- most of them were very kind to
2 the registrants. So I don't want to say anything, you
3 know, other than that.

4 **Q.** Both of those documents are -- you're not mincing your
5 words in either of those documents.

6 **A.** No.

7 **Q.** Can you recall what the response to that was from
8 senior members of staff and from the Trust -- from the
9 trustees, sorry?

10 **A.** I don't think I got much of a response. I think they
11 probably felt that I was a rather kind of
12 overemotional woman and that they didn't do anything
13 about it.

14 **Q.** You have spoken to us a little bit about debt and the
15 debt counselling services that you provided to
16 registrants. Can I -- I want to take you to a couple
17 of documents, just to try and understand with you what
18 the policies were in terms of writing off debts at the
19 Macfarlane Trust when you were there.
20 MACF0000019_210.

21 This is a "Financial Advisors Report for
22 [a Macfarlane Trust] Board Meeting on
23 19th April 2004". Can we go to the bottom of the
24 page, please. This is another -- top of the page is
25 another example of you raising concerns about the

49

1 came along on a case by case basis. And when I was
2 there, I obviously did my best to get debts written
3 off or, if I couldn't get the whole debt written off,
4 yes, then the Macfarlane Trust would pay back some of
5 the debts. Say I got it reduced by 50 per cent or
6 whatever, they would pay it back.

7 **Q.** You say that was on a case by case basis, was it?

8 **A.** It was on a case by case basis. I think it would have
9 been -- to be fair, I think it would have been very
10 difficult having a policy for debts because it was --
11 each case was quite individual.

12 **Q.** We've heard some evidence to suggest that when it came
13 to paying off debts, the Macfarlane Trust was more
14 likely to do that by loaning the money to the
15 registrant to pay off the debt. Was that your
16 experience?

17 **A.** Yes, in some cases they did give the registrant loans.
18 And I think some people, if they were in a position
19 to -- and I would obviously go through with them --
20 some people wanted to make small monthly payments back
21 to the Trust, if it wasn't -- you know, if the debt
22 wasn't too much. But, yes.

23 **Q.** Are you able to help us with -- well, did you have any
24 concerns at the time about the consistency with which
25 debts were either paid off and loans given to

51

1 position of widows.

2 "Turning to debt cases [it's the last
3 paragraph], there has been no increases to cases
4 during the period and I am having considerable success
5 in writing off debts and agreeing terms with
6 creditors."

7 Then you say this:

8 "I do not feel that credit card debts or loans
9 should be paid off by the Trust, except in exceptional
10 circumstances."

11 Can you just tell us a bit about why that was
12 your view?

13 **A.** Well, I obviously wanted to try and get them written
14 off or renegotiated or the debt reduced before they
15 were paid off, and I also didn't want to send out
16 a signal to registrants that credit card debts would
17 be paid off, because in some cases that just leads to
18 more credit card debts, unfortunately, not only with
19 the registrants but with just people in general.

20 **Q.** So did you know or was it clear to you what the
21 policy -- what the Macfarlane Trust policy was as to
22 when it would pay off debts for registrants?

23 **A.** I don't think they had a policy on paying off debts
24 because I don't think when they set up the charities
25 it was something that they considered. So it just

50

1 registrants?

2 **A.** No, I don't think I did, no. I don't think I did.

3 **Q.** So it was on a case by case basis --

4 **A.** When I was there, it was -- I suppose it depended on
5 the -- you know, on how much they were having to pay
6 off. In some cases, you know, it was fairly easy to
7 manage. It might have been, you know, a few hundred,
8 but if it was 10,000, then I think the trustees felt
9 that they had to have some sort of, you know, letter.
10 I don't think they took a charge on the house for that
11 amount but they wanted to have some sort of letter
12 that there was an outstanding loan of whatever the
13 amount was.

14 **Q.** So when you were working through debt problems with
15 clients, were you reasonably confident in your own
16 mind about what view the trustee would take to
17 a particular -- to writing off a particular debt, i.e.
18 whether or not they would pay it off, and if they did
19 whether they would do it by grant or loan?

20 **A.** I suppose the smaller cases may have been done by
21 a grant but if it was a larger case then it would have
22 been -- it almost certainly would have been a loan.
23 I think the trustees didn't want to give out the view
24 that they would pay off people's credit card debts and
25 loan debts.

52

1 Q. Are you aware of any information coming from the
2 Macfarlane Trust to registrants with that kind of
3 messaging, so by way of policy or guidelines or --
4 A. No, no.
5 MS SCOTT: I note the time, sir. I was going to move on
6 to a different topic, on to loans, so it might be
7 convenient to have a break now.
8 SIR BRIAN LANGSTAFF: Yes.
9 Well, we'll take a break now. We'll come back
10 at 11.50. I hope that gives you long enough to have
11 a decent break, perhaps a cup of coffee if that's what
12 you'd like to do.
13 A. Thank you.
14 SIR BRIAN LANGSTAFF: What you must not do during that
15 time is discuss the evidence that you've given or any
16 evidence you think you may yet be asked to give with
17 anyone, whoever that anyone is. You can talk about
18 anything else you like but not about your evidence.
19 A. Okay, thank you.
20 SIR BRIAN LANGSTAFF: See you back at 11.50.
21 A. 11.50, thanks.
22 (11.18 am)

(A short break)

(11.51 am)

25 MS SCOTT: I am going to ask you some questions about

53

1 Macfarlane Trust not knowing necessarily whether or
2 not they would grant that loan, because you didn't
3 know, necessarily, what the policies and guidelines
4 were for granting loans?
5 A. Yes, I think, once again, each case was done on
6 an individual basis.
7 Q. Did you get involved in recommending to the Macfarlane
8 Trust that loans should be made -- money should be
9 advanced against regular payments, those sorts of
10 loans? Is that something that you had any dealings
11 with?
12 A. No, from memory, I don't think I did.
13 Q. So presumably you weren't -- did you know what --
14 would you have known what the criteria for making such
15 loans were?
16 A. No, I wasn't.
17 Q. Equally, you said that you didn't know what the policy
18 would be on whether or not loans or grants were
19 awarded to pay off debts but, more generally, were you
20 aware of any policy or guidelines from the Macfarlane
21 Trust as to when they would give loans and when they
22 would give grants?
23 A. I think my understanding was that if it was a large
24 amount it would be a loan and, possibly, you know, if
25 it was something quite small they might just give it

55

1 loans at the Macfarlane Trust. We have already
2 touched on loans in association with debt. First of
3 all, did you have any role in formulating the policies
4 at the Macfarlane Trust on loans?
5 A. No.
6 Q. The Inquiry understands that the policies on loans, ie
7 what was available in terms of loans to registrants
8 from the Macfarlane Trust, varied over the years.
9 Were you aware at any given time what the policy was
10 on loans?
11 A. No, I knew that the people had charges on their houses
12 for various reasons, presumably, you know, if they
13 couldn't pay their mortgage and the charity had to
14 help out there, or other reasons, and I believe at one
15 point it was decided that if the loan was less than
16 £10,000 that would just be done by an exchange of
17 letters, rather than by a charge on the property but,
18 apart from that, I wasn't aware -- I wasn't involved
19 in the formulation of any policy on loans. That was
20 just my understanding.
21 Q. So is this right, that if -- we'll come -- I'll ask
22 you some questions about the circumstances in which
23 you might be recommending that your client goes to the
24 Macfarlane Trust to get a loan, but if you've got to
25 that stage, then you were really going to the

54

1 as a grant but I wasn't aware of anything that was
2 actually cast in stone.
3 Q. Did you have any role in determining whether loans
4 should be granted to beneficiaries?
5 A. Well, I think I -- I visited people and I really
6 considered the whole loan, charge on house thing as
7 a last resort, if there was nowhere else to go. So if
8 I saw someone and I had to recommend it, I think I'd
9 probably explored all the other options, such as
10 getting the loan written off, if it was mortgage
11 related trying to find another lender that might take
12 on the loan at a rate of interest where the registrant
13 would be in a position to make the repayments.
14 So, as far as I was concerned, it was really
15 the last thing in a series of things that I'd consider
16 and it was, you know, a way of keeping somebody in
17 their home, which was obviously very important.
18 Q. Why was it the last resort?
19 A. Well, in some cases, people just -- I think this was
20 more to do with widows, I wasn't involved with all the
21 cases where loans and property-related loans were
22 given but, in one case I dealt with, it was a lady who
23 just couldn't afford to pay her mortgage. Debts had
24 been mounting up. She was with a lender who was
25 a secondary lender and by that I mean not someone like

56

1 the Nationwide, a lender who lent to people who had
 2 a bad credit rating or had debt problems, and then
 3 that had come unstuck. So really there wasn't
 4 anywhere else to go.
 5 The only other option would have been for the
 6 lady to sell her home, pay back the mortgage and move
 7 into rented accommodation and she didn't want to do
 8 that. So, quite understandably, she wanted to stay in
 9 her home.
 10 **Q.** My question was really why was it the last resort?
 11 Why was Macfarlane Trust seen by you as the last
 12 resort. Is it because equity share loans were
 13 disadvantageous to clients because they effectively
 14 gave up equity in their property? Why wasn't it --
 15 **A.** Well, yes, I think, you know, if I could have got
 16 someone a normal mortgage and they didn't have to
 17 enter into an equity share arrangement, that would
 18 have been preferable.
 19 **Q.** Did you explore with Macfarlane Trust whether or not
 20 they might offer either interest-free loans or loans
 21 secured on property attracting interest, rather than
 22 equity share loans?
 23 **A.** I think by the time I'd arrived, even in 1991, the
 24 equity share loans were already in place. I think
 25 I did -- obviously loans attracting interest in a lot

1 **Q.** Were you aware of -- were equity share loans or loans
 2 secured against property available in Scotland,
 3 insofar as you were aware?
 4 **A.** I would think so, although I don't think I came across
 5 anyone in Scotland who had one but maybe someone did.
 6 As I said, I didn't know every single equity share
 7 that the Trust granted. I wasn't involved in every
 8 case. This really, in the main, only came to me when
 9 I visited people and they said "Oh, yes, the
 10 Macfarlane Trust has an equity share on my house, so,
 11 in a lot of cases, the equity share was already there."
 12 **Q.** Can I ask you -- can we turn up, please,
 13 MACF0000223_017. So this is a letter dated
 14 10 December 2004 "Re: Your Mortgage". If we go over
 15 the page, to the second page, we can see that it's
 16 a letter written by you CCing in Martin Harvey.
 17 **A.** Yes.
 18 **Q.** If we go back to the first page you explain that:
 19 "... [you] have been endeavouring to transfer
 20 [the] mortgage to a lender charging a lower rate of
 21 interest for some time but [unable to] due to ... poor
 22 credit rating."
 23 So is this an example of where --
 24 **A.** This was actually -- just by coincidence, this was the
 25 case I was just talking to you about and explaining.

1 of cases the registrants wouldn't have been able to
 2 pay them, so that would have just been a roll-up of
 3 interest, like an equity release. I think what I was
 4 told, whether it was by Tudur Williams or by
 5 Ann Hithersay, was that the trustees saw the equity
 6 share was almost an investment for the charities and
 7 it didn't disadvantage the other registrants who
 8 didn't need this sort of support.
 9 I suppose, in fact, most of -- I don't know
 10 a single case in my time with the charity, and
 11 I wasn't always there for the whole time, where any of
 12 these loans was repaid.
 13 **Q.** What were you told about why the practice of granting
 14 equity share loans was stopped? Why did you know
 15 about that?
 16 **A.** I didn't know anything about it. Maybe I wasn't
 17 around at the time. I didn't even know it was
 18 stopped.
 19 **Q.** So during the time that you were with the Macfarlane
 20 Trust, as far as you're aware, equity share loans were
 21 an option in the circumstances you have outlined?
 22 **A.** Yes, but I left them -- I didn't work for Macfarlane
 23 Trust after about -- I can't remember whether it was
 24 2006 or 2007, so I really don't know what happened
 25 after that.

1 **Q.** So this is -- the last resort is the --
 2 **A.** That lender, Kensington Mortgages, they are still
 3 operation and they are a lot better now but, at that
 4 time, they were really a lender of last resort,
 5 charging quite expensive interest rates because they
 6 lent to people who really had a poor credit rating and
 7 had had previous credit issues.
 8 **Q.** Then you set out the various terms and what's to
 9 happen. It's paragraph 5, that I wanted to ask you
 10 about:
 11 "The Trust will employ solicitors to act on
 12 their behalf and I must advise you that you should
 13 obtain ... legal advice before completing any
 14 documents. You may care to show a copy of this letter
 15 to your solicitor."
 16 What input would you have had after writing
 17 this letter, in terms of knowing whether or not this
 18 registrant had obtained that legal advice?
 19 **A.** I wouldn't have had any input but the Trust would have
 20 instructed whatever solicitors they were using at that
 21 time. The solicitors, presumably, would have had
 22 a copy of that letter and would have known that it was
 23 a condition that the registrant had independent legal
 24 advice.
 25 **Q.** So that's how you understood this paragraph 5, that it

1 was a condition of the agreement going forward that
 2 they had independent legal advice.

3 **A.** Yes, and I remember speaking to registrants and they
 4 did on occasion say to me "Oh, I know I've got to get
 5 independent legal advice", so I think it was quite
 6 clear to them that that was what was supposed to
 7 happen and, hopefully, the solicitors acting on behalf
 8 of the Trust wouldn't have let the loan go through
 9 without ensuring that the registrant did have
 10 independent legal advice.

11 **SIR BRIAN LANGSTAFF:** That may be the case but the actual
 12 wording of clause 5 of this isn't to make it
 13 a condition, it's expressed as strong advice. It
 14 doesn't make it a condition of the loan, does it?

15 **A.** I'm not a solicitor. I strongly advise people to get
 16 independent legal advice and I hope that the
 17 solicitors acting on behalf of the charity did that,
 18 but, Sir Brian, I've got no way of confirming now
 19 whether they did or whether they didn't.

20 **SIR BRIAN LANGSTAFF:** No, it would, I think, be pretty
 21 standard legal practice at least as I understand it,
 22 at this time, for someone advising the lender to do
 23 their best to ensure that legal advice had been given
 24 by a reputable source to the borrower because
 25 otherwise it might be said that there was undue

61

1 **A.** No. No, I didn't.

2 **Q.** Do you know anything about the arrangement
 3 Macfarlane Trust had with the Terrence Higgins Trust
 4 to provide financial advice?

5 **A.** No. One of the registrants may have told me that they
 6 were using the Terrence Higgins Trust but I wasn't
 7 aware of any of the circumstances surrounding that or
 8 what kind of advice was being provided.

9 **Q.** So in terms of -- so when you were providing
 10 independent financial advice as an independent
 11 financial adviser to Macfarlane Trust registrants
 12 after having left Macfarlane Trust as a case worker,
 13 were your fees paid by Macfarlane Trust in the usual
 14 way that they had been before you became the case
 15 worker? Did that arrangement persist?

16 **A.** I can't remember. I can't remember whether, once
 17 I left the Macfarlane Trust, if anybody wanted
 18 a mortgage or whatever they still paid me. Sorry,
 19 I just can't remember.

20 I think what happened was that maybe the
 21 registrant applied for -- if they could, they applied
 22 for a grant to cover the fee, and I think probably if
 23 they couldn't afford to pay me I just went ahead and
 24 did the mortgage for them.

25 **Q.** You say in your statement that you resigned because

63

1 influence in obtaining the loan. And so, for their
 2 own protection, they might regard it as important.
 3 But the way this is expressed, in legal terms
 4 it doesn't, I think, amount to what a lawyer would
 5 regard as a condition, which is something which must
 6 be fulfilled before an event takes place.

7 **A.** As far as I'm aware --

8 **SIR BRIAN LANGSTAFF:** This is strong advice.

9 **A.** Yes, it's strong advice and, as far as I'm aware, the
 10 Trust lawyers were aware that that was one of -- okay,
 11 it wasn't -- what you're saying is it wasn't
 12 a condition, but were aware that that's what -- that
 13 was one of the things that we advised.

14 **MS SCOTT:** You resigned from your role as case worker for
 15 the Macfarlane Trust in, it's reported to the
 16 Partnership Group, in June of 2006. Did you continue
 17 to act as an independent financial adviser after that
 18 date to Macfarlane Trust registrants?

19 **A.** Yes, I think I did. Obviously, the registrants could
 20 come to me independently; so, yes, a lot of the
 21 registrants kept in touch with me and I helped them if
 22 necessary.

23 **Q.** Did you understand -- did you know anything about the
 24 arrangements made by the Macfarlane Trust after you
 25 left for financial advice to be given to registrants?

62

1 you weren't getting support from the chief executive,
 2 who at the time was Martin Harvey. Can you just tell
 3 us a little bit more about that and why you resigned
 4 from the Macfarlane Trust.

5 **A.** Well, as I said, I'd been working there for years and,
 6 you know, it became apparent that all of the things
 7 that I did were suddenly being questioned and about --
 8 when was that? 1990 -- 2006, so I had already been
 9 working there since 1991, so it was about 15 years or
 10 so. All of the things that I'd been doing for years
 11 with no queries whatsoever were questioned. I used to
 12 get constant emails asking me why I'd done this, why
 13 I'd done that. Effectively I felt I was being
 14 bullied.

15 I didn't want to leave. I loved working with
 16 the registrants, I loved the work I did, and I felt
 17 very, very sad that I was put in the position where
 18 I felt my only option was to leave because it was
 19 affecting me mentally.

20 **Q.** Yes, you say in your witness statement that it was the
 21 most rewarding job you've done.

22 **A.** It was. It was. Absolutely. My time at the
 23 Macfarlane Trust and the Eileen Trust were, you know,
 24 just totally rewarding. The registrants, I think --
 25 in a way, I hope I supported them. I got far more

64

1 back from them. They gave me far more support.
 2 At the time I resigned from the
 3 Macfarlane Trust, I know a number of registrants did
 4 some sort of petition to get me back but, obviously,
 5 that was ignored, so -- I just felt that I had to move
 6 on.
 7 **Q.** You say that the things that you had been doing for
 8 years were being queried. What sort of things? What
 9 sort of things were being queried?
 10 **A.** Well, I think just the help that I gave to registrants
 11 was being queried. I don't think that it made me
 12 popular, the two statements that I made -- that you
 13 read out before the break, about the treatment of
 14 widows. I don't think that made me popular. You
 15 know, I think the fact that I was prepared to stand up
 16 for things that I thought were wrong didn't really go
 17 down well.
 18 **Q.** Was there a sense -- was your way of working in that
 19 you wanted to visit registrants, spend time with them
 20 and so on, was that something that was queried?
 21 **A.** No, I think most of the time the trustees felt that
 22 the visits were very beneficial. They were.
 23 **Q.** I am going to ask you some questions now about the
 24 Eileen Trust.
 25 **A.** Yes.

65

1 **Q.** Was that shortly after this review or around about
 2 that same time?
 3 **A.** It was around about the same time.
 4 **Q.** So you described how you carried out reviews of all of
 5 the registrants at that time.
 6 **A.** Yes.
 7 **Q.** What was your role as case worker? Having carried out
 8 that review, what was your role as case worker?
 9 **A.** Well, to come back to the Trust -- well, once
 10 I carried out the review, I obviously identified areas
 11 where the registrant concerned needed help. So
 12 I would prepare reports and put them to the trustees.
 13 We had regular trustee meetings where I'd prepare
 14 a list of cases and we'd go through every single case
 15 at the meeting. I think we had quarterly meetings and
 16 in between we just used to communicate by email or
 17 telephone and it worked very well.
 18 **Q.** So the practice you have described, your practice that
 19 you have described to us this morning about how you
 20 visited registrants at the Macfarlane Trust, like
 21 face-to-face visits, you would try to look at the
 22 whole circumstances of the person or the couple or the
 23 family that were in front of you, was that the
 24 practice that you adopted at the Eileen Trust?
 25 **A.** Yes, I did.

67

1 **Q.** How did you first become involved with the
 2 Eileen Trust?
 3 **A.** Well, Peter Stevens asked me if I would review the
 4 finals of the Eileen Trust because he felt that the
 5 Eileen Trust were a group that had largely been
 6 neglected. I can't remember if it was at a time when
 7 the social worker -- they had a social worker called
 8 Claudette Allen and she was off [redacted] a long
 9 time, so no-one was carrying out that role. So
 10 I think work had piled up and things had got behind,
 11 so Peter Stevens asked me if I would carry out
 12 a review.
 13 So what I did I went up to the office for
 14 a couple of days, got all the -- went through all the
 15 files for the Eileen Trust people, wrote to them
 16 asking if they'd like a visit or any help, and I got
 17 a very positive response.
 18 **Q.** So prior to that had you been providing any -- working
 19 with any of the Eileen Trust registrants as an
 20 independent financial adviser?
 21 **A.** I think maybe the odd Eileen Trust person came up but
 22 not many of them.
 23 **Q.** You started working as the case worker in
 24 February 2005?
 25 **A.** Yes.

66

1 **Q.** You say that you -- were you familiar with all of the
 2 registrants at the Eileen Trust?
 3 **A.** Yes, I think so, or the ones that were available for
 4 the files and the people -- you know, as time went on,
 5 new registrants came on board, so yes, as many as
 6 I could find.
 7 **Q.** Were you able to meet all of those people?
 8 **A.** Yes.
 9 **Q.** How regularly would you meet with them or speak to
 10 them?
 11 **A.** Well, I visited -- in the beginning, I visited --
 12 tried to visit them all. I tried to visit them all at
 13 least once a year, if not more. We had the weekends
 14 where I saw everybody and just really quite regular
 15 telephone calls. There was a lady, lovely lady, who's
 16 unfortunately no longer with us, she used to call me
 17 at least two or three times a week. Most people
 18 I probably spoke to, you know, at least once a month.
 19 **Q.** So you had a pretty good picture of what was going on
 20 in all of their lives?
 21 **A.** Yes, I did.
 22 **Q.** You have described the concerns that you had about the
 23 bureaucracy and the lack of compassion at the
 24 Macfarlane Trust. What was the picture at the
 25 Eileen Trust?

68

1 A. Totally different. I think I -- because it -- well,
 2 I think one of the things was it was a much smaller
 3 organisation. There was just me and the trustees.
 4 I encouraged the trustees to meet the registrants, and
 5 I think because of that they had a much better
 6 understanding of what the needs were of the
 7 registrants. And they actually spent time with them,
 8 the trustees, at the weekends that -- I'd say that
 9 they formed a very good relationship with the
 10 registrants.
 11 Q. Can I ask you some questions about the grants that
 12 were available, payments that were available from the
 13 Eileen Trust. Were regular payments made by the
 14 Eileen Trust to infected beneficiaries and
 15 non-infected dependent beneficiaries?
 16 A. They were paid to infected beneficiaries. Were they
 17 paid to non-infected beneficiaries? In some cases
 18 they were. There were payments made to children. I'm
 19 trying to think whether we had any -- yes, there were
 20 payments made to widows or widowers as well.
 21 Q. So is this right, that the constraints and the
 22 policies that the Macfarlane Trust had, to treat the
 23 infected community differently from the non-infected
 24 community, at least until after the Archer reforms, if
 25 I can describe them that way, were not applicable at

1 wanted something or fill in an application form or
 2 something of that nature?
 3 A. Well, if it was -- I did ask them to get a quote, if
 4 it was a largish thing I might have said "Get a couple
 5 of quotes", but I understood that, you know, they were
 6 ill and it wasn't always easy to get quotes, so I took
 7 a view. If someone wanted to buy a washing machine
 8 and they would have asked me for £2,000, I would have
 9 said "You need to find a less expensive washing
 10 machine", but I just took a reasoned view on what was
 11 appropriate for the particular item that they
 12 required.
 13 Q. What test was applied to these applications by the
 14 trustees? We've heard evidence over the last few
 15 weeks from the Macfarlane Trust witnesses that they
 16 were concerned with identifying charitable need,
 17 looking at financial need and sometimes applying the
 18 criteria of exceptional circumstances in determining
 19 whether somebody had disposable income that they could
 20 pay for the item themselves, and so on. What was the
 21 Eileen Trust's view on that? What test were they
 22 applying?
 23 A. I think it was broadly -- it was broadly similar. We
 24 did have a couple of registrants who were reasonably
 25 well off or didn't need as much help and, you know,

1 the Eileen Trust -- is that --
 2 A. Yes, I think so. I think the only constraint we had
 3 was that we had very little money.
 4 Q. In relation to single grants, they were available,
 5 were they, from the Eileen Trust? People could
 6 make --
 7 A. Yes, they were.
 8 Q. How, in practice, did that work? How were
 9 applications made? Were they made by individuals or
 10 did you put them forward on their behalf because of
 11 your knowledge of their needs? How did it actually
 12 work?
 13 A. Well, if I went for -- if I visited someone or spoke
 14 to someone on the phone and it came up in the
 15 conversation that they needed something, I would put
 16 it forward. But people knew that if they had
 17 a problem they could contact me and they did phone me
 18 and request that I put it forward to the trustees that
 19 they needed a grant for whatever it was.
 20 Q. So their first point of contact was you and you would
 21 then facilitate the information coming to the
 22 trustees?
 23 A. Yes, I would.
 24 Q. In terms of procedure, was there a set procedure that
 25 they had to have a certain amount of quotes if they

1 help was proportioned to the people who had worse
 2 financial circumstances, people who had children. But
 3 we tried to be fair to everyone.
 4 Q. In terms of obtaining that information, so that that
 5 could be put before the Board so that they could
 6 understand what the financial situation was for the
 7 particular applicant in front of them, how was that
 8 done? Were people required to fill out income and
 9 expenditure forms or census forms or did you have that
 10 information anyway?
 11 A. I visited them and, during that period -- during the
 12 visits I looked at their income and expenditure.
 13 Q. Were you -- did you have any authority from the
 14 trustees to award grants up to a certain amount or was
 15 it all decision making of the trustees?
 16 A. I've got a feeling that they allowed me, you know,
 17 something like if it was up to about £250. You know,
 18 normally I would do -- in between meetings I'd send
 19 around an email so I'd always let them know what I was
 20 doing but if it was a fairly trivial thing, I did have
 21 authority to authorise it -- a trivial amount,
 22 I should say.
 23 Q. Is this correct, that the Eileen Trust had a copy of
 24 the Macfarlane Trust office guidelines but the Trust
 25 didn't agree to use that as a guide rather than to be

1 bound by them?
 2 A. Yes, yes, it was a guide.
 3 Q. Is it also right then that those guidelines wouldn't
 4 have been published or circulated to the
 5 beneficiaries, to the registrants?
 6 A. I'm not sure whether -- in the time I was there,
 7 I don't think a copy of the handbook was sent to the
 8 beneficiaries but it may have been sent before my
 9 time. I'm not certain.
 10 Q. If guidelines about what grants the Eileen Trust might
 11 make weren't circulated, how did registrants know what
 12 they could apply for?
 13 A. They just contacted me or I was in contact with them.
 14 Q. So you would --
 15 A. I think they must have had something at some point
 16 because people knew that they could apply for help
 17 with things like hospital visits or works to the
 18 house, you know, central heating, things like that.
 19 So I think that something must have been sent at some
 20 point, maybe before my time. I can't remember
 21 specifically sending anything out because I was in
 22 such close contact with the registrants that they were
 23 aware of certain things. So, as I said, maybe
 24 something did go out at some point.
 25 Q. Did the Eileen Trust have areas where they would

1 certainty. Certain issues are obvious ... this report
 2 will cover the ageing of the registrants, and ...
 3 their spouses ... often their main carers.
 4 "It is far from clear that all of the
 5 registrants who may be eligible to join the Eileen
 6 Trust have, as yet, been identified ... [new
 7 registrants are still coming] eight ... since the turn
 8 of the century and ... two cases under consideration."
 9 Then you go on to talk about ageing of the
 10 registrants. Then as we go through the report, if you
 11 just go down to the bottom of the page, you seem to be
 12 going through and identifying each of the registrants
 13 and what their potential needs could be.
 14 A. Yes.
 15 Q. Then if we go to the end to the last penultimate page
 16 of this document, the one before that, please, it
 17 says:
 18 "It is difficult to private an exact estimate
 19 of costs but these costs have been broken down into
 20 three categories ...
 21 "Younger [residents] whose condition was
 22 diagnosed early and are coping ... as best they can.
 23 "Middle-aged registrants who need additional
 24 help.
 25 "Older registrants who, in the writer's

1 provide grants, like boilers or hospital visits, and
 2 areas where they wouldn't provide grants or was it
 3 more flexible? Was it quite flexible?
 4 A. It was quite flexible.
 5 Q. Then you became a secretary for the Eileen Trust in
 6 October 2011; is that right?
 7 A. Yes.
 8 Q. That was after Martin Harvey left that role?
 9 A. Yes.
 10 Q. Can we turn to EILN0000002_044, please. In that role,
 11 did you have to create budgets for the Eileen Trust?
 12 A. No. The only thing that I did, which I hadn't
 13 previously done when I became secretary, was I took
 14 the minutes. That was the only difference it made to
 15 me.
 16 Q. Can I just ask you to look at this -- it says
 17 "Financial and Investment Reports" and if you go over
 18 the page it then says "Case Worker's Report". Then if
 19 you go over to the next page it says:
 20 "Requirements for future funding of the Eileen
 21 Trust based on an analysis of the likely needs of the
 22 registrants.
 23 "August 2012."
 24 Then you say:
 25 "... difficult to gaze into the future with any

1 opinion, are the sector who will require the most help
 2 now and over the coming years. It is assumed that
 3 provision should be made for the deaths of two out of
 4 the five beneficiaries whose life expectancy now
 5 appears to be quite limited."
 6 Then you say:
 7 "The figures below include winter fuel
 8 payments, an estimated cost of two funerals ... annual
 9 ET event and the costs associated with potential new
 10 registrants."
 11 And then you talk about the movement of
 12 registrants between categories.
 13 Then if we go over to the next page:
 14 "Estimate.
 15 "... difficulties of forecasting explained ...
 16 figures would appear to be in the order of:
 17 "... potential capital cost, in the next
 18 12 months, of £51,000.
 19 "An ongoing annual cost of ... £100,000 as laid
 20 out above ..."
 21 And allowances there.
 22 The capital cost, presumably, is in relation to
 23 the new registrants, is it?
 24 A. Yes, and things that we knew that we would have to pay
 25 for, and then probably in relation to the new

1 registrants.

2 Q. Then you set out the annual cost going forward for --

3 to meet the needs of all of the registrants that

4 you've just been through and assessed.

5 A. Yes.

6 Q. Was that something that you did as case worker, before

7 you were secretary, on an annual basis then?

8 A. What, providing -- doing reports like this?

9 Q. Yes, effectively saying to the trustees that, "This

10 is how much money we're going to need for the next

11 12 months."

12 A. Well, from time to time the chairman, Peter Stevens,

13 would ask me to do reports like this, so when he was

14 going to go back to the Department of Health and ask

15 for an annual allocation he could show them on what

16 basis he was asking for the funds.

17 Q. So it wasn't an annual -- it wasn't part of your role

18 to do that?

19 A. It wasn't cast in stone but I think I probably did do

20 it -- I probably did do it on an annual basis because

21 I always carried out reports as to what the likely

22 needs were of the registrants. So maybe it wasn't

23 quite set in those terms but I usually had a good idea

24 of what the registrants might need. Obviously, there

25 were unforeseen circumstances and it was difficult to

77

1 primary concern when I first started reviewing the

2 registrants was to get their finances sorted out as

3 much as I could do and put them on a firm financial

4 footing. So I don't think there was a need to give

5 them loans.

6 Q. When it became clear that the Eileen Trust was going

7 to be shut down, is this right: a decision was made to

8 distribute the reserves amongst the registrants before

9 closing down?

10 A. Yes, correct.

11 Q. Can you explain how that was carried out and what your

12 role was in that?

13 A. Well, as I've previously stated, I did have a very

14 good knowledge of the circumstances of the

15 beneficiaries anyway, but in view of that further

16 enquiries were carried out with the beneficiaries and

17 the reserves were distributed on the basis of need.

18 The people with the highest need got the most and

19 gradually down the scale.

20 Q. Were all the reserves distributed in that way?

21 A. Yes, yes. I think the Trust kept back about £5,000 to

22 pay for any unforeseen expenses that might have come

23 up such as, you know, unforeseen legal fees or

24 accountancy fees.

25 Q. You have told us -- you mentioned on several occasions

79

1 know if new registrants came on board what their needs

2 might be.

3 Q. But because of your knowledge of the registrants you

4 could do it with some specificity?

5 A. Yes. Yes, I could.

6 Q. Soumik, you can take that document down.

7 What was the Eileen Trust policy and attitude

8 to paying off registrants' debts?

9 A. I think we really only had one very bad debt case,

10 from memory -- there may have been more -- and that

11 was because a registrant had lost -- whether he had

12 come to the Trust late or whether he had lost contact

13 with the Trust, I'm not sure, but he was given a lot

14 of help. He had a lot of debts due to no fault of his

15 own and he was given a lot of -- I managed to get

16 a lot of his debts written off but I think the

17 trustees in that case did decide to pay some of the

18 debts off.

19 Q. So is it fair to say there couldn't really be a policy

20 because there was only one case?

21 A. Well, that's right. There probably were a few other

22 cases but it wasn't like there were lots and lots of

23 cases so we could look at them on an individual basis.

24 Q. Did the Eileen Trust offer loans to registrants?

25 A. I don't think we ever gave anyone a loan. I think my

78

1 the events at the Eileen Trust.

2 A. Yes.

3 Q. How frequently were there Eileen Trust weekends?

4 A. Every year, once a year.

5 Q. Were there other events?

6 A. No, that was the main event. From time to time, apart

7 from my meetings with them, I think on one occasion

8 Peter Stevens came to see a registrant with me on

9 a particularly difficult case, where there was

10 a mother and three children, and she was in very poor

11 health and likely to -- you know, she did actually die

12 and leave the three children, so I wanted a bit of

13 backup there. I thought it was important that he came

14 to meet with the lady. But no, it was really the

15 weekend event.

16 Q. We heard evidence, the Inquiry heard evidence from

17 Peter Stevens that you gave assistance to individuals

18 who wanted to apply to the Department of Health for

19 a capital payment as a result of being infected from

20 blood and blood products --

21 A. Yes.

22 Q. -- and that you assisted them before they had made

23 that application to obtain the relevant evidence to

24 put before the Department of Health. Is that right?

25 A. Yes. I tried, yes.

80

1 Q. Do you know what evidence the Department of Health
 2 required in order to accept somebody as --
 3 A. I don't think they did either and I think they made it
 4 as difficult as possible for the person to actually
 5 apply. I really didn't feel that that was my role,
 6 nor did I feel that I had the medical qualification to
 7 do it, but there was no-one else to do it and I didn't
 8 feel it was right to leave these poor people
 9 struggling on their own. So I tried to gather as much
 10 evidence as possible. It was very hard. A lot of --
 11 some of the hospitals where the registrants thought
 12 they had their blood transfusion were no longer there,
 13 the records were either destroyed or -- it was very
 14 difficult. And, you know, on a few cases I was
 15 successful in getting it through. It took me quite
 16 a long time, probably between a year and 18 months,
 17 but some cases it was just impossible to prove it.
 18 The proof had probably been -- you know, was no longer
 19 there if indeed it existed in the first place.
 20 Q. Do you think that the Eileen Trust was successful in
 21 meeting the registrants' needs?
 22 A. Yes. Yes, I do, largely. Obviously, if we would have
 23 had more money we could have done a lot more but
 24 I think that we tried to help them as best as we
 25 could. We were there for them and we showed

1 MS SCOTT: Thank you very much.
 2 A. Thank you.
 3 (12.36 pm)
 4 (Luncheon Adjournment)
 5 (1.50 pm)
 6 MS SCOTT: I have some questions from Core Participants
 7 and their recognised legal representatives. So they
 8 will dot around a bit onto different areas.
 9 Did you ever give assistance to non-infected
 10 spouses of infected Macfarlane or Eileen Trust
 11 registrants in connection with making life assurance
 12 applications?
 13 A. Yes. Yes, I did.
 14 Q. So the Inquiry has some information to suggest that
 15 when making such applications, one of the questions
 16 they were asked was "Have you had an HIV test", to
 17 which the answer would be "Yes".
 18 A. They would, yes.
 19 Q. When they were asked why they had had the HIV test the
 20 answer would be "Because my spouse is infected with
 21 HIV", and then it would be turned down.
 22 A. No, that's not correct, no. From my memory, it was
 23 a long time ago but I don't think that's correct.
 24 I don't think they were turned down.
 25 Q. So your recollection is that spouses -- you had some

1 compassion and they knew that they could talk to us.
 2 Q. The answer to this is probably obvious given what you
 3 have told us this morning but do you think that the
 4 Eileen Trust was more successful at doing that than
 5 the Macfarlane Trust was?
 6 A. Yes.
 7 Q. Why do you think that was?
 8 A. Well, I suppose that you could say it was because it
 9 was a much smaller group of people. I don't think
 10 there was the same level -- not in all cases. In some
 11 cases there wasn't the same level as -- anger with the
 12 Eileen Trust registrants as there were with the
 13 Macfarlane Trust registrants. I don't really think
 14 that the Eileen Trust registrants were treated better
 15 and they didn't have to go through such a form of
 16 bureaucracy to apply for anything.
 17 MS SCOTT: Sir, those were the questions that I had for
 18 Ms Daniels. I don't know whether now would be a good
 19 time to take an early lunch break or --
 20 SIR BRIAN LANGSTAFF: Well, you will want to pick up the
 21 questions from those who may have them.
 22 MS SCOTT: Yes.
 23 SIR BRIAN LANGSTAFF: So shall we take an early lunch,
 24 because otherwise there won't be enough time before
 25 the usual lunch break, and come back at 1.45.

1 success with getting such insurance policies for
 2 spouses of infected registrants?
 3 A. Yes, and in some cases the form just -- they've asked
 4 "Have you had a test within the last six months?"
 5 Now, I may have taken that a step further
 6 because with all insurance you don't want to give them
 7 the opportunity, if a claim arises, not to pay out, so
 8 I might have said to the person concerned, although
 9 it's not on the form I feel that we should raise this
 10 issue with the insurance company. I don't feel that
 11 it will be a problem because I'd researched it but
 12 I don't want you to take out insurance and then if
 13 something happens at some point it won't pay out.
 14 So that may have been the line I took but it's
 15 quite a long time ago since I've done one. If I did
 16 do that, I can't remember it ever being a problem.
 17 It's a material fact so I felt I should raise it
 18 whether it was asked on the form or not.
 19 Q. When you say -- you're referring there to the
 20 infection of the spouse?
 21 A. Well, if the spouse did become infected or did die
 22 from -- or basically even if the spouse might have
 23 died in a traffic accident, you never know with
 24 insurance what comes up, and I just wanted to leave no
 25 stone unturned that the insurance company will come up

1 and say "Oh, well, you didn't declare the fact that
 2 this person's partner was HIV positive". So it
 3 wasn't -- I can't remember it ever being an issue,
 4 though, and obviously all information was treated by
 5 insurance companies on a strictly confidential basis.
 6 **Q.** You were telling us about the mortgages that you
 7 arranged in the early 1990s for Macfarlane Trust
 8 registrants with the Nationwide. Were those mortgages
 9 available to registrants in Scotland, do you recall?
 10 **A.** Yes, they were, yes.
 11 **Q.** Can you -- you were explaining that the payments in
 12 respect of those mortgages were made from benefits.
 13 Was that from DWP benefits or from Macfarlane Trust
 14 payments?
 15 **A.** No, the interest -- if the person was in receipt of
 16 income support and thus wasn't working, the interest
 17 on the mortgage was paid by the DWP up to £100,000,
 18 and we were -- these mortgages were taken out a very
 19 long time ago, so it was highly unlikely then that
 20 I ever arranged a mortgage that was more than £100,000
 21 and I don't think any of them were anything near that
 22 figure then.
 23 **Q.** Were they interest-only mortgages?
 24 **A.** Not always, no. If the person could afford to make
 25 the repayment part of it from their own funds then

1 were the case worker?
 2 **A.** I think that it was clear from the reports and from
 3 the way I reported back to the MFT that I was
 4 fulfilling a function, you know, that was far more
 5 than the average IFA.
 6 **Q.** Were you offered any training or support or
 7 counselling to assist you in undertaking that role?
 8 **A.** No.
 9 **Q.** Would you have found that helpful?
 10 **A.** Possibly, although I must -- although I didn't have
 11 a problem dealing with most of the registrants but it
 12 was very emotional. I used to visit people and, you
 13 know, come back on the train and, you know, sometimes
 14 I literally was crying because what I've seen had
 15 moved me so much. But I think I'm probably quite good
 16 at dealing with things like that, not because of any
 17 particular training just because, you know, that's one
 18 of the things I can deal with.
 19 **Q.** In cases where you were not permitted to provide the
 20 financial -- were there cases where you were not
 21 permitted to provide financial advice to Macfarlane
 22 Trust beneficiaries?
 23 **A.** I can't think of any cases where I wasn't permitted to
 24 while I was working with the Macfarlane Trust.
 25 **Q.** But after you resigned as case worker, was that ever

1 they were arranged on a repayment basis.
 2 **Q.** If they were interest-only mortgages, do you know what
 3 happened at the end of the mortgage term?
 4 **A.** Well, it would have been an issue because there would
 5 have been an outstanding amount that would have been
 6 repayable or the person would have had to do
 7 a remortgage, would have had to take out another
 8 mortgage. I think most of the mortgages that I did
 9 for Macfarlane Trust registrants through the
 10 Nationwide were on a repayment basis because I always
 11 had a concern of what would happen if they got to the
 12 end of the term and the capital sum was still
 13 outstanding.
 14 **Q.** You explained that the Nationwide required information
 15 from the Macfarlane Trust about regular payments, is
 16 that right, before they would grant the mortgage?
 17 **A.** Yes.
 18 **Q.** Do you know what information was given by the
 19 Macfarlane Trust in terms of how long they were
 20 committing to providing regular payments?
 21 **A.** I think the term that was used in the letter was that
 22 these payments would be provided indefinitely.
 23 **Q.** To what extent was the Macfarlane Trust aware that you
 24 were providing the counselling/social work role that
 25 you took on in addition to your IFA role, before you

1 an issue?
 2 **A.** Well, no, because the people were perfectly entitled
 3 to come to me independently.
 4 **Q.** When you made applications for support from the
 5 Macfarlane Trust on behalf of beneficiaries, were
 6 reasons given by the Macfarlane Trust to pass onto the
 7 beneficiaries as to why a particular application had
 8 been turned down?
 9 **A.** Yes, yes, they were. It could have been something as
 10 simple as that they'd applied for the same grant
 11 within, you know, a 12-month period or that they felt
 12 that they didn't have the funds to provide that item.
 13 But yes, I think in most cases a reason was given.
 14 **Q.** I was asking you questions about debt at the Eileen
 15 Trust. Is it right to understand that the Eileen
 16 Trust beneficiary community had lower debt that was
 17 the case months the Macfarlane Trust beneficiary
 18 community?
 19 **A.** I think, in the main, yes. There were some cases in
 20 the Eileen Trust where, you know, the case I described
 21 to you this morning, there was a lot of debt just
 22 going through. I think, yes, generally, I think there
 23 was lower debt. I think the reason for that was some
 24 people were able to work before they became ill so
 25 they may have built up some savings. Yes, there was

1 lower debt in the Eileen Trust community.
 2 Q. Was --
 3 A. Not to say -- sorry, not to say that there still
 4 weren't very large problems.
 5 Q. Could one of the contributory factors to that be that
 6 the Eileen Trust had better support than was provided
 7 by the Macfarlane Trust?
 8 A. I think it was, yes. Yes.
 9 Q. Were you ever asked to advise the Macfarlane Trust on
 10 how best they could set up systems for making
 11 decisions about allocation of funds?
 12 A. No.
 13 Q. Did you ever suggest to the Macfarlane Trust that it
 14 should campaign for more money for registrants?
 15 A. No, I didn't. I didn't. I really wasn't involved in
 16 any policy decisions that the Macfarlane Trust took.
 17 Q. Did you contribute to the 2015 APPG survey on the
 18 Alliance House organisations in any way?
 19 A. I don't think so. Not that I can recollect.
 20 Q. Were you involved in any way in the Macfarlane Trust
 21 Partnership Group?
 22 A. No.
 23 Q. Do you know what the procedure was to inform
 24 registrants of your services and the availability of
 25 your services while at the Macfarlane Trust?

1 necessary, discussion about payment per day or
 2 a monthly retainer. Was that the payment arrangements
 3 in relation to your work as a case officer?
 4 A. For the Macfarlane Trust, I don't think I was ever
 5 paid a monthly retainer. I think it was just on
 6 a case by case basis. And when I went to work for the
 7 Eileen Trust, at that point I did put in a bill for
 8 a monthly -- first of all, I was just paid a monthly
 9 amount, and then I became -- later on, when I was
 10 employed, obviously that monthly amount was
 11 transferred into a salary.
 12 Q. Did you negotiate with banks to reduce or write off
 13 credit cards or debts for some beneficiaries?
 14 A. Yes, I did.
 15 Q. Did you -- and in respect of other beneficiaries, did
 16 you recommend and arrange for credit card debts to be
 17 consolidated into a loan from Macfarlane Trust and
 18 secured on their property?
 19 A. Only as a very last resort. If I could get the debts
 20 written off or get them reduced, as I said this
 21 morning, and come up with a way of the Trust just
 22 paying the reduced amount, I would do that. So it was
 23 only -- I can't remember a case where I -- there may
 24 have been one or two cases where the Trust had to take
 25 a charge on somebody's house but I tried to avoid

1 A. I know that, obviously, when I started off the
 2 mortgage scheme that Tudur Williams must have let
 3 registrants know they could now get a mortgage.
 4 I think it was really just by word of mouth that the
 5 registrants heard about me through other registrants.
 6 Obviously, if there was a particular issue that came
 7 into the office and they thought I could deal with it
 8 then I was put in touch with the registrant.
 9 Q. I was asking you some questions about remuneration
 10 earlier this morning and we were looking at a document
 11 which suggested that, for general financial -- this is
 12 while you were a financial adviser -- for general
 13 financial advice, you were paid per client and then
 14 there was an additional fee for arranging a mortgage.
 15 A. Yes.
 16 Q. Can you recall whether that remained the basis upon
 17 which you were paid as a financial adviser for
 18 Macfarlane Trust?
 19 A. Yes, it was. I was paid for a mortgage -- so much for
 20 arranging a mortgage for someone, and if I had to
 21 visit someone who had had a debt case I was paid so
 22 much for the case, regardless of whether, you know, it
 23 might have taken me months but I just kept the fee
 24 exactly the same.
 25 Q. We see in documents, and I can take you to them if

1 that. As I said, that was really the last resort.
 2 Q. So is it your recollection that you would always try
 3 to negotiate with the banks to reduce or write off all
 4 of the debts?
 5 A. Yes. Yes, I did. That was my first kind of -- the
 6 first thing I did was write to all the financial
 7 organisations, see if they'd write them off completely
 8 or see if they'd come to an agreement to accept a much
 9 reduced amount. And a lot of them did.
 10 Q. Did you ever try to negotiate or reduce or try to
 11 write off any secured or unsecured loans where the
 12 Macfarlane Trust was the lender?
 13 A. No, I don't think -- that was never my remit.
 14 Q. Why not?
 15 A. As I said, I wasn't involved in Macfarlane Trust
 16 policy and -- I was never asked by the -- by anybody
 17 to actually do that, and I think if I would have tried
 18 I would have got a big no.
 19 Q. Just on the issue of loans secured against property,
 20 and in particular equity share loans, I asked you
 21 whether you'd considered various different types of
 22 alternative loans. I'm going to ask you another
 23 question along the same vein. Did you ever consider
 24 or suggest to the Macfarlane Trust that a cap on the
 25 amount of equity should be imposed on the loan, a cap

1 on the amount of equity that could be realised should
2 be imposed on the loan?

3 **A.** No. No, they would do -- as I said earlier, they
4 would do it -- these equity shared loans were already
5 in place before I joined the organisation, before
6 I became involved with it.

7 **Q.** You've explained to us that you made home visits to
8 registrants at both trustees. Did you ever take
9 photographs of those homes during your visits?

10 **A.** No. It was years ago and I don't think I even had
11 a phone that could take a picture, so no. But
12 obviously, if someone was living in particularly bad
13 housing, I did describe the housing that they were
14 living in.

15 **Q.** When you were assessing, during a home visit, income
16 and expenditure, did you include enquiry into the
17 household income, so to include spouse's or adult
18 child -- the adult child's income?

19 **A.** Yes, I did, and I would have looked at the total
20 income and taken into account expenses for children
21 and other people who lived in the household.

22 **Q.** Why was that?

23 **A.** Well, I think if you're going to look at household
24 income, you've got to look at all the costs. If
25 you've got children, you're obviously going to spend

93

1 **Q.** I asked you some questions about the assistance that
2 you gave potential applicants -- the assistance you
3 gave people who were trying to get capital payments
4 from the Department of Health arising from their
5 infection.

6 **A.** Yes.

7 **Q.** I asked you questions about the criteria applied by
8 the Department of Health and I think you said you
9 didn't know what that was. Can I ask you this: were
10 documents -- did the Department of Health require such
11 people to provide documents evidencing a blood
12 transfusion --

13 **A.** Yes, they did and it got down in some cases where it
14 was very few but in the case -- in some cases we were
15 lucky enough to be able to track down the exact kind
16 of -- I don't know whether the blood they were given
17 had a reference number or how it was notated at the
18 time but we were, in a few cases, able to track that
19 down.

20 **Q.** So if there was nothing in the medical records to
21 suggest a blood transfusion, did that -- would that be
22 a negative answer from the Department of Health?

23 **A.** I think at one point -- I think they were supposed to
24 assess it on the benefit of reasonable doubt but it
25 made the case much more difficult and I can't think of

95

1 money on them.

2 **Q.** But if there are -- if you're looking at assessing
3 the -- if you are there in relation to an application
4 being made by the applicant, why would it be relevant
5 to take into account, for example, spouse's income or
6 adult children's income?

7 **A.** Oh, I don't know -- sorry, I'm talking about
8 expenditure on -- sorry, I misunderstood the question.
9 I don't think I did take into account spouse's income.

10 **Q.** And adult children's income?

11 **A.** No, I don't think I came across many cases where there
12 were working children. Most of the people I saw had
13 young children, who were in difficulty and needed
14 help.

15 **Q.** So just because -- I apologise if the question was
16 unclear. So you would take into account family
17 circumstances for the expenditure, but --

18 **A.** Yes, yes, I did.

19 **Q.** -- as far as you recall, income was restricted to the
20 person that was making the application?

21 **A.** Yes, yes, mainly. I think, looking back, there was
22 someone in the Eileen Trust whose husband did have
23 a job but, you know, that was included but he -- it
24 wasn't a very high salary and it didn't affect the way
25 that the application was considered.

94

1 anyone that actually got through the Department of
2 Health's procedure where it was assessed on the
3 benefit of doubt. I think the only cases in the time
4 I was doing this was where we were able to find the
5 actual proof and, as I said, that took a long time.

6 I felt that I should have been given more help
7 from the Department of Health. I felt they were quite
8 obstructive.

9 **Q.** I was asking you questions about two of your case
10 reports in August 2005 and the two visits you made in
11 Birmingham and one of the quotes you put in your case
12 report was that you felt deeply saddened after all
13 these years that the Macfarlane Trust was now
14 considered to be the major stress point in the life of
15 the registrant that you had been to visit and they
16 were frightened by the prospective of your visit.

17 **A.** Yes.

18 **Q.** Was that comment, in your experience, representative
19 of views of other beneficiaries at that point in time?

20 **A.** Yes, it was. I think the relationship between the
21 beneficiaries and the Macfarlane Trust deteriorated
22 over the years.

23 **Q.** Can I ask you to look at a document.

24 Soumik, it's EILN0000024_093.

25 This is a case report on 2 August 2005,

96

1 visiting a couple in their home, and then it's the
 2 fourth paragraph down:
 3 "They have never asked for help from the Trust
 4 as they were not aware that there was any available
 5 apart from the regular payments."
 6 Then you say:
 7 "I cannot say the Trust has covered itself with
 8 glory on an administration front in this case, letters
 9 have been sent to [the] old address despite the fact
 10 that she informed us she had moved and various other
 11 administrative errors have occurred. Hopefully this
 12 can be rectified for the future!"
 13 So this is in August 2005. Was it common at
 14 that point, so not long after you had become involved
 15 with the Macfarlane Trust, for registrants not to be
 16 aware of the kind of assistance they could get from
 17 the Eileen Trust?
 18 A. Sorry, this is Eileen Trust not Macfarlane Trust, this
 19 case that you --
 20 Q. Yes, this is Eileen Trust. Did I say
 21 Macfarlane Trust? Sorry.
 22 A. Yes, yeah, this is Eileen Trust. I think yes, it was,
 23 because I think that the Eileen Trust had largely
 24 been, as -- as I alluded to earlier, then
 25 Peter Stevens asked me to carry out a review of Eileen

1 registrants were treated but nothing was done about
 2 it.
 3 Q. Was there a complaint procedure at that stage where
 4 bullying could be addressed -- the Macfarlane Trust?
 5 A. I'm not sure. You know, I was a self-employed
 6 contractor at that time. I really didn't want to go
 7 down that route.
 8 Q. What do you think could have been done by the
 9 Macfarlane Trust to improve services to bereaved
 10 partners?
 11 A. I think they could have helped them more. I think
 12 that the answer to that would have been that they
 13 didn't have the money to help them, which was largely
 14 true, but I think that more help could have been given
 15 with visits, they could have helped them on
 16 a practical basis. I don't think -- obviously, in
 17 this case, money was a huge factor, but I don't think
 18 that money is everything. I think reaching out to
 19 people and trying to help them and give them advice is
 20 in some cases just as important. But I didn't feel
 21 that there was that kind of culture or kindness there
 22 at the time.
 23 Q. You said that you, at the time you were at
 24 Macfarlane Trust, saw more registrants than anyone.
 25 What were --

1 Trust registrants, and that was on the basis that they
 2 hadn't really been contacted properly.
 3 Q. How common were administrative errors like the one we
 4 see here, in your experience?
 5 A. Well, I think there was a case of -- they weren't that
 6 common but there was a case when, as I said, there was
 7 a couple of staff off [redacted] for quite a long
 8 period of time and I think that's probably when these
 9 errors arose. I think it was quite difficult for --
 10 there are some people -- there was somebody else in
 11 the Eileen Trust, a particularly sad case, where the
 12 person's wife had died, the house had been
 13 repossessed, and the husband just didn't know that he
 14 could ask the Eileen Trust for any help. So I think
 15 there were communication difficulties.
 16 Q. You spoke about your sadness at feeling that you had
 17 no choice but to leave the Macfarlane Trust.
 18 A. Yes.
 19 Q. What could have been done, do you think, to support
 20 you better in your work which may have meant that you
 21 could have stayed?
 22 A. Well, I think I could have been given support to carry
 23 on the work I was doing. But I wasn't. I think
 24 during that period I certainly spoke to a few people
 25 about what I saw as wrong in the way that the

1 A. Than what?
 2 Q. Than any of the staff and trustees.
 3 A. Probably.
 4 Q. What were the registrants' main concerns about their
 5 interaction with the Macfarlane Trust and the services
 6 it either did or didn't provide?
 7 A. Well, as I said, I think at the beginning the
 8 relationship was good but I think it just
 9 deteriorated. I think that the procedure they had to
 10 go through just became more and more complicated and
 11 bureaucratic for people who were ill and probably not
 12 that good at filling in forms or getting lots of
 13 different quotes. So I just think the process was
 14 made much too cumbersome.
 15 MS SCOTT: Sir, those are all the questions from the
 16 Core Participants that I have.
 17 Questions by SIR BRIAN LANGSTAFF
 18 SIR BRIAN LANGSTAFF: Can I just ask you a few questions.
 19 The first is in respect of your feeling bullied, is
 20 how you put it, as a result of which you gave up
 21 something which you found fulfilling, working for
 22 people that you valued working for --
 23 A. Yes.
 24 SIR BRIAN LANGSTAFF: -- for about 15/16 years.
 25 A. Yes.

1 **SIR BRIAN LANGSTAFF:** Who in particular would you say was
 2 making you feel that way?
 3 **A.** The chief executive at the time.
 4 **SIR BRIAN LANGSTAFF:** Martin Harvey?
 5 **A.** Yes.
 6 **SIR BRIAN LANGSTAFF:** What was it do you think that he was
 7 doing that made you feel that way?
 8 **A.** As I said, I felt he wasn't supporting my work. I was
 9 receiving constant emails criticising my work, asking
 10 me why was I was doing whatever I was doing when I'd
 11 been doing that for the previous 15 or 16 years. It
 12 just was uncomfortable to work in that sort of
 13 environment.
 14 **SIR BRIAN LANGSTAFF:** Did you ever have it out with him?
 15 **A.** I think I must have made it known at the time that
 16 I was unhappy but nothing changed. I did on a number
 17 of occasions speak to -- I spoke to -- I spoke to --
 18 I actually invited Peter Stevens down to my house when
 19 I was living in [redacted] to express my unhappiness
 20 about the way the registrants were treated. So
 21 I think that would have given some idea that I was
 22 unhappy with what was going on.
 23 **SIR BRIAN LANGSTAFF:** He chose to ask you to help him at
 24 the Eileen Trust --
 25 **A.** Yes, to be fair to him he later said to me -- he later

1 kindness shown to me from them, which I really value.
 2 **SIR BRIAN LANGSTAFF:** The next question, in a sense it is
 3 linked but only tangentially. What personal
 4 characteristics and experience do you think would best
 5 equip or best have equipped individuals to become
 6 trustees of the Macfarlane Trust?
 7 You might want to separate that up into what
 8 personal characteristics or approach would best suit
 9 and then what experience might best suit.
 10 **A.** I think some form of role in a caring environment or
 11 mixing with people who were basically poor and didn't
 12 have -- they weren't -- you know, middle class,
 13 well-off people with very good careers who couldn't
 14 really -- maybe I'm being unfair. I'm sure some of
 15 them did try to understand the beneficiaries but
 16 I think a lot of them didn't. I think it was very
 17 difficult for them to understand, as I said earlier,
 18 you know, the difficulties faced by people who were
 19 ill and poor and, you know, had a setback, and that
 20 one setback leads to a whole trigger of other events
 21 going on, in my experience, not just with
 22 Macfarlane Trust, and Eileen Trust beneficiaries, just
 23 with people who I meet in my everyday work who don't
 24 have that much money.
 25 **SIR BRIAN LANGSTAFF:** So the personal characteristics you

1 apologised to me and said I was right on a lot of
 2 things that I said at the time, but I had already left
 3 the Macfarlane Trust by then and just continued with
 4 the Eileen Trust.
 5 **SIR BRIAN LANGSTAFF:** So if he was apologising to you
 6 later and recognising that you were right, as he saw
 7 it then, does that mean he did nothing at the time or
 8 how did he respond at the time when you brought him
 9 up --
 10 **A.** He didn't do anything at the time. I'm sure people
 11 must have known what was happening. I'm afraid when
 12 you put your head above the parapet and criticise --
 13 well, I don't think it was -- it probably -- they saw
 14 it as criticism but it was things that I felt weren't
 15 working properly. You are usually in a minority of
 16 one, in my experience.
 17 **SIR BRIAN LANGSTAFF:** Did you feel that any of the -- no
 18 names please -- but any of the user trustees gave you
 19 any assistance or support?
 20 **A.** No, although I did get a lot of support from the
 21 registrants and when I did leave, as I said earlier,
 22 some of them did mount a little campaign to see, you
 23 know, whether I could go back. I've had all the way
 24 through, from the time I started working for the Trust
 25 to today, total support from the registrants, a great

1 are identifying are: compassionate approach?
 2 **A.** Yes.
 3 **SIR BRIAN LANGSTAFF:** A willingness to understand or an
 4 actual understanding?
 5 **A.** Yes.
 6 **SIR BRIAN LANGSTAFF:** At least a willingness. And
 7 a willingness and desire to mix with the people who
 8 are looking for assistance, in order to understand
 9 them better and know who they are helping?
 10 **A.** Definitely. I don't see how you can actually help
 11 people if you can't empathise with them. And that
 12 goes for whatever job you're doing.
 13 **SIR BRIAN LANGSTAFF:** What sort of experience -- obviously
 14 part of the experience that may go into being
 15 a trustee may be the sort of also experience that
 16 gives rise to the characteristics you have identified,
 17 but what sort of experience?
 18 **A.** Well, that's the difficult one, isn't it, because
 19 trustees have to be people who have got the time.
 20 They've all had good careers, a lot of people were
 21 obviously in finance or in the law or -- I'm not sure
 22 what other people did -- and I suppose the two aren't
 23 necessarily compatible. I'm not saying they are not.
 24 Some people do those jobs and are very caring but
 25 others aren't because they don't really see people who

1 are out of their social structure. I hope I'm
2 explaining myself. It's quite difficult.

3 **SIR BRIAN LANGSTAFF:** I think completely, even though you
4 may be saying that all lawyers are really socially
5 remote, but there we are. You may be right. That's
6 for others to comment.

7 **A.** I'm sure like in every walk of life there are people
8 who are kind and compassionate but I think if you're
9 always mixing in a particular circle and a particular
10 social group, you don't understand the needs of people
11 who are poor, basically.

12 **SIR BRIAN LANGSTAFF:** What made things so much better at
13 the Eileen Trust? Leave aside the question of the
14 size, which obviously had something to do with getting
15 to know the beneficiaries rather better, but what else
16 do you think assisted?

17 **A.** Well, I suppose that time -- by that time I'd been
18 working with the organisations for about 15 years, so
19 maybe I was more experienced in what I was doing. The
20 Eileen Trust beneficiaries, a lot of them had had
21 perfectly normal jobs and careers until this one
22 event, you know, they'd just been unfortunate enough
23 to go into hospital and have a blood transfusion. So
24 they hadn't had the previous problems that the
25 haemophilia community had had in generally usually

105

1 what was wrong with them, they had a common thing
2 that -- one thing that had happened to them which they
3 all had in common and they could all relate to, and it
4 was just lovely to see them all together and I think
5 they got a lot out of it, or I know they did.

6 I know they did because they all said how much
7 they enjoyed the weekends and, I must say, you know,
8 I have been quite critical of some of the trustees but
9 I'd like to say, in this case, they did a fantastic
10 job. As I said, Peter Stevens always went for the
11 whole weekend, he was very good, we had a trustee
12 session, the other trustees used to come for part of
13 it. They all sat down and listened to the views of
14 the registrants. It was a really excellent, excellent
15 weekend and I think we all got a lot out of it,
16 trustees, myself, as well as the registrants.

17 **SIR BRIAN LANGSTAFF:** So at least the trustees of the
18 Eileen Trust were indicating by what they did that
19 they were prepared to mix --

20 **A.** Yes, they were.

21 **SIR BRIAN LANGSTAFF:** -- and to try to understand the
22 needs of those who were beneficiaries.

23 **A.** Yes.

24 **SIR BRIAN LANGSTAFF:** Were they collectively, and perhaps
25 individually, more empathetic and caring than you saw

107

1 having health issues and things that prevented them
2 from working.

3 **SIR BRIAN LANGSTAFF:** Yes. So --

4 **A.** So, yes, but there were people in the Eileen Trust you
5 know there were a lot of people who had had leukaemia
6 in childhood and had contracted HIV as part of the
7 treatment. So there were people with health issues,
8 secondary health issues. In fact, most people had
9 them. They were just different health issues to those
10 of the Macfarlane Trust.

11 **SIR BRIAN LANGSTAFF:** There would be a variety of
12 different people without the commonality of background
13 of having had haemophilia.

14 **A.** Yes, there were, and that was another interesting
15 point because I think it was actually one of the
16 registrants of the Eileen Trust who was very keen on
17 the Eileen Trust having weekends and I think, at
18 first, the trustees were dead against it but we
19 pressed and one of the things they said "But these
20 people are going to have absolutely nothing in common
21 because they are from all different walks of life",
22 and what was one of the best things about the Eileen
23 Trust weekends was just the way that these people
24 loved being together, they felt relaxed that they
25 didn't have to worry about anyone else finding out

106

1 the trustees of the Macfarlane Trust becoming?

2 **A.** Well, some of them were trustees of the
3 Macfarlane Trust as well. I think they just took
4 a much more relaxed view with the Eileen Trust for
5 some reason. I think that's for them to say why they
6 felt that way, but, yes.

7 **SIR BRIAN LANGSTAFF:** There's only other one question
8 which is quite different, really out of curiosity.
9 Did you actually end up giving evidence in the
10 hepatitis litigation?

11 **A.** Yes, I did.

12 **SIR BRIAN LANGSTAFF:** When you were giving evidence, was
13 your evidence challenged?

14 **A.** Yes, it was. It was challenged and I don't think --
15 sorry, I don't think the judge at the time took it --
16 I don't think he believed me just how impossible it
17 was to get life insurance for people who were
18 co-infected. But I can assure you that's the case and
19 that's what I've dealt with for years.

20 **SIR BRIAN LANGSTAFF:** I have no difficulty in reaching
21 that conclusion.

22 **A.** Thanks.

23 **SIR BRIAN LANGSTAFF:** Don't worry about that.
24 Thank you very much.

25 **A.** May I say one other thing?

108

1 **SIR BRIAN LANGSTAFF:** You are running ahead of us, because
 2 what you will find is the choreography is that
 3 Ms Scott will now ask you if you have anything more
 4 you would like to say. That's what she is going to
 5 do. Don't spoil her moment.

6 **MS SCOTT:** Is there anything you would like to add to your
 7 evidence?

8 **A.** Yes. I am probably repeating things that I've said
 9 before but I'd like to say the charities were in an
 10 impossible situation. What should have happened at
 11 the time of this scandal, the Government should have
 12 held their hands up and said: we've made a mistake and
 13 we will compensate these people properly.

14 There should have also been an insurance-backed
 15 scheme so that widows who were left didn't have to
 16 worry about mortgages. Just to demonstrate that
 17 point, I'm helping someone at the moment who's an
 18 interest only mortgage, she's a widow, she's in
 19 her 70s, the mortgage has come to the end of its term,
 20 it's interest only, and I've been negotiating with
 21 HSBC for the last five years to actually keep her in
 22 her house. She shouldn't be in that position. She
 23 should have had a lump sum payment that enabled her to
 24 pay it off years ago.

25 **SIR BRIAN LANGSTAFF:** Thank you very much indeed. I can

109

1 see pretty well, I think, why Tudur Williams
 2 approached you as he did to act for the
 3 Macfarlane Trust and I think I can understand fully
 4 why Peter Stevens asked you to go and join the Eileen
 5 Trust.

6 **A.** Thank you.

7 **SIR BRIAN LANGSTAFF:** You've given evidence, even though
 8 it goes back for 30 years, with a definite and clear
 9 recollection. You have given it in a way which,
 10 I have to say, I regard as not only clear but also
 11 straightforward, compassionate and empathetic, and I'd
 12 like to thank you very much for your insight. You
 13 haven't held back but you've put it in an
 14 understanding way I think. So thank you for all that.

15 **A.** Thank you. I appreciate your comments. Thank you.

16 **SIR BRIAN LANGSTAFF:** Ms Scott, tomorrow?

17 **MS SCOTT:** Sir, we are back tomorrow at 10.00, where we
 18 hear evidence from Jude Cohen, and then in the
 19 afternoon from Kate Rendle.

20 **SIR BRIAN LANGSTAFF:** Yes. So Ms Cohen, and Ms Rendle
 21 tomorrow. 10.00 start.

22 **MS SCOTT:** Yes.

23 **SIR BRIAN LANGSTAFF:** Thank you.

24 **(2.33 pm)**

25 **(Adjourned until 10.00 am the following day)**

110

I N D E X

1
 2 SUSAN DANIELS, affirmed 2
 3 Questions by MS SCOTT 2
 4 Questions by SIR BRIAN LANGSTAFF 100
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 11
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 15
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 17
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MS SCOTT: [12] 2/6 53/5 53/25 62/14 82/17 82/22 83/1 83/6 100/15 109/6 110/17 110/22 SIR BRIAN LANGSTAFF: [43] 1/3 1/5 1/7 2/1 53/8 53/14 53/20 61/11 61/20 62/8 82/20 82/23 100/18 100/24 101/1 101/4 101/6 101/14 101/23 102/5 102/17 103/2 103/25 104/3 104/6 104/13 105/3 105/12 106/3 106/11 107/17 107/21 107/24 108/7 108/12 108/20 108/23 109/1 109/25 110/7 110/16 110/20 110/23 THE WITNESS: [4] 1/4 1/6 1/25 2/3	85/17 85/20 1059 [1] 43/19 11.18 [1] 53/22 11.50 [3] 53/10 53/20 53/21 11.51 [1] 53/24 119 [1] 23/5 12 months [2] 76/18 77/11 12 years [1] 25/13 12.36 pm [1] 83/3 15 [1] 101/11 15 years [2] 64/9 105/18 15 years' [1] 47/13 15/16 years [1] 100/24 16 years [1] 101/11 18 months [1] 81/16 187 [2] 4/25 18/11 1990 [2] 2/9 64/8 1990/1991 [2] 2/12 4/22 1990s [1] 85/7 1991 [8] 2/11 2/12 4/22 5/11 6/1 9/1 57/23 64/9 1998 [5] 5/5 18/12 19/7 27/19 27/20 1999 [1] 48/12 19th April 2004 [1] 49/23	250 [3] 1/21 1/22 72/17 25th October [1] 35/25 26 October 2005 [1] 36/4 275 [1] 31/12 3 3 August 2005 [1] 44/3 3.2 [1] 12/4 30 years [1] 110/8 300 per cent [2] 11/5 11/9 35 years [1] 10/25 4 4.1 [1] 12/14 40 [2] 5/19 8/22 400 [1] 12/23 5 5,000 [1] 79/21 50 per cent [1] 51/5 50,000 [1] 20/1 51,000 [1] 76/18 7 70s [1] 109/19 9 9.59 [1] 1/2 A ability [1] 30/3 able [22] 7/2 9/6 10/19 12/1 15/23 15/24 17/15 20/15 20/20 26/12 26/12 26/14 26/19 40/6 42/25 51/23 58/1 68/7 88/24 95/15 95/18 96/4 about [107] 1/9 1/21 2/13 6/10 7/11 7/16 7/23 13/17 14/22 15/2 15/5 15/8 15/18 16/15 16/16 20/22 21/4 21/13 23/8 23/15 24/4 25/9 26/13 26/23 28/17 31/10 32/19 33/4 33/10 33/20 34/17 35/21 37/13 38/3 39/3 39/13 40/21 42/21 42/24 43/13 43/13 43/17 44/9 45/17 45/18 45/21 46/4 46/12 46/20 48/2 48/4 48/9 49/13 49/14 49/25 50/11 51/24 52/16 53/17 53/18	53/25 54/22 58/13 58/15 58/16 58/23 59/25 60/10 62/23 63/2 64/3 64/7 64/9 65/13 65/23 67/1 67/3 67/19 68/22 69/11 72/17 73/10 75/9 76/11 79/21 85/6 86/15 88/14 89/11 90/5 90/9 91/1 94/7 95/1 95/7 96/9 98/16 98/25 99/1 100/4 100/24 101/20 105/18 106/22 106/25 108/23 109/16 above [2] 76/20 102/12 absolutely [4] 20/3 34/1 64/22 106/20 accept [3] 20/8 81/2 92/8 acceptable [2] 20/24 32/22 access [1] 15/12 accident [1] 84/23 accommodate [1] 1/9 accommodation [2] 24/5 57/7 account [4] 93/20 94/5 94/9 94/16 accountancy [1] 79/24 accurate [1] 18/20 achieve [1] 44/20 acquire [1] 16/24 across [3] 22/17 59/4 94/11 act [3] 60/11 62/17 110/2 acted [1] 27/6 acting [3] 40/1 61/7 61/17 actual [3] 61/11 96/5 104/4 actually [16] 23/1 44/25 45/12 56/2 59/24 69/7 70/11 80/11 81/4 92/17 96/1 101/18 104/10 106/15 108/9 109/21 add [2] 11/17 109/6 addition [1] 86/25 additional [6] 6/14 15/25 39/21 42/10 75/23 90/14 address [2] 9/25 97/9 addressed [1] 99/4 addressing [1] 1/24 adequately [1] 29/17 Adjourned [1] 110/25 Adjournment [1] 83/4 administer [1] 2/2	administration [1] 97/8 administrative [2] 97/11 98/3 administrator [1] 17/25 ado [1] 2/1 adopted [1] 67/24 adult [4] 93/17 93/18 94/6 94/10 advanced [1] 55/9 advantage [1] 21/25 advice [47] 2/19 3/10 3/17 4/2 4/9 14/19 14/25 20/25 23/12 23/13 24/22 28/22 28/24 29/9 29/10 29/12 29/14 29/19 30/6 30/9 32/22 33/2 34/11 34/18 35/16 35/17 35/18 40/2 40/14 60/13 60/18 60/24 61/2 61/5 61/10 61/13 61/16 61/23 62/8 62/9 62/25 63/4 63/8 63/10 87/21 90/13 99/19 advise [5] 39/1 39/2 60/12 61/15 89/9 advised [2] 5/20 62/13 adviser [23] 2/10 5/2 5/9 14/14 23/19 23/21 23/22 28/5 28/9 28/16 30/13 31/6 32/13 35/19 38/16 38/24 38/25 40/2 62/17 63/11 66/20 90/12 90/17 adviser's [1] 23/3 adviser-type [1] 31/6 advisers [2] 23/6 32/3 advising [3] 38/5 38/5 61/22 Advisors [1] 49/21 affairs [1] 33/11 affect [1] 94/24 affected [1] 10/9 affecting [1] 64/19 affirmation [1] 1/17 affirmed [2] 2/4 111/2 afford [4] 16/10 56/23 63/23 85/24 afraid [1] 102/11 after [15] 41/14 45/22 48/14 58/23 58/25 60/16 62/17 62/24 63/12 67/1 69/24 74/8 87/25 96/12 97/14 afternoon [1] 110/19 again [4] 16/22 46/6 46/8 55/5	against [4] 55/9 59/2 92/19 106/18 age [1] 11/6 aged [1] 75/23 ageing [2] 75/2 75/9 ago [5] 83/23 84/15 85/19 93/10 109/24 agree [1] 72/25 agreed [2] 7/21 8/1 agreement [1] 50/5 agreement [2] 61/1 92/8 ahead [2] 63/23 109/1 all [61] 2/23 3/24 7/24 8/6 11/22 12/7 12/10 16/20 19/18 19/19 21/18 22/1 25/6 26/1 26/18 27/9 28/7 29/18 33/14 38/10 38/14 43/9 45/22 49/1 54/3 56/9 56/20 64/6 64/10 66/14 66/14 67/4 68/1 68/7 68/12 68/12 68/20 72/15 75/4 77/3 79/20 82/10 84/6 85/4 91/8 92/3 92/6 93/24 96/12 100/15 102/23 104/20 105/4 106/21 107/3 107/3 107/4 107/6 107/13 107/15 110/14 Allen [1] 66/8 Alliance [3] 3/20 4/12 89/18 Alliance House [3] 3/20 4/12 89/18 allocated [1] 37/9 allocation [2] 77/15 89/11 allowances [1] 76/21 allowed [1] 72/16 alluded [1] 97/24 almost [4] 17/3 48/15 52/22 58/6 along [2] 51/1 92/23 already [10] 38/15 38/17 40/22 47/21 54/1 57/24 59/11 64/8 93/4 102/2 also [17] 2/13 2/16 2/19 3/4 4/13 13/11 13/19 20/25 31/1 40/17 41/9 48/13 50/15 73/3 104/15 109/14 110/10 alternative [1] 92/22 although [9] 2/11 5/25 14/16 24/23 59/4 84/8 87/10 87/10 102/20 always [14] 2/17 4/7 22/18 35/7 42/18 58/11 71/6 72/19
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(29) MS SCOTT: - always

<p>A</p> <p>always... [6] 77/21 85/24 86/10 92/2 105/9 107/10</p> <p>am [12] 1/2 1/6 17/15 35/21 44/22 50/4 53/22 53/24 53/25 65/23 109/8 110/25</p> <p>amongst [1] 79/8</p> <p>amount [15] 28/16 52/11 52/13 55/24 62/4 70/25 72/14 72/21 86/5 91/9 91/10 91/22 92/9 92/25 93/1</p> <p>amounted [1] 46/18</p> <p>amounts [1] 37/8</p> <p>an additional [1] 90/14</p> <p>an application [2] 43/21 71/1</p> <p>an earlier [1] 41/13</p> <p>an email [1] 72/19</p> <p>an employed [1] 2/24</p> <p>an equity [2] 57/17 59/10</p> <p>an everyday [1] 28/18</p> <p>an exact [1] 75/18</p> <p>an example [1] 59/23</p> <p>an exchange [1] 54/16</p> <p>an expert [1] 4/14</p> <p>an HIV [1] 83/16</p> <p>an independent [5] 2/9 23/18 23/21 23/22 32/13</p> <p>an individual [1] 55/6</p> <p>an insurance [1] 42/13</p> <p>an interim [1] 42/21</p> <p>an investment [1] 58/6</p> <p>an issue [2] 86/4 88/1</p> <p>an objective [1] 47/17</p> <p>an option [1] 58/21</p> <p>an outstanding [1] 86/5</p> <p>an overall [1] 45/5</p> <p>an unsolicited [1] 47/11</p> <p>analysis [1] 74/21</p> <p>anger [1] 82/11</p> <p>Ann [2] 48/13 58/5</p> <p>Ann Hithersay [1] 58/5</p> <p>annual [7] 76/8 76/19 77/2 77/7 77/15 77/17 77/20</p> <p>another [9] 9/2 46/3 46/5 49/24 49/25 56/11 86/7 92/22 106/14</p>	<p>answer [6] 40/7 82/2 83/17 83/20 95/22 99/12</p> <p>any [60] 2/1 3/10 3/10 3/17 8/16 13/14 13/15 15/1 19/5 21/8 21/11 22/19 26/5 26/11 32/7 33/16 33/21 35/18 35/19 36/20 37/2 37/3 38/17 39/12 42/21 42/22 51/23 53/1 53/15 54/3 54/9 54/19 55/10 55/20 56/3 58/11 60/13 60/19 63/7 66/16 66/18 66/19 69/19 72/13 74/25 79/22 85/21 87/6 87/16 87/23 89/16 89/18 89/20 92/11 97/4 98/14 100/2 102/17 102/18 102/19</p> <p>anybody [2] 63/17 92/16</p> <p>anyone [8] 14/23 53/17 53/17 59/5 78/25 96/1 99/24 106/25</p> <p>anything [18] 4/16 18/7 26/19 40/19 46/24 49/2 49/12 53/18 56/1 58/16 62/23 63/2 73/21 82/16 85/21 102/10 109/3 109/6</p> <p>anything you [1] 109/6</p> <p>anyway [2] 72/10 79/15</p> <p>anywhere [1] 57/4</p> <p>apart [3] 54/18 80/6 97/5</p> <p>apologise [1] 94/15</p> <p>apologised [1] 102/1</p> <p>apologising [1] 102/5</p> <p>apparent [1] 64/6</p> <p>appear [2] 24/11 76/16</p> <p>appears [1] 76/5</p> <p>APPG [1] 89/17</p> <p>applicable [1] 69/25</p> <p>applicant [4] 10/23 11/6 72/7 94/4</p> <p>applicants [1] 95/2</p> <p>application [8] 43/21 44/25 71/1 80/23 88/7 94/3 94/20 94/25</p> <p>applications [5] 70/9 71/13 83/12 83/15 88/4</p> <p>applied [9] 8/13 8/13 8/17 10/13 63/21</p>	<p>63/21 71/13 88/10 95/7</p> <p>applies [1] 13/11</p> <p>apply [6] 15/19 73/12 73/16 80/18 81/5 82/16</p> <p>applying [3] 40/19 71/17 71/22</p> <p>appointed [3] 38/12 38/20 41/19</p> <p>appointment [1] 37/7</p> <p>appreciate [2] 25/6 110/15</p> <p>approach [2] 103/8 104/1</p> <p>approached [4] 5/12 7/17 9/14 110/2</p> <p>appropriate [3] 20/15 39/23 71/11</p> <p>approximately [3] 5/19 8/22 24/13</p> <p>April [3] 9/19 14/12 49/23</p> <p>April 9 [1] 14/12</p> <p>Archer [1] 69/24</p> <p>are [66] 1/5 1/19 1/20 1/21 1/24 3/18 11/18 12/18 13/18 13/19 13/21 15/5 16/13 16/14 16/15 16/16 16/23 16/23 21/11 25/2 25/6 25/9 25/17 26/8 28/3 28/6 36/4 41/22 42/25 43/1 43/5 44/8 44/14 46/1 46/13 46/23 47/19 49/4 51/23 53/1 60/2 60/3 75/1 75/7 75/22 76/1 94/2 94/3 98/10 100/15 102/15 104/1 104/8 104/9 104/23 104/24 105/1 105/4 105/5 105/7 105/8 105/11 106/20 106/21 109/1 110/17</p> <p>are: [1] 104/1</p> <p>are: compassionate [1] 104/1</p> <p>areas [4] 67/10 73/25 74/2 83/8</p> <p>aren't [2] 104/22 104/25</p> <p>arises [1] 84/7</p> <p>arising [1] 95/4</p> <p>arose [1] 98/9</p> <p>around [6] 2/12 58/17 67/1 67/3 72/19 83/8</p> <p>arrange [3] 20/20 33/25 91/16</p> <p>arranged [6] 5/19 8/22 17/13 85/7 85/20 86/1</p>	<p>arrangement [7] 4/5 15/1 30/23 31/13 57/17 63/2 63/15</p> <p>arrangements [7] 5/10 27/21 31/4 31/6 37/21 62/24 91/2</p> <p>arranging [2] 90/14 90/20</p> <p>arrived [2] 44/10 57/23</p> <p>arriving [1] 26/13</p> <p>as [150]</p> <p>aside [1] 105/13</p> <p>ask [31] 1/17 2/1 4/8 14/17 22/23 23/8 24/17 31/10 35/21 40/21 43/17 45/21 46/4 46/23 53/25 54/21 59/12 60/9 65/23 69/11 71/3 74/16 77/13 77/14 92/22 95/9 96/23 98/14 100/18 101/23 109/3</p> <p>asked [27] 6/4 10/7 15/5 15/8 16/15 16/16 18/15 19/7 32/16 33/25 47/7 53/16 66/3 66/11 71/8 83/16 83/19 84/3 84/18 89/9 92/16 92/20 95/1 95/7 97/3 97/25 110/4</p> <p>asking [7] 64/12 66/16 77/16 88/14 90/9 96/9 101/9</p> <p>aspect [2] 39/3 47/8</p> <p>assess [1] 95/24</p> <p>assessed [2] 77/4 96/2</p> <p>assessing [3] 12/19 93/15 94/2</p> <p>assist [3] 5/9 9/6 87/7</p> <p>assistance [13] 20/18 30/19 34/21 35/2 35/15 39/13 80/17 83/9 95/1 95/2 97/16 102/19 104/8</p> <p>assisted [3] 7/6 80/22 105/16</p> <p>associate [1] 36/20</p> <p>associated [1] 76/9</p> <p>association [1] 54/2</p> <p>assume [1] 36/8</p> <p>assumed [1] 76/2</p> <p>assurance [14] 3/13 6/15 9/4 9/7 9/11 10/19 13/14 14/4 16/16 16/18 17/4 17/7 42/8 83/11</p> <p>assure [1] 108/18</p> <p>attempting [2] 16/24 37/25</p>	<p>attend [1] 27/9</p> <p>attended [1] 26/4</p> <p>attending [2] 18/7 37/22</p> <p>attention [2] 41/4 44/7</p> <p>attitude [1] 78/7</p> <p>attracting [2] 57/21 57/25</p> <p>audience [2] 1/18 1/24</p> <p>August [8] 43/17 44/3 46/6 48/8 74/23 96/10 96/25 97/13</p> <p>August 2005 [5] 43/17 46/6 48/8 96/10 97/13</p> <p>August 2012 [1] 74/23</p> <p>author [1] 10/7</p> <p>authored [1] 36/3</p> <p>authorise [1] 72/21</p> <p>authority [2] 72/13 72/21</p> <p>availability [1] 89/24</p> <p>available [17] 8/6 8/11 12/25 13/16 14/5 14/24 16/13 21/11 42/11 54/7 59/2 68/3 69/12 69/12 70/4 85/9 97/4</p> <p>available if [1] 12/25</p> <p>average [3] 6/9 26/16 87/5</p> <p>avoid [1] 91/25</p> <p>award [1] 72/14</p> <p>awarded [2] 27/24 55/19</p> <p>aware [25] 14/1 14/2 17/10 32/6 32/9 35/4 43/9 43/15 53/1 54/9 54/18 55/20 56/1 58/20 59/1 59/3 62/7 62/9 62/10 62/12 63/7 73/23 86/23 97/4 97/16</p> <p>away [4] 7/14 19/15 19/20 45/12</p>	<p>7/12 40/13 106/12</p> <p>backlog [2] 37/13 37/17</p> <p>backup [1] 80/13</p> <p>bad [4] 47/22 57/2 78/9 93/12</p> <p>bank [3] 19/22 19/24 36/24</p> <p>bankruptcy [1] 23/15</p> <p>banks [3] 19/21 91/12 92/3</p> <p>base [1] 24/12</p> <p>based [3] 6/1 16/7 74/21</p> <p>basically [4] 8/3 84/22 103/11 105/11</p> <p>basis [25] 2/15 2/23 2/24 18/6 28/18 28/24 34/13 47/12 51/1 51/7 51/8 52/3 55/6 77/7 77/16 77/20 78/23 79/17 85/5 86/1 86/10 90/16 91/6 98/1 99/16</p> <p>be [103] 1/21 7/21 8/14 10/4 10/13 10/19 10/23 11/3 11/5 11/9 11/25 12/6 12/11 12/11 12/22 12/24 13/21 14/8 14/24 15/6 16/5 17/6 21/12 24/14 25/13 26/12 26/12 26/12 26/14 26/19 28/5 28/8 28/25 34/15 36/3 40/5 40/8 41/19 43/23 44/20 45/10 46/21 47/18 47/22 48/1 48/12 48/14 50/9 50/17 51/9 53/6 53/16 54/16 54/23 55/8 55/8 55/18 55/24 56/4 56/13 61/11 61/20 61/25 62/6 62/25 72/3 72/5 72/25 75/5 75/11 75/13 76/3 76/5 76/16 78/2 78/19 79/7 82/18 82/24 83/17 83/20 83/21 84/11 86/22 89/5 91/16 92/25 93/1 93/2 94/4 95/15 95/21 96/14 97/12 97/15 99/4 101/25 104/15 104/19 105/4 105/5 106/11 109/22</p> <p>became [21] 2/8 2/22 3/1 4/23 9/1 27/2 30/15 32/14 48/15 48/15 48/16 48/18 63/14 64/6 74/5 74/13 79/6 88/24 91/9 93/6 100/10</p> <p>because [62] 5/13 6/13 6/17 7/1 8/17</p>
---	---	--	--	--	--

(30) always... - because

<p>B</p> <p>because... [57] 15/22 16/5 19/23 20/6 20/17 20/19 24/25 28/15 29/5 29/16 32/18 34/8 34/25 37/10 37/11 39/19 40/16 42/18 50/17 50/24 51/10 55/2 57/12 57/13 60/5 61/24 63/25 64/18 66/4 69/1 69/5 70/10 73/16 73/21 77/20 78/3 78/11 78/20 82/8 82/24 83/20 84/6 84/11 86/4 86/10 87/14 87/16 87/17 88/2 94/15 97/23 104/18 104/25 106/15 106/21 107/6 109/1</p> <p>become [8] 18/16 19/8 21/1 36/6 66/1 84/21 97/14 103/5</p> <p>becoming [1] 108/1</p> <p>bedrooms [1] 43/20</p> <p>been [79] 2/17 2/18 3/14 5/8 6/22 9/11 10/7 12/15 12/24 12/25 14/3 16/8 20/15 20/20 22/22 24/3 24/20 24/23 24/24 25/3 25/10 31/18 31/24 34/18 41/16 46/19 50/3 51/9 51/9 52/7 52/20 52/22 52/22 56/24 57/5 57/18 58/1 58/2 59/19 61/23 63/14 64/5 64/8 64/10 65/7 66/5 66/18 73/4 73/8 73/19 75/6 75/19 77/4 78/10 81/18 84/14 86/4 86/5 86/5 88/8 88/9 91/24 96/6 96/15 97/9 97/24 98/2 98/12 98/19 98/22 99/8 99/12 99/14 101/11 105/17 105/22 107/8 109/14 109/20</p> <p>before [24] 1/16 14/10 14/17 46/3 50/14 60/13 62/6 63/14 65/13 72/5 73/8 73/20 75/16 77/6 79/8 80/22 80/24 82/24 86/16 86/25 88/24 93/5 93/5 109/9</p> <p>beforehand [1] 34/7</p> <p>began [1] 3/4</p> <p>beginning [3] 3/8 68/11 100/7</p> <p>begins [1] 1/16</p>	<p>behalf [6] 47/20 60/12 61/7 61/17 70/10 88/5</p> <p>behind [1] 66/10</p> <p>being [25] 11/12 15/8 17/15 19/7 26/14 26/15 37/11 37/13 37/14 41/14 47/4 47/20 63/8 64/7 64/13 65/8 65/9 65/11 80/19 84/16 85/3 94/4 103/14 104/14 106/24</p> <p>believe [4] 4/7 24/20 25/7 54/14</p> <p>believed [1] 108/16</p> <p>below [1] 76/7</p> <p>beneficial [1] 65/22</p> <p>beneficiaries [23] 35/4 56/4 69/14 69/15 69/16 69/17 73/5 73/8 76/4 79/15 79/16 87/22 88/5 88/7 91/13 91/15 96/19 96/21 103/15 103/22 105/15 105/20 107/22</p> <p>beneficiary [7] 31/18 32/3 41/6 41/8 41/11 88/16 88/17</p> <p>benefit [2] 95/24 96/3</p> <p>benefits [14] 5/15 6/14 8/10 8/12 28/13 28/17 28/19 33/18 33/21 38/6 38/7 41/10 85/12 85/13</p> <p>bereaved [2] 42/14 99/9</p> <p>bereavement [2] 21/1 41/21</p> <p>best [11] 30/3 51/2 61/23 75/22 81/24 89/10 103/4 103/5 103/8 103/9 106/22</p> <p>better [9] 27/15 60/3 69/5 82/14 89/6 98/20 104/9 105/12 105/15</p> <p>between [9] 2/13 17/9 23/22 30/17 67/16 72/18 76/12 81/16 96/20</p> <p>Beyond [1] 1/18</p> <p>big [1] 92/18</p> <p>biggest [1] 16/23</p> <p>bill [3] 26/13 34/8 91/7</p> <p>Birmingham [3] 44/2 46/5 96/11</p> <p>bit [11] 4/21 11/16 21/4 23/8 31/10 36/12 49/14 50/11 64/3 80/12 83/8</p> <p>blanked [1] 44/8</p> <p>bleeds [1] 46/25</p> <p>blood [9] 16/8 16/8</p>	<p>80/20 80/20 81/12 95/11 95/16 95/21 105/23</p> <p>board [9] 18/7 23/5 26/4 36/6 40/23 49/22 68/5 72/5 78/1</p> <p>Board's [1] 41/4</p> <p>boiler [1] 40/19</p> <p>boilers [1] 74/1</p> <p>borrower [1] 61/24</p> <p>both [8] 39/25 40/5 40/8 47/25 48/8 48/21 49/4 93/8</p> <p>bottom [8] 9/19 24/9 24/19 27/20 36/17 44/15 49/23 75/11</p> <p>bound [1] 73/1</p> <p>break [8] 33/9 53/7 53/9 53/11 53/23 65/13 82/19 82/25</p> <p>Brian [3] 61/18 100/17 111/4</p> <p>bring [1] 42/21</p> <p>bringing [1] 41/4</p> <p>broad [1] 4/11</p> <p>broadly [3] 18/21 71/23 71/23</p> <p>broken [1] 75/19</p> <p>broker [1] 31/2</p> <p>broking [1] 6/2</p> <p>brought [2] 6/12 102/8</p> <p>budgeting [2] 23/13 37/25</p> <p>budgets [1] 74/11</p> <p>building [4] 5/17 7/19 7/25 23/14</p> <p>built [1] 88/25</p> <p>bullied [2] 64/14 100/19</p> <p>bullying [1] 99/4</p> <p>bureaucracy [4] 47/2 48/15 68/23 82/16</p> <p>bureaucratic [2] 27/3 100/11</p> <p>business [2] 5/24 7/19</p> <p>busy [1] 25/6</p> <p>but [145]</p> <p>buy [2] 22/24 71/7</p> <p>by [70] 2/5 5/12 7/18 10/1 10/9 12/18 13/20 16/8 17/19 21/2 27/24 29/2 30/7 30/8 32/25 33/21 36/3 41/16 41/21 46/1 46/20 48/5 48/21 50/9 51/1 51/5 51/7 51/8 51/14 52/3 52/19 52/20 53/3 54/16 54/17 56/25 57/11 57/23 58/4 58/4 59/16 59/24 61/24</p>	<p>62/24 63/13 67/16 69/13 70/9 71/13 73/1 85/4 85/17 86/18 88/6 89/7 90/4 91/6 92/16 92/16 94/4 95/7 96/16 99/8 100/17 102/3 103/18 105/17 107/18 111/3 111/4</p> <p>C</p> <p>call [5] 6/6 6/7 22/6 38/3 68/16</p> <p>called [1] 66/7</p> <p>calls [2] 36/23 68/15</p> <p>came [15] 7/25 17/13 22/16 51/1 51/12 59/4 59/8 66/21 68/5 70/14 78/1 80/8 80/13 90/6 94/11</p> <p>campaign [2] 89/14 102/22</p> <p>can [72] 1/9 1/14 2/6 2/7 4/8 4/22 4/25 8/16 9/16 9/17 10/4 14/9 14/10 16/10 16/12 18/10 21/4 22/3 22/7 22/7 23/3 26/11 26/17 27/18 27/18 31/10 32/4 32/10 33/9 34/6 35/22 36/1 36/15 38/19 41/1 42/5 44/1 44/14 46/9 46/14 47/15 47/22 47/24 49/7 49/16 49/23 50/11 53/17 59/12 59/12 59/15 64/2 69/11 69/25 74/10 74/16 75/22 78/6 79/11 85/11 87/18 89/19 90/16 90/25 95/9 96/23 97/12 100/18 104/10 108/18 109/25 110/3</p> <p>can't [15] 4/9 6/5 36/8 58/23 63/16 63/16 63/19 66/6 73/20 84/16 85/3 87/23 91/23 95/25 104/11</p> <p>cannot [1] 97/7</p> <p>cap [2] 92/24 92/25</p> <p>capital [9] 6/22 6/23 7/2 18/22 76/17 76/22 80/19 86/12 95/3</p> <p>card [6] 19/21 50/8 50/16 50/18 52/24 91/16</p> <p>cards [3] 19/16 45/15 91/13</p> <p>care [3] 28/11 38/2 60/14</p> <p>career [1] 2/17</p> <p>careers [3] 103/13</p>	<p>104/20 105/21</p> <p>careful [1] 24/23</p> <p>carer [1] 41/14</p> <p>carers [2] 25/1 75/3</p> <p>caring [5] 48/13 48/14 103/10 104/24 107/25</p> <p>carried [6] 67/4 67/7 67/10 77/21 79/11 79/16</p> <p>carries [1] 27/25</p> <p>carry [5] 11/20 40/6 66/11 97/25 98/22</p> <p>carrying [2] 38/6 66/9</p> <p>case [74] 2/14 2/22 17/10 17/11 20/4 23/17 23/17 33/24 35/11 35/25 36/6 37/5 37/19 38/21 38/23 39/10 39/23 40/23 41/19 42/11 43/19 46/20 51/1 51/1 51/7 51/7 51/8 51/8 51/11 52/3 52/3 52/21 55/5 56/22 58/10 59/8 59/25 61/11 62/14 63/12 63/14 66/23 67/7 67/8 67/14 74/18 77/6 78/9 78/17 78/20 80/9 87/1 87/25 88/17 88/20 90/21 90/22 91/3 91/6 91/6 91/23 95/14 95/25 96/9 96/11 96/25 97/8 97/19 98/5 98/6 98/11 99/17 107/9 108/18</p> <p>cases [40] 17/8 24/1 30/11 31/13 32/23 33/14 41/20 43/7 50/2 50/3 50/17 51/17 52/6 52/20 56/19 56/21 58/1 59/11 67/14 69/17 75/8 78/22 78/23 81/14 81/17 82/10 82/11 84/3 87/19 87/20 87/23 88/13 88/19 91/24 94/11 95/13 95/14 95/18 96/3 99/20</p> <p>cast [2] 56/2 77/19</p> <p>categories [2] 75/20 76/12</p> <p>caused [2] 41/21 46/24</p> <p>Caxton [1] 3/12</p> <p>CCing [1] 59/16</p> <p>census [1] 72/9</p> <p>cent [9] 10/24 10/25 11/5 11/9 12/20 12/21 12/22 12/23 51/5</p> <p>central [1] 73/18</p> <p>century [1] 75/8</p> <p>certain [7] 8/2 28/16</p>	<p>70/25 72/14 73/9 73/23 75/1</p> <p>certainly [3] 27/13 52/22 98/24</p> <p>certainty [1] 75/1</p> <p>Certificate [1] 27/24</p> <p>cetera [2] 43/20 45/15</p> <p>chair [1] 17/23</p> <p>chairman [1] 77/12</p> <p>challenged [2] 108/13 108/14</p> <p>chance [1] 17/7</p> <p>change [3] 42/22 48/2 48/9</p> <p>changed [1] 101/16</p> <p>changes [2] 18/23 25/18</p> <p>characteristics [4] 103/4 103/8 103/25 104/16</p> <p>charge [6] 28/23 30/16 52/10 54/17 56/6 91/25</p> <p>charged [1] 34/13</p> <p>charges [1] 54/11</p> <p>charging [2] 59/20 60/5</p> <p>charitable [1] 71/16</p> <p>charities [8] 3/24 3/25 4/17 26/8 32/9 50/24 58/6 109/9</p> <p>charity [7] 22/23 33/3 33/4 33/6 54/13 58/10 61/17</p> <p>Chartered [1] 27/25</p> <p>chief [6] 7/24 19/23 19/24 38/8 64/1 101/3</p> <p>child [1] 93/18</p> <p>child's [1] 93/18</p> <p>childhood [1] 106/6</p> <p>children [10] 41/14 42/10 69/18 72/2 80/10 80/12 93/20 93/25 94/12 94/13</p> <p>children's [2] 94/6 94/10</p> <p>choice [1] 98/17</p> <p>choreography [1] 109/2</p> <p>chose [1] 101/23</p> <p>chronology [1] 14/10</p> <p>circle [1] 105/9</p> <p>circulated [2] 73/4 73/11</p> <p>circumstances [16] 6/11 9/12 18/19 45/6 46/9 46/10 50/10 54/22 58/21 63/7 67/22 71/18 72/2 77/25 79/14 94/17</p> <p>claim [1] 84/7</p> <p>Claimant's [1] 10/1</p>
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(31) because... - Claimant's

<p>C</p> <p>claimants [1] 10/9</p> <p>class [2] 26/8 103/12</p> <p>classified [1] 10/22</p> <p>classify [1] 13/6</p> <p>Claudette [1] 66/8</p> <p>clause [1] 61/12</p> <p>clause 5 [1] 61/12</p> <p>clear [8] 35/7 50/20 61/6 75/4 79/6 87/2 110/8 110/10</p> <p>client [7] 21/8 28/23 28/24 30/4 30/15 54/23 90/13</p> <p>clients [4] 11/24 31/6 52/15 57/13</p> <p>close [2] 36/21 73/22</p> <p>closed [1] 3/8</p> <p>closing [1] 79/9</p> <p>co [6] 13/18 15/16 16/23 37/21 37/23 108/18</p> <p>co-infected [4] 13/18 15/16 16/23 108/18</p> <p>co-operating [2] 37/21 37/23</p> <p>coding [1] 5/4</p> <p>coffee [1] 53/11</p> <p>Cohen [3] 46/20 110/18 110/20</p> <p>coincidence [1] 59/24</p> <p>collectively [1] 107/24</p> <p>combination [1] 9/10</p> <p>combine [1] 14/6</p> <p>come [23] 26/3 35/20 44/23 45/4 45/11 45/12 45/24 48/8 53/9 54/21 57/3 62/20 67/9 78/12 79/22 82/25 84/25 87/13 88/3 91/21 92/8 107/12 109/19</p> <p>comes [1] 84/24</p> <p>comfortable [1] 29/24</p> <p>coming [4] 53/1 70/21 75/7 76/2</p> <p>Commander [1] 17/25</p> <p>comment [2] 96/18 105/6</p> <p>comments [3] 46/12 47/11 110/15</p> <p>committees [1] 48/17</p> <p>committing [1] 86/20</p> <p>common [8] 24/6 40/24 97/13 98/3 98/6 106/20 107/1 107/3</p> <p>commonality [1] 106/12</p> <p>communicate [1] 67/16</p>	<p>communication [1] 98/15</p> <p>community [8] 42/14 42/14 69/23 69/24 88/16 88/18 89/1 105/25</p> <p>companies [5] 6/4 9/13 19/21 24/16 85/5</p> <p>company [2] 84/10 84/25</p> <p>compared [1] 3/15</p> <p>compassion [5] 43/7 47/16 48/23 68/23 82/1</p> <p>compassionate [3] 104/1 105/8 110/11</p> <p>compatible [1] 104/23</p> <p>compensate [1] 109/13</p> <p>compensation [1] 23/2</p> <p>complaint [2] 46/19 99/3</p> <p>completely [4] 12/18 45/14 92/7 105/3</p> <p>completing [1] 60/13</p> <p>complexion [1] 25/14</p> <p>complicated [2] 27/2 100/10</p> <p>comply [1] 16/20</p> <p>compound [1] 24/25</p> <p>concern [4] 44/24 46/16 79/1 86/11</p> <p>concerned [7] 25/21 25/24 26/20 56/14 67/11 71/16 84/8</p> <p>concerns [4] 49/25 51/24 68/22 100/4</p> <p>conclude [2] 10/17 11/23</p> <p>conclusion [1] 108/21</p> <p>conclusions [1] 10/12</p> <p>condition [11] 35/14 46/24 47/8 47/22 60/23 61/1 61/13 61/14 62/5 62/12 75/21</p> <p>conditions [4] 8/20 12/17 13/19 13/21</p> <p>conducted [1] 14/15</p> <p>confide [1] 23/25</p> <p>confidence [2] 29/11 39/9</p> <p>confident [1] 52/15</p> <p>confidential [2] 33/1 85/5</p> <p>confirmation [1] 8/3</p> <p>confirming [2] 33/18 61/18</p> <p>conflict [3] 39/5 39/7 40/9</p> <p>connection [1] 83/11</p>	<p>consider [8] 32/24 39/11 39/15 39/18 40/8 47/3 56/15 92/23</p> <p>considerable [1] 50/4</p> <p>considerably [1] 20/14</p> <p>consideration [3] 29/12 29/15 75/8</p> <p>considered [6] 39/20 50/25 56/6 92/21 94/25 96/14</p> <p>considers [1] 46/21</p> <p>consistency [1] 51/24</p> <p>consolidated [1] 91/17</p> <p>constant [2] 64/12 101/9</p> <p>constraint [1] 70/2</p> <p>constraints [4] 29/13 29/16 42/24 69/21</p> <p>contact [11] 17/22 18/2 18/5 25/22 32/16 32/17 70/17 70/20 73/13 73/22 78/12</p> <p>contacted [9] 7/9 17/19 18/25 24/21 32/20 32/21 34/11 73/13 98/2</p> <p>continue [2] 4/2 62/16</p> <p>continued [1] 102/3</p> <p>contracted [1] 106/6</p> <p>contractor [1] 99/6</p> <p>contribute [1] 89/17</p> <p>contributory [1] 89/5</p> <p>control [1] 44/18</p> <p>convenient [1] 53/7</p> <p>conversation [3] 7/14 22/10 70/15</p> <p>convey [1] 47/7</p> <p>coping [1] 75/22</p> <p>copy [5] 9/23 60/14 60/22 72/23 73/7</p> <p>cord [1] 7/13</p> <p>Core [2] 83/6 100/16</p> <p>Core Participants [1] 100/16</p> <p>correct [18] 2/10 2/11 2/16 2/21 2/25 2/25 3/3 3/9 5/22 8/11 12/13 28/3 34/24 40/10 72/23 79/10 83/22 83/23</p> <p>cost [5] 76/8 76/17 76/19 76/22 77/2</p> <p>costs [5] 32/5 75/19 75/19 76/9 93/24</p> <p>could [60] 7/3 8/19 11/5 11/8 23/25 28/19 29/5 29/11 30/2 35/18 40/20 43/1 43/5 43/10 45/4 45/9 45/17 48/1 57/15 62/19 63/21</p>	<p>68/6 70/5 70/17 71/19 72/5 72/5 73/12 73/16 75/13 77/15 78/4 78/5 78/23 79/3 81/23 81/25 82/1 82/8 85/24 88/9 89/5 89/10 90/3 90/7 91/19 93/1 93/11 97/16 98/14 98/19 98/21 98/22 99/4 99/8 99/11 99/14 99/15 102/23 107/3</p> <p>couldn't [8] 6/15 16/4 51/3 54/13 56/23 63/23 78/19 103/13</p> <p>counselling [6] 19/14 20/22 37/25 49/15 86/24 87/7</p> <p>counselling/social [1] 86/24</p> <p>counsellor [1] 35/19</p> <p>country [2] 21/19 23/12</p> <p>couple [10] 6/4 43/16 44/3 49/16 66/14 67/22 71/4 71/24 97/1 98/7</p> <p>course [2] 28/19 33/11</p> <p>courses [1] 38/5</p> <p>cover [8] 10/12 12/3 12/11 12/24 12/24 13/9 63/22 75/2</p> <p>covered [1] 97/7</p> <p>create [1] 74/11</p> <p>credit [13] 19/16 19/21 45/14 50/8 50/16 50/18 52/24 57/2 59/22 60/6 60/7 91/13 91/16</p> <p>creditors [2] 20/23 50/6</p> <p>criteria [5] 6/20 8/13 55/14 71/18 95/7</p> <p>critical [3] 12/3 13/8 107/8</p> <p>criticise [1] 102/12</p> <p>criticising [1] 101/9</p> <p>criticism [1] 102/14</p> <p>cross [1] 23/22</p> <p>crying [1] 87/14</p> <p>culture [1] 99/21</p> <p>cumbersome [1] 100/14</p> <p>cumulative [1] 12/22</p> <p>cup [1] 53/11</p> <p>curiosity [1] 108/8</p> <p>current [1] 24/11</p>	<p>Daniels [12] 1/3 2/4 2/8 5/12 18/16 20/16 20/25 27/23 35/24 36/12 82/18 111/2</p> <p>date [3] 9/19 29/22 62/18</p> <p>dated [3] 14/12 36/4 59/13</p> <p>day [4] 1/23 27/14 91/1 110/25</p> <p>days [2] 17/16 66/14</p> <p>dead [1] 106/18</p> <p>deal [3] 44/11 87/18 90/7</p> <p>dealing [6] 22/1 42/3 47/14 47/17 87/11 87/16</p> <p>dealings [1] 55/10</p> <p>deals [2] 20/21 23/6</p> <p>dealt [2] 56/22 108/19</p> <p>death [1] 47/5</p> <p>deaths [1] 76/3</p> <p>debt [30] 19/3 19/14 20/3 20/9 20/22 20/23 24/1 35/11 35/13 35/19 37/25 45/8 49/14 49/15 50/2 50/14 51/3 51/15 51/21 52/14 52/17 54/2 57/2 78/9 88/14 88/16 88/21 88/23 89/1 90/21</p> <p>debts [32] 19/16 19/19 33/4 33/8 35/12 38/1 44/18 45/14 49/18 50/5 50/8 50/16 50/18 50/22 50/23 51/2 51/5 51/10 51/13 51/25 52/24 52/25 55/19 56/23 78/8 78/14 78/16 78/18 91/13 91/16 91/19 92/4</p> <p>debts that [1] 33/4</p> <p>December [1] 59/14</p> <p>decent [1] 53/11</p> <p>decide [1] 78/17</p> <p>decided [1] 54/15</p> <p>decision [6] 47/9 47/19 47/20 47/22 72/15 79/7</p> <p>decisions [3] 26/23 89/11 89/16</p> <p>declare [1] 85/1</p> <p>decline [2] 13/22 14/8</p> <p>declined [3] 11/9 12/11 12/24</p> <p>deducted [3] 31/13 31/17 31/21</p> <p>deeply [2] 45/22 96/12</p> <p>definite [1] 110/8</p>	<p>definitely [3] 13/10 25/20 104/10</p> <p>Delaying [1] 47/20</p> <p>demeaning [2] 22/25 23/1</p> <p>demonstrate [1] 109/16</p> <p>denial [1] 15/12</p> <p>Department [10] 77/14 80/18 80/24 81/1 95/4 95/8 95/10 95/22 96/1 96/7</p> <p>depended [1] 52/4</p> <p>dependence [1] 5/15</p> <p>dependent [2] 10/14 69/15</p> <p>depending [1] 11/6</p> <p>deposit [1] 7/3</p> <p>depressed [1] 42/4</p> <p>depression [1] 41/21</p> <p>describe [2] 69/25 93/13</p> <p>described [7] 30/22 31/5 67/4 67/18 67/19 68/22 88/20</p> <p>desire [1] 104/7</p> <p>despite [1] 97/9</p> <p>destroyed [1] 81/13</p> <p>detailing [1] 33/7</p> <p>details [1] 34/1</p> <p>deteriorated [2] 96/21 100/9</p> <p>determining [2] 56/3 71/18</p> <p>develop [1] 22/4</p> <p>developed [2] 18/21 36/21</p> <p>devoted [1] 41/13</p> <p>diagnosed [1] 75/22</p> <p>did [151] 15/4 19/5 22/19 25/21 26/5 29/5 29/25 32/7 32/9 35/19 39/4 39/7 40/8 41/17 49/12 50/15 52/23 55/2 55/17 57/7 57/16 58/7 58/8 58/16 58/17 58/22 59/6 61/19 63/1 64/15 65/16 71/25 72/25 81/5 81/7 82/15 85/1 87/10 88/12 89/15 89/15 94/24 95/9 98/13 99/6 99/13 99/20 100/6 102/10 103/11 103/16 106/25 109/15</p> <p>die [2] 80/11 84/21</p> <p>died [6] 21/6 21/8 41/6 42/8 84/23 98/12</p> <p>dies [1] 42/7</p> <p>difference [1] 74/14</p> <p>different [16] 10/13</p>
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(32) claimants - different

<p>D</p> <p>different... [15] 25/14 28/7 38/14 38/17 45/14 48/5 53/6 69/1 83/8 92/21 100/13 106/9 106/12 106/21 108/8</p> <p>differently [1] 69/23</p> <p>difficult [20] 5/14 7/8 11/17 15/16 22/9 26/19 39/4 44/20 51/10 74/25 75/18 77/25 80/9 81/4 81/14 95/25 98/9 103/17 104/18 105/2</p> <p>difficulties [5] 41/22 41/24 76/15 98/15 103/18</p> <p>difficulty [6] 6/12 9/2 9/3 17/15 94/13 108/20</p> <p>diminish [1] 24/2</p> <p>dinner [1] 27/14</p> <p>directly [1] 32/20</p> <p>disadvantage [2] 16/24 58/7</p> <p>disadvantage the [1] 58/7</p> <p>disadvantaged [1] 25/15</p> <p>disadvantageous [1] 57/13</p> <p>discharged [1] 3/7</p> <p>discuss [1] 53/15</p> <p>discussed [1] 31/23</p> <p>discussing [1] 38/8</p> <p>discussion [1] 91/1</p> <p>discussions [1] 34/18</p> <p>disinterested [2] 29/4 30/5</p> <p>disinterested' [1] 28/25</p> <p>disposable [1] 71/19</p> <p>distribute [1] 79/8</p> <p>distributed [2] 79/17 79/20</p> <p>do [73] 4/3 4/4 4/5 4/16 6/5 7/15 7/22 8/2 9/12 12/8 13/4 14/15 14/18 15/7 17/2 18/1 21/7 22/9 24/7 25/7 28/16 28/18 29/17 30/17 33/6 37/12 39/4 39/24 40/20 45/3 49/12 50/8 51/14 52/19 53/12 53/14 56/20 57/7 61/22 63/2 72/18 77/13 77/18 77/19 77/20 78/4 79/3 81/1 81/7 81/7 81/20 81/22 82/3 82/7 84/16</p> <p>85/9 86/2 86/6 86/18 89/23 91/22 92/17 93/3 93/4 98/19 99/8 101/6 102/10 103/4 104/24 105/14 105/16 109/5</p> <p>document [13] 1/14 8/21 14/9 18/10 20/10 27/19 30/4 46/3 47/24 75/16 78/6 90/10 96/23</p> <p>documentation [1] 32/1</p> <p>documents [11] 5/5 43/16 48/1 48/8 49/4 49/5 49/17 60/14 90/25 95/10 95/11</p> <p>does [10] 13/11 15/19 17/10 20/17 24/11 29/3 46/25 47/3 61/14 102/7</p> <p>doesn't [3] 16/9 61/14 62/4</p> <p>doing [20] 6/2 17/11 24/3 27/1 35/8 38/15 38/17 64/10 65/7 72/20 77/8 82/4 96/4 98/23 101/7 101/10 101/10 101/11 104/12 105/19</p> <p>don't [61] 4/7 14/16 14/16 15/20 15/21 26/10 31/20 37/14 38/25 43/8 43/14 43/25 44/14 46/6 46/8 49/2 49/10 50/23 50/24 52/2 52/2 52/10 55/12 58/9 58/24 59/4 65/11 65/14 73/7 78/25 79/4 81/3 82/9 82/13 82/18 83/23 83/24 84/6 84/10 84/12 85/21 89/19 91/4 92/13 93/10 94/7 94/9 94/11 95/16 99/16 99/17 102/13 103/23 104/10 104/25 105/10 108/14 108/15 108/16 108/23 109/5</p> <p>done [18] 36/13 43/2 43/5 45/23 48/4 52/20 54/16 55/5 64/12 64/13 64/21 72/8 74/13 81/23 84/15 98/19 99/1 99/8</p> <p>dot [1] 83/8</p> <p>doubt [2] 95/24 96/3</p> <p>down [30] 3/8 7/3 7/17 9/15 20/10 23/11 27/18 28/21 32/10 33/9 38/19 42/4 47/24 65/17 75/11 75/19</p> <p>78/6 79/7 79/9 79/19 83/21 83/24 88/8 95/13 95/15 95/19 97/2 99/7 101/18 107/13</p> <p>down in [1] 3/8</p> <p>draft [2] 5/1 37/18</p> <p>draw [1] 44/6</p> <p>dual [1] 40/11</p> <p>due [6] 5/14 18/17 24/2 46/25 59/21 78/14</p> <p>during [12] 7/13 17/22 22/6 22/9 50/4 53/14 58/19 72/11 72/11 93/9 93/15 98/24</p> <p>duty [5] 39/11 39/25 40/4 40/5 40/7</p> <p>DWP [6] 6/18 8/4 33/22 33/23 85/13 85/17</p>	<p>E</p> <p>each [5] 30/23 31/12 51/11 55/5 75/12</p> <p>earlier [7] 18/11 41/13 90/10 93/3 97/24 102/21 103/17</p> <p>early [8] 5/11 17/16 17/16 17/22 75/22 82/19 82/23 85/7</p> <p>easy [2] 52/6 71/6</p> <p>effectively [3] 57/13 64/13 77/9</p> <p>effects [1] 26/14</p> <p>efforts [1] 26/2</p> <p>eight [2] 10/23 75/7</p> <p>eight years [1] 10/23</p> <p>Eileen [69] 2/20 2/22 3/2 3/4 3/7 3/16 16/2 21/18 27/8 64/23 65/24 66/2 66/4 66/5 66/15 66/19 66/21 67/24 68/2 68/25 69/13 69/14 70/1 70/5 71/21 72/23 73/10 73/25 74/5 74/11 74/20 75/5 78/7 78/24 79/6 80/1 80/3 81/20 82/4 82/12 82/14 83/10 88/14 88/15 88/20 89/1 89/6 91/7 94/22 97/17 97/18 97/20 97/22 97/23 97/25 98/11 98/14 101/24 102/4 103/22 105/13 105/20 106/4 106/16 106/17 106/22 107/18 108/4 110/4</p> <p>Eileen Trust [2] 66/2 68/25</p> <p>EILN0000002 [1]</p>	<p>74/10</p> <p>EILN0000024 [1] 96/24</p> <p>either [8] 3/11 32/16 49/5 51/25 57/20 81/3 81/13 100/6</p> <p>eligible [1] 75/5</p> <p>else [7] 53/18 56/7 57/4 81/7 98/10 105/15 106/25</p> <p>elsewhere [1] 37/10</p> <p>email [2] 67/16 72/19</p> <p>emails [2] 64/12 101/9</p> <p>emotional [1] 87/12</p> <p>empathetic [2] 107/25 110/11</p> <p>empathise [2] 22/7 104/11</p> <p>empathy [1] 43/8</p> <p>employ [1] 60/11</p> <p>employed [6] 2/15 2/23 2/24 38/21 91/10 99/5</p> <p>employees [2] 17/23 37/3</p> <p>employment [3] 2/18 38/5 41/15</p> <p>enabled [1] 109/23</p> <p>encouraged [1] 69/4</p> <p>encouraging [1] 38/4</p> <p>end [10] 2/13 3/1 3/8 17/14 44/18 75/15 86/3 86/12 108/9 109/19</p> <p>endeavouring [1] 59/19</p> <p>England [1] 3/19</p> <p>enjoyed [1] 107/7</p> <p>enough [6] 25/21 29/17 53/10 82/24 95/15 105/22</p> <p>enquire [1] 38/3</p> <p>enquiries [4] 3/13 24/3 24/4 79/16</p> <p>enquiry [1] 93/16</p> <p>ensure [2] 39/12 61/23</p> <p>ensuring [1] 61/9</p> <p>enter [1] 57/17</p> <p>entitled [2] 31/19 88/2</p> <p>environment [2] 101/13 103/10</p> <p>equally [2] 15/20 55/17</p> <p>equip [1] 103/5</p> <p>equipped [1] 103/5</p> <p>equity [18] 28/10 57/12 57/14 57/17 57/22 57/24 58/3 58/5 58/14 58/20 59/1 59/6 59/10 59/11 92/20</p>	<p>92/25 93/1 93/4</p> <p>equity [1] 20/12</p> <p>errors [3] 97/11 98/3 98/9</p> <p>establishing [2] 24/10 38/1</p> <p>estimate [2] 75/18 76/14</p> <p>estimated [1] 76/8</p> <p>et [3] 43/20 45/15 76/9</p> <p>et cetera [2] 43/20 45/15</p> <p>even [9] 8/10 9/13 36/24 57/23 58/17 84/22 93/10 105/3 110/7</p> <p>evening [1] 36/25</p> <p>evenings [1] 36/23</p> <p>event [6] 25/9 62/6 76/9 80/6 80/15 105/22</p> <p>events [5] 6/7 37/21 80/1 80/5 103/20</p> <p>ever [17] 3/10 22/16 22/16 35/14 78/25 83/9 84/16 85/3 85/20 87/25 89/9 89/13 91/4 92/10 92/23 93/8 101/14</p> <p>every [9] 39/3 45/3 47/8 47/9 59/6 59/7 67/14 80/4 105/7</p> <p>everybody [3] 7/5 22/18 68/14</p> <p>everyday [5] 24/8 24/24 28/18 40/18 103/23</p> <p>everyone [1] 72/3</p> <p>everything [1] 99/18</p> <p>evidence [22] 1/19 4/18 11/10 22/11 22/12 25/25 51/12 53/15 53/16 53/18 71/14 80/16 80/16 80/23 81/1 81/10 108/9 108/12 108/13 109/7 110/7 110/18</p> <p>evidencing [1] 95/11</p> <p>exact [2] 75/18 95/15</p> <p>exactly [3] 8/18 36/8 90/24</p> <p>example [8] 10/17 22/24 33/13 34/3 45/12 49/25 59/23 94/5</p> <p>examples [1] 41/3</p> <p>exceeds [1] 12/22</p> <p>excellent [4] 45/23 48/3 107/14 107/14</p> <p>except [1] 50/9</p> <p>exceptional [2] 50/9</p>	<p>71/18</p> <p>exchange [1] 54/16</p> <p>executive [5] 7/24 19/23 19/24 64/1 101/3</p> <p>executives [1] 38/8</p> <p>exercise [1] 11/21</p> <p>existed [1] 81/19</p> <p>expand [1] 26/6</p> <p>expectancy [1] 76/4</p> <p>expenditure [5] 72/9 72/12 93/16 94/8 94/17</p> <p>expenses [2] 79/22 93/20</p> <p>expensive [3] 24/15 60/5 71/9</p> <p>experience [17] 9/10 14/7 22/19 26/22 42/3 47/13 51/16 96/18 98/4 102/16 103/4 103/9 103/21 104/13 104/14 104/15 104/17</p> <p>experienced [1] 105/19</p> <p>experiences [1] 48/5</p> <p>experiencing [1] 9/3</p> <p>expert [3] 4/14 4/18 9/16</p> <p>explain [3] 40/11 59/18 79/11</p> <p>explained [5] 6/10 6/15 76/15 86/14 93/7</p> <p>explaining [3] 59/25 85/11 105/2</p> <p>explore [1] 57/19</p> <p>explored [1] 56/9</p> <p>express [1] 101/19</p> <p>expressed [3] 22/16 61/13 62/3</p> <p>extent [1] 86/23</p> <p>extremely [1] 44/8</p>	<p>F</p> <p>face [10] 22/1 22/1 22/3 22/3 22/5 22/5 25/22 25/22 67/21 67/21</p> <p>face-to-face [5] 22/1 22/3 22/5 25/22 67/21</p> <p>faced [1] 103/18</p> <p>facilitate [2] 24/18 70/21</p> <p>fact [13] 9/8 24/7 33/22 36/3 36/4 37/1 46/25 58/9 65/15 84/17 85/1 97/9 106/8</p> <p>factor [1] 99/17</p> <p>factors [1] 89/5</p> <p>fair [5] 40/5 51/9 72/3 78/19 101/25</p> <p>fairly [3] 18/5 52/6</p>
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(33) different... - fairly

<p>F</p> <p>fairly... [1] 72/20</p> <p>familiar [1] 68/1</p> <p>families [3] 20/25 21/21 25/16</p> <p>family [4] 7/6 44/17 67/23 94/16</p> <p>fantastic [1] 107/9</p> <p>far [13] 13/25 14/2 17/9 17/10 56/14 58/20 62/7 62/9 64/25 65/1 75/4 87/4 94/19</p> <p>fault [1] 78/14</p> <p>February [2] 2/22 66/24</p> <p>February 2005 [2] 2/22 66/24</p> <p>fee [9] 29/1 30/7 30/23 31/1 31/12 31/20 63/22 90/14 90/23</p> <p>feedback [1] 37/20</p> <p>feel [17] 29/23 39/5 39/7 41/17 45/9 45/22 46/21 50/8 81/5 81/6 81/8 84/9 84/10 99/20 101/2 101/7 102/17</p> <p>feeling [6] 22/8 22/19 26/1 72/16 98/16 100/19</p> <p>feels [2] 47/4 47/6</p> <p>fees [15] 4/6 4/9 27/22 30/16 31/8 31/15 31/16 32/2 32/2 32/8 33/12 34/3 63/13 79/23 79/24</p> <p>felt [24] 22/20 22/21 22/25 23/24 39/7 39/21 45/16 49/11 52/8 64/13 64/16 64/18 65/5 65/21 66/4 84/17 88/11 96/6 96/7 96/12 101/8 102/14 106/24 108/6</p> <p>few [13] 3/14 17/8 17/9 24/3 44/19 52/7 71/14 78/21 81/14 95/14 95/18 98/24 100/18</p> <p>figure [2] 24/12 85/22</p> <p>figures [2] 76/7 76/16</p> <p>files [2] 66/15 68/4</p> <p>fill [2] 71/1 72/8</p> <p>filling [1] 100/12</p> <p>final [1] 9/22</p> <p>Finally [1] 47/7</p> <p>finals [1] 66/4</p> <p>finance [1] 104/21</p> <p>finances [7] 5/21 19/18 21/10 34/17 39/1 45/19 79/2</p>	<p>financial [73] 2/9 2/19 3/17 4/2 4/9 5/1 5/9 5/10 5/24 10/8 11/21 14/13 14/19 16/5 16/7 16/10 18/16 19/5 19/8 19/14 23/3 23/6 23/18 23/21 23/22 24/22 27/24 28/5 28/8 28/16 28/22 29/1 29/13 29/15 29/19 30/6 30/13 31/5 32/13 32/24 33/2 33/10 35/1 35/19 38/7 38/15 38/24 38/25 40/1 40/13 40/16 41/12 42/24 44/19 49/21 62/17 62/25 63/4 63/10 63/11 66/20 71/17 72/2 72/6 74/17 79/3 87/20 87/21 90/11 90/12 90/13 90/17 92/6</p> <p>financial advice [1] 63/4</p> <p>find [7] 14/22 45/11 56/11 68/6 71/9 96/4 109/2</p> <p>finding [4] 5/13 7/8 7/10 106/25</p> <p>firm [2] 6/2 79/3</p> <p>first [30] 2/8 2/23 4/23 5/18 6/1 8/23 11/22 24/1 27/21 32/14 36/15 38/10 43/18 44/6 46/7 46/17 47/5 48/11 48/11 54/2 59/18 66/1 70/20 79/1 81/19 91/8 92/5 92/6 100/19 106/18</p> <p>five [3] 8/23 76/4 109/21</p> <p>five years [1] 109/21</p> <p>fix [2] 26/17 26/19</p> <p>flat [1] 20/13</p> <p>flatly [1] 9/14</p> <p>Fleetbank [1] 1/8</p> <p>flexible [3] 74/3 74/3 74/4</p> <p>follow [2] 1/14 35/17</p> <p>following [4] 20/12 20/24 21/1 110/25</p> <p>follows [1] 46/13</p> <p>footing [1] 79/4</p> <p>forced [1] 24/14</p> <p>forecasting [1] 76/15</p> <p>form [6] 71/1 82/15 84/3 84/9 84/18 103/10</p> <p>formally [1] 38/20</p> <p>formed [1] 69/9</p> <p>forms [3] 72/9 72/9 100/12</p>	<p>formulating [1] 54/3</p> <p>formulation [1] 54/19</p> <p>forward [5] 61/1 70/10 70/16 70/18 77/2</p> <p>found [5] 22/13 48/12 48/13 87/9 100/21</p> <p>Foundation [1] 3/12</p> <p>fourth [1] 97/2</p> <p>free [1] 57/20</p> <p>frequently [2] 18/17 80/3</p> <p>frightened [3] 46/1 46/23 96/16</p> <p>from [88] 1/12 1/22 3/20 4/17 5/4 5/5 6/8 6/23 11/24 14/23 15/25 20/16 24/4 24/15 31/1 31/13 31/17 31/17 31/21 32/3 32/8 33/16 35/2 35/15 35/16 35/18 37/15 39/16 39/18 40/2 41/8 43/16 45/14 48/8 49/7 49/8 49/8 53/1 54/8 54/18 55/12 55/20 62/14 64/1 64/4 65/1 65/2 69/12 69/23 70/5 71/15 72/13 75/4 77/12 78/10 80/6 80/7 80/16 80/19 82/21 83/6 83/22 84/22 85/12 85/13 85/13 85/25 86/15 87/2 87/2 88/4 91/17 95/4 95/4 95/22 96/7 97/3 97/5 97/16 100/15 102/20 102/24 102/25 103/1 106/2 106/21 110/18 110/19</p> <p>front [4] 9/18 67/23 72/7 97/8</p> <p>fuel [1] 76/7</p> <p>fulfilled [1] 62/6</p> <p>fulfilling [2] 87/4 100/21</p> <p>fullest [1] 1/9</p> <p>fully [1] 110/3</p> <p>function [1] 87/4</p> <p>fund [3] 3/11 24/4 29/17</p> <p>funding [1] 74/20</p> <p>funds [10] 24/8 24/15 24/24 42/10 42/19 46/16 77/16 85/25 88/12 89/11</p> <p>funerals [1] 76/8</p> <p>further [3] 28/13 79/15 84/5</p> <p>future [3] 74/20 74/25 97/12</p> <p>futures [1] 6/24</p>	<p>G</p> <p>Gardens [1] 6/3</p> <p>gas [2] 26/13 40/19</p> <p>gather [1] 81/9</p> <p>gave [13] 4/18 27/15 29/10 30/9 57/14 65/1 65/10 78/25 80/17 95/2 95/3 100/20 102/18</p> <p>gaze [1] 74/25</p> <p>general [8] 8/13 15/11 28/22 30/10 39/2 50/19 90/11 90/12</p> <p>generally [6] 21/12 26/7 26/8 55/19 88/22 105/25</p> <p>get [45] 1/13 6/15 9/7 9/11 10/19 13/7 13/14 15/16 15/23 15/24 16/4 17/4 19/5 19/18 20/7 20/8 22/7 25/19 27/5 29/24 44/18 46/25 48/18 48/20 50/13 51/2 51/3 54/24 55/7 61/4 61/15 64/12 65/4 71/3 71/4 71/6 78/15 79/2 90/3 91/19 91/20 95/3 97/16 102/20 108/17</p> <p>getting [13] 6/13 6/20 9/4 17/7 23/14 34/21 42/16 56/10 64/1 81/15 84/1 100/12 105/14</p> <p>give [20] 10/7 14/25 29/9 29/13 29/15 30/5 32/17 33/10 40/2 45/5 51/17 52/23 53/16 55/21 55/22 55/25 79/4 83/9 84/6 99/19</p> <p>given [24] 6/22 23/1 28/25 34/18 43/2 51/25 53/15 54/9 56/22 61/23 62/25 78/13 78/15 82/2 86/18 88/6 88/13 95/16 96/6 98/22 99/14 101/21 110/7 110/9</p> <p>gives [4] 18/11 20/25 53/10 104/16</p> <p>giving [7] 1/19 20/18 29/12 29/14 29/19 108/9 108/12</p> <p>giving financial [1] 29/19</p> <p>glory [1] 97/8</p> <p>go [48] 6/4 10/11 14/10 15/14 18/10 19/17 19/20 26/15 26/17 27/7 27/10</p>	<p>27/12 27/13 27/18 28/18 33/15 36/15 43/25 44/13 44/15 46/9 46/9 48/19 49/23 51/19 56/7 57/4 59/14 59/18 61/8 65/16 67/14 73/24 74/17 74/19 75/9 75/10 75/11 75/15 76/13 77/14 82/15 99/6 100/10 102/23 104/14 105/23 110/4</p> <p>goes [5] 26/7 39/1 54/23 104/12 110/8</p> <p>going [39] 10/4 11/15 11/16 17/16 20/7 20/10 22/8 27/16 28/4 30/4 33/5 35/2 35/11 35/21 37/10 40/21 43/14 43/16 44/17 44/20 53/5 53/25 54/25 61/1 65/23 68/19 75/12 77/2 77/10 77/14 79/6 88/22 92/22 93/23 93/25 101/22 103/21 106/20 109/4</p> <p>gone [1] 28/6</p> <p>good [17] 1/3 1/4 3/25 7/21 27/11 38/1 68/19 69/9 77/23 79/14 82/18 87/15 100/8 100/12 103/13 104/20 107/11</p> <p>got [35] 8/19 9/19 14/5 17/5 17/11 19/2 25/25 26/16 26/18 33/19 33/22 41/7 42/2 48/24 49/10 51/5 54/24 57/15 61/4 61/18 64/25 66/10 66/14 66/16 72/16 79/18 86/11 92/18 93/24 93/25 95/13 96/1 104/19 107/5 107/15</p> <p>Government [4] 6/23 23/1 42/12 109/11</p> <p>gradually [1] 79/19</p> <p>grant [15] 26/25 31/21 32/3 34/22 43/22 44/25 48/20 52/19 52/21 55/2 56/1 63/22 70/19 86/16 88/10</p> <p>Grant' [1] 31/14</p> <p>granted [2] 56/4 59/7</p> <p>granting [2] 55/4 58/13</p> <p>grants [11] 26/23 31/18 48/18 55/18 55/22 69/11 70/4 72/14 73/10 74/1 74/2</p>	<p>grave [1] 46/17</p> <p>great [3] 18/24 19/1 102/25</p> <p>Grosvenor [1] 6/3</p> <p>group [7] 7/1 18/21 62/16 66/5 82/9 89/21 105/10</p> <p>guaranteed [1] 30/5</p> <p>guide [2] 72/25 73/2</p> <p>guidelines [9] 39/20 39/20 39/22 53/3 55/3 55/20 72/24 73/3 73/10</p> <p>guilt [1] 47/4</p> <p>H</p> <p>had [163]</p> <p>hadn't [3] 74/12 98/2 105/24</p> <p>haemophilia [36] 6/10 8/8 10/9 10/15 10/18 11/2 11/8 11/11 11/13 11/19 11/25 12/5 12/12 12/15 12/17 12/20 12/25 13/5 13/5 13/6 13/7 13/11 13/13 13/18 14/7 14/14 14/19 14/21 14/23 15/2 15/8 15/20 16/9 17/3 105/25 106/13</p> <p>half [1] 24/9</p> <p>handbook [1] 73/7</p> <p>handled [1] 46/20</p> <p>hands [1] 109/12</p> <p>happen [4] 6/7 60/9 61/7 86/11</p> <p>happened [6] 34/19 58/24 63/20 86/3 107/2 109/10</p> <p>happening [1] 102/11</p> <p>happens [1] 84/13</p> <p>hard [3] 19/6 47/18 81/10</p> <p>harder [1] 48/18</p> <p>hardship [1] 24/14</p> <p>Harvey [4] 59/16 64/2 74/8 101/4</p> <p>has [16] 2/17 5/8 10/7 10/14 13/25 21/1 22/11 32/1 45/23 45/24 48/4 50/3 59/10 83/14 97/7 109/19</p> <p>hat [3] 38/22 38/24 38/24</p> <p>have [206]</p> <p>haven't [1] 110/13</p> <p>having [11] 17/12 17/15 25/13 50/4 51/10 52/5 63/12 67/7 106/1 106/13 106/17</p> <p>HCV [4] 15/6 15/11 15/15 16/22</p>
---	--	--	---	---	---

(34) fairly... - HCV

H	12/25 13/5 13/19 14/7 17/3 her [11] 5/18 10/7 27/25 56/23 57/6 57/9 109/5 109/19 109/21 109/22 109/23 her 70s [1] 109/19 here [3] 1/8 24/5 98/4 Higgins [2] 63/3 63/6 high [2] 41/24 94/24 higher [1] 11/3 highest [1] 79/18 highly [3] 24/15 47/21 85/19 him [5] 7/23 101/14 101/23 101/25 102/8 his [6] 32/16 46/24 47/5 47/7 78/14 78/16 history [1] 36/16 Hithersay [2] 48/14 58/5 HIV [19] 5/14 6/10 8/8 9/8 11/12 11/17 13/12 13/13 13/18 14/5 14/6 15/6 15/12 15/17 83/16 83/19 83/21 85/2 106/6 holidays [1] 36/24 home [10] 1/5 31/14 31/21 37/2 56/17 57/6 57/9 93/7 93/15 97/1 homes [3] 22/15 36/19 93/9 hoops [1] 48/19 hope [8] 23/24 24/2 40/6 45/16 53/10 61/16 64/25 105/1 hopefully [2] 61/7 97/11 hospital [3] 73/17 74/1 105/23 hospitals [1] 81/11 hours [1] 47/16 house [13] 1/8 3/20 4/12 29/20 52/10 56/6 59/10 73/18 89/18 91/25 98/12 101/18 109/22 household [3] 93/17 93/21 93/23 houses [1] 54/11 housing [7] 6/16 7/4 7/4 20/13 20/16 93/13 93/13 how [35] 11/16 13/9 18/20 21/15 23/13 26/21 32/11 38/10 38/14 40/11 40/11 45/1 52/5 60/25 66/1 67/4 67/19 68/9 70/8 70/8 70/11 72/7 73/11 77/10 79/11 80/3	86/19 89/10 95/17 98/3 100/20 102/8 104/10 107/6 108/16 HSBC [1] 109/21 HSOC0003443 [1] 14/11 HSS [1] 37/8 huge [1] 99/17 hundred [1] 52/7 husband [2] 94/22 98/13 hybrid [2] 30/22 31/4 I I actually [1] 101/18 I alluded [1] 97/24 I also [2] 48/13 50/15 I always [3] 35/7 77/21 86/10 I am [4] 17/15 35/21 53/25 65/23 I apologise [1] 94/15 I appreciate [2] 25/6 110/15 I approached [1] 7/17 I arranged [1] 17/13 I ask [1] 46/4 I asked [3] 92/20 95/1 95/7 I assume [1] 36/8 I became [3] 74/13 91/9 93/6 I believe [1] 24/20 I came [2] 59/4 94/11 I can [12] 2/7 14/10 16/12 32/4 47/15 69/25 87/18 89/19 90/25 108/18 109/25 110/3 I can't [12] 6/5 36/8 58/23 63/16 63/16 66/6 73/20 84/16 85/3 87/23 91/23 95/25 I cannot [1] 97/7 I carried [1] 67/10 I certainly [1] 98/24 I charged [1] 34/13 I considered [1] 39/20 I could [11] 8/19 28/19 40/20 45/4 57/15 68/6 79/3 90/7 91/19 98/22 102/23 I couldn't [2] 16/4 51/3 I dealt [1] 56/22 I described [1] 88/20 I did [36] 2/11 3/15 7/18 9/12 17/8 21/24 28/15 28/18 29/10 33/3 33/16 34/12 39/6 39/18 45/16 52/2 55/12 57/25 62/19	64/7 66/13 67/25 71/3 72/20 74/12 79/13 84/15 86/8 91/7 92/6 93/13 94/9 101/16 102/20 102/21 108/11 I didn't [18] 15/4 22/19 29/5 32/7 32/9 39/4 39/7 41/17 58/16 58/17 58/22 63/1 64/15 81/7 87/10 89/15 89/15 99/20 I do [3] 21/7 25/7 50/8 I don't [45] 4/7 14/16 15/21 26/10 31/20 37/14 43/8 43/14 49/2 49/10 50/23 50/24 52/2 52/2 52/10 55/12 58/9 59/4 65/11 65/14 73/7 78/25 81/3 82/9 82/13 82/18 83/23 83/24 84/12 85/21 89/19 91/4 92/13 93/10 94/7 94/9 94/11 95/16 99/16 99/17 102/13 104/10 108/14 108/15 108/16 I encouraged [1] 69/4 I even [2] 9/13 93/10 I ever [1] 85/20 I feel [3] 45/22 81/6 84/9 I felt [9] 39/7 39/21 64/13 64/16 64/18 84/17 96/6 101/8 102/14 I first [4] 6/1 48/11 48/11 79/1 I found [1] 48/12 I gave [2] 29/10 65/10 I got [5] 48/24 49/10 51/5 64/25 66/16 I had [17] 19/22 20/7 28/8 28/9 28/9 28/10 29/15 33/6 34/1 39/5 40/5 56/8 64/8 65/5 81/6 90/20 102/2 I hadn't [1] 74/12 I have [10] 3/13 3/22 3/25 34/5 42/2 83/6 100/16 107/8 108/20 110/10 I helped [1] 62/21 I hope [7] 23/24 40/6 45/16 53/10 61/16 64/25 105/1 I joined [1] 93/5 I just [10] 6/6 7/15 19/23 46/3 63/19 63/23 65/5 71/10 84/24 90/23 I knew [3] 6/9 7/11 31/20	I know [4] 65/3 90/1 107/5 107/6 I left [2] 58/22 63/17 I literally [1] 87/14 I looked [1] 72/12 I loved [2] 64/15 64/16 I made [1] 65/12 I managed [1] 78/15 I may [3] 18/3 26/5 84/5 I mean [2] 39/10 56/25 I meet [1] 103/23 I might [1] 84/8 I must [4] 60/12 87/10 101/15 107/7 I note [1] 53/5 I obviously [3] 50/13 51/2 67/10 I organised [1] 27/9 I probably [3] 68/18 77/19 77/20 I put [1] 70/18 I really [5] 56/5 81/5 89/15 99/6 103/1 I regard [1] 110/10 I remember [1] 61/3 I reported [1] 87/3 I resigned [1] 65/2 I right [1] 44/22 I said [19] 7/11 41/12 48/21 48/21 59/6 64/5 73/23 91/20 92/1 92/15 93/3 96/5 98/6 100/7 101/8 102/2 102/21 103/17 107/10 I saw [4] 56/8 68/14 94/12 98/25 I say [1] 108/25 I should [3] 72/22 84/17 96/6 I spoke [2] 101/17 101/17 I stand [1] 48/21 I started [2] 90/1 102/24 I strongly [1] 61/15 I supported [1] 64/25 I suppose [6] 52/4 52/20 58/9 82/8 104/22 105/17 I then [1] 19/19 I think [119] I thought [2] 65/16 80/13 I took [4] 6/7 71/6 74/13 84/14 I took away [1] 7/14 I travelled [1] 21/18 I tried [7] 39/8 45/3 45/4 68/12 80/25 81/9	91/25 I understand [1] 15/6 I understood [1] 71/5 I used [5] 19/17 19/25 21/6 64/11 87/12 I usually [1] 77/23 I visited [5] 56/5 68/11 68/11 70/13 72/11 I want [3] 23/8 44/6 49/16 I wanted [3] 45/20 60/9 80/12 I was [69] 3/24 4/16 5/25 6/1 6/1 7/17 10/3 11/15 11/16 15/24 18/5 18/25 21/17 23/20 23/21 25/24 25/24 27/1 27/8 32/19 35/8 35/10 38/17 40/6 40/17 42/1 43/9 44/11 48/7 48/7 49/11 51/1 52/4 53/5 56/14 58/3 59/25 64/13 64/17 65/15 72/19 73/6 73/13 73/21 81/14 87/3 87/24 88/14 90/8 90/9 90/19 90/21 91/4 91/8 91/9 92/16 96/4 96/9 98/23 99/5 101/8 101/10 101/10 101/16 101/19 101/21 102/1 105/19 105/19 I wasn't [13] 18/9 32/9 54/18 54/18 56/1 56/20 58/11 58/16 59/7 63/6 87/23 92/15 98/23 I went [4] 35/8 66/13 70/13 91/6 I will [1] 4/10 I would [21] 19/13 30/16 32/20 33/15 34/8 34/10 37/5 39/22 40/20 51/19 59/4 66/3 66/11 67/12 70/15 71/8 72/18 91/22 92/17 92/18 93/19 I wouldn't [1] 60/19 I'd [23] 6/8 7/15 14/24 20/20 30/2 34/23 56/8 56/15 57/23 64/5 64/10 64/12 64/13 67/13 69/8 72/18 72/19 84/11 101/10 105/17 107/9 109/9 110/11 I'd provide [1] 34/23 I'll [2] 20/3 54/21 I'm [29] 11/15 14/2 17/11 17/12 29/5 37/16 40/21 42/1
----------	--	---	--	--	---

<p>I</p> <p>I'm... [21] 43/16 61/15 62/7 62/9 69/18 73/6 73/9 78/13 87/15 92/22 94/7 99/5 102/10 102/11 103/14 103/14 104/21 104/23 105/1 105/7 109/17</p> <p>I've [17] 2/17 4/7 8/1 17/11 25/25 28/7 28/12 61/4 61/18 72/16 79/13 84/15 87/14 102/23 108/19 109/8 109/20</p> <p>i.e [2] 39/15 52/17</p> <p>idea [2] 77/23 101/21</p> <p>identified [3] 67/10 75/6 104/16</p> <p>identifying [3] 71/16 75/12 104/1</p> <p>ie [1] 54/6</p> <p>if [128]</p> <p>IFA [2] 86/25 87/5</p> <p>ignored [1] 65/5</p> <p>ill [9] 19/4 20/1 26/12 26/14 48/19 71/6 88/24 100/11 103/19</p> <p>ill and [1] 103/19</p> <p>illness [2] 12/3 13/8</p> <p>impacted [1] 26/22</p> <p>impacts [1] 47/8</p> <p>important [5] 35/12 56/17 62/2 80/13 99/20</p> <p>imposed [2] 92/25 93/2</p> <p>impossible [13] 7/10 9/7 9/9 9/11 13/7 13/14 15/17 16/18 17/4 44/21 81/17 108/16 109/10</p> <p>improve [3] 43/2 43/6 99/9</p> <p>improved [1] 20/13</p> <p>inappropriate [1] 7/4</p> <p>include [3] 76/7 93/16 93/17</p> <p>included [1] 94/23</p> <p>including [1] 23/12</p> <p>income [28] 6/19 8/14 11/22 13/8 13/15 15/24 20/1 24/12 33/7 33/24 34/1 35/13 41/10 41/22 71/19 72/8 72/12 85/16 93/15 93/17 93/18 93/20 93/24 94/5 94/6 94/9 94/10 94/19</p> <p>increase [7] 10/20 10/24 10/25 12/9 12/9 12/10 12/10</p>	<p>increases [1] 50/3</p> <p>incredibly [1] 15/15</p> <p>incurred [1] 16/22</p> <p>indeed [6] 11/12 21/18 32/2 33/22 81/19 109/25</p> <p>indefinitely [1] 86/22</p> <p>Indemnity [1] 28/1</p> <p>independent [28] 2/9 2/19 3/17 14/13 14/18 23/18 23/21 23/22 29/6 29/9 29/10 30/5 31/5 32/13 38/15 38/24 40/1 40/2 40/2 60/23 61/2 61/5 61/10 61/16 62/17 63/10 63/10 66/20</p> <p>independently [2] 62/20 88/3</p> <p>indicated [1] 13/3</p> <p>indicating [1] 107/18</p> <p>individual [3] 51/11 55/6 78/23</p> <p>individually [1] 107/25</p> <p>individuals [3] 70/9 80/17 103/5</p> <p>infected [25] 8/7 11/12 12/15 13/18 15/6 15/11 15/15 15/16 16/8 16/19 16/23 42/14 69/14 69/15 69/16 69/17 69/23 69/23 80/19 83/9 83/10 83/20 84/2 84/21 108/18</p> <p>infection [3] 10/10 84/20 95/5</p> <p>influence [1] 62/1</p> <p>inform [2] 45/25 89/23</p> <p>information [17] 22/12 25/18 32/25 33/10 34/16 34/22 34/23 35/5 35/10 53/1 70/21 72/4 72/10 83/14 85/4 86/14 86/18</p> <p>informed [1] 97/10</p> <p>initially [1] 18/25</p> <p>input [3] 32/7 60/16 60/19</p> <p>Inquiry [4] 32/1 54/6 80/16 83/14</p> <p>Inquiry's [1] 22/11</p> <p>insight [1] 110/12</p> <p>insofar [2] 35/14 59/3</p> <p>Institute [1] 27/25</p> <p>instructed [3] 4/13 10/1 60/20</p> <p>instructions [2] 10/5 37/20</p> <p>insurance [17] 9/13</p>	<p>9/14 12/7 13/8 16/25 17/13 28/1 42/13 84/1 84/6 84/10 84/12 84/24 84/25 85/5 108/17 109/14</p> <p>insurance-backed [1] 109/14</p> <p>insurers [3] 12/23 16/19 27/25</p> <p>interaction [1] 100/5</p> <p>interest [17] 6/18 6/20 8/4 33/23 56/12 57/20 57/21 57/25 58/3 59/21 60/5 85/15 85/16 85/23 86/2 109/18 109/20</p> <p>interest-free [1] 57/20</p> <p>interest-only [2] 85/23 86/2</p> <p>interesting [1] 106/14</p> <p>interim [2] 24/18 42/21</p> <p>internal [1] 31/24</p> <p>intervention [1] 34/20</p> <p>interview [5] 14/12 14/13 14/15 14/17 15/21</p> <p>into [19] 9/12 19/2 23/14 32/7 57/7 57/17 74/25 75/19 90/7 91/11 91/17 93/16 93/20 94/5 94/9 94/16 103/7 104/14 105/23</p> <p>intrusive [1] 22/15</p> <p>invest [1] 6/24</p> <p>investing [1] 18/23</p> <p>investment [2] 58/6 74/17</p> <p>investments [2] 3/5 30/14</p> <p>invited [1] 101/18</p> <p>involved [17] 2/8 4/23 9/2 18/16 19/8 27/1 32/14 54/18 55/7 56/20 59/7 66/1 89/15 89/20 92/15 93/6 97/14</p> <p>involvement [2] 4/12 5/18</p> <p>Ireland [2] 3/19 21/23</p> <p>isn't [2] 61/12 104/18</p> <p>issue [10] 35/1 35/3 45/7 46/4 84/10 85/3 86/4 88/1 90/6 92/19 75/1 106/1 106/7 106/8 106/9</p> <p>it' [1] 47/2</p> <p>it's [33] 9/19 9/22 10/4 14/11 14/13 17/3 23/5 23/9 24/17 26/11 26/19 28/17 34/20</p>	<p>35/12 36/10 40/24 41/20 45/20 46/4 46/11 50/2 59/15 60/9 61/13 62/9 62/15 84/9 84/14 84/17 96/24 97/1 105/2 109/20</p> <p>item [3] 71/11 71/20 88/12</p> <p>its [4] 1/9 17/14 47/17 109/19</p> <p>itself [1] 97/7</p> <p>J</p> <p>job [9] 1/13 7/6 26/16 37/18 38/11 64/21 94/23 104/12 107/10</p> <p>jobs [3] 19/4 104/24 105/21</p> <p>John [2] 6/2 18/2</p> <p>join [2] 75/5 110/4</p> <p>joined [2] 48/11 93/5</p> <p>JTA [1] 5/24</p> <p>Jude [2] 46/20 110/18</p> <p>Jude Cohen [2] 46/20 110/18</p> <p>judge [1] 108/15</p> <p>jumping [1] 11/15</p> <p>June [1] 62/16</p> <p>junior [2] 48/23 48/25</p> <p>just [104] 4/10 4/11 5/23 6/6 6/6 6/12 7/12 7/15 7/22 8/20 9/25 11/10 11/13 11/15 11/16 11/16 11/18 13/16 14/9 14/17 17/11 19/23 20/10 20/21 21/11 21/11 23/16 25/2 26/4 28/2 28/19 30/10 31/10 32/15 32/16 32/20 33/25 34/4 34/8 36/1 38/3 41/1 41/18 42/5 42/10 43/24 45/6 46/3 49/17 50/11 50/17 50/19 50/25 54/16 54/20 55/25 56/19 56/23 58/2 59/24 59/25 63/19 63/23 64/2 64/24 65/5 65/10 67/16 68/14 69/3 71/10 73/13 74/16 75/11 77/4 81/17 84/3 84/24 87/17 88/21 90/4 90/23 91/5 91/8 91/21 92/19 94/15 98/13 99/20 100/8 100/10 100/13 100/18 101/12 102/3 103/21 103/22 105/22 106/9 106/23 107/4 108/3 108/16 109/16</p>	<p>K</p> <p>Kate [1] 110/19</p> <p>Kate Rendle [1] 110/19</p> <p>keen [1] 106/16</p> <p>keep [5] 29/20 38/21 39/6 39/8 109/21</p> <p>keeping [1] 56/16</p> <p>Kensington [1] 60/2</p> <p>kept [5] 3/22 3/23 62/21 79/21 90/23</p> <p>key [1] 21/15</p> <p>kind [14] 8/19 15/1 19/13 22/19 48/13 49/1 49/11 53/2 63/8 92/5 95/15 97/16 99/21 105/8</p> <p>kindness [2] 99/21 103/1</p> <p>knew [12] 6/9 7/11 30/1 31/20 32/18 40/13 40/17 54/11 70/16 73/16 76/24 82/1</p> <p>knock [1] 26/14</p> <p>knock-on [1] 26/14</p> <p>know [111] 8/1 13/15 19/2 19/3 19/20 21/7 21/9 21/11 22/23 22/24 23/20 25/25 27/5 27/14 28/15 28/16 28/17 29/11 29/23 31/15 32/20 33/2 33/20 34/7 34/9 34/10 34/10 34/12 35/9 35/14 37/12 39/8 40/18 42/1 43/8 43/13 45/17 48/20 49/3 50/20 51/21 52/5 52/6 52/7 52/9 54/12 55/3 55/13 55/17 55/24 56/16 57/15 58/9 58/14 58/16 58/17 58/24 59/6 61/4 62/23 63/2 64/6 64/23 65/3 65/15 68/4 68/18 71/5 71/25 72/16 72/17 72/19 73/11 73/18 78/1 79/23 80/11 81/1 81/14 81/18 82/18 84/23 86/2 86/18 87/4 87/13 87/13 87/17 88/11 88/20 89/23 90/1 90/3 90/22 94/7 94/23 95/9 95/16 98/13 99/5 102/23 103/12 103/18 103/19 104/9 105/15 105/22 106/5 107/5 107/6 107/7</p> <p>knowing [2] 55/1</p>	<p>60/17</p> <p>knowledge [4] 28/20 70/11 78/3 79/14</p> <p>known [4] 55/14 60/22 101/15 102/11</p> <p>L</p> <p>lack [5] 26/20 26/21 43/7 48/22 68/23</p> <p>lady [5] 56/22 57/6 68/15 68/15 80/14</p> <p>laid [1] 76/19</p> <p>Lamb [1] 6/3</p> <p>LANGSTAFF [2] 100/17 111/4</p> <p>large [6] 1/8 16/21 23/11 36/21 55/23 89/4</p> <p>largely [4] 66/5 81/22 97/23 99/13</p> <p>larger [1] 52/21</p> <p>largish [1] 71/4</p> <p>last [19] 2/18 23/10 36/1 36/17 45/20 50/2 56/7 56/15 56/18 57/10 57/11 60/1 60/4 71/14 75/15 84/4 91/19 92/1 109/21</p> <p>lasted [1] 47/15</p> <p>Lastly [1] 4/11</p> <p>late [1] 78/12</p> <p>later [9] 2/24 4/21 23/8 28/13 32/17 91/9 101/25 101/25 102/6</p> <p>law [1] 104/21</p> <p>lawyer [1] 62/4</p> <p>lawyers [2] 62/10 105/4</p> <p>lazy [1] 25/2</p> <p>leads [4] 24/13 41/22 50/17 103/20</p> <p>least [10] 1/22 29/25 39/25 61/21 68/13 68/17 68/18 69/24 104/6 107/17</p> <p>leave [9] 7/23 64/15 64/18 80/12 81/8 84/24 98/17 102/21 105/13</p> <p>led [2] 37/17 41/2</p> <p>left [10] 18/19 37/16 48/14 58/22 62/25 63/12 63/17 74/8 102/2 109/15</p> <p>legal [13] 38/7 60/13 60/18 60/23 61/2 61/5 61/10 61/16 61/21 61/23 62/3 79/23 83/7</p> <p>lender [9] 56/11 56/24 56/25 57/1 59/20 60/2 60/4 61/22 92/12</p> <p>lenders [3] 7/17 19/20</p>
---	--	---	---	---	--

L	Lloyds [2] 19/22 19/24 loan [20] 24/16 34/22 52/12 52/19 52/22 52/25 54/15 54/24 55/2 55/24 56/6 56/10 56/12 61/8 61/14 62/1 78/25 91/17 92/25 93/2 loaning [1] 51/14 loans [39] 19/17 50/8 51/17 51/25 53/6 54/1 54/2 54/4 54/6 54/7 54/10 54/19 55/4 55/8 55/10 55/15 55/18 55/21 56/3 56/21 56/21 57/12 57/20 57/20 57/22 57/24 57/25 58/12 58/14 58/20 59/1 59/1 78/24 79/5 92/11 92/19 92/20 92/22 93/4 long [13] 28/11 47/4 47/18 53/10 66/8 81/16 83/23 84/15 85/19 86/19 96/5 97/14 98/7 long-term [1] 28/11 longer [5] 3/25 25/12 68/16 81/12 81/18 look [17] 4/21 9/16 11/22 12/3 12/14 19/11 23/9 43/21 44/14 45/4 47/18 67/21 74/16 78/23 93/23 93/24 96/23 looked [8] 8/15 8/21 9/25 18/13 41/14 41/18 72/12 93/19 looking [10] 6/24 18/10 42/15 44/23 45/1 71/17 90/10 94/2 94/21 104/8 lost [5] 19/4 41/7 41/9 78/11 78/12 lot [40] 3/22 6/13 6/16 7/19 9/12 14/3 15/23 19/1 19/14 19/15 19/22 25/24 32/18 41/9 41/13 41/15 42/2 42/24 43/10 44/17 57/25 59/11 60/3 62/20 78/13 78/14 78/15 78/16 81/10 81/23 88/21 92/9 102/1 102/20 103/16 104/20 105/20 106/5 107/5 107/15 lots [3] 78/22 78/22 100/12 loved [3] 64/15 64/16 106/24	lovely [3] 7/20 68/15 107/4 low [1] 41/21 lower [5] 20/8 59/20 88/16 88/23 89/1 lucky [1] 95/15 lump [1] 109/23 lunch [3] 82/19 82/23 82/25 Luncheon [1] 83/4	M MACF0000001 [1] 35/23 MACF0000005 [2] 4/25 18/11 MACF0000005187 [1] 27/19 MACF0000019 [2] 23/5 49/20 MACF0000101 [1] 46/5 MACF0000113 [1] 43/18 MACF0000223 [1] 59/13 Macfarlane [144] Macfarlane Trust [125] machine [5] 22/24 45/7 45/12 71/7 71/10 made [35] 9/9 23/10 33/20 35/7 39/13 46/12 47/11 47/16 47/20 55/8 62/24 65/11 65/12 65/14 69/13 69/18 69/20 70/9 70/9 74/14 76/3 79/7 80/22 81/3 85/12 88/4 93/7 94/4 95/25 96/10 100/14 101/7 101/15 105/12 109/12 main [10] 1/18 6/2 18/2 24/22 29/19 59/8 75/3 80/6 88/19 100/4 94/21 major [2] 45/25 96/14 majority [4] 7/18 16/21 20/4 26/9 make [20] 1/13 26/2 29/21 29/23 30/13 30/24 36/18 39/23 41/2 42/6 44/3 44/12 47/9 51/20 56/13 61/12 61/14 70/6 73/11 85/24 makes [1] 36/12 making [10] 26/23 27/4 48/19 55/14 72/15 83/11 83/15 89/10 94/20 101/2	man [2] 6/9 7/21 manage [2] 3/4 52/7 managed [2] 5/15 78/15 manager [1] 7/20 many [7] 5/21 7/17 20/14 24/21 66/22 68/5 94/11 March [1] 1/1 Mark [1] 44/3 market [2] 9/14 20/13 Martin [4] 59/16 64/2 74/8 101/4 Martin Harvey [4] 59/16 64/2 74/8 101/4 Mary [2] 1/15 2/2 material [1] 84/17 matter [3] 31/24 32/8 33/11 matters [4] 18/20 38/6 38/7 40/18 maximum [1] 12/23 may [24] 10/18 18/3 26/5 26/21 44/23 52/20 53/16 60/14 61/11 63/5 73/8 75/5 78/10 82/21 84/5 84/14 88/25 91/23 98/20 104/14 104/15 105/4 105/5 108/25 maybe [12] 26/6 27/12 36/12 58/16 59/5 63/20 66/21 73/20 73/23 77/22 103/14 105/19 me [82] 1/7 2/6 3/23 4/10 6/4 6/11 7/9 7/11 7/13 7/13 7/15 7/21 7/22 7/23 7/25 14/22 14/22 14/24 19/18 20/2 22/18 24/22 29/11 30/2 30/13 30/17 32/15 32/16 32/19 32/21 33/4 33/25 34/1 34/6 34/9 34/11 34/25 35/20 39/4 39/8 40/15 45/17 45/25 47/7 47/16 48/23 59/8 61/4 62/20 62/21 63/5 63/18 63/23 64/12 64/19 65/1 65/4 65/11 65/14 66/3 66/11 68/16 69/3 70/17 70/17 71/8 72/16 73/13 74/15 77/13 80/8 81/15 87/15 88/3 90/5 90/23 97/25 101/10 101/25 102/1 103/1 108/16 mean [7] 12/8 12/8 20/17 29/3 39/10 56/25 102/7	means [2] 11/5 20/19 meant [2] 29/6 98/20 medical [3] 41/23 81/6 95/20 medically [1] 25/15 meet [11] 22/3 22/14 26/2 26/5 27/5 68/7 68/9 69/4 77/3 80/14 103/23 meeting [9] 5/2 21/25 23/5 23/10 25/18 47/15 49/22 67/15 81/21 meetings [8] 18/7 26/4 37/23 37/23 67/13 67/15 72/18 80/7 members [8] 3/11 14/19 15/3 15/7 16/2 25/14 47/17 49/8 memory [4] 37/15 55/12 78/10 83/22 men [2] 26/9 26/9 mental [2] 41/24 42/2 mentally [1] 64/19 mentioned [3] 9/1 21/13 79/25 messaging [1] 53/3 met [5] 6/19 18/2 18/3 32/3 46/8 MFT [5] 18/18 35/24 38/2 45/25 87/3 middle [3] 26/8 75/23 103/12 Middle-aged [1] 75/23 might [24] 7/5 17/6 26/13 36/13 42/8 45/11 52/7 53/6 54/23 55/25 56/11 57/20 61/25 62/2 71/4 73/10 77/24 78/2 79/22 84/8 84/22 90/23 103/7 103/9 mild [3] 10/14 10/18 12/5 mincing [1] 49/4 mind [2] 38/22 52/16 mind' [1] 46/22 minority [2] 30/14 102/15 minute [1] 7/14 minutes [1] 74/14 mistake [1] 109/12 misunderstand [1] 14/4 misunderstood [1] 94/8 mix [2] 104/7 107/19 mixing [2] 103/11 105/9 moderate [5] 10/15 10/22 11/24 12/5 13/5	modify [1] 38/9 moment [3] 17/12 109/5 109/17 money [18] 20/7 22/23 29/17 32/4 43/10 47/1 47/2 51/14 55/8 70/3 77/10 81/23 89/14 94/1 99/13 99/17 99/18 103/24 month [3] 24/13 68/18 88/11 monthly [6] 51/20 91/2 91/5 91/8 91/8 91/10 months [8] 7/23 46/18 76/18 77/11 81/16 84/4 88/17 90/23 more [53] 2/1 11/9 14/9 18/17 18/17 19/2 19/3 19/3 19/3 19/8 19/9 19/13 20/15 22/9 23/20 30/14 31/5 36/19 37/2 41/20 42/6 48/16 48/16 48/16 48/17 48/17 50/18 51/13 55/19 56/20 64/3 64/25 65/1 68/13 74/3 78/10 81/23 81/23 82/4 85/20 87/4 89/14 95/25 96/6 99/11 99/14 99/24 100/10 100/10 105/19 107/25 108/4 109/3 morning [7] 1/3 1/4 67/19 82/3 88/21 90/10 91/21 mornings [1] 36/24 mortgage [55] 5/10 5/16 6/2 6/5 6/18 6/20 6/25 8/5 8/6 8/18 8/20 13/16 15/16 15/24 16/4 16/11 20/17 20/19 28/9 29/21 29/21 30/19 30/24 31/2 31/20 32/22 33/2 33/14 33/16 33/23 33/25 34/11 34/21 42/9 54/13 56/10 56/23 57/6 57/16 59/14 59/20 63/18 63/24 85/17 85/20 86/3 86/8 86/16 90/2 90/3 90/14 90/19 90/20 109/18 109/19 mortgages [19] 5/14 5/20 6/13 7/8 7/10 8/17 15/12 16/13 19/15 23/13 60/2 85/6 85/8 85/12 85/18 85/23 86/2 86/8 109/16 most [22] 5/25 11/25
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(37) lenders... - most

<p>M</p> <p>most... [20] 16/19 24/6 26/6 31/13 32/23 39/8 40/16 48/24 49/1 58/9 64/21 65/21 68/17 76/1 79/18 86/8 87/11 88/13 94/12 106/8</p> <p>mother [1] 80/10</p> <p>mount [1] 102/22</p> <p>mounting [1] 56/24</p> <p>mouth [1] 90/4</p> <p>move [8] 7/4 7/5 7/5 8/25 20/15 53/5 57/6 65/5</p> <p>moved [2] 87/15 97/10</p> <p>movement [1] 76/11</p> <p>moving [2] 24/4 31/21</p> <p>Ms [10] 1/3 1/16 2/5 2/8 82/18 109/3 110/16 110/20 110/20 111/3</p> <p>Ms Cohen [1] 110/20</p> <p>Ms Daniels [3] 1/3 2/8 82/18</p> <p>Ms Rendle [1] 110/20</p> <p>Ms Scott [3] 1/16 109/3 110/16</p> <p>much [37] 6/9 17/22 18/1 20/8 21/1 21/15 22/9 25/3 27/2 27/15 30/1 48/16 48/18 49/10 51/22 52/5 69/2 69/5 71/25 77/10 79/3 81/9 82/9 83/1 87/15 90/19 90/22 92/8 95/25 100/14 103/24 105/12 107/6 108/4 108/24 109/25 110/12</p> <p>must [10] 53/14 60/12 62/5 73/15 73/19 87/10 90/2 101/15 102/11 107/7</p> <p>my [41] 2/17 9/10 14/7 18/2 19/5 26/1 28/19 29/18 30/3 32/8 32/17 39/5 40/13 44/9 45/22 46/1 46/2 51/2 54/20 55/23 57/10 58/10 59/10 64/18 64/22 73/8 73/20 78/25 80/7 81/5 83/20 83/22 92/5 92/13 101/8 101/9 101/18 101/19 102/16 103/21 103/23</p> <p>myself [2] 105/2 107/16</p>	<p>named [1] 43/23</p> <p>names [2] 44/8 102/18</p> <p>Nationwide [10] 5/17 7/19 7/22 7/25 31/2 33/17 57/1 85/8 86/10 86/14</p> <p>nature [2] 41/25 71/2</p> <p>near [1] 85/21</p> <p>nearly [1] 47/15</p> <p>necessarily [5] 16/3 22/6 55/1 55/3 104/23</p> <p>necessary [3] 39/6 62/22 91/1</p> <p>need [20] 7/5 33/16 35/2 43/25 44/14 44/17 46/6 46/8 47/2 58/8 71/9 71/16 71/17 71/25 75/23 77/10 77/24 79/4 79/17 79/18</p> <p>needed [11] 18/22 21/10 29/18 38/9 39/21 40/18 45/7 67/11 70/15 70/19 94/13</p> <p>needing [1] 18/24</p> <p>needs [10] 69/6 70/11 74/21 75/13 77/3 77/22 78/1 81/21 105/10 107/22</p> <p>negative [1] 95/22</p> <p>neglected [1] 66/6</p> <p>negotiate [6] 5/16 19/20 20/8 91/12 92/3 92/10</p> <p>negotiating [2] 20/22 109/20</p> <p>negotiating with [1] 20/22</p> <p>nervous [1] 44/9</p> <p>network [1] 21/2</p> <p>never [7] 6/8 20/7 29/16 84/23 92/13 92/16 97/3</p> <p>new [11] 3/19 4/5 4/8 40/19 45/11 68/5 75/6 76/9 76/23 76/25 78/1</p> <p>next [11] 20/10 20/21 28/21 44/15 44/19 46/10 74/19 76/13 76/17 77/10 103/2</p> <p>night [1] 27/14</p> <p>nine [1] 1/11</p> <p>no [82] 3/25 4/7 8/18 8/19 12/6 12/9 12/10 14/6 14/16 14/16 15/4 15/4 15/21 16/20 18/9 18/9 22/18 25/25 31/20 31/24 32/7 32/7 33/14 33/14 33/14 34/2 34/8 34/15 35/18</p>	<p>39/7 42/18 42/18 42/23 42/23 43/14 49/6 50/3 52/2 52/2 53/4 53/4 54/5 54/11 55/12 55/16 61/18 61/20 63/1 63/1 63/5 64/11 65/21 66/9 68/16 74/12 78/14 80/6 80/14 81/7 81/12 81/18 83/22 83/22 84/24 85/15 85/24 87/8 88/2 89/12 89/15 89/22 92/13 92/18 93/3 93/3 93/10 93/11 94/11 98/17 102/17 102/20 108/20</p> <p>no other [1] 14/6</p> <p>no-one [2] 66/9 81/7</p> <p>non [5] 42/14 69/15 69/17 69/23 83/9</p> <p>non-infected [5] 42/14 69/15 69/17 69/23 83/9</p> <p>nor [1] 81/6</p> <p>normal [6] 9/13 10/18 10/19 34/12 57/16 105/21</p> <p>normally [2] 42/7 72/18</p> <p>Northern [1] 21/23</p> <p>not [75] 9/22 15/7 18/4 23/17 23/17 24/7 24/17 24/20 25/2 25/3 26/1 26/12 26/12 26/13 27/1 27/12 28/17 29/5 31/22 33/14 37/16 41/23 42/1 42/4 42/16 43/1 44/12 44/20 45/6 45/10 47/3 48/23 49/4 50/8 50/18 52/18 53/14 53/18 55/1 55/2 55/18 56/25 57/19 60/17 61/15 66/22 68/13 69/25 73/6 73/9 78/13 82/10 83/22 84/7 84/9 84/18 85/24 87/16 87/19 87/20 89/3 89/3 89/19 92/14 97/4 97/14 97/15 97/18 99/5 100/11 103/21 104/21 104/23 104/23 110/10</p> <p>notated [1] 95/17</p> <p>note [1] 53/5</p> <p>notes [2] 6/11 46/14</p> <p>nothing [7] 7/11 30/17 95/20 99/1 101/16 102/7 106/20</p> <p>notified [1] 30/16</p> <p>now [23] 7/1 9/16 13/23 17/10 23/9</p>	<p>27/18 32/10 35/21 40/21 45/24 46/23 53/7 53/9 60/3 61/18 65/23 76/2 76/4 82/18 84/5 90/3 96/13 109/3</p> <p>nowhere [1] 56/7</p> <p>NSSC [1] 43/22</p> <p>number [13] 1/23 6/21 18/17 21/14 23/11 32/17 36/22 43/19 43/24 46/7 65/3 95/17 101/16</p>	<p>offer [2] 57/20 78/24</p> <p>offered [2] 21/2 87/6</p> <p>office [6] 32/20 37/22 48/25 66/13 72/24 90/7</p> <p>office and [1] 48/25</p> <p>officer [8] 35/25 36/7 37/19 38/21 38/24 39/10 41/19 91/3</p> <p>often [3] 12/23 36/22 75/3</p> <p>Oh [5] 13/21 59/9 61/4 85/1 94/7</p> <p>okay [5] 1/25 34/11 36/15 53/19 62/10</p> <p>old [1] 97/9</p> <p>older [2] 24/20 75/25</p> <p>once [8] 13/17 18/4 55/5 63/16 67/9 68/13 68/18 80/4</p> <p>one [47] 1/11 1/15 6/2 6/6 14/9 23/3 25/22 25/22 40/14 40/23 41/19 42/6 42/11 43/18 44/9 45/6 54/14 56/22 59/5 62/10 62/13 63/5 66/9 69/2 75/16 78/9 78/20 80/7 81/7 83/15 84/15 87/17 89/5 91/24 95/23 96/11 98/3 102/16 103/20 104/18 105/21 106/15 106/19 106/22 107/2 108/7 108/25</p> <p>one-to-one [1] 25/22</p> <p>onerous [1] 8/19</p> <p>ones [1] 68/3</p> <p>ongoing [1] 76/19</p> <p>only [27] 1/11 8/10 12/25 29/1 30/6 37/8 38/25 47/15 50/18 57/5 59/8 64/18 70/2 74/12 74/14 78/9 78/20 85/23 86/2 91/19 91/23 96/3 103/3 108/7 109/18 109/20 110/10</p> <p>only' [1] 5/16</p> <p>onto [2] 83/8 88/6</p> <p>open [1] 45/17</p> <p>operating [2] 37/21 37/23</p> <p>operation [1] 60/3</p> <p>opinion [2] 10/7 76/1</p> <p>opportunity [1] 84/7</p> <p>option [3] 57/5 58/21 64/18</p> <p>options [1] 56/9</p> <p>or [152]</p> <p>or kindness [1] 99/21</p> <p>order [6] 16/20 33/12</p>	<p>34/3 76/16 81/2 104/8</p> <p>organisation [2] 69/3 93/5</p> <p>organisations [6] 3/21 4/12 19/24 89/18 92/7 105/18</p> <p>organised [1] 27/9</p> <p>original [1] 18/18</p> <p>originally [2] 5/12 18/21</p> <p>other [35] 3/18 6/4 8/14 9/9 11/21 14/6 20/18 27/11 32/1 32/2 32/19 32/24 36/20 37/23 41/3 41/3 42/5 42/7 49/3 54/14 56/9 57/5 58/7 78/21 80/5 90/5 91/15 93/21 96/19 97/10 103/20 104/22 107/12 108/7 108/25</p> <p>others [3] 20/7 104/25 105/6</p> <p>otherwise [3] 31/18 61/25 82/24</p> <p>out [51] 7/4 10/5 10/12 11/20 14/22 21/10 27/5 27/20 30/2 36/16 37/6 37/18 38/6 40/6 40/24 44/8 44/13 46/22 50/15 52/23 54/14 60/8 65/13 66/9 66/11 67/4 67/7 67/10 72/8 73/21 73/24 76/3 76/20 77/2 77/21 79/2 79/11 79/16 84/7 84/12 84/13 85/18 86/7 97/25 99/18 101/14 105/1 106/25 107/5 107/15 108/8</p> <p>outline [1] 4/11</p> <p>outlined [1] 58/21</p> <p>outs [1] 27/21</p> <p>outside [1] 39/22</p> <p>outstanding [3] 52/12 86/5 86/13</p> <p>over [21] 3/20 10/11 10/24 11/4 11/20 21/18 24/24 25/5 42/3 44/15 44/19 46/7 46/9 54/8 59/14 71/14 74/17 74/19 76/2 76/13 96/22</p> <p>overall [2] 35/12 45/5</p> <p>overemotional [2] 45/10 49/12</p> <p>owe [1] 39/11</p> <p>owing [2] 39/25 40/4</p> <p>own [10] 1/5 5/24 22/15 26/22 27/25 52/15 62/2 78/15 81/9 85/25</p>
---	---	--	--	--	---

<p>P</p> <p>package [1] 5/16</p> <p>page [26] 9/18 9/21 9/25 10/4 10/11 11/4 11/20 24/9 25/5 27/21 36/1 36/15 37/18 44/1 44/15 46/10 49/24 49/24 59/15 59/15 59/18 74/18 74/19 75/11 75/15 76/13</p> <p>page 3 [1] 37/18</p> <p>page 6 [1] 44/1</p> <p>pages [1] 9/22</p> <p>paid [23] 6/20 23/2 25/3 29/1 30/7 30/8 32/8 34/9 50/9 50/15 50/17 51/25 63/13 63/18 69/16 69/17 85/17 90/13 90/17 90/19 90/21 91/5 91/8</p> <p>paint [1] 45/8</p> <p>paper [4] 35/24 36/5 36/11 41/18</p> <p>papers [2] 43/21 43/25</p> <p>paragraph [20] 11/2 11/23 12/14 18/13 18/14 20/11 20/21 20/24 24/1 24/19 28/21 30/19 31/11 36/17 44/6 45/20 50/3 60/9 60/25 97/2</p> <p>paragraph 1.7 [1] 11/2</p> <p>paragraph 2 [2] 30/19 31/11</p> <p>paragraph 2.3 [1] 11/23</p> <p>paragraph 4.1 [1] 12/14</p> <p>paragraph 5 [1] 60/9</p> <p>parameters [1] 8/2</p> <p>parapet [1] 102/12</p> <p>part [8] 21/1 21/15 33/17 77/17 85/25 104/14 106/6 107/12</p> <p>Participants [2] 83/6 100/16</p> <p>particular [18] 1/10 8/16 35/1 39/14 44/24 44/25 45/6 52/17 52/17 71/11 72/7 87/17 88/7 90/6 92/20 101/1 105/9 105/9</p> <p>particularly [5] 19/22 22/13 80/9 93/12 98/11</p> <p>partner [2] 21/8 85/2</p> <p>partners [1] 99/10</p> <p>Partnership [2] 62/16 89/21</p>	<p>pass [1] 88/6</p> <p>past [2] 20/14 45/24</p> <p>pastoral [1] 38/2</p> <p>pausing [3] 5/23 23/16 28/2</p> <p>pay [30] 4/10 6/18 8/4 15/2 26/14 30/4 33/23 34/6 35/11 42/9 50/22 51/4 51/6 51/15 52/5 52/18 52/24 54/13 55/19 56/23 57/6 58/2 63/23 71/20 76/24 78/17 79/22 84/7 84/13 109/24</p> <p>paying [5] 45/14 50/23 51/13 78/8 91/22</p> <p>payment [7] 4/6 18/22 27/22 80/19 91/1 91/2 109/23</p> <p>payments [23] 6/23 7/2 15/25 18/18 29/22 29/22 33/20 41/8 41/9 51/20 55/9 69/12 69/13 69/18 69/20 76/8 85/11 85/14 86/15 86/20 86/22 95/3 97/5</p> <p>pays [2] 30/23 31/12</p> <p>Pending [1] 24/10</p> <p>pension [2] 16/15 25/2</p> <p>pensions [2] 15/13 21/11</p> <p>penultimate [2] 9/21 75/15</p> <p>people [103] 1/11 1/21 3/14 6/16 7/1 8/8 8/25 12/15 13/4 13/11 13/13 13/17 14/3 14/5 15/20 16/1 18/22 18/24 18/25 19/1 19/2 19/3 19/12 21/16 21/22 22/1 22/3 22/4 22/20 24/14 25/2 25/15 25/18 29/11 32/16 37/16 39/2 39/8 42/3 42/4 43/15 45/16 47/2 48/17 48/19 50/19 51/18 51/20 54/11 56/5 56/19 57/1 59/9 60/6 61/15 66/15 68/4 68/7 68/17 70/5 70/16 72/1 72/2 72/8 73/16 79/18 81/8 82/9 87/12 88/2 88/24 93/21 94/12 95/3 95/11 98/10 98/24 99/19 100/11 100/22 102/10 103/11 103/13 103/18 103/23 104/7 104/11 104/19 104/20</p>	<p>104/22 104/24 104/25 105/7 105/10 106/4 106/5 106/7 106/8 106/12 106/20 106/23 108/17 109/13</p> <p>people's [3] 39/1 40/16 52/24</p> <p>per [15] 10/24 10/25 11/5 11/9 12/20 12/21 12/22 12/23 24/13 28/23 28/24 30/4 51/5 90/13 91/1</p> <p>perfectly [2] 88/2 105/21</p> <p>perhaps [4] 47/22 48/1 53/11 107/24</p> <p>period [6] 20/12 50/4 72/11 88/11 98/8 98/24</p> <p>permitted [3] 87/19 87/21 87/23</p> <p>persist [1] 63/15</p> <p>person [13] 17/14 26/16 42/8 46/8 48/13 66/21 67/22 81/4 84/8 85/15 85/24 86/6 94/20</p> <p>person's [5] 33/7 35/13 45/5 85/2 98/12</p> <p>personal [6] 5/21 22/4 45/18 103/3 103/8 103/25</p> <p>perspective [2] 39/16 39/18</p> <p>Peter [10] 27/9 66/3 66/11 77/12 80/8 80/17 97/25 101/18 107/10 110/4</p> <p>Peter Stevens [9] 66/3 66/11 77/12 80/8 80/17 97/25 101/18 107/10 110/4</p> <p>petition [1] 65/4</p> <p>phone [6] 22/6 30/2 38/3 70/14 70/17 93/11</p> <p>photographs [1] 93/9</p> <p>pick [1] 82/20</p> <p>picture [12] 18/12 18/23 35/13 35/22 44/23 45/1 45/4 45/5 45/9 68/19 68/24 93/11</p> <p>piled [1] 66/10</p> <p>place [6] 23/14 42/20 57/24 62/6 81/19 93/5</p> <p>planning [6] 5/10 18/17 19/8 19/14 27/24 33/3</p> <p>plea [1] 27/4</p> <p>pleas [1] 42/20</p> <p>please [11] 4/25 21/5</p>	<p>34/6 36/2 36/15 46/10 49/24 59/12 74/10 75/16 102/18</p> <p>plight [1] 24/6</p> <p>pm [3] 83/3 83/5 110/24</p> <p>point [21] 14/9 18/2 28/14 31/10 36/18 42/6 45/24 46/1 54/15 70/20 73/15 73/20 73/24 84/13 91/7 95/23 96/14 96/19 97/14 106/15 109/17</p> <p>policies [6] 49/18 54/3 54/6 55/3 69/22 84/1</p> <p>policy [17] 24/11 24/18 42/9 42/21 50/21 50/21 50/23 51/10 53/3 54/9 54/19 55/17 55/20 78/7 78/19 89/16 92/16</p> <p>poor [14] 6/16 7/4 18/19 26/15 41/12 41/15 47/22 59/21 60/6 80/10 81/8 103/11 103/19 105/11</p> <p>popular [2] 65/12 65/14</p> <p>population [3] 8/14 15/7 39/2</p> <p>position [16] 12/14 13/23 13/25 14/2 22/22 26/11 27/20 29/25 39/25 40/22 41/12 50/1 51/18 56/13 64/17 109/22</p> <p>positive [3] 9/8 66/17 85/2</p> <p>possible [3] 24/17 81/4 81/10</p> <p>possibly [2] 55/24 87/10</p> <p>pot [2] 32/3 32/4</p> <p>potential [4] 75/13 76/9 76/17 95/2</p> <p>potentially [1] 34/17</p> <p>poverty [3] 18/24 19/1 19/3</p> <p>practical [1] 99/16</p> <p>practice [6] 58/13 61/21 67/18 67/18 67/24 70/8</p> <p>practised [1] 45/2</p> <p>practitioner [2] 41/23 42/2</p> <p>preferable [1] 57/18</p> <p>premium [4] 10/20 10/24 11/4 12/19</p> <p>premiums [1] 10/14</p> <p>prepare [2] 67/12 67/13</p>	<p>prepared [3] 23/4 65/15 107/19</p> <p>present [2] 13/1 37/6</p> <p>presented [2] 34/8 36/5</p> <p>presenting [1] 46/11</p> <p>press [1] 14/3</p> <p>pressed [1] 106/19</p> <p>presumably [6] 13/19 31/22 54/12 55/13 60/21 76/22</p> <p>pretty [3] 61/20 68/19 110/1</p> <p>prevented [1] 106/1</p> <p>previous [3] 60/7 101/11 105/24</p> <p>previously [3] 48/3 74/13 79/13</p> <p>primarily [1] 23/7</p> <p>primary [3] 41/6 41/10 79/1</p> <p>prior [2] 34/9 66/18</p> <p>priority [1] 29/19</p> <p>private [1] 75/18</p> <p>probably [25] 7/13 11/15 23/9 26/7 26/9 28/4 35/9 37/1 49/11 56/9 63/22 68/18 76/25 77/19 77/20 78/21 81/16 81/18 82/2 87/15 98/8 100/3 100/11 102/13 109/8</p> <p>probate [1] 21/9</p> <p>problem [13] 6/14 24/6 24/22 30/1 40/24 40/25 42/5 42/7 45/8 70/17 84/11 84/16 87/11</p> <p>problems [12] 14/6 17/12 25/15 26/18 40/16 41/25 44/12 44/13 52/14 57/2 89/4 105/24</p> <p>procedure [6] 70/24 70/24 89/23 96/2 99/3 100/9</p> <p>proceedings [1] 4/19</p> <p>process [4] 26/25 33/15 33/18 100/13</p> <p>products [4] 10/8 11/21 16/9 80/20</p> <p>Professional [1] 28/1</p> <p>professionally [1] 27/23</p> <p>professionals [1] 37/24</p> <p>progress [1] 38/8</p> <p>proof [2] 81/18 96/5</p> <p>proper [2] 19/5 23/2</p> <p>proper compensation [1] 23/2</p> <p>properly [3] 98/2</p>	<p>102/15 109/13</p> <p>property [9] 7/3 23/14 54/17 56/21 57/14 57/21 59/2 91/18 92/19</p> <p>property-related [1] 56/21</p> <p>proportioned [1] 72/1</p> <p>proposal [2] 36/6 41/18</p> <p>prospect [2] 10/8 46/2</p> <p>prospective [1] 96/16</p> <p>prospects [1] 41/15</p> <p>protection [5] 11/22 12/1 13/8 13/15 62/2</p> <p>prove [1] 81/17</p> <p>proves [1] 11/16</p> <p>provides [16] 4/2 14/18 14/18 19/18 34/16 34/23 42/9 46/14 63/4 74/1 74/2 87/19 87/21 88/12 95/11 100/6</p> <p>provided [13] 2/19 3/10 3/17 4/18 9/16 32/25 34/5 37/11 37/14 49/15 63/8 86/22 89/6</p> <p>providing [10] 23/12 23/19 37/21 37/24 38/2 63/9 66/18 77/8 86/20 86/24</p> <p>provision [1] 76/3</p> <p>public [1] 1/20</p> <p>published [1] 73/4</p> <p>purchase [1] 23/13</p> <p>purely [2] 16/7 39/20</p> <p>put [20] 7/3 14/10 32/4 32/15 39/22 42/20 64/17 67/12 70/10 70/15 70/18 72/5 79/3 80/24 90/8 91/7 96/11 100/20 102/12 110/13</p> <p>puts [1] 25/14</p>
					<p>Q</p> <p>qualification [2] 28/5 81/6</p> <p>qualifications [6] 28/3 28/7 28/8 28/9 28/10 28/11</p> <p>qualified [3] 27/23 41/23 42/1</p> <p>quarterly [1] 67/15</p> <p>queried [4] 65/8 65/9 65/11 65/20</p> <p>queries [2] 23/15 64/11</p> <p>question [9] 1/15 23/7 57/10 92/23 94/8 94/15 103/2 105/13 108/7</p>

<p>Q</p> <p>questioned [2] 64/7 64/11</p> <p>questions [26] 1/16 2/5 16/15 16/16 35/21 40/21 43/17 46/4 53/25 54/22 65/23 69/11 82/17 82/21 83/6 83/15 88/14 90/9 95/1 95/7 96/9 100/15 100/17 100/18 111/3 111/4</p> <p>quite [20] 26/10 51/11 55/25 57/8 60/5 61/5 68/14 74/3 74/4 76/5 77/23 81/15 84/15 87/15 96/7 98/7 98/9 105/2 107/8 108/8</p> <p>quite limited [1] 76/5</p> <p>quote [1] 71/3</p> <p>quotes [5] 70/25 71/5 71/6 96/11 100/13</p>	<p>88/13 88/23 108/5</p> <p>reasonable [2] 44/19 95/24</p> <p>reasonably [2] 52/15 71/24</p> <p>reasoned [1] 71/10</p> <p>reasons [4] 40/14 54/12 54/14 88/6</p> <p>recall [5] 8/16 49/7 85/9 90/16 94/19</p> <p>receipt [1] 85/15</p> <p>receive [4] 25/1 31/1 33/12 34/3</p> <p>received [6] 6/23 22/11 31/8 31/16 31/17 41/8</p> <p>receives [1] 36/22</p> <p>receiving [5] 35/15 37/19 41/11 46/19 101/9</p> <p>recent [1] 37/7</p> <p>recognised [1] 83/7</p> <p>recognising [1] 102/6</p> <p>recollect [1] 89/19</p> <p>recollection [3] 83/25 92/2 110/9</p> <p>recommend [2] 56/8 91/16</p> <p>recommendation [2] 39/16 45/13</p> <p>recommendation from [1] 39/16</p> <p>recommendations [1] 39/13</p> <p>recommending [2] 54/23 55/7</p> <p>record [1] 44/1</p> <p>recording [1] 35/10</p> <p>records [2] 81/13 95/20</p> <p>rectified [1] 97/12</p> <p>redacted [3] 66/8 98/7 101/19</p> <p>redcoration [1] 43/19</p> <p>reduce [5] 24/12 38/1 91/12 92/3 92/10</p> <p>reduced [5] 50/14 51/5 91/20 91/22 92/9</p> <p>refer [2] 36/10 36/11</p> <p>reference [3] 5/1 28/12 95/17</p> <p>referred [1] 32/11</p> <p>referring [1] 84/19</p> <p>reflection [1] 18/20</p> <p>reforms [1] 69/24</p> <p>regard [3] 62/2 62/5 110/10</p> <p>regarding [2] 3/13 47/5</p> <p>regardless [1] 90/22</p> <p>regards [1] 35/3</p>	<p>registered [2] 3/11 3/18</p> <p>registrant [23] 30/17 31/23 32/25 33/19 33/21 34/6 34/10 34/19 38/22 40/1 43/23 51/15 51/17 56/12 60/18 60/23 61/9 63/21 67/11 78/11 80/8 90/8 96/15</p> <p>registrant's [3] 33/10 34/17 46/17</p> <p>registrants [145]</p> <p>registrants with [1] 53/2</p> <p>registrants' [3] 78/8 81/21 100/4</p> <p>regular [10] 3/23 18/6 37/22 55/9 67/13 68/14 69/13 86/15 86/20 97/5</p> <p>regularly [1] 68/9</p> <p>regulations [1] 16/21</p> <p>relate [1] 107/3</p> <p>related [3] 48/5 56/11 56/21</p> <p>relation [14] 1/15 10/12 10/17 11/11 11/21 22/13 28/13 40/22 44/24 70/4 76/22 76/25 91/3 94/3</p> <p>relationship [7] 4/1 22/4 36/21 38/1 69/9 96/20 100/8</p> <p>relaxed [2] 106/24 108/4</p> <p>release [2] 28/10 58/3</p> <p>relevant [3] 38/6 80/23 94/4</p> <p>remain [1] 17/10</p> <p>remained [2] 13/25 90/16</p> <p>remember [14] 6/5 14/15 15/21 36/8 58/23 61/3 63/16 63/16 63/19 66/6 73/20 84/16 85/3 91/23</p> <p>remit [1] 92/13</p> <p>remortgage [1] 86/7</p> <p>remote [1] 105/5</p> <p>remuneration [1] 90/9</p> <p>Rendle [2] 110/19 110/20</p> <p>renegotiated [1] 50/14</p> <p>renew [2] 17/14 17/15</p> <p>rent [2] 29/22 32/6</p> <p>rented [1] 57/7</p> <p>repaid [1] 58/12</p> <p>repayable [1] 86/6</p> <p>repayment [4] 33/5</p>	<p>85/25 86/1 86/10</p> <p>repayments [1] 56/13</p> <p>repeating [1] 109/8</p> <p>report [21] 4/18 4/21 9/16 9/18 9/23 10/5 13/4 13/9 23/4 23/6 33/6 34/2 35/8 41/13 44/2 49/21 74/18 75/1 75/10 96/12 96/25</p> <p>reported [2] 62/15 87/3</p> <p>reporting [1] 33/11</p> <p>reports [10] 40/23 41/3 41/3 67/12 74/17 77/8 77/13 77/21 87/2 96/10</p> <p>repossessed [1] 98/13</p> <p>represent [1] 47/12</p> <p>representative [1] 96/18</p> <p>representatives [1] 83/7</p> <p>reputable [1] 61/24</p> <p>request [1] 70/18</p> <p>requested [1] 46/16</p> <p>require [3] 16/19 76/1 95/10</p> <p>required [5] 33/9 71/12 72/8 81/2 86/14</p> <p>Requirements [1] 74/20</p> <p>rescheduling [1] 20/23</p> <p>research [2] 9/12 38/6</p> <p>researched [1] 84/11</p> <p>reserves [6] 43/10 43/11 43/13 79/8 79/17 79/20</p> <p>residents [1] 75/21</p> <p>resigned [5] 62/14 63/25 64/3 65/2 87/25</p> <p>resort [8] 56/7 56/18 57/10 57/12 60/1 60/4 91/19 92/1</p> <p>respect [3] 85/12 91/15 100/19</p> <p>respond [1] 102/8</p> <p>response [3] 49/7 49/10 66/17</p> <p>responsible [1] 47/6</p> <p>restricted [1] 94/19</p> <p>result [4] 26/22 37/7 80/19 100/20</p> <p>retainer [2] 91/2 91/5</p> <p>retrain [1] 38/4</p> <p>return [2] 29/1 30/6</p> <p>Reverend [2] 17/24 18/4</p> <p>Reverend Tanner [1] 18/4</p> <p>review [7] 30/10 66/3</p>	<p>66/12 67/1 67/8 67/10 97/25</p> <p>reviewing [1] 79/1</p> <p>reviews [1] 67/4</p> <p>rewarding [2] 64/21 64/24</p> <p>ridiculous [1] 6/17</p> <p>right [32] 1/14 2/3 2/20 2/24 3/2 4/15 5/6 11/13 20/3 25/19 28/14 30/9 31/3 34/14 34/16 36/4 37/1 42/17 44/22 54/21 69/21 73/3 74/6 78/21 79/7 80/24 81/8 86/16 88/15 102/1 102/6 105/5</p> <p>rise [1] 104/16</p> <p>role [20] 2/14 24/25 37/18 38/11 40/12 54/3 56/3 62/14 66/9 67/7 67/8 74/8 74/10 77/17 79/12 81/5 86/24 86/25 87/7 103/10</p> <p>roles [2] 3/7 39/5</p> <p>roll [1] 58/2</p> <p>room [3] 1/9 1/11 1/18</p> <p>route [1] 99/7</p> <p>running [4] 5/23 27/8 32/5 109/1</p>	<p>saw [11] 41/1 41/5 56/8 58/5 68/14 94/12 98/25 99/24 102/6 102/13 107/25</p> <p>say [51] 1/21 11/4 11/15 11/16 12/3 12/16 12/20 15/10 15/14 16/17 19/25 20/3 24/1 24/5 24/9 24/18 41/20 42/25 47/10 47/15 48/23 49/2 50/7 51/5 51/7 61/4 63/25 64/20 65/7 68/1 69/8 72/22 74/24 76/6 78/19 82/8 84/19 85/1 89/3 89/3 97/6 97/7 97/20 101/1 107/7 107/9 108/5 108/25 109/4 109/9 110/10</p> <p>saying [5] 25/17 62/11 77/9 104/23 105/4</p> <p>says [10] 6/11 18/14 20/11 27/22 31/11 44/16 74/16 74/18 74/19 75/17</p> <p>scale [1] 79/19</p> <p>scandal [1] 109/11</p> <p>schedule [2] 19/19 33/7</p> <p>scheme [4] 20/19 42/13 90/2 109/15</p> <p>schemes [3] 3/19 4/5 4/8</p> <p>school [1] 43/20</p> <p>Scotland [5] 3/19 21/22 59/2 59/5 85/9</p> <p>Scott [5] 1/16 2/5 109/3 110/16 111/3</p> <p>screen [2] 1/14 43/24</p> <p>screens [1] 1/22</p> <p>second [2] 18/13 59/15</p> <p>secondary [2] 56/25 106/8</p> <p>secondary health [1] 106/8</p> <p>secretary [4] 3/1 74/5 74/13 77/7</p> <p>section [1] 36/17</p> <p>sector [1] 76/1</p> <p>secure [2] 7/8 7/10</p> <p>secured [5] 57/21 59/2 91/18 92/11 92/19</p> <p>see [19] 2/6 9/18 10/11 15/3 27/4 30/19 33/4 53/20 59/15 80/8 90/25 92/7 92/8 98/4 102/22 104/10 104/25 107/4 110/1</p>
<p>R</p> <p>raise [2] 84/9 84/17</p> <p>raising [1] 49/25</p> <p>range [1] 23/12</p> <p>rate [2] 56/12 59/20</p> <p>rated [1] 11/9</p> <p>rates [3] 10/18 10/19 60/5</p> <p>rather [7] 22/1 32/4 49/11 54/17 57/21 72/25 105/15</p> <p>rating [15] 10/23 11/3 11/5 12/6 12/6 12/9 12/9 12/20 12/21 12/21 12/22 13/20 57/2 59/22 60/6</p> <p>ratings [2] 10/13 11/18</p> <p>Re [1] 59/14</p> <p>reaching [2] 99/18 108/20</p> <p>read [4] 13/3 13/9 48/1 65/13</p> <p>real [1] 24/13</p> <p>realise [1] 44/11</p> <p>realised [2] 20/6 93/1</p> <p>really [33] 4/16 18/4 19/5 23/23 25/17 40/20 54/25 56/5 56/14 57/3 57/10 58/24 59/8 60/4 60/6 65/16 68/14 78/9 78/19 80/14 81/5 82/13 89/15 90/4 92/1 98/2 99/6 103/1 103/14 104/25 105/4 107/14 108/8</p> <p>reason [5] 14/16 34/2</p>	<p>raise [2] 84/9 84/17 91/16</p> <p>raising [1] 49/25</p> <p>range [1] 23/12</p> <p>rate [2] 56/12 59/20</p> <p>rated [1] 11/9</p> <p>rates [3] 10/18 10/19 60/5</p> <p>rather [7] 22/1 32/4 49/11 54/17 57/21 72/25 105/15</p> <p>rating [15] 10/23 11/3 11/5 12/6 12/6 12/9 12/9 12/20 12/21 12/21 12/22 13/20 57/2 59/22 60/6</p> <p>ratings [2] 10/13 11/18</p> <p>Re [1] 59/14</p> <p>reaching [2] 99/18 108/20</p> <p>read [4] 13/3 13/9 48/1 65/13</p> <p>real [1] 24/13</p> <p>realise [1] 44/11</p> <p>realised [2] 20/6 93/1</p> <p>really [33] 4/16 18/4 19/5 23/23 25/17 40/20 54/25 56/5 56/14 57/3 57/10 58/24 59/8 60/4 60/6 65/16 68/14 78/9 78/19 80/14 81/5 82/13 89/15 90/4 92/1 98/2 99/6 103/1 103/14 104/25 105/4 107/14 108/8</p> <p>reason [5] 14/16 34/2</p>	<p>registered [2] 3/11 3/18</p> <p>registrant [23] 30/17 31/23 32/25 33/19 33/21 34/6 34/10 34/19 38/22 40/1 43/23 51/15 51/17 56/12 60/18 60/23 61/9 63/21 67/11 78/11 80/8 90/8 96/15</p> <p>registrant's [3] 33/10 34/17 46/17</p> <p>registrants [145]</p> <p>registrants with [1] 53/2</p> <p>registrants' [3] 78/8 81/21 100/4</p> <p>regular [10] 3/23 18/6 37/22 55/9 67/13 68/14 69/13 86/15 86/20 97/5</p> <p>regularly [1] 68/9</p> <p>regulations [1] 16/21</p> <p>relate [1] 107/3</p> <p>related [3] 48/5 56/11 56/21</p> <p>relation [14] 1/15 10/12 10/17 11/11 11/21 22/13 28/13 40/22 44/24 70/4 76/22 76/25 91/3 94/3</p> <p>relationship [7] 4/1 22/4 36/21 38/1 69/9 96/20 100/8</p> <p>relaxed [2] 106/24 108/4</p> <p>release [2] 28/10 58/3</p> <p>relevant [3] 38/6 80/23 94/4</p> <p>remain [1] 17/10</p> <p>remained [2] 13/25 90/16</p> <p>remember [14] 6/5 14/15 15/21 36/8 58/23 61/3 63/16 63/16 63/19 66/6 73/20 84/16 85/3 91/23</p> <p>remit [1] 92/13</p> <p>remortgage [1] 86/7</p> <p>remote [1] 105/5</p> <p>remuneration [1] 90/9</p> <p>Rendle [2] 110/19 110/20</p> <p>renegotiated [1] 50/14</p> <p>renew [2] 17/14 17/15</p> <p>rent [2] 29/22 32/6</p> <p>rented [1] 57/7</p> <p>repaid [1] 58/12</p> <p>repayable [1] 86/6</p> <p>repayment [4] 33/5</p>	<p>85/25 86/1 86/10</p> <p>repayments [1] 56/13</p> <p>repeating [1] 109/8</p> <p>report [21] 4/18 4/21 9/16 9/18 9/23 10/5 13/4 13/9 23/4 23/6 33/6 34/2 35/8 41/13 44/2 49/21 74/18 75/1 75/10 96/12 96/25</p> <p>reported [2] 62/15 87/3</p> <p>reporting [1] 33/11</p> <p>reports [10] 40/23 41/3 41/3 67/12 74/17 77/8 77/13 77/21 87/2 96/10</p> <p>repossessed [1] 98/13</p> <p>represent [1] 47/12</p> <p>representative [1] 96/18</p> <p>representatives [1] 83/7</p> <p>reputable [1] 61/24</p> <p>request [1] 70/18</p> <p>requested [1] 46/16</p> <p>require [3] 16/19 76/1 95/10</p> <p>required [5] 33/9 71/12 72/8 81/2 86/14</p> <p>Requirements [1] 74/20</p> <p>rescheduling [1] 20/23</p> <p>research [2] 9/12 38/6</p> <p>researched [1] 84/11</p> <p>reserves [6] 43/10 43/11 43/13 79/8 79/17 79/20</p> <p>residents [1] 75/21</p> <p>resigned [5] 62/14 63/25 64/3 65/2 87/25</p> <p>resort [8] 56/7 56/18 57/10 57/12 60/1 60/4 91/19 92/1</p> <p>respect [3] 85/12 91/15 100/19</p> <p>respond [1] 102/8</p> <p>response [3] 49/7 49/10 66/17</p> <p>responsible [1] 47/6</p> <p>restricted [1] 94/19</p> <p>result [4] 26/22 37/7 80/19 100/20</p> <p>retainer [2] 91/2 91/5</p> <p>retrain [1] 38/4</p> <p>return [2] 29/1 30/6</p> <p>Reverend [2] 17/24 18/4</p> <p>Reverend Tanner [1] 18/4</p> <p>review [7] 30/10 66/3</p>	<p>S</p> <p>sad [2] 64/17 98/11</p> <p>saddened [2] 45/22 96/12</p> <p>sadness [1] 98/16</p> <p>said [41] 7/11 7/22 8/1 14/17 25/17 32/21 34/4 41/12 42/15 42/18 46/6 48/21 48/21 55/17 59/6 59/9 61/25 64/5 71/4 71/9 73/23 84/8 91/20 92/1 92/15 93/3 95/8 96/5 98/6 99/23 100/7 101/8 101/25 102/1 102/2 102/21 103/17 106/19 107/6 107/10 109/8</p> <p>said: [1] 109/12</p> <p>said: we've [1] 109/12</p> <p>salary [3] 8/14 91/11 94/24</p> <p>same [12] 5/20 8/12 8/18 40/3 40/4 67/2 67/3 82/10 82/11 88/10 90/24 92/23</p> <p>sat [1] 107/13</p> <p>Saturday [1] 36/23</p> <p>savings [3] 24/23 30/12 88/25</p>	<p>saw [11] 41/1 41/5 56/8 58/5 68/14 94/12 98/25 99/24 102/6 102/13 107/25</p> <p>say [51] 1/21 11/4 11/15 11/16 12/3 12/16 12/20 15/10 15/14 16/17 19/25 20/3 24/1 24/5 24/9 24/18 41/20 42/25 47/10 47/15 48/23 49/2 50/7 51/5 51/7 61/4 63/25 64/20 65/7 68/1 69/8 72/22 74/24 76/6 78/19 82/8 84/19 85/1 89/3 89/3 97/6 97/7 97/20 101/1 107/7 107/9 108/5 108/25 109/4 109/9 110/10</p> <p>saying [5] 25/17 62/11 77/9 104/23 105/4</p> <p>says [10] 6/11 18/14 20/11 27/22 31/11 44/16 74/16 74/18 74/19 75/17</p> <p>scale [1] 79/19</p> <p>scandal [1] 109/11</p> <p>schedule [2] 19/19 33/7</p> <p>scheme [4] 20/19 42/13 90/2 109/15</p> <p>schemes [3] 3/19 4/5 4/8</p> <p>school [1] 43/20</p> <p>Scotland [5] 3/19 21/22 59/2 59/5 85/9</p> <p>Scott [5] 1/16 2/5 109/3 110/16 111/3</p> <p>screen [2] 1/14 43/24</p> <p>screens [1] 1/22</p> <p>second [2] 18/13 59/15</p> <p>secondary [2] 56/25 106/8</p> <p>secondary health [1] 106/8</p> <p>secretary [4] 3/1 74/5 74/13 77/7</p> <p>section [1] 36/17</p> <p>sector [1] 76/1</p> <p>secure [2] 7/8 7/10</p> <p>secured [5] 57/21 59/2 91/18 92/11 92/19</p> <p>see [19] 2/6 9/18 10/11 15/3 27/4 30/19 33/4 53/20 59/15 80/8 90/25 92/7 92/8 98/4 102/22 104/10 104/25 107/4 110/1</p>

<p>S</p> <p>seeing [1] 41/24</p> <p>seek [2] 24/15 38/4</p> <p>seem [1] 75/11</p> <p>seemed [2] 24/1 48/16</p> <p>seems [2] 32/1 36/3</p> <p>seen [6] 28/12 36/19 40/22 42/20 57/11 87/14</p> <p>self [5] 2/15 2/18 2/23 38/21 99/5</p> <p>self-employed [1] 38/21</p> <p>self-employment [1] 2/18</p> <p>sell [1] 57/6</p> <p>send [2] 50/15 72/18</p> <p>sending [1] 73/21</p> <p>senior [1] 49/8</p> <p>sense [2] 65/18 103/2</p> <p>sent [6] 33/4 34/25 73/7 73/8 73/19 97/9</p> <p>separate [3] 4/17 39/6 103/7</p> <p>separately [2] 12/18 13/20</p> <p>series [1] 56/15</p> <p>service [2] 36/25 37/25</p> <p>services [11] 3/18 5/24 23/19 37/11 37/14 38/9 49/15 89/24 89/25 99/9 100/5</p> <p>session [1] 107/12</p> <p>set [12] 10/12 36/16 37/6 37/18 40/24 44/13 50/24 60/8 70/24 77/2 77/23 89/10</p> <p>setback [2] 103/19 103/20</p> <p>sets [3] 10/5 27/20 27/21</p> <p>settle [1] 20/9</p> <p>several [1] 79/25</p> <p>severe [8] 10/15 10/15 11/2 11/8 11/24 12/12 13/6 13/7</p> <p>shall [1] 82/23</p> <p>shape [1] 44/19</p> <p>share [12] 57/12 57/17 57/22 57/24 58/6 58/14 58/20 59/1 59/6 59/10 59/11 92/20</p> <p>shared [1] 93/4</p> <p>sharing [1] 35/5</p> <p>she [16] 5/19 46/18 46/19 48/14 56/24</p>	<p>57/7 57/8 66/8 68/16 80/10 80/11 97/10 97/10 109/4 109/22 109/22</p> <p>she's [2] 109/18 109/18</p> <p>short [1] 53/23</p> <p>shortly [1] 67/1</p> <p>should [21] 13/9 23/1 42/12 47/18 50/9 55/8 55/8 56/4 60/12 72/22 76/3 84/9 84/17 89/14 92/25 93/1 96/6 109/10 109/11 109/14 109/23</p> <p>shouldn't [2] 22/22 109/22</p> <p>show [3] 46/3 60/14 77/15</p> <p>showed [1] 81/25</p> <p>shown [2] 43/24 103/1</p> <p>shut [1] 79/7</p> <p>sick [1] 37/17</p> <p>side [1] 6/25</p> <p>sides [2] 40/5 40/8</p> <p>sight [1] 46/22</p> <p>signal [1] 50/16</p> <p>signed [1] 9/22</p> <p>significant [1] 19/16</p> <p>significantly [1] 11/3</p> <p>similar [2] 11/20 71/23</p> <p>Simmons [1] 44/4</p> <p>simple [3] 48/20 48/20 88/10</p> <p>since [5] 5/10 23/10 64/9 75/7 84/15</p> <p>single [4] 58/10 59/6 67/14 70/4</p> <p>sir [7] 53/5 61/18 82/17 100/15 100/17 110/17 111/4</p> <p>Sir Brian [1] 61/18</p> <p>situation [12] 15/5 16/3 16/5 16/7 16/10 24/25 37/6 38/3 43/2 43/6 72/6 109/10</p> <p>six [3] 8/23 10/25 84/4</p> <p>six years [1] 10/25</p> <p>size [1] 105/14</p> <p>Skipton [2] 3/11 24/4</p> <p>Skipton Fund [2] 3/11 24/4</p> <p>slightly [2] 28/7 36/10</p> <p>small [9] 10/20 12/6 12/8 12/10 22/23 31/1 37/8 51/20 55/25</p> <p>smaller [3] 52/20 69/2 82/9</p> <p>so [163]</p> <p>So you [1] 68/19</p>	<p>social [9] 17/20 23/23 37/24 44/4 66/7 66/7 86/24 105/1 105/10</p> <p>socially [1] 105/4</p> <p>Society [8] 5/17 7/19 7/25 14/14 14/20 14/21 14/24 15/2</p> <p>solely [1] 14/5</p> <p>solicitor [2] 60/15 61/15</p> <p>solicitors [7] 10/1 10/2 60/11 60/20 60/21 61/7 61/17</p> <p>some [78] 4/2 6/5 7/2 14/16 16/22 20/6 22/7 22/11 22/11 22/12 22/12 24/20 25/7 26/1 26/2 26/4 27/7 27/11 28/13 30/11 31/16 34/20 35/21 40/21 41/20 43/7 43/10 43/17 43/25 46/12 50/17 51/4 51/12 51/17 51/18 51/20 52/6 52/9 52/11 53/25 54/22 56/19 59/21 65/4 65/23 69/11 69/17 73/15 73/19 73/24 78/4 78/17 81/11 81/17 82/10 83/6 83/14 83/25 84/3 84/13 88/19 88/23 88/25 90/9 91/13 95/1 95/13 95/14 98/10 99/20 101/21 102/22 103/10 103/14 104/24 107/8 108/2 108/5</p> <p>somebody [17] 8/3 10/14 10/17 11/11 12/12 16/8 17/2 22/4 22/7 35/15 42/7 45/11 47/21 56/16 71/19 81/2 98/10</p> <p>somebody's [1] 91/25</p> <p>someone [29] 4/4 4/9 6/19 11/18 17/12 19/25 21/6 23/23 23/24 33/4 33/24 34/25 35/11 37/16 39/21 47/13 56/8 56/25 57/16 59/5 61/22 70/13 70/14 71/7 90/20 90/21 93/12 94/22 109/17</p> <p>Someone's [1] 32/21</p> <p>something [26] 7/15 23/8 28/17 31/22 32/6 36/13 40/19 43/12 45/13 50/25 55/10 55/25 62/5 65/20 70/15 71/1 71/2 72/17 73/15 73/19 73/24</p>	<p>77/6 84/13 88/9 100/21 105/14</p> <p>sometimes [5] 16/3 24/15 39/24 71/17 87/13</p> <p>sorry [13] 9/21 11/14 11/15 15/21 42/5 49/9 63/18 89/3 94/7 94/8 97/18 97/21 108/15</p> <p>sort [17] 13/14 13/15 18/8 21/10 22/8 22/21 30/2 52/9 52/11 58/8 65/4 65/8 65/9 101/12 104/13 104/15 104/17</p> <p>sorted [1] 79/2</p> <p>sorts [1] 55/9</p> <p>Soumik [12] 1/13 4/25 27/18 32/10 36/2 38/19 44/1 44/14 46/4 47/24 78/6 96/24</p> <p>source [1] 61/24</p> <p>speak [4] 14/24 29/11 68/9 101/17</p> <p>speaking [1] 61/3</p> <p>specific [1] 24/10</p> <p>specifically [1] 73/21</p> <p>specification [2] 37/19 38/11</p> <p>specificity [1] 78/4</p> <p>spend [2] 65/19 93/25</p> <p>spent [3] 18/18 25/13 69/7</p> <p>spoil [1] 109/5</p> <p>spoke [6] 68/18 70/13 98/16 98/24 101/17 101/17</p> <p>spoken [3] 21/13 46/7 49/14</p> <p>spouse [4] 83/20 84/20 84/21 84/22</p> <p>spouse's [3] 93/17 94/5 94/9</p> <p>spouses [4] 75/3 83/10 83/25 84/2</p> <p>staff [8] 32/5 38/2 48/23 48/25 48/25 49/8 98/7 100/2</p> <p>stage [7] 3/4 6/3 6/17 7/18 23/18 54/25 99/3</p> <p>stand [2] 48/21 65/15</p> <p>standard [2] 33/15 61/21</p> <p>start [2] 13/17 110/21</p> <p>started [5] 48/9 66/23 79/1 90/1 102/24</p> <p>stated [1] 79/13</p> <p>statement [2] 63/25 64/20</p> <p>statements [1] 65/12</p> <p>status [1] 5/15</p> <p>stay [1] 57/8</p> <p>stayed [1] 98/21</p>	<p>step [1] 84/5</p> <p>Stevens [10] 27/10 66/3 66/11 77/12 80/8 80/17 97/25 101/18 107/10 110/4</p> <p>still [6] 47/16 60/2 63/18 75/7 86/12 89/3</p> <p>stone [3] 56/2 77/19 84/25</p> <p>stopped [2] 58/14 58/18</p> <p>straightforward [2] 8/20 110/11</p> <p>street [3] 6/9 7/20 26/16</p> <p>stress [5] 46/1 46/24 46/25 47/3 96/14</p> <p>stressful [1] 47/21</p> <p>strictly [1] 85/5</p> <p>strong [3] 61/13 62/8 62/9</p> <p>strongly [1] 61/15</p> <p>struck [1] 7/12</p> <p>structure [1] 105/1</p> <p>struggling [1] 81/9</p> <p>subject [1] 8/2</p> <p>success [4] 17/8 19/22 50/4 84/1</p> <p>successful [4] 26/9 81/15 81/20 82/4</p> <p>such [10] 16/10 37/24 55/14 56/9 73/22 79/23 82/15 83/15 84/1 95/10</p> <p>suddenly [1] 64/7</p> <p>suffer [1] 15/7</p> <p>sufferers [1] 12/5</p> <p>suffering [1] 11/24</p> <p>sufficient [4] 16/6 24/7 42/16 42/19</p> <p>suggest [7] 32/2 48/2 51/12 83/14 89/13 92/24 95/21</p> <p>suggested [2] 8/21 90/11</p> <p>suggestions [1] 22/14</p> <p>suggests [2] 22/12 48/1</p> <p>suit [2] 103/8 103/9</p> <p>suitable [1] 24/5</p> <p>sum [3] 20/8 86/12 109/23</p> <p>summary [1] 44/16</p> <p>summer [1] 2/13</p> <p>sums [1] 22/23</p> <p>Sunday [1] 36/23</p> <p>support [27] 6/19 15/24 19/5 20/1 21/2 21/12 25/25 33/24 37/22 41/7 41/10 41/17 42/16 42/19 44/18 58/8 64/1 65/1</p>	<p>85/16 87/6 88/4 89/6 98/19 98/22 102/19 102/20 102/25</p> <p>supported [1] 64/25</p> <p>supporting [1] 101/8</p> <p>suppose [6] 52/4 52/20 58/9 82/8 104/22 105/17</p> <p>supposed [2] 61/6 95/23</p> <p>sure [11] 1/13 29/5 29/21 37/16 73/6 78/13 99/5 102/10 103/14 104/21 105/7</p> <p>surrounding [1] 63/7</p> <p>survey [1] 89/17</p> <p>survivor [1] 47/4</p> <p>SUSAN [10] 2/4 5/12 5/15 18/16 20/16 20/25 27/23 35/24 36/12 111/2</p> <p>Susan Daniels [3] 18/16 20/16 36/12</p> <p>Susie [1] 7/22</p> <p>systems [1] 89/10</p> <hr/> <p>T</p> <p>take [25] 1/17 4/22 14/9 23/3 27/18 32/10 38/19 43/16 47/24 49/16 52/16 53/9 56/11 78/6 82/19 82/23 84/12 86/7 90/25 91/24 93/8 93/11 94/5 94/9 94/16</p> <p>taken [8] 4/7 27/6 28/7 47/18 84/5 85/18 90/23 93/20</p> <p>takes [1] 62/6</p> <p>taking [2] 19/15 47/2</p> <p>talk [10] 14/22 23/25 37/12 39/3 45/17 48/2 53/17 75/9 76/11 82/1</p> <p>talking [11] 1/7 1/8 1/19 13/17 15/18 25/9 25/12 25/13 43/12 59/25 94/7</p> <p>tangentially [1] 103/3</p> <p>Tanner [2] 17/24 18/4</p> <p>telephone [8] 7/14 22/2 22/10 32/17 36/23 37/22 67/17 68/15</p> <p>tell [7] 1/7 2/4 22/5 22/6 41/1 50/11 64/2</p> <p>telling [1] 85/6</p> <p>term [9] 17/14 25/12 28/11 38/1 47/4 86/3 86/12 86/21 109/19</p> <p>terms [18] 4/11 5/1 8/16 11/4 12/19 33/2 34/21 49/18 50/5 54/7</p>
--	---	---	---	--	--

<p>T</p> <p>terms... [8] 60/8 60/17 62/3 63/9 70/24 72/4 77/23 86/19</p> <p>Terrence [2] 63/3 63/6</p> <p>test [5] 71/13 71/21 83/16 83/19 84/4</p> <p>than [21] 11/9 19/14 22/1 23/20 32/4 36/20 37/2 46/18 49/3 54/15 54/17 57/21 72/25 82/4 85/20 87/5 89/6 99/24 100/1 100/2 107/25</p> <p>thank [13] 1/25 53/13 53/19 83/1 83/2 108/24 109/25 110/6 110/12 110/14 110/15 110/15 110/23</p> <p>thanks [3] 2/7 53/21 108/22</p> <p>that [605]</p> <p>that's [37] 1/23 2/11 3/3 3/14 5/5 9/17 9/18 11/13 11/13 20/24 22/9 24/2 27/19 28/4 29/7 30/22 31/3 31/22 34/24 36/3 36/12 45/3 45/10 53/11 60/25 62/12 78/21 83/22 83/23 87/17 98/8 104/18 105/5 108/5 108/18 108/19 109/4</p> <p>their [67] 5/14 5/21 6/22 6/24 7/1 8/14 15/3 16/5 16/7 16/9 16/21 17/6 18/18 19/4 19/18 19/19 21/21 22/15 24/23 24/25 25/16 26/22 29/20 33/7 34/1 36/19 37/2 38/3 39/3 40/1 41/13 41/15 44/4 44/12 44/13 44/18 45/18 46/13 47/8 47/20 54/11 54/13 56/17 57/14 60/12 61/23 62/1 68/20 70/10 70/11 70/20 72/12 75/3 75/3 75/13 78/1 79/2 81/9 81/12 83/7 85/25 91/18 95/4 97/1 100/4 105/1 109/12</p> <p>them [124]</p> <p>themselves [1] 71/20</p> <p>then [85] 4/22 10/4 10/11 10/22 11/2 11/7 12/3 12/14 12/23 13/3 14/7 14/10 15/14 16/12 16/15 16/15 17/6 17/16 18/10</p>	<p>18/14 19/19 20/10 20/21 20/24 24/4 24/9 24/17 24/18 27/19 28/21 30/4 30/10 30/15 31/1 31/4 31/10 33/3 33/5 34/1 34/16 35/1 36/8 37/6 37/18 43/17 44/13 45/20 48/4 50/7 51/4 52/8 52/21 54/25 57/2 60/8 70/21 73/3 74/5 74/18 74/18 74/24 75/9 75/10 75/15 76/6 76/11 76/13 76/25 77/2 77/7 83/21 84/12 85/19 85/22 85/25 90/8 90/13 91/9 97/1 97/6 97/24 102/3 102/7 103/9 110/18</p> <p>there [122]</p> <p>there's [5] 14/3 31/4 43/25 46/16 108/7</p> <p>therefore [2] 12/19 39/24</p> <p>these [19] 1/10 6/7 19/23 25/2 25/7 26/18 27/1 58/12 71/13 75/19 81/8 85/18 86/22 93/4 96/13 98/8 106/19 106/23 109/13</p> <p>they [234]</p> <p>they'd [8] 41/7 41/14 41/16 66/16 88/10 92/7 92/8 105/22</p> <p>they're [1] 22/8</p> <p>they've [3] 17/5 84/3 104/20</p> <p>thing [10] 7/21 56/6 56/15 71/4 72/20 74/12 92/6 107/1 107/2 108/25</p> <p>things [38] 6/25 20/13 21/9 22/5 26/15 26/17 27/1 29/18 41/20 42/11 43/1 43/5 45/17 48/9 48/22 56/15 62/13 64/6 64/10 65/7 65/8 65/9 65/16 66/10 69/2 73/17 73/18 73/23 76/24 87/16 87/18 102/2 102/14 105/12 106/1 106/19 106/22 109/8</p> <p>think [196]</p> <p>third [2] 18/14 36/10</p> <p>this [105] 1/18 5/1 7/16 8/6 9/22 10/5 11/4 11/10 12/1 12/7 13/3 13/9 13/23 14/9 14/12 14/15 15/21 20/10 22/2 23/6 23/16 23/18 23/18 24/13</p>	<p>26/1 26/7 29/5 32/22 33/9 34/5 34/5 34/14 34/16 35/24 36/5 39/1 41/4 42/10 42/11 42/14 43/19 43/20 44/1 44/6 44/17 44/22 45/20 46/11 47/15 48/2 48/4 49/21 49/24 50/7 54/21 56/19 58/8 59/8 59/13 59/23 59/24 59/24 60/1 60/14 60/17 60/17 60/25 61/12 61/22 62/3 62/8 64/12 67/1 67/19 69/21 72/23 74/16 75/1 75/16 77/8 77/9 77/13 79/7 82/2 82/3 84/9 85/2 88/21 90/10 90/11 91/20 95/9 96/4 96/25 97/8 97/11 97/13 97/18 97/18 97/20 97/22 99/17 105/21 107/9 109/11</p> <p>those [44] 1/12 3/7 4/3 4/19 8/17 8/22 9/11 11/18 12/14 13/19 15/5 16/19 16/19 16/21 16/23 17/22 19/7 19/13 28/3 28/8 31/4 31/8 37/11 43/5 43/11 47/11 47/25 48/8 48/21 49/4 49/5 55/9 68/7 73/3 77/23 82/17 82/21 85/8 85/12 93/9 100/15 104/24 106/9 107/22</p> <p>though [4] 1/18 85/4 105/3 110/7</p> <p>thought [5] 7/15 65/16 80/13 81/11 90/7</p> <p>three [7] 7/23 13/21 31/8 68/17 75/20 80/10 80/12</p> <p>through [26] 9/13 9/21 19/17 22/8 27/17 33/15 36/11 41/16 46/9 48/19 51/19 52/14 61/8 66/14 67/14 75/10 75/12 77/4 81/15 82/15 86/9 88/22 90/5 96/1 100/10 102/24</p> <p>throughout [1] 1/23</p> <p>thus [1] 85/16</p> <p>time [91] 1/12 1/12 1/22 1/22 2/12 3/24 5/20 5/23 6/21 7/9 8/23 9/1 14/21 17/20 17/24 18/15 18/23</p>	<p>19/2 23/2 23/16 24/24 25/23 28/3 28/4 34/13 37/5 37/12 37/15 40/4 43/9 46/8 48/4 48/9 51/24 53/5 53/15 54/9 57/23 58/10 58/11 58/17 58/19 59/21 60/4 60/21 61/22 64/2 64/22 65/2 65/19 65/21 66/6 66/9 67/2 67/3 67/5 68/4 69/7 73/6 73/9 73/20 77/12 77/12 80/6 80/6 81/16 82/19 82/24 83/23 84/15 85/19 95/18 96/3 96/5 96/19 98/8 99/6 99/22 99/23 101/3 101/15 102/2 102/7 102/8 102/10 102/24 104/19 105/17 105/17 108/15 109/11</p> <p>times [3] 1/10 46/7 68/17</p> <p>to [715]</p> <p>to infected [1] 69/16</p> <p>to modify [1] 38/9</p> <p>today [2] 13/25 102/25</p> <p>together [3] 13/21 106/24 107/4</p> <p>told [9] 7/13 20/21 32/19 34/1 58/4 58/13 63/5 79/25 82/3</p> <p>tomorrow [3] 110/16 110/17 110/21</p> <p>too [5] 27/2 45/10 46/23 51/22 100/14</p> <p>took [21] 3/20 6/6 6/7 7/11 7/14 7/23 7/24 27/12 44/10 46/14 52/10 71/6 71/10 74/13 81/15 84/14 86/25 89/16 96/5 108/3 108/15</p> <p>top [2] 26/18 49/24</p> <p>topic [1] 53/6</p> <p>total [5] 1/11 12/21 48/22 93/19 102/25</p> <p>totally [8] 4/17 28/25 29/3 29/6 29/9 29/10 64/24 69/1</p> <p>touch [4] 3/23 24/21 62/21 90/8</p> <p>touched [1] 54/2</p> <p>track [2] 95/15 95/18</p> <p>traditional [1] 31/5</p> <p>traffic [1] 84/23</p> <p>train [1] 87/13</p> <p>training [4] 28/13 38/5 87/6 87/17</p> <p>transfer [1] 59/19</p> <p>transferred [1] 91/11</p>	<p>transfusion [4] 81/12 95/12 95/21 105/23</p> <p>travelled [1] 21/18</p> <p>treat [1] 69/22</p> <p>treated [6] 12/18 13/20 82/14 85/4 99/1 101/20</p> <p>treatment [4] 46/13 47/19 65/13 106/7</p> <p>trembling [1] 44/10</p> <p>trend [1] 24/12</p> <p>tried [11] 39/8 45/3 45/4 68/12 68/12 72/3 80/25 81/9 81/24 91/25 92/17</p> <p>trigger [1] 103/20</p> <p>trivial [2] 72/20 72/21</p> <p>true [1] 99/14</p> <p>truly [1] 36/25</p> <p>trust [247]</p> <p>Trust's [1] 71/21</p> <p>trusted [1] 39/8</p> <p>trustee [5] 37/23 52/16 67/13 104/15 107/11</p> <p>trustees [49] 3/6 5/2 17/23 23/10 25/6 25/21 26/2 26/4 26/7 26/21 27/5 27/7 27/8 35/9 37/3 38/8 39/23 44/2 45/6 45/9 45/13 49/9 52/8 52/23 58/5 65/21 67/12 69/3 69/4 69/8 70/18 70/22 71/14 72/14 72/15 77/9 78/17 93/8 100/2 102/18 103/6 104/19 106/18 107/8 107/12 107/16 107/17 108/1 108/2</p> <p>Trusts [1] 3/16</p> <p>try [11] 19/17 30/2 45/8 49/17 50/13 67/21 92/2 92/10 92/10 103/15 107/21</p> <p>trying [4] 56/11 69/19 95/3 99/19</p> <p>Tudur [12] 5/13 6/8 7/9 17/19 18/3 18/5 18/15 32/15 48/12 58/4 90/2 110/1</p> <p>turn [8] 9/21 10/4 11/20 36/1 44/1 59/12 74/10 75/7</p> <p>turned [5] 7/17 9/15 83/21 83/24 88/8</p> <p>turning [2] 34/19 50/2</p> <p>turns [1] 27/12</p> <p>two [18] 9/10 9/22 13/19 20/14 39/5 44/8 46/18 47/16 47/25 65/12 68/17 75/8 76/3</p>	<p>76/8 91/24 96/9 96/10 104/22</p> <p>type [2] 12/7 31/6</p> <p>types [1] 92/21</p> <p>U</p> <p>ultimately [1] 27/2</p> <p>unable [1] 59/21</p> <p>unclear [1] 94/16</p> <p>uncomfortable [1] 101/12</p> <p>under [6] 9/11 10/23 34/12 42/25 44/18 75/8</p> <p>understand [22] 1/10 5/4 11/10 13/4 15/6 17/2 31/15 36/5 38/11 44/22 49/17 61/21 62/23 72/6 88/15 103/15 103/17 104/3 104/8 105/10 107/21 110/3</p> <p>understandably [1] 57/8</p> <p>understanding [9] 26/11 26/20 26/21 27/16 54/20 55/23 69/6 104/4 110/14</p> <p>understands [1] 54/6</p> <p>understood [4] 29/7 48/10 60/25 71/5</p> <p>undertaking [2] 28/12 87/7</p> <p>undertook [1] 2/14</p> <p>underwriters [2] 12/18 13/20</p> <p>underwritten [1] 42/12</p> <p>undue [1] 61/25</p> <p>unfair [1] 103/14</p> <p>unforeseen [3] 77/25 79/22 79/23</p> <p>unfortunate [1] 105/22</p> <p>unfortunately [2] 50/18 68/16</p> <p>unhappiness [1] 101/19</p> <p>unhappy [2] 101/16 101/22</p> <p>uniform [1] 43/20</p> <p>unlikely [3] 11/25 12/11 85/19</p> <p>unnaturally [1] 42/5</p> <p>unscrupulous [1] 24/16</p> <p>unsecured [1] 92/11</p> <p>unsolicited [1] 47/11</p> <p>unstuck [1] 57/3</p> <p>until [5] 3/7 13/25 69/24 105/21 110/25</p> <p>untuned [1] 84/25</p>
--	--	---	---	---	---

<p>U</p> <p>up [36] 4/25 6/12 6/18 7/24 23/11 27/6 29/22 30/2 35/22 44/18 45/17 50/24 56/24 57/14 58/2 59/12 65/15 66/10 66/13 66/21 70/14 72/14 72/17 79/23 82/20 84/24 84/25 85/17 88/25 89/10 91/21 100/20 102/9 103/7 108/9 109/12</p> <p>up-to-date [1] 29/22</p> <p>upon [1] 90/16</p> <p>us [18] 18/11 20/22 21/4 25/18 41/1 49/14 50/11 51/23 64/3 67/19 68/16 79/25 82/1 82/3 85/6 93/7 97/10 109/1</p> <p>use [5] 7/2 30/12 30/13 47/25 72/25</p> <p>used [15] 19/17 19/19 19/25 20/2 21/6 24/24 27/10 32/15 43/10 64/11 67/16 68/16 86/21 87/12 107/12</p> <p>user [1] 102/18</p> <p>using [3] 5/8 60/20 63/6</p> <p>usual [2] 63/13 82/25</p> <p>usually [4] 21/7 77/23 102/15 105/25</p>	<p>106/16 107/11 108/24 109/25 110/12</p> <p>viable [1] 39/14</p> <p>Victoria [1] 7/20</p> <p>view [12] 19/6 21/25 22/15 42/16 50/12 52/16 52/23 71/7 71/10 71/21 79/15 108/4</p> <p>views [3] 47/12 96/19 107/13</p> <p>virtually [2] 15/17 16/18</p> <p>visibly [1] 44/9</p> <p>visit [19] 19/17 21/7 21/22 34/25 35/8 44/2 44/9 45/3 46/2 46/5 65/19 66/16 68/12 68/12 87/12 90/21 93/15 96/15 96/16</p> <p>visited [8] 37/1 56/5 59/9 67/20 68/11 68/11 70/13 72/11</p> <p>visiting [6] 21/13 21/14 21/19 25/7 37/20 97/1</p> <p>visits [12] 22/14 23/11 37/22 65/22 67/21 72/12 73/17 74/1 93/7 93/9 96/10 99/15</p> <p>vulnerable [1] 24/14</p>	<p>71/6 77/17 77/17 77/19 77/22 78/22 82/11 85/3 85/16 87/23 89/15 92/15 94/24 98/23 101/8</p> <p>wastes [1] 47/1</p> <p>way [31] 7/5 7/24 14/11 20/23 25/1 33/9 38/17 46/20 53/3 56/16 61/18 62/3 63/14 64/25 65/18 69/25 79/20 87/3 89/18 89/20 91/21 94/24 98/25 101/2 101/7 101/20 102/23 106/23 108/6 110/9 110/14</p> <p>ways [1] 31/8</p> <p>we [81] 1/10 4/25 5/4 7/1 8/21 9/16 9/17 9/21 9/25 10/4 10/11 10/11 11/20 13/3 13/4 13/9 14/10 18/10 18/10 18/13 27/4 27/18 30/19 35/22 36/1 36/4 36/15 43/25 44/1 44/14 44/15 46/8 46/9 49/23 54/1 59/12 59/14 59/15 59/18 62/13 67/13 67/15 67/16 68/13 69/19 70/2 70/3 71/23 72/3 74/10 75/10 75/15 76/13 76/24 76/24 78/9 78/23 78/25 80/16 81/22 81/23 81/24 81/24 81/25 81/25 82/23 84/9 85/18 90/10 90/25 95/14 95/18 96/4 98/3 105/5 106/18 107/11 107/15 109/13 110/17 110/17</p> <p>we'd [1] 67/14</p> <p>we'll [4] 4/21 53/9 53/9 54/21</p> <p>we're [2] 43/14 77/10</p> <p>we've [7] 40/22 41/18 42/20 42/24 51/12 71/14 109/12</p> <p>wearing [2] 38/23 38/23</p> <p>Wednesday [1] 1/1</p> <p>week [1] 68/17</p> <p>weekend [6] 25/9 27/10 27/13 80/15 107/11 107/15</p> <p>weekends [10] 25/8 26/3 27/7 27/9 68/13 69/8 80/3 106/17 106/23 107/7</p> <p>weeks [1] 71/15</p>	<p>welcoming [1] 22/18</p> <p>well [60] 6/21 6/25 13/6 14/21 17/5 19/13 20/18 21/6 21/23 22/3 26/10 28/11 28/14 28/19 29/15 38/10 39/2 40/13 41/6 48/24 50/13 51/23 53/9 56/5 56/19 57/15 64/5 65/10 65/17 66/3 67/9 67/9 67/17 68/11 69/1 69/20 70/13 71/3 71/25 77/12 78/21 79/13 82/8 82/20 84/21 85/1 86/4 88/2 93/23 98/5 98/22 100/7 102/13 103/13 104/18 105/17 107/16 108/2 108/3 110/1</p> <p>well-off [1] 103/13</p> <p>went [11] 18/15 18/23 19/2 35/8 63/23 66/13 66/14 68/4 70/13 91/6 107/10</p> <p>were [252]</p> <p>were already [1] 57/24</p> <p>were dead [1] 106/18</p> <p>were either [1] 51/25</p> <p>were in [1] 109/9</p> <p>weren't [11] 16/1 16/3 18/7 37/11 55/13 64/1 73/11 89/4 98/5 102/14 103/12</p> <p>what [122]</p> <p>what's [2] 30/22 60/8</p> <p>whatever [11] 7/6 20/2 34/13 41/10 51/6 52/12 60/20 63/18 70/19 101/10 104/12</p> <p>whatsoever [2] 22/20 64/11</p> <p>when [66] 3/24 4/22 5/25 6/1 9/1 11/17 16/24 18/25 19/7 21/6 21/17 22/5 23/16 26/18 27/1 27/8 29/12 29/14 29/19 32/11 32/12 32/14 33/11 35/7 38/12 38/20 38/22 39/10 41/6 44/10 45/24 48/11 48/11 49/19 50/22 50/24 51/1 51/12 52/4 52/14 55/21 55/21 59/8 63/9 64/8 66/6 74/13 77/13 79/1 79/6 83/15 83/19 84/19 88/4 90/1 91/6 91/9 93/15 98/6 98/8 101/10 101/18 102/8 102/11 102/21 108/12</p>	<p>where [35] 6/6 8/3 17/13 22/22 29/25 32/8 39/5 40/24 44/15 56/12 56/21 58/11 59/23 64/17 67/11 67/13 68/14 73/25 74/2 80/9 81/11 87/19 87/20 87/23 88/20 91/23 91/24 92/11 94/11 95/13 96/2 96/4 98/11 99/3 110/17</p> <p>whereas [1] 12/24</p> <p>whether [34] 10/14 24/17 34/20 37/16 38/23 43/1 45/7 45/18 45/18 47/16 52/18 52/19 55/1 55/18 56/3 57/19 58/4 58/23 60/17 61/19 61/19 63/16 69/19 71/19 73/6 78/11 78/12 82/18 84/18 90/16 90/22 92/21 95/16 102/23</p> <p>which [43] 1/9 12/23 14/3 18/11 18/11 23/6 23/7 27/21 28/23 29/1 30/6 31/8 31/11 31/13 33/19 34/13 36/12 38/22 40/5 42/9 43/25 44/3 46/10 47/5 47/15 51/24 54/22 56/17 62/5 62/5 74/12 83/17 90/11 90/17 98/20 99/13 100/20 100/21 103/1 105/14 107/2 108/8 110/9</p> <p>while [5] 42/22 44/10 87/24 89/25 90/12</p> <p>who [62] 1/7 1/16 1/20 1/21 3/18 6/3 7/1 7/2 12/15 13/18 14/5 14/15 15/20 16/1 16/23 17/19 18/18 18/22 24/20 44/4 47/2 47/21 48/25 56/22 56/24 57/1 57/1 58/7 59/5 60/6 64/2 71/24 72/1 72/2 75/5 75/23 75/25 76/1 80/18 82/21 90/21 93/21 94/13 95/3 100/11 101/1 103/11 103/13 103/18 103/23 103/23 104/7 104/9 104/19 104/25 105/8 105/11 106/5 106/16 107/22 108/17 109/15</p> <p>who's [8] 16/8 20/1 20/1 26/16 26/16 42/8 68/15 109/17</p> <p>whoever [1] 53/17</p>	<p>whole [11] 27/10 27/13 44/23 45/1 45/4 51/3 56/6 58/11 67/22 103/20 107/11</p> <p>whom [1] 1/19</p> <p>whose [5] 1/13 21/8 75/21 76/4 94/22</p> <p>why [21] 19/25 50/11 56/18 57/10 57/11 57/14 58/13 58/14 64/3 64/12 64/12 82/7 83/19 88/7 92/14 93/22 94/4 101/10 108/5 110/1 110/4</p> <p>widen [1] 28/19</p> <p>widespread [1] 40/25</p> <p>widow [2] 21/7 109/18</p> <p>widowers [1] 69/20</p> <p>widows [15] 23/7 24/7 24/11 24/20 38/4 40/22 41/7 43/3 43/11 43/12 50/1 56/20 65/14 69/20 109/15</p> <p>wife [2] 47/5 98/12</p> <p>wife's [1] 46/17</p> <p>will [22] 1/12 1/17 1/21 1/23 2/1 4/10 8/2 10/23 12/24 16/22 22/5 24/14 60/11 75/2 76/1 82/20 83/8 84/11 84/25 109/2 109/3 109/13</p> <p>Williams [14] 5/13 6/8 7/9 17/19 17/25 18/2 18/3 18/5 18/15 32/15 48/12 58/4 90/2 110/1 104/6 104/7</p> <p>wills [1] 23/15</p> <p>Wing [1] 17/25</p> <p>Wing Commander Williams [1] 17/25</p> <p>winter [1] 76/7</p> <p>with [207]</p> <p>within [2] 84/4 88/11</p> <p>without [5] 2/1 11/11 17/2 61/9 106/12</p> <p>WITN3598002 [1] 9/17</p> <p>witness [2] 4/14 64/20</p> <p>witnesses [1] 71/15</p> <p>woman [1] 49/12</p> <p>won't [3] 22/6 82/24 84/13</p> <p>wonder [1] 47/16</p> <p>word [2] 29/24 90/4</p> <p>wording [2] 47/25 61/12</p> <p>words [1] 49/5</p> <p>work [25] 3/15 6/5 23/14 24/2 37/8 37/10 37/17 40/15 45/23 48/3 58/22 64/16</p>
--	--	---	---	--	---

<p>W</p> <p>work... [13] 66/10 70/8 70/12 86/24 88/24 91/3 91/6 98/20 98/23 101/8 101/9 101/12 103/23 worked [4] 21/15 48/11 48/25 67/17 worker [17] 2/14 2/23 17/20 23/17 23/23 44/4 62/14 63/12 63/15 66/7 66/7 66/23 67/7 67/8 77/6 87/1 87/25 Worker's [1] 74/18 workers [1] 37/24 working [21] 6/1 8/4 8/12 36/21 48/17 52/14 64/5 64/9 64/15 65/18 66/18 66/23 85/16 87/24 94/12 100/21 100/22 102/15 102/24 105/18 106/2 works [1] 73/17 worry [5] 26/13 29/25 106/25 108/23 109/16 worse [3] 44/12 47/23 72/1 worsens [1] 46/24 would [117] wouldn't [7] 34/9 43/23 58/1 60/19 61/8 73/3 74/2 write [11] 19/21 19/25 20/2 20/3 23/15 29/5 91/12 92/3 92/6 92/7 92/11 writer's [1] 75/25 writing [4] 49/18 50/5 52/17 60/16 written [8] 17/5 50/13 51/2 51/3 56/10 59/16 78/16 91/20 wrong [6] 26/15 26/17 29/24 65/16 98/25 107/1 wrote [2] 19/23 66/15</p>	<p>105/18 108/19 109/21 109/24 110/8 years' [1] 47/13 yes [199] Yes, [1] 70/23 Yes, I would [1] 70/23 yet [3] 16/21 53/16 75/6 you [571] you know [1] 50/20 you'd [2] 53/12 92/21 you're [22] 1/7 1/8 14/1 15/11 15/18 17/10 19/7 20/3 22/5 26/10 28/15 38/25 44/25 49/4 58/20 62/11 84/19 93/23 93/25 94/2 104/12 105/8 you've [12] 6/12 31/4 36/18 53/15 54/24 64/21 77/4 93/7 93/24 93/25 110/7 110/13 young [1] 94/13 Younger [1] 75/21 your [69] 1/5 1/14 1/19 4/6 4/11 5/24 8/23 9/18 10/5 10/11 11/10 17/16 21/25 23/3 27/22 28/2 29/1 30/6 32/2 33/12 34/3 35/11 35/17 38/23 38/24 40/23 42/16 42/20 44/7 49/4 50/12 51/15 52/15 53/18 54/23 59/14 60/15 62/14 63/13 63/25 64/20 65/18 67/7 67/8 67/18 70/11 77/17 78/3 79/11 83/25 86/25 89/24 89/25 91/3 92/2 93/9 96/9 96/11 96/16 96/18 98/4 98/16 98/20 100/19 102/12 108/13 109/6 110/12 110/15 yourself [3] 36/10 36/11 39/11</p>				
<p>Y</p> <p>yeah [1] 97/22 year [4] 68/13 80/4 80/4 81/16 years [34] 2/18 5/18 8/23 10/23 10/25 10/25 17/22 19/7 19/13 20/14 24/21 25/13 28/6 42/3 43/14 44/19 45/22 46/7 54/8 64/5 64/9 64/10 65/8 76/2 93/10 96/13 96/22 100/24 101/11</p>					