

PRIME MINISTERThe Late Kenneth Whitty

A You have taken a kind interest in the arrangements made  
 B for Mr. Whitty's family. You will wish to see the attached  
self-explanatory letter from the Treasury. It spells out  
 the benefits which Mr. Whitty's family will receive. The  
 essence is that they will get the full benefits of the Civil  
 Service scheme. They will also be entitled to equivalent  
benefits to those obtained under the Criminal Injuries  
 Compensation Scheme. But these will be reduced to take  
 account of injury benefit payable under the Civil Service  
 scheme. This is the normal practice. It is what the  
 families of all other Diplomatic Service Officers murdered  
 abroad have received.

The benefits are not ungenerous and there is no doubt  
 that they are the best that can be obtained under present  
 rules. The alternative is to review the whole system. This  
 could be done but would be unlikely to bring Mrs. Whitty any  
 short term benefit.

Agree that the compensation now offered is the best  
 obtainable?

CDP

The terms are not  
 very generous - 45% of  
 pensionable pay is rather little  
 and the transitional period is  
 too short. I think we should have  
 a review of the system now.

6 July 1984





BM

bc PC

10 DOWNING STREET

*From the Private Secretary*

9 July 1984

The Late Kenneth Whitty

BF |  
You wrote to me further about this on 6 July. The Prime Minister has studied carefully the terms of the Treasury's letter enclosed with yours. She has commented that the terms offered are not very generous. She feels, in particular, that 45% of pensionable pay is rather little, and the transitional period of three months too short. She concludes, therefore, that the system should be reviewed. I should be grateful if this could be put in hand and recommendations made to the Prime Minister in due course.

I am sending a copy of this letter to David Peretz (HM Treasury).

C.D. Powell

Len Appleyard, Esq.,  
Foreign and Commonwealth Office

BM





Foreign and Commonwealth Office

London SW1A 2AH

6 July 1984

*Dear Charles,*

The Late Kenneth Whitty

Thank you for your letter of 21 June passing on the Prime Minister's comments on the financial arrangements made for the family of the late Mr Kenneth Whitty.

/ I now attach a copy of a letter sent to the Treasury  
/ on 22 June, and their reply of 3 July (paragraphs 5-8 are the most relevant).

The Treasury's letter is self-explanatory. It would seem from paragraph 5 that the fact that Mr Whitty was killed abroad and not in the UK will not affect the basis on which a decision on a possible payment in line with the terms of the Criminal Injuries Compensation Scheme may be made. It will be seen also (paragraph 8) that the basis of the assessment would be the same as that used in previous cases of Diplomatic Officers murdered abroad. Attention is also shown to the far-reaching consequences of changing the basis of assessment in this case.

*Yours ever,*

*Len Appleyard*

(L V Appleyard)  
Private Secretary

C D Powell Esq  
10 Downing Street





**Treasury Chambers**  
Parliament Street London SW1P 3AG

Telex 262405

Telephone Direct Line 01-233 } 3507  
GTN 233 }  
Switchboard 01-233 3000

J G Thomas Esq  
Foreign and Commonwealth Office  
Cultural Relations Department  
London SW1A 2AH

Your reference

Our reference

P741156

Date

3 July 1984

Dear Thomas,

THE LATE KENNETH WHITTY

You wrote to Brian Lewis on 22 June enclosing copies of Peter Ricketts's letter of 19 June to Charles Powell and of his reply of 21 June and asking for our comments on the latter.

2. We have not seen either the letter from the Government Chief Whip's Office or the draft reply that are mentioned in Ricketts's letter and I hope, therefore, that you will forgive me if I go over ground that may already have been covered but I think it would help if I set out the position in some detail.

3. Mr Whitty was an employee of the British Council, not a civil servant. However, the British Council Superannuation Scheme, under which he was pensionable, is analogous to the Civil Service Scheme; and benefits analogous to those payable under the injury benefit rules of the Civil Service Scheme are payable to his family. Mrs Whitty will, therefore, receive the same benefits as would have been payable in respect of a civil servant killed in the same circumstances. These are:-

(i) Lump sums equivalent to  $1\frac{1}{4}$  years' of Mr Whitty's pensionable pay at the time of his death;

(ii) For the three months following his death, a pension at the rate of his pensionable pay;

(iii) After the first three months, a pension at the rate of 85% of his pensionable pay.

4. The lump sum under (i) has to be reduced slightly to take account of outstanding contributions to the widows' pension scheme. The pension under (iii) is payable while the four sons are all under age 17 or receiving full-time education or training and this pension will therefore reduce gradually as each of the sons starts to earn his own living; but Mrs Whitty will be left with a pension of 45% of pensionable pay for life or until she remarries. Whatever pension is payable under (iii) will be increased annually in line with increases in the cost of living under the pensions increase arrangements.



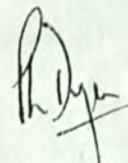
5. Had Mr Whitty been killed in this country Mrs Whitty would have been able to make a claim under the Criminal Injuries Compensation Scheme. Compensation under this scheme is usually paid as a lump sum and it is assessed, within certain earnings limits, on the basis of the common law damages that would normally be awarded by a court. This means that account has to be taken of both the social security benefits and the occupational pension and injury scheme benefits that are payable in respect of the death or injury for which the claim is made. The claimant is, of course, paid whatever the Criminal Injuries Compensation Board determines to be appropriate in the circumstances but our experience is that the value placed by the Board on Civil Service superannuation and injury compensation benefits substantially reduces the amount and very large sums are payable by the Board only if such benefits are not available.

6. As you know, the Criminal Injuries Compensation Scheme does not apply to people who are injured or killed as a result of criminal activities abroad but rule 11.11 of the PCSPS provides for the payment of equivalent benefits in such circumstances. We agree, of course, that this rule as well as the rest of the injury benefit rule should apply in Mrs Whitty's case and we have, as you know, asked the Treasury Solicitor to advise on the amount that might reasonably be paid to her. We have drawn the Treasury Solicitor's Department's attention to No.10's interest in this case and I have sent them copies of your letter of 22 June and its enclosures as well as a copy of this reply.

7. School fees have been mentioned in the correspondence and the Treasury Solicitor has been asked to take account of the provisions made by the British Council for the payment of this allowance in making his assessment of the sum that might reasonably be paid to Mrs Whitty.

8. To sum up, Mrs Whitty <sup>should</sup> receive all the benefits that she would have received had her husband been killed in the same circumstances in the UK. The basis of assessment will be the same as has been used in the cases of other Diplomatic Service officers murdered abroad - for example, Richard Sykes in the Hague and Christopher Ewart-Biggs in Dublin - and a different basis of assessment in this case would involve a re-opening of these and other past cases as well as a revision of the rules to cover all future cases.

Yours sincerely,



P L DYER





Foreign and Commonwealth Office  
London SW1A 2AH

Telephone 01- 273 5569

PLB 015/1  
25 JUN 84

Brian Lewis Esq  
HM Treasury  
Room 320  
Lodden House  
BASINGSTOKE

Your reference

Our reference

Date 22 June 1984

THE LATE KENNETH WHITTY

1. With reference to our telephone conversation this morning  
/ I attach a copy of a letter of 19 June from the Private Secretary (S1)  
/ to the Private Secretary, No 10, and the latter's reply of 21 (S2)  
June.

2. I should be grateful if you would draw the Treasury Solicitors  
attention to the Prime Minister's comments in their consideration  
of our request for additional compensation for Mrs Whitty.

3. I realise the decision may still take a little time but we  
will be sending a reply to No 10 next week and for this I should  
be grateful if you could let me have your comments to the Prime  
Minister's understanding that Mrs Whitty would have been awarded  
a very large sum under the Criminal Injuries Scheme had the  
murder taken place in this country.

4. I should be grateful for an early reply.

B.L.  
25/6

J G Thomas  
Cultural Relations Department





10 DOWNING STREET

From the Private Secretary

1028 015/1

CRJ  
PS  
PS/Mr Whitney  
PS/PJS  
Chief Clerk  
21 June 1984  
Mr Machames  
Mr Miles

Dear Sir

A  
Dutts 2/6

THE LATE KENNETH WHITTY

Thank you for your letter of 19 June on the subject of the financial arrangements made for the family of the late Mr. Kenneth Whitty. (51)

The Prime Minister has considered your letter and the draft reply to the Chief Whip enclosed with it. She has commented that she thinks the Government must do more, especially to assure the education and associated expenses of the Whitty family. Had the murder occurred in the United Kingdom, Mrs. Whitty would have received a very large sum from the Criminal Injuries Scheme. In the Prime Minister's view, she should be eligible for the same amount even though the death was in Athens.

You will wish to discuss the Prime Minister's views further with the Treasury to see what more can be done. I shall be grateful to learn the outcome of these discussions. In the meantime I am suspending any reply to the Chief Whip.

Yours sincerely,  
Charles Powell

Charles Powell

Peter Ricketts, Esq.,  
Foreign and Commonwealth Office.