

Gosport

White, John

To: Peter Walsh

Subject: RE: Gosport - clients

I think that is a worry. That being said I was reading through Counsels' closing submissions again last night from the inquest. Also the GMC's fact finding has been quite good. I do get a firm impression of the case of "unjustified risk taking", a highly judgemental approach to patients' lives and "involuntary euthanasia". I think it does go beyond the usual "cock up" but its difficult to go as far as Charles and Ann and say that Dr Barton enjoyed taking lives - I think she was callous, indifferent and wreckless. I just wonder if such serious misconduct can be allowed to pass without sanction even if Dr Barton has been of good character since. Just a thought.

---

**From:** Peter Walsh [Code A]
**Sent:** 01 September 2009 16:02**To:** White, John**Subject:** RE: Gosport - clients

OK John.

Between you and I, I am worried that families will be disappointed by the eventual GMC decision. I believe there is a precedent that unless fitness to practise is currently compromised they will not take action, even if serious misconduct took place.

Peter

Peter Walsh  
 Chief Executive  
 Action against Medical Accidents (AvMA)  
 44 High St  
 Croydon  
 CR0 1YB

Tel: +44 (0) 20 8688 9555

e-mail: c [Code A]

Visit our website: <http://www.avma.org.uk/>

Raise money for Action against Medical Accidents with Everyclick.com as your search engine - <http://www.everyclick.com/actionagainstmedicalaccidents>

*Forthcoming AvMA Events - for full details visit our web site:*

\*\*\*The 3rd Annual NHS Complaints & Redress Conference - 11 March 2009, Manchester Conference Centre\*\*\*

\*\*\*Medico-Legal Issues in Plastic Surgery - 21 May 2009, Marriott City Centre, Bristol\*\*\*

\*\*\*AvMA Charity Golf Day - 18 June 2009, Isle of Purbeck Golf Club, Dorset\*\*\*

\*\*\*Annual Clinical Negligence Conference - 19-20 June 2009, Bournemouth International Centre\*\*\*

\*\*\*Running A Successful Clinical Negligence Practice & Case Load: A Survival Guide - 30 September 2009, Woburn House, London\*\*\*

\*\*\*World Class Commissioning & Patient Safety - 8 November 2009, Browns Courtrooms, London

01/09/2009

(new date)\*\*\*

\*\*\*AvMA Specialist Clinical Negligence Panel Meeting - 5 November 2009 (afternoon), Woburn House, London\*\*\*

\*\*\*Legal & Ethical Issues in Healthcare - 19 November 2009, Woburn House, London\*\*\*

This e-mail and any attachment is intended only for the attention of the addressee(s) and may also be privileged. Its unauthorised use, storage, copying or disclosure is not permitted. If you are not the intended recipient, please destroy all paper and electronic copies and inform the sender by return e-mail. Internet communications are not necessarily secure and therefore AvMA does not accept legal responsibility for the contents of this message. Any views or opinions presented are solely those of the author and do not represent those of AvMA unless specifically stated.

Action against Medical Accidents is a registered charity, number 299123 and also a company limited by Guarantee, number 2239250. Registered offices: 44 High Street, Croydon, Surrey CR0 1YB.

---

**From:** White, John [Code A]

**Sent:** 01 September 2009 15:37

**To:** Peter Walsh

**Cc:** McClure, Alison

**Subject:** RE: Gosport - clients

Hi Thanks

It would be preferable if you can ask them for permission for you to share their contact details with us. We can then contact the positive responders. It will just help us to deal with it in a more organised way. The other thing is that it may help first if I give you a list of everyone whom we are already in contact with, to avoid duplication. It looks like there will only then be a handful more. We did wonder if Ann Alexander had a wider data base in relation to the 92 patients. Charles and Ann are very keen to push weight of numbers rather than just focusing on the best cases that we have identified during our investigations for families in contact with us. The big problem is that we just do not know the strengths of the other potential cases. It could make a big difference to the prospect of criminal proceedings against Dr Barton.

Do please let us know re your work on a public enquiry. Presently we are trying to find our way around "three sides of a square" when that may really be the most sensible route.

We have written to Paul Close at the CPS and are agitating from criminal proceedings against Dr Barton. No response from him so far but any help in this direction would be much appreciated.

One would really hope that on the basis of their factual findings that Dr Barton ought to be struck off but I know that they take in to account after the fact information which may benefit her.

I'll forward a copy of our contact list and then please can you see which other families you have details for?

Best wishes

Code A

---

**From:** Peter Walsh [Code A]

**Sent:** 01 September 2009 15:24

**To:** White, John

**Cc:** McClure, Alison

**Subject:** RE: Gosport - clients

Hi John

Yes very happy to do this but I am afraid we do not hold details of many more than you already have. We have nineteen individuals in total, relating to 16 of the deaths. If you like we can invite all of them to contact

01/09/2009

you direct and for permission to give their details to you.

We are aware of the situation with the GMC. Are there any other developments / avenues to explore? We had a response from Ann Keen previously saying she would reconsider a public inquiry after the GMC investigation. We are writing suggesting she should make her decision now, as it only remains for the GMC to agree a sanction if any re Dr Barton.

Kind regards

Code A

Peter Walsh  
 Chief Executive  
 Action against Medical Accidents (AvMA)  
 44 High St  
 Croydon  
 CR0 1YB

Tel: +44 (0) 20 8688 9555

e-mail: c [Code A]

Visit our website: <http://www.avma.org.uk/>

Raise money for Action against Medical Accidents with Everyclick.com as your search engine - <http://www.everyclick.com/actionagainstmedicalaccidents>

***Forthcoming AvMA Events - for full details visit our web site:***

**\*\*\*The 3rd Annual NHS Complaints & Redress Conference - 11 March 2009, Manchester Conference Centre\*\*\***

**\*\*\*Medico-Legal Issues in Plastic Surgery - 21 May 2009, Marriott City Centre, Bristol\*\*\***

**\*\*\*AvMA Charity Golf Day - 18 June 2009, Isle of Purbeck Golf Club, Dorset\*\*\***

**\*\*\*Annual Clinical Negligence Conference - 19-20 June 2009, Bournemouth International Centre\*\*\***

**\*\*\*Running A Successful Clinical Negligence Practice & Case Load: A Survival Guide - 30 September 2009, Woburn House, London\*\*\***

**\*\*\*World Class Commissioning & Patient Safety - 3 November 2009, Browns Courtrooms, London (new date)\*\*\***

**\*\*\*AvMA Specialist Clinical Negligence Panel Meeting - 5 November 2009 (afternoon), Woburn House, London\*\*\***

**\*\*\*Legal & Ethical Issues in Healthcare - 19 November 2009, Woburn House, London\*\*\***

This e-mail and any attachment is intended only for the attention of the addressee(s) and may also be privileged. Its unauthorised use, storage, copying or disclosure is not permitted. If you are not the intended recipient, please destroy all paper and electronic copies and inform the sender by return e-mail. Internet communications are not necessarily secure and therefore AvMA does not accept legal responsibility for the contents of this message. Any views or opinions presented are solely those of the author and do not represent those of AvMA unless specifically stated.

Action against Medical Accidents is a registered charity, number 299123 and also a company limited by Guarantee, number 2239250. Registered offices: 44 High Street, Croydon, Surrey CR0 1YB.

01/09/2009

---

**From:** White, John [Code A]  
**Sent:** 01 September 2009 08:19  
**To:** Peter Walsh  
**Cc:** McClure, Alison  
**Subject:** Gosport - clients

Hi!

**Re Gosport**

I hope that the summer is treating you well.

As you may be aware the GMC have reported on the findings of fact at the end of August, but they have adjourned the determination over serious professional misconduct by Dr Barton which is a bit frustrating.

I met with Charles and Ann in London recently and we were looking at the wider picture in the case. I wanted to ask a favour. I understand that you have a much wider data base than ourselves out of the 92 families whose relatives' deaths were investigated by the police. We have about 12 families in all.

I wonder if it would be possible for you to send a letter to all the families on your list asking them for permission to pass on their contact details to ourselves so that we can write to them directly. I suspect that you may need to send forms of authority out to them and then we can see the response.

I will be very happy to give you a full update. Please can you consider if this would be possible and let me know.

Look forward to hearing from you  
Best wishes

[Code A]

**John C White**  
**Partner**  
**Clinical Negligence Department**  
**Blake Laphorn**  
**New Kings Court**  
**Tollgate**  
**Chandler's Ford**  
**Eastleigh**  
**Hampshire**  
**SO53 3LQ**  
**Tel: 023 8090 8090**  
**Fax: 023 8036 2920**  
**[www.bllaw.co.uk](http://www.bllaw.co.uk)**

Blake Laphorn is an English law firm regulated by the Solicitors Regulation Authority whose rules can be accessed via [www.sra.org.uk](http://www.sra.org.uk).

This email and any attachments are confidential, legally privileged and protected by copyright. If you are not the intended recipient, dissemination or copying of this email is prohibited. If you have received this in error, please notify the sender by replying by email and then delete the email completely from your system.

Where the content of this email is personal or otherwise unconnected with the firm's or its clients' business, Blake Laphorn accepts no responsibility or liability for such content.

01/09/2009

Internet email may be susceptible to data corruption, interception and unauthorised amendment over which we have no control. Whilst sweeping all outgoing email for viruses, we do not accept liability for the presence of any computer viruses in this email or any losses caused as a result of viruses.

A full list of our partners is available at all our offices.