

Close Paul

From: Code A
Sent: 16 August 2010 16:19
To: Close Paul
Cc: Code A Clements Simon
Subject: Gosport War Memorial statement
Importance: High
Attachments: GOSPORT WAR MEMORIAL HOSPITAL RE-REVIEW STATEMENT Aug 2010.doc

Hi Paul

Please see attached a short statement and Q & A on the re-review of Gosport War Memorial. The statement would be given out on request, not issued pro-actively.

Please let me know if you have any queries or amendments. I will then need to send it to the Director for his approval.

Best wishes

Redacted

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CPS STATEMENT – GOSPORT WAR MEMORIAL HOSPITAL DEATHS

The Crown Prosecution Service has decided after a re-review of the evidence that there is insufficient evidence to prosecute anyone over the deaths of 10 patients at Gosport War Memorial Hospital, Hampshire.

The re-review followed inquest verdicts into the 10 deaths and the findings of a Fitness to Practise Panel of the General Medical Council which considered disciplinary matters against Dr Jane Barton.

CPS Special Crime Division lawyer Paul Close said: "Transcripts of the evidence given at the inquests and the GMC proceedings have been considered to see whether, in light of that evidence, the earlier conclusions of the CPS remain the same.

"Having given careful consideration to the new material on each patient, it remains my view that the evidence is insufficient to provide a realistic prospect of conviction for an offence of gross negligence manslaughter against Dr Barton in respect of each of the 10 deaths I have reviewed.

"I have written to the families to explain my decision and to offer them a meeting if they wish."

Q & A

Who were the 10 patients whose deaths you considered?

The patients were named at the inquest as: **Code A** k, Elsie Lavender, Helena Service, Ruby Lake, Arthur Cunningham, Robert Wilson, Enid Spurgin, Geoffrey Packman, Elsie Devine, Sheila Gregory.

Did you reconsider your earlier decision not to prosecute?

Yes.

Why aren't you prosecuting Dr Barton when the GMC has decided she was negligent?

While the admissions made by Dr Barton during the course of the GMC proceedings provide some additional evidence of supportive of negligence, they do not amount to admissions of gross negligence. Dr Barton did not admit she was responsible for the deaths. She argued she was providing palliative care to terminally ill patients.

Why can't you prosecute when the inquests and the GMC found Dr Barton was to blame for their deaths?

There is a difference between an inquest, a GMC hearing and what the CPS has consider when making a decision to prosecute. Each case is considered

according to the Code for Crown Prosecutors which says there has to be sufficient evidence for a realistic prospect of conviction and it is in the public interest to prosecute. Having looked at the new evidence which emerged from the inquest and the GMC hearing, we consider there is still insufficient evidence for a realistic prospect of conviction.

Isn't this a betrayal of the families who have fought long and hard for justice?

We have considered the evidence in this case most carefully; firstly when making the original decision and when we reviewed the case again after the inquest and GMC hearing. We have written to the families to explain our decision and are willing to meet with them if they wish.