

Close Paul

From: Code A
Sent: 18 December 2006 16:40
To: Close Paul
Cc: Code A
Subject: Gosport War Memorial Hospital
Attachments: GOSPORT - DRAFT.doc

Dear Paul

Please see the attached draft press release. Let me know if you have any queries. I have indicated in the notes to editors that I need the dates for the cases, I think they were between 1996 and 1998 but do you know for certain?

Once you've cleared the press release it will go to the Director.

I have spoken to Hampshire Police's press office and told them we will put out a press release on the decision once their meeting tomorrow afternoon is finished. Their press officer will tell me when the meeting is over. She also said that Nick Hawkins has confirmed he will attend the meeting. I will send Nick a copy of the press release once it has been agreed.

Best wishes

Code A

19/12/2006

DRAFT PRESS RELEASE**CPS ADVISES NO PROSECUTIONS OVER DEATHS
AT GOSPORT WAR MEMORIAL HOSPITAL**

The Crown Prosecution Service's Special Crime Division has advised Hampshire Police there is insufficient evidence to prosecute any person over the deaths of 10 patients at Gosport War Memorial Hospital, Hampshire.

Reviewing lawyer in the Special Crime Division, Paul Close, said: "I considered whether the evidence gathered by the police showed that a criminal offence had been committed, and particularly the offence of gross negligence manslaughter.

"After looking at all the evidence - including that of experts - and seeking the advice of counsel, I decided there was insufficient evidence for a realistic prospect of conviction to prosecute anyone for gross negligence manslaughter over the deaths of 10 patients at the hospital."

To succeed in a prosecution for gross negligence manslaughter, the prosecution has to prove:

- There was a duty of care owed by the accused to the deceased;
- There was a breach of the duty of care by the accused;
- The breach was a substantial cause of the death of the deceased;
- The breach was so great as to be characterised as gross negligence and therefore a crime.

Mr Close said: "An error alone, no matter how catastrophic the consequences may be, does not, in law, amount to gross negligence. All the circumstances have to be taken into account and especially the cause of death. This can be very difficult to determine where patients are terminally ill.

"I have written to the families of the deceased explaining my decision and offering my deepest sympathy for their bereavement. I have said I am happy to meet them to discuss how I reached my decision."

Ends

NOTES TO EDITORS

1. Gosport War Memorial Hospital is a 113 bed community hospital managed by the Fareham and Gosport Primary Care Trust and provides continuing care for long stay elderly patients.
2. Hampshire Police first investigated the deaths of elderly patients at the hospital in 1998, following the death of Mrs Gladys Richards. In August 2001, the CPS advised there was insufficient evidence for a realistic prospect of conviction against any individual involved in the care of Mrs Richards.

3. Following the case of Mrs Richards, various people contacted the police who launched a further inquiry and reviewed a total of 90 cases, dating between XX and XX [insert dates]. In July 2006, the police announced that following extensive investigation and reference to medical experts there was no criminal negligence in 80 of the 90 cases. The remaining 10 cases were referred to the CPS.

4. For further information contact [redacted] Code A
[redacted] Code A