



Aitken Gillian LSPG
Sol C2

Code A

To: Rachel Dickson/PR-OFF/DOH/GB@DOH
cc: Mike Evans/CQEG-IIU/DOH/GB@DOH, Catherine
Davies/PR-OFF/DOH/GB@DOH

Subject: RE: Gosport

30/01/2003 18:13

Rachel

Thanks for the warning about this letter. In principle I think this letter is entirely appropriate. It seems to me however that as an alternative to non- reinstatement, the StHA may feel that they can offer a handling strategy to deal with concerns in public confidence and their integrity.

I think that the final paragraph should acknowledge that the StHA may wish to address this further with CMO. Their submission does not contemplate more than ensuring a separation in functions from anything connected to the investigation but there may be more they could do. If CMO and Lord Hunt then did not feel that public concern and integrity issues were properly met (I think public concern is the stronger point) it would be open to them to make it clear that this was their view. At that point the StHA would have less basis to criticise the steer CMO was giving.

Having said this if CMO does not wish to prolong the exercise I do not consider that there is a significant legal risk in his sending the letter in its current form. My concern arises from the fact that the substance of the letter is close to being directive. While the wording carefully avoids directive language as a matter of law it is the substance that counts. I therefore think that the StHA should be given an opportunity to show that they can address all relevant issues.

Gill Aitken

From the Chief Medical Officer, Sir Liam Donaldson



Richmond House
79 Whitehall
London
SW1A 2NS

30th January 2003

Code A

IN CONFIDENCE

Mr Gareth Cruddace
Chief Executive
Hampshire & Isle of Wight Strategic Health Authority
Oakley Road
Southampton SO16 4GX

Dear Gareth

GOSPORT WAR MEMORIAL HOSPITAL INVESTIGATION

The Directorate of Health and Social Care (South) wrote to Lord Hunt on 24 January 2003 informing him of the decision of the Strategic Health Authority (with the agreement of the Primary Care Trusts involved) to reinstate the two NHS managers who have been redeployed pending investigations into the concerns about standards of care at Gosport War Memorial Hospital.

The original decision to redeploy them had been made when it came to light that they had been in senior positions in the early 1990s when complaints made by nursing staff about similar concerns to those that had surfaced more recently.

Scrutiny of their particular role at that time, and the local NHS management procedures used more generally, was to have been undertaken by a Strategic Health Authority investigation and a second investigation by the Commission for Health Improvement.

It was clear at the meeting of 13 January 2003 that these two investigations cannot proceed for the foreseeable future because the police have said that it could interfere with their own investigation.

Clearly this introduces the prospect of substantial delay and an inability to resolve the position of the two managers in the short-term.

Your decision to reinstate them to their previous posts acknowledges the inevitability of the delay and your view that it is unfair (and possibly in breach of employment law) to continue to deny them reinstatement in the absence of information.

I have discussed the matter with Lord Hunt. Clearly this is a decision for your Authority and the Primary Care Trust as the statutory NHS bodies.

From the Chief Medical Officer, Sir Liam Donaldson



We do have concerns, however, about the course of action to be taken and would ask you to assure yourselves that this is the most appropriate action bearing in mind all the circumstances.

We would ask you particularly to consider the question of public confidence in local services and especially to reflect on whether your decision would be seen publicly to have had integrity in the event that at the end of the police investigation a prima facie case for wrong-doing were established.

I am copying this letter to Ruth Carnall.

Yours sincerely

Code A

**SIR LIAM DONALDSON
CHIEF MEDICAL OFFICER**