

RE: GWMH inquest statement request

Broughall Debbie (HAMPSHIRE PCT)

Sent: 22 October 2012 09:53
To: Smith Ben (PORTSMOUTH CITY TEACHING PCT)
Sensitivity: Confidential
Attachments: 121022 FOI team document t~1.pdf (92 KB)

Dear Ben

Thanks for the feedback below.

My original question about these was, are they actually our statements? I'm still not certain its for us to give our view on provision as not sure if we or PHT were the nurses' employer, however we can give our view on release.

That apart it is the GMC who have been asked to release the statements, not the PCT. They are checking with us, so its their decision to provide or exempt, however we would give our view that a S31 exemption is appropriate and the reasons for that. We had a similar request from the BBC just before the last inquests that we exempted so I'll use that response to formulate a response to the GMC and circulate for agreement.

I've followed up with Andrew in respect of the information transfer; and he says that at no point was the transfer of the documentation mentioned in their discussion. See attached email string. It might be wise to ask [Code A] perhaps informally to get her angle?

Would you like me to draft the response? I can't promise it will be today but will try.

Kind regards

Debbie

Debbie Broughall | Freedom of Information Manager

**Commissioning Support South | HQ: Omega House, Eastleigh,
 One Team, Many Minds, Best Solutions**

Email: [Code A]

Freedom of Information Email: foi@hampshire.nhs.uk

**Phone: Aldershot Centre for Health: [Code A] (Monday & Thursday)
 Omega House: [Code A] (Tuesday & Wednesday)**

Omega House | 12 Southampton Road | Eastleigh | Hampshire | SO50 5PB

From: Smith Ben (PORTSMOUTH CITY TEACHING PCT)

RE: GWMH inquest statement request

Page 2 of 3

Sent: 19 October 2012 11:19
To: Broughall Debbie (HAMPSHIRE PCT)
Subject: RE: GWMH inquest statement request

Dear Debbie,

I have spoken to Kiran Bhogal from Weightmans at length in a phonecall yesterday.

The advice is that we should refuse to allow these to statements be disclosed. In fact, we should be asking for them back if they have served their purpose around the GMC fitness to practice procedures. Kiran's view is we should be looking at a s.31 exemption.

As I had previously suggested would be my default position, it undermines internal investigations if statements given for that specific purpose are made public. It is necessary to give a relevant body sight of information that allows them to perform their regulated function in the interests of public safety. However, that does not mean that the GMC should be understood to have authority to release those statements. In summary, they were produced for a specific purpose (and therefore the individuals who supported that may wish to exercise their own legal rights over that disclosure), they have also been shared for specific purposes and since it is not my understanding that these statements are read in their entirety by the Coroner and therefore not in the public domain we should be mindful that the coroner retains some discretion about what he is willing to disclose in connection with his upcoming Inquest.

I have spoken to Janet from the GMC who is happy to take my phonecall as our refusal however I said I would speak to you and possibly Rob/Sara if necessary about providing our formal response. Our response might include our concern about this information being sent insecurely (although I would want to be sure of the extent to which your team might have had warning that this sensitive data was about to be sent).

Kind regards,

Ben

From: Broughall Debbie (HAMPSHIRE PCT)
Sent: 15 October 2012 16:07
To: Smith Ben (PORTSMOUTH CITY TEACHING PCT)
Subject: GWMH inquest statement request

Hello Ben

As discussed please find attached pdf version of the email and attached documents received from the GMC. I'd be grateful if you could please confirm that you have responded to the GMC, or if it would be more appropriate for me to advise them to liaise with you.

Kind regards

Debbie

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RE: GWMH inquest statement request

Edgley
lit PHT + SHT
→ be confirm if
and response based
on legal advice.

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