



The Crown Prosecution Service

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CPS advises no prosecutions over deaths at Gosport War Memorial Hospital

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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, all the circumstances have to be taken into account and 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;

Decision to Charge

Once the Police have completed their investigations, they will refer the case to the Crown Prosecution Service for advice on how to proceed. We will then make a decision on whether a suspect should be charged, and what that charge should be.

[Find out more about how we decide whether to charge a suspect](#)

[Find out more about private prosecutions](#)

Prosecuting Homicide

Murder and manslaughter are two of the offences that constitute homicide.

Manslaughter can be committed in one of three ways:

1. killing with the intent for murder but where there is provocation, diminished responsibility or a suicide pact.
2. conduct that was grossly negligent given

- The breach was so great as to be characterised as gross negligence and therefore a crime.

Mr Close said: "Errors alone, no matter how catastrophic the consequences may be, do not, of themselves, amount to gross negligence.

"I have written to the families explaining my decision and offering my deepest sympathy for their bereavement. I have offered to meet them to discuss how I reached my decision."

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 deaths. 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 deaths, dating from 1997 to 1999, were referred to the CPS.
4. For further information contact CPS Press Office on 020 7796 8180.

the risk of death, and resulted in death.

3. conduct, taking the form of an unlawful act involving a danger of some harm, that caused death.

With some exceptions, the crime of **murder** is committed, where a person:

- of sound mind and discretion (i.e. sane):
- unlawfully kills (i.e. not self-defence or other justified killing)
- any reasonable creature (human being)
- in being (born alive and breathing through its own lungs)
- under the Queen's Peace
- with intent to kill or cause grievous bodily harm.

There are other specific homicide offences, for example, infanticide, causing death by dangerous driving, and corporate manslaughter.

[Find out more about prosecuting homicide](#)