



# H A M P S H I R E C o n s t a b u l a r y

Chief Constable Paul R. Kernaghan CBE QPM LL.B MA

**PRIVATE**

Our Ref. : CO174/02

Your Ref. :

Mr D W Wilson

**Code A**

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19 May 2006  
*Dept. Syst.*  
*D. Wilhays, P.I.*  
*Faint*

Dear Mr Wilson,

Re Mrs Dulcie Middleton (deceased)

Further to your letter dated 28<sup>th</sup> March, 2006 sent on behalf of Mrs Marjorie Bulbeck and other members of the late Mrs Middleton's family, I am now in receipt of a report by the investigating officer, Detective Superintendent Williams.

I confirm that the Hampshire Constabulary has not yet concluded all matters subject to investigation in respect of the Gosport War Memorial. However, the case of Mrs Dulcie Middleton (deceased) was discharged from the police investigation in 2004, after the assessment that it was one of optimal care and death through natural causes.

On 11<sup>th</sup> February 2004, Mrs Bulbeck was informed that the investigation concluded that hospital care had not adversely contributed towards Mrs Middleton's deterioration. Mrs Bulbeck expressed concerns in respect of the expert view and these were highlighted to the clinical team of experts and the independent legal medico lawyer, but there remained no change in their findings.

A complaint by Mrs Majorie BULBECK, against Chief Superintendent James, has been recorded as a conduct complaint and is the subject of consideration by the Independent Police Complaints Commission.

Your general complaint regarding the investigation from May 2004 until the present date does not indicate a complaint of conduct against any individual member of the Hampshire Constabulary, and will not be recorded as a further conduct complaint, under S12(1) Police Reform Act 2002.

The complaint relates to operational procedure and policy decision, it will therefore be recorded as a direction and control matter, until Section 14 of the Police Reform Act 2002. The following response is provided in respect of the issues raised:

**1. The NHS refused to discuss matters because of police requests not to disclose information** -There has been a previous Health Service investigation into the circumstances surrounding the care of Dulcie MIDDLETON. Hampshire Constabulary has investigated ninety four cases in full consultation with the

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# HAMPSHIRE Constabulary

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Crown Prosecution Service (CPS), the investigation is near completion. The Freedom of Information Act prevents information disclosure by public authorities during the course of a criminal investigation.

**2. Complaint regarding the police investigation from May 2004 – unwillingness of police to disclose information to support civil actions** - Application for material may be made under the Freedom of Information Act and Data Protection Act procedures. It should be noted however that previous applications from family group members in this case have failed due to the ongoing criminal investigation.

**3. Little confidence in an expert report that was relying on incorrect information** -Five experts in toxicology, palliative care, geriatrics, general medicine and nursing all agreed the determination of the case of Dulcie Middleton (deceased). The outcome was verified through a quality assurance process undertaken by a legal/medico lawyer who considered the issues raised by her family.

**4. Not in public interest for police investigation to drag on the delay causing non-closure for families of deceased and unfit hospital staff to remain working** -The General Medical Council (GMC) and Nursing and Midwifery Council (NMC) have been served with full papers in respect of all cases released from the police investigation. The professional conduct committee have considered the conduct of the principal doctor in this case and have not made an order affecting her registration. The Nursing and Midwifery Council similarly have considered the conduct of particular nursing staff. No decisions have been taken to remove staff from the hospital which has been subject to separate and detailed review by the Commission for Health Improvement and the Chief Medical Officer. Public interest considerations have been addressed by the GMC, NMC, Police and CPS.

**5. Request for investigation to be extended to chief executive and administration issues, particularly around hospital records** - The investigation strategy has taken the widest possible view in terms of potential culpability. It would not be appropriate to disclose further detail to a member of the public in respect of this aspect.

I enclose an appeals leaflet which explains the procedure if you are dissatisfied with the decision not to record these matters as a conduct complaint. Please be aware that you have twenty-eight days from the date of this decision letter for the IPCC to receive your appeal.

Yours sincerely,

**Code A**

Superintendent Patricia Ogden  
Professional Standards Department

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