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12 May 2004

Sir Liam Donaldson  
Chief Medical Officer  
Department of Health  
Richmond House  
79 Whitehall  
London SW1A 2NS

Dear Liam

**A review of deaths of patients at Gosport War Memorial Hospital**

Thank you for your letter of 22 April 2004 regarding the above. I can confirm that it would be useful for the GMC to see a copy of Professor Baker's report, although, as you point out, without the authority to disclose this to Dr Barton, it will not be possible for the GMC to use this for evidential purposes. I would be happy to keep you up to speed with our progress on this matter. I would be grateful if you could mark Professor Baker's report for my special attention, to avoid any confusion at this end on receipt.

As stated at our meeting on 11 February, the GMC is in a difficult position vis à vis taking the matters relating to Dr Barton forward without access to any information which the police may have arising from their investigation. You will recall that the police are unwilling to confirm to the GMC that the nature of the information is significant from the perspective of the continued right of Dr Barton to practise. However, they have confirmed that, even if they did have such information, they would not share this with the GMC, as it would compromise their investigation and any possible subsequent prosecution that might take place.

Since our meeting on 11 February, I have met with senior investigating officers to attempt to find a solution to this problem, given the GMC's (and, indeed, your own) concerns in relation to Dr Barton. Although they confirmed that the investigation is on-going, little progress on the position stated above was made. Given this, we are instructing specialist counsel to advise on the respective positions of the police and the GMC to ascertain our position, should we choose to invoke Section 35A of the Medical Act 1983 and ask the court to use its powers to demand any relevant information from the police.

In the meantime, we have recently written to the police, setting out the position as we understand it and, once again, formally requesting disclosure in the interests of the protection of the public. I enclose a copy of our letter.

Please do feel free to contact me at any time on this matter.

Yours sincerely

**Paul Philip**  
**Director of Fitness to Practise**

**Code A**