

From: Code A
Sent: 11 January 2008 10:19
To:
Cc: Code A
Subject:
Attachments: papers.pdf

Code A

You may recall that you previously enquired whether we had received a witness statement Code A. I have checked the files that we hold and I can only find the attached correspondence from Code A daughter, Code A.

However, we cannot locate two of our files: 2002/2340/01 and 2002/0941/01, by any chance did Eversheds pass them to you?

Counsel's Advice

Counsel's advice is due on 21 January 2008, is Code A is still on schedule to provide it by that time, as I wish book a meeting with Code A to discuss the advice so after it is received?

Code A

Code A

19 August 2005

Dear **Code A**,

Following my Fathers recent telephone conversation regarding the death of my Mother **Code A** on 22nd May 1999 at the War Memorial hospital.

My Father and I are unhappy with the decision of my Mothers death being accidental, as we were originally told she had been categorised as a level 3, most serious case. There was also concern for possible negligence clinical abuse.

Thank you for agreeing to help my Father and I bring closure at this sad time.

Yours Sincerely

Code A



HAMPSHIRE CONSTABULARY

Code A

QPM LL.B MA DPM MCIPD

**Fareham Police Station
Quay Street
Fareham
Hampshire
P016 0NA**

Code A

21st July 2005

Dear **Code A**,

The purpose of this letter is to set out, in order, the investigation relating to your late wife's treatment at the Gosport War Memorial hospital (GWMH) prior to her death in May 1999.

Can I remind you of the sequence of events.

Operation Rochester was commenced in 2002 in order to investigate concerns raised by a number of families regarding the circumstances of relatives whilst patients at the GWMH. You reported your concerns to us on 16th September 2002.

As you may remember, on the 6th Jan 2003 the Police obtained the medical records relating to **Code A** from the Gosport War Memorial Hospital. These records were copied and distributed to a team of medical experts who specialised in the following fields, Toxicology (the study and effect of chemicals upon the body), Palliative (the care of the terminally ill), Geriatrics (Care of the elderly), General Medicine and Nursing.

Having studied the content of the medical records, the experts came to the joint conclusion that the care that your wife received gave them cause for grave concern. Their review paid particular attention to the medication that she was both prescribed and administered. Accordingly your wife's case was categorised as a level 3 (most serious).

The medical experts identified that there appeared to be a lack of initial detailed medical information and thus could not identify why she received the care that she did. As a direct result, the police investigation was centred on discovering further medical records that related to your wife's initial admission. These records were subsequently found at the Royal Naval Hospital Haslar.

The records were seized on the 16th October 2003, copied and re-distributed to the medical experts. The medical team performed a further detailed review of these notes. They reported their findings at a conference held last February.

Their conclusions were amended in the light of the Haslar records. They noted that your wife had been admitted to Haslar Hospital on 26th April 1999 having suffered a CVA (stroke). Her recovery was affected when she later suffered a Myocardial Infarction (heart attack) on 28th April 1999.

[Code A] was transferred to the Gosport War memorial hospital on the 20th May 1999. She subsequently died [Code A] later.

The medical experts all agreed that the treatment [Code A] received had been the correct and appropriate treatment from the day of her admission to Haslar. Her treatment and the subsequent care plans were fully in line with what they would expect in light of her continuing illness.

[Code A] had been prescribed and administered appropriate levels of analgesics (pain relief) to alleviate her pain and potential discomfort from the date of her admission. This care continued whilst she was a patient at GWMH.

In reviewing the medical records in their entirety, the experts are now of the opinion that the care and treatment of your wife was fully in accordance with standard medical practice. Accordingly they were able re-categorised your wife's case as level 1. These means that they had no cause for concern regarding the treatment provided by any healthcare professional and that your wife died of natural causes.

These findings have subsequently been ratified by an independent medical legal expert to ensure that all possible enquiries have been concluded.

Enquires of this nature are complex and detailed and inevitably take time. As new evidence emerges it can change significantly the way we need to we view each case. I know from my previous visit to you and from what [Code A] has reported to me, how distressing this matter has been for you and your family.

I would therefore like to take this opportunity to thank you for the patience, support and dignity you have displayed during our investigation.

Yours sincerely

Code A

From: Code A
Sent: 16 January 2008 17:22
To:
Cc:
Subject: Code A

Code A is best placed to answer this. I spoke to him once early on - I am not sure if she has spoken to him since. I am not back until Friday if you need me to check my note.

Code A | Partner

for Field Fisher Waterhouse LLP

dd: Code A | m: Code A

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Field Fisher Waterhouse LLP Portland Tower Portland Street Manchester M1 3LF

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Web www.ffw.com CDE823

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From: Code A
To:
CC: Code A

Sent: Wed Jan 16 15:18:19 2008

Subject: [Code A]

Hello,

I have to phone [Code A] could you tell me briefly what you told him previously.

[Code A]

From: [Code A]

Sent: 16 Jan 2008 11:18

To: [Code A]

Subject: [Code A]

Hi [Code A]

[Code A] would like to speak to you about the case – Gosport War Memorial Hospital? – on [Code A] please.

[Code A]

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General Medical Council

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Regus House, Falcon Drive, Cardiff Bay. CF10 4RU

20 Adelaide Street, Belfast. BT2 8GD

Tel: 0845 357 8001

Fax: 0845 357 9001

From: Code A
Sent: 18 January 2008 15:36
To: Code A
Subject: Code A - FYI letter to defence
Attachments: DOCS_6636488_1.DOC

Code A

Letter to the defence as promised.

Code A | **Solicitor**
for Field Fisher Waterhouse LLP
dd Code A

Mobile Code A

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Code A

MDU Services Limited
230 Blackfriars Road
London
SE1 8PJ

Our ref: TET/00492-15579/6636488 v1
Your ref:

Also sent by e-mail to Code A

18 January 2008

Dear Sirs

General Medical Council - Code A

We write to update you with regard to the current position regarding our investigation.

We intend to rely upon Code A expert evidence in this case. You already have the reports he has drafted for the Police investigation. We anticipate that he will also prepare reports on Code A Code A. We will disclose these to you as soon as we receive them.

We would like to inform you, at this early juncture, that Code A has previously acted as a Panel member on approximately 11 GMC Fitness to Practise Panels. He was appointed to the Fitness to Practise directorate in 2001 and resigned in early 2005. The GMC adjudication section have indicated that they will take steps to ensure that the Panel members empanelled for this case were appointed after May 2005. In the circumstances, we do not consider that this could give rise to any objection but would be grateful if you would confirm this.

For your information, Code A will be unavailable to attend the hearing until 23 September 2008 but we anticipate that this will broadly fit with the anticipated running order.

Unfortunately we are not in a position to serve the Draft Notice of Hearing upon you at the present time. We would propose to serve the Draft Notice of Hearing by 3 March 2008, over six months before the hearing is due to begin. In our view this should not affect the hearing date of 8 September 2008 as we have already disclosed to you the bulk of the evidence upon which we will seek to rely. We have sent you the witness statements and medical records in relation to each patient and a copy of all of the expert reports (including those prepared by Code A). On or before 3 March we will have sent you Code A reports on Code A. We

are in the process of drafting production statements or supplementary statements for those witnesses whom we will intend to call at the hearing and propose to serve these upon you by 3 March 2008 at the latest.

We may have further supplementary expert reports (by way of clarification) to serve upon you after 3 March 2008. We intend to do this by the beginning of April. We do not anticipate that any evidence served after 3 March will alter the Draft Notice of Hearing substantively.

We presume that the documents which you are already in receipt of will enable you to commence hearing preparation and to instruct an expert.

We also are in possession of a large amount of information, provided by Hampshire Constabulary, that will form the unused material. We would be grateful if you would contact us regarding how the material may best be provided to you.

There is a Stage 2 telephone conference scheduled for 24 January 2008. We propose that this be adjourned until after 3 March 2008. Please confirm if you agree to this and we will contact GMC adjudications and make the necessary arrangements.

We regret that we have been unable to provide you with draft charges today. We will, of course, keep you fully informed of developments. Please do contact us if you wish to discuss any matters raised in this matter further.

Yours faithfully

Field Fisher Waterhouse LLP

From:
Sent:
To:
Cc:
Subject:

Code A

22 January 2008 15:59

Code A

Code A

Thanks for email.

[Redacted]

Code A

From: Code A
Sent: 18 Jan 2008 14:49
To: Code A
Cc: Code A
Subject: Code A

Dear Code A

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Code A
| **Solicitor**
for Field Fisher Waterhouse LLP
dd [Code A]

Mobile [Code A]

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From: [Code A]
Sent: 17 January 2008 13:20
To:
Cc: [Code A]
Subject: RE: [Code A]

[Code A]

Thank you for your email.

[Code A]

It is agreed to pay [Code A] £200.00 ph for proving his report, but before he begins we need to agree with him a time estimate in terms of hours for preparing the report or a capped fee. Also incidental expenses will have to be approved as they arise. I will need to seek advice from our Finance Section concerning the billing arrangements that [Code A] suggests.

Travel expenses – In accordance with our guidance mileage is reimbursed at 40p per mile, further our guidance provides that standard class train travel should be used. Our guidance does not provide for air travel so [Code A] will need to seek our approval if the need for this arises.

[Code A]

[Code A] chased the DOH about the report this week and I have spoken to him today and he will send a further chaser.

[Code A] has set out [Code A] and [Code A] views on [Code A] below.

[Code A]

From: [Code A]
Sent: 17 Jan 2008 12:32
To: [Code A]
Subject: [Code A]

Hi [Code A]

[Code A]

Please could you confirm that you are happy with the following rates prior to me sending out a formal letter of instruction?

"I agree that the hourly rate for all work is £200 per hour, including incidental expenses such as secretarial expenses.

However for the days of attending the hearing I would want £1200 per day. This will be in two parts. £600 billed directly by me and £600 billed by the deanery to be used for backfill in my absence.

Travel expenses should be direct reimbursement of public transport or taxi costs. I can not see how I would need to travel outside London but if I did it would either be 45p per mile or first class train costs or business class air costs."

[Code A] views on [Code A]

Both [Code A] are long time protagonists for the families of the patients. They are essentially unhappy with all of the experts used by the Police and feel that it was on the basis of the expert's reports that the CPS decided not to prosecute. Which is essentially true. However, they have not seen any of the reports but nonetheless have concluded that the reports must make erroneous conclusions. This is based on their supposition and the fact that the CPS read out extracts from the reports to them.

Also, they are unwilling to accept the severity of the conditions afflicting their relatives.

They also have dug into [Code A] background and have found out that he also has sat on a committee with [Code A]. This has led them to conclude that because the Government said "there will never be another Shipman" that there will be some kind of cover up conspiracy.

I have assured them that [Code A] will act as an Independent expert and is appropriately qualified to do so. He will have the opportunity to read all of the witness statements and also we can address any concerns which they may have regarding specifics about the treatment of their relatives which might not be accurately reflected in the medical records.

I will instruct [Code A] to prepare a generic report covering, amongst other topics, dementia. Both [Code A] complain that their mothers were not suffering from dementia to the degree that the notes suggest. However, as [Code A] explained in Con, it is often the case that elderly patients are better able to function in the company of their relatives.

[Code A] has written to [Code A] directly to which he has not responded and I have written to her asking her to direct any queries to me. I know that she has also been bombarding the PCT and the Coroner with her concerns and I have been unable to allay her fears. She also has a history of press involvement.

I do not think that their fears are justified and feel that they would be raising the same issues whoever we had instructed. [Code A] in particular cannot understand the role of an expert witness (she keeps repeating that no-one could be an expert if they have not examined her mother) despite me explaining this on numerous occasions.

[Code A] report

We would like this as soon as possible as it may influence the drafting of the charges.

Timetable

We are still discussing this with Counsel and [Code A]. For your information I am meeting with [Code A] and [Code A] next week to discuss how we will proceed administratively and to ensure that the timetable is realistic. I will, of course, keeping you updated.

[Code A]

As discussed by e-mail yesterday, we are in the process of instructing [Code A] with regard to this.

Correspondence with the defence

I will write to them to let them know about the instructed expert and also proposing the new timetable. As [Code A] has explained, they will no doubt object!

Visit to Portsmouth / witnesses

I have arranged to visit Hampshire from 29 to 31 January and am meeting with the PCT and hopefully some of the witnesses to take further statements and to allay any concerns they have.

All witnesses have now been contacted except for [Code A] (the consultants) about whom Counsel is preparing advice currently.

Regards

Code A
 [Code A] Solicitor
 for Field Fisher Waterhouse LLP
 dd [Code A]

Mobile [Code A]

From: [Code A]
Sent: Tuesday, January 15, 2008 5:24 PM
To: [Code A]
Cc: [Code A]
Subject: [Code A]

[Code A]

Thank for your email which I have discussed with [Code A]

[Code A] would like to know what [Code A] and [Code A] views on [Code A] are.

We note your proposed timetable, which is subject to your discussions with Counsel and [Code A] is of the view that if this new timetable is feasible after your discussions we must stick to it to avoid jeopardising the hearing date and we must let the defence know at an early stage of any changes to the timetable. Please confirm the timetable after your discussions.

We note that you will inform the defence about our choice of expert and I will keep you informed about developments with empanelment.

[Code A] has asked [Code A] to make enquiries with the Department of Health about the report from [Code A] when would you ideally require the report by?

Please note that I will on leave from 11-22 February 2008 and [Code A] will cover my work in my absence.

[Code A]

From: [Code A]
Sent: 14 Jan 2008 08:32
To: [Code A]
Cc: [Code A]
Subject: [Code A]

Dear [Code A]

[Code A] and I met to discuss progress on this matter on Friday.

You have asked about Counsel's advice which is due on 21 January. Counsel wrote on Thursday in the following terms "*We are of course under pressure of time for the draft charges but I am still aiming for the 21st though that may need a little bit of flexibility. Can you let me know how [Code A] is getting on with the reports on [Code A] and [Code A] and also what his time estimate is on the report for [Code A] and [Code A] now that he has their records? I am having a minor operation tomorrow but it does require a General and so I may be out of action for a few days. Depending on recovery I am hoping to be back working by Tuesday/Wednesday next week.*"

This suggests that there is some doubt about our being ready with a draft charge by 21 January. There are some problems with the matters Counsel asks about and I have just written to him to make the following points:

- to reiterate the pressures of the timetable and the risk of defence objections to the listing if we get behind (although I think these can be resisted for some time yet)
- to explain that we were waiting for Counsel to advise on matters to be raised with [Code A] (and whether a further con was required). That said there have of course been some other issues confirming the decision to use [Code A] (this was only confirmed by the GMC on 19 December) - we are just confirming formalities with him and will get the papers on [Code A] to him next week
- to ask whether Counsel considers a draft charge can be prepared yet? I suspect as a minimum he will need a report from [Code A] for each case so in my opinion 21 Jan is unrealistic (see my thoughts on a new timetable below). We have also been hoping for some guidance from Counsel as to whether there are other pieces of information he needs to do the charge. We have identified for ourselves witnesses of fact we believe will be

relevant and have either written to them to ask for production statements or are hoping to see them at the end of January. If Counsel does need additional information we hope we have at least set in train inquiries that may help us to have this by early Feb. (The Trust are helping us trace/contact staff witnesses but this has taken several weeks and has only been resolved today).

- the advice we sought urgently from Counsel, to which he refers, relates to the other key doctors [Code A] who we need to rule out if we are to have any prospect of asking them to co-operate with this case. The letters to these potentially important witnesses have not gone until we know what to say when they or their lawyers get in touch.

On other matters:

1. Thank you for checking about the [Code A] statement. He may mean the daughter's correspondence. [Code A] will check this and about the GMC files you mention although they do not ring a bell.

2. [Code A] and [Code A] have strong views about [Code A] and have been bombarding [Code A] with these. We are satisfied we can justify the use of [Code A] and of course this is not a complainant case but I thought you should be aware.

3. Thank you for keeping us informed about empanelment it is our view we should disclose our choice of expert and the steps being taken by the GMC in our next letter to the defence.

4. I understand from the last case review that the GMC are pursuing getting the CMO commissioned report from [Code A]

In summary I think we should next write to the defence to explain progress and our proposed revised timetable. One thing to have in mind is how robust the GMC will wish to be about the hearing date. We can expect the defence to start complaining immediately. If everything is disclosed by mid March they still have nearly 6 months to prepare. My view is that the defence have plenty they can be getting on with and we should resist any adjournment requests however I appreciate we must then aim to stick to the timetable and further delays will worsen the position and an adjournment late in the day would be highly undesirable.

I hope the following may be realistic but does have to be checked with [Code A] and Counsel:

Immediately instruct [Code A] on 4 further cases

Decide approach to [Code A]

Get feedback from Counsel about progress and rate limiting points

29-31 Jan see outstanding witnesses

mid Feb reports (on 4 unreported cases) from [Code A] (subject to this being possible for him)

25 Feb draft charges from Counsel

end Feb draft charges approved and disclosed + disclosure of new reports

end of Feb complete disclosure of production statements and new evidence save for final [Code A] reports

Mid/late March - supplementary/GMC style reports from [Code A] for all cases.

We would welcome your comments and feedback on any of the above.

I understand [Code A] and [Code A] will meet to discuss this case on 18 and I am seeing [Code A] on 22 January so I thought I should copy this to [Code A] also.

[Code A] | **Partner**

for Field Fisher Waterhouse LLP

dd: [Code A] | m: [Code A]

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Sent: Friday, January 11, 2008 10:19 AM

To: [Code A]

Cc: [Code A]

Subject: [Code A]

[Code A]

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[Code A], I have checked the files that we hold and I can only find the attached correspondence from [Code A] daughter, [Code A]

However, we cannot locate two of our files: 2002/2340/01 and 2002/0941/01, by any chance did Eversheds pass them to you?

Counsel's Advice

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Tel: 0845 357 8001

Fax: 0845 357 9001

From: [Code A]
Sent: 16 January 2008 18:14
To:
Subject: **Code A**

He will be preparing a report along the same lines as his others. I will send him detailan of the family's concerns too.

[Code A] Solicitor Field Fisher Waterhouse sent by blackberry

Mobile: [Code A]

-----Original Message-----

From: [Code A]
To: [Code A]
Sent: Wed Jan 16 17:37:16 2008
Subject: RE: [Code A]

Thanks: [Code A]

Just to clarify are you specially instructing [Code A] on concerns raised by [Code A] and his daughter.

[Code A]

-----Original Message-----

From: [Code A]
Sent: 16 Jan 2008 17:23
To: [Code A]
Subject: [Code A]

Hi [Code A]

Yes, I have spoken to him. The latest position is that I have obtained information from the Police and am about to instruct [Code A] on the case. I will then hope to be in a position to update him further.

Thanks

[Code A]

[Code A] Solicitor
 for Field Fisher Waterhouse LLP
 dd [Code A]

Mobile: [Code A]

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Sent: Wednesday, January 16, 2008 5:22 PM
To: **Code A**
Cc:
Subject: **Code A**

Code A is best placed to answer this. I spoke to him once early on - I am not sure if she has spoken to him since. I am not back until Friday if you need me to check my note.

Code A Partner

for Field Fisher Waterhouse LLP

dd: **Code A** I m: **Code A**

-----Original Message-----

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To: **Code A**
CC:
Sent: Wed Jan 16 15:18:19 2008
Subject: **Code A**

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Tel: 0845 357 8001

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Regents Place, 350 Euston Road, London. NW1 3JN

The Tun, 4 Jacksons Entry, Holyrood Road, Edinburgh. EH8 8AE

Regus House, Falcon Drive, Cardiff Bay. CF10 4RU

20 Adelaide Street, Belfast. BT2 8GD

Tel: 0845 357 8001

Fax: 0845 357 9001

From: [Code A]
Sent: 30 October 2007 12:15
To:
Cc:
Subject: **Code A**

Hi [Code A]

I have spoken to [Code A] this morning and explained that currently his case is not one which we have all the evidence for and that I am in the process of assessing what we do have with regard to his wife's treatment. He is very unhappy with the way the police dealt with the case. He said that initially they were most sympathetic and that they told him that they viewed his case as very serious and then they seemed to 'lose interest'. He is very keen for his wife to be included as one of the patients that are investigated by the GMC.

He and his daughter gave statements to the police. He thinks he sent [Code A] copies of these. We do not appear to have any that the police have sent us. Could you see if [Code A] does have any / there are any on your system?

As agreed at the con, I will look into exactly what we have got for this case and for that of [Code A] so that we can decide how to proceed with these cases in terms of whether we should ask [Code A] another expert to advise on the prospects of success.

I have dictated a note of the con and will circulate this to you once it has been typed up. I hoped to do this last week but was unfortunately out of the office so I apologise for the delay.

I have received your comments about [Code A] and am meeting with [Code A] this afternoon to discuss your concerns in more depth and we will then get back to you with our views.

I have not received suggestions for a junior as yet but will chase counsel's clerk again and get back to you with some names as soon as possible.

Thanks

[Code A]

[Code A] **Solicitor**
for Field Fisher Waterhouse LLP
dd [Code A]

Mobile [Code A]

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Web www.ffw.com CDE823

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From: [Code A]
Sent: Friday, October 26, 2007 8:21 AM
To: [Code A]
Cc: [Code A]
Subject: [Code A]

Hello,

Please note below.

I'm not sure what we are telling patient's families and so we are consistent I would be grateful if you would ring [Code A]

Thanks [Code A]

From: [Code A]
Sent: 24 Oct 2007 09:54
To: [Code A]
Subject: [Code A]

[Code A]

[Code A] just called re an update on the case. He has received a letter from FFW to explain that they have taken over the case, but he has not heard anything since. He does phone for updates from time to time, his wife was one of the patients who died, and he is always very pleasant and polite.

If you have anything that you can tell him his number is [Code A]

[Code A]

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Regus House, Falcon Drive, Cardiff Bay. CF10 4RU

20 Adelaide Street, Belfast. BT2 8GD

Tel: 0845 357 8001

Fax: 0845 357 9001

From: [Code A]
Sent: 17 January 2008 15:21
To: [Code A]
Cc:
Subject: FW: Gosport case

for info

-----Original Message-----

From: [Code A]
Sent: 17 Jan 2008 15:22
To: [Code A]
Subject: Re: Gosport case

From: [Code A] Professional Regulation + Room
2N11 Quarry House [Code A]

[Code A]

I understand that a colleague [Code A] will be replying to you direct..

[Code A]

P Help save paper - do you need to print this email?

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From: Code A
Sent: 24 January 2008 09:33
To:
Cc: **Code A**
Subject: Code A - Stage 2 telecon 24 Jan 2008
Importance: High

Dear All

Further to Code A email I confirm that the stage 2 telecon will not take place today at 11:00. We would like to re-schedule this for week commencing 3 March and I would therefore appreciate you forwarding me dates that you are all available to take part in the stage 2 that week.

I look forward to hearing from you.

Kind regards

Code A
 Adjudication Listings
 Tel: Code A

From: Code A
Sent: 23 Jan 2008 15:25
To:
Cc: **Code A**
Subject: Code A - Stage 2 telecon 24 Jan 2008

Please can this be vacated - we need to relist for some time after 3 March 2008.

The defence have agreed this course of action.

Code A | **Solicitor**
 for Field Fisher Waterhouse LLP
 dd Code A
 Mobile Code A

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From: Code A
Sent: 24 January 2008 11:21
To: Code A
Cc:
Subject: Code A - Stage 2 telecon 24 Jan 2008

Dear All

Many thanks for your replies. The stage 5 (old rules) has been re-scheduled to take place on 4 March 08 @ 11:00.

I look forward to speaking with you then.

Kind regards

Code A

From: Code A
Sent: 24 Jan 2008 09:55
To: Code A
Cc:
Subject: Code A - Stage 2 telecon 24 Jan 2008

Hello all

I am also free any day that week.

Thanks

Code A

Code A | **Solicitor**
 for Field Fisher Waterhouse LLP
 dd Code A

Mobile Code A

From: Code A
Sent: Thursday, January 24, 2008 9:54 AM
To: Code A
Cc:
Subject: Code A - Stage 2 telecon 24 Jan 2008

Dear Code A

Many thanks for the message. I am free any day in that week.

Best wishes

Code A

-----Original Message-----

From: [Code A]
Sent: 24 January 2008 09:33
To: [Code A]
Cc: [Code A]
Subject: [Code A] - Stage 2 telecon 24 Jan 2008
Importance: High

Dear All

Further to [Code A] email I confirm that the stage 2 telecon will not take place today at 11:00.

We would like to re-schedule this for week commencing 3 March and I would therefore appreciate you forwarding me dates that you are all available to take part in the stage 2 that week.

I look forward to hearing from you.

Kind regards

[Code A]
 Adjudication Listings
 Tel: [Code A]

From: [Code A]
Sent: 23 Jan 2008 15:25
To: [Code A]
Cc: [Code A]
Subject: [Code A] - Stage 2 telecon 24 Jan 2008

Please can this be vacated - we need to relist for some time after 3 March 2008.

The defence have agreed this course of action.

[Code A] **Solicitor**
 for Field Fisher Waterhouse LLP
 dd [Code A]

Mobile [Code A]

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From: Code A
Sent: 24 January 2008 17:48
To: Code A
Cc:
Subject: Code A - update of arrangements re Code A

Hi Code A:

I just thought that I'd let you know that the defence have confirmed that they have no objection to Code A being used with regard to him having been a Panellist previously.

They have asked for written confirmation about why we have not been able to serve the DNOH on them by 18 Jan 2008. I will send you a copy of my response prior to sending it to the defence for your comment. I will send this over to you on Monday as I am out of the office on leave tomorrow.

Our basic position is that we have disclosed the majority of the used evidence on them and they should be able to commence hearing preparation now and therefore the delay will not cause them any prejudice.

Thanks

Code A

Code A | Solicitor
for Field Fisher Waterhouse LLP
dd: Code A

Mobile: Code A

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From: [Code A]
Sent: Tuesday, January 22, 2008 3:59 PM
To: [Code A]
Cc: [Code A]
Subject: [Code A] - update of arrangements re Professor Black

[Code A]

Thanks for email.

[Code A] advised that when [Code A] returns from holiday he should be brought up speed on any evidence that he wasn't aware that has come out from the cross examination of witnesses.

[Code A]

From: Code A
Sent: 31 January 2008 15:00
To:
Subject: Code A

Hello Code A

I'm on leave for nearly 2 weeks from 13 February 2008.

Could you let me know before then the names of the Panellist that you have empanelled and their biographical details so that we can forward this information to the defence to see if they have any objections.

Thanks

Code A

From: [Code A]
Sent: 31 January 2008 15:04
To: [Code A]
Subject: RE: Gosport case

Hi [Code A]

Have you heard anything further [Code A] the reason that I ask is that I'm on leave from 13- 22 February and our Counsel has to finalise the charges by 25 February?

[Code A]

-----Original Message-----

From: [Code A]
Sent: 17 Jan 2008 15:21
To: [Code A]
Cc: [Code A]
Subject: FW: Gosport case

for info

-----Original Message-----

From: [Code A]
Sent: 17 Jan 2008 15:22
To: [Code A]
Subject: Re: Gosport case

From: [Code A] Professional Regulation + Room
2N11 Quarry House [Code A]

[Code A]

I understand that a colleague [Code A] will be replying to you direct..

[Code A]

P Help save paper - do you need to print this email?

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From: [Code A]
Sent: 31 January 2008 15:24
To: The Empanelment Team
Subject: [Code A]

Thanks, we'll disclose on that basis and let me know if there any change.

From: [Code A] **On Behalf Of** The Empanelment Team
Sent: 31 Jan 2008 15:23
To: [Code A]
Cc: The Empanelment Team
Subject: [Code A]

Yes, as long as they know that it is subject to change and obviously do not attempt to contact any of the Panellists, but I'm sure this goes with out saying.

Thanks

[Code A]

From: [Code A]
Sent: 31 January 2008 15:16
To: The Empanelment Team
Subject: [Code A]

Thanks [Code A] is it ok to disclose to the defence at this stage?

From: [Code A] **On Behalf Of** The Empanelment Team
Sent: 31 Jan 2008 15:15
To: [Code A]
Cc: The Empanelment Team
Subject: [Code A]

Hi [Code A]

Please see the details of the Panel we have secured at the moment, this is subject to change as with all these things so I would be grateful if the information didn't get spread too widely about. Let me know if you need any other info.

Thanks

[Code A]

Code A

Code A

From: Code A
Sent: 31 January 2008 15:00
To: Code A
Subject: Code A

Hello Code A

I'm on leave for nearly 2 weeks from 13 February 2008.

Could you let me know before then the names of the Panellist that you have empanelled and their biographical details so that we can forward this information to the defence to see if they have any objections.

Thanks

Code A

From: Code A
Sent: 31 January 2008 15:31
To: Code A
Subject: Code A

Dear All,

Below are the proposed Panellists for the hearing.

Our Adjudication Section has advised that this information can be disclosed to the defence, but they should be made aware that it is subject to change and they should not contact any of the Panellists.

Code A

From: [Code A]
Sent: 01 February 2008 12:20
To: [Code A]
Subject: [Code A] - advice from counsel and letter to MDU
Attachments: DOCS_6670173_1 (2).DOC; DOCS_6637140_1 (2).DOC;
 DOCS_6637078_1 (2).DOC

Hi [Code A]

Thanks for your e-mail regarding the panellists for the hearing, sorry for the late reply. [Code A] is on holiday and I have been off sick this week.

Please find attached:

1. Counsel's advice regarding [Code A]
2. Counsel's advice regarding cancellation
3. Draft letter from FFW to MDU confirming investigation timetable

I would be grateful if you would confirm if you are happy for the letter to the MDU to be sent as drafted or if you would like any amendments. Would you like me to include information that we will not be proceeding regarding [Code A] or would you prefer for this to wait until service of the DNOH?

We now urgently need to contact [Code A] with regard to the hearing in September. I would be grateful if you could confirm the stance we should take when they or their legal representatives inevitably telephone and ask if they are likely to be subject to criticism.

Would it be alright to explain something along the lines of: "The GMC have looked at all the available evidence relating to the [Code A] case and have taken advice, they have no grounds to suggest there are concerns about [Code A] fitness to practise. However, the GMC cannot give anyone immunity from someone making a complaint or raising a concern but thought it would be helpful to clarify the position. Of course if Dr x is asked to attend to give evidence they may be asked questions by [Code A] representatives and by the Panel, any questions would have to be relevant to the subject matter of the hearing which will be whether [Code A] is guilty of serious professional misconduct."

Please could you check for me if any of them have any FTP issues also?

I look forward to hearing from you.

Regards

[Code A]

Solicitor

for Field Fisher Waterhouse LLP

dd [Code A]

Mobile Code A

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Code A

MDU
230 Blackfriars Road
London
SE1 8PJ

Our ref: TET/00492-15579/6670173 v1
Your ref: ispb/990079

24 January 2008

Dear Sirs

General Medical Council - Code A

Thank you for your letter of 23 January 2008.

We are grateful for your confirmation that you do not raise any objection to Code A acting as our expert in this case.

As you correctly identify in your letter, we hoped to be in a position to serve the Draft Notice of Hearing upon you by 18 January 2008. As we informed you by letter of 18 January 2008 this will no longer be possible and we now propose to serve the Draft Notice of Hearing by 3 March 2008.

It may be helpful for us to explain why our investigation has taken longer than anticipated.

To date we have disclosed to you:

1. 30 August 2007 – 2 folders of medical reports

- (a)
- (b)
- (c)
- (d)
- (e)

Code A

(f)

(g)

(h)

(i)

(j)

(k)

(l)

(m)

Code A

(n) Generic report of Code A (sent on 5 December 2007 to be inserted into the folders)

2. 10 October 2007

(a) Medical records for 14 patients; Code A

Code A

(b) Patient files (witness statements and interviews) for 13 patients; Code A

Code A

(c) Copy of CHI investigation report

3. 11 October 2007 - Statements/interviews of Code A in relation to Code A

Code A

4. 5 December 2007 – Summary of medical records (prepared by Field Fisher Waterhouse)

5. 14 December 2007

(a) Medical records of Code A (also disclosed on 10 October 2007 – additional set, these are in an alternative order), Code A

(b) Generic case files – 2,3,4,5,6,7 (number 1 does not exist)

6. Enclosed with this letter, by way of disclosure, is:

- (a) Witness folder Code A
- (b) Witness folder Code A
- (c) Colour copy of photographs of Room 3 Gosport War Memorial Hospital

7. Also enclosed with this letter, by way of disclosure, is a list of witnesses whom we anticipate that we will need to call. (More detail about this is included below)

We are currently making arrangements for the copying of the material supplied to us by the Police which does not relate to any of the patients whom we anticipate will form part of the charges. We will forward this to you as soon as we are able.

As detailed above, we have now disclosed to you the majority of the evidence upon which we anticipate that we will seek to rely. We would anticipate that you are able to commence hearing preparation to a large extent from the documents that you already have prior to the service of the Draft Notice of Hearing.

We have unfortunately encountered some delays in our investigation. We do not, however, anticipate that these will have any effect upon your hearing preparation. You have asked that we explain the reasons for the delays. You will note that these have been peculiar to our investigation as the “prosecutors” and, now the information has been obtained and preparation is underway, we do not foresee that you will suffer any similar setbacks to your preparation.

We have had to spend some considerable time in liaison with the experts who prepared reports for the Police. It has taken some time to ascertain availability from a number of potential experts and then issue formal instructions to Code A.

As we are sure you understand we have had to identify which witnesses, out of the large number interviewed by the Police we regard as acting as potential witnesses at the Fitness to Practise hearing. Getting in contact with them has taken some considerable amount of time caused in large part through liaison with the Primary Care Trust and the Police to ascertain current contact details and employment status and to obtain all of the relevant information.

For your information the witnesses we anticipate that we will call are listed on the attached sheet headed ‘summary of witnesses (24.01.08)’. This lists all of the witnesses whom we have currently identified as having relevant statements. We have included the initials of the patients whom they have made statements with regard to for your ease of reference. Please note that this is a provisional list and we reserve the right to call additional witnesses. We anticipate that the majority of these witnesses will not have any substantial new evidence to that which is contained within the statements which they have made to the Police, which you already have. We are in the process of obtaining production statements and taking additional statements where necessary.

We confirmed to you, by letter of 14 December 2007 that we considered it likely that we proceed with charges in relation to [Code A],
[Code A] We reserved our position, in order to carry out further investigation, with regard to [Code A]
[Code A] We maintain this position.

You are in possession of [Code A] reports in relation to all of those patients listed above except for [Code A] [Code A] is in the process of preparing reports in relation to these patients and we will disclose this to you as soon as we are able.

The GMC have informed you that the Stage 2 telephone conference has been rescheduled for 11:00 on 4 March 2008.

We hope that this clarifies the current position, please contact [Code A] if you have any additional queries.

Yours faithfully

Field Fisher Waterhouse LLP

Code A

Code A

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From: [Code A] **Code A**
Sent: 01 Feb 2008 12:20
To: [Code A] **Code A**
Subject: [Code A] - advice from counsel and letter to MDU

Hi [Code A]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Regards

Code A

Solicitor

for Field Fisher Waterhouse LLP

dd: **Code A**

Mobile: **Code A**

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From: [Code A]
Sent: 05 February 2008 15:08
To: The Empanelment Team
Subject: [Code A]

[Code A]

I don't recall that time has been set aside for non sitting days but I can raise it at the Adjudication telecon on 4 March 2008.

Please let me know before then whether more than 2 non sitting days are required.

[Code A]

From: [Code A] **On Behalf Of** The Empanelment Team
Sent: 05 Feb 2008 15:02
To: [Code A]
Cc: The Empanelment Team
Subject: [Code A]

Hi [Code A]

Can you let me know if there has been any time put aside for non sitting days, I have had one request for 8 October, but I think someone else is going to request 1 or 2..

Many thanks

Code A
Empanelment Team
[Code A]

From: [Code A]
Sent: 06 February 2008 16:59
To:
Cc: [Code A]
Subject:

[Code A]

Thanks for the info.

The draft letter is fine but as per our per my prior email the defence cannot be informed that we are not proceeding with the allegations concerning [Code A] and [Code A] until the relatives have been informed.

[Code A]

From: [Code A]
Sent: 06 Feb 2008 16:23
To: [Code A]
Cc:
Subject: [Code A]

Hi [Code A]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thanks

[Code A]

Tamsin Hall | Solicitor
for Field Fisher Waterhouse LLP
dd [Code A]

Mobile [Code A]

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Field Fisher Waterhouse LLP Portland Tower Portland Street Manchester M1 3LF
Tel+44 (0)161 238 4900 **Fax**+44 (0)161 237 5357 **E-mail** info@ffw.com
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From: [Code A]
Sent: Wednesday, February 06, 2008 1:33 PM
To: [Code A]
Subject: [Code A]
Importance: High

Hello,

I've taken over the task of liaising with the DOH to obtain a copy of [Code A] report, do you have his full name and the date of the report?

[Code A]

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Regus House, Falcon Drive, Cardiff Bay. CF10 4RU

20 Adelaide Street, Belfast. BT2 8GD

Tel: 0845 357 8001
Fax: 0845 357 9001

From: [Code A]
Sent: 08 February 2008 15:15
To: [Code A]
Subject: [Code A]

Thanks [Code A]

[Redacted]

[Code A] **Partner**
for Field Fisher Waterhouse LLP
dd: [Code A] | m: [Code A]

From: GMC - [Code A]
Sent: Friday, February 08, 2008 3:12 PM
To: [Code A]
Cc: [Code A]
Subject: [Code A] - counsel

[Code A]

[Redacted]

[Redacted]

[Code A]

From: [Code A]
Sent: 08 February 2008 14:55
To: [Code A]
Cc: [Code A]
Subject: [Code A] - counsel

Dear [Code A]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted] As ever, please do give either [Code A] or I a call if you wish to discuss matters further.

Regards

[Code A]

[Code A] Solicitor
for Field Fisher Waterhouse LLP
dd [Code A]

Mobile [Code A]

Code A | **Solicitor**
for Field Fisher Waterhouse LLP
dd **Code A**

Mobile **Code A**

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Regus House, Falcon Drive, Cardiff Bay. CF10 4RU

20 Adelaide Street, Belfast. BT2 8GD

Tel: 0845 357 8001

Fax: 0845 357 9001

From: Code A
Sent: 31 January 2008 15:16
To: Code A
Cc:
Subject: Re: FW: Gosport case - contact details

Code A

Code A details are:

Code A
Wellington House (WEL) Room 422
Code A

Thanks

Code A

Code A

Regulation Projects: Bill Team & White Paper Implementation
Workforce Directorate
+ 2N12 Quarry House

Code A

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From: [Code A]
Sent: 31 January 2008 15:09
To: [Code A]
Cc: [Code A]
Subject: FW: Gosport case - contact details

Importance: High

[Code A]
Could you please let me have the contact details for your colleague [Code A] My colleague [Code A] is keen to contact her re the Gosport case. Thanks [Code A]

-----Original Message-----

From: [Code A]
Sent: 31 Jan 2008 15:04
To: [Code A]
Subject: RE: Gosport case

Hi [Code A]

Have you heard anything further [Code A] the reason that I ask is that I'm on leave from 13- 22 February and our Counsel has to finalise the charges by 25 February?

[Code A]

-----Original Message-----

From: [Code A]
Sent: 17 Jan 2008 15:21
To: [Code A]
Cc: [Code A]
Subject: FW: Gosport case

for info

-----Original Message-----

From: [Code A]
Sent: 17 Jan 2008 15:22
To: [Code A]
Subject: Re: Gosport case

From: [Code A] Professional Regulation + Room
2N11 Quarry House [Code A]

[Code A]

I understand that a colleague: **Code A** will be replying to you direct..

Code A

P Help save paper - do you need to print this email?

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From: [Code A]
Sent: 17 January 2008 15:21
To: [Code A]
Cc:
Subject: FW: Gosport case

for info

-----Original Message-----

From: [Code A]
Sent: 17 Jan 2008 15:22
To: [Code A]
Subject: Re: Gosport case

From: [Code A] Professional Regulation + Room
2N11 Quarry House [Code A]

[Code A]

I understand that a colleague [Code A] will be replying to you direct..

[Code A]

P Help save paper - do you need to print this email?

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From: Code A
Sent: 16 January 2008 11:18
To:
Subject: Code A

Hi Code A!

Code A would like to speak to you about the case – Gosport War Memorial Hospital? – on please.
Code A

From: [Code A]
Sent: 09 November 2007 12:18
To:
Subject: **Code A**

I don't but if we did they would probably be in the case files and/or IOP bundles

From: [Code A]
Sent: 09 November 2007 10:58
To: [Code A]
Subject: FW: [Code A]

Hi [Code A]

Do you recall receiving any statements from [Code A]

[Code A]

From: [Code A]
Sent: 30 Oct 2007 12:15
To: [Code A]
Cc: [Code A]
Subject: RE: [Code A]

Hi [Code A]

I have spoken to [Code A] this morning and explained that currently his case is not one which we have all the evidence for and that I am in the process of assessing what we do have with regard to his wife's treatment. He is very unhappy with the way the police dealt with the case. He said that initially they were most sympathetic and that they told him that they viewed his case as very serious and then they seemed to 'lose interest'. He is very keen for his wife to be included as one of the patients that are investigated by the GMC.

He and his daughter gave statements to the police. He thinks he sent [Code A] copies of these. We do not appear to have any that the police have sent us. Could you see if Paul does have any / there are any on your system?

As agreed at the con, I will look into exactly what we have got for this case and for that of [Code A] so that we can decide how to proceed with these cases in terms of whether we should ask [Code A] another expert to advise on the prospects of success.

I have dictated a note of the con and will circulate this to you once it has been typed up. I hoped to do this last week but was unfortunately out of the office so I apologise for the delay.

I have received your comments about [Code A] and am meeting with [Code A] this

afternoon to discuss your concerns in more depth and we will then get back to you with our views.

I have not received suggestions for a junior as yet but will chase counsel's clerk again and get back to you with some names as soon as possible.

Thanks

Code A
Solicitor
 for Field Fisher Waterhouse LLP
 dd **Code A**
 Mobile **Code A**

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From: **Code A**
Sent: Friday, October 26, 2007 8:21 AM
To: **Code A**
Cc: **Code A**
Subject: FW: **Code A**

Hello,

Please note below.

I'm not sure what we are telling patient's families and so we are consistent I would be grateful if you would ring [Code A]

Thanks [Code A]

From: [Code A]
Sent: 24 Oct 2007 09:54
To: [Code A]
Subject: [Code A]

[Code A]

[Code A] just called re an update on the case. He has received a letter from FFW to explain that they have taken over the case, but he has not heard anything since. He does phone for updates from time to time, his wife was one of the patients who died, and he is always very pleasant and polite.

If you have anything that you can tell him his number is [Code A]

[Code A]

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