

From: [Code A]
Sent: 07 May 2009 10:14
To: [Code A]
Cc: [Code A]
Subject: RE: [Code A] - letter re cases not being taken forward
Attachments: Wording for letter - other parties - 10001698_1.DOC

Importance: High

Dear [Code A]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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

Consider the environment, think before you print!
Field Fisher Waterhouse LLP 27th Floor City Tower Piccadilly Plaza Manchester M1 4BD
Tel+44 0161 200 1770 Fax+44 0161 200 1777
E-mail info@ffw.com Web www.ffw.com CDE823

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mail is not a 100% virus-free or secure medium. It is your responsibility to ensure that viruses do not adversely affect your system and that your messages to us meet your own security requirements. We reserve the right to read any e-mail or attachment entering or leaving our systems without notice.

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From: [redacted] Code A
Sent: Thursday, May 07, 2009 8:54 AM
To: [redacted] Code A
Subject: [redacted] Code A
Importance: High

Dear All,

[redacted]

[redacted] Code A

From: [redacted] Code A
Sent: 01 May 2009 16:27
To: [redacted] Code A
Subject: [redacted] Code A
Importance: High

Dear All,

[redacted] rd letter in respect of the cases that are not being taken forward by Tuesday morning please?

[redacted] Code A

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General Medical Council

St James Building, 79 Oxford Street, Manchester, M1 6FQ

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

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

20 Adelaide Street, Belfast, BT2 8GD

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

From: [Code A]
Sent: 07 May 2009 16:41
To: [Code A]
Cc: [Code A]
Subject: RE: [Code A] - letter re cases not being taken forward

Thanks [Code A] you have definitely improved the tone.

The only remaining comment I had was in the 5th substantive paragraph we refer to at total of 92 additional cases - I think we should have deleted "additional" because there was some overlap with the earlier five.

Otherwise from our end the content is correct and hopefully the letter will be useful to you to respond to inquiries.

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

From: [Code A]
Sent: Thursday, May 07, 2009 3:31 PM
To: [Code A]
Cc: [Code A]
Subject: [Code A] - letter re cases not being taken forward
Importance: High

[Code A]

Thanks for this. I've made a few amendments partly to try to soften the tone. I've also tried to shift the emphasis towards our ability to **add** (rather than refer anew) new cases after the initial PPC referral. I tend to the view that we are on safer ground exercising this filtering role where we are adding allegations to the Case already referred rather than talking of each patient's case as a Case in its own right. The bottom line is we have one Case of serious professional misconduct and on that basis a selective approach to the allegations which go to support this Case is the correct approach rather than looking from the other end of the telescope in terms of complainant's expectations that their individual grievance is entitled to be heard.

We might well expect more noise on this so I'd be grateful if you could review the draft as it now stands.

[Code A]

From: [Code A]
Sent: 07 May 2009 10:14
To: [Code A]
Cc: [Code A]
Subject: [Code A] - letter re cases not being taken forward
Importance: High

Dear [Code A]

Sorry for the slight delay we are multi-tasking on [Code A] case on many fronts this week.

Here is some draft text [Code A] and I have prepared. It is relatively detailed but I suggest that if you want to explain the process satisfactorily it is better to cover the process in this way rather than having to field further questions. The hardest thing for us is that we (FFW) were not involved at the crucial juncture when the GMC decided to prioritise looking at the 10 Category 3 cases in Jan/Feb 2007. It seems an entirely sensible and realistic approach but I do not know whether the GMC or Eversheds ever wrote down specifically why that was the strategy taken. It seems reasonable to have relied upon the Police categorisation after detailed investigation but the people who are likely to be unhappy are those who were dis-satisfied with the police assessment of their relative's case.

In fact 2 people who were concerned in this way managed to catch the GMC's attention - [Code A] (re his wife [Code A] and [Code A] (son of [Code A]). As a result we got the expert ([Code A]) to look at their cases in more detail and we have now added [Code A] as Patient L. The only other area of vulnerability would be if the GMC were being lobbied by other families (in 2007 when the decision making was being done) - I was not aware of this. It seems reasonable to say now that a selection has been made and that this cannot now be re-visited.

If you have any questions about the text please let us know - we presume that you will use this to reply to people who contact you so it will go out on GMC paper. I also thought it might be a useful document to share with your press office by way of background.

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

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Subject: [redacted] Code A
Importance: High

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[redacted] Code A

From: [redacted] Code A
Sent: 01 May 2009 16:27
To: [redacted] Code A
Subject: [redacted] Code A
Importance: High

Dear All,

[redacted] Code A has asked whether you can provide the standard letter in respect of the cases that are not being taken forward by Tuesday morning please?

[redacted] Code A

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From: [Code A]
Sent: 07 May 2009 15:31
To: [Code A]
Cc: [Code A]
Subject: FW: [Code A] - letter re cases not being taken forward
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Importance: High

[Code A]

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

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Sent: Thursday, May 07, 2009 8:54 AM
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Importance: High

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[Code A]

From: [Code A]
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To: [Code A]
Subject: [Code A]
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[Code A]

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Dear []

General Medical Council – [Code A]

I am writing further to your letter dated [] / the telephone conversation on [] between [].

It may help if I explain that the GMC first received information about [Code A] in July 2000. The Hampshire Constabulary (the “Police”) referred information to us about [Code A] treatment of an elderly lady who was a patient at Gosport War Memorial Hospital. At that time, the GMC decided to await the outcome of the ongoing Police investigation before considering the issues further.

In February 2002, the Police referred a further four cases to the GMC. These cases also concerned [Code A] treatment of elderly patients at Gosport War Memorial Hospital. The GMC continued to await the outcome of the Police investigation into these additional cases.

Later in 2002, the Police informed the GMC that, in respect of all five cases previously passed to the GMC the Crown Prosecution Service had concluded there was insufficient evidence to provide a realistic prospect of a criminal conviction. The Police also informed the GMC that they would not be conducting any further investigations at that time.

The GMC was then able to resume its own investigations into these five cases. This resulted in a referral to the GMC’s Preliminary Proceedings Committee (PPC) whose responsibility was to decide whether to refer [Code A] to a hearing into an allegation of serious professional misconduct. On 29 August 2002, the PPC decided to refer [Code A] for a hearing by a Fitness to Practise Panel (FtPP).

Then in September 2002 the Police commenced further enquiries into [Code A] conduct and treatment of patients at the Gosport War Memorial Hospital. On this occasion, a total of 92 additional cases were investigated by the Police. During the course of this phase of the Police investigation, a multi-disciplinary team of medical experts (the “Clinical Team”) examined patients’ medical notes to assess the quality of care provided to each patient. The Clinical Team, using a scoring matrix, filtered each of the 92 cases into one of 3 categories: Category 1 – optimal care, Category 2 – sub-optimal care and Category 3 - negligent care.

The Clinical Team identified 14 cases which fell within Category 3 – negligent care. When the Clinical Team looked in more detail at these 14 cases, they found that the cause of death was entirely natural in 4 cases, even though there was evidence that these 4 patients did receive negligent care. These 4 cases were released from the Police investigation.

In December 2006, the Crown Prosecution Service concluded that having regard to the overall evidence in relation to the remaining 10 Category 3 cases it could not be proved that [Code A]

[Code A] was negligent to the required criminal standard. Similarly, in respect to the Category 2 cases, there was evidence of sub-optimal care, however, this was not sufficient to prove to a criminal standard negligence on the part of [Code A]. Accordingly, the Police investigation was closed and the Police notified the GMC of this decision.

While this further Police investigation had been ongoing, the GMC awaited its outcome. This was so as to ensure any GMC investigation did not prejudice case any criminal prosecution which might have followed.

In early 2007, after the conclusion of the Police investigation, the GMC with the assistance of its legal team carefully considered the information now available. The PPC had referred allegations in respect of five patients; under the statutory Rules if the Solicitor to the Council later adduces grounds for further allegations of similar kind, these can be added to the cases already referred by the PPC. Following initial review of the available evidence, the GMC commissioned an expert to review those cases in Category 3 as these were cases where the Clinical Team had had the most serious concerns. In the light of this expert report, the GMC has taken forward six additional cases from the 10 Category 3 cases. [Two of the five cases referred for hearing in 2002 were also part of the 10 Category 3 cases.]

Also, complaints in relation to two additional patients were brought to the attention of the GMC in 2007 when the selection process was ongoing. The GMC sought expert opinion in respect of these cases and on the basis of that opinion one of the cases has also been added to the case to be considered by the FtPP.

The GMC had decided the evidential basis of its case of alleged serious professional misconduct before the announcement of the 10 inquests. We awaited the outcome of the inquests in case they revealed evidence, or led to further criminal investigation, such as might impact on the way the GMC could present its case at the FtPP hearing. No such evidence emerged, and it does not appear that any further criminal investigation is contemplated. The GMC case will involve 8 of the cases for which inquests were held in March/April 2009.

The FtPP hearing is due to take place between 8 June and 28 August 2009 at the GMC's hearing centre in London. The Committee will consider allegations against [Code A] in respect of her treatment of 12 patients. Following completion of the hearing we will be happy to forward to you a copy of the Committee's determination. Should you require a copy of the determination, please let us know.

Yours etc.

8 May 2009

In reply please quote: VB/2000/2047/02

Confidential

Code A

Dear **Code A**

Code A

I write further to our telephone conversation on 17 April 2009 when you queried whether we are taking action in respect of your late father's case **Code A** and I advised you that we are not. I thought it might be useful to you if I explained in writing how we have reached our decision as to which cases should be investigated by us and considered at a hearing.

It may help if I explain that we first received information about **Code A** in July 2000. The Hampshire Constabulary (the "Police") referred information to us about **Code A** treatment of an elderly lady who was a patient at Gosport War Memorial Hospital. At that time, we decided to await the outcome of the ongoing Police investigation before considering the issues further.

In February 2002, the Police referred a further four cases to us. These cases also concerned **Code A** treatment of elderly patients at Gosport War Memorial Hospital. We continued to await the outcome of the Police investigation into these additional cases.

Later in 2002, the Police informed us that, in respect of all five cases previously passed to us the Crown Prosecution Service had concluded there was insufficient evidence to provide a realistic prospect of a criminal conviction. The Police also informed us that they would not be conducting any further investigations at that time.

We were then able to resume our own investigations into these five cases. This resulted in a referral to our Preliminary Proceedings Committee (PPC) whose responsibility was to decide whether to refer **Code A** to a hearing into an allegation of serious professional misconduct. On 29 August 2002, the PPC decided to refer **Code A** for a hearing by a Fitness to Practise Panel (FtPP).

Then in September 2002 the Police commenced further enquiries into **Code A** conduct and treatment of patients at the Gosport War Memorial Hospital. On this occasion, a total

of 92 cases were investigated by the Police. During the course of this phase of the Police investigation, a multi-disciplinary team of medical experts (the "Clinical Team") examined patients' medical notes to assess the quality of care provided to each patient. The Clinical Team, using a scoring matrix, filtered each of the 92 cases into one of 3 categories: Category 1 – optimal care, Category 2 – sub-optimal care and Category 3 - negligent care.

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In December 2006, the Crown Prosecution Service concluded that having regard to the overall evidence in relation to the remaining 10 Category 3 cases it could not be proved that [Code A] was negligent to the required criminal standard. Similarly, in respect of the Category 2 cases, there was evidence of sub-optimal care, however, this was not sufficient to prove to a criminal standard, negligence on the part of [Code A]. Accordingly, the Police investigation was closed and the Police notified us of this decision.

While this further Police investigation had been ongoing, we awaited its outcome. This was so as to ensure any GMC investigation did not prejudice any criminal prosecution which might have followed.

In early 2007, after the conclusion of the Police investigation, with the assistance of our legal team we carefully considered the information now available. The PPC had referred allegations in respect of five patients; under the statutory Rules if the Solicitor to the Council later adduces grounds for further allegations of similar kind, these can be added to the cases already referred by the PPC. Following initial review of the available evidence, the GMC commissioned an expert to review those cases in Category 3 as these were cases where the Clinical Team had had the most serious concerns. In the light of this expert report, the GMC has taken forward six additional cases from the 10 Category 3 cases. [Two of the five cases referred for hearing in 2002 were also part of the 10 Category 3 cases.]

Also, complaints in relation to two additional patients were brought to our attention in 2007 when the selection process was ongoing. We sought expert opinion in respect of these cases and on the basis of that opinion one of the cases has also been added to the case to be considered by the FtPP.

We had decided the evidential basis of our case of alleged serious professional misconduct before the announcement of the 10 inquests. We awaited the outcome of the inquests in case they revealed evidence, or led to further criminal investigation, such as

might impact on the way we could present our case at the FtPP hearing. No such evidence emerged, and it does not appear that any further criminal investigation is contemplated. Our case will involve 8 of the cases for which inquests were held in March/April 2009.

The FTTP hearing is due to take place between 8 June and 21 August 2009 at the GMC's hearing centre in London. The Panel will consider allegations against [Code A] in respect of her treatment of 12 patients.

Following completion of the hearing we will send you a copy of the Panel's determination.

Yours sincerely

[Code A]

**Case Presentation Team
Fitness to Practise Directorate**

Direct Line: [Code A]

Fax: [Code A]

E-mail address: [Code A]

8 May 2009

In reply please quote: JS/2000/2047/02

Code A

Dear Code A

Code A

I write further to our telephone conversation on 20 April 2009 when you queried whether we are taking action in respect of your late mother's case, Code A. I confirm that we are not taking any action in respect of your mother's case and below I will explain how we have reached our decision as to which cases should be investigated by us and considered at a hearing.

It may help if I explain that we first received information about Code A in July 2000. The Hampshire Constabulary (the "Police") referred information to us about Code A treatment of an elderly lady who was a patient at Gosport War Memorial Hospital. At that time, we decided to await the outcome of the ongoing Police investigation before considering the issues further.

In February 2002, the Police referred a further four cases to us. These cases also concerned Code A treatment of elderly patients at Gosport War Memorial Hospital. We continued to await the outcome of the Police investigation into these additional cases.

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Then in September 2002 the Police commenced further enquiries into Code A conduct and treatment of patients at the Gosport War Memorial Hospital. On this occasion, a total of 92 cases were investigated by the Police. During the course of this phase of the Police

investigation, a multi-disciplinary team of medical experts (the “Clinical Team”) examined patients’ medical notes to assess the quality of care provided to each patient. The Clinical Team, using a scoring matrix, filtered each of the 92 cases into one of 3 categories: Category 1 – optimal care, Category 2 – sub-optimal care and Category 3 - negligent care.

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Following completion of the hearing we will send you a copy of the Panel's determination.

Yours sincerely

[Code A]
Investigation Officer
Fitness to Practise Directorate
Direct Dial: [Code A]
Fax No
Email: **Code A**

From: [Code A]
Sent: 11 May 2009 16:33
To: The Empanelment Team
Cc: [Code A]
Subject: [Code A] - FTTP 8 June 2009
Attachments: IOP.doc

Dear All,

I understand that the Panel and Legal Assessor for this case are as follows:

Code A

Legal Assessor: [Code A]

[Code A] has been to IOP on several occasions and I attach a list of the Panellist and Legal Assessors who sat on them, who are none of the above but if you need to change any of the Panellists please bear this list in mind.

[Code A] also has an IOP hearing on 1 June 2009.

Code A

Code A prior IOP hearings;

IOC 21 June 2001

Code A

Legal Assessor: **Code A**

IOC 21 March 2002

Code A

Legal Assessor: **Code A**

IOC 19 September 2002

Code A

Legal Assessor: **Code A**

7 Oct 2004

Code A

Legal Assessor: **Code A**

11 July 2008

Code A

Legal Assessor:

22 December 2008

Code A

Legal Assessor:

From: [Code A]
Sent: 11 May 2009 16:33
To: [Code A]
Cc:
Subject: RE: FTP Panel - [Code A]

Dear [Code A]

Defence Counsel is [Code A] - Outer Temple Chambers.

I am checking with the defence to see if any other Counsel is instructed and will contact you to confirm as soon as I know the position.

Kind regards

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

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From: [Code A]
Sent: Monday, May 11, 2009 12:26 PM
To: [Code A]
Cc:
Subject: FW: FTP Panel - [Code A]

Dear All,

Could one of you reply to the email below please.

[Code A]

From: [Code A]
Sent: 11 May 2009 12:24
To: [Code A]
Subject: FTP Panel - [Code A]

[Code A]

Do you know who the defence Council is in this case yet? I need to check a possible conflict with the Panel.

Thanks

[Code A]

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St James Building, 79 Oxford Street, Manchester, M1 6FQ

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

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From: [Code A]
Sent: 11 May 2009 16:35
To: [Code A]
Subject: FW: FTP Panel - [Code A]

FYI

From: [Code A]
Sent: 11 May 2009 16:33
To: [Code A]
Cc: [Code A]
Subject: RE: FTP Panel - [Code A]

Dear [Code A]

Defence Counsel is [Code A] - Outer Temple Chambers.

I am checking with the defence to see if any other Counsel is instructed and will contact you to confirm as soon as I know the position.

Kind regards

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

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Sent: Monday, May 11, 2009 12:26 PM
To: [Code A]
Cc: [Code A]
Subject: FW: FTP Panel - [Code A]

Dear All,

Could one of you reply to the email below please.

[Code A]

From: [Code A]
Sent: 11 May 2009 12:24
To: [Code A]
Subject: FTP Panel - [Code A]

[Code A]

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Thanks

[Code A]

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

20 Adelaide Street, Belfast, BT2 8GD

The GMC is a charity registered in England and Wales (1089278) and Scotland (SC037750)

From: [Code A]
Sent: 11 May 2009 15:58
To:
Subject: **Code A**

It's only because the [Code A] in a case today is the same [Code A] for [Code A] and it turns out he cannot sit with a specific Counsel.

From: [Code A]
Sent: 11 May 2009 15:56
To: [Code A]
Subject: RE: [Code A]

[Code A] asked a similar question this morning and I am waiting for our Solicitors to advise me, I'll let you know when they do.

From: [Code A]
Sent: 11 May 2009 15:54
To: [Code A]
Subject: [Code A]

Hi [Code A]

I see from the notice of hearing that [Code A] solicitor is [Code A] at the MDU, I don't suppose you know if he is instructing Counsel and if so who it is?

Thanks

[Code A]

From: [Code A]
Sent: 11 May 2009 12:24
To: [Code A]
Subject: FTP Panel - [Code A]

[Code A]

Do you know who the defence Council is in this case yet? I need to check a possible conflict with the Panel.

Thanks

[Code A]

From:

Code A

Sent:

08 May 2009 11:32

To:

Code A

Cc:

Subject:

Attachments:

Code A

Blake Laphorn 30.04.09 - 9976132_1.DOC

Dear

Code A

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

defence have confirmed that there will not be any legal argument at the beginning of the case.

for Field Fisher Waterhouse LLP

dd: Code A

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Strictly Private & Confidential

Code A
Blake Laphorn
New Kings Court
Tollgate
Chandler's Ford
Eastleigh
SO53 3LG

Our ref: SLE/GML/00492-15579/9976132 v1
Your ref:

Code A
Partner
Code A (Direct Dial)
Code A

30 April 2009

Dear Code A

General Medical Council - Code A

[Redacted content]

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Tel +44 (0)161 200 1770 Fax +44 (0)161 200 1777
E-mail info@ffw.com Web www.ffw.com

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[Redacted]

[Redacted]

Yours sincerely

Code A

for Field Fisher Waterhouse LLP

Solicitors to the General Medical Council. The GMC is a charity registered in England and Wales (1089278) and Scotland (SCO37750).

From: [Code A]
Sent: 12 May 2009 09:18
To:
Cc:
Subject: **Code A**

Importance: High

Dear [Code A]

[Code A] report

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Code A]

From: [Code A]
Sent: 12 May 2009 09:26
To: Press Office Team
Cc: [Code A]
Subject: [Code A] - FTTP 8 June 2009 - 21 August 2009
Attachments: [Code A] - letter to the families.DOC

Dear All,

[Redacted]

[Redacted]

[Code A]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[REDACTED]

[REDACTED]

[REDACTED]

From: Code A
Sent: 12 May 2009 12:18
To:
Subject: Code A

Hi Code A

Hope you're not too snowed under.

[Redacted]

Many thanks,

Code A

Media Officer

General Medical Council

350 Euston Road

London NW1 3JN

Code A (out of hours)

The GMC is currently consulting on new draft guidance entitled *End of life treatment and care: good practice in decision-making*. To find out more and take part in our consultation, please go to www.gmc-uk.org/end_of_life_care. The consultation closes on 13 July 2009.

From: Code A
Sent: 12 May 2009 12:28
To:
Subject: Code A

Code A

Although I am comfortable that our position on this is a sensible one, it is not easy to convey it in a way that would be digestible to a journalist. If we are pressed on the point by Code A family we can compose a line to take. I'd rather not get into the issue via the media. Can you see if the press office are content with a 'no comment' approach. If they aren't I'm happy to think about a form of words.

Code A

From: Code A
Sent: 12 May 2009 12:22
To: Code A
Subject: FW: Inquests and Code A

Code A

How shall we reply to the press query below?

Code A

From: Code A
Sent: 12 May 2009 12:18
To: Code A
Subject: Inquests and Code A

Hi Code A

Hope you're not too snowed under.

I wondered if you might be able to help us with a line for a journalist (for the Portsmouth News) who has asked whether there is a reason why, when we have waited for the outcome of the 'main' inquest into the deaths at Gosport, we are not awaiting the outcome of the inquest into Code A death. Are you able to advise?

Many thanks,

Code A

Media Officer

General Medical Council

350 Euston Road

London NW1 3JN

Code A (out of hours)

The GMC is currently consulting on new draft guidance entitled *End of life treatment and care: good practice in decision-making*. To find out more and take part in our consultation, please go to www.gmc-uk.org/end_of_life_care. The consultation closes on 13 July 2009.

From: Code A
Sent: 12 May 2009 13:47
To:
Subject: Code A

That's good, thanks.

From: Code A
Sent: 12 May 2009 13:47
To: Code A
Subject: Code A

Hi Code A

Code A has both agreed to examine Code A again.

I will be sending the papers out today.

Thanks

Code A

Assessment Team
General Medical Council
Fitness to Practise Directorate

E-mail: Code A
Direct Dial: Code A
Direct Fax: Code A

From: [Code A]
Sent: 13 May 2009 18:54
To:
Subject: **Code A**

Dear All,

You enquired earlier in the week about the defence Counsel for [Code A] we have now been informed that it is [Code A] with [Code A] as his junior.

[Code A]

From: [Code A]
Sent: 13 May 2009 13:03
To: [Code A]
Cc: [Code A]
Subject: FW: GMC - [Code A]

Dear [Code A]

Please see email below in respect of defence counsel in the above matter.

Regards

[Code A] | **Secretary to** [Code A]
 [Code A]
 for Field Fisher Waterhouse LLP
 dd: [Code A]

From: [Code A]
Sent: Wednesday, May 13, 2009 12:36 PM
To: [Code A]
Subject: FW: GMC - [Code A]

Please can you forward to [Code A] at gmc for me. My blackberry can't find her email address.

Dear [Code A]

Please see below in relation to the defence team.

Many thanks

Code A | Assistant solicitor
 For Field Fisher Waterhouse LLP

Sent from my BlackBerry.

From: [Code A]
To: [Code A]
Sent: Wed May 13 12:06:18 2009
Subject: RE: GMC - [Code A]
 Dear [Code A]

Thanks for the message, and I am sorry to be delayed in getting back to you. The leader is in fact [Code A] as the junior. I hope that helps, but let me know if you need more.

Best wishes

Code A

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

From: Code A
Sent: 11 May 2009 12:43
To: Code A
Subject: GMC - Code A
Importance: High

Dear Code A

The GMC have asked us to confirm defence Counsel for the Code A hearing to enable them to do conflict checks against possible panel members. I know that you have instructed Code A but need to confirm whether he will be assisted by anyone else.

Please can you let me know.

Many thanks

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

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From: [Code A]
Sent: 05 May 2009 17:20
To: [Code A]
Subject: [Code A]

Dear [Code A]

Thank you for your email which I have passed onto our Information Access Department, who will reply to you direct. The manager of that section is [Code A]

I hope to be able to inform you later this week the reason why we are not investigating your late mother's case.

With kind regards

[Code A]

From: [Code A]
Sent: 01 May 2009 16:12
To: [Code A]
Subject: [Code A]

Dear [Code A]

Thank you for speaking to me today. I have been trying to obtain the following documents but to date have been unable to obtain a copy. My father who was my mothers next of kin has now passed away which is why I am sending the request.

Could you please forward copies of any of the following documentation you hold to me.

Medical Records

Experts reports obtained by the police during their investigation

Letters of complaint to Portsmouth health trust, responses and records of meetings.

Statements provided to the police from

[Code A]

Please send these to:-

[Code A]

Thank you for your assistance.

Kind Regards

[Code A]

.....

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From: [Code A]
Sent: 14 May 2009 09:58
To: [Code A]
Cc: [Code A]
Subject: Fw: Gosport War Memorial Hospital Freedom Of Information requests.

Please see below re police intentions to respond to FOI requests. Essentially they want to wait until various hearings including our own GMC - [Code A] are concluded before publishing in or after January 2010.

Three actions arise:

1. Can you discuss with your FOI team to make sure they are happy to take the same line?
2. If we agree this is sensible I will reply to indicate GMC agree
3. I will contact NMC to ensure they are in the loop (police say they are) - I very much doubt (unless the NMC close their cases) their time lines will mean they are concluded by Jan 2010.

[Code A] | Partner

for Field Fisher Waterhouse LLP

dd: [Code A]

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From: [Code A]
To: [Code A]
Sent: Thu May 07 15:15:47 2009
Subject: FW: Gosport War Memorial Hospital Freedom Of Information requests.

From: [Code A]
Sent: Thursday, May 07, 2009 3:12 PM
To: [Code A]
Cc: [Code A]
Subject: Gosport War Memorial Hospital Freedom Of Information requests.

Code A

Operation Rochester: Gosport War Memorial Hospital

You will be aware that HM Coroner [Code A] has recently concluded 10 inquests relating to patients from GWMH. The verdicts in those inquests were death due to natural causes, all be it that in some cases the administration of opiate medications was considered to have contributed more than minimally or negligibly to the death.

I have just received the first of what I imagine to be a number of formal requests for information under the terms of the Freedom of Information act. I wanted to communicate with you and the GMC my position as the SIO regarding information requests.

The police investigation has concluded and in due course we will have to consider what we are prepared to publish. At present I am aware that there are further hearings to take place, Fitness to Practice hearings, possible further inquests etc. To that end my decision which has been ratified by the Chief Constable is as follows.

I intend to publish such material as is requested and appropriate in line with the Freedom of Information Act once all hearings connected with the investigation have been concluded. To inform this process I will create a publishing strategy which should address the immediate needs and concerns of family members connected with the investigation. I reasonably expect the publication of material to occur no sooner than January 2010 once all hearings have concluded.

This being our position, any requests for information will be passed to our FOI office at police headquarters. An exemption to release material will be sought and probably applied under Section 22 of the FOI act.

As the GMC holds similar if not identical information to the police I would be obliged if you could pass my email to the relevant department. I would like to think that there might be a similar response from yourselves?

Once everything has finished we can and will respond to requests but in the meantime I don't want anything to adversely affect any other agency hearings. I shall be passing similar information to the NMC.

Please feel free to contact me if you wish to discuss or clarify anything further.

Regards

Code A

**Serious Crime Review Team
Hampshire Constabulary**

Code A

Code A

This electronic message contains information from Hampshire Constabulary which may be legally privileged and confidential. Any opinions expressed may be those of the individual and not necessarily the Hampshire Constabulary.

The information is intended to be for the use of the individual(s) or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of the information is prohibited. If you have received this electronic message in error, please notify us by telephone +44 (0) 845 045 45 45 or email to postmaster@hampshire.pnn.police.uk immediately. Please then delete this email and destroy any copies of it.

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From: [Code A]
Sent: 14 May 2009 10:17
To: Information Access Team
Cc: [Code A]
Subject: FW: Gosport War Memorial Hospital Freedom Of Information requests.

[Code A]

Please note the request from Hampshire Constabulary below.

You are already dealing with a request for information from [Code A] please advise whether or not you will adopt the same approach as the Police to such requests?

[Code A]

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From: [Code A]
To: [Code A]
Sent: Thu May 07 15:15:47 2009
Subject: FW: Gosport War Memorial Hospital Freedom Of Information requests.

From: [Code A]
Sent: Thursday, May 07, 2009 3:12 PM
To: [Code A]
Cc: [Code A]
Subject: Gosport War Memorial Hospital Freedom Of Information requests.

[Code A]

Operation Rochester: Gosport War Memorial Hospital

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The police investigation has concluded and in due course we will have to consider what we are prepared to publish. At present I am aware that there are further hearings to take place, Fitness to Practice hearings, possible further inquests etc. To that end my decision which has been ratified by the [Code A] is as follows.

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This being our position, any requests for information will be passed to our FOI office at police headquarters. An exemption to release material will be sought and probably applied under Section 22 of the FOI act.

As the GMC holds similar if not identical information to the police I would be obliged if you could pass my email to the relevant department. I would like to think that there might be a similar response from yourselves?

Once everything has finished we can and will respond to requests but in the meantime I don't want anything to adversely affect any other agency hearings. I shall be passing similar information to the NMC.

Please feel free to contact me if you wish to discuss or clarify anything further.

Regards

Code A

**Serious Crime Review Team
Hampshire Constabulary**

Code A

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From: [Code A]
Sent: 14 May 2009 09:40
To:
Cc:
Subject: **Code A**

Thanks for that. Happily there is no conflict of interest.

[Code A]

From: [Code A]
Sent: 13 May 2009 18:54
To: [Code A]
Subject: [Code A]

Dear All,

You enquired earlier in the week about the defence Counsel for [Code A], we have now been informed that it is [Code A], with [Code A] as his junior.

[Code A]



00324143

General Medical Council	
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Code A

General Medical Council,
Regents Place,
350 Euston Rd.,
London NW1 3JN

16 MAY 2000

Dear **Code A**

I am writing to you because I am very upset to see the way my Doctor is being portrayed by this long drawn out attack on his professional reputation.

I am 92 and when faced with **Code A** professionals I prefer to live in Gosport alone, rather than go to live with my daughter who lives near London, because I feel sure I would not find another Doctor as good as **Code A** and in whom I would have such faith.

I know I am not alone in praying that we are not going to lose such a great Doctor in Gosport when you have already lost a raft of them when we were deprived of the famous Hospital at Haslem.

Perhaps you are not very interested in the views of patients afraid of losing their "life line" but I feel I needed to make my feelings known to you for my own peace of mind.

Yours faithfully

Code A

From: [Code A]
Sent: 14 May 2009 17:00
To:
Cc:
Subject: **Code A**

File note

[Code A] rang me today and she confirmed that she had received my letter explaining why we weren't including her late mother's case ([Code A] in [Code A] hearing.

[Code A] explained that she appreciated that her mother's case was different from the others, but there was still negligence. She explained that she was also concerned about how [Code A] had treated her mother and was there anything that we could do about it.

I advised [Code A] that if she wished to make a complaint against [Code A] she should put in writing and it would be considered but I could not guarantee that we would take any action against [Code A] advised me that she would email me the complaint.

I subsequently discussed this matter with [Code A] who advised me that any new complaint would have to be considered by our Investigation Section.

[Code A]
15 May 2009

From:
Sent:
To:
Subject:

Code A

15 May 2009 15:43

Code A

Dear All,

I just spoke to our Solicitor and they have no objection to our witness room being along the same corridor as the defence team.

Code A

From: [Code A]
Sent: 15 May 2009 15:48
To:
Cc: [Code A]
Subject: RE: Gosport War Memorial Hospital Freedom Of Information requests.

[Code A]

That's fine.

[Code A] – Could one of you inform the Police please.

[Code A]

From: [Code A]
Sent: 15 May 2009 15:13
To: [Code A] Information Access Team
Cc: [Code A]
Subject: RE: Gosport War Memorial Hospital Freedom Of Information requests.

[Code A]

Thank you for this.

Whilst I'm obviously willing to liaise with the police about matters such as this, I would not be comfortable with us considering citing the S22 exemption (which covers information we have the intention to publish at a later date) Not least because in the [Code A] request she has sought information that we would have absolutely no intention to publish at any stage. Equally it's difficult to believe that we would receive FOI requests focussing on information on this matter that we would publish, other than the actual determination or transcript of the Panel hearing itself.

I have spoken to my counterpart at the NMC who confirmed that she had not seen anything from the police as yet but shared my concerns.

I suspect it might be best for you to confirm to the police that you have passed their email to me and I will respond to them myself? I will of course copy you all in.

Would you be content with that?

Regards

[Code A]

From: [Code A]
Sent: 14 May 2009 10:17
To: Information Access Team
Cc: [Code A]
Subject: FW: Gosport War Memorial Hospital Freedom Of Information requests.

[Code A]

Please note the request from Hampshire Constabulary below.

You are already dealing with a request for information from [Code A] please advise whether or not you will adopt the same approach as the Police to such requests?

[Code A]

Consider the environment, think before you print!

Field Fisher Waterhouse LLP 27th Floor City Tower Piccadilly Plaza Manchester M1 4BD

Tel+44 0161 200 1770 **Fax**+44 0161 200 1777

E-mail info@ffw.com **Web** www.ffw.com **CDE823**

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From: [Code A]
To: [Code A]
Sent: Thu May 07 15:15:47 2009
Subject: FW: Gosport War Memorial Hospital Freedom Of Information requests.

From: [Code A]
Sent: Thursday, May 07, 2009 3:12 PM

To: [Code A]
Cc: [Code A]
Subject: Gosport War Memorial Hospital Freedom Of Information requests.

[Code A]

Operation Rochester: Gosport War Memorial Hospital

You will be aware that HM Coroner [Code A] has recently concluded 10 inquests relating to patients from GWMH. The verdicts in those inquests were death due to natural causes, all be it that in some cases the administration of opiate medications was considered to have contributed more than minimally or negligibly to the death.

I have just received the first of what I imagine to be a number of formal requests for information under the terms of the Freedom of Information act. I wanted to communicate with you and the GMC my position as the SIO regarding information requests.

The police investigation has concluded and in due course we will have to consider what we are prepared to publish. At present I am aware that there are further hearings to take place, Fitness to Practice hearings, possible further inquests etc. To that end my decision which has been ratified by the [Code A] is as follows.

I intend to publish such material as is requested and appropriate in line with the Freedom of Information Act once all hearings connected with the investigation have been concluded. To inform this process I will create a publishing strategy which should address the immediate needs and concerns of family members connected with the investigation. I reasonably expect the publication of material to occur no sooner than January 2010 once all hearings have concluded.

This being our position, any requests for information will be passed to our FOI office at police headquarters. An exemption to release material will be sought and probably applied under Section 22 of the FOI act.

As the GMC holds similar if not identical information to the police I would be obliged if you could pass my email to the relevant department. I would like to think that there might be a similar response from yourselves?

Once everything has finished we can and will respond to requests but in the meantime I don't want anything to adversely affect any other agency hearings. I shall be passing similar information to the NMC.

Please feel free to contact me if you wish to discuss or clarify anything further.

Regards

Code A

**Serious Crime Review Team
Hampshire Constabulary**

Code A

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All communications, including telephone calls and electronic messages to and from the Hampshire Constabulary may be subject to monitoring. Replies to this email may be seen by employees other than the intended recipient.

From: [Code A]
Sent: 15 May 2009 15:03
To:
Subject: [Code A]

[Code A]

[Code A] rang and asked me to give you the following quote from a letter she received dated 12 February 2009 from the [Code A]

“The circumstances and issues surrounding your mother’s death are different from the other deaths in Gosport War Memorial Hospital which are the subject of the inquest due to take place on 18 March 2009. It will therefore be held separately.”

That letter was sent to her after a conversation she had with [Code A] who was about to take the 10 inquests, who stated that her mother’s case was exceptional and he was therefore passing it to the [Code A]

[Code A]

From: [Code A]
Sent: 15 May 2009 15:47
To:
Cc:
Subject: **Code A**

[Code A]

I know you are in direct communication with [Code A] about this and that you and I can discuss it when we meet on Monday. At this stage I'm wondering whether we should ask for Counsel's advice just to shore up our position – assuming Counsel agrees there is no reason to pull the [Code A] case. We need to find a concise way of articulating why we are pressing on with her case having previously awaited other inquests.

Have a good weekend; see you Monday.

[Code A]

From: [Code A]
Sent: 15 May 2009 15:31
To: [Code A]
Subject: [Code A]

FYI

From: [Code A]
Sent: 15 May 2009 15:03
To: [Code A]
Subject: [Code A]

[Code A]

[Code A] rang and asked me to give you the following quote from a letter she received dated 12 February 2009 from the [Code A]

“The circumstances and issues surrounding your mother’s death are different from the other deaths in Gosport War Memorial Hospital which are the subject of the inquest due to take place on 18 March 2009. It will therefore be held separately.”

That letter was sent to her after a conversation she had with [Code A] who was about to take the 10 inquests, who stated that her mother’s case was exceptional and he was therefore passing it to the [Code A]

[Code A]

15 May 2009

In reply please quote: VB/2000/2047/02

Confidential

Code A

Dear Sir/Madam

Thank for your undated letter which we received on 6 May 2009 and we note your concerns.

Our Fitness to Practise Panel is due to commence considering allegations against Code A on **8 June 2009** and the hearing is expected to last **until 21 August 2009**.

Please let know if you wish your letter of support to be passed on to Code A and her legal representatives.

Yours faithfully

Code A

Case Presentation Team
Fitness to Practise Directorate

Code A

From: [Code A]
Sent: 15 May 2009 16:49
To: Press Office Team
Cc:
Subject: [Code A]
Attachments: Ltr to [Code A] re FTP - 9933150_1.doc

Dear All,

[Code A] raised some queries at our meeting yesterday and the answers are as follows:

Blake Laphorn Solicitors

They are representing the families below;

[Code A] – re patient J [Code A]

[Code A] - re Patient H [Code A]

[Code A] (not a patient we are proceeding with)

[Code A] – re Patient E [Code A]

Attendance at the hearing

A representative from Blake Laphorn Solicitors would like to attend the hearing, the contact we have is [Code A] but a different Solicitor may attend.

Most of our witnesses are due to give evidence in the second week of the hearing, so they would not be able to attend before they have given their evidence.

AVMA – Our Solicitors are of the view that someone from that organisation is likely to want to attend and consider that it might be prudent for the Press Office to contact [Code A] to check the position.

Letter to our witnesses

I attach an example of our last letter to all of the families directly involved.

Action/Support Groups

AVMA is the only group that we are aware of.

Video Link

Video link facilities will be used at the hearing as the defence has a witness who is abroad.

[Code A]

Strictly Private & Confidential

Code A

Our ref: SLE/GML/00492-15579/9933150 v1

Your ref:

Code A
 Partner
Code A (Direct Dial)
Code A

01 May 2009

Dear **Code A**

General Medical Council - Code A

I write further in the above matter.

I am the partner with overall responsibility for **Code A** GMC case. By way of update, **Code A** **Code A** is currently on maternity leave and I am now being assisted by **Code A** and **Code A** **Code A** although **Code A** is leaving the firm at the end of May.

My colleagues and I are in the final stages of preparing the case for a hearing before the GMC's Fitness to Practise Panel ("FTPP"). The FTPP hearing is listed to begin on Monday 8 June 2009, at the GMC's hearing centre in London.

We are currently finalising, with Counsel, a list of those individuals who will be required to attend and give evidence at the FTPP hearing. The list may change depending on whether **Code A** admits any of the allegations that are the subject of the GMC investigation.

We expect that the witnesses, called on behalf of the GMC, will be required to attend the hearing for one, or possibly two days, between **8 June and 3 July 2009**. I would be most grateful if you could inform either **Code A** or **Code A** **Code A** of any dates on which you will not be available during this period. My apologies if you have done this previously but we thought it would be best to have an up to date list.

May I request that you contact **Code A** as soon as possible. In the event that we do not hear from you, we will work on the basis that you are available throughout the whole period. Please note

that, although every effort will be made to work around your availability, there may be circumstances when this is not possible.

We expect to be in a position to finalise the witness running order within the next two weeks. Once the running order is finalised, we will be in touch with you to confirm the date on which you will be required to attend the FTPP hearing and arrangements for your travel and, if necessary, accommodation.

If it transpires that you are not required to attend the FTPP hearing as a witness, it would assist us greatly if you could please confirm whether it is your intention to attend the hearing as an observer. It is very hard to estimate what will happen on each day of the hearing. At the beginning we will outline the charge of serious professional misconduct against [Code A] and then over the following weeks we will call evidence of the individual patient cases. Each patient's case will be considered several times during the hearing as family, nursing and expert witnesses give evidence and then the defence's witnesses, expert and [Code A] respond. At this stage it would be impossible to say on which days any particular patient case would be considered.

Yours sincerely

[Code A]

for Field Fisher Waterhouse LLP

Solicitors to the General Medical Council. The GMC is a charity registered in England and Wales (1089278) and Scotland (SCO37750).

From: [Code A]
Sent: 16 May 2009 11:43
To:
Subject: **Code A**

File note:

[Code A] rang me on Friday 15 May 2009, she advised me that she is aware that [Code A] [Code A] from our Press Office has spoken to a Portsmouth Newspaper and advised them that the reasons for the delay in this case are due to the Police Investigation and the Inquests.

[Code A] informed me that she was concerned that we had put other cases on hold to await the outcome of the Inquests but we have not put her mother's case ([Code A]) on hold to await the outcome of the Inquest into her death.

[Code A] informed me that [Code A] has told her that our hearing concerning her mother had to go ahead but she disagreed as the [Code A] had told her that the issues in her mother's case are different from the rest and the case is exceptional. I asked [Code A] if this has been confirmed to her in writing, she advised me that it has and that [Code A] is aware of the document.

[Code A] advised me that her sister is quite happy for the hearing to go ahead but she isn't and she will not appear as a witness for us at the hearing. Further that [Code A] had sent a copy of her sister's statement to her in error.

[Code A] requested that we give her an explanation in writing as to why her mother's case is not being put on hold to await the Inquest. I informed [Code A] that I was aware that [Code A] had been liaising with her Solicitor Blake Laphorn concerning this issue and queried whether she wanted our written reply to go to her or [Code A] advised that our reply should go to the Blake Laphorn.

[Code A]
Note typed up 16 May 2009 from hand written notes

From: [Code A]
Sent: 16 May 2009 11:43
To:
Subject: **Code A**

File note:

[Code A] rang me on Friday 15 May 2009, she advised me that she is aware that [Code A] [Code A] from our Press Office has spoken to a Portsmouth Newspaper and advised them that the reasons for the delay in this case are due to the Police Investigation and the Inquests.

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[Code A]
Note typed up 16 May 2009 from hand written notes

From: [Code A]
Sent: 16 May 2009 11:52
To:
Cc:
Subject: **Code A**

[Code A]

Could I have [Code A] report concerning Patient A for the IOP hearing on 1 June 2009?

[Code A]

From: [Code A]
Sent: 15 May 2009 16:06
To:
Cc:
Subject: **Code A**

Dear [Code A]

We have gone through the very extensive material we have received (mainly from the police) in this case. We have been able to locate, amongst our "unused" material - box 1 files 6 and 7 are "[Code A] [Code A] paper records part 1 and 2 (red and black lever arch files)". We have retrieved these and can send them to you if required.

I do not think we have anything else but we do have the police documents index which suggests the following documents exist but we have not requested them from the police:

S214 - details from daughter of [Code A] re medical history
S216 - husband's account of life and medical history of [Code A]
s217 - details from daughter of [Code A] re background and treatment
s219 - details from son of [Code A] re background and medical history
s221 - details from daughter of [Code A] re background and medical history
s245 - from FGM (son) background and events leading to death of [Code A]
s322N - produces death certificate of [Code A]
s329U - expert witness gives opinion re care and treatment of [Code A]
x143 - medical records of [Code A]

(I have not checked the 60 page index of miscellaneous documents which may contain further documents such as the letters [Code A] asks about)

Please note that we got the medical records from the police for the GMC hearing. I think we should liaise with the police before considering releasing any material to the [Code A] family. [Code A] has seen the police statement about disclosing material in 2010. I also do not think it is our role to release the information we have about the documents contained in the police list.

Please let me know if you need any further information or think you need copies of the medical records we have located.

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

From: [Code A]
Sent: Tuesday, May 05, 2009 12:30 PM
To: [Code A]
Subject: [Code A]

[Code A]

This request has been allocated to me.

Would you be able ascertain whether you hold any, or all, of the information mentioned in [Code A] e-mail?

Happy to discuss.

Regards

Code A

Information Access Team

Direct Line: [Code A]

From: [Code A]
Sent: 01 May 2009 17:25
To: [Code A] Information Access Team
Cc: [Code A]
Subject: [Code A]

[Code A]

We received a lot of "irrelevant" material from Eversheds who had received it from the police. It has been archived as it is not part of our current case - we can do some research to see if we can tell if it included material relating to [Code A]. There are a lot of boxes and we are in the midst of preparing for the case in June - let me know how/whether you need our assistance.

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

Consider the environment, think before you print!

Field Fisher Waterhouse LLP 27th Floor City Tower Piccadilly Plaza Manchester M1 4BD

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E-mail info@ffw.com Web www.ffw.com CDE823

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From: [Code A]
Sent: Friday, May 01, 2009 5:16 PM
To: Information Access Team
Cc: Code A
Subject: [Code A]

Thanks [Code A]

It is one for us. We will be in touch if any clarification is required and will keep you informed as to our progress in dealing with the request.

Regards

[Code A]

From: [Code A]
Sent: 01 May 2009 17:13
To: Information Access Team
Cc: [Code A]
Subject: [Code A]

Dear All,

We have received the attached request from [Code A] in respect of documentation that our Solicitors, Field Fisher Waterhouse received from Hampshire Police.

Part of the information we received from Hampshire Police is due to be considered by a Fitness to Practise Panel commencing 8 June 2009 but [Code A] case is NOT part of the case.

Is this request something you can deal with?

[Code A]

From: [Code A]
Sent: 01 May 2009 16:12

To: Code A
Subject: Code A

Dear Code A:

Thank you for speaking to me today. I have been trying to obtain the following documents but to date have been unable to obtain a copy. My father who was my mothers next of kin has now passed away which is why I am sending the request.

Could you please forward copies of any of the following documentation you hold to me.

Medical Records

Experts reports obtained by the police during their investigation

Letters of complaint to Portsmouth health trust, responses and records of meetings.

Statements provided to the police from

Code A

Please send these to:-

Code A

Thank you for your assistance.

Kind Regards

Code A

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General Medical Council

St James Building, 79 Oxford Street, Manchester, M1 6FQ

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

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Cc: [Code A]
Subject: RE: Gosport War Memorial Hospital Freedom Of Information requests.

[Code A]

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Would you be content with that?

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[Code A]

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Field Fisher Waterhouse LLP 27th Floor City Tower Piccadilly Plaza Manchester M1 4BD

Tel+44 0161 200 1770 **Fax**+44 0161 200 1777

E-mail info@ffw.com **Web** www.ffw.com **CDE823**

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From: [Code A]

To: [Code A]

Sent: Thu May 07 15:15:47 2009

Subject: FW: Gosport War Memorial Hospital Freedom Of Information requests.

From: [Code A]

Sent: Thursday, May 07, 2009 3:12 PM

To: [Code A]

Cc: [Code A]

Subject: Gosport War Memorial Hospital Freedom Of Information requests.

[Code A]

Operation Rochester: Gosport War Memorial Hospital

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As the GMC holds similar if not identical information to the police I would be obliged if you could pass my email to the relevant department. I would like to think that there might be a similar response from yourselves?

Once everything has finished we can and will respond to requests but in the meantime I don't want anything to adversely affect any other agency hearings. I shall be passing similar information to the NMC.

Please feel free to contact me if you wish to discuss or clarify anything further.

Regards

Code A

**Serious Crime Review Team
Hampshire Constabulary**

Code A

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From: [Code A]
Sent: 15 May 2009 15:48
To: [Code A] Information Access Team
Cc: [Code A]
Subject: RE: Gosport War Memorial Hospital Freedom Of Information requests.

[Code A]

That's fine.

[Code A] – Could one of you inform the Police please.

[Code A]

From: [Code A]
Sent: 15 May 2009 15:13
To: [Code A] Information Access Team
Cc: [Code A]
Subject: RE: Gosport War Memorial Hospital Freedom Of Information requests.

[Code A]

Thank you for this.

Whilst I'm obviously willing to liaise with the police about matters such as this, I would not be comfortable with us considering citing the S22 exemption (which covers information we have the intention to publish at a later date) Not least because in the [Code A] request she has sought information that we would have absolutely no intention to publish at any stage. Equally it's difficult to believe that we would receive FOI requests focussing on information on this matter that we would publish, other than the actual determination or transcript of the Panel hearing itself.

I have spoken to my counterpart at the NMC who confirmed that she had not seen anything from the police as yet but shared my concerns.

I suspect it might be best for you to confirm to the police that you have passed their email to me and I will respond to them myself? I will of course copy you all in.

Would you be content with that?

Regards

[Code A]

From: [Code A]
Sent: 14 May 2009 10:17
To: Information Access Team
Cc: [Code A]
Subject: FW: Gosport War Memorial Hospital Freedom Of Information requests.

[Code A]

Please note the request from Hampshire Constabulary below.

You are already dealing with a request for information from [Code A] please advise whether or not you will adopt the same approach as the Police to such requests?

[Code A]

Consider the environment, think before you print!

Field Fisher Waterhouse LLP 27th Floor City Tower Piccadilly Plaza Manchester M1 4BD

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E-mail info@ffw.com **Web** www.ffw.com **CDE823**

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From: [Code A]
To: [Code A]
Sent: Thu May 07 15:15:47 2009
Subject: FW: Gosport War Memorial Hospital Freedom Of Information requests.

From: [Code A]
Sent: Thursday, May 07, 2009 3:12 PM

To: [Code A]
Cc: [Code A]
Subject: Gosport War Memorial Hospital Freedom Of Information requests.

[Code A]

Operation Rochester: Gosport War Memorial Hospital

You will be aware that HM Coroner [Code A] has recently concluded 10 inquests relating to patients from GWMH. The verdicts in those inquests were death due to natural causes, all be it that in some cases the administration of opiate medications was considered to have contributed more than minimally or negligibly to the death.

I have just received the first of what I imagine to be a number of formal requests for information under the terms of the Freedom of Information act. I wanted to communicate with you and the GMC my position as the SIO regarding information requests.

The police investigation has concluded and in due course we will have to consider what we are prepared to publish. At present I am aware that there are further hearings to take place, Fitness to Practice hearings, possible further inquests etc. To that end my decision which has been ratified by the [Code A] is as follows.

I intend to publish such material as is requested and appropriate in line with the Freedom of Information Act once all hearings connected with the investigation have been concluded. To inform this process I will create a publishing strategy which should address the immediate needs and concerns of family members connected with the investigation. I reasonably expect the publication of material to occur no sooner than January 2010 once all hearings have concluded.

This being our position, any requests for information will be passed to our FOI office at police headquarters. An exemption to release material will be sought and probably applied under Section 22 of the FOI act.

As the GMC holds similar if not identical information to the police I would be obliged if you could pass my email to the relevant department. I would like to think that there might be a similar response from yourselves?

Once everything has finished we can and will respond to requests but in the meantime I don't want anything to adversely affect any other agency hearings. I shall be passing similar information to the NMC.

Please feel free to contact me if you wish to discuss or clarify anything further.

Regards

Code A

**Serious Crime Review Team
Hampshire Constabulary**

Code A

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From: [Code A]
Sent: 15 May 2009 10:19
To: [Code A]
Subject: [Code A] - attendance at hearing
Attachments: Ltr to [Code A] re FTP - 9933150_1.DOC

Dear [Code A]

I have now had my call with Blake Laphorn.

Blake Laphorn have indicated that they would like a pass to be able to attend the hearing also they suggest that [Code A] of AVMA should be contacted and that AVMA should be able to send an attendee. We are not aware of any other action/support groups involved or interested in this case.

Blake Laphorn represent the [Code A] (Pt J), [Code A] (Pt G), [Code A] (Pt H) and [Code A] (not a Pt we are proceeding with). Separately they act for [Code A] (Pt E). Most of these family members are due to be witnesses in the second week of the hearing so it would not be appropriate for them to attend on the first day or to sit in on any day prior to giving evidence. [Code A] also mentioned that [Code A] and a friend (Pt F) attended the inquest regularly. [Code A] would be a witness although she has recently informed us she will be on a cruise and is unavailable for the whole period.

Therefore it would seem many of the families will not be permitted to attend the first day - because of the rules about witnesses, or alternatively they are not going to attend at all. At present my inquiries only suggest someone may come as part of [Code A] group. (I have copied to [Code A] as she has been speaking to other witnesses in case she has any further news).

[Code A] is completing the final inquiries with witnesses and will let you (and Adjudication) know if there are any witnesses where video link evidence may be required. The defence have already indicated that they will be calling [Code A] from New Zealand in this way (and that we may have to sit some altered hours).

Finally the letter that went to witnesses is attached (I have used [Code A] example) these went on 1 May and we have had a steady stream of callers since. The scheduling of witnesses is nearly complete and we plan to send out witness packs next week.

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

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From: [redacted] Code A
Sent: Thursday, May 14, 2009 4:31 PM
To: [redacted] Code A
Subject: [redacted] Code A

Dear All,

I have just had a meeting with several sections of the GMC to discuss this case and I would be grateful if you would deal with the queries below;

Attendance at the hearing

Attendance at the hearing is going to be limited to 20 members of the public and 20 members of the press.

If you know of anyone who has expressed an interest in attending could you let me know so that I can pass their details onto our Press office, this includes anyone from Blake Laphorn Solicitors.

Blake Laphorn Solicitors

Could you let me know which families they are representing?

Support /Pressure Groups

Do we know of any other groups apart from AVMA?

Video conferencing

Do we intend to use these facilities?

Letters to the families directly involved in the FTP hearing

Could you send me a copy of the last letter that you sent which I believe was about 30 April 2009 and confirm the date it was sent.

As I am on leave next week I would appreciate a response by tomorrow so that I can feed the information back to our press office.

Incidentally the Independent is going to print an article about this case on Sunday.

With thanks

[redacted] Code A

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Strictly Private & Confidential

Code A

Our ref: SLE/GML/00492-15579/9933150 v1

Your ref:

Code A

Partner

Code A

(Direct Dial)

Code A

01 May 2009

Dear **Code A**

General Medical Council - **Code A**

I write further in the above matter.

I am the partner with overall responsibility for **Code A** GMC case. By way of update, **Code A** Hall is currently on maternity leave and I am now being assisted by **Code A** and **Code A** **Code A**, although **Code A** is leaving the firm at the end of May.

My colleagues and I are in the final stages of preparing the case for a hearing before the GMC's Fitness to Practise Panel ("FTPP"). The FTPP hearing is listed to begin on Monday 8 June 2009, at the GMC's hearing centre in London.

We are currently finalising, with Counsel, a list of those individuals who will be required to attend and give evidence at the FTPP hearing. The list may change depending on whether **Code A** admits any of the allegations that are the subject of the GMC investigation.

We expect that the witnesses, called on behalf of the GMC, will be required to attend the hearing for one, or possibly two days, between **8 June and 3 July 2009**. I would be most grateful if you could inform either **Code A** or **Code A** **Code A** of any dates on which you will not be available during this period. My apologies if you have done this previously but we thought it would be best to have an up to date list.

May I request that you contact **Code A** as soon as possible. In the event that we do not hear from you, we will work on the basis that you are available throughout the whole period. Please note

that, although every effort will be made to work around your availability, there may be circumstances when this is not possible.

We expect to be in a position to finalise the witness running order within the next two weeks. Once the running order is finalised, we will be in touch with you to confirm the date on which you will be required to attend the FTPP hearing and arrangements for your travel and, if necessary, accommodation.

If it transpires that you are not required to attend the FTPP hearing as a witness, it would assist us greatly if you could please confirm whether it is your intention to attend the hearing as an observer. It is very hard to estimate what will happen on each day of the hearing. At the beginning we will outline the charge of serious professional misconduct against [Code A] and then over the following weeks we will call evidence of the individual patient cases. Each patient's case will be considered several times during the hearing as family, nursing and expert witnesses give evidence and then the defence's witnesses, expert and [Code A] respond. At this stage it would be impossible to say on which days any particular patient case would be considered.

Yours sincerely

[Code A]

for Field Fisher Waterhouse LLP

Solicitors to the General Medical Council. The GMC is a charity registered in England and Wales (1089278) and Scotland (SCO37750).

From: Code A
Sent: 14 May 2009 16:38
To:
Subject: Code A

Thanks Code A

Code A of Blake Laphorn has indicated he wants to call me tomorrow to discuss so I will pick up the relevant points with him.

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

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From: Code A
Sent: Thursday, May 14, 2009 4:31 PM
To: Code A
Subject: Code A

Dear All,

I have just had a meeting with several sections of the GMC to discuss this case and I would be grateful if you would deal with the queries below;

Attendance at the hearing

Attendance at the hearing is going to be limited to 20 members of the public and 20 members of the press.

If you know of anyone who has expressed an interest in attending could you let me know so that I can pass their details onto our Press office, this includes anyone from Blake Laphorn Solicitors.

Blake Laphorn Solicitors

Could you let me know which families they are representing?

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As I am on leave next week I would appreciate a response by tomorrow so that I can feed the information back to our press office.

Incidentally the Independent is going to print an article about this case on Sunday.

With thanks

Code A

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20 Adelaide Street, Belfast, BT2 8GD

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From: [Code A]
Sent: 14 May 2009 09:40
To:
Cc:
Subject: **Code A**

Thanks for that. Happily there is no conflict of interest.

[Code A]

From: [Code A]
Sent: 13 May 2009 18:54
To: [Code A]
Subject: [Code A]

Dear All,

You enquired earlier in the week about the defence Counsel for [Code A] we have now been informed that it is [Code A] as his junior.

[Code A]

From: Code A
Sent: 13 May 2009 15:05
To:
Subject: Code A

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Code A

Hope you are well.

Would you be able to provide me with contact details, including phone numbers, for the following 3 registered doctors:

- Code A (GP) - GMC No. Code A
- Code A (Consultant Orthopaedic and Trauma Surgeon)
- Code A (Anaesthetics) - GMC No. Code A

Many thanks

Code A Paralegal
 for Field Fisher Waterhouse LLP

dd: Code A

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From: [Code A]
Sent: 13 May 2009 18:46
To:
Cc:
Subject: **Code A**

Importance: High

[Code A]

On Thursday could you send the contact details concerning the doctors below to [Code A] please.

Thanks [Code A]

From: [Code A]
Sent: 13 May 2009 15:05
To: [Code A]
Subject: [Code A] - contact details

Hi [Code A]

Hope you are well.

Would you be able to provide me with contact details, including phone numbers, for the following 3 registered doctors:

- [Code A] (GP) - GMC No. [Code A]

- [Code A] (Consultant Orthopaedic and Trauma Surgeon)

- [Code A] (Anaesthetics) - GMC No. [Code A]

Many thanks

[Code A] **Paralegal**
for Field Fisher Waterhouse LLP

dd: [Code A]

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From: [Code A]
Sent: 12 May 2009 09:39
To:
Subject: **Code A**

Dear [Code A]

[Code A] report in respect of patient A is due today and I will forward it on as soon as I receive it.

In terms of attendance at the hearing it is difficult to estimate. Many of the witnesses I have spoken to are saying that they are not wishing to attend other than to give their evidence. I suspect London is a little more difficult for them to travel to and also many have sat through 6 weeks of the coroners inquest and now have other commitments to attend to. I agree with [Code A] we should have a better idea of numbers following the first couple of days of the hearing.

[Code A] is looking into the 5 year rule point. I will give him a chase. However, this is a matter which [Code A] and I have looked into and are confident that we are on solid ground in terms of all of the cases going forward. [Code A] research is simply to double check matters. I will forward on the [Code A] research results as soon as they are available.

Kind regards

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

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From: [Code A]
Sent: Tuesday, May 12, 2009 9:18 AM

To: **Code A**
Cc: **Code A**
Subject: **Code A**
Importance: High

Dear **Code A**

Code A report

Could you email me **Code A** report concerning Patient A, as I will need to submit it as addenda for the IOP hearing which has moved from 26 May to 1 June 2009.

Hearing Security

I had a meeting last week with various sections in the GMC concerning the arrangements for the hearing and another meeting is scheduled for **this Thursday**.

Our concern is that we only have a limited public gallery for both press and family members of the deceased patients, both those who are witnesses and those who aren't.

Do you have an indication as to how many family members are likely to want to attend as the intention is to restrict the number of places available?

Code A thought we might be able to get an indication from the amount of people that attended the first day of the Inquest.

5 year rule

I believe that **Code A** was looking into this, do you have the results of his research?

Code A

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From: [Code A]
Sent: 29 April 2009 13:24
To: [Code A]
Cc: [Code A]
Subject: RE: Final charges on Barton 29 April

[Code A]

This is very helpful, thank you.

I am content that the charge is disclosed to the MDU.

[Code A]

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

From: [Code A]
Sent: Wed 4/29/2009 12:53 PM
To: [Code A]
Cc: [Code A]
Subject: Final charges on Barton 29 April

Dear [Code A]

[Redacted content consisting of multiple lines of blacked-out text]

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From: Code A
Sent: 10 February 2009 15:56
To:
Cc:
Subject:
Attachments: 00276307.pdf

Code A

Hi Code A

Please see the attached letter from Code A of AvMA.

Code A – I've allocated this to you on Siebel: DO SR1-239765499. Please can you draft a reply to go in your name but with Code A approval before it goes out?

Code A – please can I ask you to deal with the FOI request regarding the minutes / transcripts from the IOP hearing of Code A

Code A, as we discussed earlier I will speak to Code A to see if he has any preference on whether a joint response is sent or individual ones, and I will inform you accordingly.

Thanks,

Code A

From: Code A
Sent: 10 February 2009 14:21
To:
Cc: Code A
Subject: 00276307 Code A

<<00276307.pdf>>

Code A

Code A, AvMA, has sent the attached letter requesting the minutes / transcript from the IOP hearing of Code A on 11 July 2008. He is also seeking information on why the panel only considered it necessary to make interim conditions on Code A in July 2008 to protect the public when concerns regarding Code A were known to the GMC previously.

For FtP.

Thank you.

Code A

PA to Code A

Code A

General Medical Council

Code A

avma

action *against* medical accidents

for patient safety and justice



Code A

General Medical Council
350 Euston Road
London NW1 3JN

RECEIVED 09 FEB 2009

6 February 2009

Dear **Code A**

Code A

AvMA is providing advice and support to a number of families who lost relatives in the 1990's at Gosport War Memorial Hospital. Some are involved in a forthcoming inquest. Some have lodged concerns with the GMC about the above doctor.

I note that on 11th July 2008 an Interim Orders Panel imposed conditions on **Code A** practice in order to protect the public. I would be grateful if you could provide a copy of any minutes or transcript of this meeting of the panel that might exist.

The families and AvMA would like to understand the reasons why it was only considered necessary to consider and make interim conditions in order to protect the public in July 2008, when the concerns about **Code A** were known to the GMC years previously. Any help you can provide to help us understand this and assure us and the wider public that patients were not put at unnecessary risk in the years between the GMC knowing of the concerns and when it finally decided to make restrictions on **Code A** practice would be greatly appreciated.

I would appreciate you giving this your urgent attention.

Yours sincerely,

Code A

General Medical Council	
Original was a Photocopy	
Original was Poor Quality	
- 9 FEB 2009	
[Faint text]	
[Faint text]	
[Faint text]	

From:
Sent:
To:
Cc:
Subject:

Code A

08 May 2009 14:19

Code A

Code A

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Code A

From: Code A

Sent: 08 May 2009 11:32

To: Code A

Cc:

Subject: Code A

Dear Code A

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Code A Partner
for Field Fisher Waterhouse LLP
dd: Code A

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Field Fisher Waterhouse LLP 27th Floor City Tower Piccadilly Plaza Manchester M1 4BD
Tel+44 0161 200 1770 Fax+44 0161 200 1777
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From: [Code A]
Sent: 22 May 2009 11:34
To:
Cc:
Subject: **Code A**

FYI

From: [Code A]
Sent: 22 May 2009 11:33
To: [Code A]
Subject: RE: GMC - [Code A]

[Code A]

Sounds ok -good luck!

[Code A]

From: [Code A]
Sent: 22 May 2009 11:22
To: [Code A]
Subject: RE: GMC - [Code A]

Thanks [Code A]

The defence are on notice and have no objections. The firm I intend to instruct seem very professional, so fingers crossed the link should work!

Kind regards

[Code A]

From: [Code A]
Sent: Friday, May 22, 2009 11:16 AM
To: [Code A]
Cc: [Code A]
Subject: RE: GMC - [Code A]

[Code A]

This seems like a sensible and cost effective solution to me, provided we are confident the video link will work and don't anticipate any objections from defence etc

Regards

[Code A]

From: [Code A]
Sent: 22 May 2009 10:56
To: [Code A]
Subject: FW: GMC - [Code A]

[Code A]

Really sorry to bother you. I have just sent an email to [Code A] and received his out of office reply.

Is there any chance you could review the email (see below) and give me a answer?

Thank you

[Code A]

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From: [Code A]
Sent: Friday, May 22, 2009 10:51 AM
To: [Code A]
Subject: GMC - [Code A]

[Code A]

In [Code A] absence I thought that you would be best placed to assist me with a quick query.

I understand that you have agreed to cover the cost of [Code A] in order for her to attend the hearing.

[Code A] has been back in touch to say that she would now prefer to give evidence via video link from [Code A]. I have investigated matters and the cost of a 4 hour link would be approximately £750 (if she attended the hearing in person a flight would be about £600 plus 2/3 nights hotel accommodation for her). Counsel is happy to deal with this witness via video link and the time difference is such that the hearing day could still start at 9.30am (5.30pm in [Code A]), therefore, no disruption for the Panel.

Please can you let me know if you are happy for me proceed with making the necessary arrangements for the video link.

Many thanks

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

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General Medical Council

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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

The GMC is a charity registered in England and Wales (1089278) and Scotland (SC037750)

From: [Code A]
Sent: 22 May 2009 10:07
To: [Code A]
Subject: [Code A]

From: [Code A]
Sent: 22 May 2009 10:04
To: [Code A]
Subject: [Code A]

Many thanks [Code A]

I will give Kiran a call this morning.

Kind regards

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

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From: Code A
Sent: Friday, May 22, 2009 9:45 AM
To: Code A
Cc: Code A
Subject: Code A

Code A

Code A from Code A phoned yesterday Code A and asked if we could clarify when Code A is likely to be called to give evidence?

Code A is on leave at the moment, so I would be grateful if you could make contact with

Regards

Code A

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

20 Adelaide Street, Belfast, BT2 8GD

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From: [Code A]
Sent: 20 May 2009 14:43
To: [Code A]
Subject: Message from [Code A]

[Code A]

I took a call from the above with regards to her complaint regarding [Code A]

Not sure if the message is of any use however the caller asked me to inform you that she has been in contact with the Law Society to complain about the inconsistent advice provided to her by Field Fisher Waterhouse and that she is insisting that her request happens before the GMC hearing

Hope this makes sense!

Regards

[Code A]
Contact Centre Team Manager
Registration Directorate
General Medical Council
Telephone 0161 923 6624
www.gmc-uk.org

From: Code A
Sent: 15 May 2009 17:06
To:
Cc:
Subject: Code A

Dear All,

Code A contacted our contact centre on 27 April 2009 and left the message below concerning Code A.

'i must complain about the way Code A has been teated by the media and relatives in the gosport war memorial inquests i am a patient in her practice and you cant ask for a more careing and understanding doctor and there are hundreds of other patients who think highly of her this has been like a witchhunt and she does not deserve to be hounded in this way'

I telephone Code A today and advised him that although we appreciated his concerns we have no control over what is printed in the media or what relatives might say.

I explained to Code A that we are due to commence a hearing against Code A on 8 June 2009 and asked him if he wished to provide a letter of support and he explained the wished the above comments to be passed on and he is of the view that Code A is a good doctor.

Code A gave me his permission for his telephone number to be passed onto Code A which is Code A

Please relay the above to the defence.

Code A!

From: [Code A]
Sent: 27 May 2009 15:49
To:
Subject: **Code A**

FYI

From: [Code A]
Sent: 27 May 2009 15:45
To: [Code A]
Subject: [Code A]

File note:

I telephoned [Code A] today, as she has left a message yesterday for me to ring her yesterday. As the call went to voicemail I left a message for [Code A] to ring me.

[Code A] telephoned me later the same day. She advised me that she was surprised that [Code A] has indicated to her Solicitor that she was not aware of the letter she received from the Coroner stating that the Inquest into her mother's death would be held separately because it was exceptional, because when she received the letter she rang [Code A] and read it out to her.

I asked [Code A] if she could send me a copy of the letter, [Code A] did not answer the question but advised me that [Code A] should ring the [Code A] to understand the reasons why her mother's case is exceptional.

[Code A] also informed me that she was concerned that we have evidence in our possession which we have not passed over to the Police.

[Code A] advised me that she will not attend our hearing as a witness because we not placing the case on hold to await the outcome of the inquest into her mother's death.

[Code A]
27 May 2009