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Grocott, David

From: Grocott, David
Sent: 02 September 2009 17:47
To: Grocott, David
Subject: Letter CConst reply to HM Coroner 280809 (Op Rochester)

Attachments: Letter CConst reply to HM Coroner 280809.doc

Sir,

I have reviewed the file of papers relating to the death of Mrs Richards as supplied by HM Coroner Mr Horsley as requested. I have taken the liberty of preparing a first draft of a reply to the Coroner.

I have also clarified a number of small points with the GMC case lawyer.

In essence. The GMC hearing has been on hold since 2004. As such it was heard under their old procedural rules, that is the standard of proof applicable being the criminal standard (beyond all reasonable doubt)

Any new hearings are now judged on the balance of probabilities due to a change in the GMC procedural rules.

Specifically the panel were not asked to consider or address whether any patient had been unlawfully killed. The GMC are very clear about this.

Their deliberations were focussed on the conduct of the doctor with her patients and the appropriateness of the medication prescribed. These deliberations formed 15 separate counts which could then be applied in variations to the 12 patients subject to the complaint.

There were no matters arising from the panel hearings to warrant a referral to the police at the time or subsequently. On the rare occasion that a witness was warned about possible self incrimination nothing further was provided under oath.

The transcripts of the hearings will be forwarded shortly and the GMC will allow the Police to begin our review prior to the panel sitting again in the new year.

As it currently stands I have not seen or received any information that suggests new evidence or material has come to light. In a similar vein I cannot see any apparent reason to suspend or adjourn the inquest into the death of Gladys Richards. As we are still supplying papers and supporting Mr Horsley to assist with this inquest I am happy to discuss any issues he has directly with him?



Letter CConst
reply to HM Coro



Hampshire Constabulary

Chief Constable Alex Marshall

PRIVATE

Mr David C. Horsley LLB
Her Majesty's Coroner
Coroners Office
The Guildhall
Guildhall Square
Portsmouth
PO1 2AJ

Police Headquarters
West Hill
Romsey Road
Winchester
Hampshire
SO22 5DB

Our ref:
Your ref:

Telephone: 0845 045 45 45

Direct dial:

Fax No: **Code A**

Deaf/speech impaired minicom: 01962 875000

Email:

September 02, 2009

Dear Mr Horsley,

Death of Mrs Gladys Mabel Richards:

Thank you for your letter of the 28th August regarding the above matter and the possibility of new material coming to light as a result of the recent General Medical Council hearing.

The Hampshire Constabulary investigation into the circumstances of the deaths connected with Gosport War Memorial Hospital concluded in December 2006. The Crown Prosecution Service concluded that in respect of each of the cases submitted to them there was insufficient evidence to support a prosecution in respect of any case, for any criminal offence. This was the culmination of three separate investigations by Hampshire Constabulary into the circumstances of the deaths between 1998 and 2006.

In the specific case of Mrs Richards two files of evidence were considered by the CPS, initially in 2001 and then again upon receipt of further expert opinion in September 2002.

On conclusion of the investigation, the papers were passed to the regulatory bodies such as the General Medical Council & Nursing and Midwifery Council for consideration.

The General Medical Council has recently announced their factual findings and will conclude their deliberations probably in January 2010.

In respect of the Fitness to Practice Hearings, it is correct that the proceedings were held under the old legislative procedural rules of 1988 relating to the criminal standard of proof. This was due to the complaint being lodged in 2004. New matters are now judged on the balance of probabilities. The General Medical Council however were not addressing or considering whether any person had been unlawfully killed.

The General Medical Council deliberations which have been recently published reveal that in the case of Mrs Richards, the panel concluded that Dr Barton prescription of relevant drugs were inappropriate and not in the best interests of the patient and that there was a failure to follow what is described as the Analgesic Ladder. These are the proven facts to a criminal standard referred to.

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Hampshire Constabulary
Chief Constable Alex Marshall

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Hampshire Constabulary and the Crown Prosecution Service intend to review the transcripts of both the GMC hearings and the evidence given under oath at your inquests held during March of this year to ascertain whether there is new information suitable for investigation or the commencement of criminal proceedings.

Please be assured that my officers are cognisant of the passage of time relating to this investigation and the effect upon both witnesses and family members.

Yours Sincerely.

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