



Other Document Form

MC7

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Title DISCUSSION DOCUMENT RE GROCERT 1/11/10
 (Include source and any document number if relevant) 2 MEDIA RESPONSE

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Code A

From: Grocott, David
Sent: 11 January 2010 11:44
To: Code A
Subject: Op Rochester ACC briefing

Attachments: Solicitor discussion.doc; Draft media response from HantsPol subsequent to the GMC decision.doc

Code A

Copies of the discussion document I prepared for the ACC together with a draft media release if they choose to use it. It just needs the info re what happened to Dr Barton including.
Hope you enjoyed the skiing

Dave



Solicitor



Draft media

iscussion.doc (28 K.esponse from Hant..

Operation Rochester

Briefing to ACC Pryde & DCS Dinnell

Operation Rochester relates to three separate investigations between 1998 and 2006 of patients who died at Gosport War Memorial Hospital. These investigations examined the care and treatment of a total of 92 separate patients, the central theme being the care provided by Dr Jane Barton.

The Police using a team of healthcare professionals categorised the patients into three areas.

Category 1 – Optimal care
Category 2 – Sub optimal care
Category 3 – Negligent care

78 of the 92 cases were placed in Categories' 1&2. These cases were referred to the GMC

The remaining 14 were investigated by a dedicated police team. Four of these cases were released in June 2006 as unsuitable for prosecution having been examined by Prof David Black.

The final ten cases were submitted with full files of evidence to CPS London between 2004 & 2006. The decision of CPS after consultation with Treasury Counsel (David Perry QC) was that it could not be proved that any person and in particular the Doctors were negligent to a criminal standard, nor did it prove that drugs contributed substantially towards death.

The families of the victims were informed as to the CPS decision in December 2006. At that point the police investigation closed. This was documented by D/Supt Williams in Jan 2007.

Certain families have not been satisfied with the decision and have complained on a number of occasions to both Hampshire Constabulary and the IPCC.

In March 2009 HM Coroner held inquests in to the circumstances of the deaths of ten patients. The jury concluded that in three of the cases, the medication prescribed was inappropriate for the condition the deceased was suffering from and whilst it was given for therapeutic purposes it contributed more than minimally or negligibly to their death.

In August 2009 the GMC concluded its Fitness to Practice hearing regarding Dr Barton's professional conduct and her treatment of 14 patients.

Hampshire Police have undertaken to review the evidence provided by Dr Barton under oath at both the inquest and Fitness to Practice hearing. The purpose being to identify whether there is any information which may provide

further investigative lines of enquiry sufficient to establish gross negligence of a criminal standard.

The review of this material is complete and whilst there are variances with what witnesses said under oath as opposed to their witness statements, in keeping with the normal practices of a court, nothing was identified that could have a bearing on the causation issue.

The transcripts for both hearings have been provided to the CPS for their own review as to the possibility of criminal proceedings being commenced. These transcripts are being reviewed by Treasury Counsel (David Perry QC) for similar purposes and a decision is expected by February /March.

Certain families continue to be dissatisfied with the decisions made by all investigative parties including Hampshire Constabulary.

These concerns are raised in response to progress letters from the C/Constable.

Current issues

The GMC hearing reconvenes on the 18th January for ten days, at the end of which they will announce their final result. This may generate further media attention on the case.

In addition when counsel have finished their deliberations there is a likelihood of further media interest particularly if the decision is that there is insufficient information or evidence to proceed with criminal proceedings.

D/Insp D. Grocott
11/01/10



Draft: if asked response to General Medical Council
Fitness to Practice Hearing Dr Jane Barton

Hampshire Response:

Operation Rochester Media Release

The Crown Prosecution Service concluded in December 2006 that there was insufficient evidence to commence criminal proceedings against any individual arising from the deaths of patients at Gosport War Memorial Hospital.

The General Medical Council, Fitness to Practice Hearing in respect of Dr Barton has announced its determinations that,

Hampshire Constabulary and the Crown Prosecution Service are currently reviewing the evidence provided to the panel together with the information that was provided during the most recent inquests, to ascertain whether it could have a bearing on potential criminal proceedings.

D/Insp D.Grocott