

*Having review  
by Nigel Niven.  
27.8.2004.*

Code A

26 August 2004

**Confidential: First Class**

Detective Chief Inspector David Williams  
Fareham Police Station  
Quay Street  
Fareham  
Hampshire  
P016 ONA

**GENERAL  
MEDICAL  
COUNCIL**

*Protecting patients,  
guiding doctors*

Dear DCI Williams

**Operation Rochester – Investigation into Deaths at Gosport War Memorial Hospital**

I write further to our exchange of e-mails and, in particular, your e-mail of 17 August 2004. Thank you for your continued assistance in this matter. I am very pleased to note that, subject to certain conditions, you are in a position to provide us with the information you have relating to 19 of the category two cases.

I confirm that we will review the information you supply and, if appropriate, make an application to the Interim Orders Committee. If an application is made to that Committee, the doctor and her representatives will be supplied with information upon which we intend to rely. The Interim Orders Committee usually sits in private but the doctor has a right to insist on a public hearing. It is rare that a doctor insists on a public hearing. There is no indication that the doctor in this case will insist on a public hearing, she has not done so at previous hearings and we have no reason to believe that her representatives would advise her to do so.

Publicity about the case is generally outside our control but the GMC shall not instigate publicity before or during any criminal trial.

I acknowledge that statements the GMC takes from witnesses who subsequently take part in any trial are discloseable to the defence. I confirm that the GMC will liaise with the police and inform you of the identity of proposed witnesses before we take statements.

In general terms, we are willing to confirm that we will not proceed to a public inquiry at the Professional Conduct Committee in relation to matters which are the subject of your investigation until the conclusion of that investigation or any criminal trial. However, as you are aware, the GMC also has statutory duties and any agreement to delay our dealing with this matter is subject to the police keeping us informed about the progress of the investigation and pursuing the investigation and prosecution within a reasonable time. We may proceed to the Professional Conduct

Committee if, for example, the police investigation is in abeyance for an indefinite period or is subject to unreasonable delay. If other matters concerning this doctor come to our attention (for example matters relating to health, performance or conduct) which do not form part of your investigation we may proceed to investigate and adjudicate in relation to those matters.

As we have not yet seen the material, I do not wish to raise an expectation that we shall definitely proceed to the Interim Orders Committee. Therefore, I would ask that you exercise caution in this regard in your communication with the families, their representatives, the Strategic Health Authority, the Primary Care Trust or any other interested party.

I note that you will seek the consent of witnesses to release statements to us. I look forward to receiving the material during the week commencing 30 August 2004.

Thank you again for your helpful approach in this case.

Yours sincerely

**Code A**

**Louise Povey**  
**Manager, Special Projects**

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