

FW: OP Rochester.

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Code A

From: Williams, David (DCI)
Sent: 17 August 2004 16:43
To:
Cc: **Code A**
Subject: FW: OP Rochester.

Code A

Can you please ensure that we are in a position to make these notifications and deliver material to the GMC hopefully Tuesday 31st August 2004.

Thankyou.
 Dave WILLIAMS.

From: Williams, David (DCI)
Sent: 17 August 2004 16:39
To: 'Louise Povey' (Code A)
Subject: RE: OP Rochester.

Louise.

Thankyou.

I have received the advice from RDS of the CPS who agrees that subject to the conditions that he suggests we can reveal the information relating to 19 of the category 2 cases without compromising the ongoing police investigation.

We would therefore seek agreement from the GMC in respect of the following conditions.

1. That the information is supplied towards a private IOC hearing.
2. That there is no adverse publicity prior to or during any criminal proceedings.
3. Statements taken by GMC from witnesses who are subsequently witnesses in criminal proceedings will be disclosable.
4. GMC should liaise with the police informing them of identity of proposed witnesses before taking statements.
5. Permission will be sought from Category 2 case witnesses to reveal their statement etc to the GMC.
6. GMC should not institute further disciplinary proceedings until any criminal investigation and criminal trial have been concluded.

In addition Steve WATTS has indicated that the following will apply:-

1. 'I take the view that it is in the public interest to disclose to the GMC those documents which fall within category 2, which having been reviewed by Matthew Lohn we are satisfied have no potential to be the subject of a prosecution'.
2. Prior to that disclosure, we must contact the families concerned and explain the situation, seeking their approval for that disclosure.
3. This decision should also be subject of a family group bulletin.
4. This decision to be communicated to Ann Alexander.

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5. This decision to be communicated to the SHA & PCT.

6. CMO to be informed.

7. Ian Barker, representing DR Barton to be informed.

8. In view of the fact that the DCC has taken an interest in this matter, please inform ACC SO of our decision and DCC prior to actioning. This will allow them to raise objections if they wish to do so.

Louise, apologies if this seems a laborious process but it is necessarily so. Wider consultation is necessary to manage the impact of the decision and consider representations from key stakeholders.

Deputy Chief Constable has specifically requested to have the opportunity to make representations regarding the issue of release to the GMC. he returns from leave on the 24th August 2004.

I anticipate that the material will be delivered to your offices during the week commencing Monday 30th August 2004.

Regards.

Dave WILLIAMS. Det Supt.

From: Louise Povey (7915 3732)
Sent: 17 August 2004 16:51
To: Williams, David (DCI)
Subject: FW: OP Rochester.

Code A

Dear Dave

I had a useful conversation with with Robert Dryborough Smith of the CPS late last Thursday. The gist of it was that his advice to the police will be that you can release the category 2 material to us. He wanted confirmation that the IOC was held in private (although he appreciates that Dr Barton will see the material) and that we wouldn't go to a full blown public inquiry without reference to you. He indicated that his advice would go out last Thursday/Friday. Have you received the advice? If so, when may we receive the material?

I hope that the issues relating to the small number of category 2 cases which may become category 3 cases do not delay us as there is plenty for us here to get on with in relation to the category two cases which we know will stay in category 2.

I look forward to hearing from you.

Regards

Louise

(Code A)

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

From: Louise Povey (7915 3732)
Sent: 12 Aug 2004 15:05
To: (Code A)@nn.police.uk'
Subject: RE: OP Rochester.

Dear Dave

I have a call out to Robert Dryborough-Smith. I will let you know the outcome.

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We are a month on from our meeting and do not seem to be any nearer getting the category 2 material.

Could you please tell me when we can expect to receive Steve Watts' statement?. That would be most helpful as in the absence of the category 2 material, we may proceed to our Interim Orders Committee assisted by the attendance of Steve. May we please have it by Thursday 19 August 2004?

Yours
Louise

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

From: david.v [mailto:david.v] **Code A**
Sent: 07 Aug 2004 09:12
To: LPovey **Code A**
Subject: RE: OP Rochester.

Louise..

The CPS representative is Senior Lawyer Robert DRYBOROUGH- SMITH (Central Caswork Directorate Ludgate Hill). A contact from yourself to explain issues for the GMC would probably help speed the process.

We have Mathew LOHN'S report although he has raised 'issues' in respect of the categorisation seven cases currently assessed as 2's.

I am meeting with him next Thursday 12th August to discuss.

We need to resolve the issues with Mathew because those cases are likely to be the more interesting from the GMC's perspective.

Whilst I appreciate the concerns with regard to patient protection, it seems to me that the risks in respect of Dr BARTON'S continuing practice have been ameliorated by the voluntary conditions in place.

Have you considered taking a statement or receiving a formal report from the primary trust? detailing the exact conditions, and evidencing precisely the prescriptions being written up by Dr BARTON. This would not compromise our investigation and would demonstrate that the GMC were independently assessing ongoing risk.

Regards.

Dave WILLIAMS.

From: Louise Povey (7915 3732) [mailto:] **Code A**
Sent: 05 August 2004 17:33
To: Williams, David (DCI)
Subject: RE: OP Rochester.

Dear Detective Superintendent Williams

Helpful areas to include in the statement are:

1. Job title/responsibility/background etc
2. Involvement in the investigation.
3. Nature and seriousness of the investigation - numbers of cases, details of the categories, likely charges etc.
4. The reason why more detailed information cannot be revealed at this stage.
5. Future action and timetable by the police/CPS.
6. An acknowledgement of/reference to public protection issues. (For information, we know there is a current undertaking but it is voluntary and there is a risk that the doctor may change employer/prescribe outside the terms of the undertaking).

Can you tell me what is holding the CPS up? Are they waiting for something in particular (I assume they now have Matthew Lohn's report) or is it simply pressure of work? Do you have a contact name/number at the CPS so that I could speak to them direct.

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I am sorry to pester but, as you know, we have concerns about patient protection. The immediate decision for us is whether to proceed to our Interim Orders Committee now with somewhat limited information or wait for the release of the category 2 material which has been promised since we last met. We would prefer the latter but as time rolls on we may have to do the former. We are more likely to secure patient protection with the category 2 material.

I look forward to hearing from you.

Louise Povey
0207 915 3732

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

From: d [mailto: Code A]
Sent: 0
To: Code A
Cc:
Subject: RE: OP Rochester.

Dear Mrs POVEY

Steve WATTS is currently taking Annual Leave.. He returns to work next week.. I will discuss the outline of his statement and forward to you asap. Can you please confirm subject areas/identify particular issues that would assist your investigation. I await the observations of the CPS before releasing the category 2 material. As soon as the final decision is made, and assuming that disclosure is agreed I will arrange immediate delivery.

Regards.

Dave WILLIAMS.
Det Supt.

From: Louise Povey (7915 3732) Code A
Sent: 29 July 2004 13:19
To: Williams, David (DCI)
Subject: FW: OP Rochester.

Dear Detective Superintendent Williams

Is there now a decision about releasing the category 2 material? If the decision is to release the material, when might I receive it?

May we please have the outline of DCS Watts' intended statement.

Thank you for your assistance.

Yours
Louise Povey
020 7915 3732

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From: Louise Povey **Code A**
Sent: 22 Jul 2004 13:00
To: **Code A**@hampshire.pnn.police.uk'
Subject: RE: OP Rochester.

Dear Detective Superintendent Williams

Thank you for this. I look forward to hearing from you early next week.

Yours

Louise Povey

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

From: **Code A**
[mailto:**Code A**]
Sent: 21 Jul 2004 08:31
To: LPovey; **Code A**
Subject: OP Rochester.

Dear Mrs POVEY

Thank you for your letter dated 13th July 2004 and accompanying note of our meeting of 6th July 2004.

Apologies for the slight delay in responding.

Firstly may I agree the accuracy of your note of our meeting.

In addition I can now inform you that Mathew LOHN completed his quality assurance work yesterday 20th July and we expect his reports in respect of the category 2 cases this week. He has agreed the findings of the Clinical team for 54 of those cases. However he has raised the status of 6 of the cases into the 3 category, and these will be subject to further discussion. It is likely that OP ROCHESTER will also investigate the circumstances surrounding the 6 further cases.

Subject to ongoing discussion with Mathew LOHN this is likely to raise the number of cases in the 3 category to 15.

I had a further meeting with Steve WATTS yesterday, and we are both in agreement that in the absence of strong legal rationale for withholding the category 2's we will be releasing them to the GMC as soon as possible. I hope that this decision can finalised early next week and that we can deliver to the GMC the relevant documents.

I confirm that the following information has been received from the local healthcare trust in respect of conditions pertaining to Dr BARTON.

Dr Barton has undertaken not to prescribe benzodiazepines or opiate analgesics from 1 October 2002. All patients requiring ongoing therapy with such drugs are being transferred to other partners within the practice so that their care would not be compromised.

Dr Barton will not accept any house visits if there is a possible need for such drugs to be prescribed. Problems may arise with her work for Health Call as a prescription may be required for a 14-day supply of

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benzodiazepines for bereavement.

Dr Barton also agreed to follow up all previous prescriptions for high quantities using the practice computer system and the patients' notes.

I have confirmed that these conditions still applied on 6th July 2004 with Hazel BAGSHAW the Pharmaceutical advisor for the local Healthcare trust. Over a 13month period from April 2003 Dr BARTON had written a total of 20 prescriptions all for 2mg Diazepam to relatives of deceased, and had not prescribed any Diamorphine, morphine or other controlled drug.

Finally, I am meeting with Steve WATTS this Friday to discuss OP ROCHESTER. He is out of force at the moment. We will consider the outline of his statement to the GMC and let you know on Friday what he is prepared to say.

Regards.
Dave WILLIAMS. Det Supt.

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