



HAMPSHIRE CONSTABULARY

Paul R. Kernaghan QPM LL.B MA DPM MCIPD
Chief Constable

Fareham Police Station
Quay Street
Fareham
Hampshire
P016 0NA

Our Ref. Op Rochester

Tel. 0845 0454545

Your Ref.

Fax. 023 92891663

4th January 2005

Code A

Code A

Dear **Code A**

I write further to my letter of the 4th January 2005. I have now reviewed your grandmother's case taking into account the concerns you raised in your letter of the 16th December 2004.

I am aware that you have previously had the opportunity to discuss this matter with Detective Inspector Owen Kenny.

You are aware that our approach in investigating patient deaths at the Gosport war Memorial Hospital, was to commission a team of experts to review the medical records relating to patients treatment. By doing so, they were able to categorise the treatment received. Once this had been done, their conclusions and the concerns raised by relatives were reviewed by an independent medico legal expert.

As you know, there was a paucity of records in respect of your Grandmother treatment. In the absence of such records, it has not been possible to establish a firm assessment in respect of your Grandmother's treatment.

Whilst I appreciate that you will find this situation unacceptable, the reality is that without evidence arising from the medical records, there is no basis on which to justify the continuance of our investigation.

To prove criminal allegations in respect of your Grandmothers death would require proof of gross negligence and a standard of care more than minimally contributing towards her death. On the basis of the available records, there is not sufficient evidence to meet this standard.

Francis Cantwell SM.

In situations such as this, we consider it an obligation to refer cases to both the General Medical Council (GMC) and the Nursing and Midwifery Council (NMC). These are specifically cases where concerns exist, but where it has been adjudged that the concerns in question do not justify a continued criminal investigation.

In addition, we are also maintaining a regular contact with Her Majesties Coroner, Mr David Horsley.

I truly regret that it has not been possible to answer the questions that exist with regard to you Grandmothers treatment. However, in the absence of the essential medical records, it is impossible for us to continue to investigate this particular case any further. Under all of the circumstances, I consider it appropriate to refer this case to the GMC and NMC for their consideration and scrutiny.

I hope the above explanation is of some assistance to you. If you wish to raise any additional points, please do not hesitate to contact me at the above address.

Yours sincerely

Nigel Niven
Detective Inspector
Operation Rochester