

Other Document Form

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Title **LETTER DINEN TO MR FORSTER RE ADDITIONAL ADVICE**

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Your Ref.

7th January 2005

Mr M Forster

Code A

Dear Michael,

Re: Operation Rochester – Additional Advice

Further to our recent email communication, I would be grateful if you could provide additional advice regarding Operation Rochester. You have recently kindly provided us written advice regarding issues of 3rd party disclosure. This was on the basis of a verbal briefing provided to you by DI **Code A** and myself on the 15th of December 2004. In addition, we provided you with a number of relevant documents.

We now seek your advice regarding the same issues as discussed previously, but specifically in the context of the provisions contained within the Freedom of Information Act 2000 (FOIA).

There is only variation from the previously reported information which may or may not have a bearing on your advice. That is that a relative of one of the deceased has intimated an intention to seek data regarding our investigation under the provisions of the above Act. This case fell within our category 2 and we have written to this individual indicating that this particular death is not subject to further criminal investigation.

This is a case that will, however, be subject to separate scrutiny by both the General Medical Council (GMC) and the nursing and Midwifery Council (NMC).

The fact that this is a category 2 case indicates that the treatment received by the deceased was sub optimal. Consequently, until issues of prosecution are resolved, it is not possible to say whether an element of the treatment of this deceased could become an evidential issue.

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I would be grateful if you could give these matters your consideration. Certainly from our point of view, it is important to try to arrive at an investigative position regarding the FOIA at an early stage. We will undoubtedly receive other applications and we are keen to preserve the integrity of our investigation whilst ensuring full compliance of the FOIA.

If you require any information on this or any matter, please do not hesitate to contact me directly.

Yours sincerely,

Nigel Niven
Deputy Senior Investigation Officer