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Grocott, David

From: Grocott, David
Sent: 26 April 2010 13:45
To: FOI Mailbox
Subject: FW: Our intended response to a FOIA request Op Rochester

Rebecca,

The below is the CHRE response to an FOI request. I think it would be appropriate if you replied in the first instance to ensure that you remain in the loop. Can you contact Emma and agree this form of words with a possible change to the sentence highlighted as I have indicated.

Hampshire Constabulary have confirmed that when all examining bodies which includes the CPS, Coroner and other regulatory bodies have decided that no criminal culpability is determined then they will begin a process, within the terms of the Freedom of Information Act, to release to the interested parties details of the investigation.

Cheers

Dave

Dave Grocott

T/DCI Serious Crime Review Team | External: 0 [Code C] | Internal: 646 210 | Mobile:
 [Code A] [Code C]

From: Emma Kelly-Dempster [Code C]
Sent: 26 April 2010 13:05
To: Grocott, David
Subject: Our intended response to a FOIA request

Dear Detective Grocott,

As previously discussed we have received a FOIA request for all the information that we took account of in our consideration of the Dr Barton case.

For your information, below is the response that we intend to provide to the applicant. This response will be sent first thing next week.

'We can confirm that we hold the information you are seeking. However, this information is exempt under section 22 and 31 of the Freedom of Information Act and is therefore being withheld. Section 22 of the Freedom of Information Act sets out an exemption to the disclosure of information intended for future publication. Section 31 of the Freedom of Information Act sets out an exemption to the disclosure of information where it could impact on law enforcement.

In considering your information request, we have had discussions with Hampshire Constabulary. They have asked CHRE not to disclose any information on the Dr Barton

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case pending completion of a review of the case against her by the Crown Prosecution Service. Hampshire Constabulary have confirmed that if the CPS decides that no criminal culpability is determined then they will begin a process, within the terms of the Freedom of Information Act, to release to the interested parties details of the investigation.

As indicated above, Hampshire Police have asked that no information is disclosed in relation to Dr Barton whilst the case is reviewed. Given the on-going consideration into whether there has been improper conduct and/or a contravention in the law, the information requested is also exempt under section 31 of the Freedom of Information Act in that disclosure would be likely to prejudice the prosecuting authorities in the exercise of their functions.

As the Constabulary have confirmed their intention to publish information in the future and because we would not want to take any action that would be likely to prejudice the outcome of the CPS review, we are not disclosing the information at this time.

I note that we are also actively considering publishing all the information that we took into account in our consideration of the Dr Barton case. We will do this, within the confines of relevant legislation such as the Data Protection Act and the Freedom of Information Act. Any publication of the information would take place after all criminal investigation, review and any proceedings have been completed. '

Please do contact me if you have any questions.

Kind regards

Emma

Emma Kelly-Dempster
Good Practice Officer

Council for Healthcare Regulatory Excellence
11 Strand
London WC2N 5HR
www.chre.org.uk

Code C

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policy on the use of electronic communications.

Grocott, David

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Emma

24/05/2010

Emma Kelly-Dempster
Good Practice Officer

Council for Healthcare Regulatory Excellence
11 Strand
London WC2N 5HR

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Grocott, David

From: Briony Mills: Code C
Sent: 31 March 2010 17:23
To: Grocott, David
Subject: Dr Barton

Dear Dave

Just to let you know that a decision has been made not to refer this case to court. A statement is available on our website at http://www.chre.org.uk/_img/pics/library/100331press_release_-_DrJaneBarton.pdf

Kind regards

Briony

Briony Mills
Senior Scrutiny Officer

Council for Healthcare Regulatory Excellence
11 Strand
London WC2N 5HR

Code C

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Grocott, David

From: Briony Mills **Code C**
Sent: 23 March 2010 17:08
To: Grocott, David
Subject: RE: Dr Jane Barton

Dave

Further to our earlier conversation, this is just to let you know that the s29 panel meeting adjourned their consideration of the Barton case today pending further legal advice. We will now not be making a decision on referral until possibly 31st March. I will let you know as soon as we know what the outcome is.

Kind regards

Briony

Briony Mills
Senior Scrutiny Officer

Council for Healthcare Regulatory Excellence
11 Strand
London WC2N 5HR

Code C

F police.uk [mailto:dave.grocott@hampshire.pnn.police.uk]

Sent: 09 March 2010 16:41
To: Briony Mills
Subject: Dr Jane Barton

Briony,

Further to our conversation

Operation Rochester is the encompassing title given to Hampshire Constabulary's investigation of deaths at Gosport War Memorial Hospital during the 1990's. Dr Jane Barton was the central character during the investigation and the CPS concluded at the end of 2007 that there was insufficient evidence to progress with criminal proceedings. I am the current Senior Investigating Officer

The current position with regards to Dr Jane Barton from Hampshire Constabulary is as follows.

Subsequent to the Fitness to Practice Hearing of Dr Barton, Hampshire Constabulary, reviewed the transcripts of those hearings given under oath to determine whether any new evidence was presented that would give rise to potential criminal proceedings. Following the police review the papers were also passed to both CPS & Senior Treasury Counsel to allow them to consider similar issues.

That review is not yet concluded and therefore potentially the case against Dr Barton is not

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fully resolved. That being said I would ask that no material is released by the CHRE that could potentially prejudice future criminal proceedings. When the decision of the CPS has been reached I will forward details to you.

If the CPS decide that no criminal culpability is demonstrated and release the case then Hampshire Constabulary will begin a process within the terms of Freedom of information Act to make available to interested parties details of the investigation. To that end as discussed we have stated an intention under sect 22 of that act to publish in the future.

My understanding of that part of the act is;

Section 22 - Information Intended for Future Publication

In respect of the information held by CHRE that originated from Hampshire Constabulary, this information would still be covered by s22. the wording contained within the legislation in respect of s22 is as follows:

- 22(1)(a) Information is exempt information if the information held by the public authority with a view to its publication, by the authority or any other person at some future date (whether determined or not).

As such, the fact that Hampshire Constabulary has already determined that its information will be published at a future date would allow the CHRE to apply this exemption legitimately to our information that it holds.

In a similar fashion if the release of material by the Police would hinder your case should it be referred to the High Court could you let me know and we will hold off accordingly.

Can I assure you that I do not wish to become involved in your review nor am I seeking any delay. I just want to ensure that any material released to external requests is controlled so as to prevent any prejudice to any future hearings. In addition there is considerable national media interest in this case and I have a strategy as discussed for future information release which is focussed around family members and next of kin.

My email is for the purposes of establishing lines of communication and if I can help or assist you in any way please feel free to contact me.

Regards

Dave Grocott
 T/DCI Serious Crime Review Team | External: [Code C] Mobil [Code A]
 [Code C]

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Grocott, David

From: Briony Mills [Code C]
Sent: 10 March 2010 11:07
To: Grocott, David
Subject: RE: Dr Jane Barton

Thanks Dave, I've forwarded this to the team so everyone is aware of what to do should we get any requests.

I will let you know once we've made a decision on whether to refer the case to court and whether the release of information would hinder our case at all should we do so. The decision should be made at a meeting on 23rd March.

Many thanks for contacting us about this.

Regards

Briony

Briony Mills
Senior Scrutiny Officer

Council for Healthcare Regulatory Excellence
11 Strand
London WC2N 5HR
www.chre.org.uk

Code C

From: dave.grocott [Code C]
Sent: 09 March 2010 16:41
To: Briony Mills
Subject: Dr Jane Barton

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Regards

Dave Grocott

T/DCI Serious Crime Review Team | External: [Code C]

[Code C]

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