



Other Document Form

MC7

Number: TS79

Title Terms of Reference for of Accusation discussed with c/const Nov 09
 (Include source and any document number if relevant)

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Grocott, David

From: Grocott, David
Sent: 27 November 2009 13:01
To: Marshall, Alex CC
Cc: Dinnell, Shirley
Subject: Operation Rochester

Attachments: ToR.doc

Sir,

Further to our discussions yesterday regarding Operation Rochester I have prepared terms of reference as requested. These ToR reflect our position in response to the hearings being conducted by other parties during 2009.

Number 1 has already been addressed. I wrote to CPS in June informing them that I was satisfied that nothing new arose from the inquests that could impact on the causation issue necessitating further investigation. Copies of the transcripts were forwarded in July.

Number 2. I am still considering the transcripts from the GMC. They have been examined and as of this time again there does not appear to be any material that would lead to obvious new lines of enquiry. None the less CPS already have copies of these transcripts and have instructed the original legal team headed by David Perry QC to review them against their original findings.

Number 3. This ToR reflects any investigative area which families raise through correspondence or other means. This is not written intending to commence a "new" investigation. Neither is it created to respond to individual concerns regarding the strength of evidence or expert opinion submitted to date.

Having reviewed all of the correspondence received recently I am content that we can progress a number of enquiries relatively quickly.

From a media perspective this is not a new investigation but reflects your letter to the families (3rd Sept) whereby you will invite the CPS to consider any new information arising.

Reported for your consideration



ToR.doc (35
KB)

D/Insp Dave Grocott
Serious Crime Review Team
Hampshire Constabulary

Internal 646-210

DDI **Code A**
Mob

Email dave.grocott@hampshire.pnn.police.uk



OPERATION ROCHESTER

In March 2009 HM Coroner held inquests in to the circumstances of the deaths of ten patients from GWMH. The jury concluded that in three of the cases, the medication prescribed was inappropriate for the condition the deceased was suffering from and whilst it was given for therapeutic purposes it contributed more than minimally or negligibly to their death.

In August 2009 the GMC concluded its Fitness to Practice hearing regarding Dr Barton's professional conduct and her treatment of 14 patients.

Hampshire Police have undertaken to review the evidence provided by Dr Barton under oath at both the inquest and Fitness to Practice hearing. The purpose being to identify whether there is any information which may provide further investigative lines of enquiry sufficient to establish gross negligence of a criminal standard.

In addition, during this review process any other material which may have a bearing on potential criminal proceedings subsequent to these hearings will be forwarded to the Crown Prosecution Service for consideration.

Terms of reference

1. Review the content of the transcripts from the inquests connected to Operation Rochester, identify new lines of enquiry that would progress the enquiry sufficiently to establish gross negligence of a criminal standard.
2. Review the content of the transcripts from the Regulatory hearings connected to Operation Rochester, identify new lines of enquiry that would progress the enquiry sufficiently to establish gross negligence of a criminal standard.
3. Investigate and obtain as necessary any material new to the investigation that would progress the enquiry sufficiently to establish gross negligence of a criminal standard.
4. Forward all material to the Crown Prosecution Service for consideration of criminal proceedings.

These terms of reference provide a structured response to potential new material that could impact on criminal proceedings. They reflect the current position of Hampshire Constabulary and are not created with the purpose of commencing a fresh investigation.

D/Insp D.Grocott