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Title EMAILS TO/FROM PROF BAKER WITH DRAFT ROBERT WILSON REPORT

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Receiver	
<b>Code A</b>	
O/M	SIO
Indexer	

**Code A**

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**From:** Baker, Prof R. [Code A]  
**Sent:** 17 February 2006 10:59  
**To:** Grocott, David  
**Cc:** [Code A]  
**Subject:** RE: Op Rochester  
**Sensitivity:** Confidential

Dear Mr Grocott

Following a tepehone call with Mr David Williams, I have prepared a draft report (attached). I would be grateful for comments from yourself and Mr Williams on whether it meets you needs. When a final version is ready, I will sign and forward it.

Many thanks

Richard Baker

**Code A**

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**From:** [Code C]  
**Sent:** 19 December 2005 10:21  
**To:** [Code A]  
**Cc:** Code A @hampshire.pnn.police.uk  
**Subject:** FW: Op Rochester  
**Sensitivity:** Confidential

Dear Professor Baker,

Can I introduce myself, I'm Detective Inspector Dave Grocott from the Op Rochester Major Crime Team. I've been asked by the Senior Investigating Officer D/Supt Williams to review your report in relation to Mr Wilson & Cunningham. My responsibility amongst others is the appointment, coordination and review of the experts within this investigation. I ensure that the audit trails in relation to evidence are secure and that the experts adopt a similar format when compiling their reports.

Having reviewed your latest report there are some areas of clarification that I would ask you to consider. Attached to this email is a formal letter of introduction together with a briefing document that I supply to all experts and a template that I ask all experts to try and use.

Could I ask you to address the issues in the letter please. If there is anything I can do to assist or clarify please don't hesitate to contact either myself or Anthony Tenison

Thankyou

Dave Grocott  
D/Insp  
Int 641-404  
Mobile [Code A]

20/02/2006

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**From:** Baker, Prof R. [mailto: Code A]  
**Sent:** 28 November 2005 12:37  
**To:** Code A  
**Subject:** RE: Op Rochester  
**Sensitivity:** Confidential

Dear Code A

Here is a report. I hope it addresses the points raised by Counsel, but please let me know if my comments are not clear.

Richard Baker

Code A

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**From:** Code A @hampshire.pnn.police.uk [mailto: Code A @hampshire.pnn.police.uk]  
**Sent:** 28 November 2005 09:26  
**To:** Code A  
**Subject:** RE: Op Rochester  
**Sensitivity:** Confidential

Good Morning,

It is in fact Robert Cauldwell Wilson, I am away working on another job but if you require further help please e-mail me and I will ring you directly.

Code A

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**From:** Baker, Prof R. [mailto: Code A]  
**Sent:** 28 November 2005 08:44  
**To:** Code A  
**Subject:** RE: Op Rochester  
**Importance:** High  
**Sensitivity:** Confidential

Dear Code A

Can you tell me which Wilson you are referring to? I have 10 Wilson patients recorded, and need more information to identify which one is of interest.

The Cunningham I have identified is Arthur Cunningham, who died 26 September 1998. I hope this is the right person.

Richard Baker

Code A

Op Rochester

Page 3 of 4

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**From:** Code A @hampshire.pnn.police.uk [mailto:Code A @hampshire.pnn.police.uk]  
**Sent:** 11 November 2005 09:43  
**To:** rb14 Code A  
**Subject:** RE: Op Rochester

Dear Professor Baker,

I wonder if in the first instance you would be able to mark you report as a "draft." This will allow us and Counsel to digest and discuss with you its contents at a later stage. I am as always very grateful for your time in what I have no doubt is an extremely busy schedule.

Kind regards

Code A

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**From:** Baker, Prof R. [mailto:Code A]  
**Sent:** 31 October 2005 12:41  
**To:** Code A  
**Subject:** RE: Op Rochester

Dear Code A

Thanks for your message. I will need to go back to my report and give careful thought to the question you have raised. It should be possible to complete this before the end of November as you request, and I will forward a response directly to you. Please do contact me if there is any delay.

All the best

Richard Baker

Code A

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**From:** Code A @hampshire.pnn.police.uk [mailto:Code A @hampshire.pnn.police.uk]  
**Sent:** 31 October 2005 10:48  
**To:** Code A  
**Cc:** Code A @hampshire.pnn.police.uk  
**Subject:** Op Rochester

Dear Professor Baker,

You may recall we have met previously with regard to Operation Rochester and the enquiries being conducted by Hampshire Police at the Gosport War Memorial Hospital. A file has now been passed to the CPS and is being reviewed by Treasury Counsel. They have asked if you are able to expand upon the comment in your statement that the patients might have recovered had they not been given opiates. Of particular note are the cases of CUNNINGHAM and WILSON and to ascertain if your comments extend to these particular patients.

I fully appreciate that this will take some time for you to review and whether or not you are able make comment as asked. I would be grateful if you would have time to consider these matters by the end of November. Of course please feel free to contact me or Code A at any time.

I trust life is treating you well,

Kind regards

20/02/2006

**Code A**

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Professor R Baker

Patient name Robert Wilson (Ref no. BJC/55) - Draft Report February 2006

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**DRAFT REPORT**

regarding

**Patient Name Robert Wilson (Ref No. BJC/55)**

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**PREPARED BY: Professor R Baker.....**

**AT THE REQUEST OF: Hampshire Constabulary**

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**APPENDICES**

## 1. SUMMARY OF CONCLUSIONS

I have studied the copies of the records provided to me by Hampshire Constabulary in order to consider three issues – the certified cause of death, the prescription of opiates and sedatives, and whether Mr Wilson fell into the category of patients who might have left hospital alive.

With respect to death certification, I have concluded that the certificate was inaccurate

**Code A**

With respect to leaving hospital alive, I have concluded that Mr Wilson was in the category of patients who might have left hospital alive if he had not been commenced on opiate medicate on transfer to Dryad ward.



## 1. INSTRUCTIONS

I have been asked to provide a statement of evidential use that could be used in the event of criminal proceedings arising from the case of Mr Robert Wilson.

## 2. ISSUES

I was asked to address three questions:

1. Certified cause of death. In this case, was the certified cause of death supported by the medical history of the patient?
2. Prescription of opiates and sedatives. In the case of Mr Wilson was his prescribing in accordance with his clinical need?
3. Leaving hospital alive. In my statement (080904) I had referred to patients who were administered opiates and eventually died who may have recovered and left hospital had they not received this medication. The issue to be addressed was whether, in my opinion, Mr Wilson fell into this category.

## 3. BRIEF CURRICULUM VITAE

### Academic Qualifications

1975: MBBS (Royal Free Hospital School of Medicine, University of London)

1996: MD (University of London)

1980: MRCP

1992: FRCGP (by assessment)

### Current Posts

Head of Department of Health Sciences, University of Leicester.  
Director, Clinical Governance Research and Development Unit  
Division of General Practice and Primary Health Care,  
University of Leicester

Director, Leicester provider unit of National Collaborating Centre – Primary Care (NCC-PC) of NICE.  
Non-principal in General Practice.

### Research

My principal research interest is quality of care, including methods of improving professional performance, patient experience of care, and patient safety. I have published around 130 peer reviewed articles.

#### 4. DOCUMENTATION

This Report is based on the following documents:

[1] *Full paper set of medical records of Mr Robert Wilson, provided to me by Hampshire Constabulary.*

[2] *A copy of my report dated 08 September 2004.*

[3] *The Palliative Care Handbook Guidelines on clinical management fourth edition, of the Portsmouth Healthcare NHS Trust, Portsmouth Hospitals NHS Trust, and the Rowans (Portsmouth Area Hospice), 1998.*

#### 5. CHRONOLOGY/CASE ABSTRACT (prepared by Hampshire

Constabulary) *The numbers in square brackets[ ] refer to the page of evidence.*

1.1.

1.2.

1.3.

1.4.

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Jones EA. (2003). Hepatocellular failure. In: Oxford Textbook of Medicine. Vol 2. 741-51. Eds Warrell DA, Cox TM, Firth JD. Oxford University Press, Oxford.

Khunti K, Baker R, Grimshaw G. (2000) Diagnosis of heart failure in general practice. *Br J Gen Pract* 2000;50:50-54

Schug SA, Cardwell HMD (2003). Clinical pharmacology – including tolerance. Chapter 3 in: Sykes N, Fallon MT, Patt RB, eds. Clinical Pain Management. Cancer Pain. London: Arnold.

Shipman Inquiry (2003). Third report. Death certification and the investigation of deaths by coroners. Cm5854. Manchester; the Shipman Inquiry.

Swift B, West K (2002). Death certification an audit of practice entering the 21<sup>st</sup> century. *J Clin Pathol* 55:275-9

Twycross RG, Lack SA (1990), Therapeutics in Terminal Cancer. Second edition. Edinburgh: Churchill Livingstone.

## 10. EXPERTS' DECLARATION

1. I understand that my overriding duty is to the court, both in preparing reports and in giving oral evidence. I have complied and will continue to comply with that duty.
2. I have set out in my report what I understand from those instructing me to be the questions in respect of which my opinion as an expert are required.
3. I have done my best, in preparing this report, to be accurate and complete. I have mentioned all matters which I regard as relevant to the opinions I have expressed. All of the matters on which I have expressed an opinion lie within my field of expertise.
4. I have drawn to the attention of the court all matters, of which I am aware, which might adversely affect my opinion.
5. Wherever I have no personal knowledge, I have indicated the source of factual information.
6. I have not included anything in this report which has been suggested to me by anyone, including the lawyers instructing me, without forming my own independent view of the matter.



7. Where, in my view, there is a range of reasonable opinion, I have indicated the extent of that range in the report.
8. At the time of signing the report I consider it to be complete and accurate. I will notify those instructing me if, for any reason, I subsequently consider that the report requires any correction or qualification.
9. I understand that this report will be the evidence that I will give under oath, subject to any correction or qualification I may make before swearing to its veracity.
10. I have attached to this report a statement setting out the substance of all facts and instructions given to me which are material to the opinions expressed in this report or upon which those opinions are based.

**11. STATEMENT OF TRUTH**

I confirm that insofar as the facts stated in my report are within my own knowledge I have made clear which they are and I believe them to be true, and the opinions I have expressed represent my true and complete professional opinion.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_