

**Martin, Yvonne**

**From:** Niven, Nigel  
**Sent:** 15 December 2004 10:06  
**To:** Martin, Yvonne  
**Subject:** FW: OP ROCHESTER Gosport War Memorial Hospital.

please print

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**From:** Readhead, Ian  
**Sent:** 07 October 2004 07:35  
**To:** Woodford, Mike; Williams, David (DCI)  
**Cc:** Smith, Colin F [ACC SO]; Read, Richard; Niven, Nigel; Law, Dick; Robinson, Kathryn  
**Subject:** RE: OP ROCHESTER Gosport War Memorial Hospital.

David,

Can I be sure that the advice is sufficient for you to determine how and if the release documents. If need be I can commit some of Mikes time to you to assist in what is obviously a legally critical issue.

IR

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**From:** Woodford, Mike  
**Sent:** 06 October 2004 10:02  
**To:** Williams, David (DCI)  
**Cc:** Readhead, Ian; Smith, Colin F [ACC SO]; Read, Richard; Niven, Nigel; Law, Dick; Robinson, Kathryn  
**Subject:** RE: OP ROCHESTER Gosport War Memorial Hospital.

Mike Woodford has dictated the following:-

Dave

Thank you for your note addressed to Richard Read. He has passed it to me to deal with because, as you will appreciate, I have had some previous dealings on the subject of civil litigation which might be started by families of patients who died whilst in Gosport War Memorial Hospital.

Our attitude to these requests has always been consistent and in accordance with the usual procedure that we apply in similar circumstances. We are frequently asked (probably on a daily basis) for information from our files which can be used in civil litigation where the Chief Constable is not a party. Perhaps the following helps to sum up the situation.

Clearly our investigation from our point of view must have primacy. However, there inevitably comes a stage when disclosure is no longer a problem but all the time the investigation is under way we obviously tread carefully. You will know only too well the challenges we faced with Operation Baltimore where civil proceedings were running parallel with the investigation of a possible serious crime. Frequently similar situations arise where there are civil proceedings involving children and a criminal investigation which is trying to identify the perpetrators of serious injuries or sexual abuse.

I think any request for disclosure almost needs to look at each document individually. For example, there can be nothing wrong in disclosing statements from those clients any solicitor represents. After all, probably you and I would automatically keep a copy of any statement we gave to the Police. But it gets far more difficult when, in the case you are dealing with, it looks like there could be civil claim against a member of the medical profession. We are not in any way fettered in releasing information to the GMC. We should do all we possibly can to enable them to reach what must be a difficult decision bearing in mind they are a regulatory body concerned with health and safety. The legal authority for release is what must be a well known case to the GMC and it is Woolgar -v- Sussex Police.

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SR  
Sometime ago we made it clear to the Medical Defence Union that if there was to be a non-party disclosure application against the Hampshire Constabulary we would want to be even handed. That is one of the principles of the Civil Procedure Rules. In other words, an application will probably need to be made under Part 31 of CPR. That would be a non-party disclosure request against the Chief Constable but the potential defendant in any civil claim (e.g. Dr Barton) would be entitled to know of the application. It would be only right a proper for us to insist that both sides in civil litigation where we were not a party were kept in the picture. Such an application would give us an opportunity to explain our position and perhaps tell the Court that there was a danger disclosure could adversely affect the criminal investigation and, as a result, we were unhappy with the request. Presumably we would be able to say that once any criminal proceedings came into the public domain or were NFA, any reservations on our part would rapidly disappear.

You ask about time limits. Much would depend upon the cause of action and what we do not know is whether the families are alleging negligence or personal injury or perhaps even a misfeasance in public office. The solicitors who represent the families will be more than aware of the limitation periods and we are therefore entitled to assume it is their problem rather than ours. Sometimes certain procedural steps can be taken to overcome time being of the essence but I do continue to make the point that is something for the claimants and not the Hampshire Constabulary.

I am happy to discuss this if you wish but hope that the above sets out the standard procedure we adopt in applications for non-party disclosure.

Regards

Mike Woodford  
Force Solicitor

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**From:** Williams, David (DCI)  
**Sent:** 01 October 2004 10:47  
**To:** Read, Richard  
**Cc:** Niven, Nigel; Law, Dick; Robinson, Kathryn  
**Subject:** OP ROCHESTER Gosport War Memorial Hospital.

Richard.

This mail relates to the GOSPORT War Memorial Investigation.

In short we have now released the details of 19 category 2 sub optimal cases to the GMC these forming the basis of an Interim Order Committe hearing on the 7th October 2004. The family Group solicitor for a number of these cases is asking for copies of documents in to pursue a civil claim against Dr BARTON.

The problem here is that we are seeking to restrict information being leaked into the public domain in respect of any of the GWMHosp cases that have been subject to police investigation as the publicity could conceivably affect the fairness of any future proceedings against healthcare professionals.

Whilst we have released info to the GMC you may recall from my previous mails that this has been done under strict and agreed criteria.

In short we take the view that we should resist revealing information to family group solicitors for the aforementioned reasons until criminal proceedings have been decided one way or the other.

Many of these cases date from the mid to late 1990's, although sub optimal care

assessment by the experts has only been made within the last 12 months.

Could you please clarify the time limitation issues?..

Regards..

Dave WILLIAMS.

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**From:** Williams, David (DCI)  
**Sent:** 21 September 2004 17:43  
**To:** 'Lisa Elkin'  
**Subject:** RE: Cat 2 cases reviewed by ML

Lisa.. I have been out of the Country..

Our initial thoughts regarding disclosure of medical expert reports in advance of any criminal proceedings is that we would not..however I appreciate the logic of the request.. I will get back to you on this point.

I am sure that I will be able to meet with Ann as suggested. I will access my Diary I get back to you early next week with some dates..

Regards.DW.

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**From:** Lisa Elkin [mailto: ] Code A  
**Sent:** 20 September 2004 15:54  
**To:** Williams, David (DCI)  
**Subject:** FW: Cat 2 cases reviewed by ML

Dear David,

I refer to my previous e-mail and note that I have still not received a response. I look forward to hearing from you in the near future.

Ann will be in London over the next 3 weeks and wondered if you were going to be spending any time there and if so, whether you would be available for a short meeting with her. I would be grateful if you could let me know your availability.

Kind Regards,

Lisa

-----Original Message-----

**From:** Lisa Elkin  
**Sent:** 06 September 2004 16:37  
**To:** 'david.williams@ ' Code A  
**Subject:** RE: Cat 2 cases reviewed by ML

Dear David,

Thank you for your e-mail. I am aware that you have spoken to Ann regarding the letter and I would be grateful if you could let me know when you intend sending this out to our clients.

Ann would be grateful if you could let her know whether you would be willing to disclose any expert reports regarding any of the Cat 2 cases. If a client wants to pursue a civil claim then it would be a huge duplication of work to apply for medical records, instruct experts etc. when this work has already been completed. We would

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be eager to progress these cases asap as there are obvious limitation problems.

I look forward to hearing from you.

Kind Regards

Lisa -

-----Original Message-----

**From:** david.williams@[redacted] Code A  
 [mailto:david.williams@[redacted]] Code A  
**Sent:** 03 September 2004 08:40  
**To:** Lisa Elkin  
**Cc:** nigel.niven@[redacted] Code A; owen.kenny@[redacted] Code A  
**Subject:** FW: Cat 2 cases reviewed by ML

Lisa.

An update.

We are looking to release informaton in respect of the following 19 cases to the GMC in order that they can consider the continuing registration of Healthcare professionals.

I have drafted a letter to the Family Group members which should be sent today (attached) along with a summary of the experts findings in each individual case, and a consent to release to the GMC form.

Please note that 7 of the category 2 cases will be subject to further review. Mathew LOHN has assured us that he will finalise his work on the remaining category 2 cases by next Friday 10th September.. However he has failed to meet previous targets so we will have to wait and see..

As soon as this work has been done we will inform the remainder of the category 2's.

As far as the category 3 cases are concerned, we are still in the process of conducting detailed work around those and Counsel has set aside a month in October to review the evidence.

Regards.

Dave WILLIAMS.  
 Det Supt.

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**From:** Kenny, Owen  
**Sent:** 01 September 2004 13:12  
**To:** Williams, David (DCI); Grocott, David; McKeown, Christopher; Niven, Nigel  
**Subject:** Cat 2 cases reviewed by ML

List of 19 Category 2 cases reviewed by Matthew LOHN for FGM notification and forwarding to GMC.

1. BJC/01A Victor ABBATT
2. BJC/02 Dennis AMEY
3. BJC/06A Charles BATTY

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- 4. BJC/06B Dennis BRICKWOOD
- 5. BJC/09 Sydney CHIVERS
- 6. BJC/17 Cyril DICKS
- 7. BJC/23 Charles HALL
- 8. BJC/31 Catherine LEE
- 9. BJC/07 Stanley CARBY
- 10. BJC/12 Code A
- 11. BJC/22 Harry HADLEY
- 12. BJC/26 Alan HOBDAV
- 13. BJC/35 Eva PAGE
- 14. BJC/36 Gwendoline PARR
- 15. BJC/37 Code A
- 16. BJC/38 Margaret QUEREE
- 17. BJC/40 Violet REEVE
- 18. BJC/42 James RIPLEY
- 19. BJC/47 Daphne TAYLOR

List of Category 2 cases reviewed by Matthew LOHN requiring further consideration.

- 1. BJC/04 Edith AUBREY
- 2. BJC/05 Henry AUBREY
- 3. BJC/13 Code A
- 4. BJC/34 Geoffrey PACKMAN
- 5. BJC/41 Gladys RICHARDS
- 6. BJC/44 Elizabeth ROGERS
- 7. BJC/48 Sylvia TILLER.

Owen.

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