

E-mail Message

From: [Code A] [EX:/O=HMCOURTS-SERVICE/OU=ARAMIS/CN=RECIPIENTS/CN=[Code A]
To: [Code A] @dh.gsi.gov.uk [SMTP:[Code A]@dh.gsi.gov.uk]
Cc:
Sent: 07/08/2009 at 15:40
Received: 07/08/2009 at 15:40
Subject: RE: GOSPORT WMH AND THE BAKER REPORT

Code A

The outstanding inquest for Mrs Richards does seem to be in the public domain - I've seen references to it in media articles on the other Gosport WMH inquests - so no reason not to refer to it in your reply.

David Horsley is HM Coroner for Portsmouth & South East Hampshire.

Code A

From: [Code A]@dh.gsi.gov.uk [mailto:[Code A]@dh.gsi.gov.uk]
Sent: 07 August 2009 16:27
To: [Code A]
Subject: RE: GOSPORT WMH AND THE BAKER REPORT

Code A

Thanks very much for this.

We've currently got an FOI request about Gosport, asking to see Professor Baker's report. [Code A]

[Code A] I'd like to tell the MP concerned what we're getting at, ie there's a current GMC hearing and there's a forthcoming inquest. Is it OK to tell him about the inquest? Is it information that's in the public domain?

I'd like to say something along the lines of: "I also understand that the [is it Hampshire?] coroner intends to hold a further inquest into the death of a patient at Gosport WMH. In these circumstances..."

Code A

Investigations and Inquiries
 Department of Health
 Area 421, Wellington House
 133-155 Waterloo Road
 LONDON SE1 8UG

[Code A]

GTN: 396 21292

Code A

06/08/2009 10:00

To: **Code A** SC6/DOH/GB@DOH
 cc: **Code A**
 Subject: RE: GOSPORT WMH AND THE BAKER REPORT

Code A

There is indeed going to be an inquest into the death of Mrs Richards. I've checked with the coroner's office, who confirmed that no date has yet been set.

The coroner initially reported to our Secretary of State, under section 15 of the Coroners Act (which requires the SofS to give a direction to hold an inquest where the body is not recoverable or has been destroyed by fire - including cremation), 7 of the deaths for which there have already been inquests (the other 3 didn't need a s15 direction).

Mrs Richards' case was later reported separately under section 15, and our understanding is that the coroner felt, on the basis of the initial information available about her death, that other issues were involved. That is why the inquest was not heard with the other 10 from Gosport WMH.

Most inquests are held without a jury but there are particular circumstances when a jury is called, including if the death occurred in prison or in police custody, or if the death resulted from an incident at work. The other Gosport WMH inquests had a jury, but that's not necessarily a precedent if the coroner regards Mrs Richards' inquest as being distinguishable.

I hope this is helpful.

Code A

Current Coroner Policy Team
 Coroners and Burials Division
 Ministry of Justice
 3rd Floor (3.20), 102 Petty France
 London, SW1H 9AJ

Code A

From: **Code A** @dh.gsi.gov.uk [mailto:**Code A** @dh.gsi.gov.uk]
 Sent: 05 August 2009 17:03
 To: **Code A**
 Subject: GOSPORT WMH AND THE BAKER REPORT

Code A

As you know, we've been thinking about releasing the Baker report into the public domain. Before we did that, we checked with Dr Barton's representatives at the GMC hearing to make sure that she'd seen the report herself. She and they (the

Medical Defence Union) have seen the report, but the MDU person told me that the Portsmouth coroner is proposing to hold an inquest into another Gosport patient. Here's what the MDU told me:

Can I confirm that the GMC hearing is due to conclude in the next 4 weeks as things stand, though we cannot rule out the possibility that the case will overrun, in which case it may be postponed for some time.

Unfortunately the GMC hearing will not see an end to the judicial proceedings. The Portsmouth Coroner has decided to hold an inquest into the death of Gladys Richards. She was the patient whose care was first considered by the police. I will be pleased to let you know when I hear further from the Coroner about the inquest. No date has yet been set for that, but I anticipate the Coroner will be aiming to do that following the conclusion of the GMC hearing.

As one of the reasons we were proposing to release the Baker report after the conclusion of the GMC hearing was that all the various proceedings would then be over, the decision to hold another inquest rather changes things. Our lawyers have now said that if there is indeed to be a further inquest, releasing the Baker report would not be a good idea - there might be a risk that it could prejudice things, particularly if the report was picked up by the media, as it well might be, depending on timing and the outcome of the GMC hearing, and any coverage was seen by people who might be on an inquest jury (I'm not clear when coroners have juries - is it at their own discretion or are there clear rules?)

So we're rather stuck at present. There seems to be a possibility that the GMC hearing might last longer than we'd expected, and we'd planned to release the Baker report after the hearing. It now looks as though there will be another inquest, but not until the conclusion of the GMC hearing. If there is to be an inquest, that would probably make us reconsider the whole question of releasing the report before the inquest finishes - and who knows what fallout the verdict, whatever it is, might give rise to. Have you heard anything about another inquest?

And, of course, we've still got the FOI request from Norman Lamb MP to see the report (I need to chase that up and find where things have got to).

I hope the foregoing makes sense, it's been a long day.

Code A

Investigations and Inquiries
 Department of Health
 Area 421, Wellington House
 133-155 Waterloo Road
 LONDON SE1 8UG
 Tel: **Code A**
 GTN: 396 21292

This e-mail (and any attachment) is intended only for the attention of the addressee(s). Its unauthorised use, disclosure, storage or copying is not permitted. If you are not the intended recipient, please destroy all copies and inform the sender by return e-mail.

Internet e-mail is not a secure medium. Any reply to this message could be intercepted and read by someone else. Please bear that in mind when deciding whether to send material in response to this message by e-mail.

This e-mail (whether you are the sender or the recipient) may be monitored, recorded and retained by the Ministry of Justice. E-mail monitoring / blocking software may be used, and e-mail content may be read at any time. You have a

responsibility to ensure laws are not broken when composing or forwarding e-mails and their contents.