

E-mail Message

From: Code A [EX:/O=HMCOURTS-SERVICE/OU=ARAMIS/CN=RECIPIENTS/CN= Code A]
To: Code A
Cc: Code A [EX:/O=HMCOURTS-SERVICE/OU=ARAMIS/CN=RECIPIENTS/CN= Code A]
Sent: 06/07/2009 at 07:48
Received: 06/07/2009 at 07:48
Subject: FW: MINISTERIAL CORRESPONDENCE FROM NORMAN LAMB MP ABOUT GOSPORT WAR MEMORIAL HOSPITAL

Attachments: Norman Lamb to SoS 08-06-2009.pdf
scan0007.tif
NormanLambPOJuly09.doc

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Suggested lines in track changes.

Would you please copy us into the final version of the letters.

Thanks.

Code A

Head of Current Coroner Policy
Coroners and Burials Division
Ministry of Justice

3rd Floor

102 Petty France

London SW1H 9AJ

Code A

From: Code A
Sent: 03 July 2009 14:51
To: Code A
Cc:
Subject: RE: MINISTERIAL CORRESPONDENCE FROM NORMAN LAMB MP ABOUT GOSPORT WAR MEMORIAL HOSPITAL

Code A

Thanks for agreeing to provide a contribution to our reply to the letters Norman Lamb MP has sent to our Secretaries of State. You've seen the one to Jack Straw, I attach below the one to Andy Burnham. The letters are basically the same, the

differences being in the fourth paragraph, where the one to Mr Straw mentions the recent inquests and, in effect, calls on the Hampshire coroner to take further action.

We and colleagues here who liaise with the GMC are working on a single reply covering Mr Lamb's other points. I attach the current version (solicitors are still commenting on it and other colleagues are on A/L) Although our final reply might be slightly different, it would be very helpful if you could let me have a short contribution by Wednesday 8 July.

The FOI request for the Baker report is still up in the air a bit as we have hitherto said that it would be inappropriate to release it while Dr Barton's GMC hearing is still under way but the GMC have now said that they would have no problem with its being released. But there are still various hoops we have to go through if we do release the report, including informing Professor Baker.

Letter to Andy Burnham

draft reply to Norman Lamb MP

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

Code A

Code A

25/06/2009 09:46

To

Code A /SC6/DOH/GB@DOH

cc

Code A /CQEG-IIU/DOH/GB@DOH, **Code A**

Subject

RE: MINISTERIAL CORRESPONDENCE FROM NORMAN LAMB MP ABOUT GOSPORT WAR MEMORIAL HOSPITAL

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Many thanks. If you send us your draft reply, we'll add something about the Gosport inquests.

Thanks

Code A

Head of Current Coroner Policy

Coroners and Burials Division
 Ministry of Justice
 3rd Floor
 102 Petty France
 London SW1H 9AJ

Code A

From: [redacted] **Code A**
 Sent: 25 June 2009 09:41
 To: [redacted] **Code A**
 Cc: [redacted]
 Subject: MINISTERIAL CORRESPONDENCE FROM NORMAN LAMB MP ABOUT GOSPORT WAR
 MEMORIAL HOSPITAL

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We've agreed to take the attached Norman Lamb case which your correspondence unit sent to ours earlier in the week. Mr Lamb's letter to Jack Straw is almost the same as one he's sent to our Secretary of State; the only difference is in the paragraph starting "Further...", which in our letter doesn't mention inquests but makes a formal FOI request for a copy of the Baker report.

We can deal with the points Mr Lamb makes about the GMC but will need a line from you on what he says about the Gosport inquests. I imagine the point is that this is a matter for the coroner. I'd be grateful if you could let me have something for our reply by Monday 29 June.

Thanks and happy to discuss.

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

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----- Forwarded by [redacted] **Code A** /SC6/DOH/GB on 25/06/2009 09:18 -----

----- Forwarded by [redacted] **Code A** /CQEG-IIU/DOH/GB on 24/06/2009 16:43 -----

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Norman Lamb
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The Rt Hon Jack Straw MP
 Secretary of State for Justice
 Ministry of Justice
 102 Petty France
 London
 SW1H 9AJ

15 JUN 2009

8 June 2009

Ref:2009/Gosport/af

Dear Jack,

Gosport Hospital

I am writing to you in relation to the events at Gosport Hospital and the way in which these cases have been investigated and handled by both the General Medical Council (GMC) and the coroner during the inquest which recently concluded.

It is my belief that something has gone badly wrong in the handling of this case from start to finish and in order to resolve these issues and make sure that a situation like this can not happen again in the future, we need a public inquiry.

It is my understanding that Hampshire Police first informed the GMC of their concerns about Dr Jane Barton in 2000 yet it was not until July 2008 that her ability to prescribe drugs was restricted by the GMC. I also understand that the GMC were informed on a number of occasions by their legal team that there was a clear case for stopping Dr Barton from practicing but they refused to intervene. I believe that the GMC need to appear before an inquiry to explain their actions in this case and the way in which they handle issues like those highlighted at Gosport in the future.

Further, the recent inquest only covered 10 of the 92 cases where concerns were raised about possible malpractice. I believe that there is a need for prompt examination of the other 82 cases along with all of the available evidence. Central to this, is the release of the report commissioned by the Chief Medical Officer and carried out by Professor Richard Baker into the death rates at Gosport War Memorial Hospital has been requested under the Freedom of Information Act on a number of occasions.

I look forward to receiving your response in due course and would be grateful for your views on the issues I have highlighted.

With best wishes

Code A

Member of Parliament for North Norfolk

Please quote the above reference in any future correspondence

Code A

19.6.09

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Norman Lamb
Member of Parliament for North Norfolk
Guyton House, 5 Vicarage Street, North Walsham, Norfolk, NR28 9DQ.
Telephone: 01692 403752 Fax: 01692 500818
E-mail: normanlamb@hotmail.com www.normanlamb.org.uk

The Rt Hon Andy Burnham MP
Secretary of State for Health
Department of Health
Richmond House, 79 Whitehall
London
SW1A 2NS

27 May 2009

DEPT OF HEALTH
RECEIVED
15 JUN 2009
CORRESPONDENCE
PRIVATE OFFICE CC25

Ref:2009/Gosport/af

Dear Andy,

Gosport Hospital

I am writing to you in relation to the events at Gosport Hospital and the way in which these cases have been investigated and handled by both the General Medical Council (GMC) and the coroner during the inquest which recently concluded.

It is my belief that something has gone badly wrong in the handling of this case from start to finish and in order to resolve these issues and make sure that a situation like this can not happen again in the future, we need a public inquiry.

It is my understanding that Hampshire Police first informed the GMC of their concerns about Dr Jane Barton in 2000 yet it was not until July 2008 that her ability to prescribe drugs was restricted by the GMC. I also understand that the GMC were informed on a number of occasions by their legal team that there was a clear case for stopping Dr Barton from practicing but they refused to intervene. I believe that the GMC need to appear before an inquiry to explain their actions in this case and the way in which they handle issues like those highlighted at Gosport in the future.

Further to this, I understand that on a number of occasions a copy of the report commissioned by the Chief Medical Officer and carried out by Professor Richard Baker into the death rates at Gosport War Memorial Hospital has been requested under the Freedom of Information Act. I would be grateful for clarification on why this report has not been published and to request a copy under the terms of the Freedom of Information Act.

I look forward to receiving your response in due course.

With best wishes

Code A

Norman Lamb
Member of Parliament for North Norfolk

Norman Lamb Esq MP

Thank you for your letters of 29 May and 8 June to me and Jack Straw respectively about the investigations into events at Gosport War Memorial Hospital. You raise a number of concerns about the way in which the investigation into the case of Dr Jane Barton has been handled by the GMC and you suggest that a public inquiry is necessary. You also refer to the recently concluded inquests in your letter to Jack. I hope you will accept this letter as a reply to both of yours.

My officials have been in contact with the GMC regarding Dr Barton's case for some time and I understand that Hampshire Police first informed the GMC that they were investigating Dr Barton in July 2000. However, no charges had been made against Dr Barton at that time.

Generally speaking, the GMC will not conduct its own investigation while a criminal investigation is ongoing, for fear of prejudicing that investigation. In this case, I understand that Hampshire police specifically asked the GMC not to investigate until the police investigation had concluded for precisely that reason. The GMC has informed me that it took the view that the balance of public interest was that the GMC should not act in a way that might compromise a criminal investigation.

The complexities of this case were such that it took several years for the police investigations to complete. The investigations were finally concluded in December 2006 when the Crown Prosecution Service decided it was not appropriate to bring a prosecution.

My understanding is that the GMC began its investigation in September 2002 once the initial police investigation had concluded, setting a date for a hearing in April 2003. However, once the police investigations reopened in September 2002, the GMC agreed to postpone the hearing date pending the outcome of the police's further investigations.

With regards to the issue that you raise regarding the GMC's legal Advice, I am unable to comment as I have not been party to that advice, which is a matter for the GMC. However, it is my understanding that the GMC applied for an interim order against Dr Barton on five occasions between June 2001 and July 2008, when the Panel decided to impose conditions on Dr Barton's prescribing. Prior to July 2008 the Panel had found there to be insufficient evidence to justify imposing an interim sanction.

The GMC were not party to all of the evidence held by the police until January 2007 when the police made the information they held on the case available to the GMC. I understand that the police were unable to provide the GMC with all of the evidence that they had on the case, while the investigation was ongoing, because GMC rules would have required any information to have been shared with Dr Barton, in the event that the GMC decided to pursue an

interim order against her. I understand that the police were of the opinion that disclosing this information to Dr Barton could prejudice the ongoing investigation. In reaching their decision not to disclose all of their evidence to the GMC, I understand that the police took into account that a voluntary agreement had been in place between Dr Barton and her PCT to restrict her prescribing in relation to opiate analgesics and benzodiazepines from October 2002.

Once the police investigation had concluded a new hearing date was set for 8 September to 14 November 2008. However, the hearing was then postponed again after Hampshire Coroner's Office informed the GMC that inquests were to be held into the deaths of patients at Gosport.

A fitness to practice hearing began on 8 June this year, shortly after the conclusion of the Coroner's inquest, and is expected to run until 21 August.

It is unfortunate that this case has dragged on for a number of years. However, it seems to me that the GMC have acted appropriately in the circumstances and I do not therefore believe that there would be any need for an inquiry into the actions of the GMC in relation to this case.

In your letters you also expressed some concerns about that the recent inquests which have been held in the Gosport case were in respect of only 10 of the total number of deaths that were investigated. It is a matter solely for the coroner, who is an independent judicial office holder, whether to hold inquests in the other cases. If the bodies are buried in his district he could open an inquest at any time, under the provisions of Section 8 of the Coroners Act 1988. If, however, the bodies have been cremated the coroner would have to make a report under section 15 of the Act to the Justice Secretary, who would then decide whether to give a direction to hold inquests. I understand that both circumstances applied in the inquests which have already been held. [MoJ line on comment about inquests]

[Line from DH FOI unit about releasing Professor Baker's report.]