

Gordon Scott

From: Hayden Smith Jane <[redacted] Code A >
To: 'Gordon Scott' [redacted] Code A
Sent: 08 November 2002 08:22
Attach: Gosport.TOR2.doc
Subject: RE: Information for letter to Tony Horne

Hello Margaret

Thanks for that.

I'm attaching a revised version of the TOR - I tried to send it through to you at the Trust yesterday but it may not have reached you there. As you will see I've changed the first line to read "to seek to establish" which I think covers the point about the investigator not being able to get to the bottom of any of the listed issues simply because the information is not available.

On the timing issue - the draft response I'm preparing will indicate that the redeployment will be kept under regular review and reconsidered as further information comes to light; in terms of time scale, the only positive indication we can give is that it will have to continue until at least the outcome of the management investigation is known. That is, I think, different from saying that the redeployment will continue until all lines of enquiry have been completed. It should also be sufficient to forestall any legal action by Tony, but there can be no guarantee in that respect. The issue for the PCT in due course will be whether it can justify keeping Tony on redeployment if the management investigation indicates that he did nothing wrong - and to my mind one of the relevant considerations at that point will be what stage has then been reached in the police investigation. In that regard I understand from speaking to Gareth on Wednesday that the police are currently envisaging that they will not be interviewing Tony or Ian before January 2003.

Gareth did say on Wednesday that he was hopeful that he had found someone to do the management investigation, and that the appointment would have been firmed up yesterday - I've heard nothing further but no doubt he will be confirming the position direct to you and Lucy. If that is the case however then we need to finalise the TOR ASAP - which means getting Ian Reid's comments as soon as ever we can.

The letter confirming instructions to the investigator will need to make it clear who is commissioning the review, and therefore to whom the report must be submitted once available. Any announcement about the review will also have to make that clear. I do take the view however that no public commitment should be made about when or in what form the report should be published - that will need to be left to be agreed once the report is available. We will also need to discuss who at the PCT should receive a copy of the report - my own view is that initially it should only be provided to the Chair of each PCT, given that if disciplinary action does prove to be necessary, the non executives would be needed to form a panel to hear any disciplinary case.

Regards,
JHS

<<Gosport.TOR2.doc>>

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> -----Original Message-----

> From: Gordon Scott [SMTP:[Code A]]

> Sent: Friday, November 08, 2002 7:18 AM

> To: [Code A]

> Subject: Information for letter to Tony Horne

>

> Dear Jane, I apologise for the delay in responding with the details of
> minutes etc for the letter to Tony.

> I believe it is appropriate for him to have the following as a matter of
> course;

> 1. minutes of the;

> board meetings, strategic briefings,

> executive, audit, and risk management committees

> personnel panel, communications group, LIFT project groups

> 2. the NHS Chief Executives bulletin

> 3. NATPACT newsletters and documentation

> There may of course be other things that come along which I think would be

> appropriate which I would forward to him on an ad hoc basis according to

> my judgement.

> Tony, understandably, remains concerned about the length of time any

> investigation will take. I told him it was unlikely that my response

> letter would indicate an end date. However, the timescale, or lack of it,

> seems to be central to any legal case he

> may have so you may want to advise me/Gareth to be more definitive.

>

> I plan to see Ian Reid early next week to review the TORs and will let you

> have any feedback straight away. One thought following our meeting on

> Tuesday, - at the very beginning would it be advisable to use the phrase

> 'to establish IF POSSIBLE' rather than 'as far as possible' which may

> result in criticism for not havng tried hard enough/gone far enough?

> Also, the TORs or words round thme need to make it clear who has

> commissioned the review, who will receive and action the report and on

> what basis the report will be published.

>

> Please give me a call if you would like to discuss any of this. I will be

> at home today and Monday - tel.no is 01730-267969

>

> With thanks for your help

> Margaret Scott

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