

Code A

11th September 2005

Mr J Wilderspin
Chief Executive
East Hampshire and Fareham and Gosport
Primary Care Trusts
Unit 180
Fareham Reach
166 Fareham Road
Gosport
PO13 0FH

Code A



Code A

CAUTION
Only read the content of
this communication if you
are the intended recipient

Code A

Code A

Who this is about?

Code A

Code A
*Is this a
complaint?*

Dear Mr Wilderspin

Re: The late Mrs Dulcie Middleton

Thank you for your letter dated 8 September 2005 together with the enclosure.

I note that the PCT will consider a request received from the Nursing and Midwifery Council or the Ombudsman to review the file and I confirm that I will be requesting the Nursing and Midwifery Council to have the file reviewed.

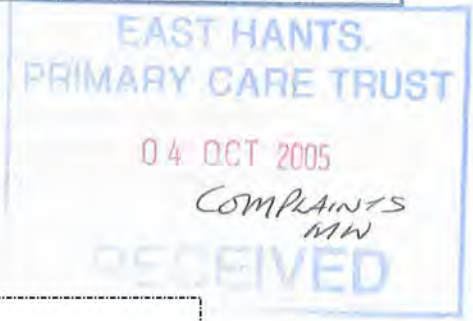
I note, with great regret, that you appear not to understand the reaction of people who suffer a bereavement and your assumption that you do not feel there would be any benefit in meeting with the family portrays the impression that you act with arrogance and no compassion, particularly in the circumstances of the death of my aunt where the PCT acknowledges she did not receive the standard of care to which she was entitled. I am genuinely perplexed as to how you have come to hold your office in a profession which is all about caring and compassion when your response has been so lamentable.

I will not comment further upon your response other than to state that your response leads me to believe that you are more suited to a career in litigation rather than medical care. I have serious concerns as to your ability to ensure that the PCT communicate appropriately with families who suffer bereavements when I consider your personal response to the issues raised and I will take up those concerns with the Secretary of State for Health as well as pursuing answers to the various matters which have been raised with yourself.

Yours sincerely,

Code A

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11th September 2005

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Two copies

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Yours sincerely,

Code A

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Code A

Code A

1/9

Code A

NHS

n and Gosport Primary Care Trusts

Raebarn House
Third Floor
Hulbert Road
Waterlooville
Hampshire
PO7 7GP

Tel 023 9224 8800
Fax 023 9224 8855

Direct Dial: Code A

8 Sep

This is an ongoing case,
(old complaint 2002)
We are awaiting
a letter from the
Nursing + Midwifery
Council. Thanks.

PRIVATE AND CONFIDENTIAL

Code A

Dear Code A

Re: The late Mrs Dulcie Middleton

Thank you for your letter of 1st September received at my office on 5th.

I will respond to the points you have raised in the same order that you have set them out, for ease of reference.

With reference to your request to meet for clarification of the then Acting Chief Executive's response to Code A made on 3rd October 2002, I do not feel that there will be any benefit in meeting three years after the event, particularly since I have responded in writing to the issues you have raised in your recent correspondence and given reasons to the stance taken when it has not been possible to provide the information requested.

I note your comments about the Data Protection Act 1998. Information about case law can be sought from The Department for Constitutional Affairs, web address: <http://www.dca.gov.uk/>.

I understand that you spoke with Code A Complaints and Litigation Manager on 31 August, when you shared that you had made contact with the Nursing and Midwifery Council. I confirm that the PCT will consider any request received from the Council. I cannot, of course, comment on any information that you may have received from them.

With regard to action that was taken as a result of Code A complaint, as stated in Code A letter of 3rd October 2002, I confirm that:

- Increased training was undertaken by junior qualified staff in the planning of care
- A senior nurse was appointed to work with staff to develop their documentation skills
- The set of national standards entitled Essence of Care was applied throughout the PCT and continues to be used.
- Staff training on complaints handling was undertaken in order to develop a better understanding of patient and relative concerns including how best to identify and deal with them.



East Hampshire, Fareham and Gosport Primary Care Trusts

Raebarn House
Third Floor
Hulbert Road
Waterlooville
Hampshire
PO7 7GP

8 September 2005

Tel 023 9224 8800
Fax 023 9224 8855
Direct Dial: Code A

PRIVATE AND CONFIDENTIAL

Code A

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- Staff training on complaints handling was undertaken in order to develop a better understanding of patient and relative concerns including how best to identify and deal with them.

The Primary Care Trust uses a system of regular reviews to monitor its staff performance and employs a Disciplinary Procedure when an employee's work or conduct is unsatisfactory. The PCT recognises however that people are a key resource and invests in training and development activities to maximise this resource as demonstrated in the actions outlined above.

PCT staff complete a vigorous interview process prior to employment, which including interviews, personal matching against a person specification, reference checks and, where appropriate, a check of medical/nursing registration.

I am not able to confirm or deny that NHS officials have made complaints about the way the PCT disciplines its staff neither am I prepared to comment on any unsubstantiated allegations.

As was demonstrated in 2002, every complaint received by the PCT is acknowledged, responded to and an opportunity provided to seek clarification following receipt of the formal response. The current NHS Complaints procedure, implemented on 30 July 2004, gives complainants the right to request that the Healthcare Commission consider an independent review of their case within 2 months of receipt of the letter of response, if the complainant remains dissatisfied. If the Healthcare Commission is unable to obtain a satisfactory resolution; referral to the Ombudsman is the final recourse. Since [Code A] did not take up the offer to meet with [Code A] at the time, I believe the PCT discharged its duty under the regulations at that time. However, as previously stated, the PCT will consider a request received from the Nursing and Midwifery Council or the Ombudsman to review the file. I attach a copy of the Ombudsman's leaflet for information.

Yours sincerely,

Code A

John Wilderspin
Chief Executive
East Hampshire, Fareham and Gosport PCTs

Enc - leaflet



East Hampshire, Fareham and Gosport Primary Care Trusts

Raebarn House
Third Floor
Hulbert Road
Waterlooville
Hampshire
PO7 7GP

8 September 2005

Tel 023 9224 8800
Fax 023 9224 8855
Direct Dial: **Code A**

DRAFT

PRIVATE AND CONFIDENTIAL

Code A

Code A

Dear **Code A**

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Thank you for your letter of 1st September received at my office on 5th.

I will respond to the points you have raised in the same order that you have set them out, for ease of reference.

With reference to your request to meet for clarification of the then Acting Chief Executive's response to **Code A** made on 3rd October 2002, I do not feel that there will be any benefit in meeting three years after the event, particularly since I have responded in writing to the issues you have raised in your recent correspondence and given reasons to the stance taken when it has not been possible to provide the information requested.

I note your comments about the Data Protection Act 1998. Since the Primary Care Trust has not been taken to Court on any issues relating to the Act or its stance in respect of its interpretation of the Act, I am not able to help you on this point.

I understand that you spoke with **Code A** Complaints and Litigation Manager on 31 August, when you shared that you had made contact with the Nursing and Midwifery Council. I confirm that the PCT will consider any request received from the Council. I cannot, of course, comment on any information that you may have received from them.

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- Staff training on complaints handling was undertaken in order to develop a better understanding of patient and relative concerns including how best to identify and deal with them.

Having read his letter not sure how this responds to his point re Case Law. SK

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John Wilderspin
Chief Executive
East Hampshire, Fareham and Gosport PCTs

Enc - leaflet

Code A

Code A

Code A

CAUTION
Only read the content of
this communication if you
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1st Septe

Mr J Wilderspin
Chief Executive
East Hampshire
Primary Care Trust
Unit 180
Fareham
166 Fareham Road
Gosport
PO13 0FF

*could you reply
directly to me
me to sign please?*

phone:

ref:

CIDMNHSDWW
09012005.3

Code A



Code A

Dear Mr Wilderspin

Re: The late Mrs Dulcie Middleton

Thank you for your letter dated 26 August 2005 together with enclosures.

I deal firstly with that part of your letter which refers to an offer contained within a letter dated 3 October 2002, an offer to which you have previously referred in the correspondence.

I note that the offer has never been withdrawn and I hereby, on behalf of Code A accept the offer and would be grateful if you could advise me of a series of dates which would be convenient to you. Upon receipt of your communication I will confer with Code A and agree one of the dates with her and notify yourself as to the agreed date.

*No 3yrs ago
nothing to be gained after 3yrs*

I refer now to the content of the enclosures and specifically that part which refers to the obligation of the Trust to comply with the terms and provisions of the Data Protection Act.

I note that the wording of the document refers to a belief by the Trust that the uses are consistent with its employment relationship and with the principles of the Data Protection Act 1998.

I therefore believe that your unwillingness to provide the information requested is based not upon the terms and provisions of the Data Protection Act but upon your interpretation of those terms and provisions.

Would you kindly confirm as to whether the Court has upheld the stance taken by the Trust in respect of its interpretation of the terms and provisions of the Data Protection Act and, if so, could you kindly refer me to the appropriate Case Law?

I have, since my last letter to you, spoken with the Nursing and Midwifery Council and it has been confirmed to me that not one nurse has been investigated as a result of the sub standard care for which the Trust has previously apologized.

Would you please confirm what action, if any, has been taken by the Trust against any nurses following the apology by the Trust to Code A (I do not wish, at this stage to know names, I wish to know if the Trust has taken any action).

Would you kindly explain how it is possible to ascertain whether nurses employed by the Trust are competent, caring individuals, rather than secretive, malicious individuals intent on harming patients when you have a policy of protecting employees from justifiable investigation. Please explain why the public should have confidence in the employees of the Trust when those employees, even when the Trust has been forced into apologizing for their behavior, are protected by the Trust and the public continue to be treated by individuals who have caused suffering to patients?

Lastly, in terms of this letter, would you confirm, or deny, that complaints have been made to you personally by NHS officials as to the unhappiness of those NHS officials in respect of the Trusts inability to discipline its employees, mainly due to support of the employee by his/her union.

Code A

Code A

1st September 2005

Mr J Wilderspin
Chief Executive
East Hampshire and Fareham and Gosport
Primary Care Trusts
Unit 180
Fareham Reach
166 Fareham Road
Gosport
PO13 0FH

Code A
EAST HAMPSHIRE
PRIMARY CARE TRUST
06 SEP 2005
RECEIVED

Code A

CAUTION
Only read the content of
this communication if you
are the intended recipient

Telephone:
Email:
Your ref:
My ref: C:\DM\NHS\DW
Doc: 09012005.3

Code A

FAREHAM
GOSPORT
05 SEP 2005
PRIMARY CARE TRUST

Dear Mr Wilderspin

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Code A

● Page 2

September 1, 2005

If you do confirm that there is a problem within the Trust, which has been brought to your attention, please explain what action you have taken to date in addressing the problem, as the problem, if it does exist, has an effect on patient care.

I would be pleased to receive a prompt response.

Yours sincerely,

Code A

Code A