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Code A

MILLS
 &
REEVE

Mr A Bradley
 HM Coroner for Hampshire
 Goldings
 London Road
 Basingstoke
 RG21 4AN

31 October 2008

Dear Mr Bradley

Gosport Inquests

I refer to my letters of 22 and 29 October.

I have now spoken to Detective Superintendent David Williams who I believe was the lead in this investigation. He has proved quite helpful and confirmed he is holding original medical records and indeed a whole set of original documents and other papers from the NHS. I believe there is an exhibit list well in excess of 2000 exhibits and that you have seen all the documentation which has been sent to the CPS.

I suspect that much of this is not relevant. Having said that, I attach a copy email which I have sent to the police and you will see that I have made a formal request of them (like I have of you) for return of the original notes to the custody of the NHS. I am also seeking a copy of the disclosure list so that the NHS can review this and to consider what documentation may be relevant.

Are you intending to rely upon any other documents, save for the medical records?

I look forward to hearing from you.

Mills & Reeve
 Solely

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Code A

MILLS
 &
REEVE

Mr R Stephenson

31 October 2008

By email only: rory.stephenson@hampshire.pnn.police.uk

Dear Detective Sergeant Stephenson

Hampshire PCT – Gosport Inquests

I have been asked to email you by Detective Superintendent David Williams.

I am instructed by Hampshire Primary Care Trust and Portsmouth Hospitals NHS Trust to represent the interests of the NHS at the forthcoming inquests into several deaths which occurred in the 1990's at Gosport War Memorial Hospital.

I have been in touch with the Coroner directly but I understand that your office is acting as the Coroner's Officer in this particular case.

I have made a request to the Coroner in writing for the release of the original medical records although I have yet to hear from him. In my discussions with Detective Superintendent Williams, he suggested that I should contact you to make a formal request for the release of the original medical records. It is my understanding that the police enquiry has been concluded long ago. I assume the original notes were taken as part of the original investigation and I suspect that they were probably handed over voluntarily. I was not involved at the time, but that would be the usual practice of the NHS. I believe the notes should be available for the inquest and they will need to be proved by various witnesses. I understand there may be witness statements and transcripts available which of course would be very helpful. I will of course advise the NHS that someone should be available in court to admit the evidence.

Having said that, in the meantime, I believe they remain the property of the NHS and as I am sure you will appreciate there can now be no suggestion of them being fraudulently altered. It is my view that there is no power for the Coroner to retain this notes or for the police to retain them at the request of the Coroner. They contain sensitive personal data which should be returned to the NHS. Their return into the custody of the NHS would of course assist my clients greatly because it would be appropriate for the witnesses to refresh their memories of these events by reference, not only to their statements, but also to the original notes.

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I suspect the Coroner will require bundles of medical records to be available for the interested parties and perhaps for himself and the jury.

I would be happy to liaise with yourself and the NHS in order that appropriately bundled and paginated medical records can remain available to assist the Coroner.

I look forward to hearing from you and if you have any questions, please do not hesitate to contact me and perhaps you would be kind enough to confirm that the originals can be returned to the NHS and I will make the necessary arrangements.

I am also informed by Detective Superintendent Williams that there is an extensive exhibit list and that you are holding extensive reports and documents which all went to the CPS. Would it be possible for you to forward to me a copy of the exhibit lists to indicate what the police are still holding and whether or not you are holding originals.

I am grateful to you in anticipation of your assistance and I look forward to hearing from you.

Yours sincerely

Stuart Knowles
Consultant
for Mills & Reeve LLP

cc. Detective Superintendent David Williams

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