

Gosport Independent Panel

Family Liaison Meeting Wednesday 2 November 2016

Note of meeting

Hornet Services Sailing Club, Haslar Road, Gosport, Hants

Present: Family members; members of the Gosport Independent Panel (Bishop James Jones, Christine Gifford, Deborah Sturdy, David Hencke, Jim Smith, Duncan Jarrett, Kate Blackwell) and Secretariat (Louise Dominian, Judy Joslin, Melanie Peffer, Code A
Code A Tracy Ofeosi)

Welcome

1. The Bishop welcomed everyone to the meeting, thanking those families who returned every quarter and extending a warm welcome to those, around 10 families, attending a meeting for the first time.
2. The Bishop explained that he wanted to give an indication of the scale and timescale of the work that lies before the Panel. The Panel is now in contact with around 120 families. Some families had been involved from the beginning including before the Panel was formally established. At the first meeting, there were 8 families present and now there were 122 families engaged in the Panel's work. The Bishop explained that there was substantially more material for the Panel to review and analyse than had been expected when the Panel was set up.
3. The Bishop had recently met with Philip Dunne, the Minister in the Department of Health responsible for patient safety. At the start of the Panel's work, Norman Lamb had been the responsible Minister, followed by Ben Gummer, and Phillip Dunne was the third Minister in charge. The Bishop had also met with the new Permanent Secretary in the Department of Health, Chris Wormald. The Bishop explained that both the Minister and Permanent Secretary were very committed to the Panel's methodology. This included: an understanding that the Terms of Reference required the Panel to consult with families and listen carefully to their questions and concerns; that the Terms of Reference were shaped but not defined by families; a recognition that the Panel process was about interrogating documents, not people, to allow the Panel to go wherever the documents lead it; and an understanding that families would be the first to see the report.
4. The Bishop reminded families that, although the Panel was set up and funded by the Department of Health, it was independent of the Department of Health. The Bishop emphasised that the Panel was independent of families, and that families were independent of the Panel. For this reason, the meeting room was available for families to use before and after the meeting if families wanted to discuss issues amongst themselves away from the Panel and Secretariat. The Bishop said that he was aware that families had grown suspicious over the years and, as Chair of the Panel, he staked his integrity on families being the first to read the report in its entirety.

5. The Bishop said that when he and the Panel had become aware that the increased volume of material meant the Panel would not meet the original deadline of the end of 2017, he had sought the permission of the Minister, Philip Dunne, to extend the life of the Panel by a few months to Spring 2018 to do justice to the volume of information provided by the hundred plus organisations and the increased number of families.
6. The Bishop acknowledged that this news would be a disappointment to some families but that the number of documents was greater than anyone had anticipated. The Bishop had experienced the same challenges in his work on the Hillsborough Independent Panel. The Bishop said that the Panel was committed to completing their work in the time required to do a thorough job for the families. The volume of material indicated the extent of concerns raised but should encourage families in understanding they were not alone in raising these concerns.
7. The Bishop emphasised that those families present at this meeting were the first to be given this information about the deadline being extended and that the Minister would issue a Written Ministerial Statement later that week. A letter from the Bishop would go out to all families that afternoon. The Bishop said the Panel was keeping faith with the Terms of Reference and the 'families first' principle.

Panel introductions

8. For the benefit of families attending their first meeting, the Bishop asked Panel Members to introduce themselves:

Christine Gifford said that her background was in transparency of and access to information and that she had been a member of the Hillsborough Independent Panel. Christine described her role as identifying relevant organisations who might hold material, securing access to their information and ensuring that organisations gave the Panel all relevant information. Christine was starting work to identify what information will go into the public domain.

Judy Joslin is the Family Officer and leads the Family Team which also includes Melanie Peffer and Code A. Most families would have already spoken to one of the Family Team and Judy explained that her team was the first point of contact for families. The role of the Family Team was to make sure families' questions and concerns are understood by the Panel.

David Hencke was appointed because of his background as an investigative journalist. David had covered a number of investigations, including into the conduct of MPs in Westminster and Whitehall. David said that his role on the Panel was to look at the networks and links operating between different groups and organisations.

Jim Smith is a pharmacist who has worked in all sectors of pharmacy, including the High Street, industry and NHS hospitals. For 15 years Jim was a Director of Drug and Poisons Information. His primary interest is in patient safety, especially the safety of medicines and prescribing. He gave evidence to the Shipman Inquiry. When Jim worked at the

Department of Health, he was aware of events at Gosport War Memorial Hospital, but was not involved in the government's handling of the issues.

Louise Dominian is the Secretary to the Panel. Louise provides support to the Panel Members and manages the Secretariat teams who carry out the Panel's work under its direction.

Duncan Jarrett is a former police officer in the Metropolitan Police where he was a specialist in counter-terrorism and hostage negotiation. On the Panel, Duncan's particular responsibility is investigation. Duncan appealed to families for any material that they might have, even if they were not sure whether it was relevant. He emphasised that the Panel worked as a team in its collective response to families' concerns.

Deborah Sturdy is the nurse member of the Panel. Deborah has 35 years of experience working with older people and was also a nurse adviser at the Department of Health. In the late 1980s and early 1990s Deborah managed a hospital similar to Gosport War Memorial Hospital. Deborah said that she wanted to seek the truth.

Kate Blackwell has been a barrister for 24 years and a QC for four years. Kate is a recorder and part-time Crown Court Judge. Kate has prosecuted and defended serious criminal cases involving white collar crime and regulatory offences. Kate was part of the Prosecution team in the Dr Harold Shipman case and later assisted in the Shipman Inquiry chaired by Dame Janet Smith. Kate is also Counsel to the Daniel Morgan Independent Panel. Kate's role on the Gosport Independent Panel is to advise on issues of law and lead the small team of legal researchers. The areas Kate has responsibility for as a Panel member include: Crown Prosecution Service (CPS) - involvement and decisions taken not to bring prosecutions; the General Medical Council (GMC) and other regulatory bodies and the decisions taken by them; evidence produced during the course of the Inquests and decisions not to hold Inquests.

9. The Bishop informed families that Colin Currie had resigned from the Panel and that the Panel was in the final stages of recruiting a replacement specialist geriatrician. In due course the Bishop would announce the new appointment. The Bishop was grateful for Colin's work on the Panel.
10. The Bishop passed on apologies from Dr Bill Kirkup who was indisposed. The Bishop noted that Bill's work on pathology for the Hillsborough Independent Panel had made a difference to peoples' understanding of the final report.
11. The Bishop said that the Panel brought together a range of expertise. The Bishop explained that judge-led Inquiries amass evidence and then the judge forms a view. With a Panel, there are members drawn from a range of different disciplines and as documents come in to the Panel the different experts are able to analyse these documents. These different perspectives can shine a light on what has happened and the different expertise enables the Panel to access, analyse and interpret material before writing a report that will add to public understanding.

Update on Information Management

12. Christine said that there were now over 100 stakeholders identified, excluding families, and that she was in contact with all of them. Christine explained that her team were getting to the end of identifying stakeholders, but as analysis revealed other names these would be pursued, as appropriate.
13. Christine said that over 700,000 pages of information had been put on the case management system and that she expected that to reach one million. One challenge was to establish how many of these pages were duplicates. Christine estimated that there might be 25,000 duplicate documents and explained that establishing what was a duplicate required a careful review of the documents. For example, the same document received from two different organisations may appear to be duplicates, but if one organisation had written annotations on their copy (for example identifying a train of thought) then this would need to be taken into account and given special consideration. Once duplicates had been identified the overall number of pages might reduce by around 10%.
14. Christine said that no organisation had refused to co-operate with the Panel and that the Panel's report would reference documents to support the statements made in the report. Christine's team had started the work of going back to organisations to review what information, if any, they wanted to redact. Christine explained that there were only three categories of information where an organisation might ask for information to be redacted:
 - i. Personal data or personal sensitive data (e.g. an individual's address or telephone number)
 - ii. Information given in confidence
 - iii. Information that is subject to legal privilege.
15. The first category was the only one which Christine would accept without challenge. Organisations claiming the last two categories would be challenged to prove their claim. Christine explained that the strength of the last two categories erodes over time. Her intention was to get information into the public domain in line with the Panel's Terms of Reference for maximum public disclosure.
16. Christine emphasised that, if she was in any doubt that an organisation had provided all relevant information, then she would keep going back to them until she was satisfied. The Chief Executive or most senior person in the organisation would be asked to sign a certificate, which would be published, to confirm that the searches for information had been carried out effectively and that all relevant information had been provided to the Panel.

Question and Answers

17. In keeping with the no piecemeal disclosure principle, the Bishop reiterated that the Panel cannot give families information about what the Panel has discovered so far. Disclosing information along the way to be picked up by the media could distort the

overall narrative and detract from the impact of the final report. The Bishop said he hoped families would understand that the Panel's approach not to reveal information piecemeal will do greater justice to the task in hand.

18. The Bishop invited questions and comments. In discussion the following points and questions were raised:

- A family member volunteered an audio recording of the 2008 inquest transcripts. Christine said that, although information had been received from the Coroner, she would welcome receipt of all family material held. Kate confirmed that the decisions made by the Coroner formed part of the Panel's review.
- In response to a query about the timeline for publication of the report, the Bishop reiterated that he fully understood concerns around the Panel's end date being extended. The Bishop explained that it was to safeguard the Panel's integrity that he went to the Minister to request a short extension. The original end date published in the Terms of Reference was the end of 2017 and therefore it was an extension of a few months to Spring 2018 which had been granted.
- The Bishop anticipated that there would likely be a meeting with families in Spring 2018 where the report would be presented. The report might also include a summary version of the findings. After families had seen the report it would then be delivered to the Secretary of State for Health who would lay the report in Parliament. Interested Members of Parliament might ask questions or call for a debate and there might be media interest, but the Bishop said there was no way of knowing now what would happen next. Once the Panel had written its report and fulfilled its Terms of Reference the Panel would be wound up and cease to exist. The Bishop made it very clear that there would be no interim or draft report sent to anyone; that the report seen by the families under the 'families first' principle would be the only version and would be the same version as that laid before Parliament and put into the public domain.
- A family member expressed scepticism about the information provided by organisations when responding to Freedom of Information requests, and asked how someone establishes that the information provided was indeed the truth. Christine noted that how organisations have responded to questions asked at the time, and since will form part of the analytical process, including material on relevant social media sites. The Bishop said that the Panel would quote from the documents as appropriate to ensure maximum public disclosure, allowing the documents to speak for themselves.
- Christine clarified the term, 'stakeholder' explaining that it referred to any individual or any organisation who may have been professionally involved in relation to Gosport War Memorial Hospital, so included organisations like the General Medical Council (GMC) and the Parliamentary and Health Service Ombudsman.

- The Bishop reiterated that the Panel is not interviewing anyone or taking witness statements; it is interrogating documents from that period of time. Written, documentary evidence, unlike a person's memory over time, does not fade because it was made and captured at the time.
- A family member brought up the issue of poor care seen by family members at the time, but not recorded in the medical notes. Christine said that families' written records of events captured at that time (e.g. in a police statement or in a diary) will be given the same consideration as a medical record. Deborah added that patterns of care and behaviour, information from complaints, written case notes - but also what is missing or not written down, can all be telling. The Panel would use their knowledge of what was acceptable practice and be able to question whether the information they are reviewing from a variety of sources identifies anything lying outside what was normal and expected practice.
- In response to a question about the time period covered by the historic cases within the Panel's review, Louise explained that a restricted time period for accessing and analysing material had deliberately been excluded from the Panel's Terms of Reference. This gives the Panel the independence to be guided by the evidence in the documentation. The Panel is concerned with historic cases; it is not looking at standards of current care.
- A family member raised the recent ruling on joint enterprise and asked how it related to, for example, nursing staff not taking action when they witnessed care that they knew was wrong and put patients at risk. Kate said that she could not be specific to the issues arising through the course of the Gosport Independent Panel's review but could explain broadly how the law relating to joint enterprise had changed in recent times. Prior to March this year, the law on joint enterprise was quite complicated. Before the law changed, if Janet and John committed crime A, then Janet went on to commit crime B, John would be considered guilty if he foresaw that crime B might happen. Following a Supreme Court ruling, John would now only be found guilty of crime B if he had intended it to happen and had been an accessory to the crime (for example if he had encouraged or assisted in the crime in some way).
- Duncan emphasised that in addition to formal data such as medical records, informal data (for example letters, diaries, or any written communication families have had with others) was also important as it may help corroborate other information. Duncan reminded families to consider whether they had created any information that might be useful.
- In response to a query from a family member regarding accessing notes taken during a visit by a police officer, Christine explained that the family member was perfectly entitled to write to and request these from Hampshire Police and Christine offered to provide contact details.

- The Bishop said that he had been asked before the meeting about funding and he explained that the Minister had assured him of the Panel's funding until Spring 2018.

19. The Bishop thanked everyone for attending and said that he was very mindful that families were revisiting painful memories. The Bishop reminded families to get in touch with the Family Team if they have any questions.

Next meeting – Wednesday 25 January 2017 (Hornet Services Sailing Club, Gosport)