

## Gosport Independent Panel

Family Liaison Meeting Wednesday 25 May 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) and Secretariat (Louise Dominian, Judy Joslin, Melanie Peffer, Code A)

Code A

#### Welcome

1. The Bishop extended a warm welcome to everyone. He said that this was the 8<sup>th</sup> Family Liaison meeting since the announcement of the Panel. People were continuing to come forward, but at a slower rate and there were some families attending a meeting for the first time today. He explained that this was the first meeting with the Family Liaison sub-group members in attendance. The Bishop said that the Panel's work was going on at a pace.
2. The Bishop said that the purpose of the meetings was firstly to maintain contact between the Panel and families. The Panel's Terms of Reference required the Panel to engage regularly with families. Secondly, by gathering together in this way, the Bishop hoped that meetings provided mutual support for families and encouragement that there are other people with similar concerns. Thirdly, the meetings provided an opportunity to raise new questions that may emerge in families' minds over time. One of the concerns of families has been that their questions were not taken seriously during previous investigations. Families were able to register further concerns and questions at any time, not just at meetings, and the Panel will ensure that their questions are taken seriously. The Panel are listening and will continue to listen.
3. The Bishop invited members of the sub-group to briefly introduce themselves:

Louise Dominian explained that she is the Secretary to the Panel and often the person writing to families to invite them to meetings. She explained that she looked after all the administrative and support work for the Panel including all meetings. She has responsibility for all staff who carry out the critical work accessing and analysing the information.

Deborah Sturdy is the nurse member of the Panel. She explained that she has extensive experience working with older people during the same time period as the events at Gosport. Deborah was also a nurse advisor to Government for a number of years on the care of older people.

David Hencke is the journalist member of the Panel. David worked at the Guardian for over 30 years, and has spent many years covering issues in Westminster. David said that he would use his investigative skills to pull together and document the circumstances behind the events at Gosport.

Christine Gifford has a background in information management. Christine said that she was involved in the Advisory Committee on National Records and Archives, was a member of the Hillsborough Independent Panel and has worked in the area of openness and transparency in Government. She was also an adviser to two Lord Chancellors.

Judy Joslin explained that she is the Family Officer and is responsible for all contact and liaison with families and ensuring that families' questions and concerns are known to the Panel.

4. The Bishop explained that that he had recruited Panel Members with the right expertise to deliver the Terms of Reference. For the benefit of new families he outlined the skills that the Panel Members not attending the meeting brought to the Panel.

Kate Blackwell brings legal expertise to the Panel. She is a QC experienced in inquests, criminal and regulatory law. Kate has experience of inquiries, including the Shipman Inquiry.

Jim Smith is a former Chief Pharmaceutical Officer in the Department of Health. The Panel needs an expert in pharmacology and pharmaceuticals and Jim brings that expertise including the safe prescribing and administration of drugs.

Colin Currie spent 30 years as a consultant geriatrician. Colin will look at the medical notes and evaluate the practices followed.

Duncan Jarrett is a former police Commander with extensive experience in police investigations, including counter-terrorism.

Bill Kirkup is an experienced public health doctor and investigator, including on the Morecambe Bay Inquiry and the Savile investigation relating to Broadmoor Hospital. Bill was the medical expert on the Hillsborough Independent Panel where his work was influential in persuading the Attorney General to apply to the High Court to have the original inquests quashed. Bill's expertise is now being used to establish what happened to families' loved ones in Gosport.

5. The Bishop explained that the Panel is accessing and securing information for maximum public disclosure and it will analyse this information and produce a report that adds to public understanding. The Bishop reiterated that during the course of the Panel's work there will be no piecemeal disclosure. This is because it could distort the overall narrative and also, if information is drip-fed to the media, it could detract from the full impact of the final report. The Bishop said that he recognised this approach required families to trust the Panel. The Panel will answer questions as fully as they can but asked the families to respect the Panel's position if there were any questions which could not be answered. Ensuring that there was no piecemeal disclosure will support the Panel's work.

6. The Bishop explained that as more families come forward and more material is accessed, more information becomes known to the Panel. Although the Panel cannot know the final volume of material, it will be substantial. It was hoped that the Panel would report next year but the position has been reserved with the Minister and is dependent on the final volume and nature of information and the impact this has on the Panel's work. The Bishop said the Panel are making significant and substantial progress in delivering its Terms of Reference.

#### **Update on information management**

7. Christine explained the Panel were significantly ahead in accessing material and their approaches for information had not been met with any significant rejections. The Government had asked for all public bodies to co-operate and no organisations have said 'no'. However the Panel is persistent and will go back and check if organisations have provided all their material. As the Panel reviewed material from stakeholders it would also go back where necessary to request particular information.
8. It is information from the material received that will evidence the findings in the Panel's final report, enabling the Panel to set out 'this is what we think and this is why'. Christine emphasised that it was important that the Panel publishes information in as full a format as possible. The Panel's Terms of Reference includes the commitment to oversee the maximum possible public disclosure of all relevant information.
9. Christine gave a presentation on the process of redaction covering the following points (a copy of the presentation is attached):
  - Redaction can be described as 'the process of editing text for publication by the censoring or obscuring of part of a text for legal or security purposes'.
  - The Panel will redact when it is right and proper to do so. Only a very small number of redactions for publication of the report are expected.
  - Personal Information will only be redacted:
    - where it is not already in public domain
    - for security reasons,
    - where disclosure would breach the Data Protection Act.
  - For example, if there is information from inquest hearings already in the public domain which has not been redacted, then the Panel will not redact, given the information is already available.
  - The Data Protection Act only applies to the living. Medical records are subject to separate legislation.
  - Personal details, such as signatures and addresses will be redacted. So for example, if a family had written a letter of complaint their address details and signature will be redacted.

- For family material, the Gosport team will carry out the appropriate redaction of personal data on behalf of families.
  - Organisations may seek to redact information that they consider to be covered by 'Legal and Professional Privilege' or information that they argue has been supplied to them 'in Confidence'.
  - 'Legal and Professional Privilege' is limited and applied only to the person giving the advice and the person requesting that advice and the expectation of the Panel is that since much of this information will be old, organisations will allow this privilege to be waived and for information to be published.
  - Information supplied 'in Confidence' is a common law principle, but with the overriding consideration of what is in 'the public interest'. Organisations would need to justify why they consider information to fall into this category.
10. Discussions are taking place with providing organisations and the Panel's position is that relevant information should be published unredacted in its entirety. The same position applies to families' information and families are urged to take the opportunity to put their information into the public domain.
  11. Organisations are given three weeks to indicate if they want any redactions made to the material they have supplied to the Panel. If the organisation does not respond, the Panel will publish without redacting anything. Christine will scrutinise closely any and all requests for redactions and will go through them word by word and challenge where necessary. The aim and objective is to reach agreement on as little redaction as possible.
  12. In the Hillsborough Independent Panel there were very few redactions out of hundreds of thousands of documents and these were agreed with the Panel. Christine noted that there could be the potential for reputational damage should an organisation push for material to be redacted because it could be perceived as an attempt to withhold information and would draw attention to the material.
  13. Christine asked families to consider the Panel's Terms of Reference and the commitment to maximum possible public disclosure and the fight that families have had over the years to get someone to read, listen to and hear their concerns. Christine asked families to trust the Panel and allow the Panel to publish material which is relevant and appropriate, she urged families to accept this principle.
  14. The Bishop thanked Christine for her presentation, noting that she is the nation's expert in this field, bringing both tenacity and ferocity to the task of liaising with the principle stakeholders to secure access to their information. The Bishop mentioned the new inquest verdict for Hillsborough and said that afterwards the number of hits on the Hillsborough Independent Panel's website was in the thousands. This was to access the documents. The supporting documents obtained by the Gosport Independent Panel will be published on a dedicated website which will provide open access for everyone.

## Questions and answers

15. At the last Family Liaison meeting in April two questions had arisen which the Bishop had referred to Kate Blackwell for confirmation of the responses provided. The first was whether the Panel's report could prejudice or prevent further action being taken. Kate's answer was unequivocally 'no'. The Bishop explained that the work of the Panel would not prevent or prejudice further investigations if it was found that there was a case or cases for a person or others to answer. The Report will be laid in Parliament whereupon it would be considered by the appropriate judicial authority. The second question was about the recent 'joint enterprise' ruling, and Kate Blackwell had confirmed the response that it would not affect the Panel's work.

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

- One family member described the care of her aunt as a patient at Gosport War Memorial Hospital and her own experience of involvement with the police investigation. She asked the following questions of the Panel (i) how many of the sixty plus patients investigated were classed as category two and had suffered sub-optimal care? (ii) why was there no apology from the Health Authority? (iii) what strategy was put in place to improve the care of vulnerable patients who deserved better? The Bishop confirmed that all these areas are within the scope of the Panel's work and are being investigated.
- A family member made reference to the 2002 report by the then Commission for Health Improvement (CHI) which had contained some recommendations.
- In response to a question on whether the Panel would expect to gain access to the notes of meetings which took place between Government, the police, Crown Prosecution Service (CPS) etc. and their legal representatives – or whether 'legal and professional privilege' would apply, Christine said she would expect to see the notes of such meetings.
- In response to questions on medical experts and the witnesses called to give evidence at the inquests, the Bishop confirmed that inquests and the opinions of medical experts are in scope.
- In response to points made about Freemasons, the Bishop confirmed that no members of the Panel or Secretariat are Freemasons. The police are also within the scope of the Panel's work and so too are any background associations between organisations, authorities and individuals.
- The Panel was asked how they will balance the anecdotal evidence alongside documentary evidence. The family member saw the experience of what their relative went through at Gosport War Memorial Hospital but this is not reflected in the medical notes. Deborah Sturdy explained that what was important were patterns of care and patterns of behaviour, which will tell the Panel what was happening in the round – both for individual patients and a collective overview.

- There were a number of questions raised on the individual medical care of relatives, these included questions on the appropriateness of care, whether drugs e.g. for heart problems had been withheld and whether drugs were administered but not recorded. The Bishop emphasised that it was important that families raised their concerns with the Panel and that the medical care of patients was most definitely within the scope of the Panel's work. He added that the Panel is determined to deliver on its Terms of Reference.
- In response to a comment about how deaths were recorded, Christine Gifford said that extensive efforts were being made to access documents relating to the death certification process.
- A family member with a relative living abroad asked whether it would be useful for their relative to give a statement. Bishop James said the Panel's work was dealing with documents from the time period in question; the Panel was not interviewing people or taking statements. However, if the relative did want to feed their concerns and questions into the Panel's work, or had any information about source material, that would be helpful.
- A family member thanked the Panel for their work, and spoke of her experience of her relative's experience, commenting that she had lost faith in the health service and would like to see that restored.

#### **Any other business**

17. The Bishop noted that the next meeting, in July, was only six weeks away and fell within the summer holiday period. He was open to considering preferences in terms of the meeting schedule and whether to continue with a meeting in July and November or combine the two. On a show of hands the overwhelming majority of family members present opted for cancelling the July meeting and holding the next meeting on Wednesday 2 November, as scheduled. The Bishop reminded families that they could get in touch with the Panel via the Family Team if they have a question or concern, or if they would like to arrange a telephone call with a member of the Panel. The Family Team are also happy to visit families at any time.
18. The Bishop brought the meeting to a close by inviting everyone to pause for a few moments of silence to remember the families' loved ones.

**\* Next formal meeting – Wednesday 2 November 2016 \***

**\* Informal meeting – Wednesday 20 July 2016 \***