

File Note

Client: Private

Matter: Gosport War Memorial -v- Gosport War Memorial Hospital

Matter No: 516130/000001/JCW/GOSPORT

Author: Gemma Hill

Date: 19/01/2009

Units: 15

New Kings Court, Tollgate, Chandler's Ford
Eastleigh, Hampshire SO53 3LG

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Code A

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Code A

Attendance on Client 15 Units (Gemma Hill) - Unknown - Gosport War Memorial

GTH and JCW attending pre inquest hearing at Portsmouth Guildhall. Also in attendance:

- Mr Bradley - Coroner
- Alan Jenkins, Barrister representing the MDU and Dr Barton
- Stuart Harvell – Mills and Reeve, representing NHS Trust
- Keiran Bogal – representing Hampshire PCT
- Mike Tyrer – on behalf of Charles Farthing
- Elaine Williams – Hampshire PCT
- Deborah Watts – Mills and Reeve
- Dominic Blake – BBC
- Pauline Gregory
- Ian Wilson
- Alan Lavender
- Betty Packman
- Vicky Packman
- Mr MrKeon – Coroners Officer
- Roy Stevenson – Police
- Peter Mellor – Portsmouth Hospitals

Mr Bradley began the meeting by saying that all the families are properly interested people. He had received correspondence from the GMC saying they no longer wished to be an interested party as it may compromise their position in the future re Dr Barton. Mr Bradley asked if anyone had any objections to this. Nobody did.

Mr Bradley went through the list of properly interested people:

- Dr Barton
- The Families
- The trust – they are the management now and employ the relevant staff.
- PCT – although not the employer at the time the employees have transferred to PCT so liabilities have also been transferred.

Mr Bradley explained that there would be 10 separate inquests. The intention would be to go through each

inquest and look at the detail for each. The generic parts are all likely to involve Professor Black, Dr Barton and Dr Wilcock. The families may not want to attend every day to listen to the inquests which are not relevant to them, but Mr Bradley did not want to exclude them in case there are relevant facts. The families are interested in each inquest as properly interested parties.

There will be one jury for the full hearing. The jury will give their verdict at the end. The individual deaths will be dealt with then the inquest will turn to Professor Black (2 days), Dr Wilcock (2 days) and Dr Barton at the end for as long as it takes.

The inquest will start on 18th March at the combined court centre in Portsmouth.

- Day 1 – 18th March – jury, submissions, housekeeping
- Day 2 – 19th March – Mr Lavender – personal identification and circumstances and any evidence, Sheelagh Joines, Yvonne Astridge, Margaret Couchman and Dr Peters. (Mr Bradley explained that under rule 37 he could admit statements in writing rather than in person. He would produce a list dealing with exactly who would need to attend in person).
- Day 3 – 20th March – Code A
- Day 4 – 23rd March – Helena Service
- Day 5 & 6 – 24th-25th March – Professor Black
- Day 7 – 26th March – Ruby Lake
- Day 8 – 27th March – Arthur Cunningham
- Days 9 & 10 – 30th & 31st March – Robert Wilson
- Day 11 – 1st April – Enid Spurgin
- Day 12 – 2nd April – Geoffrey Packman
- Day 13 – 3rd April – Elsie Devine
- Days 14 & 15 – 6th-7th April – Dr Wilcock
- Day 16 – 8th April - Elsie Devine day 2 if required
- Day 17 – 9th April – Sheila Gregory
- Day 18 onwards – 14th April – Dr Barton for as long as necessary

These are all subject to availability as Mr Bradley has not summoned any witnesses yet. Mr Bradley said he would do this today.

Alan Lavender made a comment that he was down as William Lavender when his full name is actually Alan William Lavender. Mr Bradley noted this.

Stuart Harvell (SH) asked if Gillian Hamblin was due to give evidence for all cases. Mr Bradley commented and said that it may be easier to give 1 set of evidence rather than calling her again and again. (possibly call her on day 2 of Wilson, i.e. 31st)

Mr Bradley said that he had copies of the hospital notes which had been annotated by the police. The police have copies for the 10 families, and the originals will be available at the inquest. If any issues arise from the copies Mr Bradley requested that he be notified before the inquest.

SH said that the original notes are currently with the PCT but will be made available. SH also commented that there may be other documents which should be disclosed too, such as drug prescription charts. Mr Bradley said that would be helpful so SH said he would get these copied and bundled as soon as possible.

Roy Stevenson from the police (RS) said that the copies are not great as some of the originals are not good. The medical notes are made up of what the police believed to be important. There are copies for the families to take away with them today.

Mr Bradley said that he wants the jury to distinguish between each individual, so they are not just a pile of names on paper. He proposed to start each bit of evidence with a family member to build a picture of each individual.

Mr Bradley explained that a schedule will be drawn up and availability checked. Professor Black and Dr Wilcock have confirmed their availability. They have produced reports but these have not been seen. The families not involved in the other inquests will still be welcome to come along but do not need to be there if they don't want to.

Mr Bradley explained that the Combined Court Centre is the other side of the library.

SH said he required some direction on civil matters First he dealt with the documentation of medical evidence. He said that the PHT may want other evidence to be available, for example the Wessex guidelines. The PCT and PHT will get together and come up with a list of documents to be added.

JCW asked if the experts would be asked to consider these documents to see if they are relevant. Mr Bradley said that this would be the case.

SH moved on to say he thought it was inappropriate for expert reports to go before the jury. The reports were commissioned by the police for another purpose and the experts may not be properly interested people. SH said he questioned Dr Wilcock and did not believe he had the correct experience. He has experience in managing elderly patients but his report displays misunderstandings of elderly care.

SH referred to page 38 of his report – re Enid Spurgeon where it states that 'she was not anticipated to be dying', despite the fact that she was 92 and had a fracture which has a mortality rate in younger people of 25%.

Mr Bradley said he disagreed with this. SH said that the reports are inaccurate. Mr Bradley said he would not be giving the jury the reports, but they would take the expert evidence from the experts they hear before them. SH should therefore question Dr Wilcock in court if he has issues with him. SH said he has less issues with Professor Black.

SH said that a year ago he would have suggested instructing an independent expert, however now there is not enough time to do so.

Ian Wilson then said that there are 2 other experts who had not been mentioned – Gary Ford and Dr Monday. These were specific to his father but had been used on other cases too.

Mr Bradley explained that he has to limit his enquiry. IW said he thought it should be a public enquiry. IW said that as some of the relatives are not represented there will be points that they don't understand. Mr Bradley said he understood Packman and Gregory were being represented by JCW but that was it. He said that inquests are the coroners enquiries into the death not public enquiries. They look at what the coroner and juries feel need to be enquired into.

IW said that Mr Bradley should have had all the evidence to start with, but instead he got what the police had given him.

Mr Bradley explained that he had had all the evidence, and was selecting a family member to give evidence rather than allowing every family member. Mr Bradley said he had picked the 2 experts that he liked.

IW then commented that there was other evidence he wanted to see which he had been told he would never see even if he got a court order. RS commented that IW was allowed to see copies of Mr Ford and Mr Monday's reports. IW said that these should have been given to the coroner at the start. Mr Bradley said that he had had all this from the beginning. He had received 14 lever arch files of stuff. He said he would check that he had seen a copy when he got back.

SH then raised the point that this was not an article 2 inquest. Mr Bradley replied that it cannot be as the deaths predated the HRA.

SH then asked whether Mr Bradley will limit the questioning or whether he will permit wider questioning. If wider questioning will be available then D will need the chance to consider evidence. Mr Bradley said he didn't want to limit questioning unnecessarily, especially for the families as they have waited long enough for answers. Wider questioning may not serve the jury but will help the family.

SH then moved to rule 43. Mr Bradley said he cannot take the inquest under rule 43 as the inquiries are from 15-20 years ago. Under rule 43 concerns can be reported to a public body but here there is no point as the body is no longer going so cannot be required to remedy any action.

SH asked if Mr Bradley intended to interact with the press. Mr Bradley said that the press will be at the inquest and will be advised of the chronology but not the content until evidence is given.

Peter Mellor then made a comment about needing to keep a good relationship with the families. He noted IW's comment about getting D off the hook and said that the hospital involved at the time has now been taken over.

Mr Bradley noted that each family has their own reasons for being here, and explained to IW that he would be conducting the inquest and will explain things to him where necessary. IW said there have been 10 years of cover ups. Mr Bradley said he will try to interpret legal jargon for the families. The jury will not be lawyers and they will need to understand too.

Alan Jenkins asked Mr Bradley to remind everyone about the purpose of the inquest. Mr Bradley replied that the purpose is to identify the identity of the person, the time and circumstances of death, the cause of death and other details. It is not to establish civil or criminal liability. The law is specific about what can be done.

DB from the BBC asked Mr Bradley if he would explain the possible verdicts. Mr Bradley replied no as he didn't want to anticipate anything until all the evidence had been heard. There may be narrative verdicts.

Mike Tyrer then said that the spelling of 'Stuart' should in fact be 'Stewart.' Mr Bradley noted this. He asked when he could have the 2 reports mentioned earlier. He was told to speak with the police.

JCW clarified with Mr Bradley that the press would be allowed to sit through the whole hearing. Mr Bradley said yes that was the case unless there were national security issues. Any family member would be welcome to attend throughout the hearing.

Keiron Bogal then commented that she can prepare an organisational chart of how the hospitals have changed over the years which may assist the families.

AJ asked if the jury would get the medical records. Mr Bradley said they would be available but can be referred to at any point. AJ asked if the jury will have an agreed resume for each patient, e.g. date of admission, etc. A short chronology may be helpful. RS said that the police had a spreadsheet with this information on already. AJ said he thought it would be helpful for the jury to have this information to hand as they will have a lot of information to consider. RS said he would agree a format with Mr Bradley.

Mr Bradley said that was all he had to say and that he would see everyone at 10am on 18 March.

Day	Date	Stage of proceedings
1	18 th March	Jury, submissions, housekeeping
2	19 th March	Mr Lavender
3	20 th March	Code A
4	23 rd March	Helena Service
5 & 6	24-25 th March	Professor Black
7	26 th March	Ruby Lake
8	27 th March	Arthur Cunningham
9 & 10	30-31 st March	Robert Wilson
11	1 st April	Enid Spurgeon
12	2 nd April	Geoffrey Packman
13	3 rd April	Elsie Devine
14 & 15	6-7 ⁴⁻⁵ April	Dr Wilcock
16	8 th April	Elsie Divine day 2 if required
17	9 th April	Sheila Gregory
18	14 th April onwards	Dr Barton – for as long as required