

Professor Brian Livesley MD FRCP

Code A

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Code A

16 July 2002

Your ref: MIC/Det.Supt/JJ/DM

Detective Superintendent John James
Major Incident Complex
Fratton Police Station
Kingston Crescent, North End
Portsmouth
Hampshire PQ2 8BU

Dear Detective Superintendent James

RE: OPERATION ROCHESTER

I write following the publication of the recent report by the Commission for Health Improvement (CHI) entitled *Portsmouth Healthcare NHS Trust at Gosport War Memorial Hospital*.

I note from this report and from my subsequent conversation with Ms Julie Miller (the CHI Lead Investigations Manager) that you had sent to CHI the discussion document I prepared at DCI Burt's request. This was entitled *Initial medical report for discussion only* and dated 9 November 2000.

Following our meeting with Counsel and the CPS on 19 June 2001, and our subsequent mobile to mobile telephone conversation that afternoon, I wrote to you that day (19 June 2001) withdrawing this initial document stating it would be replaced with a formal statement at a future time. The receipt of this letter at your offices was confirmed by my follow-up telephone conversation with your secretariat.

This formal statement entitled *Medical Report: concerning the case of Gladys Mable Richards deceased* was sent to you on 10 July 2001 and further referred to in my note to you dated 17 July 2001.

You wrote to me on 29 January 2001 seeking my agreement to the disclosure of my report and to which I agreed in my reply dated 31 January 2001. In your response dated 5 February 2001 you listed the bodies to which you would be releasing my report within the then next seven days having previously disclosed my report to CHI on the terms we had agreed.

I am concerned to learn that the report you disclosed to CHI was my previously withdrawn discussion document and not my formal and substituting report of 10 July 2001. I am also concerned that the other bodies mentioned in your letter to me dated 5 February 2002 (viz. the General Medical Council; UKCC; Isle of Wight, Portsmouth and SE Health Authority; and, Portsmouth Healthcare NHS Trust) might also have received in a like manner the withdrawn document and not my formal statement of 10 July 2001.

In these circumstances I will be grateful if you would send copies of my report dated 10 July 2001 to these bodies with an explanatory letter.

I look forward to hearing from you.
Yours sincerely

Brian Livesley