

*From the Rt Hon Andrew Lansley CBE MP
Secretary of State for Health*



POC1_542212

Caroline Dinenage MP
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Dear Caroline,

07 OCT 2010

Thank you for your letter of 13 September on behalf of a number of your constituents who wish to meet me to discuss the possibility of a public inquiry into several deaths that occurred at Gosport War Memorial Hospital in the 1990s.

I am aware of the sad events at Gosport War Memorial Hospital, and I do appreciate the distress of the family and friends of those who died, and their need to understand what happened.

I understand that the Portsmouth coroner will be holding an inquest into the death of another patient who died at Gosport War Memorial Hospital. I shall therefore wait until the conclusion of that inquest before deciding whether any further action is appropriate. I cannot see at present what further would be discussed by a public inquiry.

For this reason, I do not believe it would be appropriate at this time to meet the group of relatives of patients who died. I realise this may be disappointing to your constituents, but I hope it clarifies my position.

Yours sincerely,

Code A

ANDREW LANSLEY CBE



Our ref: TO00000544574

*Richmond House
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Ms Caroline Dinenage MP
House of Commons
London
SW1A 0AA

12 October 2010

Dear Ms Dinenage,

Thank you for your letter of 10 September to Graeme Tunbridge requesting, under the Freedom of Information (FOI) Act, a copy of Professor Richard Baker's review of deaths among elderly patients at Gosport War Memorial Hospital. Mr Tunbridge has passed your letter to me for reply.

The Department holds the information you request. However, as there is still an inquest pending into the death of one of the patients who died at the hospital, the Department considers Professor Baker's report to be exempt under Section 31(1) and (2) of the FOI Act. This exemption relates to information whose release could be prejudicial to the administration of justice or to the exercise by any public authority of its functions of ascertaining whether any person has failed to comply with the law or is responsible for any conduct which is improper.

Section 31 is a qualified exemption, and we are required to assess, as objectively as possible, the public interest in the information's release against that in withholding it. While we recognise a legitimate public interest in the availability, as far as possible, of information about this important and sensitive issue, we also take into account the very strong public interest in enabling legal proceedings relating to such events to proceed without potential evidence, which may be material to the outcome of those proceedings, being open for debate in a wider public forum, before the proceedings' conclusion. The public interest in preventing this consequence is self-evident, and we have concluded that it outweighs very substantially the public interest in the information's release.

If you have any queries about this response, please contact me quoting the reference number above in any future correspondence.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

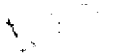
Head of the Freedom of Information Team
Department of Health
Room 317
Richmond House
79 Whitehall
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SW1A 2NS

Email: freedomofinformation@dh.gsi.gov.uk

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Department. The ICO can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,


Deepa Shah
Freedom of Information Team
Department of Health