

Message

From: Hetherington, Gerard [/O=DOH/OU=EXCHANGE ADMINISTRATIVE GROUP

Sent:

To:

CC:

Code A

Subject: RE: SUBMISSION ON PROFESSOR BAKER'S REPORT

Code A

We spoke about Mr Lamb's concerns about the proposals to release Professor Baker's report into deaths at Gosport Hospital. I am sorry that we did not take Mr Lamb's interest sufficiently into account in preparing the submission.

Mr Lamb had several concerns, but his main point was that he had not had an opportunity to contribute his views on whether to hold a public inquiry.

Mr Lamb also raised several questions about the timing of the proposal to release the report, both on the period of time since the last inquest was concluded and the apparent rush to release the report now.

The key point which is driving us towards release of the report as soon as possible is the level of requests to see the report, including several FoI requests and an outstanding Information Commissioners case. Legal advice is that, now that the conclusion of the inquests has removed the legal obstacles to release the report, the Department is legally required to release the report as soon as possible.

The time since April has been taken up by consulting Professor Baker about any assurances he might have given on confidentiality, giving Dr Barton an opportunity to review the report (once we were able to contact her), consideration of issues about personal data under the data protection legislation, consultations with the Portsmouth Coroner and the police. I will produce a timeline as you request.

Mr Lamb asked for the media handling to be strengthened to show more sympathy for the bereaved families including a comment from a Minister and to offer to meet the families. I have discussed this with Code A who has prepared the revised material below.

If we do go ahead and release the report today we are certain to be asked whether we will hold a public inquiry. It would not be possible to prepare advice which sets out a range of options on whether to hold a further inquiry and to have this agreed by all Ministers to support release of the report today.

I think it would be preferable not to give a definitive position today on any further investigations of the events at Gosport including the question of a public inquiry, but to say that it is important that families are now able to see Professor Baker's report in full and to consider its content and that the Minister has offered to meet the families to hear their concerns.

I will prepare a further submission which covers the ground Mr Lamb feels has not been given proper consideration in setting out more fully the options for further investigations into the events at Gosport ranging from no further inquiry or investigation through to holding a public inquiry.

Mr Lamb asked whether we are able to confirm whether recommendation 2 from the report had been acted upon. The rotas, prescribing patterns and other aspects of the practice of Dr Barton and her partners were subject to successive investigations by the Health Authority, the Commission for Health Improvement and the GMC. Some of the cases were referred to the police and the coroner for further investigation and inquests were held into 11 of the deaths.

I hope that Mr Lamb will be able to agree that the report can be released today.

We have learned that Caroline Dineage MP for Gosport is tweeting that DH is expected to release Professor Baker's report today.

REVISED MEDIA HANDLING

Norman Lamb, Health Minister said:

"The events at Gosport War Memorial hospital in the 1990s were a terrible tragedy. We are determined to be open and transparent about what happened at the hospital and that's why we have today published the Baker report.

"The death of a loved one has a devastating impact on the whole family and it's important that they are now given the time to consider this report. I understand this may raise questions and I am more than happy to discuss any concerns raised by the families of those patients."

On Public Inquiry

Professor Baker's report has been helpful in improving the understanding of the events at Gosport War Memorial Hospital and it's only right that the families of those patients now have the time to consider its findings. We will discuss any concerns with the families before making a decision about next steps.

Background;

Since the report was prepared there we have been changes to practices around end of life care and to legislation for the monitoring and audit of the use of Controlled Drugs, as well as better monitoring of death rates in hospitals. NICE have also published guidelines on the use of opioids in palliative care

Gerard

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Subject: Re: SUBMISSION ON PROFESSOR BAKER'S REPORT

Apologies, some further feedback from MS(CS). Gerard, let's discuss when we speak in the morning.

Having re-read the conclusions of the report, he feels they are extremely serious, essentially concluding that it is possible that some patients might have lived/recovered but for the inappropriate use of opiates. He notes that this passage is particularly damning:

"Consequently, it is difficult not to conclude that some patients were given opiates should have received other treatment. Only a detailed investigation of individual cases, in which the accounts of witnesses as well as documentary evidence are considered, can conclude whether lives were shortened by the almost routine use of opiates before death, but I would expect such case by case investigations to conclude that in some cases, the early resort to opiates will be found to have shortened life. I would also expect that in a smaller number of cases, the practice will be found to have shortened the lives of people who would have had a good chance of surviving to be discharged from hospital."

He asks whether we are able to confirm specifically whether recommendation 2 from the report has been fully acted upon?

He is concerned that the press notice is nowhere near sufficient. He feels it should be in the name of a minister and needs to contain some expression of regret/remorse for the treatment of these patients.

He also thinks the families who have campaigned on this should be invited into the department to meet a minister. Can I doublecheck whose portfolio this falls within? Gerard, I believe you thought it would be for PS(H), but MS(CS) thinks it may fall to him as an end of life care issue?

MS(CS) also requested a timeline of what has happened since April, setting out why it has taken so long to get to the point of being able to make the report public.

Many thanks,

Code A

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Sent: Friday, August 02, 2013 12:04 AM GMT Standard Time

To: Hetherington, Gerard; **Code A**

Code A

Gerard, **Code A**

MS(CS) has just come back to me on this to say that he is extremely unhappy with us saying tomorrow that there will be no public inquiry.

As you know, Gerard, he has a very strong interest in this case and has had major concerns about how let down the families involved have felt.

He does not necessarily think we should have a public inquiry, but he is extremely upset that this decision has been made so quickly, and while he is away, so that he hasn't been able to input his views.

There has been a long period (since April) considering publication of the report, and he therefore doesn't understand why we are now moving in such a rush over this decision.

I'm really sorry to have to do this at such a late stage, but MS(CS) has asked me to make clear that he is absolutely NOT content for the announcement that there will be no public inquiry to proceed tomorrow.

Gerard, could we speak ASAP tomorrow morning? I will be in the office from 9.30am but am on my blackberry before that **Code A**

Many thanks,

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Subject: RE: SUBMISSION ON PROFESSOR BAKER'S REPORT

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Thank you for this helpful response.

We will ensure that the report is sent to those who have requested it.

I have notified NHS England and Monitor that the report is to be released on Friday and also the local agencies: Southern Healthcare NHS Foundation Trust (of which GWMH is now part), the Portsmouth Coroner and Hampshire Police.

I have been in touch with Professor Baker, the author of the report, and Sir Liam Donaldson, who commissioned it when he was CMO, and made them aware of our proposals for releasing its content. I have also notified Dr Jane Barton (the GP whose practice was examined in the review) that the report will be released on Friday.

Gerard

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To: Hetherington, Gerard

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Gerard

PS(Q) has agreed to the immediate publication of the report and suggests that this is done by sending it to those who have asked to see it and placing it on the website.

He is content with the media handling, subject to a small amendment to the overall statement – remove “we” from the first line of the second paragraph.

He agrees that a public inquiry should not be held.

Code A



Department
of Health

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Private Secretary to Earl Howe

Parliamentary Under-Secretary of State for Quality

Department of Health, 79 Whitehall, SW1A 2NS

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Subject: SUBMISSION ON PROFESSOR BAKER'S REPORT

I attach an easier-to-read version of Professor Baker's report without the track changes.

Gerard

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