



HAMPSHIRE CONSTABULARY

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Your Ref.

12th October 2004

Elizabeth McAnulty
Nursing & Midwifery Council
23 Portland Place
London, W1N 4JT

Dear Liz,

Re: **Operation Rochester – Investigation into deaths at Gosport War Memorial Hospital (GWMH)**

I write further to our useful meeting of the 6th October 2004. You will recall that during this meeting I provided you with an update as to the present stage of our investigation. I explained that we were investigating the deaths of 88 patients at the GWMH. To assist us in this investigation we commissioned a team of clinical experts to review the medical records of these patients and provide us with an analysis and categorisation of treatment.

The categorisation fell into 3 sections. The treatment of patients that fell into category 1 was considered to be acceptable. The treatment of patients that fell into category 2 was considered to be sub optimal but did not present evidence of unlawful criminal activity. Category 3 cases were considered to warrant further detailed investigation to determine whether unlawful criminal activity could be identified.

I was able to tell you that we had written to all those patient families who fell into category 1 and notified them of the findings. The category 3 cases are, as I described, subject to continued investigation.

The particular purpose of this letter is to allow us to discuss the issue of the category 2 cases, of which there are in excess of 50 cases. To date we have been able to provide records in respect 19 cases to your colleagues in the GMC. It is our proposal to provide your Council with the same documentation. However, before we can do that we would need to agree, in writing, the terms of reference in respect of this disclosure.

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At our meeting I verbally outlined the broad conditions of the agreement we reached with the GMC. In general terms you considered such conditions as being reasonable but, quite rightly, we all felt that such should be put into writing to allow for further deliberation.

The below constitutes our criteria which has been agreed in conjunction with the Crown Prosecution Service (CPS).

1. That the information supplied is towards a private Preliminary Proceedings Committee
2. That there is no adverse publicity prior to or during any criminal proceedings.
3. Statements taken by the NMC from witnesses, who are subsequently witnesses in criminal proceedings, will be subject to disclosure.
4. The NMC should liaise with the police informing them of the identity of proposed witnesses before taking statements from those individuals.
5. Permission will be sought from category 2 case witnesses to reveal their statements etc to the NMC.
6. The NMC should not institute further disciplinary proceedings until any criminal investigation and criminal trial have been concluded.

I would very much appreciate you reviewing the above and letting me know your thoughts. We will, of course, consider any alterations or additional points you may wish to raise.

Once we have reached an agreement in writing, I will undertake to deliver the material in respect of these 19 cases. For your information, we will provide in respect of each of the 19 cases a full copy of the patient notes, the précis notes of each of our clinical team, a summary prepared by our expert advisor and the concerns raised by the patient's families.

In due course, we will supply your Council with the remaining category case papers and I would anticipate you will have all such papers in respect of all of the category 2 cases by the end of this year.

I very much look forward to hearing from you in the near future. If, however, I can be of any assistance to you in the mean time, please do not hesitate to contact me.

Yours sincerely

Nigel Niven
Detective Chief Inspector
Operation Rochester