



H A M P S H I R E C o n s t a b u l a r y

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Ms E McAnulty
 Director Of Professional Conduct
 United Kingdom Central Council for Nursing
 Midwifery and Health Visiting
 23 Portland Place
 LONDON
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Dear Ms McAnulty

Re: Mr Phillip BEED, Margaret COUCHMAN and Christine JOICE

I am writing in reply to your letter of the 11th February 2002, concerning the above named.

I note that you conclude that you are not in a position to take any further action. In respect of that decision I consider I must draw to your attention matters that may not have been clearly articulated in my letter of the 6th February.

I am aware that you attended a briefing with the previous Senior Investigating Officer, DCI Ray BURT, at our headquarters in May 2001. At that time we were awaiting a decision from the Crown Prosecution Service as to whether or not any clinical or nursing staff were criminally liable in respect of the death of Gladys RICHARDS at Gosport War Memorial Hospital in August 1998. You will be aware from my correspondence to you that the Crown Prosecution Service decided in July 2001 that on the basis of evidence presented to them there was not a realistic prospect of conviction in that case and that proceedings should not be instituted.

You will also be aware that we commissioned two further experts to report on other deaths at the hospital and I have forwarded those reports to you.

Whilst it is the position that the Crown Prosecution Service concluded in the case of Gladys RICHARDS there was insufficient evidence to prosecute that decision was taken before Professor FORD's report was commissioned. I took the view, for a variety of reasons, that



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we could not re-visit that decision. I also concluded that a wider police investigation was not appropriate, again for a variety of reasons I am happy to discuss with you.

Despite these decisions it is clear to me that Professor FORD in his report makes a number of observations about the role of other agencies in investigating the appropriateness of individuals actions in delivering care to patients at Gosport War Memorial Hospital. In particular I refer to pages 35/36, paragraphs 7.3 to 7.7 inclusive.

His conclusions on five patient cases are reflected in the report of Professor LIVESLEY who reported on Gladys RICHARDS alone. I am not sure you have previously received a copy of the report and now enclose it for your information. I would draw your attention particularly to page 16, paragraph 7.14.

The combined impact of these reports clearly raises concerns about the actions of individual nurses and doctors as described fully in the papers. Our decision not to re-visit the decision in respect of the Gladys RICHARDS case and other patient deaths is primarily concerned with the investigation of potential offences of manslaughter by gross negligence. The test being applied, in part, to that decision is whether or not there is, or we are likely to gather, evidence in support of those offences to the appropriate standard of proof. This seems to me to be very different from determining, to the same standard of proof, that nursing or medical staff have failed to deliver care to the appropriate professionally recognised standards.

The reports previously forwarded to you were only a small part of the information gathered during the course of our investigations. In order to enable the UKCC to discharge its functions as a regulatory body I have authority to share all of that information with you in addition to the material already supplied.

I would stress that our enquiries have focused upon the potential criminal liability of individuals. I, nor any other member of the enquiry team, have not, and could not, come to an informed conclusion about the standard of care delivered by individual doctors or nurses against any recognised professional benchmark.

Nevertheless it appears that there is a prima facia case for enquiries to be commenced to establish whether or not individuals concerned in the care of patients described in the reports of FORD, LIVESLEY and MUNDY have failed to meet professional standards of care.

The Force is clearly willing and able to share any information required to support that investigation.

If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely

J JAMES
Detective Superintendent