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21 August 2007

Dear David

Operation Rochester - Deaths at Gosport War Memorial Hospital

Thank you for your letter of 15 June to Paul Harris about Operation Rochester. As you know we discussed a number of investigated deaths at Gosport War Memorial Hospital today with the police, the Department of Health and your local authority.

I note that you are seeking up to seven Section 15 orders in respect of persons, whose bodies were cremated and who died at the hospital. I am also aware that the police investigated up to 92 deaths of persons who died at the hospital between 1989 and 2000. I also understand that the Crown Prosecution Service has decided that there are insufficient grounds to prosecute anyone in respect of any of these deaths. None of the cases was referred to your predecessor for investigation. You have not yet made a final decision about holding inquests on three cases where the bodies are buried within your district.

I further understand that the common thread in all these cases is a Dr Jane Barton who was employed at the hospital between 1989 and 2000. She is under investigation by the General Medical Council but any hearing is unlikely to take place before early summer of next year.

Perhaps most importantly, this case has the potential to be highly demanding of resources and your county council representative expressed her concern about this. However, the costs of all inquests should be met by the local authority. The Department of Health made it clear that the advice of their Ministers and the Chief Medical Officer was that a public inquiry was unjustified and that any concerns would be best addressed by the inquest process.

In order to determine whether the Secretary of State should issue directions in respect of any or all of the seven cases I think would be helpful to have more information.

Firstly I would be grateful if you could confirm that in accordance with the terms of section 15 you do have reason to believe that, in respect of each case, the deaths occurred in or near your district in circumstances requiring that an inquest be held and that the body has been destroyed by fire or is lying in a place from which it cannot be recovered.

Secondly, as I mentioned at the meeting, the Secretary of State has to consider whether it is desirable to hold an inquest into these deaths. I would welcome your views on whether you think it is desirable to hold inquests and, if so, why that is the case.

The information on the seven cases where cremations took place would need to be provided in much more detail. The summaries at pages 10-11 of the Overview report need to be augmented with full details of why it was thought there was a case which needed to be referred to the Crown Prosecution Service. Are there summary police reports relating to individual cases? If so it would be helpful to have sight of these.

In the light of all the information you have received from the police it would also be helpful to know whether there are other cases which might also require section 15 orders. I understood from the meeting that concerns from family members extend beyond the ten cases under discussion. It would also be helpful to have sight of any representations from family lawyers about these cases, or indeed directly from family members (even if there has been no recent correspondence).

One possible course of action, as discussed, might be to await the outcome of the GMC proceedings against Dr Barton. The problem with this is that these proceedings are unlikely to be concluded before the middle of next year. Such delay does not appear to be justifiable.

I would be grateful if you could provide me with the information requested. I am happy to discuss the matter with you at any time. I do appreciate how demanding these cases will be of time and resources and it is good that you have already been in discussion with Andrew Bradley about his capacity to conduct the inquests.

Yours sincerely

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