

Our Ref: DAR-PCT001-0275511 - David Roche  
 Your Ref: LG/YJM  
 20 September 2000



**Beachcroft  
 Wansbroughs**  
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Dear Lorna

**Gladys Richards (deceased)**

Thank you for your letter of 6 September 2000 with enclosure.

I enclose a schedule listing the members of staff I interviewed at Gosport War Memorial Hospital. The schedule also indicates those who I accompanied to Park Gate Police Station for interview under caution and those who preferred to provide witness statements. I confirm that I did prepare witness statements for the five members of staff as indicated on the schedule. The members of staff concerned approved and signed the witness statements which I sent to Detective Chief Inspector Burt on 15 August 2000.

As you know, I advised the members of staff that they were under no legal obligation to assist the police with their enquiries. I did suggest that they may in principle wish to assist the police as Mrs Lack and [Code A] [Code A] had made a very serious allegation. All members of staff I interviewed agreed to assist the police with their enquiry.

The next question was how they would assist. The police had asked all members of staff to undergo an interview under caution. As you know, I explained to the members of staff that I did not consider that this was appropriate as [Code A] and [Code A] had not made allegations against them. I explained that if they agreed to attend Park Gate Police Station the interview under caution would be completed swiftly as it would be taped. It was really up to each individual to decide whether she objected to the interview under caution in principle or whether she would take a pragmatic view and agree to conclude the matter as so far as she was concerned. I explained that the alternative was to decline to undergo an interview under caution and provide a witness statement. As you will see from the schedule some members of staff decided to undergo an interview under caution and others preferred to approve and sign a witness statement.

I did communicate my views about the proposal to interview the members of staff under caution to the police. The police did say at one of the interviews under caution that they were dealing with the matter in this way as it was speedier for them to interview those concerned under caution, on tape rather than to prepare hand written witness statements. They did not argue when I said some members of staff preferred to provide witness statements. It was agreed that I would prepare the witness statements for approval and signature.

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I note from Lesley Humphrey's email of 1 September 2000 reporting on her discussion with DCI Burt that DCI Burt said that he did not believe that any individual has committed a criminal offence. He told Lesley they were looking at whether institutional practices might constitute a breach of criminal law. I do not know what Mr Burt has in mind. The issue of corporate manslaughter can arise in these cases. However, the law on corporate manslaughter arrived at a complete dead end when the Court of Appeal decided on 15 February 2000 that a corporation could not be convicted on a charge of manslaughter by gross negligence in the absence of evidence establishing the guilt of an identified individual for the same crime. The Government intends to reform the law introducing a new offence of corporate killing.

I consider that the police investigation into this matter has proceeded in a most unsatisfactory way. As you know these allegations were the subject of a cursory investigation in late 1998/early 1999. That initial investigation was concluded and then re-opened again at the end of last year. The police asked members of staff I assisted to attend Park Gate Police Station for interview under caution at short notice. Those who agreed to undergo an interview under caution were asked about care they gave to the late Mrs Richards two years previously. Now it appears that after all this time the police having concluded that no individual has committed a criminal offence wish to pursue some other rarefied line of enquiry with no immediate prospect of an end in sight to this investigation.

I know that DCI Burt told Lesley Humphrey that he may need to ask for details of any other cases where death occurred in similar circumstances. The Trust and its staff has co-operated fully with this enquiry in response to the serious allegations made by [Code A]. However, I cannot see any reason why the Trust should be expected to provide the police with details of other similar cases (if indeed there have been any similar cases) in circumstances where no complaint has been made. Such a request would, as you rightly point out in your letter, raise issues of confidentiality.

I consider that it would benefit all concerned if the police/CPS concluded this investigation and closed their files now. However, I make this comment not having seen statements made by any other members of staff not on the attached list.

However, if Mr Burt considers that it is necessary to pursue further avenues of inquiry I shall be pleased to assist you further at that time if that would be helpful.

Please do not hesitate to telephone me if you have any queries.

Yours sincerely

**Code A**

**DAVID ROCHE**

Enc

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