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Registrant: BARTON, Jane

Email received: 09/03/2010 17:05:07

Sent From: Code A

Subject: Email from DCI at Hampshire police re disclosure of information

For info if we receive any FOI requests on this case.

Does anyone have any views on whether the release of material by the Police to complainants and the media would hinder our case should it be referred to the High Court? I would have thought not.

Thanks

B

Briony Mills
Senior Scrutiny Officer

Council for Healthcare Regulatory Excellence

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From: Code A
[mailto:Code A]
Sent: 09 March 2010 16:41
To: Briony Mills
Subject: Dr Jane Barton

Briony,

Further to our conversation

Operation Rochester is the encompassing title given to Hampshire Constabulary's investigation of deaths at Gosport War Memorial Hospital during the 1990's. Dr Jane Barton was the central character during the investigation and the CPS concluded at the end of 2007 that there was insufficient evidence to progress with criminal proceedings. I am the current Senior Investigating Officer

The current position with regards to Dr Jane Barton from Hampshire Constabulary is as follows.

Subsequent to the Fitness to Practice Hearing of Dr Barton, Hampshire Constabulary, reviewed the transcripts of those hearings given under oath to determine whether any new evidence was presented that would give rise to potential criminal proceedings. Following the police review the papers were also passed to both CPS & Senior Treasury Counsel to allow them to consider similar issues.

That review is not yet concluded and therefore potentially the case against Dr Barton is not fully resolved. That being said I would ask that no material is released by the CHRE that could potentially prejudice future criminal proceedings. When the decision of the CPS has been reached I will forward details to you.

If the CPS decide that no criminal culpability is demonstrated and release the case then Hampshire Constabulary will begin a process within the terms of Freedom of information Act to make available to interested parties details of the investigation. To that end as discussed we have stated an intention under sect 22 of that act to publish in the future.

My understanding of that part of the act is;

Section 22 - Information Intended for Future Publication

In respect of the information held by CHRE that originated from Hampshire Constabulary, this information would still be covered by s22. the wording contained within the legislation in respect of s22 is as follows:

* 22(1)(a) Information is exempt information if the information held by the public authority with a view to its publication, by the authority or any other person at some future date (whether determined or not).

As such, the fact that Hampshire Constabulary has already determined that its information will be published at a future date would allow the CHRE to apply this exemption legitimately to our information that it holds.

In a similar fashion if the release of material by the Police would hinder your case should it be referred to the High Court could you let me know and we will hold off accordingly.

Can I assure you that I do not wish to become involved in your review nor am I seeking any delay. I just want to ensure that any material released to external requests is controlled so as to prevent any prejudice to any future hearings. In addition there is considerable national media interest in this case and I have a strategy as discussed for future information release which is focussed around family members and next of kin.

My email is for the purposes of establishing lines of communication and if I can help or assist you in any way please feel free to contact me.

Regards

Dave Grocott

T/DCI Serious Crime Review Team | External: Code A | Internal: Code A | Mobile: Code A

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