

Gross negligence manslaughter in healthcare

The report of a rapid policy review

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healthcare professionals. Given that investigations into gross negligence manslaughter are rare, police experience of undertaking these cases is limited.

- 9.11. In spite of this, steps have been taken to promote consistency in police investigations into gross negligence manslaughter. The police were clear that, in their view, the senior investigating officers (SIOs) form the cadre of specialists that has the expertise to investigate all complex cases, including those of suspected gross negligence manslaughter. The National Policing Homicide Working Group (HWG), which is part of the Violence Portfolio within the National Policing Crime Business Area, develops national policy and practice for the investigation of homicide, major incidents and other serious crimes. The HWG publishes a twice-yearly journal on homicide¹⁴. It has also produced guidance for SIOs on investigating unexpected death and serious harm in healthcare settings. This was last revised in 2015. This guidance should be updated in the light of the explanatory statement of the law on gross negligence manslaughter and any organisational changes.
- 9.12. In addition, a 2006 memorandum of understanding between the NHS, the Association of Chief Police Officers (ACPO) and the Health and Safety Executive (HSE) set out arrangements for liaison and communication in investigating patient safety incidents involving unexpected death or serious untoward harm. This Memorandum of Understanding (MoU) stated that “the police may conduct initial investigations into matters of concern reported to them and the threshold for taking these forward is usually set at a high level. This means that such investigations should take place only where there is clear evidence of a criminal offence having been committed.”
- 9.13. The principles of this MoU, and the relationship that it set out between police investigations and local safety investigations, is as relevant today as it was in 2006. However, the MoU has not been renewed since the demise of ACPO in 2015¹⁵. The panel believes that a similar MoU should be developed to set out the respective roles of the police, CPS, HSE and health service bodies (such as the Care Quality Commission, the Healthcare Safety Investigation Branch and healthcare professional regulators) in investigating unexpected deaths in healthcare settings in order to ensure that patient safety lessons can be understood and acted upon.
- 9.14. A number of people and organisations that provided evidence to the review suggested that the police should establish a national specialist unit in order to develop expertise in investigating suspected cases of gross negligence manslaughter by healthcare professionals. The police themselves did not support this proposal, arguing that there are too few cases and that it would result in the loss of important local knowledge in investigations. The panel felt that the networking approach taken by the

¹⁴ <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/homicide/homicide-journal/>

¹⁵ For the Police, SIO Guidance for Investigating Unexpected Deaths is available: <http://library.college.police.uk/docs/NPCC/2015-SIO-Guide-Investigating-Deaths-and-Serious-Harm-in-Healthcare-Settings-v10-6.pdf>