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# Nursing regulator in battle with government gatekeeper for Gosport nurse evidence

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The nursing regulator has claimed it has been denied access to critical evidence that could help bring unfit nurses to justice over the Gosport scandal.

Matthew McClelland, director of fitness to practise at the Nursing and Midwifery Council, told *Nursing Times* it would be willing to go to court to get hold of the information if necessary.

**“If we need to seek a court order that is an option but that’s not something we would enter into lightly”**

Matthew McClelland

More than 450 people died prematurely due to the overprescribing of powerful painkillers at Gosport War Memorial Hospital between 1987 and 2001. This summer saw the conclusion of an independent investigation into the events that unfolded.

The [panel in charge of the inquiry](#) found nurses were involved in giving the drugs over many years, despite the obvious link to deaths and it also described numerous failings in overall nursing care.

- [Nurses who raised concerns about painkillers at Gosport were ignored](#)

In addition, the investigators identified failings by the NMC in relation to Gosport and the regulator has since set out to put those wrongs right, including by overhauling many of its formal procedures.

The NMC has sought to gain evidence collected by the panel to determine whether any nurses on its register who were caught up in the scandal needed to be sanctioned. However, Mr McClelland said its request for information had been rejected.



Matthew McClelland

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He said the NMC initially wrote to the Department of Health and Social Care asking for the evidence but was subsequently referred to a new “data controller” appointed by the government following the conclusion of the investigation to act as a gatekeeper to the information.

The independent data controller, who Mr McClelland said was a former member of the Gosport independent panel, this week denied the regulator access to the evidence.

Mr McClelland told *Nursing Times*: “The panel effectively said that [there] appeared to be serious failings in care by nurses here.

“We need to understand what that is [and] what’s that’s based on in order to be able to determine whether there are potentially allegations of misconduct that we need to take action on,” he said.

“So, we need access to the information they’ve got, which might be medical records, it might be records of interviews and so on, in order to take that forward,” he added.

Mr McClelland said the NMC was given a “slightly legalistic” explanation as to why its request for information was denied.

The regulator is now considering its next steps and Mr McClelland vowed to do whatever it took to acquire the evidence it needed.

**“The panel effectively said that there appeared to be serious failings in care by nurses here”**

Matthew McClelland

He said: “We need to now take stock of where we are and what options there are for us to go back to them again to ask for the information and hopefully get access to it, because we are absolutely determined that if there are professional conduct issues that we should be able to take action on them properly.”

The regulator was not ruling out legal action, Mr McClelland said. “If we need to seek a court order, that is an option but that’s not something we would enter into lightly,” he said.

He added: “We hope that by escalating it and by talking to colleagues at the [Department of Health] we will get access to that.”

Mr McClelland said the NMC had investigated a number of complaints in relation to Gosport in the early 2000s but none of them resulted in regulatory action. He hoped the additional information found by the panel will enable the regulator to bring cases forward.

“What we absolutely don’t want to do, having in some cases 30 years elapsed since the incidents that patients [and] family members are concerns about, we don’t want to add to that so it’s really, really key that we get access to the information,” he said.

Last week, the government announced plans to introduce a new law making it mandatory for all NHS trusts in England to publish yearly reports about how they handled cases of staff speaking up in the wake of the Gosport scandal, as reported by *Nursing Times*.

- [New law will ensure nurses’ concerns are heard in wake of Gosport](#)

Nurses were among the first to raise concerns about the prescribing procedures at the hospital, but the independent panel found their voices were ignored.

A Department of Health and Social Care spokeswoman said: “We are working with the NMC on their request but due to the highly personal nature of the data involved, the request requires careful handling by the independent data controller in order to comply with the law.”