

Chris M Williams, Chief Executive, County Hall, Walton St, Aylesbury, Bucks HP20 1UA.  
Copies to senior people, the Press and the Public. [www.nhscare.info/trevor/taspres1.htm](http://www.nhscare.info/trevor/taspres1.htm)

Dear Chris Williams,

**Trevor Saunders: LETTER BEFORE COURT PROCEEDINGS**

This letter is in response to that from a legal assistant in your legal department, dated 8th January 2009, headed "LETTER BEFORE CLAIM IN LIBEL PROCEEDINGS". I repeat my request, in my last letter TAS9, 3 November 2008, that their letters be counter-signed by yourself. Thank you for your reply to TAS9 in which you did not answer my outstanding questions and said you were "...not prepared to continue with this correspondence ...", and for the complaints procedure booklet.

This letter begins with my response to your legal department's letter - which some readers will interpret as an attempt to intimidate, and gives you notice of the consequences, including to you personally, should you choose to take this path and continue with your present policy. i.e. if you choose not to offer a suitable apology and explanation, leading to a mutually agreeable conclusion.

I then give a brief explanation of the origin of this dispute and where we are now. This is for yourself - should you not have already made sufficient enquiries into the case of Trevor Saunders. It is also for readers including solicitors, barristers and judges, who may need to deal with this case. These letters were all written, knowing that they might be supporting evidence in some future court action, such as the Judicial Review stage of our claim for Continuing Care based on "Coughlan", or claims against Buckinghamshire County Council, or claims against particular officers, including yourself. You should know by now that these letters are based on expert legal advice.

This letter ends on a conciliatory note, following up on the good work done by the assistant in your legal department in clarifying exactly what changes you would like to the [gpss.tripoduk.com/trevor](http://gpss.tripoduk.com/trevor) ([nhscare.info/trevor](http://nhscare.info/trevor)) pages. I hope this is the path we are both able to follow.

Now my response to the letter dated 8th January 2009, headed "LETTER BEFORE CLAIM IN LIBEL PROCEEDINGS"....

This letter gives you, Chris Williams, Chief Executive of Buckinghamshire County Council, the final opportunity for an apology and explanation, before we initiate complaint proceedings through the Local Ombudsman's Office in London, and/or court action through solicitors against yourself and/or particular officers within your council. I urge you and relevant staff to take independent legal advice concerning possible legal action against yourself and/or others, as individuals, or your Council. I suggest that your contracts of employment are examined to identify where you are not protected from such action. This is why I've asked you to countersign the letter of 8th January.

This includes possible action by the relevant authorities, should there be sufficient evidence of criminal behaviour such as misfeasance in public office. It also includes possible civil action, claiming compensation for costs incurred including, but not limited to: legal costs to Saunders/Lovelock during 2008 and 2009; Costs to date of Trevor's placement in Chiltern Court, rather than taking the appropriate action in 2007 which would have meant the NHS would have met the cost until the appeal process for Continuing Care was completed; Compensation for Mr Saunders' lower quality of life, lack of therapy, and suffering resulting from being kept in Buckinghamshire, against his wishes, far from friends and family; costs related to extra travelling time by friends and family; costs due to the time spent in supporting Trevor by friends including myself; Compensation for innocent council staff who may have suffered due the action or inaction by more senior staff. Costs, should your contact with my Internet Service Provider, disrupt [gpss.tripoduk.com](http://gpss.tripoduk.com) beyond the [/nhscare/trevor](http://nhscare.info/trevor) site. This includes effects on my [GPSS.co.uk](http://GPSS.co.uk) business, and the operations of my many clients. This includes any consequential damage on business or security operations in over 160 countries, including UK Ministry of Defence, police constabulary, and armed services operations.

We will defend vigorously your allegation of defamation/libel on [www.nhscare.info](http://www.nhscare.info). We are collating evidence to support our allegation of "incompetence and deceit" and also looking for evidence of

possible examples of misfeasance in public office and/or maladministration, sufficiently robust to be taken through the courts including a possible Public Enquiry.

I now offer a brief explanation of the origin of this dispute and where we are now....

The details of Trevor Saunders' case, dating from his stroke on 11th September 2006, are public on [www.nhscare.info](http://www.nhscare.info)

I have maintained nhscare.info as an unfunded, charitable activity, related to our "Coughlan campaign" group which includes legal experts, two of the four "winners" in the first Health Ombudsman's report, and Pamela Coughlan herself. It was Pamela who won her case in the High Court, against the local health authority and the present Government. It is simple to verify the truth of the facts and advice on the website by following links to the Law Society site. Our group were active in the resulting words from the Law Society which we quote on the front page of [www.nhscare.info](http://www.nhscare.info) "The judgment in Coughlan clearly establishes that where a person's primary need is for health care, and that is why they are placed in nursing home accommodation, the NHS is responsible for the full cost of the package. " - from the summary of the Law Society's Evidence to the House of Commons Health Committee Inquiry into NHS Continuing Care. In the early years, free legal and other advice was given to families and to law firms who now have their own expertise and ability to offer "no win no fee" claims.

This charity work meant that I was well placed to assist Trevor in dealing with the problems we could expect when dealing with Social Services and/or the NHS. Detailed notes were kept on everything, including hospital meetings in early 2007. NHS staff first repeated Trevor's wishes to be discharged to a care home of his choice in the Bracknell/Camberley area at a meeting in April 2007. All present at these hospital meetings, including the Social Services staff, were made aware of the "Coughlan" facts and website.

This dispute with Buckinghamshire County Council arose in July 2007, when Trevor was discharged without his consent, to Chiltern Court. If the recommendation of the care worker had been adopted then, the situation would not be unlike that now applicable at Wycombe Hospital. Her recommendation at the time was that Social Services would "claim for Continuing Care, including through appeal if necessary". These underlined words are important, since this would mean the NHS would have funded Trevor's care, even if he had been placed in Chiltern Court. This was the recommendation of the Health Ombudsman, and this policy was adopted in the NHS "National Framework" rules later in 2007. This NHS funding would have continued until at least Strategic Health Authority appeal, if not Judicial Review. This means that the cost of Chiltern Court in 2007 and 2008 (approximately £40,000), would not need to have been born by Trevor or Buckinghamshire rate-payers. However, Social Services took action which meant Trevor was moved and I, or solicitors, were excluded from assisting.

What followed through 2007 and 2008 is documented on the website, and shows clearly how our attempts to have Trevor moved to a suitable care home in Berkshire were handled by the Council. In September 2008 Trevor contracted MRSA at Chiltern Court and was rushed into Wycombe Hospital. This time his solicitors acted swiftly, before his discharge back to Chiltern Court, and the result is that the NHS are now funding his care - regardless of where he is placed. I am working with Trevor's solicitors towards his movement to a suitable care home in Berkshire. We are hopeful that this could be soon, since he has been well enough for discharge for several months.

If Trevor is moved to Berkshire, I understand Buckinghamshire County Council will no longer be involved in his care. They should not now be paying for Chiltern Court anyway. Trevor's solicitors are already progressing the retrospective claim for Chiltern Court costs, back to when he was moved there in July 2007. There is currently no dispute or complaint with the conduct of any staff within the NHS.

However, the situation is very different with Buckinghamshire County Council. My primary complaint is now with your handling of the case, and refusal to answer simple questions such as "is Mr Lovelock Trevor's official representative ?".

Information has been collected, and continues to be collected, as evidence in future court actions, and/or complaints, including to the Local Government Ombudsman. Some of the evidence is already public on the web site and consists of the "paper trail" of letters, records of meetings, etc. Other

sources include, but are not limited to, information, obtained under the Data Protection and Freedom of Information Acts, such as all internal and external communications related to Mr Saunders' case. i.e. emails, letters and minutes of meetings; similar information for other cases, information from "whistle-blowers", witness statements from NHS staff, Council staff and others.

I draw your attention to the recent unwelcome and unauthorised visits to see Mr Saunders in Wycombe hospital by Social Services staff, including those that we requested be changed. Visits such as that on 23rd December are unwelcome and mentioned within recent communications between myself, very senior NHS staff, and solicitors. This matter of unauthorised visits is "on the public record" - see the notes of the meeting at Chiltern Court on 5th August 2008. Trevor takes strong exception to being visited by this individual, and considers him responsible for his situation since July 2007. This is despite my telling Trevor that the officer may only be "following orders". It would still be helpful for you to change the assigned care worker, as I suggested in an earlier letter. I remind you that any future visit should be coordinated through myself, as Trevor's "official representative". It seems future involvement of your Council may not be needed anyway.

By now your officers should be aware of the letter, from myself but involving a second law firm, to the Data Protection Officer of your council, requesting all internal and external communications under the Data Protection and Freedom of Information Acts. The letter from me was dated 3rd December 2008, and your officer replied on 15th December, agreeing to provide the requested information "certainly within the 40 calendar days allowed by the Act". It seems he has requested information from the relevant staff, including yourself, but their lack of response means he will have difficulty in meeting the 40 day deadline. I suggest that all staff are made aware of their obligations in this matter, and the penalties under the law should information be withheld.

I now turn to what I described earlier as "...a conciliatory note", and what I hope may be a suitable path to end this dispute without resort to the courts, or even solicitors' letters. I have always been aware of the financial risks to my family due to my NHSCare.info charity work. You will note that, so far, your Council have received letters only from myself - not from solicitors.

I recognize the effort by your legal assistant in identifying precise changes to the website, and thank her for this work. I welcome this part of her letter, and repeat my request that you counter-sign it, as requested in TAS9. You may consider it prudent to have the head of department sign it before you do. I would not want junior persons within the council, including your legal department, to become scapegoats, and would in any event wish to ensure that the Council's request is properly made in accordance with the Council's Constitution and the associated scheme of delegation of functions to officers.

Recent letters from yourself, and other information, show that our allegations of "incompetence and deceit" are not limited to Social Services, and I have therefore already made a change on the front page of [www.nhscare.info](http://www.nhscare.info):

"See Trevor's page for alleged incompetence and deceit within Buckinghamshire County Council, typical of that elsewhere."

I am willing to discuss further changes to this text. This would permit our discussion to be limited to changes within the /trevor part of the nhscare website. No changes were needed to the wider [gpss.tripoduk.com](http://gpss.tripoduk.com) site.

If I receive a suitable response to this letter, I will then draft modifications to [www.nhscare.info](http://www.nhscare.info) for review and formal agreement by your legal department. These will be on hidden pages, before these pages are exchanged with those currently public. I would anticipate that the majority, if not all, names would be removed from the site, with the exception of your own Chris M Williams, Chief Executive.

I find their request for a public apology from myself, rather than yourself, most inappropriate. However, I would consider drafting words added to your apology, to innocent officers (whose names would be removed). i.e. the public apology could be a joint one.

Yours Sincerely,  
Robin Lovelock