



H A M P S H I R E C o n s t a b u l a r y

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11th December 2000

D. R. H. Connor
Branch Crown Prosecutor
Crown Prosecution Service
Portsmouth Branch Office
Crown House
Winston Churchill Avenue
PORTSMOUTH
PO1 2PJ

Dear Mr Connor,

Allegation of Unlawful Killing - Gladys Mable RICHARDS

This file of evidence relates to an allegation that Gladys Mable RICHARDS **Code A** **Code A** was unlawfully killed as a result of action taken by clinical and nursing staff at the War Memorial Hospital, Gosport, Hampshire. Mrs RICHARDS was treated there, as an in-patient on Daedalus Ward, from the 11th August 1998 until her death on the 21st August 1998.

Mrs RICHARDS was initially admitted to the Royal Hospital Haslar, Gosport, Hampshire on Wednesday 29th July 1998 after having suffered a fall at the 'Glen Heathers' Nursing Home in Lee-on-Solent, Hampshire. Mrs RICHARDS had sustained a broken neck of femur on her right side as a result of the fall.

On Tuesday 11th August 1998 Mrs RICHARDS was transferred to Daedalus Ward at the War Memorial Hospital.

On Thursday 13th August 1998 Mrs RICHARDS suffered a further fall, while at the War Memorial Hospital, and as a result was re-admitted to the Royal Hospital Haslar on Friday 14th August 1998. Mrs RICHARDS was found to have a dislocated right hip which was manipulated back into its socket.



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On Monday 17th August 1998 Mrs RICHARDS was returned to Daedalus Ward at the War Memorial Hospital.

On Friday 21st August 1998 Mrs RICHARDS died while in Daedalus Ward at the War Memorial Hospital. Mrs RICHARDS death was certified by Dr Jane BARTON who had been responsible for her care at the War Memorial Hospital. The cause of death was given, by Dr BARTON, as bronchopneumonia. Mrs RICHARDS was cremated.

Dr BARTON is a Gosport based General Practitioner who was, at the material time, contracted to provide clinical support to the War Memorial Hospital which does not have a 'resident' complement of doctors.

Whilst receiving treatment at the War Memorial Hospital Mrs RICHARDS was attended to, more or less continuously, by her two daughters Mrs Lesley LACK and Mrs Gillian MACKENZIE. During the course of their mother's hospitalisation both daughters expressed concern and dissatisfaction at the nature and quality of treatment and care, given to Mrs RICHARDS, by staff at the War Memorial Hospital. No such concerns were expressed so far as the Royal Hospital Haslar was concerned. Mrs LACK, in consultation with Mrs MACKENZIE, made notes during the time they spent with their mother at the War Memorial Hospital. Mrs RICHARDS' daughters may, perhaps, be considered to be more informed, as observers, than the average visiting relative of a hospitalised patient.

Mrs LACK is a retired (1996) Registered General Nurse with 41 years nursing experience. During the last 20 years of her career she held supervisory and managerial positions and was primarily involved in the care of the elderly. Mrs MACKENZIE is an intelligent, articulate, determined and well read individual with a particular interest in medical issues.

Mrs MACKENZIE contacted the Police, at Gosport, on Sunday 27th September 1998 and alleged that her mother had been unlawfully killed as a result of the treatment she had received at the War Memorial Hospital.

A police investigation was conducted and, after a file of papers was submitted to the Crown Prosecution Service, the reviewing CPS lawyer concluded that there was insufficient evidence to justify a criminal prosecution.

On learning of this outcome Mrs MACKENZIE expressed her dissatisfaction with the quality of the police investigation. In fact she has made a formal complaint which is currently being investigated by Superintendent WHITING of the Hampshire Constabulary's Professional Standards Department, Police Headquarters, Winchester, Hampshire.



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Detective Superintendent LONGMAN, since retired, was tasked to review the investigation. He concluded that other lines of enquiry should have been pursued and, as a result, I was instructed to re-investigate the death of Mrs RICHARDS.

The second investigation has focused, primarily, on the period Wednesday 29th July 1998, the date Mrs RICHARDS was admitted to the Royal Hospital Haslar, until Friday 21st August 1998, the date she died at the War Memorial Hospital.

Statements have been obtained from Mrs LACK and Mrs MACKENZIE and evidence has been obtained from both the Royal Hospital Haslar and the Portsmouth Health Care NHS Trust which is responsible for the War Memorial Hospital. Medical records, relating to Mrs RICHARDS, have been obtained from both hospitals and staff have been interviewed. In the case of the War Memorial Hospital Dr BARTON, and the key nursing staff, have been interviewed under caution.

Bearing in mind the complex and highly specialised nature of this investigation the Hampshire Constabulary has engaged the services of Professor Brian LIVESLEY, a medical expert recommended by the National Crime Faculty, who specialises in the care of the elderly.

All materials gathered during the police investigation have been referred to Professor LIVESLEY and his report is incorporated within this submission.

Professor LIVESLEY is profoundly concerned by the circumstances of this case and it will be seen that he is quite clear in his opinion that Mrs RICHARDS was unlawfully killed. In addition to Dr BARTON he believes that certain members of the nursing staff, namely Philip BEED, Margaret COUCHMAN and Christine JOICE, may also be criminally culpable.

Professor LIVESLEY has indicated that, in the event of proceedings being considered, it would be of considerable benefit if he could be afforded the opportunity of meeting a CPS representative or Counsel, familiar with the issues arising from this case, in order to discuss the detailed presentation of his evidence. In any event the Senior Investigating Officer, and the key members of his team, would welcome a conference with the reviewing lawyer at his or her earliest convenience.

Such is the level of concern, felt by Professor LIVESLEY, about the facts of this case that he has recommended that further enquiries be carried out to determine if other patients at the War Memorial Hospital have been affected in a manner similar to that of Mrs RICHARDS. It has, however, been decided that further work will not be carried out regarding other, possible, cases until CPS advice is received in connection with this case.

The Advice File is constructed in 6 Volumes and contains material gathered during the second investigation. Also included, as part of Volume 4, is a copy of the papers submitted to the CPS following the first investigation.



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The advice of the Crown Prosecution Service is sought as regards the criminal culpability of Dr BARTON and other persons whose actions are specifically commented upon by Professor LIVESLEY in his report. The Senior Investigating Officer would also welcome an opportunity to discuss any issues of corporate liability and the potential implications stemming from a further phase to this investigation which would be likely to evoke a substantial amount of local and national public and media interest.

The Case Officer is Detective Sergeant SACKMAN and the Exhibits/Disclosure Officer is Detective Constable JUPE. Both officers are based at the Major Incident Complex.

Yours sincerely,

Code A

Ray BURT
Detective Chief Inspector
Senior Investigating Officer