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Outcry as GP faces no charges

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The lawyer for families of patients who died at Gosport War Memorial Hospital has criticised police and prosecutors for not bringing charges against a GP.

John White said the authorities had not looked hard enough in to the case and accused them of sweeping it under the carpet.

His comments came as the Crown Prosecution Service yesterday revealed it would not pursue any criminal charges against retired Dr Jane Barton in relation to the deaths of 10 elderly patients between 1990 and 2002.

Mr White, who acts on behalf of some of the families, said: 'Between the police and CPS, they have not looked hard enough.

'There appears to be an unwillingness to get the evidence.

'If you don't look, you won't find it.

'I'm pretty shocked and disappointed with the CPS, with the lack of tenacity they've shown.

'It's very disappointing these families have been dealt with in this way.'

An inquest into the deaths last year found drugs prescribed by the Gosport GP contributed to the deaths of five patients.

Earlier this year, a General Medical Council panel found Dr Barton guilty of multiple instances of serious professional misconduct relating to 12 patients who died at the Gosport War Memorial hospital.

It prompted police to review the case - using transcripts of the inquest and GMC hearing to establish any new evidence.

Families of the patients, some of whom have been campaigning for two decades, hoped it would lead to a criminal prosecution.

But the CPS has decided there was not enough solid evidence in order to charge Dr Barton.

In a 32-page letter to the families, which has been seen by The News, Paul Close of the special crime division of the CPS, wrote: 'Having given careful consideration to the new material, it remains my view that the evidence is insufficient to provide a realistic prospect of conviction for an offence of gross negligence manslaughter against Dr Barton in respect of the ten deaths I have reviewed.'

The decision saw Hampshire Constabulary close its case on Dr Barton.

Assistant Chief Constable David Pryde said: 'We understand that this may not be the outcome families were hoping for, but I would like to reassure them and the general public that every investigative opportunity has been fully explored.'

Mr White said: 'The authorities are trying to sweep it under the carpet. I think because it would reflect badly on their failure to get to grips with it much earlier.'

'My personal opinion is it is crying out for a public inquiry.'

'If prosecution authorities are unwilling to act, it moves in to the political realm.'

'If the CPS and the police think this is the end of it they are very much mistaken.'

A spokeswoman for CPS said: 'We can only look at evidence that the police passes to us.'

Dr Barton refused to comment when approached by The News.

ELISE DEVINE

Elise Devine, 88, was admitted to hospital on October 21, 1999.

She died at the Gosport War Memorial Hospital a month later.

Mrs Devine was given a 25mg patch of the painkiller fentanyl and 40mg of diamorphine – four times above the recommended starting dose.

The inquest found the drugs probably led to Mrs Devine's death.

It also found the drugs were given at an inappropriate level to treat her symptoms.

At the GMC hearing, Dr Barton's prescription was proved to be inappropriate and not in the best interests of her patient.

But the CPS says there is not enough solid evidence to secure a criminal conviction.

AUTHUR CUNNINGHAM

Arthus Cunningham, known as Brian, was admitted to the Gosport War Memorial Hospital on September 21, 1998. He died five days later aged 79.

Dr Barton had prescribed diamorphine delivered by a syringe driver. The cause of death was given as bronchial pneumonia after a post-mortem examination.

The inquest found the drugs contributed to his death.

Dr Barton admitted the drugs administered were excessive to the patient's needs at her GMC hearing, which also proved the level of drugs prescribed was inappropriate.

However, the CPS says it would be unable to prove beyond reasonable doubt that the prescription was inappropriate.

SHEILA GREGORY

Sheila Gregory was admitted to the Gosport War Memorial Hospital on September 3, 1999, after a fall. She died there on November 22, 1999 aged 91.

The inquest into her death heard the dose of morphine administered by Dr Barton via a syringe driver could be considered to be at the upper limit, but was not exceptional in the circumstances.

The inquest found Mrs Gregory, who was chronically ill with a pulmonary embolus, did not die as a result of the medication she was given by Dr Barton.

The CPS said there is no solid evidence with which it could seek to charge Dr Barton in this case.

RUBY LAKE

Ruby Lake was 84 when she went in to the War Memorial hospital on August 18, 1998. She died there three days later.

She had broken her hip in a fall at home in Alverstoke, Gosport, had an operation at the Royal Hospital Haslar and was transferred to the War Memorial hospital.

The inquest's jury ruled drugs probably did not contribute to her death.

Dr Barton admitted she created a situation whereby drugs could be administered which were in excess of the patient's needs at the GMC hearing.

The CPS says there is not enough evidence.

ELISE LAVENDER

Elise Lavender was 83 and admitted to the War Memorial hospital on February 22, 1996.

She died on March 6 that year.

She had suffered a stroke and head injury after falling down stairs at her home.

The inquest found the drugs she was given by Dr Barton contributed to her death, but were appropriate for the pain she was suffering.

The GMC panel found the GP's management of the patient was inadequate.

The CPS said: 'Whilst it may be possible to prove that Dr Barton was negligent, causation and gross negligence could not be proved to the criminal standard.'

HELENA SERVICE

Helena Service was 99 and admitted to the Gosport War Memorial Hospital on June 3, 1997, where she died two days later.

She was prescribed a starting dose of 20mg of the painkiller diamorphine by Dr Barton. But expert Professor David Black, who gave evidence for two days, told the inquest jury he would have started her on a lower dose.

In the end, the inquest found the medication had not played a part in Mrs Service's death.

The CPS maintains there is insufficient evidence to bring a conviction.

Code A

Code A was 82 and admitted to the Gosport War Memorial Hospital suffering from depression on January 5, 1996. **Code A** died there 19 days later. The inquest found a cocktail of drugs – including painkillers, anti-psychotic drugs and sedatives – did not contribute to **Code A** death.

The GMC panel proved Dr Barton's prescriptions for diamorphine, midazolam and Nozinan were inappropriate and not in Code A best interests. It also proved Dr Barton's use of syringe drivers to administer drugs was 'potentially hazardous'.

The CPS says the evidence is insufficient to charge the GP.

ENID SPURGIN

Enid Spurgin died at the War Memorial hospital on April 13, 1999.

She was admitted after breaking her hip in a fall in Stubbington on March 26, 1999.

She was prescribed oramorph, morphine sulphate, diamorphine and midazolam.

The inquest found the medication did not cause her death. However, Dr Barton admitted in front of the GMC panel that the drugs administered could have been potentially hazardous. The panel proved the drugs were not in the patient's best interest.

CPS says there is insufficient evidence for a conviction.

GROFFERY PACKMAN

Geoffrey Packman, known as Mick, was 68 when he died on September 3, 1999 after being admitted to Gosport War Memorial Hospital on August 23, 1999.

He was put on a syringe driver by Dr Barton.

The inquest found the level of diamorphine and midazolam he received contributed to his death. Dr Barton admitted to the GMC panel that she created a situation whereby drugs could be administered in excess of the patient's needs.

The panel ruled her prescription to Mr Packman was not in his best interests.

The CPS said the evidence is not strong enough.

ROBERT WILSON

Robert Wilson was admitted to the War Memorial on October 14, 1998, with a broken shoulder.

He died there four days later aged 74 after being given morphine through a syringe driver.

Dr Barton admitted that her prescription was potentially hazardous in light of his alcoholism and liver disease. CPS says: 'While it may have been possible to prove Dr Barton was negligent, causation and gross negligence could not be proved to the criminal standard.'