

Ms. Briony Mills  
 Council for Healthcare Regulatory Excellence  
 11 Strand  
 London WC2N 5HR

Code A

16 February 2010



Dear Ms. Mills

GMC Fitness to Practise decision Dr. Jane Barton – 29<sup>th</sup> January 2010 - Gosport War Memorial Hospital – Gladys M. Richards Decd. 21 August 1998

Complaints were raised on 18<sup>th</sup> August 1998 with the Portsmouth Health Authority regarding the care of my mother before her death on the 21 August 1998. The reply from the Chief Executive was dated 22 September which was received on 27<sup>th</sup> September. The complaint was in the form of questions and the answers were fictional and were not accepted by Mrs. Lack/O'Brien, a nurse of forty years experience or myself. I contacted Gosport C.I.D and had an appointment on 2<sup>nd</sup> October 1998. This was the first case to be reported to the Police and at that time I alleged gross medical negligence manslaughter – since then with so many similar cases I would allege there is evidence of intent. I enclose a copy of a letter sent to the Head of Special Crime Division which outlines the 12 year battle in which I have been involved.

I understood that the GMC were warned of the police investigation involving Dr. Barton and others during the so-called third investigation which was carried out by Inspector Ray Burt.1999-2000 The decision by the CPS was that there was insufficient evidence. I understood from the Police that the argument put forward by Treasury Counsel was that diamorphine leads to pneumonia and therefore that was the cause of death. I consider this was a ludicrous argument as my mother had been pain free for several days whilst at Haslar and the discharge letter mentioned 2 tablets of cocodomol PRN. My mother had been transferred to Gosport for 2 – 4 weeks to give me time to find a suitable nursing home. This point was not emphasised at the GMC hearing although it is clearly made in the Haslar file..

My sister Mrs. Lack complained that my mother was heavily sedated on 12 August – the day after admission . The drug chart shows that oramorph was given at 11.15 by Philip Beed followed by another dose at 11.45 by Code A on 11<sup>th</sup> August Mr.Langdale won his point that this must have been at 2.15pm and 11.45pm and I cannot understand why this was accepted when all the other times are given on a 24 hour clock and the initials of the Nurses giving these drugs are those of daytime staff. There were times when I wondered whom Mr. Kark was representing. I maintain that these doses were given within half an hour of arrival at approximately 10.30 am . The entry that Haloperidol was given at 1300 on the 13th August because my sister had complained about stronger drugs, by a Nurse Code A just before a fall from a chair at 1330 is accompanied by a note that “they” did not know how long my mother had been on the floor. As far as I know no statement of evidence was taken from Nurse Code A as to why haloperidol was given and if this was for pain it contradicts Barton’s evidence that haloperidol was never given just to keep a patient quiet. The evidence given at the GMC hearing by Nurse Code A was arranged by Mr. Langdale and was to discredit me. I enclose a copy of a letter to the Police on that point. Why was it allowed when it was known that I had refused to give evidence. at the GMC before my inquest.

Mr. Langdale gave a great deal of credit to Dr. Barton for sanctions she imposed upon herself but did not mention the sanctions had been imposed by the GMC previously in my case and had to be lifted when the case appeared to be going nowhere. (See letter to Simon Clements) Mr. Hylton’s comment to me that this would be seen to earn Barton “brownie points” had some foundation.

The final points that the panel took into consideration the 200 letters of support and the clean bill of health for Dr. Barton for the previous 10 years should not have been allowed. The dubious deaths that followed my mother’s death in August 1998 were not emphasised when Barton knew that a complaint had been raised on 18<sup>th</sup> August 1998 **Barton was not interviewed by the Police until 2000** I am quite sure that the other 80 cases should be remembered as well although I have already alleged these cases were not properly investigated by the police. Barney Page had not been given the opportunity to make a statement to the police – the statement

prepared by Tamsin Hall of Field Fisher Waterhouse was so appalling that he refused to sign it. Nevertheless the outcome was the same as the other 11 cases. The same thing applied to my statement to the GMC which contained further information not allowed to be put in statement form by the police. Tamsin Hall's version was so incorrect that I refused to sign it but I did insist that a different statement should be prepared by a more experienced solicitor – in the event my statement was not used.

In 2002 I was informed that the preliminary GMC investigations had been finalised and a Fitness to Practise hearing would be prepared – this was further delayed as in 2003 the police re-opened Operation Rochester. After the submission to the CPS of 10 cases only in December 2006 which were also considered to have insufficient evidence a request was made for inquests and I queried why my case had not been put forward likewise. Through my own efforts and pocket I approached Bindmans (solicitors) who wrote to the Coroner and having studied the papers he agreed to request an inquest from Jack Straw which was granted in January 2009. In the meantime the GMC had informed me my case would be heard in September 2008 before the inquests for the other 10 in March – April 2009. This was cancelled on legal advice. I fail to understand why the GMC delayed from 2002 or 2006 and then insisted on hearing my case before my inquest. I subsequently refused to give evidence at the recent hearing – they used instead Mrs. O'Brien as a witness. Mrs. O'Brien is a dubious witness who committed perjury when registering the death – confessed to perjury in my presence and the police on 2<sup>nd</sup> October 1998. The police took no action – no doubt due to the fact that Mrs. O'Brien's daughter was a personnel Officer at Police HQ Winchester. I have been estranged from my sister for over 50 years.

All in all this investigation has been flawed by all the agencies involved – particularly the police, GMC, IPCC and the decision by the GMC Panel is shameful. I hope you can do something about the decision. I understand that the transcript has been sent to the Hampshire Police who have referred it once again to the CPS. If they depend on the evidence submitted by the police and the transcript, the CPS will still be without all the evidence in my case and the police will continue to coverup their own incompetence. I hold the previous Chief Constable, Deputy Chief Constable and Assistant Chief Constable personally responsible. After a 4 hour interview with the IPCC with a complaint against Readhead in particular the IPCC came back stating they could not read their shorthand. It took them months to confess to that and I gave up as I understand the Police conduct most of the complaints themselves – so much for an improved complaints system under the IPCC. The complaint raised in 2001 against John James was delayed halfway through the investigation as the barrister Lustgarten was given gardening leave due to an allegation of sexual harassment by a fellow IPCC worker. By the time a decision was made by the IPCC John James had been promoted by the Chief Constable despite the 7 complaints – enhanced his pension – and left the police force. If this was a script for a film it would be considered too farcical. The Chief Constable informed me that he did not take outstanding complaints into consideration when promoting a police officer. There were seven complaints at the time and Commander Clacher had to give up his investigation into James as James had been promoted to an equivalent rank.

As you may know I met Norman Lamb MP at the House of Commons on 3<sup>rd</sup> November together with 3 other families, the meeting had been arranged by the Eastbourne Lib Dem Parliamentary Candidate for Eastbourne Stephen Lloyd. An early day motion has been made for a Public Enquiry – anything you can do to overturn this ridiculous GMC decision would be appreciated by all the families concerned.

Yours sincerely,

**Code A**

Gillian M. Mackenzie

P.S I am sending copies of this letter to all interested parties

*P.S. There have been numerous letters to the Chief Constable – none answered – passed to S.I. Crockett "who has no intention of replying" !*