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**From:** Hetherington, Gerard [gerard.hetherington@dh.gsi.gov.uk]  
**Sent:** 29 July 2013 16:09  
**To:** Baker, Richard (Prof.)  
**Subject:** RE: Shared+from+BBC+News/Baker Report /Coroners' new regulations

Professor Baker

Thank you for this prompt response and for forwarding the inquiry from the BBC.

You asked if Dr Barton's legal team had raised any objection to publication. I consulted Dr Barton's through her solicitor, a Mr Ian Barker of the MDU.

I don't see any reason why you should not see his response on behalf of Dr Barton and I have reproduced this below.

Gerard

Gerard Hetherington  
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RESPONSE FROM IAN BARKER OF THE MDU RECEIVED 4 JULY 2013

Dear Mr Hetherington

Thank you for the opportunity to make representations in relation to the proposed provision of Professor Baker's report, and I am pleased to respond now on behalf of Dr Barton.

Dr Barton understands the concern to be open and transparent in relation to the investigations undertaken concerning the Gosport War Memorial Hospital, and to that end she would not seek to stand in the way of provision of the report in relation to FOI Act requests if that is the wish of the department.

As I think you will know, it is Dr Barton's position that she found herself very much overworked in her role as clinical assistant. Together with the nursing staff, she strove to provide the best care possible, but she was effectively faced with the choice of attending to patients but not writing notes in detail, or writing notes but limiting care. She chose the former. The result has been that the rationale for properly instituted treatment is more difficult for Dr Barton to demonstrate, and for experts such as Professor Baker to see, at a remove of time.

Be that as it may, Professor Baker provided a measure of reassurance in his report, whilst advising the investigation of individual cases. Those investigations have been carried out, including through the process of inquests. To that extent, and with no criticism intended of Professor Baker, his report has effectively been long superseded, and does not add now to the position. As I have indicated though, if it is felt appropriate that the report is now made available, Dr Barton makes no objection, and I trust that is of assistance.

If I can help further, please do not hesitate to contact me.

With kind regards

Ian Barker

<p><b>Ian Barker</b>  <b>Senior Solicitor</b>  <b>t</b> 0207 202 1596  <b>m</b> 07779 332996  <b>e</b> <a href="mailto:ian.barker@themdu.com">ian.barker@themdu.com</a>  <b>w</b> themdu.com</p>
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**From:** Baker, Richard (Prof.) [<mailto:rb14@leicester.ac.uk>]  
**Sent:** 29 July 2013 15:56  
**To:** Hetherington, Gerard  
**Subject:** FW: Shared+from+BBC+News/Baker Report /Coroners' new regulations

Mr Hetherington

Thanks for the message on publication of the report. I take it that Dr Barton's legal team raised no issues.

The email below is forwarded for your information. I have not replied to it.

Richard Baker

mobile: 07788375614

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**From:** Gillian Mackenzie [[amfg2gd@btinternet.com](mailto:amfg2gd@btinternet.com)]  
**Sent:** 27 July 2013 12:25  
**To:** [rb14@leicester.ac.uk](mailto:rb14@leicester.ac.uk)  
**Subject:** FW: Shared+from+BBC+News/Baker Report /Coroners' new regulations

For the attention of Prof. Richard Baker re. Mortality Audit into Gosport War Memorial Hospital Hants at the request of the Department of Health. Gillian M Mackenzie

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**From:** Gillian Mackenzie [<mailto:amfg2gd@btinternet.com>]  
**Sent:** 27 July 2013 09:24  
**To:** 'Horsley, David'  
**Subject:** FW: Shared+from+BBC+News/Baker Report /Coroners' new regulations

Missing statement – Linda Baldocchino who witnessed the transfer to Gosport from Haslar 17 August and the methods used despite what the Ambulance staff witness said – who would also have witnessed the removal of the splint which should have been in situ for 4 weeks as per discharge letter. Who gave the order for the removal on arrival. Why was the transcript of the police interview ( which presumably took place) the only one missing from papers and likewise the statement. The latest from Hampshire police that her information comes under Data protection is extraordinary. On the other hand I query whether the reason I wanted Baldocchino's statement was ever conveyed to you by my solicitor – in the same way as I query why Prof. Ferner was never made aware of my evidence re. Beed.

Mrs. O'Brien should have been asked regarding the two witnessed diamorphine injections given by Beed and not written up on file and my eye witness account given on oath re Beed's actions on the 17<sup>th</sup> which she also witnessed.

The further information passed to me by Peta Bermingham (ex police HQ) and Lesley O'Brien after the inquest should be followed up re. Ray Burt and Prof. Livesley . I am under the impression it will take another 15 years to get any progress let alone any action from Blake Laphorn. Ray Burt is working as a civilian for the police as the Crime

and Incident registrar – a post way below his capabilities. I have not approached MR Burt of course and only found this out due to his involvement with a totally unrelated case and missing papers after a judicial review – when despite the plaintiff being granted a review – the Hampshire police continued to keep the case on file and took no action until eventually a police Sgt had action taken against him - a Sgt Beale – case reported in the Daily Mail circa April 2013 and on the internet. I have not seen the details myself .

No doubt you are unable to take any action or comment ( the law regulations are very peculiar and defy my logic ) but as I have made reference to you I thought you should be made aware ( and that comes under my code of ethics ) - but I query just what you knew from Blake Laphorn or for that matter my barrister or medical expert possibly in a similar position. . Gillian M Mackenzie

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**From:** Gillian Mackenzie [mailto:amfg2gd@btinternet.com]

**Sent:** 25 July 2013 11:50

**To:** 'chiefcoronersoffice@judiciary.gsi.gov.uk'

**Subject:** FW: Shared+from+BBC+News

For information - please further consideration of jury inquests in cases where the police have been involved. Gillian M Mackenzie

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**From:** Gillian Mackenzie [mailto:amfg2gd@btinternet.com]

**Sent:** 25 July 2013 11:15

**To:** 'health.minister@dh.gsi.gov.uk'

**Cc:** 'LLOYD, Stephen'

**Subject:** Shared+from+BBC+News

<http://www.bbc.co.uk/news/uk-23446023>

#### BAKER REPORT

In addition where the PCA in 2001 and the IPCC circ 2003/2004 have upheld all complaints re. Hampshire Police Constabulary for investigative failures for case reported to them in 1998 – there should be a jury for an inquest held 15 years later. The Coroner should allow statements made to police by Gosport staff of which the family is aware. Witnesses should be cross-examined with a degree of expertise certainly not held by the Coroner at Portsmouth April 2013, when the inquest was granted in 2009 by Jack Straw.

When further information has come to hand after the inquest, the Coroner's response should not be on the lines of "I have come to my verdict and the case is finished" - he should set in motion a further investigation of the allegation re. Hampshire Constabulary and not suggest I take him ( the Coroner) to the High Court . He is well aware my income is a State Pension 26 years after being a widow.

I welcome the publication of the Baker Report – but not on line - it should be in the public domain and published by the TSO . It is a ludicrous argument that the Department of Health has further delayed publication awaiting comments from Prof. Baker. As with the Commission for Health Improvement's report, published in July 2002 – Baker was not in a position to offer total confidentiality - the CHI Report was published without names of people who had provided information - but the facts were published including reference to me – not that I have any problem with that.

This case – mine and others – will not be closed until there is complete transparency or until I stop "singing" which is likely to be sooner than later as I approach 80 .

I suggest as have others, including the Coroner, that there should be a public inquiry and certainly an investigation by another authority into the extraordinary behaviour of Hampshire Constabulary under the leadership of the then Chief Constable Paul Kernaghan - who was rewarded by the Labour Government with a post at the House of Lords in charge of behaviour.

Gillian M Mackenzie

Elder daughter of Gladys Richards dec. 21 August 1998 – under the care of Dr. Jane Barton – but of more importance Philip Beed. First case brought to the attention of the Hampshire Police by myself.

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