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Relatives of Gosport dead demand new police inquiry

Families threaten to boycott General Medical Council probe into deaths of elderly patients at Hampshire hospital

By Nina Lakhani

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The Crown Prosecution Service (CPS) has been asked to reopen its investigation into a series of controversial deaths at Gosport War Memorial Hospital. Relatives are asking it to revive the inquiry after several pieces of new evidence emerged during recent inquests.

Norman Lamb, the Liberal Democrat health spokesman, last night became the most senior MP to call for a public inquiry into the 92 deaths, which were investigated by Hampshire police between 1998 and 2006.

Mr Lamb told *The Independent on Sunday* that he will this week write to Jack Straw, the Secretary of State for Justice, and Alan Johnson, the Health Secretary, supporting calls from relatives, the Portsmouth coroner, Hampshire police and lawyers for an independent investigation into the deaths at Gosport.

His move comes just weeks before the General Medical Council will hear an inquiry into Jane Barton, the doctor at the heart of many of the allegations about the deaths at Gosport. Several families are threatening to boycott the proceedings in a vote of no confidence after the GMC refused to allow them legal representation.

Mr Lamb added his voice to the mounting condemnation of the GMC, which stands accused of failing to deal properly and promptly with serious complaints of professional misconduct against Dr Barton.

John White, a solicitor from the law firm Blake Lapthorn, said: "The medical evidence in these cases and the GMC processes are all so complicated that legal representation would enable the relatives to participate fully. By saying no, the GMC is effectively shutting them, and all their vast knowledge, out, which poses a risk to achieving a successful prosecution."

He added: "We are in this for the long haul. If the CPS refuses to re-open the criminal case and the Government refuses calls for a public inquiry, then our only option will be to get all the evidence in front of a judge through a group clinical negligence claim. We will get the answers whatever it takes."

The GMC's disciplinary panel, to be convened on 8 June, will examine Dr Barton's role in 12 cases in which patients died. The hearing comes seven years after the GMC was first warned about the deaths of elderly patients under her care. Relatives are angry that the GMC allowed Dr Barton to continue working unrestricted as a GP until last July.

Several earlier dates for a disciplinary hearing, going back to 2002, were postponed while investigations continued. It was deferred last September after the GMC decided to wait for the inquests to take place. But Gillian Mackenzie, who was the first to raise the alarm after the death of her mother, Gladys Richards, aged 91, in 1998, is outraged because her mother's inquest is still outstanding. Mrs Mackenzie believes the GMC's refusal to reschedule her mother's case could jeopardise the inquest.

Peter Walsh, from Action Against Medical Accidents, said: "First, why were the original concerns of patients' relatives dismissed? Second, why did it take so long until the GMC imposed an interim order to protect the public? If they were right to act to protect the public in 2008, this means that they have left the public at unnecessary risk for years when they already had the information they needed from relatives, if they would only listen.

"There should be a wholesale review of the procedures to refocus them on what should be the overriding priority - protection of the public."

The GMC would not comment on any aspect of the case against Dr Barton but insists all its decisions have been based on the evidence available to it and in the public's best interests.

A spokeswoman defended the decision to refuse relatives the right to legal representation. The relatives will face questions as witnesses but cannot make available information they have discovered through their own investigations.

Mr Lamb said: "This case raises fundamental concerns about the way the GMC operates and its apparent failure to protect patient safety. While it is absolutely right to follow the principle of innocent until proven guilty, this does not mean steps to protect the public from potential risks cannot be taken, something which has clearly not happened in this case.

"Given that lives were lost in circumstances which cause serious concern, it is truly extraordinary that this has dragged on for so many years."

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