

**White, John**

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**From:** Ellson, Sarah [Code A]  
**Sent:** 01 June 2009 18:09  
**To:** White, John  
**Subject:** Please see attached letter  
**Attachments:** Ltr to John White Blake Laphorn 01.06.09 - 10203591\_1.DOC

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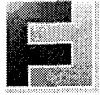
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*Gillian MacKenzie.*  
Field Fisher Waterhouse

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Our ref: SLE/00492-15579/10203591 v1  
Your ref:

**Sarah Ellson**  
Partner

**Code A**

01 June 2009

Dear Mr White

**General Medical Council - Dr Barton**  
**Your client: Gillian McKenzie**

Thank you for your letters of 22 and 29 May 2009 and for your confirmation that you have passed on our correspondence and discussed it with Mrs McKenzie.

I note that Mrs McKenzie is quite clear that she does not want to give evidence but would like to attend as a member of the public. I do not believe that there are "passes" to be sent out in advance but I will add her name to the list of expected attendees so that she, and a representative from your firm, will be admitted to the public gallery.

It is essential that Mrs McKenzie understands that witnesses who observe the proceedings cannot subsequently expect to give evidence. Rule 35(6) of the GMC (Fitness to Practise) Rules 2004 states:

"A witness of fact shall not, without leave of the Committee or Panel, be entitled to give evidence at a hearing unless he has been excluded from the proceedings until such time as he is called."

If Mrs McKenzie attends the proceedings she is extremely unlikely to be able to give evidence if she changes her mind.

Finally as we have mentioned Mrs McKenzie did contact the GMC to stress that the Coroner considered her case to be "exceptional". As we had not seen this in writing ourselves I contacted the Coroner to confirm the position last week. His reply, for your information, was as follows:

*"Ms Ellson,*

*I don't recall that "exceptional" was the term I used.*

*The circumstances of Mrs Richards death (i.e. following fall(s) and surgery) are such that had she*

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*died now rather than in my predecessor's time, I would have expected her death to be reported to me and I would have authorised an autopsy and held an Inquest. I would do this irrespective of any of the other factors relating to the other deaths at GWMH and irrespective of whether those factors might have pertained to Mrs Richards' death. In that sense, the circumstances are different to those of those other deaths. Mr Bradley shares this view with me.*

*I have explained this to Mrs Mackenzie, to her solicitor (Mr J White of Blake Laphorn LLP) and to her MP. I trust that this assists you.*

*Please note also that I have also explained to her solicitor that I do not feel it appropriate to make representations to postpone the GMC hearing pending conclusion of the Inquest.*

*David C. Horsley"*

The GMC asked that I pass on, via you this clarification which we have obtained. I trust this is helpful

Yours sincerely

**Sarah Ellson**  
for **Field Fisher Waterhouse LLP**

Solicitors to the General Medical Council. The GMC is a charity registered in England and Wales (1089278) and Scotland (SCO37750).