

Copy to D.P.P. (Gunn)

**Code A**

28th August 2002



Attorney-General  
Legal Secretariat of the Law Officers  
9 Buckingham Gate  
London  
SW1

Dear Sir,

Gladys M Richards  
and others dec'd  
Gosport Memorial Hospital  
1998-2001

In the interests of Law and "Justice seen to be done" I wish to bring to your attention alleged 'incompetence' by the Hampshire Constabulary concerning several deaths over a period 1998 to 2001. In all cases the same two wards, particular nursing staff and two doctors are involved.

In 1998 (October 2) I reported an alleged case of unlawful killing of my mother Mrs. G.M. Richards to the Gosport CID. This report was not made under the stress of bereavement but based on Lord MacKay's ruling for gross negligence manslaughter (Adomoko 1995). At that time I had not seen my mother's medical file but my sister- a nurse of 40 years experience and myself had been eye witnesses. On 30 October 1998 I was informed the investigations were complete and in the opinion of the Police officer there was no case to answer but papers were being sent to the Hampshire CPS. No interviews, statements, sight of the medical file, had been undertaken. After complaining to the Chief Constable Sir John Hoddinott a further investigation was carried out with the knowledge of a member of the Professional Standards Department Hampshire Constabulary HQ.

In February 1999 I was informed again that there was no case to answer - still no investigations, statements etc had taken place.

In April 1999 a formal statement of complaint against Police officers was taken by the Professional Standards Department. This complaint was 'sat on' for over 2 years and action was only taken after I had gone over the head of the Chief Constable to the PCA. This authority upheld all my complaints regarding investigative failures of the first 'two investigations'.

In October 1999 my mothers file was handed to DCI Ray Burt who completed an investigation in November 2000 and papers were sent to the CPS, London in January 2001 (Mr Paul Close). The opinion came back in July 2001 'insufficient evidence'. Expert medical opinion had been obtained by the Police and I understand the Police backed a prosecution.

In the meantime due to publicity in The Portsmouth News in April 2001 regarding the PCA's ruling, 11 other families had approached the Police with the same type of concerns. It appears that they were told no investigations would take place until the outcome of my case was known. Hampshire Constabulary seems to be unaware that "Each case is unique and must be considered on its own facts and merits".

Prior to the CPS ruling July 2001 the matter had been put in the hands of a Det.Supt. John James – DCI Ray Burt being transferred to Police HQ from January 2001 and retired in January 2002 – although still working in a civilian capacity at Police HQ.

The same scenario has been re-enacted – the families have not been interviewed, no statements have been taken- no investigations carried out.

In February 2002, Det.Supt. James stated he was not going to carry out investigations. He confirmed it was his personal decision. At least 7 formal complaints have been made to Police HQ regarding this decision.

The Commission for Health Improvement carried out a 9 month survey into the care of the elderly at Gosport War Memorial Hospital. The report was published on 3 July 2002. It upholds all the points I made to the Police originally – rehabilitation patients were given inappropriate drugs used for palliative care patients- no distinction was made. Drugs were written up in anticipation etc. It is a damning report including statements concerning the Clinical Assistant (the doctor of 25 years experience) 36 people approached the commission.

As a result of publicity in the local press, BBC TV etc more families have come forward – some in contact with the Police since 2001 and some more recently.

The Deputy Chief Constable who is responsible for the Professional Standards Department is obviously still backing the incompetence of his force and in particular the actions of Det.Supt. James. Four files from 1998 only were forwarded to the GMC in February 2002 together with expert medical opinions. The GMC are deliberating on what action to take. The GMC has stated it cannot refer cases to the CPS however serious. They have no details of the other cases 1998-2001.

As you will see from the enclosures I would allege a total cover up is being carried out. There have been no further investigations- there is no further evidence from families to be collected and if a proper investigation was carried out the number of families would now exceed 11.

I fail to understand how the CPS can come back with anything more than 'insufficient evidence' once more if it depends on a report only from Hampshire Constabulary.

This is no longer a case of one elderly lady – the same 'policy' was adopted by the Doctor for several rehabilitation cases. The 'intent' was clearly stated in my mother's medical file "Frail demented lady. Not obviously in pain. I am happy for the nursing staff to confirm death"- with a write up of palliative care drugs Diamorphine being prominent. Two letters were on file on admission to Gosport War Memorial Hospital – one from the Geriatric Consultant Portsmouth Healthcare Trust and one from MOD Royal Haslar Hospital. Both indicated recovery from hip operation – walking with zimmer – pain free – fully weight bearing to be rehabilitated for 4 weeks prior to daughters finding suitable nursing home.

'Lack of resources' by the Police is not a good enough excuse to allow a doctor to continue practising – with further deaths without bringing these cases before a Judge and jury for the law to be upheld and justice seen to be done whatever the verdict. I would appreciate your personal attention to this matter.

Yours faithfully

Gillian M. MacKenzie

Copies  
Director of Public Prosecutions  
Paul Close CPS  
Rt. Hon. D. Blunkett Home Office  
Chief Constable Hampshire Paul Kernaghan  
Police Complaints Authority Duncan Geer  
Rt. Hon Tony Blair P.M.  
Rt. Hon A Milburn M.P.  
I Duncan Smith M.P.  
N. Waterson M.P. Eastbourne

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28th August 2002

I.R Readhead LLB  
Deputy Chief Constable  
Hampshire Constabulary  
Police Headquarters  
West Hill  
Winchester  
Hampshire  
SO22 5DB

Dear D.C.C. Readhead,

Re. IR/DCC/LJS

Thank you for your letter 19 August which I received on 24 August on return from Guys Hospital. As you are no doubt aware from your support staff I have been unable to read or write since eye surgery at Moorfields on 8<sup>th</sup> July but I am now able to do so. I have to return again to Guys in September for further kidney stone treatment. It has not been 'my year'.

I am not impressed or encouraged by your letter. I am well aware of Chief Supt. Dan Clacher's role regarding the complaint enquiry and obviously from the contents of your letter you are backing John James' decision (?) in not carrying out investigations into "each unique case which should be considered on its own facts and merits". Some families contacted the police as far back as April 2001 and nothing at all has been done. Selecting four 1998 cases is not good enough out of more than 11 cases of concern (1998 - 2001) brought to the attention of the police. Some next of kin were not even invited to the February meetings arranged by John James and their names and addresses were not circulated nor were they contacted to see if they wanted to be in touch with other families (eg. D Graham). You are in charge of the Professional Standards and from the very outset (October 1998) I have seen little evidence of a standard of anything more than incompetence- particularly from Gosport CID and the Professional Standards Department. Your condolences are somewhat late and an apology for the behaviour of your Professional Standards Department dealing with my complaint would have been more appropriate last year. I exclude DCI Ray Burt from any criticism but I am aware that concentration was on the period 17 August - 21 August when it should have been 11 August on admission to Gosport. The 'Malice aforethought' was clearly indicated on admission in the written notes on the medical file by Dr Barton.

As I have repeatedly stated I am not distressed by the death of my 91 year old mother but I am appalled at the circumstances of her death and the apparent "cuffing" of a case of alleged unlawful killing. The age of a patient has no bearing on the case but the attitude by John James that 'they were elderly patients anyway' is disgraceful. An officer is supposed to uphold the law and show no discrimination towards the victims or defendants. He should attempt to prevent further cases.

The CPS can only act on the evidence submitted by the Police. It is not a question of 'distress being aggravated by official processes and cold in nature' - it is a question of alleged indifference to the deaths of rehabilitation patients being treated as palliative care patients. The police investigations apparently were of a lower standard than those of the Commission for Health Improvement on which you are now relying.

Your Department was aware, as out of courtesy I had informed them, I had written to the Director of Public Prosecutions on 1 July before the publication of the CHI Report. I alleged that not all the evidence had been submitted to Paul Close. I still make that allegation that evidence from my sister was not included in her statement. She has confirmed this to Dan Clacher and the reason. I also mentioned to John James that there had been no evidence of a haematoma when my sister and niece (both nurses) had laid my mother out. John James could see no reason to check that this had been included in evidence nor would he query my sister on this omission.

I received a letter from Paul Close on 31 July. He had received no information and stated he would contact the police. I doubt whether the CPS had been aware of other potential cases before the decision was made in July 2001 on my case. I fail to understand why you wrote to Mr Daw on 23 July who in turn wrote to London - how many more delaying tactics are going to be used? You are already aware of the criticism of Hampshire CPS who accepted an independent medical opinion from Dr Lord on Dr Barton's actions. Dr Barton was her own Clinical Assistant. There is no question of permission to submit further evidence in such serious cases. It is indeed your duty to do so.

In industry this continuous incompetence would not be tolerated and certainly not at the taxpayers expense. There can be no query over the public interest issue. The deaths that have arisen in allegedly similar circumstances relating to the same Doctor(s) nursing staff, policy since the 'investigation' of my mother's death can be laid on the doorstep of the Hampshire Constabulary due to lack of investigation. It should be borne in mind that there has been one alleged death following care at the Gosport War Memorial 2001 (Bulbeck) and another near miss due to an overdose of drugs (Ripley). As reported in the CHI report the new policies relating to drugs were not in place until mid 2001. If you do not interview next of kin who have contacted police you are not going to be aware of details.

I hope Supt. Paul Stickler (Sticker) is a stickler for detail - your typist apparently is not. I fail to understand how he can submit anything of great importance regarding patients in Daedalus and Dryad wards when none of the staff have been interviewed regarding cases

(other than those relating to my mother's case) and staff and the Doctors have left the employ of Gosport War Memorial Hospital.

I am however pleased to hear that you will keep me advised of any developments. It is now two months since the publication of the CHI report and during their investigations you were aware of developments. Your press release of 3 July speaks of 'transparency' - I have yet to experience Police transparency - in general 'fog' in communication to the relatives of the victims has been the order of the day and communication has been abysmally low from John James and Police HQ. I will not be contacting Derek Stevens who gave his blessing to John James banning me from his February Meeting and stated John James could run the cases as he saw fit.

I would like a face to face interview with you at your convenience. It can only be mutually beneficial as my attitude to the Professional Standards Dept. has been tempered by previous experience of Police Officers Lockwood Fuge, Basson Whiting etc. and of course Morgan, Maddison, and Bettsworth.

Yours sincerely

Gillian M MacKenzie (Mrs)

Copies

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