



Code A
16/07/2002 15:08

To:
cc:

Code A

Subject: Restricted: Investigation - Gosport War Memorial Hospital



RESTRICTED - Investigation

Marcia

Please see the attached note from Sir Liam. He would like to discuss with you as soon as possible.

thanks very much

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FryM9 - Gosport War Memorial Hospital.do

~~1. Sir Liam~~ note
2. KR 22/7

→ read CTH report
also to meet Livesley
Check date

RESTRICTED - INVESTIGATION

Marcia Fry CQEG

From: Sir Liam Donaldson

Date: 16 July 2002

Copy:

Code ANigel Crisp PS&CE
Sarah Mullally CNO
Professor Ian Philp
Janet Walden CQEG**Code A****GOSPORT WAR MEMORIAL HOSPITAL****Issue**

1. The Commission for Health Improvement (CHI) investigation into this service was published on 3 July 2002. I have concerns that there are some aspects of the case that are still unclear. I believe we should consider further investigation.

Background

2. I received a copy of a minute from **Code A** (dated 9 May 2001) reporting on a call that he had had from the General Medical Council (GMC) about a Dr Barton, a general practitioner who also worked as a clinical assistant at Gosport War Memorial Hospital (part of Portsmouth Healthcare NHS Trust).
3. **Code A** at the General Medical Council reported that the GMC were undertaking a joint investigation with the Hampshire Police into allegations of unlawful killing of a 91 year old patient of Dr Barton (the patient's general practitioner). The police had also contacted the United Kingdom Central Council for Nursing, Midwifery and Health Visiting (UKCC) because there were clinical team issues.
4. As you know, I asked the Regional Director of Public Health to provide further briefing for the Department of Health.
5. In due course, Hazel Blears, the Regional Minister was given a further briefing which we were also copied in to. This briefing suggested that the police and the GMC were investigating other cases.
6. Subsequently I asked **Code A** and then **Code A** to look

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thoroughly into these matters (in so far as they could given the constraints of the police investigation) and establish whether:

- there was any ongoing risk to patients;
- any action needed to be taken in relation to this doctor's practice (pending the conclusion of the police and the GMC investigation).

7. I was assured that:

- the Crown Prosecution Service (CPS) had decided that in the initial death there was 'insufficient evidence to proceed';
- the police had started to look at the cases of other patients;
- two past NHS complaints about Dr Barton had been independently investigated and her standard of care was not criticised;
- Dr Barton's practice was investigated by the Health Authority and no evidence was found of poor professional performance;
- Dr Barton was nevertheless asked to stand aside as Chair of Gosport Primary Care Group while police investigations continued.

8. I later received an update from Dr Gill the Regional Director of Public Health informing me that:

- the police had concluded their investigation into the four further cases and would not be taking the cases forward;
- the police sent their experts' report on two doctors and three nurses to the GMC and the UKCC;
- Dr Barton had agreed on 12 February 2002 to stop practising at Gosport War Memorial Hospital and not to prescribe opiates in general practice until matters were resolved.

Commission for Health Improvement (CHI) investigation

9. The Commission for Health Improvement (CHI) decided in September 2001 to investigate the circumstances at Gosport War Memorial Hospital and in particular to examine:

- arrangements for the prescription, administration, review and recording of drugs;
- arrangements to support patients and their relatives and carers

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towards the end of life.

10. There was speculation prior to the CHI investigation of a 'culture of euthanasia' at the hospital.
11. The CHI investigation published on 3 July 2002 as you are aware, made a number of general and specific recommendations but in particular noted that "CHI has serious concerns regarding the quantity, combination, lack of review and anticipatory prescribing of medicines prescribed to older people [] in 1998".
12. I understand that at the Trust press conference on 3 July in response to the CHI report, considerable distress was expressed by relatives.

Dr Graham's involvement

13. Dr Graham, one of the Department of Health's medical officers has been in communication with Professor Livesley (a consultant physician from the Chelsea & Westminster) who acted as an expert adviser to the police.

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GMC

17. We have contacted the GMC to establish the position on Dr Barton and have been told that the case is listed for consideration by the Preliminary Proceedings Committee on 29 August 2002. The Committee will consider whether the case warrants a full public hearing before a Professional Conduct Committee.
18. The GMC Interim Orders Committee has considered Dr Barton's case twice in June 2001 and March 2002. On both occasions they made no order for interim suspension and placed no restrictions on Dr Barton's practice, although she has voluntarily undertaken not to practice at Gosport War Memorial Hospital and not to prescribe opiates or benzodiazepines.

RESTRICTED - INVESTIGATION**My concerns**

19. I am concerned that neither the CHI investigation, nor the public investigation, nor the health authority investigation has properly examined the deaths associated with Dr Barton's practice or in relation to care of the team. I do not think that this can be left as it is, even though others appear to regard the NHS part of the investigation as concluded and are simply awaiting the GMC's verdict.
20. Could we please discuss?

**SIR LIAM DONALDSON
CHIEF MEDICAL OFFICER**