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RECORD OF INTERVIEW**Number:**
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(SDN, ROTI, Contemporaneous Notes, Full Transcript)Person interviewed: **MACKENZIE, GILLIAN**Place of interview: **Code A**

Date of interview: 17/11/1999

Time commenced: 1246 Time concluded: 1322

Duration of interview: Tape reference nos.
(♦) W/MRS G
MACKENZIE

Interviewing Officer(s): DCI Ray BURT

Other persons present:

Police Exhibit No: Number of Pages:

Signature of interviewing officer producing exhibit

| Tape counter times(♦) | Person speaking | Text |
|-----------------------|-----------------|--|
| 0.10 | BURT | This is tape number two in an interview that I'm having at the moment with Mrs MACKENZIE by way of preparation for a witness statement in due course. It's still Wednesday the 17 th of November and I'm still sown here at Code A |

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Code A

It's 12.46 and what I've asked Mrs MACKENZIE to do now...I'm going to show Mrs MACKENZIE a copy of a Portsmouth Health Care Trust Health Record relating to her mother, Mrs RICHARDS, and this is referenced LH1 and each of the pages has been accorded it's own reference number and I would invite Mrs MACKENZIE, if she makes a comment based on the Health Record, perhaps to refer to the page number as she does so. So the next voice you'll hear is Mrs MACKENZIE and off we go.

1.28 MACKENZIE

The first page I refer to is LH/1/C/7 which is the past medical history of my mother and I would make the comment, "Deaf in both ears", yes, but she could hear with the aid of a hearing aid but the Nursing Home had lost the hearing aid and hadn't replaced it. "Cataract operations in both eyes", yes, but she could see with one eye, with her glasses, but the Nursing Home had lost her glasses.

BURT

This is the Nursing Home at Lee-on-Solent?

MACKENZIE

At Lee-on-Solent, yes, and those details are in the Case Conference which was held by the Social Services Department into the Nursing Home. "Six month history of falls", yes, since she was put on tranquillisers Trizadone and Alaperidol. "Alzheimer's, worse over the last

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six months”, yes, if it was Alzheimer’s, and I understand you can’t be sure of that unless you do a post mortem on the brain. “Worse over the last six months”, I would contend, due to dementia and the added risk of tardive dementia due to the two drugs in question. I would then refer to LH/1/C/8 which is a note by, I think, Philip BEAD, the Charge Nurse at the Gosport War Memorial, where he mentions that, in addition to the treatment i.e., drugs that Haslar had recommended, they had added ‘Oramorph’. Why? Because she hadn’t needed it in Haslar, why did she need it at the Gosport War Memorial Hospital? The next page, LH/1/C/9, a letter from Doctor R I REED. In his letter he has commented that her mobility has deteriorated over the last six to seven months, and I’ve just specified why I think that was, and that, according to her doctor, she has been ‘knocked off’ or ‘knocked out’ by this medication for months and has not spoken to them for six or to seven months. Well she has spoken, not long conversations, not always full sentences, but she certainly has spoken and has recognised who I was, although I’d come from Eastbourne, and I’d spent several visits down at the Nursing Home and certainly she knew who I was. He also mentions that, “Since they

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stopped doing the trizodone we both thought she'd been much brighter mentally". I would say she'd been mentally more bright than she'd ever been in the last six months in the Nursing Home. He says, "Mrs RICHARDS was clearly confused and unable to give a coherent story". I would suggest that when you are questioning a lady who has dementia, and cannot hear a thing without a hearing aid, she is likely to be confused plus the fact she couldn't lip read because she hadn't got her glasses, "But she was however pleasant and co-operative". The next page, if you'll bear with me until I find it, LH/1/C/11, which I think are notes made by Doctor BARTON, dated the 11th of August, when she was transferred to Gosport from Haslar and Doctor BARTON has made a surprising statement, "I'm quite happy for the nursing staff to confirm death". There is no impression from Haslar that she was anywhere near death. Why should Doctor BARTON assume that she was going to die? The idea was that she should be about four to six weeks in Gosport before she was, for rehabilitation with her zimmer, before being sent on to another hospital. I don't see why she should be happy for staff to confirm death, if there was no need, unless she had already had it in her mind that

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she'd got a ninety one year old patient who was a damn nuisance and that was going to be the outcome. Then there's a note on LH/1/C/11, again, but it's actually a continuation.

BURT

Yes, it's in brackets, yes...

MACKENZIE

...and it's dated the 14th of August but the writing is, "Further to our telephone conversation. Thank you for seeing this unfortunate lady who has slipped from a chair, 1.30 yesterday, and appears to have done something to her hip. I'm now sending x-rays, many thanks", and then the dates go very peculiar. We've got the 14th of the 8th and then we've got, what looks like, the 12th of the 8th, then the 18th of the 8th...

6.54 BURT

Yes, that may be the 17th perhaps

MACKENZIE

Oh, it may be the 17th with a crossed 7

BURT

Maybe, yes, yes

MACKENZIE

Yes, it maybe

BURT

That's right. I guess that's when she was referred back to Haslar isn't it?

MACKENZIE

Very odd. Oh, and I'm sorry, I would refer back to LH/1/C/11, under the 14th of the 8th, "Is this lady well enough for another surgical procedure?". Well she didn't mention it to us about the surgical procedure and it's not up to a GP to decide that. It's up to the Consultant at Haslar.

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probably give the impression of being dementia. Then, just bear with me, I'm always amused by 'the abbreviated mental study' and the questions they ask people as to whether, which determines whether there 'ga ga' or not. It's the way you translate them.

10.59 MACKENZIE Then we've got here LH/1/C/21
 BURT Yes, now that's a series of notes...
 MACKENZIE And I think this is quite, this is from Gosport starting off on the 13th of August, "Found on the floor at 13.30. Checked for injury and none apparent".
 BURT And I note there the time is recorded at 13.00 isn't it
 MACKENZIE Yes, now who checked for injury? Should have been the doctor.
 BURT Now, there's a time, there's a change in the time. It looks like it was 2000 hours and it's been changed to 19.30.
 MACKENZIE Where have we got, yes
 11.47 BURT That's in that first entry
 MACKENZIE Oh, I haven't got that on here. Oh yes, 19.30, "Hoisted into her seat". 19.30. That 7.30, "Pain in right hip. Internally rotated, Doctor BRIGG contacted". But that doesn't tally with the time my sister received a phone call. Doesn't tally at all. It says here, "Inappropriate to transfer for x-

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ray”.

BURT Can I just refer you to that incident there. Perhaps, whether you could confirm that it’s your understanding. There was a reference, later, that we’ll see, to the fact that Doctor BARTON was on site.

MACKENZIE Was on site

BURT But there’s no reference in the clinical notes, is that right?

MACKENZIE Yes

BURT Now, am I right in saying that...

MACKENZIE Yes, she’d definitely..from the Portsmouth Health Authority they say, “Doctor BARTON was on site at the time”

BURT But there’s no, on the clinical notes there’s no...

MACKENZIE ...No, “And wrote up for ‘Ormorof’, right...”

BURT Yes

MACKENZIE But if she’s found on the floor at..see first of all we’ve got, “13.00”. Then we’ve got, “Found on the floor at 13.30. Checked for injury and none apparent”. Checked by whom? Doesn’t say, except that we’ve got a note here, down the bottom, which just looks as though it’s been written up by an RGN...

13.10 BURT ...Yes there we’ve got...

MACKENZIE ...So when they went to the Doctor and said, “She’s making a noise”. ‘Ormorof’ or another drug was given. Didn’t they mention to Doctor

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BARTON that she'd had a fall?

BURT Now where was it that it says that Doctor BARTON, we may have to refer to another document, that Doctor BARTON was nearby at the time

MACKENZIE It says that in the Portsmouth Health Authority Trust...that she was on the site at the time and wrote up for painkiller

BURT Now, we are talking about the 13th aren't we? We're talking about that occasion, aren't we?

MACKENZIE Yes, when she first...yes

BURT But there's no reference to that on the contact record here

MACKENZIE No, there's no record in here that she was seen by Doctor BARTON

13.53 BURT And indeed there's no note made by...

MACKENZIE But, "Inappropriate to transfer for x-ray". So that was Doctor BARTON's decision. There's something funny...

BURT So we've got Doctor BRIGG contacted, advised x-ray 'a' in the morning and analgesia during the night

MACKENZIE Yes

BURT And there's a full stop there and then it says something about...

MACKENZIE "...inappropriate to transfer for x-ray"

BURT But we don't know who...why that was inappropriate...we don't know that...

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MACKENZIE No, and we've got down here, we've got in the notes from Portsmouth, that when she was found on the floor at 13.30 Doctor BARTON wrote up more tranquillisers. So Doctor BARTON checked her for injury, wasn't very thorough. Surely somebody falls on a new hip you would get them x-rayed anyway

BURT But that's something we need clarification in terms of Doctor BARTONS' action, shortly, alleged action, shortly after the fall.

MACKENZIE Yes. Then we have on that same page LH/1/C/21 a note under the 17th of August, "Returned from Haslar. Patient very distressed and appears to be in pain", and yet, when we arrive, we're told no she's not in pain, it's dementia

BURT Right

15.22 MACKENZIE And then we have the added bit in, "No canvas under patient. Patient transferred on sheet by crew". That has been added, later, I would suggest. After I had spoken to the two care support workers who told me what had happened and yet it's got here, "To remain in a straight knee splint". Well it certainly wasn't straight when we pulled back the sheet. "Pillow between legs at night", but there wasn't a pillow put between her legs and we arrived half an hour after she had

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BURT In fact these are a reiteration of the discharge notes from Haslar are they, this is the advise isn't it from Haslar?

MACKENZIE Yes, yes

BURT Because this says 4/52

MACKENZIE Yes

BURT 4 weeks that is isn't it?

MACKENZIE Yes

BURT To remain in straight knee splint for 4 weeks

MACKENZIE Yes, that's the advice, that's the advice. So for half an hour that advice wasn't carried out.

16.21 BURT "No follow up unless complications"

MACKENZIE Yes, but the complication had already, when she returned from Haslar the complication had already started. Then we've got LH/1/C/21 continued, on the 17th of the 8th, "Daughter reports surgeon to say, mother must not be left in pain if dislocation occurs again. Doctor BARTON contacted and has ordered an x-ray". This is not, this is totally different to what happened. I mean Philip, the nurse, had been trying to get an x-ray and they hadn't accepted his signature and yet this is written up by the other nurse, not even written up by Philip.

BURT So this is just again after her second return...

MACKENZIE ...Yes

BURT ..to the ward

MACKENZIE And here we've got I can't, "MRSA negative"

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and I don't know what, who's signature that is, "In pain and distress, agreed with daughter to give, give her mother 'ormorof' 2.5 milligrams in 5 mls, or whatever it is, but that's 13.05. I would suggest that is Philip

17.45 BURT
MACKENZIE

Yes
Because we said for goodness sake give her a painkiller before we can get her down to the x-ray department. "Daughter reports surgeon to say mother must not be left in pain, if dislocation recurs again". They obviously were, they also, I would think had a query that she had in fact dislocated it again...

...but COUCHMAN shouldn't have written that up. That should be due to Philip and, here again, I think this has been written up later. Then we've got 'pm' no time...

BURT
MACKENZIE

This is, I believe, Philip I think
Yes, then we've got, "Hip x-rayed at 15.45. Film seen by Doctor PETERS, a radiologist, no dislocation seen. For pain control overnight receiving"...

BURT
MACKENZIE

...On review
.."reviewed by Doctor BARTON". If it was a massive haemetoma they must have seen that on the x-ray. So was decided then she was just going to have pain relief. Then we've got the

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18th of the 8th am, "Reviewed by Doctor BARTON for pain control via syringe driver". So they hadn't even considered surgical intervention. "Treatment discussed with both daughters", 11.15. That is not correct. We were there at 9 o'clock in the morning and we had the conversation with Philip who told us nothing could be done. She had a massive haemetoma. The kindest way to treat her was to put her on Diamorphine to ease her pain until she died. "They agreed to use the syringe driver to control pain and allow nursing care to begin". Yes, we did agree the syringe driver. We were under the impression she was going to die within 24 hours.

19.40 BURT
MACKENZIE

Right
Then we've got, "Syringe driver, 11.45, commenced,". Yes, that is about the right time it did commence. Then we've got LH/1/C/21, still continued, 18th of the 8th , "Patient remained peaceful, daughter Gill stayed the night with Gladys". Now, the 18th of the 8th , if I look at my calendar, is Tuesday, which is the day we'd been told in the morning...

BURT
MACKENZIE

Yes that's right, Friday the 21st ..
...and from that Tuesday, until the 21st , I stayed every night but no mention of that and my son came down and he came down twice that week.

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Then we've got the, I think it's the 19th, "Mrs RICHARDS comfortable, daughter seen", daughter, daughter's' it should be, I don't know whether it's daughter or daughter's', it should be daughter's', "Unhappy with various aspects of care complaint to be handled officially". We'd already started the complaints procedure. 21st we've got 19th, and then we've got the 21st, nothing else written up. "Patients overall condition deteriorating. Daughters visited during the morning". This is absolute tripe. We were there the whole time and I don't know whose writing that is, whose written that up.

BURT

Which is this, the one on the 21st

MACKENZIE

This is on the 21st of the 8th

BURT

Yes

MACKENZIE

I mean this has been written up afterwards

BURT

Staff Nurse JOYCE, I think

MACKENZIE

"Daughters visited", we were living there. I mean I even went into a patient's private room so that I could have a wash and my sister, at that time, stayed with my mother. We didn't leave her for a moment. "Condition poor pronounced dead at 21...the nurse", I mean we called the nurse and said she's, you know, she's dying. I mean we knew the last few moments she was dying, "For a cremation". I mean there's no notice there that my sister and my niece washed

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and laid out my mother. Surely that should have been in there and we stayed in fact until the body went down to the mortuary.

22.27 BURT
MACKENZIE

Yes
And I went into the mortuary. Well, that's on the other papers with... Now, then we come to LH/1/C/22, "Nursing action. Observe for pain, remove dentures, call bell at hand". My mother couldn't move to get to a call bell, let alone if you put her on 'Ormorof', or whatever this drug is. She would be too 'zonked out' to get a call bell, absolutely. "Did not seem to be in pain". and yet they give her, "Very agitated and sharp and crying, didn't settle for more...", that's on the 12th of the 8th. There does seem to be some, "Daughter stayed with Gladys overnight". I mean one thing doesn't seem to carry on with the other. Then we've got LH/1/C/22/1, "Refused breakfast and lunch". I mean she couldn't refuse breakfast because she was 'zonked out', that's why she refused it and that's why...and she didn't have anything to drink either and that's why she was dehydrated when she went back to Haslar.

24.07 BURT

And there's a big gap here and it goes right to the last day, "No food taken". 21st of the 8th, which I thought was rather odd, because by the 21st

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MACKENZIE ...She hadn't had any food at all in that whole of last week and no hydration either and there was sometimes when she hadn't been washed.

BURT Yes

MACKENZIE Or anything else. I don't know quite what LH/1/C/22/2 means at the end, because there's nothing sort of down, except...oh that's bowels open, is it

BURT Bowels not opened, yes

MACKENZIE Well, I hardly think so if your practically unconscious

BURT No, that calendar relates to bowel movements

MACKENZIE And if you hadn't had anything to eat. I mean there's pages and pages of nothing on the Health Plan at all. Quite honestly when I was in personnel management. When I interviewed somebody and I wasn't going to take them on for a job I had to have detailed notes in case I was taken to a tribunal..

25.18 BURT ..Absolutely

MACKENZIE And this seems very...well I don't know quite what. It's a bit difficult to know which is...

BURT ...No

MACKENZIE Which is which...

BURT Obviously these notes would be subject to scrutiny by...

MACKENZIE Yes, you see and when we found LH/1/C/24 I can't make any comments on that because...

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BURT No, that's the medication, isn't it. That would be for a...

MACKENZIE Yes, I really don't know how much Diamorphine you need to...well five days of it anyway. You see patient...then we've got LH/1/C/24 continued, 12th of the 8th, "Given all of the medication". So really it should stipulate what all those medications were. "Patient drowsy", and the next thing we have is the 18th of the 8th, "Given by syringe driver". Pages of nothing.

BURT And at the end there's the reference to the two x-rays that I've asked to see...

26.58 MACKENZIE Now there's one here, you don't seem to have a reference on it...

BURT Which one's that

MACKENZIE It's the Portsmouth Health Care

BURT Oh no is this the document, here, the accident report...

MACKENZIE Yes

BURT Right, so let's put the Health Record to one side for a moment then

MACKENZIE Yes

BURT And so we've, the next document to have a look at, perhaps whilst remembering the other document we just looked at. Now I'm referring now to a Portsmouth Health Care NHS Trust Risk Event Record for accidents and incidents

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and you've got a copy of that there.

MACKENZIE Yes

BURT Would you like to have a I don't know if you'd like to have a look at that one, it might be marginally, now that's been that was given to me by Mrs HUMPHREY and I think the reference number will be LH/2 but we'll clarify that in due course.

MACKENZIE Yes. Now I've got a query on this

BURT Yes

28.05 MACKENZIE On that item 7, "Patient sat in chair in room 3 and found on the floor by the nursing staff". Where did she actually fall from her chair? Was it in room 3 because, as I say, my niece saw her, I think, in the sitting room

BURT Yes. Right

MACKENZIE I don't know why she'd been fully dressed that day anyway

BURT Not sure what room 3, I guess, is...

MACKENZIE Well, it was a little room, there was a little room she was in, by herself, and it was right opposite the reception desk, with a window, so that they could see in to see what she was doing. So whoever was sitting at that reception desk didn't see her fall, didn't hear her cry and the door was left open. The door was left open. You would think you would immediately go, if somebody's fallen, because if she fell from her chair in that

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room she would have been heard

BURT Yes, yes

MACKENZIE And then item 11, on that same page, they've got that, "Specified painful hip". So they knew she had pain in her hip and yet they still only gave her tranquillisers and Doctor BARTON was on site. Then, under 11, "Check for injury, none apparent at the time and hoisted from the floor to chair and a safety table put in front of her". Pity they didn't put the safety table there before, wasn't it, when they had been told that if she wanted to 'spend a penny' she could agitate and would try to get out of the chair

29.50 BURT There's an entry here under 12, "Was patient's doctor notified". It's got a tick, 'yes', and there's an additional entry put in there, "Seen by Doctor BRIGG"

MACKENZIE Yes

BURT "Advised by telephone"

MACKENZIE Yes, but he wasn't her. I don't know who Doctor BRIGG is because her own doctor was Doctor BASSETT I think it was

BURT Next of kin informed, 'yes', it says here, on the 13th

MACKENZIE Yes, where are we under 13

BURT Under 12 still

MACKENZIE Under 12, where have I got it Yes, but, 'telephone', now they...

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BURT But that wasn't until the, later, as I understand it, wasn't it

MACKENZIE Yes, but you see, they had been told that my sister was, was, I think not going to be there but she was contacted, you know, at night or whenever it was

30.55 BURT I see, it's down the bottom here, it's got the, "Seen by Doctor BARTON" and the date

MACKENZIE Seen by Doctor BARTON and it looks like, I don't know

BURT The best guess is the 14th but x-ray shows...

MACKENZIE ...Dislocation and transfer to Haslar for...but she wasn't x-rayed until the next day. So, I mean, seen on the 14th and she wasn't transferred until...there's a query there

BURT Yes

MACKENZIE "Describe the action to prevent a reoccurrence, remain in bed over the weekend". What's that mean, because she'd been sent back to Haslar

BURT Right

MACKENZIE Now that Sue HUTCHINGS, Senior Nurse co-ordinator, she is the one who saw my mother on the Wednesday night, Thursday morning early, about 4 o'clock in the morning, and came in and said that she thought my mother was going to die soon and she had asked that, when she was due to come off duty, she would like to remain until, you know, my mother was dead. She

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32.06 BURT would like to remain until she actually did die
 Oh right, is this Sue
 MACKENZIE That was on the Wednesday
 BURT HUTCHINGS
 MACKENZIE Yes, that was on the Wednesday, Thursday
 morning and every time any of the staff came
 on duty again, after the Tuesday, they kept on
 saying, "Well, I'm amazed your still here. You
 would have thought...she'd...we're amazed
 she's still here, we can't understand it
 BURT Which is indicative of her resilience, indicative
 of..
 MACKENZIE And, in fact, this Sue said, because Sue had
 been the one, I believe, who had discovered that
 she had in fact dislocated her hip and phoned
 my sister before so she said, "I'd been in, you
 know, this is such an appalling story and I
 would like to be here with you". Then she
 started this business with my sister-in-law,
 stroking the back of her hand, and stayed there
 for 10 minutes thinking my mother was going to
 die there and then. She still didn't. I don't think
 there's any...
 BURT No, so the issues there really are the...I suppose
 there is an issue about who, what doctor was
 involved in that
 33.08 MACKENZIE Yes, because we've got that it was Doctor
 BARTON in the Portsmouth Health thing

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BURT What, that's in the reply letter wasn't it

MACKENZIE Yes, in the report

BURT Right, now there will be an opportunity,
obviously, for you to, when you get the draft, to
go back through these documents again..

MACKENZIE Yes

BURT To be sure, and the idea, today, of course is to
capture some basic information. Now is there
anything else at this stage. I don't think we, I
think we've probably we've..

MACKENZIE Well, am I allowed to make any points as to
why I came to the Police in the first place?

BURT Well, I mean, yes, there's no problem with that
at all. I'm just thinking that, for the benefit of
the transcript, for the first transcript...

MACKENZIE Yes.

BURT Probably it was...the idea was to quickly get
something down on tape, as it were...

MACKENZIE Yes.

BURT ... to cover the general nub issues.

MACKENZIE Mmmm.

BURT In your statement you will be able to put
whatever...

MACKENZIE Yes.

BURT ... you want to put in.

MACKENZIE Yes. Yes.

BURT Now, in terms of preparing a draft, as a starter...

MACKENZIE Right.

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BURT ... it might be worthwhile hanging fire there.

MACKENZIE Okay.

BURT Now, having said that, of course, is that when it comes to making a statement you can put whatever you want in there.

MACKENZIE Yes.

BURT I mean, the only... I guess the only guidelines really would be is, it would, you, and I suppose, the advice would be, because I don't know quite what...is to make statements that you're quite certain about.

MACKENZIE Yes.

BURT You know what I mean? And when, and in fact, when it comes to like opinion...

MACKENZIE Yes.

BURT ... we need to be cautious and I suppose ...

MACKENZIE Yes.

BURT ... really, in your interests I need to say to you, well we need to be careful about saying anything in a signed and written form.

MACKENZIE Yes.

BURT That is, that is, that represents accusations that couldn't be substantiated.

MACKENZIE Yes. Well, I suppose I could say the reason I came to the Police with an alleged allegation of an...

BURT Oh, yes, yes.

MACKENZIE unlawful...

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BURT Yes.

MACKENZIE ... killing, was that I was, I was of the opinion there was negligence...

BURT Yes.

MACKENZIE ... I don't think there's any doubt that there is negligence.

BURT Mmmm.

MACKENZIE But that I'm aware that gross negligence can lead to a charge of...

BURT Indeed.

MACKENZIE ... manslaughter.

BURT And that's why...

MACKENZIE And that's why I came. I've no intention of taking action if it was purely negligence as a tort...

BURT No.

MACKENZIE ... where you sue and you get...

BURT Indeed.

MACKENZIE ... and you get compensation and all that.

BURT Yes.

MACKENZIE That is of no interest. The fact that I thought it was a criminal matter, was really, it couldn't help my mother, but it could perhaps help people in the future.

BURT And it was your belief that the negligence that...

MACKENZIE Was so gross...

BURT ... was so gross that it had stepped...

MACKENZIE ... that it lead...

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BURT ... one step beyond....

MACKENZIE that it had led to the death of my mother...

BURT Yes.

MACKENZIE ... which was manslaughter.

BURT And that's my role. My role is to, to try and see what evidence there is, to suggest, or otherwise, whether there is evidence to suggest that this kind of step, it went a step further.

MACKENZIE Yes.

BURT And the...

MACKENZIE Plus the fact, even before I brought that allegation, I mean, there was the business of the death certificate and stuff, you know.

BURT Mmmm.

MACKENZIE But there was also the fact that I, I've took the trouble to look it up.

BURT Yes.

MACKENZIE In Archibald, and the more I read, the more I was convinced.

BURT Yes. Right, now, I think for the purposes of the first draft, we'll call it...

MACKENZIE ..a day.

BURT There. Well, we'll call it, for just the taping process...

MACKENZIE Yes.

BURT ... and we can have a little recap in a moment...

MACKENZIE Okay.

BURT ... about any other issues we need to remember.

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MACKENZIE

Mmmm.

BURT

So, I'm going to turn the tape off now and, according to my watch it's thirteen twenty two (1322) and the tape's going off.

End of interview.

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