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## No criminal charges against doctor guilty of misconduct over deaths

No criminal charges are to be brought against a doctor found guilty of serious professional misconduct in connection with the deaths of elderly hospital patients, the Crown Prosecution Service (CPS) said.

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An inquest jury found that Jane Barton prescribed drugs which contributed to the deaths of five patients at Gosport War Memorial Hospital in Hampshire in the late 1990s.

Earlier this year, the General Medical Council (GMC) also ruled that Dr Barton, who has since retired, was guilty of multiple instances of professional misconduct relating to 12 patients who died at the hospital.

The panel found a catalogue of failings in her treatment of the patients, who later died, including issuing drugs which were "excessive, inappropriate and potentially hazardous".

The failings included inadequate examinations of patients, failing to consult colleagues and poor note-keeping.

But instead of being struck off she was given a list of 11 conditions relating to her practice, including not being able to administer opiates by injection.

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The CPS, which has reviewed the case for the third time, said that there was "insufficient evidence to prosecute" after a review of the evidence from the GMC hearing.

Paul Close, CPS special crime division lawyer, said: "Transcripts of the evidence given at the inquests and the GMC proceedings have been considered to see whether, in light of that evidence, the earlier conclusions of the CPS remain the same.

"Having given careful consideration to the new material on each patient, it remains my view that the evidence is insufficient to provide a realistic prospect of conviction for an offence of gross negligence manslaughter against Dr Barton in respect of each of the 10 deaths I have reviewed.

"I have written to the families to explain my decision and to offer them a meeting if they wish."

A Hampshire police spokesman said the force conducted a criminal investigation into the deaths of 92 elderly patients at the hospital between 1990 and 2002.

The spokesman said this evidence had been reviewed again after the inquests and the GMC hearing.

Assistant Chief Constable David Pryde said: "This has been an incredibly complex and challenging investigation for all involved, given that many of the patients who died in hospital were manifestly unwell and suffering some of the more severe problems in geriatric medicine.

"We understand that this may not be the outcome families were hoping for, but I would like to reassure them and the general public that every investigative opportunity has been fully explored.

"Hampshire Constabulary has committed significant resources into this investigation to ensure that a complete and impartial inquiry was conducted."

**Code A** of Elsie Devine, one of the patients who died at the hospital, said **Code A** would campaign for a judicial review of the CPS decision and is considering a private prosecution against Dr Barton.

**Code A** said: "This decision is totally inconceivable. It's been 11 years. I'm angry and disgusted. I'm devastated **Code A** the way she lost her life.

"We are not in shock, we are very, very angry and trying to take it all in. We are looking at getting a judicial review and if not we are going to get her into a criminal court with a private prosecution."