



General Medical Council	
Original was a Photocopy	Page 5
Original was Poor Quality	
Date rec for scan	- 7 OCT 2015
Original has been Photocopied to improve Scan Quality	
Document had physical objects ref:	

Log out

Sheila
Please
need to
Louise for
a resp.
Thanks

FPD Director's Correspondence
Activity Sheet No 1

To: Paul Philip
From: FPD Secretariat
Date: 5/7/04

Code A



Item No./OPCE log no. 2004-348
FPD complaint reference: various
Caseworker allocated: N. P. Kenaghan
Correspondent's name: Dr J. B. Baird
Doctor(s) concerned:

Action Required:

- Reply direct (no copy to Secretariat)
- Reply direct (copy to Secretariat)
- Draft reply for
 - President
 - Chief Executive
 - Director
- Draft reply from caseworker for Director's approval
- Supply Case Summary (form attached)
- Complete complaint information
- Complete time taken information
- Case file to be sent to FPD Secretariat with response

Louise
Draft a
response.

20-7-04
Sheila, This has
already been done.

I drafted a reply for
Finlay on 13-7 via Louise
asked for a soft copy of
Nyola on 16-7 so I assume it's
gone out. Draft attached.
Louise

Other - Paul to discuss with
Finlay

Deadline for return to FPD Secretariat
(Chris Couchman/Sheila Bennett):

12/7/04
23/7/04

2004-248

Paul Philip

1606



To Paul Philip } alerted by email
cc Paul Hylton } about meeting 6/7/04
Finlay Scott
Christine Couchman
OPCE
Louise Povey
Toni Smerdon 05 JUL 2004

Hampshire Constabulary
Police Headquarters
West Hill
WINCHESTER
Hampshire
SO22 5DB

Tel: 0845 0454545

Fax: 01962 871204

Telex: 47361 HANPOL

Paul R Kernaghan
QPM LLB MA DPM MCIPD
Chief Constable

Your ref:

Our ref: CC/smg

2 July 2004

Mr Finlay Scott
Chief Executive
General Medical Council
178 Great Portland Street
London W1W 5JE

Dear Mr Scott,

Re: Operation Rochester - Gosport War Memorial Hospital

Our telephone conversation on 23 June 2004 refers. I have raised your points with Detective Chief Inspector Williams and have set out his response below.

A clinical team of experts in toxicology, general medicine, palliative care, geriatrics and nursing have reviewed a total of 93 cases referred to OP ROCHESTER either by family members, through the family group solicitors, or through separate review undertaken by Professor Richard BAKER on behalf of the Chief Medical Officer Sir Liam DONALDSON.

The clinical team have highlighted 9 cases of serious concern of deaths of patients at the Gosport War Memorial Hospital between 1996 and 1999. (Negligent care that is to say outside the bounds of acceptable clinical practice, the cause of death being unclear). This has been a screening process as opposed to the production of evidence in accordance with a strategy agreed between the SIO Steve WATTS and the CPS.

We are effectively investigating the nine highlighted cases, which will be assessed by further experts who will provide evidential statements as to whether the care afforded to these patients was grossly negligent to a degree that will support a criminal prosecution.

Four cases will be fast-tracked to CPS by the end of September 2004.

It follows that Dr BARTON will be interviewed under caution in August/September 2004.

Once that has been done, the requirement to withhold the detail of the information from the GMC ceases (If we provide them with the information beforehand for the purposes of GMC hearing then they are obliged to reveal the information to Dr BARTON) which could compromise police interviews.

Mr WATTS has stated previously to the GMC that he is content to attend an Interim Order Hearing to give an overview of the police investigation to date, and that offer still stands.

I recently met with the Deputy Chief Executive of the Fareham and Gosport primary healthcare trust Mr Alan PICKERING (11.6.2004) who gave reassurances in respect of Dr BARTONS ongoing prescription of Opiates. Both the Healthcare Trust and Strategic Health Authority have a voluntary arrangement with Dr BARTON that her prescription of Opiates and Benzodiazapines are supervised at the time by another GP. The prescription levels are furthermore independently monitored through Healthcare Trust IT systems.

Given the comments of the Chief Executive of GMC that this arrangement no longer stands I am in the process of confirming the current arrangements, however it is my belief that they still stand.

Dr BARTON has previously appeared before the GMC Interim Orders Committee on the 21st March 2002 and 19th September 2002, in respect of similar allegations surrounding her prescription of Opiates at Gosport War Memorial Hospital, and following disclosure of papers relating to earlier police investigations. On both of those occasions the IOC considered that 'it was not necessary for the protection of members of the public, in the public interest or Dr BARTONS own interests to make an order affecting her registration.'

I have E mailed Mrs POVEY of the conduct case section of the GMC offering to meet her next Tuesday morning 6th July to discuss the current situation.

I think we both recognise that maintaining the confidence of the general public, and that of certain relatives, is a difficult dilemma in cases such as this. I trust the information supplied will assist you and I would highlight DCI Williams' liaison with Mrs Povey of your staff. I look forward to the time when the CPS have issued an authoritative direction in relation to prosecution or non prosecution. Such a development would allow us to proceed in a more open and regulated manner. Subject to our responsibilities as criminal investigators, we are keen to cooperate with your organisation with a view to safeguarding the public interest.

Yours sincerely,

Code A

Code A

Code A

**Paul Kernaghan
Chief Constable**

Lais Hungria [Code A]

From: Paul Hylton [Code A]
Sent: 05 Jul 2004 10:40
To: Lais Hungria [Code A]
Subject: RE: Hampshire Constabulary - letter re Dr Barton

Lais

The Police are coming here to have a meeting with Louise Povey, Paul P, Toni Smerdon and myself at 9 am tomorrow morning.

Paul H

-----Original Message-----

From: Lais Hungria [Code A]
Sent: 05 Jul 2004 10:36
To: Paul Philip [Code A]; Paul Hylton [Code A]
Cc: Christine Couchman [Code A]; Janice Barratt [Code A]
Subject: FW: Hampshire Constabulary - letter re Dr Barton

Paul P and Paul H

This is to let you know that we have received this morning a letter from the Chief Constable following his conversation with Finlay. They mention a meeting with the GMC (they emailed Louise Povey about it) tomorrow 6 July.

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Sent: 17 Jun 2004 18:04
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Subject: FW: Hampshire Constabulary - re Barton

Finlay,

You agreed to contact this chap early next week regarding the case of Dr Barton which is being investigated by the police presently.

Paul, could you provide a resume of the state of play on the Barton case for Finlay please.

Thanks

Paul

-----Original Message-----

From: Peter Steel [Code A]
Sent: 17 Jun 2004 16:08
To: Paul Philip [Code A]
Subject: Hampshire Constabulary - re Barton

Paul Kernaghan
 Chief Constable
 Hampshire Constabulary

Tel: 0845 045 4545

DRAFT prepared by Louise Povey

13 July 2004

Mr Paul Kernaghan
Chief Constable
Hampshire Constabulary
Police Headquarters
West Hill
Winchester
Hampshire
SO22 5DB

Re: Operation Rochester – Gosport War Memorial Hospital

Thank you for your letter of 2 July 2004 about the status of the above investigation.

I am aware that a useful meeting has taken place between staff here and Detective Chief Superintendent Watts and Detective Chief Inspector Williams. The GMC remains eager to ensure that it is taking all reasonable steps to protect the public. We are currently waiting for clarification of the timing of the CPS's decision to consent to the release of certain material and a draft statement from DCS Watts indicating what he is able to say to assist the Interim Orders Committee.

If after consultation with the CPS, the position is that relevant material cannot be released to the GMC we shall consider our position further to ensure that we are proceeding appropriately.

Thank you for your assistance.

Yours etc

COPY

**FPD Director's Correspondence
Activity Sheet No 1**

To: *Paul Philip*

From: FPD Secretariat

Date: *5/7/04*

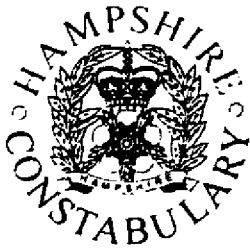
Item No/OPCE log no: *2004-348*
 FPD complaint reference: *various*
 Caseworker allocated: *Mr P. Kernaghan*
 Correspondent's name: *Dr J. Barr*
 Doctor(s) concerned: *Dr J. Barr*

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- Other - *Paul to discuss with Friday*

**Deadline for return to FPD Secretariat
(Chris Couchman/Sheila Bennett):**

12/7/04



Paul R Kernaghan
QPM LLB MA DPM MCIPD
Chief Constable

2004-248
Paul Philip
To Paul Philip } alerted by email
cc Paul Hylton } about meeting 6/7/04
Finlay Scott
Christine Couchman
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Code A

Paul Kernaghan
Chief Constable

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