

FITNESS TO PRACTISE DIRECTORATE

CONDUCT & REFERRALS

TELEPHONE MESSAGES

Call taken by Paul Hylton

Date 13 March 2006

Time 11 45

Name of caller DC J Quade

Caller's status (eg MP, patient's mother)
Hampshire Police officer

'Phone number of caller

Code A

Address of caller
(if necessary)

Hampshire Police, Major Crime Unit,
Fareham Police station

Doctor(s) complained/enquired about

Dr Jane Barton

If we have file already open - file reference

2002/0941

Summary of 'phone call

- 1 The Police Officer called regarding Dr Barton's registration status, as they had tried to access her registration details online without success
- 2 I explained our procedure in respect of FPD 02 alarms and our statutory duty to notify employers of FtP action against a doctor I also confirmed that Dr Barton did not have any restrictions on her registration at that time
- 3 I explained that the GMC were due to review Dr Barton's case later this week and asked that a report updating us as to the current stage of the Police investigation be sent to me by email prior to Thursday's hearing I asked that Kate Robinson be asked to provide such a report, as she has been in regular contact with the GMC in this case and is aware of the issues that concern the GMC regarding the time it has taken to progress the Police case
- 4 I was assured by DC Quade that such a report would be provided

For next action by Chase up report on 16 March if not already received

Paul Hylton [Code A]

From Eleni Kontou [Code A]
Sent 16 Mar 2006 11:32
To Paul Hylton [Code A]
Subject Phone call

Hi

You had a phone call from Gillian Mackenzie. She said she had a 3hr IPCC meeting in London. It was frank, constructive and instructive. You can await her complaint about senior officers of the Hampshire constabulary about the way her case has been handled.

From: Paul Hylton [Code A]
Sent: 21 June 2006 10:58
To: [Code A]
Cc: Peter Swain [Code A]
Subject: Dr Jane Barton

Peter

[Redacted]

[Redacted]

[Redacted]

Paul

From: Paul Hylton [Code A]
Sent: 28 July 2006 12:23
To: 'david.williams' [Code A]
Cc: 'Jones, Peter'
Subject: RE: OP Rochester..Gosport War Memorial Investigation.

Dear Det Supt Williams

Thank you for the update.

I look forward to receiving a further update once you have met with Treasury Counsel.

Paul Hylton

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

From: david.williams [Code A]
Sent: 28 Jul 2006 12:11
To: Paul Hylton (020 7189 5115)
Cc: [Code A]
Subject: OP Rochester..Gosport War Memorial Investigation.

Code A

Dear Paul Hylton(GMC)/ Clare Strickland(NMC) /Jenifer Smith(SHA) David HORSLEY(H.M.Coroner)

Please find attached a family group update letter that I am sending today to relatives of the 10 remaining cases under investigation.

<<Operation ROCHESTER Family Group Update 28/7/2006.>>

All files have now been forwarded to the CPS and I am meeting with Treasury Counsel next week Wednesday the 2nd August to discuss the outcome.

We have also been interviewing (under caution)a consultant Geriatrician Dr Richard Ian REID in respect of 2 cases (of the 10 above) the deaths of Edith SPURGIN and Geoffrey PACKMAN. The final interview with Dr REID is being held on 8th August 2006.. The police investigation into these matters is then essentially complete.

Once the decision in respect of any prosecution is made (in my view not all of these cases meet the standard of evidence required to prosecute criminally and the public interest hurdle remains to be addressed) then we will need to get together to discuss further disclosure to the GMC and NMC.

I spoke with Dr BARTON's legal rep Ian BARKER last week, he confirmed that Dr BARTON was still adhering to the voluntary agreement not to prescribe Opiates

and Benzodiazepines.. She has however now taken a senior practice partner position at her surgery..

I will be in touch post 2nd August to discuss the way forward.. It may be appropriate to pull all stakeholders together to talk this through including the local Portsmouth Coroner Mr David HORSLEY.

Regards..

Dave WILLIAMS Det Supt..

Code A

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General Medical Council	
Original was a Photocopy	
Original was Poor Quality	
20 DEC 2006	
Original has been Photocopied to Improve Scan Quality	
Document had physical objects ref:	

Operation ROCHESTER.

Stakeholder meeting.

Fareham Police Station Hampshire.

1530hrs Tuesday 19th December 2006.

Attendees.

- ACCSO Steve WATTS. *Assistant Chief Constable*
- Chief Supt PEACOCK.
- Chief Supt GOODALL.
- Det Supt David WILLIAMS.
- Det Insp GROCOTT.

- Paul HYLTON (General Medical Council)
- Louisa MORRIS (Solicitor for GMC)
- Richard Samuel (Primary Care Trust, Strategic Health Authority)
- Sarah Tiller (Media for SHA)
- Lisa Clark (Solicitor for NMC)
- Nick Hawkins (CPS)
- Lucy Dibdin (Media Police)

Meeting objective.

To achieve multi - agency understanding in terms of organisational objectives following the NFA decision by CPS in respect of the criminal investigation into deaths at Gosport War Memorial Hospital.

Agenda.

1. Introduction/case overview. ACCSO WATTS Det/Supt WILLIAMS.
2. General Medical Council situation report and future objectives.
3. Primary Care Trust/Strategic Health Authority situation report and future objectives.
4. Nursing and Midwifery Council situation report and objectives.
5. Hampshire CPS.
6. Media issues/approach.
7. A.O.B.

BARTON

Statement by CPS / Hants Police (Press release)
Local & national Press Interest.

19/11/06

of Rochester

Police gross negligence / Serious Professional misconduct

DR BARTON

(May 2007) (5 cases)

- some cases already referred
- 2. Gender normal procedure - Assist Police (not compromise)
 - re-evaluate protection of public (2007)
 - Begin process of considering whether additional cases should be added,
 - take case forward

92 cases reviewed by police,
10 cases to CPS (London) (at 3)

negligence could not be proved beyond reasonable doubt (criminal)

Police have not met CPS to discuss case - have not had opportunity to analyse advice / CPS decisions

Having looked at it may be opportunity to go back to CPS (very small likelihood) - advice in respect of each case and letters to families provided by CPS.

DR Barton restricted by local conditions - no longer at GRM - will not carry out further investigation (PCT) whilst GMC / NMC investigation in progress.

significant levels of negligence identified by experts.

IPCC will be carrying out an independent investigation

5426
7 189 ~~RA28~~

medica

PAICE:

HA:

GMC/NMC:

CPS:

Ryan Wilson, Anne neaves (rep by Anne Alexander)
Principal complainants, also to RPE - Gillian
McKENZIE.

10 cases significant concern - 2 experts

patience care, had all -
Bancroftian information

Dr Barton & consultant Dr Reid.

800+ statements, further experts instructed to support

2 principal experts.

Experts gave opposing views

re by five
order

Coroner may hold inquest into - Devery (witness)

Gregory (those 3)

bodies buried, all others cremated.

10 families - 13 family group members - all find

in person to at least 1 representative, can

have meeting with CPS & Camelo.

release document included to release into to

GMC / NMC (Liam Donaldson, Health Minister)

local MP, Dr etc, have been informed, witnesses

will be informed.

Advice in confidence at present (CPS/Camelo).
causation not made at, negligence (gross) not
made at, (admission of, Die morpore).

Paul Close - CPS (Ludgate Hill) - write to
formally ask for when re decision to be
reversed

From: Inscoe, Wanda [Code A] on behalf of Ryder, Robert [Code A]
Sent: 15 February 2007 16:57
To: Paul Hylton [Code A]
Cc: Jones, Peter
Subject: Dr. Barton
Attachments: CAR_LIB1-#1779271-v1-
GMC_Barton_Case_Summaries&_Comments_14_2_07.DOC

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Dear Paul

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Kind regards

Robert

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GENERAL MEDICAL COUNCIL AND DR. BARTON CASE SUMMARIES AND COMMENTS

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GENERAL MEDICAL COUNCIL- DR BARTON

Eversheds' RAPID Resolution Review, Analyse, Plan, Implement, Deliver

Case Outline, Case Analysis and Case Strategy

Contact Details

Eversheds:

Partner: Peter Jones

Tel: [Code A]

E-mail: [Code A]

Associate: Robert Ryder

Tel: [Code A]

E-mail: [Code A]

The Case Outline, Case Analysis and Case Strategy will be reviewed regularly and adjusted as circumstances change or more information becomes available.

This document has been prepared for the General Medical Council and Eversheds consider no other party to be their client in respect of this dispute. The contents are confidential and must not be disclosed to any third party without Eversheds' prior consent.

Date of preparation/last review : 27 February 2007

Date of next review : 27 March 2007

Case Outline

This document sets out the background facts to your claim, as we understand them at the present time. If any of the facts in the Case Outline are incorrect or change, then please let us know at once. Changes may have an impact on this Case Outline. Together we will keep this Case Outline up to date as matters unfold and the case progresses.

Details of opponent

Dr Barton's Representative: Ian Barker
MDU Services Ltd
230 Blackfriars Road
London
SE1 8PJ

What has happened?

[REDACTED]

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Annex 1 - Detailed Chronology

Background

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From: Paul Hylton [Code A]
Sent: 13 March 2007 10:54
To: 'Ryder, Robert'
Subject: RE: Dr. Barton

Robert

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Paul

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

From: Inscoc, Wanda [Code A] **On Behalf Of** Ryder, Robert
Sent: 13 Mar 2007 10:15
To: Paul Hylton [Code A]
Subject: Dr. Barton

**** Before acting on this email or opening any attachment you are advised to read the Eversheds disclaimer at the end of this email. ****

Dear Paul

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Regards

Robert Ryder

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***** [http://www.eversheds.com/] *****

From: Christine Challis [Code A]
Sent: 06 October 2009 12:44
To: [Code A]
Subject: RE: Dr Barton reconvened hearing - Jan 2010 - and case of Dr Trossel

Will do.

Chris

From: [Code A]
Sent: 06 October 2009 08:34
To: Christine Challis [Code A]
Subject: RE: Dr Barton reconvened hearing - Jan 2010 - and case of Dr Trossel

Hi Christine,

Could you let me know when the reading days are approved please.

[Code A]

From: Christine Challis [Code A]
Sent: 05 Oct 2009 10:27
To: [Code A]
Subject: RE: Dr Barton reconvened hearing - Jan 2010 - and case of Dr Trossel

Hi [Code A]

Yes, we are going with 18-29 January 2010 inclusive. The current plan is for the Panel to read on 18 and 19 Jan and to hear stage 2 submissions on 20 January. I'm waiting for Scott to approve the reading days.

Parties are aware of the dates.

Chris

From: [Code A]
Sent: 05 October 2009 10:21
To: Christine Challis [Code A]
Subject: FW: Dr Barton reconvened hearing - Jan 2010 - and case of Dr Trossel

Chris,

Please note below.

Could you confirm if Dr Barton's case has been re-listed?

[Code A]

From: Patricia Collins [Code A]
Sent: 05 Oct 2009 08:13
To: [Code A]
Subject: RE: Dr Barton reconvened hearing - Jan 2010 - and case of Dr Trossel

Hi [Code A]

I have already spoken to Chris. Tom Kark will be excused. As I understand it there is no option but to agree it!

Tricia

From: [Code A]
Sent: 03 Oct 2009 12:11
To: Patricia Collins [Code A]
Subject: FW: Dr Barton reconvened hearing - Jan 2010 - and case of Dr Trossel

Tricia,

Are you able to advise next week as the families in my case are anxious to know when the case will be re-listed?

[Code A]

From: Christine Challis [Code A]
Sent: 28 Sep 2009 10:27
To: Patricia Collins [Code A]
Cc: [Code A]
Subject: FW: Dr Barton reconvened hearing - Jan 2010 - and case of Dr Trossel

Hi Tricia

Is there any news as to whether Tom Kark may be excused from Dr Trossel's hearing on 20 Jan 2010 please?

Thanks

Chris

From: Christine Challis [Code A]
Sent: 16 September 2009 11:59
To: Patricia Collins [Code A]
Cc: [Code A]
Subject: FW: Dr Barton reconvened hearing - Jan 2010 - and case of Dr Trossel

Tricia / [Code A]

Please see the emails below beginning with mine of 10 September.

Briefly, when dates for the reconvened hearing in Dr Barton's case were being discussed with the Panel, Tom Kark indicated that he is booked for a hearing (Dr Trossel) in January and that he could appear in Dr Barton's hearing to make and hear submissions on sanction so long as he is released from the other case in order to do so.

Tricia - can you please either confirm that Tom may be released from Dr Trossel's hearing on Weds 20 January 2010 or make any necessary enquiries and let me know?

I should mention that in view of the interest from the media and the families of the patients, the case must go ahead on 18 - 29 January 2010.

Thank you.

Chris

From: Cooper, Rachel [Code A]
Sent: 11 September 2009 10:10
To: Christine Challis [Code A]
Subject: FW: Dr Barton reconvened hearing - Jan 2010

Hi Chris

Further to my email below, Tom has now indicated that he will need to be released for the whole day on 20 January so that he can hear the defence submission and legal advice.

Many thanks

Rachel

Consider the environment, think before you print!

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From: Cooper, Rachel
Sent: Friday, September 11, 2009 9:51 AM
To: GMC - Christine Challis (3441)
Subject: RE: Dr Barton reconvened hearing - Jan 2010

Hi Chris

In relation to the dates for reconvened Barton hearing, you may recall that Tom Kark is also on another GMC case during the period (this was discussed when we were considering suitable dates to reconvene).

Would it be possible for adjudications to make arrangements for Tom's Panel in Dr Trossel not to sit for the morning of the 20th January (or 2 hours of it) so that Tom can make the sanction bid in Barton? Following our sanction submission, Tom will then leave and Ben will take over.

Please can you look into whether the above proposal is acceptable and let me know.

Many thanks

Rachel

From: GMC - Christine Challis (3441)
Sent: Thursday, September 10, 2009 3:30 PM
To: Cooper, Rachel; Barker, Ian
Subject: Dr Barton reconvened hearing - Jan 2010

Dear Rachel / Ian

This is to let you know that the Panel in Dr Barton's case will reconvene in London on Monday 18 January 2010 for 10 days. As you will know, it is the Panel's intention to spend the first two days reading. Therefore, it is anticipated that parties will not be required until Wednesday 20 January 2010. When I know for certain about the reading days, I will send a formal notice to Dr Barton with copies to you both.

Would you kindly inform your respective Counsel and, Ian, will you please let Dr Barton know?

Finally, I should mention that Mr Chamberlain, the Legal Assessor, is not available for the reconvened hearing. I understand that Mr Duncan Smith will be the Legal Assessor for the reconvened hearing.

Do contact me if you have any queries.

Best wishes

Chris

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16 April 2007

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Dear Sirs,

GOSPORT WAR MEMORIAL HOSPITAL

Following the recent decision by the Crown Prosecution Service not to commence proceedings against various staff at the above hospital, I have been advised by Mr Close of the CPS, and later the Police, that you will be conducting a medical investigation into the facts behind various deaths at that hospital.

I would like you to be aware that my step-father, Mr A D B Cunningham, was one patient who died there and, indeed, was one of the dozen or so that were extracted by the Police for closer than usual scrutiny. Consequently, I would wish to be kept informed of all developments in respect of your enquiries, and to have the opportunity of making a statement and/or asking questions should this be possible.

During my interview with Mr Close on the 15 March 2007, it became apparent that there are a number of significant reports held on file to which I was refused access. These include a report by Professor Baker who was specifically commissioned by the Chief Medical Officer to conduct an independent audit of deaths at that hospital, and also a number of 'expert' reports by specialist in the medical profession. It is a fact that some of the selected information read out to me during my interview was demonstrably inaccurate and needs to be challenged.

I am very concerned that access to this information is being released to only selected individuals as it taints the whole process and the CPS decision, and particularly infers that justice may not have been done.

In addition to my involvement, it would be very much appreciated if there is anything you could do to have this information released.

Yours faithfully,

Code A

Charles Farthing