

From: [Code A] on behalf of Hall, Tamsin
Sent: 30 April 2008 14:46
To: [Code A]
Cc: Ellson, Sarah
Subject: GMC v Dr Barton
Attachments: DOCS_7397092_1.PDF

Dear [Code A]

Please find attached letter from the Coroner which arrived at these offices yesterday. Sarah Ellson and Tamsin Hall are presently out of the office but wanted you to have this information which they will discuss with yourself and Peter later in the week.

Kind regards

[Code A] **Secretary to Sarah Ellson, Tamsin Hall, Laura Kelly and Kelly McMahon**
for Field Fisher Waterhouse LLP
dd: [Code A]

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David C. Horsley LLB
Her Majesty's Coroner
for Portsmouth and
South East Hampshire



Coroner's Office
Room T20
The Guildhall
Guildhall Square
Portsmouth
PO1 2AJ

Fax: 023 9268 8331

Field Fisher Waterhouse LLP
Portland Tower
Portland Street
Manchester
M1 3LF

28 APR 2008

For attention of Ms T Hall

Your Ref: ALW/00492-15579/7365557 v1

28 April 2008

Dear Ms Hall

Gosport War Memorial Hospital Inquests/Dr Jane Barton:

I refer to your letter dated 23 April and our telephone conversation of 28 April.

I confirm that I intend in the very near future to open Inquests into the deaths of ten people who died at Gosport War Memorial Hospital:

Mr Arthur Cunningham
Mr Geoffrey Packman
Mrs Ruby Lake
Mrs Sheila Gregory
Mr Robert Wilson
Mrs Enid Spurgin
Mrs Helena Service
Mr Leslie Pittock
Mrs Elsie Lavender
Mrs Elsie Devine

For logistical reasons, the Inquests will be conducted by Mr A M Bradley, HM Coroner for North Hampshire, acting as my Deputy. Mr Bradley intends to conduct all the Inquests simultaneously and at present estimates about a month in court to do this. It seems very unlikely, given the complex arrangements that will need to be made, for the Inquests to take place any earlier than the Autumn.

Of course, neither Mr Bradley nor I would wish to prejudice in any way the GMC's hearing on Dr Barton. I am copying your letter to him so that we can all liaise on a more definite hearing date for the Inquests.

Yours sincerely

Code A

David C Horsley

Code A

cc Mr A Bradley

From: Ellson, Sarah [Code A]
Sent: 27 March 2008 11:45
To: [Code A] Hall, Tamsin
Subject: RE: Dr Barton

Sorry to cut across - I agree 2 hours will be fine.

Given Tamsin's work to get some nurses "on board" for our case we will need to be mindful of how we conduct this meeting - we cannot be seen to pass on matters confidential to the GMC case particularly if it might undermine the confidence of some of our witnesses. On the other hand it is worth knowing how the NMC intend to proceed.

We should be aware that such a meeting will be minuted by both NMC and GMC and whilst confidential for the time being could ultimately be the subject of an FOI request.

Sarah Ellson | Partner

for Field Fisher Waterhouse LLP

dd: [Code A] | m: [Code A]

From: [Code A]
Sent: Thursday, March 27, 2008 11:42 AM
To: Hall, Tamsin
Cc: Ellson, Sarah
Subject: RE: Dr Barton

Thanks, do you think that two hours is sufficient to reserve a room for?

From: Hall, Tamsin [Code A]
Sent: 27 Mar 2008 11:37
To: [Code A] Ellson, Sarah
Subject: RE: Dr Barton

Hi [Code A]

Yes, I am free on 16 May. A 9:30 start would be good for us, and the GMC offices would be an excellent location for us.

I have met with quite a few of the nurse witnesses in the case and they are, understandably, concerned about potential NMC action.

Regards

Tamsin

Tamsin Hall | Solicitor
for Field Fisher Waterhouse LLP
dd: [Code A]

Mobile: [Code A]

From: [Code A]
Sent: Thursday, March 27, 2008 9:12 AM
To: Ellson, Sarah; Hall, Tamsin
Subject: RE: Dr Barton

Sarah,

It's unclear what the purpose of the meeting is from the NMWC point of view, so it maybe best to have you both present as you suggest.

Tamsin - could you let me know if are also free on 16 May and if so what time you would like the meeting to start, so that I can check if we have any rooms available.

Thanks [Code A]

From: Ellson, Sarah [Code A]
Sent: 26 Mar 2008 16:17
To: [Code A] Hall, Tamsin
Subject: RE: Dr Barton

[Code A]

I presume we want a face to face meeting in London in which case the two most suitable dates for me would be Friday 25 April in the morning - I could be down from 9am but have another meeting in the office at 12:30, or Friday 16 May at any time (I will be down the day before and do not have to return to Manchester).

If this is a fairly high level meeting about the principles of working together etc you may only need me to attend but if we want to get into the detail it would be helpful to have Tamsin with us, in which case the 16 May date be best (Tamsin will need to confirm).

Sarah Ellson | Partner
for Field Fisher Waterhouse LLP
dd: [Code A] | m: [Code A]

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From: [redacted] **Code A**
Sent: Wednesday, March 26, 2008 4:04 PM
To: Ellson, Sarah; Hall, Tamsin
Subject: Dr Barton

Sarah,

Mark Mallinson from the Nursing and Midwifery Council just rang me to advise that their lawyer Claire Strickland would like to meet to discuss the case.

Claire is currently available on the following dates;

April

17, 22, 23, 25 and 28

May

1, 6, 7, 12, 15, 16, 20, 27 and 30.

Please let me know your availability and times, I'm not available on May 1, 9 or 12.

[redacted] **Code A**

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Regus House, Falcon Drive, Cardiff Bay. CF10 4RU

20 Adelaide Street, Belfast. BT2 8GD

Tel: 0845 357 8001

Fax: 0845 357 9001

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Regus House, Falcon Drive, Cardiff Bay. CF10 4RU

20 Adelaide Street, Belfast. BT2 8GD

Tel: 0845 357 8001

Fax: 0845 357 9001

From: Peter Swain [Code A]
Sent: 30 April 2008 15:05
To: [Code A]
Subject: RE: GMC v Dr Barton

[Code A]

I'm not at all convinced that the finding of the inquests would be relevant to our hearing, since as I understand it we are not alleging that Dr Barton caused the deaths of the patients. However, I acknowledge the risk that the inquests could arrive at conclusions that are inconsistent with the outcome of the FtPP if we hold our hearing first. Even so, these cases have been so thoroughly looked already, it is difficult to see new factors or evidence emerging at the inquests.

Let's discuss tomorrow. We may well need a con at least with FFW and possibly with counsel.

Peter

From: [Code A]
Sent: 30 April 2008 14:59
To: Peter Swain [Code A]
Subject: FW: GMC v Dr Barton

Peter,

You will note from the attached that the Coroner is due to open Inquests into 10 cases, eight of which are due to be considered by the FTTP.

We will need to discuss whether we can continue with the September FTP hearing as the finding of the Inquest will be relevant to our own investigation and may have an impact on the cases we have decided to proceed and not proceed with.

[Code A]

From: [Code A] **On Behalf Of** Hall, Tamsin
Sent: 30 Apr 2008 14:46
To: [Code A]
Cc: Ellson, Sarah
Subject: GMC v Dr Barton

Dear [Code A]

Please find attached letter from the Coroner which arrived at these offices yesterday. Sarah Ellson and Tamsin Hall are presently out of the office but wanted you to have this information which they will discuss with yourself and Peter later in the week.

Kind regards

Code A | **Secretary to Sarah Ellson, Tamsin Hall, Laura Kelly and Kelly
McMahon**
for Field Fisher Waterhouse LLP
dd: **Code A**

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From: Valerie Barr [Code A]
Sent: 23 April 2008 14:24
To: [Code A]
Subject: RE: Dr J Barton

Dear Adele

Dr Timothy Coltman's address is

Code A

Regards

Valerie Barr
Case Presentation Team

From: [Code A]
Sent: 18 Apr 2008 15:54
To: Valerie Barr [Code A]
Cc: Hall, Tamsin; 'Watson, Adele'
Subject: RE: Dr J Barton

Val,

Please send Dr Coltram's address details to Adele.

Thanks [Code A]

From: [Code A]
Sent: 18 Apr 2008 15:48
To: [Code A]
Cc: Hall, Tamsin
Subject: Dr J Barton

Dear [Code A]

Please would you be able to provide contact details for Dr Timothy Coltman relating to the matter of Dr Barton. We have recently taken further advice from Counsel and feel it would be beneficial to produce his police statements in relation to Ruby Lake.

I look forward to hearing from you.

Many thanks

Adele Watson | Paralegal
for Field Fisher Waterhouse LLP

dd: mob:

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From: Ellson, Sarah [Code A]
Sent: 06 May 2008 15:15
To: [Code A]
Cc: Hall, Tamsin
Subject: Dr Barton - Issues with MDU
Attachments: FFW 02.05.08.doc; Dr Barton; DOCS_7429654_1.DOC

Dear [Code A]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

Sarah Ellson | Partner
for Field Fisher Waterhouse LLP

dd: | m:

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Please quote our reference when communicating with us about this matter

Our ref: ISPB/9900079/Legal
 Your ref: TET/00492-15579/6636488 v1
 2nd May 2008

For the attention of: Tamsin Hall
 Messrs Field Fisher Waterhouse LLP
 Solicitors
 Portland Tower
 Portland Street
Manchester M1 3LF

MDU Services Limited
230 Blackfriars Road
London
SE1 8PJ

The MDU
DX149141
Legal
Blackfriars 5

Legal Department of The MDU

Telephone: 020 7202 1500
Fax: 020 7202 1663

BY FAX TO NUMBER: Code A
ALSO BY EMAIL

Email: mdu@the-mdu.com
Website www.the-mdu.com

Dear Sirs

General Medical Council - Dr Jane Barton

I write further to the recent Stage 5 telephone conference on 22nd April in relation to this matter and have to express profound concern at the fact that there is a continuing failure on the part of the GMC properly to comply with the arrangements for the production of information and documentation. You are well aware that Dr Barton was to have received the draft Notice of Inquiry in January. Four months later it is still not clear if she will face allegations in relation to a further two patients.

In the course of the phone conference, it was indicated that:

“GMC anticipate confirming to Defence by the end of the week if either or both of the additional cases will be included, along with finalised charges.”

You will appreciate that I have had no further substantive information on this issue. This simply cannot continue. Given the difficulties in the production of documentation, compressing the time available for defence preparation, the fact that there will be inadequate time available for the hearing if these cases were to be added, and the fact that the Council has failed to keep to any self imposed time limit for the intimation of charges, we will now proceed on the basis that the allegations are completed and that there will be no additional cases put forward by the Council in this matter.

Yours faithfully

Ian S P Barker
Solicitor

From: Ellson, Sarah [Code A]
Sent: 06 May 2008 13:47
To: [Code A]
Cc: Hall, Tamsin
Subject: Dr Barton
Attachments: DOCS_7320808_1.DOC

Dear Ian

I am writing to provide a further update in this case. Regrettably Tamsin is still away from the office so I am trying to ensure we have covered various ongoing matters.

The first thing to confirm having had instructions from the GMC is that we do intend to include the case of Jean Stevens (Patient L) to the charge. A draft charge in her case is attached. Please note that we will also include this case in the note keeping allegation.

We do not intend to add the case of Edna Purnell.

I think that then clarifies the scope of the charges in this case.

I know you are also waiting to hear about Drs Lord, Tandy and Reid. I do not believe we have any revised or signed statements back from them yet but I need to check with Tamsin tomorrow. I hope we can release some more information about their anticipated evidence as soon as possible. I have also arranged to meet with Counsel on Friday 16 May to decide finalise whether we will call the doctors to give evidence and we should be able to confirm this very early the following week.

I know that Adele Watson sent you some extra medical records pages from our review of the originals and that there are a few outstanding statements yet to be returned to be disclosed to you. Also as you know Professor Black is reformatting his police reports/statements for the patients in our charge these will be provided to you as they are completed. I should stress that we are not anticipating that they will contain any new evidence - the charges have been based on his evidence in his existing reports. Finally I have pressed Professor Black to clarify how and whether we might need a pharmacist to explain some of the medications - I will let you know as soon as I have an answer.

I am not aware that there is anything else outstanding if there is anything else you are expecting please do not hesitate to contact me.

Sarah Ellson | Partner

for Field Fisher Waterhouse LLP

dd: [Code A] | m: [Code A]

Patient L (Jean Stevens)

- 1.a) i) Patient L was admitted to Daedalus Ward at GWMH on 20 May 1999 following a period of treatment at the Haslar Hospital for a stroke;
- ii) On 20 May 1999 you prescribed:
- a) Oramorphine 10 mgs in 5 mls;
 - b) Diamorphine with a dose range of 20 to 200 mgs to be administered SC over a twenty-four hour period on a continuing daily basis;
 - c) Midazolam with a dose range of 20 to 80 mgs to be administered SC;
- iii) You further prescribed Oramorphine 10 mgs in 5 mls as a regular prescription to start on 21 May 1999;
- iv) Doses of Oramorphine, Diamorphine and Midazolam were subsequently administered to the patient in 21 and 22 May 1999.
- b) You did not properly assess Patient L on admission. This was
- i) inadequate;
 - ii) not in the best interests of the patient;
- c) In relation to your prescription for drugs described in paragraph 1 a) ii) and/or iii):
- i) There was insufficient clinical justification for such prescriptions;
 - ii) The dose range of Diamorphine was too wide;
 - iii) The prescriptions created a situation whereby drugs could be administered which were excessive to the patient's needs.
- d) Your actions in prescribing the drugs described in paragraph 1a) ii) and or iii) were:

- i) Inappropriate;
- ii) Potentially hazardous;
- iii) Not in the best interests of patient L.

ADD PATIENT L TO ALLEGATION RE: INSUFFICIENT RECORD
KEEPING.

Strictly Private & Confidential

Mr Ian Barker
230 Blackfriars Road
London
SE1 8JP

Our ref: sle/00492-15579/7429654 v1
Your ref:

Sarah Ellson
Partner

(Direct Dial)

06 May 2008

Dear Mr Barker

General Medical Council - Dr Barton

I write further to your letter sent on 2 May 2008.

I understand this was faxed at around 5:15pm on Friday and was emailed to my colleague Tamsin Hall on Sunday (4 May). Unfortunately Tamsin Hall is away from the office and has been on all but 1.5 days since 21 April. In her absence I have picked up the file to try to address outstanding matters. My email of today's date was sent without sight of your fax.

You are entirely right to point out that on 22 April we indicated that the GMC would confirm if either or both of the additional cases (for which you have been sent expert evidence) would be included in the charge by the end of the week (25 April). The delay in communicating the GMC instructions to you is with Field Fisher Waterhouse and I must apologise that this arose as a result of the solicitor with conduct being on sick leave. I only identified the issue might be outstanding this morning at which point I emailed to confirm that our instructions are to include the case of Jean Stevens (Patient L).

We have now exchanged further emails and have spoken about the case. I will speak to the General Medical Council about the points you raise and your objection to the addition of the Stevens case at this stage. I will reply in more detail when I have instructions.

If you have any questions in the meantime please do not hesitate to contact me.

Yours sincerely

Sarah Ellson
for **Field Fisher Waterhouse LLP**

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From: [Code A]
Sent: 06 May 2008 16:42
To: 'Ellson, Sarah'
Subject: RE: Dr Barton - Issues with MDU

Sarah,

As discussed I have discussed Mr Barker's concerns with Peter. Peter is of the view that the Steven's case should be added as our expert has made criticism of Dr Barton and we have no way of knowing what cases the Panel will find proved.

We also wish to continue with the September date.

[Code A]

From: Ellson, Sarah [Code A]
Sent: 06 May 2008 15:15
To: [Code A]
Cc: Hall, Tamsin
Subject: Dr Barton - Issues with MDU

Dear [Code A]

As I mentioned earlier, in Tamsin's absence I am working on the Barton case. I identified this morning that I could not find confirmation that we had told the defence of your instructions to include the Stevens case (but not the Purnell case) in the charge. This was outstanding from the protocol call on 21 April. I therefore immediately emailed Ian Barker (see email attached). I can only apologise for this delay as you emailed on 23 April and I asked Tamsin to contact the defence on 24 April. I was out of the office from 25 April until 2 May and apologise that this was overlooked.

In reply to my email Mr Barker referred me to a fax sent on Friday which I had not seen. This too is now attached together with a draft reply which I would like to send today.

We need to then discuss the more substantive issue. Mr Barker was saying on Friday that, in the absence of telling him about any additional charges, he felt we should be debarred from adding further charges. Obviously this is not a legal bar but it is his view on the "fairness" of not having clarified the charge by the end of April. Now that I have today confirmed that we are intending to add a case Ian Barker is concerned about how we proceed.

He has asked me to raise his concerns with you; he describes this as a tipping point. If the GMC insist on adding the Stevens case at this stage he has asked us to consider whether we can realistically persist with the September listing. If we decided not to include it he feels (as previously expressed) we might just be able to all be ready for September. I have indicated that I imagine the GMC may want both to add this case AND to insist on a September listing - he has asked we consider this very carefully.

He would like the GMC to consider the real merits on adding a twelfth case - his view is that the case will certainly not turn on this addition. I explained that the GMC do not usually consider bring specimen charges on the basis that they should pursue all matters raised that might amount to impairment. I explained that the GMC had had its attention drawn to the Stevens case (I did not say by whom) and that therefore it had to make an active decision to include or exclude the case. Mr Barker suggested that he would not object if the GMC decided to say the case was worthy of being included but would not actually be included for practical considerations - thus "parking" it and reserving the right to bring it later under new rules. This is not attractive but Mr Barker is probably right to presume that we would either win the current case such that a further FTPP would be unnecessary or would lose it and we would not expect to fare any better with just the Stevens case alone. He agreed in such circumstances he would advise his client to waive any future abuse of process points about delay or duplication of proceedings. In this unusual case where we do have some flexibility over the cases to be added it is worth us considering the position.

Whilst I instinctively do not like any such negotiations with the defence and I have indicated very firmly that the GMC do not entertain plea bargaining there are procedural issues (ie our problems in complying with the timetable) which mean the defence's co-operation with the listing would be valuable. That said there is no guarantee that this concession would permanently remove the objections to the listing in September - although Mr Barker did think it would be significant (certainly at the moment).

We are all aware of the difficulties of adjourning the hearing (which will only get worse as we approach the start date) these include:

1. the imperative to have this case heard as soon as possible
2. issues with the availability of Counsel and witnesses who have already been booked
3. issues with the Panellists who have already been identified
4. the new issue with the inquests (and NMC) which may wait if we are having a hearing in September/October but which may not wait if we adjourn to 2009

Code A - can you confirm letters to go today (to MDU and Coroner) and then perhaps you/Peter will want to discuss the bigger issues and what to do.

Sarah Ellson | Partner

for Field Fisher Waterhouse LLP

dd: Code A | m: Code A

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From: [Code A]
Sent: 07 May 2008 09:32
To: 'Ellson, Sarah'
Cc: Hall, Tamsin; Watson, Adele
Subject: RE: Dr Barton - re inquest

Sarah,

Thank you for your email which I have discussed with Peter.

Peter wishes to avoid a situation where we have our case first and impairment is not found but then the Inquest takes place and there is a finding of unlawful killing, which we are currently not alleging. In light of this Peter would be grateful if you would seek the views of Matthew Lohn and the Police on the likely prospects of the Inquest finding unlawful killing.

Until this issue is clarified please do not send your draft letter to the Coroner.

[Code A]

From: Ellson, Sarah [Code A]
Sent: 06 May 2008 13:14
To: [Code A]
Cc: Hall, Tamsin; Watson, Adele
Subject: Dr Barton - re inquest

Dear [Code A]

Just to confirm our telephone conversation earlier today

Coroner's inquest

I will draft a letter to the coroner but will await confirmation from you before sending it.

We agreed that we should oppose the inquest being at the same time as the GMC hearing because this will create logistical difficulties with the attendance of witnesses and might be unfair to Dr Barton who would undoubtedly be expected to attend the inquest at some stage (possibly she might be represented).

It would appear that we are more prepared than the Coroner so, whilst on some/most occasions GMC cases would take place after any inquest, on this occasion (with such a delay to the inquest) it may be more appropriate for the GMC case to take precedence. I will notify the Coroner of our hearing dates and ask that he confirm when the inquest might be (presumably after these dates).

The issues for the GMC to consider are:

1. Listed hearing - I recommend that we continue to prepare for a September hearing so

as to avoid any further delay to the GMC proceedings. We believe that Dr Barton is also keen to have the GMC case resolved as soon as possible.

2. "a fair hearing" - a lot of publicity around an inquest might give rise to concerns for Dr Barton that she cannot receive a fair trial - with panellists able to be advised to put matters from their minds this is unlikely to succeed but might be perceived to be a concern.
3. use of evidence - if the inquest goes first we would have the benefit of transcripts of evidence from relevant witnesses and Dr Barton (possibly including admissions) but I do not think the possible benefits would justify a delay in listing. If the GMC goes first the Coroner may be interested in the transcripts from the GMC but that is a separate matter.
4. conflicting outcomes - if the GMC case goes first the FTPP should reach its conclusion before any inquest verdict. I do not think this creates any problems because the issues being considered are entirely different. Even if the GMC found no impairment and the inquest found unlawful killing (or GMC found all allegations proved and the inquest found natural death) the two decisions have to be reached independently and neither could rely on the other.
5. additional evidence - it is possible that after an inquest the GMC might identify (based on greater information) additional concerns about Dr Barton's practice but given the extensive investigation to date I do not consider this likely and it would not be a good reason to adjourn the GMC hearing.

Charges

You agreed I can send the L charges to the defence

I explained that we are meeting Counsel next week to finalise the charges (based on a cross reference with the expert reports and bearing in mind the "editing" for GMC formatting).

We are meeting with the NMC on 16 May - I look forward to seeing you then.

Sarah Ellson | Partner

for Field Fisher Waterhouse LLP

dd: | m:

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Field Fisher Waterhouse LLP Portland Tower Portland Street Manchester M1 3LF

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From: Ellson, Sarah [Code A]
Sent: 09 May 2008 07:53
To: [Code A]
Cc: Watson, Adele
Subject: MDU letter
Attachments: mdu letter.pdf

Dear [Code A]

As you know Ian Barker and I spoke about the addition of the Stevens case and the listing in September. His attached letter sets out his position in writing. I have your email of 6 May (16:42) which makes the GMC position clear. Unless I hear from you this morning with any change I will confirm the position to the MDU at lunchtime. I believe I passed on the matters Ian and I had discussed so I do not expect a change.

Matthew and I have discussed the inquest. We think it would be sensible to discuss this further with Counsel who I am seeing on Friday. Would you be happy for me to come back to you then with advice and then we can agree an approach to the Coroner?

I will let you have a list of matters to be addressed by Counsel early next week.

Finally you should know that Tamsin will be off work for another two weeks so she will not be joining us on Friday. However I am taking a very active role in ensuring that, together with Adele, the case is progressed in her absence.

Sarah Ellson | Partner

for Field Fisher Waterhouse LLP

dd: [Code A] | m: [Code A]

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From: Ellson, Sarah
To: Ellson, Sarah
Sent: Thu May 08 15:13:58 2008
Subject:

<<mdu letter.pdf>>

This E-mail was sent from "RNPA2A022" (Aficio 3245C).

Scan Date: 08.05.2008 16:13:58 (+0200)

Please quote our reference when communicating with us about this matter

Our ref: ISPB/JH/9900079/Legal
 Your ref: SLE/00492-15579/742654 v1
 08 May 2008



**THE
MDU**

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 Website www.the-mdu.com

For the attention of: Sarah Ellson
 Messrs Field Fisher Waterhouse LLP
 Solicitors
 Portland Tower
 Portland Street
 Manchester M1 3LF

BY FAX TO NUMBER: Code A

Dear Miss Ellson

General Medical Council - Dr Jane Barton

Thank you for your letter of 6 May, and I am grateful for the information. Can I say that I do understand the difficulties created when colleagues are unwell and I hope Tamsin is much improved. I appreciate the position concerning the communication of your instructions – that the case of Jean Stevens is to be added.

We have of course discussed this issue. I cannot of course say that it will not be necessary for the Defence to make application for the proposed hearing to be adjourned even if the case of Jean Stevens is not added. As you know I have flagged from an early stage the concern at the fact that documentation has been produced later than had been hoped, compressing the amount of time available for defence preparation. Again, at the risk of repeating myself, I am not concerned to seek to make criticism in this regard, it is simply the position in which we have found ourselves.

However, that being the case, every additional potential delay adds to the difficulties in seeking to proceed with the case in September. My understanding is that the Council is concerned that the matter proceeds then. That being the case, it seems to me that the Council should then properly exercise its discretion to restrict the case rather than expand it.

Further, we are both only too painfully aware of the amount of material involved in the prosecution of this case. To add to it to any degree runs the clear risk that there will be insufficient time available within the present period for the hearing to conclude the case, which is satisfactory to no one.

Clearly if the Council determines that it will not proceed with the case of Jean Stevens, this does not mean that it is irrevocably wedded to this position. If the matter does indeed proceed in September, with the case concluding within the period presently planned, it is open to the Council to take stock thereafter.

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Our ref: ISPB/JH/9900079/Legal
Your ref: SLE/00492-15579/742654 v1
08 May 2008

Page 2 of 2

I appreciate, of course, that I have expressed these points to you in the course of discussion and that you are taking instructions. Nevertheless, it may assist if I set out my concerns once more.

Yours sincerely

Code A
Code A

Code A **Jan S P Barker**
Solicitor Code A

Code A
Code A

From: [Code A]
Sent: 09 May 2008 09:41
To: 'Ellson, Sarah'
Cc: Watson, Adele
Subject: RE: MDU letter

Hello Sarah,

I have discussed the MDU's letter with Peter.

We appreciate the concerns and difficulties raised by Mr Barker, however we do not consider that we have discretion not to refer allegations where there is an issue of impaired fitness to practise. Consequently, we wish to proceed with the Steven's case.

We are happy for you to liaise with Counsel in respect of the impact of the Inquest on this case.

[Code A]

From: Ellson, Sarah [Code A]
Sent: 09 May 2008 07:53
To: [Code A]
Cc: Watson, Adele
Subject: MDU letter

Dear [Code A]

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Sarah Ellson | Partner

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Scan Date: 08.05.2008 16:13:58 (+0200)

From: [Code A]
Sent: 15 May 2008 09:46
To: GMC Pressoffice
Subject: Dr Jane Barton

Importance: High

Hello,

Our Solicitor has informed me that this article has appeared in the Daily Mail;

'Dr Jane Barton, who was in charge of day-to-day treatment of some elderly at the 108-bed hospital until July 2002, was referred to the General Medical Council in September of the same year. The GMC confirmed there was never any action taken against Dr Barton and said she was still practising, but refused to say where. "

To clarify allegations concerning Dr Barton's care of patients at the Gosport War Memorial Hospital are currently due to be considered by a FTP on 8 September 2008 and the hearing is expected to last for 39 days.

The background to the case is that in August 2002 the PPC referred five cases concerning Dr Barton to the PCC for consideration. These cases were subsequently placed on hold due to a police investigation into Dr Barton. The Police investigation concluded in December 2006 as the CPS decided that there was insufficient evidence to prosecute.

Since the police investigation concluded we have reviewed their evidence and the cases referred to above and additional ones will be considered by the FTP in September.

Also we have been notified recently that there is to be an Inquest in the deaths of patients at the Hospital, although a date for this has not been fixed yet.

Let me know if you require any further information, although as you are no doubt aware most of this information is not for public consumption.

[Code A]