

GILL
MCKENZIE

FFW/83/03

Matter: BARTON

Date: 30/5/8

Attending: Gill McKenzie

Telephone call

IN	OUT
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In Person

You have been back - found to hospital
 has to go back 4 time

You will look at material I explain
 I am under pressure to save all
 evidence so do need this back asap

You say come - emergency reaction
 he said "JK no" You see this is because
 you explained about police analysis

Action to be taken:

Time occupied: 0.1

Initials: Code A

Matter 3 mems Date 16/5/8

Attending Carl McKenzie

Telephone Call

IN	OUT
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 In Person

Re your call
Have noted concern re statement
You've been w/ many hospital apps
Re cover - yes more
not worried if you concerned with
result you should call him
We are consulting with GMC which may
inquest may affect today

Action to be taken

Time occupied 0.2 Initials

Code A

Matter: PARSON

Date: 8/5/8

Attending: COLL MCKENZIE

Telephone call IN OUT

In Person

Message

para 11. Perfectly normally
Nbr where jewelry that was really well

1997 deteriorated ^{No} / nbr 1998.

went to see Beckett June 1998

Look Leary and if they have r glasses - sister did
not replace - this contributed to deterioration.

Traxadae made less clear

"Nbr happy with this to put it mildly"

(6)

Action to be taken:

Time occupied: _____

Initials: _____

Matter: BARTON

Date: 8/5/8

Attending: GILL MCKENZIE

Telephone call IN OUT

In Person

Harvey

"GM3" - nothing to do with complaints about mother's death [27/4 nothing to do with mother's case]
- from that statement **Code A**

spent 2 years in Royal Masonic hospital while husband here
well aware

Cancer support group

- quite irrelevant - something or other at of place and at of context.

(O.I)

Action to be taken:

Time occupied: _____

Initials: _____

Matter: Breeds.

Date: 8/5/8

Attending: Gill McKenzie

Telephone call IN OUT

In Person

Get diff statement

There will be corrections

In particular GMB - not sister

1 volume A3 pages sent to **Code A** Jan 28.

1/17 August notes given to GWMH different way

See in sister's handwriting - I say I will try

+ find + exhibit these

Action to be taken:

Time occupied: _____

Initials: _____

FILE COPY**Strictly Private & Confidential**

Ms Gillian McKenzie

Code A

Our ref: SLE/GML/00492-15579/7438936 v1

Your ref:

Sarah Ellson
Partner**Code A**

7 May 2008

Dear Ms McKenzie

General Medical Council - Dr Jane Barton

I write further to our telephone conversation in April, my telephone message left on 2 May 2008 and our conversation today.

Regrettably my colleague Tamsin Hall has had an extended period of sick leave and in the circumstances has been unable to complete your draft witness statement.

She and the trainee solicitor who attended your meeting had however made detailed notes of the interview with you and, using these notes, I have prepared a draft witness statement. Please accept my apologies if I have misinterpreted anything which you said, you will understand that I am working from another person's notes. I have marked a number of places "CHECK" as I was uncertain of your evidence.

I am aware that you gave Tamsin additional background information, both in relation to your own family and in relation to your concerns as to how previous investigations into this matter have been dealt with. You will appreciate that your witness statement for this case can really only deal with matters of "fact" and in particular matters where you were a direct witness. I have adopted a relatively liberal approach and have included some matters of evidence which may not be strictly admissible but I felt that it was helpful to have these in your statement.

In due course the barrister leading this case may determine that it is not appropriate for you to give all of this evidence orally at the hearing but we will be able to make this clear much closer to the time.

I enclose two copies of a draft witness statement prepared on your behalf.

Would you please read the statement carefully and make any amendments necessary so that you are happy that it is accurate. Please initial any amendments and then sign, date and return one copy to me in the enclosed prepaid envelope as soon as possible. The second copy is for you to keep for your records. If there are any queries concerning your statement, or the case generally, please do not hesitate to contact me.

Tamsin or I will continue to keep you informed of the progress of the case. As you aware the hearing is currently listed to commence in September 2008. In the meantime I am grateful for your assistance to date.

Yours sincerely

Sarah Ellson
for **Field Fisher Waterhouse LLP**

Encs

FILE COPY

(21.02.2008)

General Medical Council**Dr Jane Barton****Statement of Gillian McKenzie****I, Gillian McKenzie, will say as follows:**

1. I am the oldest daughter of the late Mrs Gladys Richards and the sister of Lesley Lack.
2. I make this statement in relation to the General Medical Council's investigation concerning Dr Jane Barton. I have previously given accounts to the police in relation to the care received by my mother. I also completed an investigation information form for the Commission for Healthcare Improvement and my sister and I made a complaint to the hospital which generated some correspondence. I have also, since the death of my mother, had access to records and documents which I have reviewed.
3. I previously assisted the Hampshire Police with their investigation and exhibited to this statement and marked as follows are copies of my various witness statements and interviews transcripts:-
 - (a) "GM/1" – transcript of first interview with DCI Ray Burt 17 November 1999.
 - (b) "GM/2" – transcript of second interview with DCI Ray Burt 17 November 1999
 - (c) "GM/3" – witness statement prepared by the police on my behalf signed and dated 27 April 1999.
 - (d) "GM/4A" – draft witness statement prepared by the police on my behalf with corrections signed and dated 6 March 2000.
 - (e) "GM/4B" – finalise witness statement prepared by the police on my behalf signed and dated 6 March 2000
4. I also attach:-
 - (a) "GM/5" – investigation information form for the Commission for Healthcare Improvement

- (b) “GM/6” – Notes (prepared by me and my sister – provided to the Williams investigation (2003-2006)) – on the Gosport War Memorial medical records
 - (c) “GM/7” – Gosport War Memorial Hospital documents relating to complaint made by Mrs Lock – original and annotated report and copy of risk event record
5. The police interviews and my police witness statements cover a large number of issues. They include details of my wide ranging concerns about the care provided to my mother and my particular concerns about the circumstances of my mother’s death (and her subsequent death certificate) and the Gosport War Memorial Hospital. I was also given an opportunity to comment on medical records and some of the material obtained by the police in the course of their investigation.
 6. I understand that this statement is for the purposes of the General Medical Council’s investigation concerning Dr Jane Barton and therefore whilst some of the background information may assist this statement primarily deals with the involvement of Dr Jane Barton and matters which I have directly witnessed.
 7. I am a retired Personnel Manager and therefore to the extent that I comment on medical records or treatment I can only provide my lay opinion.

Background

8. I live in Eastbourne and I am currently 74 years of age. I approximately four and half years older than my sister Lesley from whom I was estranged from around the age of 25.
9. Since my father’s death in 1974 my mother lived either in close proximity to my sister or in nursing homes. My sister is a nurse and my mother resided in a number of nursing homes at which my sister has been the Manager.
10. In around 1993/4 my mother transferred to “Glen Heathers” nursing home in Lee-on-Solent. I was not told about the move at the time but once I had tracked her down I occasionally went to visit her there. She always used to recognise me although over time she grew frailer. When I visited I would take her out to lunch.
11. I remember visiting on her ninetieth birthday (13 April 1997) when there was a party in the nursing home. I recall her being able to hold a conversation and having dressed up for the occasion, she was wearing her pearls and was able to discuss in great detail who should inherit her jewellery.
12. In around January 1997 my mother had deteriorated and become unwell and, as set out

in my police documentation, at around that time I went to visit her general practitioner Dr Bassett to discuss the prescribing of tranquilisers.

13. From around January 1998 I went to see my mother more often as Lesley was on holiday and I did not want her to feel abandoned. I noticed then that my mother seemed to be more confused.

Admission to Haslar Hospital

14. I recall receiving a telephone call on 30 July 1998 from my niece Mrs Karen Reed informing me that my mother had been admitted to Haslar Hospital and was shortly to have an operation for a broken hip. I learned that she had had a fall in the nursing home. I immediately attended, driving down from Eastbourne and was able to stay with her during her admission to the Haslar Hospital apart from on two days when I returned to Eastbourne.
15. While she was in the Haslar Hospital my mother was noticeably more confused than she had been in January 1998. Certainly when she first returned from the operating theatre she was very groggy. I could tell that she recognised me but it took some time for her to process information. Her ability to speak was quite restricted and I recall conversation with her got less and less.
16. One difficulty my mother had with conversation was that during her time in Haslar Hospital she appeared to have lost her hearing aids. She also had bad cataracts and had lost her sight in one eye.
17. In the Haslar Hospital her food and liquid intake and her urine output were carefully monitored. At one point she was on a drip and a catheter. She was eating and I recall taking her some treats (peaches and yoghurts).
18. As she made progress at the Haslar Hospital she was able to walk the length of the ward using a zimmer frame and accompanied by a nurse on either side.
19. Towards the end of my mother's time at Haslar Hospital we were introduced to Dr Reid (I believe Dr Lord was away) and both my sister and I expressed to her our concern about our mother returning to the Glen Heathers nursing home. We both thought she should go to another nursing home.
20. It was decided that she could be sent to the Gosport War Memorial Hospital for rehabilitation while we used the time to find an alternative nursing home. I think there was discussion of this being for two to four weeks. We asked the medical staff it could be longer, perhaps six weeks to enable us to find an alternative nursing home.

21. By the end of her time at Haslar Hospital mother was more alert than she had been and, although she could not speak coherently in long sentences, she could make herself understood. She was also eating well. I understand that Haslar Hospital had stopped giving her the Trazodone drug that she had been receiving at the nursing home. She was still receiving Haloperidol at night. I have previously expressed my view that the staff at the Haslar were fantastic and did a good job of looking after my mother.
22. Having been to see Gosport War Memorial Hospital on the Saturday I came home shortly before my mother was transferred there on to the Gosport War Memorial Hospital on (Tuesday) 11 August 1998.

Gosport War Memorial

23. Prior to my mother's admission to Gosport War Memorial Hospital my sister and I went to see the hospital and were shown a room with a big glass window, opposite the nursing desk. I recall that we discussed the possibility that my mother, who remained independent to some extent, might seek to get up to go to the toilet and might fall.
24. Initially after my mother had transferred to the War Memorial Hospital I had a call from sister saying that she had settled in well. On the second day Lesley was more concerned and described her as "zonked out".
25. Within a couple of days I had a late night phone call from my sister who was distressed and told me that my mother had had a fall.
26. I travelled back to Gosport the following morning and found that my mother had been transferred back to the Haslar Hospital having required her hip to be manipulated back in place. Once this had been done she was kept in Haslar for two or three further days before being returned to the Gosport War Memorial Hospital. During that two or three days she made a good recovery and was quite alert. I believe it was mentioned to Lesley by one of the Accident and Emergency surgeons that she was dehydrated.
27. I was concerned about what had happened to my mother at Gosport War Memorial Hospital and I had not seen her there myself. However, having spoken to Lesley it was decided by Haslar Hospital that my mother would go back to Gosport.
28. It was my understanding that during her stay at Gosport between 11 and 14 August 1998 my mother had again received tranquilising medication.
29. On 17 August my mother transferred back to the Gosport War Memorial Hospital. My sister and I arrived there to visit her at about 12.15 having been told she would be there at approximately 12 o'clock. As soon as we went through the doors of the ward we could hear mother moaning and to me it appeared that she was moaning in pain.

30. She was making a loud groaning noise, she sounded in pain and as though she was mentally disturbed. I can clearly picture arriving at her bed. The bed was against the wall tilted towards the wall. My mother was not lying back, she had her legs out in front of her and she had a sheet and possibly a blanket on top of her. I pulled back the bed clothes because I was concerned by her apparent pain. Her legs were not straight.
31. At the time she was being fed by a care assistant and I therefore went out on to the corridor and asked for a qualified nurse. I believe nurse Margaret Couchman came to assist Lesley move mother and place a pillow between her legs. I have described this in more detail in my police documentation. [CHECK something about Lesley had left the building mother came along??]
32. After my mother had been made more comfortable we met the nurse manager Phillip Beed. He acknowledged that my mother was in considerable pain and gave her an injection which I understood was to ease the pain. I asked him what it was [CHECK Hoped it was not euthanasia?] I assumed the injection was not diamorphine.
33. Mr Beed also made arrangements for my mother to have further x-rays because it was thought she might have re-dislocated her hip. There were some difficulties with the paper work for the x-ray which are set out in my police documentation.
34. [CHECK Did Gill McKenzie and or Lesley Lack see Dr Barton before or after the x-rays? Was the following one conversation or two?]
35. The first time I met Dr Barton was outside the x-ray department. I remember I was holding my mother's hand very tightly. Her fingernails were in my hand and she appeared to be in a lot of pain and did not want me to leave her. We asked Dr Barton, who we understood was the doctor dealing with my mother, what had been seen on the x-ray and my sister specifically asked if she could see the x-ray. She was told she could not. The people present for this conversation were just Lesley and I and Dr Barton, and my mother.
36. By this stage my sister Lesley had been making enquiries about whether our mother could be readmitted to the Haslar Hospital and [CHECK she had been told they were prepared to have her back]. This was mentioned to Dr Barton who appeared to be annoyed. She looked annoyed or angry from her facial expression and said words to the effect that our mother was her patient and she thought our mother had had more than enough trauma for one day.
37. We were told that there would be a review the following morning and in the meantime the hospital would seek to keep our mother pain free overnight and we should return early at about 9am the next day. We stayed quite late on the Monday. I left first and believe that Lesley went home about 9pm or 10pm. Mother did not open her eyes

during that day once she had come out of the x-ray department.

38. We arrived back early on the Tuesday morning and Mr Phillip Beed asked us to go into his office. (I think that my sister and I had different impressions of him, I did not take to him from the first moment I saw him whilst Lesley thought he was wonderful.)
39. We were sat in the office when Mr Beed told us that our mother had a massive haematoma and that there was nothing further that could be done. My immediate interpretation was that she had suffered a massive haemorrhage and I expressed that I would like mother to go back to the Haslar Hospital. Mr Beed said the only thing they could do was to ensure that mother had a pain free death. He said he proposed to put her on a syringe driver with diamorphine.
40. My sister was very upset by this but said that there was nothing we could do. I reiterated that I would like mother to go back to the Haslar Hospital unless she was so close to dying that it was thought she might die in the ambulance. Mr Beed said that that was possible and I said that, in that situation, she should stay at the Gosport War Memorial Hospital.
41. There was some discussion at this difficult time about what could be done for a haematoma, I recall Lesley asked what could be done for a haematoma but I do not recall exactly what Mr Beed said. I am sure that there was no mention of any surgery.
42. My sister and I were given the impression that our mother was very close to death and I assumed that the hospital would not start a syringe driver with morphine until a patient was indeed very close to death. We went back to sit with our mother and Phillip Beed came in and set up the diamorphine. We "agreed" to this treatment because we thought she was very close to dying.
43. Lesley was greatly upset about the diamorphine because we understood that mother would not regain consciousness or see us and that we would not have a chance to speak to her again.
44. However we sat with our mother and I spoke to her a bit that day, hoping she might hear my voice. Later my niece arrived with her baby.
45. I saw Dr Barton that morning. Lesley had gone to call her youngest daughter. I was there with my niece and the baby [CHECK I may have misunderstood note about whether Lesley was there]. Dr Barton came to the doorway of the room and made a comment about the baby being there. She said words to the effect that she presumed things had been explained to us about the syringe driver. We indicated that they had. We were both aware of the use of syringe drivers in end of life situations.

46. Dr Barton then went on to tell us that we should expect a chest infection next. I thought that the comment about a chest infection was strange because if mother was so close to death I did not know if there would be time for her to get pneumonia, I was expecting her to die within a few hours.
47. There was no mention at all of any interventional surgery that might be undertaken to relieve the haematoma. I am confident that Dr Barton did not mention surgery as I have a pretty clear recollection of our conversation. I am confident that there was no discussion about my mother would stand an anaesthetic, had such a conversation taken place it might have been relevant to refer to hip dislocation which had been treated without anaesthetic.
48. That day, Tuesday 18 August I stayed with my mother until very late (past midnight). My son arrived from London. When my son arrived Tuesday night/Wednesday morning he asked to see a doctor but was told there was no one to speak to.
49. On the Wednesday night my sister also sat with me all night long. We both remained at Gosport War Memorial Hospital until Friday evening when my mother died.
50. I can confirm that my mother was never alone from the time she was placed on the syringe driver. After the conversation about a chest infection Dr Barton did not come and see her again to my knowledge, she certainly never came while I was there.
51. We were not attended to by the nursing staff to any great extent. When mother died I had to go out and find a nurse.
52. It was somewhat of a surprise to me that my mother survived until Friday night given that she had been placed on the diamorphine syringe driver on Tuesday. I had been given the impression that she would die within hours on the Tuesday.

Relevant Matters After My Mother's Death

53. When I got home after my mother had died, but before the funeral, I contacted [CHECK Mrs Humphreys at Gosport War Memorial Hospital] to raise our concerns about my mother's treatment. I was aware my sister had made notes on behalf of us both and had a number of questions but I was particularly anxious to ask why a decision had been made for mother to only have painkilling medication and not any hydration. I was concerned that it had taken her five days to die and that dehydration may have contributed to her death. I have exhibited some of the material relating to our complaint. I was not satisfied with the report produced and have outlined my concerns to the police documentation.
54. In my police interview I was taken to a number of documents which were prepared

(not always by me) after my mother's death dealing with our concerns about her treatment. I gave my answers and explanations for those documents to the best of my ability at the time which can be seen in the police documentation.

- 55. I was concerned to hear that Dr Barton felt that the family had been involved at the stage where a decision was made to provide nothing but pain relief. I very specifically deny any suggestion that Dr Barton made us aware of the surgical intervention necessary for haematoma that would have required a general anaesthetic. This was never discussed at all, the only discussion we had about a haematoma was with Phillip Beed who indicated nothing could be done expect to give pain relief to provide a pain free death.
- 56. I have also discussed with the police concerns I had about the death certificate which gave the cause of death as pneumonia. As a result of my concerns I telephone Gosport police station on Sunday 27 September 1998. My statement dated 27 April 1999 sets out a number of my concerns about the way the police investigated my concerns about my mother's death. I understand these are not directly relevant to the GMC investigation.
- 57. I understand that my statement may be used in evidence for the purposes of a hearing before the General Medical Council's Fitness to Practise Panel and for the purposes of any appeal, including any appeal by the Council for Healthcare Regulatory Excellence. I confirm that I am willing to attend the hearing to give evidence if asked to do so.

I believe that the facts stated in this witness statement are true

Signed:

Gillian McKenzie

Dated:

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