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 Field Fisher Waterhouse

GENERAL MEDICAL COUNCIL

-and-

DR JANE BARTON

WITNESS INFORMATION
(NURSES AND OTHER
PROFESSIONALS)

RUTH CLEMON

LYNN BARRETT

ADELE BINDLOSS

MARGARET COUCHMAN

FREDA SHAW

Code A

General Medical Council**Dr Jane Barton****Statement of Ruth Clemow**

I, **Ruth Clemow**, will say as follows:

1. I have been given an opportunity to review the witness statement I made to the police at the time of their investigations and would like to make the following amendments to my statement dated 2 November 2005.
2. I am Ruth Clemow and am employed as Quality Manager (Faculty of Health and Social Work and Academic Lead for Learning and Teaching (School of Nursing and Community Studies) at the Faculty of Health and Social Work, C409, Portland Square Building, University of Plymouth, Devon, PL4 8AA. I have been in this post since the first of September 2000.
3. I have been a full member of the Royal College of Nursing since 1979, my PIN number being 76J 0474E, the date of expiry being 08/06 for annual renewal.
4. Because I obtained my Orthopaedic Nursing in 1976 I was granted dual registration and gained the status of a State Registered Nurse in 1979. This was on 2 September of that year.
5. I became a Member of the Higher Education Academy in 2002. (Formerly Institute of Learning and Teaching).
6. My other qualifications are as follows:-
 - (a) I registered with the Nursing and Midwifery Council (formerly the UKCC and General Nursing Council before that) in 1979. I should like this sentence at the end of '2 September of that year' above.
 - (b) I obtained a Diploma in Nursing (London) on 1 September 1993.
 - (c) I was awarded TDLB Assessor Award and BTEC NVQ3 Customer Service Management both at Portsmouth and on 24 June 1998 gained a Bachelor of Science Nursing (2:1) at the University of Portsmouth.
 - (d) On 13 November 2001 I obtained a Post Graduate Certificate in Education of Adults at the University of Surrey.

- (e) I am registered with the NMC as a Lecturer.
 - (f) I gained a Master of Arts Degree in Health Professional Education at the University of Portsmouth in July 2003.
 - (g) I also undertook and achieved an Advanced Leadership Course at Masters level at Peninsula Medical School, Universities of Plymouth and Exeter. (This was an additional module to my Masters degree or rather beyond it.)
7. I first work as an SRN at Treliske, Truro, Cornwall followed by a number of other NHS nursing posts over several years. Between 1990 and 1993 I was employed as an Orthopaedic Nurse at Rochford Hospital, Essex.
 8. Between 1993 and 1995 I was Matron/Manager at Ashley Manor Nursing Home, Wickham, Hampshire (in the Independent Sector).
 9. Between 1995 and 1999 I was employed as a Ward/Department Manager, Dept of Medicine for Elderly People and as Clinical Lead (extended quality role) within the same Portsmouth Health Care Trust, Hampshire.
 10. Between 1999 and 2000 I was a Teaching Fellow (with Honorary Contract in Health Care Trust) at the University of Southampton, School of Nursing and Midwifery.
 11. I have had extensive experience as a Registered Nurse, Manager and Clinical Leader in a range of acute, primary care and independent sector contexts including orthopaedics, medicine, accident and emergency, critical care and community care.
 12. I currently hold Honorary Contracts with Plymouth Hospitals Health Care Trust, South Devon Health Care Trust and Plymouth Teaching Primary Care Trust; these support my Link Lecturer activity.
 13. In my role as Link Lecturer I undertake educational audit, provide advice on programmes and support to practice educators, mentors and students in placement leaving. In addition I have worked collaboratively in publication to share good practice pathways for patients with fractured neck of femur and have been an advisor on a Clinical Supervision Steering Group and the development of a Trust strategy and training packages (2005).
 14. I have had many publications, which I provide if required by appropriate parties, with my permission, in nursing, patient care and teaching.
 15. On Tuesday 1 November 2005, in the presence of **Code A** solicitor with Foot-Austey, Plymouth I was shown by **Code A** Major Crime Department,

Hampshire Constabulary, police exhibit reference BJC/55, these being the medical notes of Robert Wilson, born **Code A** and dying on **Code A**

16. I understand that Mr Wilson was admitted to the Department of Medicine for Elderly People, Health Care Trust, Portsmouth, Dickens Ward in the early hours of 23 September 1998 from A&E.
17. I was employed at the above hospital between 1995 and 1999. For the first six months or thereabouts I worked on a number of wards there and for the rest of that period was Ward/Department Manager in the Department of Medicine for Elderly People. One day a week I was also Clinical Lead in helping develop other staff and clinical nursing practice.
18. Dickens Ward was an acute medical ward for the elderly.
19. 'Acute' in this setting means that patients generally require hospitalisation and the stabilising of their medical condition.
20. On the ward I was head of a nursing team whose duties included the assessment, planning, delivery and evaluation of the care of the patients. As the team leader I was responsible for this and believe I maintained the highest possible standards required, in line with my Nursing and Midwifery Council Code of Professional Conduct. This involved team responsibility.
21. My responsibilities on the ward included assessing the needs of patients and ensuring the implementation of care. I would also be involved in the writing of patients care plans and monitoring the delivery of them to the standards required.
22. I was responsible for maintaining the ward roster making sure that staffing levels were in place in order to ensure twenty four hour nursing cover on the ward. This was overseen by the Operations Manager or equivalent who was not on the ward but employed in a managerial role.
23. I worked a minimum of thirty seven and a half hours a week, mainly on day duty between the hours of 0730 – 2100 hours, but would work nights as required on occasions.
24. When I was on duty I was the senior nursing member of staff.
25. Firstly, I should say that I have no recollection of this patient.
26. Having been shown BJC/55 I confirm the following as my entries and signed by me, R Clemow, RGN. These would have been written during the shift and as near to the end

of the shift as a record of the evaluation of care.

27. Page 11, entry dated 24/09/98 1220 'Experienced severe pain this morning, addressed with Diamorphine: however also lost sensation and movement in left hand. Doctor called and referred to # clinic urgently. By time he attended symptoms had diminished and now has sensation and movement in hand.
28. Next appt 6/10/98'.
29. Diamorphine is an opiate used for acute or chronic pain control.
30. Any loss of sensation or movement is a significant development therefore the patient was sent to the fracture (#) clinic for further examination as a matter of urgency. (as recorded in entry above).
31. 'Appt' is an abbreviation of appointment.
32. My next entry is on page 12 of 642, dated 25/09/98, commencing with a 'Consultant Review' stamp. I do not recall who the consultant was in this entry.
33. 'Regular analgesic prescribed and aperients as no bowel actions since admission. Will require bowel care p.r. this afternoon (appetite has been very poor also)'.
✓
34. Analgesics are used in pain control and normally range from Paracetamol to Diamorphine in scale.
35. Doctors prescribed drugs however a key role of an RGN is assessing patients needs and responding to them with medication as appropriate in each case, where drugs are prescribed 'as required'.
36. The route for the administration of medications would be determined by the prescribing doctor, that is to say if they were given orally, subcutaneously i.e., under the skin, intravenously, i.e. into the vein.
37. Aperients are drugs given to help with bowel movement. They are given, firstly to soften the content of the bowel or secondly to improve bowel activity.
38. 'p.r.' means per rectum i.e. up the back passage.
39. My next entry is on page 14 of 642, dated 30/09/98. It commences 'Reviewed by Dr Ravin, continue IV and stop sedation. Take CSU if pyrexial'.
 - (a) 'Continue IV' means intravenously.

- (b) 'CSU' is catheter specimen of urine.
- (c) 'Pyrexial' means when the patients temperature is raised above normal.
40. I next wrote 'left arm remains very swollen and exuding serous fluid – nil applied. Remains drowsy – reviewed by Dr Ravi'.
41. Serious fluid is clear or straw coloured liquid in the tissues.
42. Doctors and consultants reviews are conducted in relation to the state of the patient at any time, however consultant reviews took place regularly through the week in addition to these.
43. The entry at the bottom of page 14 of 642 is mine timed at 1645.
44. 'Margaret Jackson phoned (S.W) and stated her concerns about Mr Wilson and long family history of alcohol related abuse. Present wife also uses alcohol in large quantities also. Sons and daughters of first marriage have all changed their names to either Huttington or Logan to achieve some distance from Mr Wilson. If present wife comes with Robert's cheque book to get him to sign it we to contact S.W.
45. S.W suggests a psycho geriatrician referral as Robert appears to have been left very depressed since stopping alcohol. Has unrealistic perception of himself. Review on ward round tomorrow.
46. 7pm – Robert states that he is desperate for sleep, tends to be awake at night and asleep during the day (typical of alcohol withdrawal) □ Chloradiazepoxide 10mg written for 2100 hours nocte and review mane
47. * Requires health summary for S.W and OT reports please:
- (a) S.W is my abbreviation for Social Worker;
- (b) □ is therefore;
- (c) Chloradiazepoxide is a drug administered in cases where the patient is restless for a number of reasons and given in order to reduce the symptoms;
- (d) Nocte is night;
- (e) Mané is morning;
- (f) OT is Occupational Therapy.

48. My next entry is on page 17 of 642 commencing, 'Reviewed by medical team # clinic appt attended for 4 week review. Repeat bloods. Continue Fortisips/Enlive to increase protein intake.
49. Plan N/Home care as Barthel increased to 5. OT care management requested asap'.
- (a) Repeat bloods means repeat blood tests on the patient on the prescription of the medical team;
 - (b) Fortisips are fortified drinks given to increase protein intake;
 - (c) N/Home is an abbreviation of nursing home.
 - (d) The Barthel scale is a scale on one to eight assessing the patients ability to look after their own needs. I cannot recall how positive or negative 5 is, within context, however the fact that I noted that Occupation Therapy care management was requested would indicate that the patient required further assessment.
50. My next entry is on page 18 of 642 dated 8/10/98 and commencing, 'Neil Howarth rang and stated that he will speak with Sandi Anning about problems of trying to get an OT report (as above). I stated that he was no longer requiring an acute bed and we need to move him as soon as possible to N/Home. Neil will call back. I suggested that family could be given information so that they could at least start looking for suitable home. Until arm has recovered (he is at risk of self injury) hand very, very oedematous and at risk of breakdown due to low albumin'
- (a) Oedematous means swollen.
51. Because the patient was low in albumin i.e. protein then his skin would fragile due to the excess amount of fluid in his tissues.
52. My next entry is on page 19 of 642 dated 9/10/98 and commencing, 'Margaret Jackson rang (S.W) and will contact wife this morning re placement. If they adamantly refuse then c.care might be only alternative until healed because Robert is at risk'.
- (a) This means that if the patient's wife refused to look for her husband's placement in a suitable nursing home then, because of his medical condition, continuing care requirements i.e. a cottage type hospital may have been the only alternative to ensure his continuing care.
53. My next entry is on page 21 of 642, dated 13/10/98 commencing, 'Reviewed by medical team: continues to require special medical/nursing care as oedematous limbs

at high risk of breakdown (foot (Rt) already about to breakdown) this is due to increased oedema secondary to cardiac failure and low protein. Also high risk of self neglect and injury if starts to take alcohol again. Need to take 24 hour hospital care until healed arm'.

- (a) I believe I have already explained most of the terms in this entry;
- (b) Cardiac related to the heart. (Rt) is right.
54. I have been asked about ward rounds. If I was on duty then I, (or another registered nurse present, if I was not) would go around the ward with the doctor and engage in conversation with the medical team, i.e. the consultant or Senior House Officer and the patient. We would also speak with any relatives present.
55. This would consist of nursing feedback to the doctor with regards to the ongoing care of the patient, although the final decision as to the course of action to be taken would be the doctors.
56. On the basis of my notes I believe they illustrate that I made entries in the nursing notes reflecting the care provided and evaluation of that care, including involvement of the multi disciplinary team, i.e. anyone involved in the care of the patient.
57. In addition to the above I have today been referred to an entry on page 26 of 642, dated 25/09/98, [*Page 9 missing from statement*]
58. Where I refer to Dr Ravin I remember this was Dr Ravi.
59. In my statement I refer to Neil Howard and Sandi Anning I believe they were both Social Workers.
60. 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:

Code A

Dated:

25th November 2008

General Medical Council

Dr Jane Barton

Supplemental Statement of Ruth Clemow

1. Ruth Clemow, will say as follows:

1. In addition to the amendments made to my statement dated 2 November 2005 I would also like to make the following amendments to my second police statement dated 31 January 2006.
2. Further to my statement dated 2/11/05 regarding the care and treatment of Mr Robert Wilson at the Queen Alexandra Hospital, Portsmouth in 1998 I have been asked to clarify the following:-
3. The entry on page 11 dated 24/09/98 at 1220 hours shows that Mr Wilson had been in severe pain that was addressed with diamorphine. The prescription for this is on page 106 of BIC/55. It is written up as Morphine slow i/v / s/c 2.5mgs dose dated the 23/09. It is signed by a doctor whose signature I don't recognise. But can say that it matches the signature on the admitting medical notes on page 168. These notes detail a medical plan including morphine as a pain reliever or analgesia.
4. The prescription sheet has the special directions of PRN 4^o by (something unreadable), I/V injection.
5. This prescription had been written by the initial clerking doctor. The nurses would continually assess Mr Wilson's pain and comfort as per the care plan on page 45.
6. The morphine could either be administered i/v (intravenously) or s/c (subcutaneously). I am unable at this time to say how the drug was administered on the 24/09. Based on the medical prescription the nurse would make a professional judgement about the best of the prescribed routes and dose that the patient required based on the nursing assessment. In this case the dose given on the 24/09/98 at 0615 hours was 2.5mgs and again at 0645 was 2.5mgs.
7. Mr Wilson was also on Codeine Phosphate, every 6 hours, which was for pain relief. He had this regularly and the morphine was administered when Mr Wilson's pain broke through.
8. The morphine was only given three times in total during Mr Wilson's initial 24 hours in hospital.

- 9. This was an appropriate prescription of morphine for **Code A** that I was happy to administer. It was obviously effective based on my entry on page 11 as **Code A** symptom had diminished.
- 10. 4^o stands for four hourly.
- 11. 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:

Code A

Dated:

25th November 2008



Strictly Private & Confidential

Code A

Our ref: ALW/00492-15579/8689655 v1
Your ref:

Code A
Paralegal

Code A

13 November 2008

04 DEC 2008

Dear Ms Clemow

General Medical Council - Dr Jane Barton

Please find enclosed two copies of each of your witness statements as requested. Please sign, date and return one of each in the pre-paid envelope provided.

Yours sincerely

*✓ 1/16 Enclosed and
Returned*

Code A

for Field Fisher Waterhouse LLP

Solicitors to the General Medical Council. The GMC is a charity registered in England and Wales (1089278) and Scotland (SC037750).

Please note my new address is:

Code A




Field Fisher Waterhouse
 Watson, Adele

From: **Code A**
 Sent: 03 November 2008 19:22
 To: **Code A**
 Subject: RE: Dr Barton - Your witness statement
 Follow Up Flag: Follow up
 Flag Status: Completed

Hi **Code A** Please could you send me the hard copies and I will sign and return one to you.
 Kind regards **Code A**

Subject: RE: **Code A** - Your witness statement
 Date: Fri, 24 Oct 2008 16:28:21 +0100

Code A

Thanks **Code A**

Would you be able print off a copy, sign and date and return to me in the post. Alternatively I can send you two copies in the post - one to return and the other for your own records.

Please let me know which you would prefer.

Kind regards

Code A

From: **Code A**
 Sent: Thursday, October 23, 2008 9:14 PM
 To: **Code A**
 Subject: RE: Dr Barton - Your witness statement

Dear **Code A**
 I am generally happy with the attached. There are a couplem of minor typographic errors otherwise fine. I am happy to confirm these witness statements.
 Regards **Code A**

Subject: **Code A** - Your witness statement
 Date: Wed, 15 Oct 2008 15:39:32 +0100

Code A

Dear **Code A**

Please find attached two witness statements which incorporate your amendments. Due to the number of amendments it has been easier to type the witness statements afresh rather than still try to use the police statements with a production statement.

Field Fisher Waterhouse LLP
 Tel: +44 (0)20 7611 3000 Fax: +44 (0)20 7611 3001
 E-mail: info@ffw.co.uk Web: www.ffw.co.uk

19/12/2008



Field Fisher Waterhouse

I would be grateful if you could let me know if you are too happy so that signed copies can be received.

Many thanks

Code A	Paralegal for Field Fisher Waterhouse LLP
Code A	

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Web www.ffw.com CDE003

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Code A

From: Code A
Sent: 30 July 2008 10:35
To: Code A
Subject: RE: GMC - Dr Barton

Hi Code A

Please could you give me a call regarding this issue. My number is Code A. I will be in the office all day today and tomorrow morning.

Many thanks

Code A

From: Code A
Sent: Tuesday, July 29, 2008 10:53 PM
To: Code A
Subject: RE: GMC - Dr Barton

Dear Code A

I am sorry I am really struggling with this. I need a copy of the original full statement that I made- not the statement of amendments. I dont actually know ehre it originally came from and therefore dont know who to ask for a copy that I can amend. As I siad in my last email. I have moved house and my paper copy of my full original statement is in storage (it got packed up by paking company -by mistake) and I am really concerned about where I go from here in terms of getting the statement to you.

Would you know where the original statement was released to me from?

I have contacted the RCN solicitors but they are not sure and suggested that you might know.

Thank you and kind regards Code A

Code A

Subject: RE: GMC - Dr Barton
Date: Mon, 21 Jul 2008 10:41:46 +0100

Code A

Code A

Please find attached a copy of your ORIGINAL statement.

Please ensure that you sign the updated version of your statement and return it to me as soon as possible.

Thank you.

Code A

From: Code A
Sent: Sunday, July 20, 2008 10:07 PM
To: Code A
Subject: RE: GMC - Code A

30/07/2008

Dear [Code A]

Please do you have an electronic version of my original statement in addition to the one that you have attached.

Thank you

Regards [Code A]

Subject: RE: GMC - [Code A]

Date: Wed, 28 May 2008 16:41:49 +0100

Code A

Dear [Code A]

Please find attached a copy of your statement which you can amend and return to me.

I look forward to receiving your completed statement.

Many thanks

[Code A]

From: [Code A]

Sent: Tuesday, May 27, 2008 4:34 PM

To: [Code A]

Subject: RE: GMC - Dr Barton

Importance: High

Dear [Code A]

Is it possible to send my statement by email attachment so I can make the necessary changes to the errors-spelling and date and forward to the RCN for checking before i forward to you? Thank you and kind regards

[Code A]

Subject: RE: GMC - Dr Barton

Date: Mon, 19 May 2008 10:29:09 +0100

Code A

Thanks for letting me know [Code A] I look forward to receiving your statement soon.

Regards

[Code A]

From: [Code A]

Sent: Saturday, May 17, 2008 2:05 PM

To: [Code A]

Subject: RE: GMC - Dr Barton

Dear [Code A]

I have noted some typographic errors in the statement and areas that need clarity as they are somewhat abbreviated; so I will need to address these with the RCN solicitors on my return from leave on 26th May. Once completed I will then forward the paperwork to you. Sorry for

30/07/2008

the delay. I have had a very heavy number of diary commitments of recent times and at the present.

Regards Code A

Subject: GMC - Dr Barton
Date: Thu, 15 May 2008 15:40:00 +0100

Code A

Dear Code A

Further to our previous communications I do not appear to have received a final, signed copy of your witness statement.

Please could you return your completed statement to me at your earliest convenience.

Many thanks

Code A | Paralegal
for Field Fisher Waterhouse LLP
Code A

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Field Fisher Waterhouse LLP Portland Tower Portland Street Manchester M1 3LF
Tel+44 (0)161 238 4900 **Fax**+44 (0)161 237 5357 **E-mail** info@ffw.com
Web www.ffw.com **CDE823**

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30/07/2008

Code A

From: Code A
Sent: 21 July 2008 10:42
To: Code A
Subject: RE: GMC - Dr Barton
Attachments: DOCS_6454765_1.DOC

Code A

Please find attached a copy of your ORIGINAL statement.

Please ensure that you sign the updated version of your statement and return it to me as soon as possible.

Thank you.

Code A

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21/07/2008

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Regards Code A

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Date: Thu, 15 May 2008 15:40:00 +0100

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Many thanks

Code A Paralegal
for Field Fisher Waterhouse LLP
Code A

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Code A

From: Code A
Sent: 14 July 2008 14:46
To: Code A
Subject: RE: Barton - Return of statement

Dear Code A

I am staying in temporary accomodation at Plymouth since selling our home whilst still working at University of Plymouth. However I would rather my home address where Code A has resided since he moved to his new job in Berkshire- I will be joining him shortly when I take up my new post at University in Buckinghamshire. New address for confidential correspondance is: Code A

Code A

Thank you for your understanding and kind regards

Code A

Subject: RE: Barton - Return of statement
 Date: Mon, 14 Jul 2008 14:22:46 +0100

Code A

Thank you for letting me know Code A

Also, I would be extremely grateful if you would be able to provide me with your updated contact details if you have now changed address.

Many thanks

Code A

From: Code A
Sent: Monday, July 14, 2008 12:32 PM
To: Code A
Subject: RE: Barton - Return of statement

Dear Code A

I am sorry for the delay please accept my apologies. Having moved house recently I have mislaid the contacts needed in respect of RCN solicitor guidance. I am making contact for a final check. Kind regards

Code A

Subject: Barton - Return of statement
 Date: Wed, 2 Jul 2008 14:41:05 +0100

Code A

Dear Code A

Further to our email communication in May I still do not appear to have received a signed copy of

14/07/2008

your statement.

I would be grateful if you could return this to me by **Monday 7 July 2008**. Please let me know if this will not be possible.

Many thanks

Code A | Paralegal
for Field Fisher Waterhouse LLP
Code A

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FILE COPY**Strictly Private & Confidential****Code A**Our ref: TET/GML/00492-15579/7872390 v1
Your ref:**Code A**
Assistant Solicitor**Code A**

14 July 2008

Dear **Code A****Dr Barton - Interim Orders Panel**

As you will be aware from my previous correspondence with you the GMC Fitness to Practise Hearing previously scheduled to start in September 2008 has been postponed pending the outcome of the proposed Inquest.

The GMC therefore referred the matter to be considered by the Interim Orders Panel (IOP). Cases are referred to the Interim Orders Panel (IOP) where the doctor faces allegations of such a nature that it may be necessary for the doctor's registration to be restricted whilst the allegations are resolved, for the protection of members of the public or in the public interest or in the interests of the doctor.

As well as the protection of the public, the "public interest" includes preserving public trust in the profession and maintaining good standards of conduct and performance.

The IOP may make an order suspending a doctor's registration or imposing conditions upon a doctor's registration for a maximum period of 18 months. Alternatively, they may decide to take no action.

The IOP hearing in Dr Barton's case was heard on Friday 11 July 2008. The IOP decided to impose conditions on Dr Barton's registration. Details can be found on the internet at http://www.gmc-uk.org/concerns/hearings_and_decisions/fitness_to_practise_decisions.asp

In summary, the IOP placed a condition on Dr Barton that she 'must not prescribe diamorphine and must restrict her prescribing of diazepam in line with BNF guidance'. She must provide evidence that she has complied with this condition to the GMC. Her employers and any prospective employers will be informed of the restriction. The condition will be imposed on her registration for 18 months and will be reviewed within the next 6 months.

If you have any further queries then please do not hesitate to contact me.

Yours sincerely

Code A

for **Field Fisher Waterhouse LLP**

Code A

From: **Code A**
Sent: 02 July 2008 14:41
To: **Code A**
Subject: Barton - Return of statement

Dear **Code A**

Further to our email communication in May I still do not appear to have received a signed copy of your statement.

I would be grateful if you could return this to me by **Monday 7 July 2008**. Please let me know if this will not be possible.

Many thanks

Code A Paralegal
for Field Fisher Waterhouse LLP

Code A

02/07/2008

FILE COPY**Strictly Private & Confidential****Code A**Our ref: TET/GML/00492-15579/7752730 v1
Your ref:**Code A**

Assistant Solicitor

Code A

26 June 2008

Dear **Code A****General Medical Council - Dr Jane Barton**

I write further to our previous correspondence to update you on the current position of the GMC Fitness to Practise investigation.

You may be aware that recently the Portsmouth and South East Hampshire Coroner has announced his intention to open Inquests into the deaths of ten people who died at Gosport War Memorial Hospital.

After careful consideration, and upon the receipt of legal advice, the GMC has decided to postpone the Fitness to Practise Panel Hearing regarding Dr Jane Barton until the Inquest has been held into the deaths of the ten patients at the Gosport War Memorial Hospital. Eight of these patients were amongst those due to be considered at the Fitness to Practise Panel Hearing. The GMC has taken legal advice and has decided that on balance it is preferable to await the outcome of the Inquest. The outcome of the Inquest could give rise to further fitness to practise allegations or could lead to the GMC revising the charges that they are proposing to bring and so could be highly relevant to the GMC proceedings. Given the Inquest primacy will also allow Dr Barton to deal with that inquiry and evidence for that process, ahead of her having to finalise her response to the Fitness to Practise Panel.

The GMC Fitness to Practise Hearing will be relisted once we have been informed by the Coroner of the date of the Inquest. At present I do not know when this will be, but will of course keep you fully informed.

In the meantime I am continuing with my preparation for the Hearing, which includes finalising any outstanding witness evidence. This will ensure that once I have further information from the Coroner the GMC will be ready to re-list the Hearing without any further delays.

I appreciate that you may be disappointed by this news but hope that you understand the reasons above. If you would like to discuss this matter then please do not hesitate to contact either myself or

Code A

The Coroner may contact you directly regarding the Inquest. Any queries regarding the Inquest should be directed to him. For your information his details are:

Code A

May I take this opportunity to thank you again for your ongoing assistance. My colleagues and I appreciate your co-operation.

Yours sincerely

Code A

for **Field Fisher Waterhouse LLP**

Code A

From: **Code A**
Sent: 19 May 2008 10:29
To: **Code A**
Subject: RE: GMC - Dr Barton

Thanks for letting me know **Code A** I look forward to receiving your statement soon.

Regards

Code A

From: **Code A**
Sent: Saturday, May 17, 2008 2:05 PM
To: **Code A**
Subject: RE: GMC - Dr Barton

Dear **Code A**

I have noted some typographic errors in the statement and areas that need clarity as they are somewhat abbreviated; so I will need to address these with the RCN solicitors on my return from leave on 26th May. Once completed I will then forward the paperwork to you. Sorry for the delay. I have had a very heavy number of diary commitments of recent times and at the present.

Regards **Code A**

Subject: GMC - Dr Barton
Date: Thu, 15 May 2008 15:40:00 +0100

Code A

Dear **Code A**

Further to our previous communications I do not appear to have received a final, signed copy of your witness statement.

Please could you return your completed statement to me at your earliest convenience.

Many thanks

Code A | Paralegal
 for Field Fisher Waterhouse LLP
Code A

Consider the environment, think before you print!

Field Fisher Waterhouse LLP Portland Tower Portland Street Manchester M1 3LF
Tel+44 (0)161 238 4900 **Fax**+44 (0)161 237 5357 **E-mail** info@ffw.com
Web www.ffw.com **CDE823**

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19/05/2008

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Code A

From: Code A

Sent: 15 May 2008 15:40

To: Code A

Subject: GMC - Dr Barton

Dear Code A

Further to our previous communications I do not appear to have received a final, signed copy of your witness statement.

Please could you return your completed statement to me at your earliest convenience.

Many thanks

Code A | Paralegal
for Field Fisher Waterhouse LLP

Code A

Code A

From: **Code A**
Sent: 02 April 2008 15:52
To: **Code A**
Subject: GMC - **Code A** - Amended statement
Attachments: DOCS_6454765_2.DOC

Dear **Code A**

Further to your telephone conversation with my colleague, **Code A** I attach your amended production statement which incorporates your suggested changes.

If you are now happy with your statement please print off, sign and send back to me at Field Fisher Waterhouse LLP, Portland Tower, Portland Street, Manchester, M1 3LF. If you would like to make any further changes, please do not hesitate to contact me on **Code A**

Many thanks

Code A Paralegal
for Field Fisher Waterhouse LLP

Code A

Code A

1/14/08

Code A

Should read
2/11/05

- name's incorrect throughout.
- Did not sign until correcting name.
- occupation - 3/10/08. I was a Senior nurse
- current position.

I am currently

Code A

Code A

Code A

Faculty of Health and Social Work, One of Plymouth.

p2:

Code A

(para 5)

Code A

Sent out by e-mail

TD 00

- update whess certificates
- Amend production sheet
- Sent out by e-mail.

Matter: Boston

Date: 14/3/08

Attending: _____

Code A

Telephone Call

<input checked="" type="checkbox"/> IN	<input type="checkbox"/> OUT
----------------------------------------	------------------------------

In Person

She wants to speak to **Code A** first re her statement but may also want to speak to **Code A** after this.

Agreed this to be fine + we will be in touch with **Code A** to try + contact nurses who are trying to contact her.

Action to be taken:

Time occupied: _____

Initials: _____

FILE COPY**Strictly Private & Confidential****Code A**

Our ref: TET/ALW/00492-15579/6447635 v1

Your ref:

Code A
Assistant Solicitor**Code A**

16 January 2008

Dear **Code A****General Medical Council - Dr Jane Barton**

I am instructed by the General Medical Council, the governing body of the medical profession.

As you may be aware the General Medical Council, as a result of the outcome of the investigations carried out by Hampshire Constabulary, has now decided to refer Dr Barton for a hearing before its Fitness to Practise Panel. The Panel will consider whether her fitness to practise is impaired.

I have been instructed to prepare the case for hearing and I note that you assisted Hampshire Constabulary with their investigations. I have been provided with all of the investigation material from Hampshire Constabulary, including witness statements, which will be used as evidence by the General Medical Council at the hearing.

If you made statements to any other body, for example the Commission for Health Improvement, then I would be grateful for your further information in this regard. In particular, if you could forward me copies of any additional information that you may have then this would be exceedingly helpful.

I anticipate that I will need to call you as a witness for the GMC Fitness to Practise hearing. If you have no new evidence than that which you have already discussed with the Police this will take the form of you producing your previous statement and then giving evidence in relation to this.

I have therefore prepared a production statement on your behalf. As you will see this produces a copy of your witness statements made to the police dated 2 November 2005 and 31 January 2006. Unfortunately I cannot use your statement for the GMC proceedings unless I have a signed production statement. I am sure that you will appreciate the importance of your evidence and I would like to take this opportunity to thank you in anticipation of your co-operation.

It is important that you read your original statement to the Police carefully. If you are happy with it and do not wish to add anything the please sign the production statement and return it to me. My contact details are: Field Fisher Waterhouse LLP, Portland Business Centre, Portland Tower, Portland Street, Manchester, M1 3LF.

I have enclosed a pre-paid envelope for your ease.

However, if you feel there are details that you would like to add to your statement or anything that you'd like to discuss regarding your previous statement, or would like to discuss the case generally please do not hesitate to contact me on Code A or alternatively via email at

Code A

I would also like to take this opportunity to let you know that you will be required to give evidence at the General Medical Council hearing in London. The hearing has been provisionally listed for **8 September – 31 October 2008**. It is likely that your attendance will be required during September and I would therefore be grateful if you could provide me with details of any dates that you will be unavailable during that month for example if you have any holidays booked. Further, it would be helpful if you could confirm that I have the correct correspondence address for you, and if you could also provide a contact telephone number and email address for me.

Thank you for your assistance in this matter. I look forward to hearing from you.

Yours sincerely

Code A

for **Field Fisher Waterhouse LLP**

Code A

General Medical Council

Dr Jane Barton

Statement of Code A

I, Code A will say as follows:

1. I was employed by the Queen Alexandra Hospital, Portsmouth between 1996 and 1999 and mainly worked as the Ward Manager in the Department of Medicine for Elderly People. I am currently Associate Dean for Learning and Teaching in the Faculty of Health and Social Work at the University of Plymouth.
2. Exhibited to this statement and marked **RC/1** is a copy of the witness statement dated 2 November 2005.
3. Exhibited to this statement and marked **RC/2** is a copy of the witness statement dated 31 January 2006 I made to clarify points in my earlier statement dated 2 November 2005.
4. I can confirm that I have been given the opportunity to add to or amend these statements and wish to make the following changes:
5. Throughout **RC/1** it is stated that my surname is Code A rather than Code A I know that I did not sign the version with the incorrect spelling of my name and specifically requested that this was amended before it was signed.
6. Also in **RC/1** at paragraph 5, page 2 it should read Code A
7. In **RC/2** it should state that my occupation was that of 'Senior Lecturer.'
8. 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:

Code A

Dated:

General Medical Council

Dr. Jane Barton

Exhibit RC/1

This is the Exhibit marked "RC/1" referred to in the statement of **Code A**

- Statement dated 2 November 2005 (regarding Robert Wilson)

Code A

Code A

Code A

Code A

Code A

Code A

Code A

Code A

Code A

Code A

General Medical Council

Dr. Jane Barton

Exhibit RC/2

This is the Exhibit marked "RC/2" referred to in the statement of Code A

- Statement dated 31 January 2006 (regarding Robert Wilson)

Code A

Code A

Code A

FILE COPY**Strictly Private & Confidential****Code A**Our ref: TET/GML/00492-15579/7871395 v1
Your ref:**Code A**

Assistant Solicitor

Code A

14 July 2008

Dear **Code A****Dr Barton - Interim Orders Panel**

As you will be aware from my previous correspondence with you the GMC Fitness to Practise Hearing previously scheduled to start in September 2008 has been postponed pending the outcome of the proposed Inquest.

The GMC therefore referred the matter to be considered by the Interim Orders Panel (IOP). Cases are referred to the Interim Orders Panel (IOP) where the doctor faces allegations of such a nature that it may be necessary for the doctor's registration to be restricted whilst the allegations are resolved, for the protection of members of the public or in the public interest or in the interests of the doctor.

As well as the protection of the public, the "public interest" includes preserving public trust in the profession and maintaining good standards of conduct and performance.

The IOP may make an order suspending a doctor's registration or imposing conditions upon a doctor's registration for a maximum period of 18 months. Alternatively, they may decide to take no action.

The IOP hearing in Dr Barton's case was heard on Friday 11 July 2008. The IOP decided to impose conditions on Dr Barton's registration. Details can be found on the internet at http://www.gmc-uk.org/concerns/hearings_and_decisions/fitness_to_practise_decisions.asp

In summary, the IOP placed a condition on Dr Barton that she 'must not prescribe diamorphine and must restrict her prescribing of diazepam in line with BNF guidance'. She must provide evidence that she has complied with this condition to the GMC. Her employers and any prospective employers will be informed of the restriction. The condition will be imposed on her registration for 18 months and will be reviewed within the next 6 months.

If you have any further queries then please do not hesitate to contact me.

Yours sincerely

Code A
for **Field Fisher Waterhouse LLP**

FILE COPY**Strictly Private & Confidential****Code A**

Our ref: TET/GML/00492-15579/7744560 v1

Your ref:

Code A

Assistant Solicitor

Code A

25 June 2008

Dear **Code A****General Medical Council - Dr Jane Barton**

I write further to our previous correspondence to update you on the current position of the GMC Fitness to Practise investigation.

You may be aware that recently the Portsmouth and South East Hampshire Coroner has announced his intention to open Inquests into the deaths of ten people who died at Gosport War Memorial Hospital.

After careful consideration, and upon the receipt of legal advice, the GMC has decided to postpone the Fitness to Practise Panel Hearing regarding Dr Jane Barton until the Inquest has been held into the deaths of the ten patients at the Gosport War Memorial Hospital. Eight of these patients were amongst those due to be considered at the Fitness to Practise Panel Hearing. The GMC has taken legal advice and has decided that on balance it is preferable to await the outcome of the Inquest. The outcome of the Inquest could give rise to further fitness to practise allegations or could lead to the GMC revising the charges that they are proposing to bring and so could be highly relevant to the GMC proceedings. Given the Inquest primacy will also allow Dr Barton to deal with that inquiry and evidence for that process, ahead of her having to finalise her response to the Fitness to Practise Panel.

The GMC Fitness to Practise Hearing will be relisted once we have been informed by the Coroner of the date of the Inquest. At present I do not know when this will be, but will of course keep you fully informed.

In the meantime I am continuing with my preparation for the Hearing, which includes finalising any outstanding witness evidence. This will ensure that once I have further information from the Coroner the GMC will be ready to re-list the Hearing without any further delays.

I appreciate that you may be disappointed by this news but hope that you understand the reasons above. If you would like to discuss this matter then please do not hesitate to contact either myself or

Code A

The Coroner may contact you directly regarding the Inquest. Any queries regarding the Inquest should be directed to him. For your information his details are:

Code A

May I take this opportunity to thank you again for your ongoing assistance. My colleagues and I appreciate your co-operation.

Yours sincerely

Code A

for Field Fisher Waterhouse LLP

FILE COPY**Strictly Private & Confidential**

Code A

Our ref: ALW/00492-15579/7236729 v1

Your ref:

3 April 2008

Dear **Code A****General Medical Council - Dr Jane Barton**

I write to acknowledge receipt of your signed production statement. I will be in touch with you again in due course but if you have any other queries in the meantime please do not hesitate to contact me on **Code A**

Yours sincerely

Code Afor **Field Fisher Waterhouse LLP**

FILE COPY**Strictly Private & Confidential****Code A**

Our ref: ALW/00492-15579/7198683 v1

Your ref:

27 March 2008

Dear **Code A****General Medical Council - Dr Jane Barton**

Please find enclosed a copy of your amended statement incorporating your suggested changes. If you are now happy with your statement I would be grateful if you could sign it and return to me in the enclosed envelope as soon as possible. If however, you would like to make any further changes please do not hesitate to contact me on **Code A** to discuss further.

For your records and ease of reference I also enclose the original copy of your police statements with your handwritten notes, of which I now have a copy on file, and also a full, clean copy of all of the police statements.

Yours sincerely

Code Afor **Field Fisher Waterhouse LLP**

FILE COPY**General Medical Council****Dr Jane Barton****Statement of Lynn Barrett**

I, **Lynn Barrett**, will say as follows:

1. I am an E grade staff nurse and qualified in 1972. I began working at Gosport War Memorial Hospital in 1987 and worked at the Northcott Annex until this closed down and I moved to the Redcliffe Annex.
2. Exhibited to this statement and marked **LB/1** is a copy of the witness statement dated 7 March 2003.
3. Exhibited to this statement and marked **LB/2** is a copy of the witness statement dated 3 September 2004 I made in relation to the care of Elsie Devine.
4. Exhibited to this statement and marked **LB/3** is a copy of the witness statement dated 11 August 2004 I made in relation to the care of Leslie Pittock.
5. Exhibited to this statement and marked **LB/4** is a copy of the witness statement dated 19 January 2005 I made in relation to the care of Ruby Lake.
6. Exhibited to this statement and marked **LB/5** is a copy of the witness statement dated 22 July 2005 I made in relation to the care of Sheila Gregory.
7. Exhibited to this statement and marked **LB/6** is a copy of the witness statement dated 3 February 2006 I made in relation to the care of Enid Spurgin.
8. I can confirm that I have been given the opportunity to add to or amend these statements and wish to make the following comments: -
9. At page 1, paragraph 1 of **LB/2** it should read that I have 32 years experience as an RGN, not 17 ½ years as stated. This is also applicable to the third line of page 1 in **LB/3**.
10. I would like to remove the second sentence of the fifth paragraph on page 2 of **LB/3**.
11. On page 5 of **LB/4** I would like to highlight that the 'Nursing Action' at point 3 should read 'sloughy', and slightly lower down the page should read 'desloughing.'

- 12. On page 6 of **LB/4** the word in the penultimate paragraph should read ‘aperients’ which are used to aid constipation. I can also confirm that BWO means ‘Bowels well open.’
- 13. Further, on page 8 of **LB/4** I would like to clarify that MRSA stands for Methicillin Resistant Staphlococcus Aureas.
- 14. On page 7 of **LB/6** in the first entry dated 8/4/99 the word used should be ‘redness’, not ‘re-dress’ as is stated.
- 15. 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:

Code A

Dated:

Code A

Dear **Code A**

I have signed the required document but I have had to make changes to my statements. I would be grateful if you could have them amended to the correct wording as I have indicated and let me have copies of the amended statements.

I would also like to point out at this stage that if for any reason I have to stay overnight in London during the hearing I would find this impossible as I have two elderly dogs who cannot be left on their own and I have no-one who could look after them for me.

Yours faithfully,

Code A

FILE COPY**Strictly Private & Confidential****Example Letter A****Code A**

16 January 2008

Dear

General Medical Council - Dr Jane Barton

I apologise for contacting you out of the blue. I am a solicitor instructed by the General Medical Council, the governing body of the medical profession.

As you may be aware the General Medical Council, as a result of the outcome of the investigations carried out by Hampshire Constabulary, has now decided to refer Dr Barton for a hearing before its Fitness to Practise Panel. The Panel will consider whether her fitness to practise is impaired.

I have been instructed to prepare the case for hearing and I note that you assisted Hampshire Constabulary with their investigations. I have been provided with all of the investigation material from Hampshire Constabulary, including witness statements, which will be used as evidence by the General Medical Council at the hearing.

If you made statements to any other body, for example the Commission for Health Improvement, then I would be grateful for your further information in this regard. In particular, if you could forward me copies of any additional information that you may have then this would be exceedingly helpful.

I anticipate that I will need to call you as a witness for the GMC Fitness to Practise hearing. If you have no new evidence than that which you have already discussed with the Police this will take the form of you producing your previous statement and then giving evidence in relation to this.

I have therefore prepared a production statement on your behalf. As you will see this produces copies of your witness statements made to the police dated []. Unfortunately I cannot use your statement for the GMC proceedings unless I have a signed production statement. I am sure that you

will appreciate the importance of your evidence and I would like to take this opportunity to thank you in anticipation of your co-operation.

It is important that you read your original statements to the Police carefully. If you are happy with it and do not wish to add anything the please sign the production statement and return it to me. My contact details are: Field Fisher Waterhouse LLP, Portland Business Centre, Portland Tower, Portland Street, Manchester, M1 3LF.

I have enclosed a pre-paid envelope for your ease.

However, if you feel there are details that you would like to add to your statement or anything that you'd like to discuss regarding your previous statement, or would like to discuss the case generally please do not hesitate to contact me on Code A or alternatively via email at

Code A

I will be visiting Hampshire with regard to this case between 29 and 31 January 2008. I would be happy to meet with you in person to discuss any concerns which you may have and to explain the nature of your involvement in more detail.

I would also like to take this opportunity to let you know that you will be required to give evidence at the General Medical Council hearing in London. The hearing has been provisionally listed for **8 September – 31 October 2008**. It is likely that your attendance will be required during September and I would therefore be grateful if you could provide me with details of any dates that you will be unavailable during that month for example if you have any holidays booked. Further, it would be helpful if you could confirm that I have the correct correspondence address for you, and if you could also provide a contact telephone number and email address to me.

Thank you for your assistance in this matter. I look forward to hearing from you.

Yours sincerely

Code A

for **Field Fisher Waterhouse LLP**

FILE COPY**Strictly Private & Confidential**

Our ref: TET/00492-15579/6627498 v1

Your ref:

Example Letter B**Code A**

Assistant Solicitor

Code A

16 January 2008

Dear Ms

General Medical Council - Dr J Barton

I apologise for contacting you out of the blue. I am a solicitor instructed by the General Medical Council, the governing body of the medical profession.

As you may be aware the General Medical Council, as a result of the outcome of the investigations carried out by Hampshire Constabulary, has now decided to refer Dr Barton for a hearing before its Fitness to Practise Panel. The Panel will consider whether her fitness to practise is impaired.

I have been instructed to prepare the case for hearing and I note that you assisted Hampshire Constabulary with their investigations. I have been provided with all of the investigation material from Hampshire Constabulary, including witness statements, which will be used as evidence by the General Medical Council at the hearing.

If you made statements to any other body, for example the Commission for Health Improvement, then I would be grateful for your further information in this regard. In particular, if you could forward me copies of any additional information that you may have then this would be exceedingly helpful.

I anticipate that I will need to call you as a witness for the GMC Fitness to Practise hearing. I would therefore like to meet with you to discuss your evidence further. I will be visiting Hampshire with regard to this case between 29 and 31 January 2008. Please contact me in order that we may arrange a mutually convenient time to meet.

My contact details are **Code A** or alternatively via email at **Code A**

In order that you may refresh your memory I have enclosed your statement dated [] which you gave to the Hampshire Police and also copies of transcripts of your police interviews dated [].

I would also like to take this opportunity to let you know in advance that you will be required to give evidence at the General Medical Council hearing in London. The hearing has been provisionally listed for **8 September – 31 October 2008**. It is likely that your attendance will be required during September and I would therefore be grateful if you could provide me with details of any dates that you will be unavailable during that month for example if you have any holidays booked. Further, it would be helpful if you could confirm that I have the correct correspondence address for you, and if you could also provide a contact telephone number and email address to me.

Thank you for your assistance in this matter. I look forward to hearing from you.

Yours sincerely

Code A

for **Field Fisher Waterhouse LLP**

FILE COPY**Strictly Private & Confidential**

Our ref: TET/ALW/00492-15579/6447650 v1

Your ref:

Code A

16 January 2008

Dear **Code A****General Medical Council - Dr Jane Barton**

I apologise for contacting you out of the blue. I am a solicitor instructed by the General Medical Council, the governing body of the medical profession.

As you may be aware the General Medical Council, as a result of the outcome of the investigations carried out by Hampshire Constabulary, has now decided to refer Dr Barton for a hearing before its Fitness to Practise Panel. The Panel will consider whether her fitness to practise is impaired.

I have been instructed to prepare the case for hearing and I note that you assisted Hampshire Constabulary with their investigations. I have been provided with all of the investigation material from Hampshire Constabulary, including witness statements, which will be used as evidence by the General Medical Council at the hearing.

If you made statements to any other body, for example the Commission for Health Improvement, then I would be grateful for your further information in this regard. In particular, if you could forward me copies of any additional information that you may have then this would be exceedingly helpful.

I anticipate that I will need to call you as a witness for the GMC Fitness to Practise hearing. If you have no new evidence than that which you have already discussed with the Police this will take the form of you producing your previous statement and then giving evidence in relation to this.

I have therefore prepared a production statement on your behalf. As you will see this produces a copy of your witness statements made to the police dated 7 March 2003 (x2), 3 September 2004, 11 August 2004, 19 January 2005 and 3 February 2006. Unfortunately I cannot use your statement for the GMC proceedings unless I have a signed production statement. I am sure that you will appreciate the importance of your evidence and I would like to take this opportunity to thank you in anticipation

of your co-operation.

It is important that you read your original statement to the Police carefully. If you are happy with it and do not wish to add anything the please sign the production statement and return it to me. My contact details are: Field Fisher Waterhouse LLP, Portland Business Centre, Portland Tower, Portland Street, Manchester, M1 3LF.

I have enclosed a pre-paid envelope for your ease.

However, if you feel there are details that you would like to add to your statement or anything that you'd like to discuss regarding your previous statement, or would like to discuss the case generally please do not hesitate to contact me on Code A or alternatively via email at Code A

I will be visiting Hampshire with regard to this case between 29 and 31 January 2008. I would be happy to meet with you in person to discuss any concerns which you may have and to explain the nature of your involvement in more detail.

I would also like to take this opportunity to let you know that you will be required to give evidence at the General Medical Council hearing in London. The hearing has been provisionally listed for **8 September – 31 October 2008**. It is likely that your attendance will be required during September and I would therefore be grateful if you could provide me with details of any dates that you will be unavailable during that month for example if you have any holidays booked. Further, it would be helpful if you could confirm that I have the correct correspondence address for you, and if you could also provide a contact telephone number and email address for me.

Thank you for your assistance in this matter. I look forward to hearing from you.

Yours sincerely

Code A

for **Field Fisher Waterhouse LLP**

General Medical Council

Dr Jane Barton

Statement of Lynn Barrett

I, **Lynn Barrett**, will say as follows:

1. I am an E grade staff nurse and qualified in 1972. I began working at Gosport War Memorial Hospital in 1987 and worked at the Northcott Annex until this closed down and I moved to the Redcliffe Annex.
2. Exhibited to this statement and marked **LB/1** is a copy of the witness statement dated 7 March 2003.
3. Exhibited to this statement and marked **LB/2** is a copy of the witness statement dated 3 September 2004 I made in relation to the care of Elsie Devine.
4. Exhibited to this statement and marked **LB/3** is a copy of the witness statement dated 11 August 2004 I made in relation to the care of Leslie Pittock.
5. Exhibited to this statement and marked **LB/4** is a copy of the witness statement dated 19 January 2005 I made in relation to the care of Ruby Lake.
6. Exhibited to this statement and marked **LB/5** is a copy of the witness statement dated 22 July 2005 I made in relation to the care of Sheila Gregory.
7. Exhibited to this statement and marked **LB/6** is a copy of the witness statement dated 3 February 2006 I made in relation to the care of Enid Spurgin.
8. I can confirm that I have been given the opportunity to add to or amend these statements and wish to make the following comments: -
9. At page 1, paragraph 1 of **LB/2** it should read that I have 32 years experience as an RGN, not 17 ½ years as stated. This is also applicable to the third line of page 1 in **LB/3**.
10. I would like to remove the second sentence of the fifth paragraph on page 2 of **LB/3**.
11. On page 5 of **LB/4** I would like to highlight that the 'Nursing Action' at point 3 should read 'sloughy', and slightly lower down the page should read 'desloughing.'

12. On page 6 of **LB/4** the word in the penultimate paragraph should read 'aperients' which are used to aid constipation. I can also confirm that BWO means 'Bowels well open.'
13. Further, on page 8 of **LB/4** I would like to clarify that MRSA stands for Methicillin Resistant Staphlococcus Aureas.
14. On page 7 of **LB/6** in the first entry dated 8/4/99 the word used should be 'redness', not 're-dress' as is stated.
15. 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:

Code A

Dated:

...28.3.08.....

General Medical Council

Dr. Jane Barton

Exhibit LB/1

This is the Exhibit marked "LB/1" referred to in the statement of Lynn Barrett:-

- Statement dated 7 March 2003

Code A

Code A

Code A

Code A

Code A

General Medical Council

Dr. Jane Barton

Exhibit LB/2

This is the Exhibit marked "LB/2" referred to in the statement of Lynn Barrett:-

- Statement dated 3 September 2004 (in relation to the care of Elsie Devine)

Code A

Code A

Code A

Code A

General Medical Council

Dr. Jane Barton

Exhibit LB/3

This is the Exhibit marked "LB/3" referred to in the statement of Lynn Barrett:-

- Statement dated 11 August 2004 (regarding Leslie Pittock)

Code A

Code A

Code A

Code A

Code A

Code A

Code A

Code A

General Medical Council

Dr. Jane Barton

Exhibit LB/4

This is the Exhibit marked "LB/4" referred to in the statement of Lynn Barrett:-

- Statement dated 19 January 2005 (regarding Ruby Lake)

Code A

Code A

Code A

Code A

Code A

Code A

Code A

Code A

Code A

Code A

General Medical Council

Dr. Jane Barton

Exhibit LB/5

This is the Exhibit marked "LB/5" referred to in the statement of Lynn Barrett:-

Statement dated 22 July 2005 (regarding Sheila Gregory)

Code A

Code A

Code A

Code A

Code A

Code A

Code A

Code A

General Medical Council

Dr. Jane Barton

Exhibit LB/6

This is the Exhibit marked "LB/6" referred to in the statement of Lynn Barrett:-

Statement dated 3 February 2006 (regarding Enid Spurgin)

Code A

Code A

Code A

Code A

Code A

Code A

Code A

Code A

Code A

Code A

General Medical Council**Dr Jane Barton****Statement of Lynn Barrett**

I, **Lynn Barrett**, will say as follows:

1. I am an E grade staff nurse and qualified in 1972. I began working at Gosport War Memorial Hospital in 1987 and worked at the Northcott Annex until this closed down and I moved to the Redcliffe Annex.
2. Exhibited to this statement and marked **LB/1** is a copy of the witness statement dated 7 March 2003.
3. Exhibited to this statement and marked **LB/2** is a copy of the witness statement dated 3 September 2004 I made in relation to the care of Elsie Devine.
4. Exhibited to this statement and marked **LB/3** is a copy of the witness statement dated 11 August 2004 I made in relation to the care of Leslie Pittock.
5. Exhibited to this statement and marked **LB/4** is a copy of the witness statement dated 19 January 2005 I made in relation to the care of Ruby Lake.
6. Exhibited to this statement and marked **LB/5** is a copy of the witness statement dated 22 July 2005 I made in relation to the care of Sheila Gregory.
7. Exhibited to this statement and marked **LB/6** is a copy of the witness statement dated 3 February 2006 I made in relation to the care of Enid Spurgin.
8. I can confirm that I have been given the opportunity to add to or amend these statements but do not wish to do so.
9. 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:

Code A

Lynn Barrett

Dated:

.....14-3-08.....

FILE COPY**General Medical Council****Dr Jane Barton****Statement of Lynn Barrett**I, **Lynn Barrett**, will say as follows:

1. I am an E grade staff nurse and qualified in 1972. I began working at Gosport War Memorial Hospital in 1987 and worked at the Northcott Annex until this closed down and I moved to the Redcliffe Annex.
2. Exhibited to this statement and marked **LB/1** is a copy of the witness statement dated 7 March 2003.
3. Exhibited to this statement and marked **LB/2** is a copy of the witness statement dated 3 September 2004 I made in relation to the care of Elsie Devine.
4. Exhibited to this statement and marked **LB/3** is a copy of the witness statement dated 11 August 2004 I made in relation to the care of Leslie Pittock.
5. Exhibited to this statement and marked **LB/4** is a copy of the witness statement dated 19 January 2005 I made in relation to the care of Ruby Lake.
6. Exhibited to this statement and marked **LB/5** is a copy of the witness statement dated 22 July 2005 I made in relation to the care of Sheila Gregory.
7. Exhibited to this statement and marked **LB/6** is a copy of the witness statement dated 3 February 2006 I made in relation to the care of Enid Spurgin.
8. I can confirm that I have been given the opportunity to add to or amend these statements but do not wish to do so.
9. 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:

Lynn Barrett

Dated:

Code A

Code A

**Draft
(09.05.2008)**

General Medical Council

Dr Jane Barton

Statement of Adele Bindloss

I, **Adele Bindloss**, will say as follows:

1. I am a staff nurse and qualified in 1990. I began working at Royal Hospital Haslar in January 1996 and worked in out patients for approximately two years before moving to work on wards E3 and E6 within Haslar Hospital.
2. Exhibited to this statement and marked **AB/1** is a copy of the witness statement dated 26 January 2005 I made in relation to the care of Ruby Lake.
3. I can confirm that I have been given the opportunity to add to or amend this statement but do not wish to do so.
4. 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:

Adele Bindloss

Dated:

General Medical Council

Dr. Jane Barton

Exhibit AB/1

This is the Exhibit marked "AB/1" referred to in the statement of Adele Bindloss:-

- Copy of the witness statement dated 26 January 2005 in relation to the care of Ruby Lake.

Code A

Code A

Code A

Code A

Code A

Code A

Code A

Code A

Code A

Code A

From: Code A
Sent: 25 February 2008 13:12
To: Code A
Subject: FW: NMC Practitioner

From: Code A
Sent: Monday, February 25, 2008 1:11 PM
To: Code A
Subject: NMC Practitioner

Hi Code A

Re: Code A

Hope your well.

I received your letter this morning and have forwarded it onto Code A last known address.

Kind regards

Code A

Senior Registrations Officer
NMC
23 Portland Place
London W1B 1PZ

Tel: 020 7333 6603
Fax: 020 7333 6592
www.nmc-uk.org

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please do not act upon or disclose the contents if you have received it in error. Instead, please inform the sender at the e-mail address above or notify the Nursing & Midwifery Council at itsupport@nmc-uk.org

The Nursing & Midwifery Council is a registered charity in England and Wales with its registered office at 23 Portland Place, London W1B 1PZ and registered charity number 1091434.

The Nursing & Midwifery Council is a registered charity in Scotland,

26/02/2008

FILE COPY**Code A**

Professional Advisory Service
Nursing and Midwifery Council
23 Portland Place
London
W1B 1PZ

Our ref: ALW/00492-15579/6845365 v1

Your ref:

22 February 2008

Dear Sirs

Code A**General Medical Council - Dr J Barton**

We are instructed by the General Medical Council in relation to an ongoing investigation into the Fitness to Practise of Dr J Barton.

We have identified **Code A** as a potential witness in this matter. Unfortunately, we have not been able to trace her current address and I understand that you would be willing to forward the enclosed letter to her last known address.

Please note that the information in the letter is of a confidential nature.

If you have any queries then please contact **Code A** on **Code A** or at **Code A**

Thank you for your assistance.

Yours faithfully

Field Fisher Waterhouse LLP

FILE COPY**Strictly Private & Confidential****Code A**

C/O NMC

Our ref: TET/ALW/00492-15579/6845239 v1

Your ref:

Code A

Assistant Solicitor

Code A

22 February 2008

Dear **Code A****General Medical Council - Dr Jane Barton**

I apologise for contacting you out of the blue. I am a solicitor instructed by the General Medical Council, the governing body of the medical profession.

Unfortunately, I had not been able to ascertain your current address hence the reason why this letter has been forwarded to you by the Nursing and Midwifery Council.

As you may be aware the General Medical Council, as a result of the outcome of the investigations carried out by Hampshire Constabulary, has now decided to refer Dr Barton for a hearing before its Fitness to Practise Panel. The Panel will consider whether her fitness to practise is impaired.

I have been instructed to prepare the case for hearing and I note that you assisted Hampshire Constabulary with their investigations. I have been provided with all of the investigation material from Hampshire Constabulary, including witness statements, which will be used as evidence by the General Medical Council at the hearing.

If you made statements to any other body, for example the Commission for Health Improvement, then I would be grateful for your further information in this regard. In particular, if you could forward me copies of any additional information that you may have then this would be exceedingly helpful.

I anticipate that I will need to call you as a witness for the GMC Fitness to Practise hearing. If you have no new evidence than that which you have already discussed with the Police this will take the form of you producing your previous statement and then giving evidence in relation to this.

I have therefore prepared a production statement on your behalf. As you will see this produces a copy of your witness statement made to the police dated 26 January 2005. Unfortunately I cannot use your statement for the GMC proceedings unless I have a signed production statement. I am sure that you will appreciate the importance of your evidence and I would like to take this opportunity to thank you in anticipation of your co-operation.

It is important that you read your original statement to the Police carefully. If you are happy with it and do not wish to add anything the please sign the production statement and return it to me. My contact details are: Field Fisher Waterhouse LLP, Portland Business Centre, Portland Tower, Portland Street, Manchester, M1 3LF.

I have enclosed a pre-paid envelope for your ease.

However, if you feel there are details that you would like to add to your statement or anything that you'd like to discuss regarding your previous statement, or would like to discuss the case generally please do not hesitate to contact me on Code A or alternatively via email at

Code A

I would also like to take this opportunity to let you know that you will be required to give evidence at the General Medical Council hearing in London. The hearing has been provisionally listed for **8 September – 31 October 2008**. It is likely that your attendance will be required during September and I would therefore be grateful if you could provide me with details of any dates that you will be unavailable during that month for example if you have any holidays booked. Further, it would be helpful if you could confirm that I have the correct correspondence address for you, and if you could also provide a contact telephone number and email address to me.

Thank you for your assistance in this matter. I look forward to hearing from you.

Yours sincerely

Code A

for **Field Fisher Waterhouse LLP**

Code A

From: **Code A**

Sent: 05 February 2008 16:24

To: **Code A**

Subject: **Code A**

Can you take this further if poss please. ie write to the PCT and see if she possibly worked under any other names?

She gives an NMC number of 87Y1328E so try and get some info from them

Look in the medical records and see if she has gone under a different name??

Ta

Code A | Solicitor
for Field Fisher Waterhouse LLP

Code A

Code A

From: **Code A**
Sent: 25 February 2008 13:12
To: **Code A**
Subject: FW: NMC Practitioner

From: **Code A**
Sent: Monday, February 25, 2008 1:11 PM
To: **Code A**
Subject: NMC Practitioner

Hi **Code A**

Re: **Code A**

Hope your well.

I received your letter this morning and have forwarded it onto **Code A** last known address.

Kind regards

Code A

Senior Registrations Officer
NMC
23 Portland Place
London W1B 1PZ

Tel: 020 7333 6603
Fax: 020 7333 6592
www.nmc-uk.org

.....

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please do not act upon or disclose the contents if you have received it in error. Instead, please inform the sender at the e-mail address above or notify the Nursing & Midwifery Council at itsupport@nmc-uk.org

The Nursing & Midwifery Council is a registered charity in England and Wales with its registered office at 23 Portland Place, London W1B 1PZ and registered charity number 1091434.

The Nursing & Midwifery Council is a registered charity in Scotland,

25/02/2008

charity number, SC038362

.

www.nmc-uk.org

.....



Field Fisher Waterhouse
Portland Tower
Portland Street
Manchester
M1 3LF

01 FEB 2008

HEADQUARTERS AIR COMMAND

Code A

28 Jan 2008
AM/132104/2/85899/22

Code A

Dear Sir,

Thank you for your letter dated 22 Jan which I have given the above reference. I have enclosed your envelope unopened for the above named. I have searched my records but unfortunately I can find no trace of either a Serving or past Serving person with the name **Code A**. I can only assume that the person has married and that we hold another name on file. Can you please check for any other name that the subject may have had. I will be happy to assist you further in any way in which I can.

Yours faithfully,

Code A

Disclosures

FILE COPY**Strictly Private & Confidential****Code A**

C/O RAF Cranwell

Our ref: TET/ALW/00492-15579/6658537 v1

Your ref:

Code A

Assistant Solicitor

Code A

22 January 2008

Dear **Code A****General Medical Council - Dr Jane Barton**

I apologise for contacting you out of the blue. I am a solicitor instructed by the General Medical Council, the governing body of the medical profession.

Unfortunately, I had not been able to ascertain your current address hence the reason why this letter has been forwarded to you by RAF Cranwell.

As you may be aware the General Medical Council, as a result of the outcome of the investigations carried out by Hampshire Constabulary, has now decided to refer Dr Barton for a hearing before its Fitness to Practise Panel. The Panel will consider whether her fitness to practise is impaired.

I have been instructed to prepare the case for hearing and I note that you assisted Hampshire Constabulary with their investigations. I have been provided with all of the investigation material from Hampshire Constabulary, including witness statements, which will be used as evidence by the General Medical Council at the hearing.

If you made statements to any other body, for example the Commission for Health Improvement, then I would be grateful for your further information in this regard. In particular, if you could forward me copies of any additional information that you may have then this would be exceedingly helpful.

I anticipate that I will need to call you as a witness for the GMC Fitness to Practise hearing. If you have no new evidence than that which you have already discussed with the Police this will take the form of you producing your previous statement and then giving evidence in relation to this.

I have therefore prepared a production statement on your behalf. As you will see this produces a copy of your witness statement made to the police dated 26 January 2005. Unfortunately I cannot use your statement for the GMC proceedings unless I have a signed production statement. I am sure that you will appreciate the importance of your evidence and I would like to take this opportunity to thank you in anticipation of your co-operation.

It is important that you read your original statement to the Police carefully. If you are happy with it and do not wish to add anything the please sign the production statement and return it to me. My contact details are: Field Fisher Waterhouse LLP, Portland Business Centre, Portland Tower, Portland Street, Manchester, M1 3LF.

I have enclosed a pre-paid envelope for your ease.

However, if you feel there are details that you would like to add to your statement or anything that you'd like to discuss regarding your previous statement, or would like to discuss the case generally please do not hesitate to contact me on Code A or alternatively via email at Code A

I will be visiting Hampshire with regard to this case between 29 and 31 January 2008. I would be happy to meet with you in person to discuss any concerns which you may have and to explain the nature of your involvement in more detail.

I would also like to take this opportunity to let you know that you will be required to give evidence at the General Medical Council hearing in London. The hearing has been provisionally listed for **8 September – 31 October 2008**. It is likely that your attendance will be required during September and I would therefore be grateful if you could provide me with details of any dates that you will be unavailable during that month for example if you have any holidays booked. Further, it would be helpful if you could confirm that I have the correct correspondence address for you, and if you could also provide a contact telephone number and email address to me.

Thank you for your assistance in this matter. I look forward to hearing from you.

Yours sincerely

Code A

for **Field Fisher Waterhouse LLP**

FILE COPY

Code A

Our ref: ALW/00492-15579/6658565 v1

Your ref:

22 January 2008

Dear Sirs

Flight Sergeant **Code A**
General Medical Council - Dr J Barton

We are instructed by the General Medical Council in relation to an ongoing investigation into the Fitness to Practise of Dr J Barton.

We have identified **Code A** as a potential witness in this matter. Unfortunately, we have not been able to trace her current address.

We would therefore be grateful if you would forward the enclosed letter to her. Please note that the information in the letter is of a confidential nature.

If you have any queries then please contact **Code A** on **Code A** or at **Code A**

Thank you for your assistance.

Yours faithfully

Field Fisher Waterhouse LLP

Matter: Barbar

Date: 22/1/08

Attending: RAF Cranwell

Telephone Call	IN	OUT	In Person	
----------------	----	-----	-----------	--

Code A

- Rang RAF to get contact details for explained situation + they will ring back.
- * RAF rang + explained the situation - they do not confirm whether someone has worked for RAF in letter but can send on anything we want to last known address.
- * Can confirm she is not seeing for RAF -

Code A

Can send something on to her last known address - they will not confirm that she is not seeing in a letter.

Action to be taken:

Time occupied: _____

Initials: **Code A**

TRANSMISSION REPORT

SID : FFW LLP

Number : Code A

Date : 16-01-08 14:43

RAF Disclosure
Unable to trace down

Date
Dial
Subsc
Durat
Mode
Pages
State

Code A

Field Fisher Waterhouse

Strictly Private & Confidential

RAF Discipline Section
Trenchard Hall

For ref: 160020202020202020
For ref:

Text by fax to 01400 265417

16 January 2008

Dear Sirs

Flight Sergeant Anita Birdross
General Medical Council - [Code A]

We are instructed by the General Medical Council in relation to an ongoing fitness to practise investigation into [Code A]

We urgently need to get in contact with [Code A] as she was a nurse at the Royal Hasler Hospital at the material time and will need to be a witness.

We do not have her current contact details but have the following information:

From January 1996 she working within Hasler Hospital as a Staff Nurse, she was then promoted within the RAF to the rank of Sergeant. In October 2000 she was posted to RAF Inverewe as a training developer. From February 2004 she worked as part of the Director General Health Care Project Team.

We would be grateful if you would confirm if she is still employed by the RAF and whether you would be able to forward correspondence to her upon our behalf.

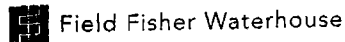
*** TRANSMISSION REPORT ***

SID : FFW LLP

Number : Code A

Date : 16-01-08 14:43

Date/Time	16-01 14:43
Dialled number	Code A
Subscriber	Code A
Durat.	0' 12"
Mode	NORMAL
Pages	2
Status	Correct



Strictly Private & Confidential

RAF Disclosures Section
Trenchard HallOur ref: TET/00492-15579/6527150 v1
Your ref:

Sent by fax to: Code A

16 January 2008

Dear Sirs

Code A
General Medical Council - Dr J Barton

We are instructed by the General Medical Council in relation to an ongoing Fitness to Practise investigation into Dr J Barton.

We urgently need to get in contact with Code A as she was a nurse at the Royal Haslar Hospital at the material time and will need to be a witness.

We do not have her current contact details but have the following information:

From January 1996 she working within Haslar Hospital as a Staff Nurse, she was then promoted within the RAF to the rank of Sergeant. In October 2000 she was posted to RAF Innsworth as a training developer. From February 2004 she worked as part of the Director General Health Care Project Team.

We would be grateful if you would confirm if she is still employed by the RAF and whether you would be able to forward correspondence to her upon our behalf.

Field Fisher Waterhouse LLP, Portland Tower, Portland Street, Manchester, M5 3LF
Tel: +44 (0)161 234 2000 Fax: +44 (0)161 237 2277
E-mail: info@ffw.com Web: www.ffw.com
This e-mail and any files transmitted with it are confidential. If you have received this e-mail in error please notify the system manager. This e-mail and any files transmitted with it are confidential. If you have received this e-mail in error please notify the system manager.



Field Fisher Waterhouse

Strictly Private & Confidential

RAF Disclosures Section
Trenchard Hall

Our ref: TET/00492-15579/6027150 v1
Your ref:

Sent by fax to 01400 266417

16 January 2008

Dear Sirs

Code A
General Medical Council - Dr J Barton

We are instructed by the General Medical Council in relation to an ongoing Fitness to Practise investigation into **Code A**

We urgently need to get in contact with **Code A** as she was a nurse at the Royal Haslar Hospital at the material time and will need to be a witness.

We do not have her current contact details but have the following information:

From January 1996 she working within Haslar Hospital as a Staff Nurse, she was then promoted within the RAF to the rank of Sergeant. In October 2000 she was posted to RAF Innsworth as a training developer. From February 2004 she worked as part of the Director General Health Care Project Team.

We would be grateful if you would confirm if she is still employed by the RAF and whether you would be able to forward correspondence to her upon our behalf.



Please telephone on to confirm if you are able to assist.

Yours faithfully

Field Fisher Waterhouse

Field Fisher Waterhouse LLP

Matter: Barton

Date: 16/01/08

Attending: RAF ee.

Code A

Telephone Call

IN	OUT
----	-----

In Person

Code A

marshamth Careers Office

Code A

HQ →

Code A

RAF INNSWORTH

Code A

fax Request

Code A

RAF CRANWELL

Tel

Action to be taken:

Code A

*RAF DISCLOSES
SECTION
TRENCHARD
HALL*

Time occupied: _____

Initials: _____

FILE COPY**Strictly Private & Confidential****Code A**

Our ref: TET/ALW/00492-15579/6627066 v1

Your ref:

Code A

Assistant Solicitor

Code A

16 January 2008

Dear **Code A****General Medical Council - Dr Jane Barton**

I apologise for contacting you out of the blue. I am a solicitor instructed by the General Medical Council, the governing body of the medical profession.

As you may be aware the General Medical Council, as a result of the outcome of the investigations carried out by Hampshire Constabulary, has now decided to refer Dr Barton for a hearing before its Fitness to Practise Panel. The Panel will consider whether her fitness to practise is impaired.

I have been instructed to prepare the case for hearing and I note that you assisted Hampshire Constabulary with their investigations. I would like to urgently discuss the matter with you, with a view to you acting as a witness in the proceedings.

I am not sure if this address is your current one, it was provided to me by Hampshire Police. Please telephone me to confirm receipt of this letter and I will be happy to discuss the case further with you and send you a copy of the statement you previously gave to the Police.

Thank you for your assistance in this matter. I look forward to hearing from you.

Yours sincerely

Code A**for Field Fisher Waterhouse LLP**



Strictly Private & Confidential

Code A

Our ref: TET/ALW/00492-15579/8447715 v1
Your ref:

Code A
Assistant Solicitor

Code A

*Not yet sent
Self letter
asking for
no contact*

13 December 2007

Dear **Code A**

General Medical Council - Dr Jane Barton

I am instructed by the General Medical Council, the governing body of the medical profession.

As you may be aware the General Medical Council, as a result of the outcome of the investigations carried out by Hampshire Constabulary, has now decided to refer Dr Barton for a hearing before its Fitness to Practise Panel. The Panel will consider whether her fitness to practise is impaired.

I have been instructed to prepare the case for hearing and I note that you assisted Hampshire Constabulary with their investigations. I have been provided with all of the investigation material from Hampshire Constabulary, including witness statements, which will be used as evidence by the General Medical Council at the hearing.

If you made statements to any other body, for example the Commission for Health Improvement, then I would be grateful for your further information in this regard. In particular, if you could forward me copies of any additional information that you may have then this would be exceedingly helpful.

I anticipate that I will need to call you as a witness for the GMC Fitness to Practise hearing. If you have no new evidence than that which you have already discussed with the Police this will take the form of you producing your previous statement and then giving evidence in relation to this.

I have therefore prepared a production statement on your behalf. As you will see this produces a copy of your witness statement made to the police dated 26 January 2005. Unfortunately I cannot use your statement for the GMC proceedings unless I have a signed production statement. I am sure that you will appreciate the importance of your evidence and I would like to take this opportunity to thank you in anticipation of your co-operation.



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I have enclosed a pre-paid envelope for your ease.

However, if you feel there are details that you would like to add to your statement or anything that you'd like to discuss regarding your previous statement, or would like to discuss the case generally please do not hesitate to contact me on Code A or alternatively via email at

Code A

I would also like to take this opportunity to let you know that you will be required to give evidence at the General Medical Council hearing in London. The hearing has been provisionally listed for **8 September – 31 October 2008**. It is likely that your attendance will be required during September and I would therefore be grateful if you could provide me with details of any dates that you will be unavailable during that month for example if you have any holidays booked. Further, it would be helpful if you could confirm that I have the correct correspondence address for you, and if you could also provide a contact telephone number and email address to me.

Thank you for your assistance in this matter. I look forward to hearing from you.

Yours sincerely

Code A

for **Field Fisher Waterhouse LLP**

Code A

Code A

General Medical Council

Dr Jane Barton

Statement of Code AI, **Code A** will say as follows:

1. I am an E grade staff nurse and qualified in 1976. I began working at Gosport War Memorial Hospital in 1982 and worked on both the children's ward and the male ward, before the male ward was turned into Daedalus Ward to deal with Elderly Services.
2. Exhibited to this statement and marked **MC/1** is a copy of the witness statement dated 15 December 2004 I made in relation to events involving Dr Barton.
3. Exhibited to this statement and marked **MC/2** is a copy of the interview transcript dated 29 June 2000 (10.26 – 11.04 hrs).
4. Exhibited to this statement and marked **MC/3** is a copy of the interview transcript dated 29 June 2000 (11.17 – 11.56 hrs).
5. I can confirm that I have been given the opportunity to add to or amend this statement but do not wish to do so.
6. 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:

Code A

Dated:

30th January 2008

General Medical Council

Dr. Jane Barton

Exhibit MC/1

This is the Exhibit marked "MC/1" referred to in the statement of Margaret Couchman:-

Statement dated 15 December 2004

Code A

Code A

Code A

Code A

General Medical Council

Dr. Jane Barton

Exhibit MC/2

This is the Exhibit marked "MC/2" referred to in the statement of Margaret Couchman:-

Copy of interview transcript dated 29 June 2000 (1026-1104 hours)

Code A

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General Medical Council

Dr. Jane Barton

Exhibit MC/3

This is the Exhibit marked "MC/3" referred to in the statement of Margaret Couchman:-

Copy of interview transcript dated 25 June 2000 (1117-1156 hours)

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FILE COPY**Strictly Private & Confidential****Code A**Our ref: TET/GML/00492-15579/7871422 v1
Your ref:**Code A**
Assistant Solicitor**Code A**

14 July 2008

Dear **Code A****Dr Barton - Interim Orders Panel**

As you will be aware from my previous correspondence with you the GMC Fitness to Practise Hearing previously scheduled to start in September 2008 has been postponed pending the outcome of the proposed Inquest.

The GMC therefore referred the matter to be considered by the Interim Orders Panel (IOP). Cases are referred to the Interim Orders Panel (IOP) where the doctor faces allegations of such a nature that it may be necessary for the doctor's registration to be restricted whilst the allegations are resolved, for the protection of members of the public or in the public interest or in the interests of the doctor.

As well as the protection of the public, the "public interest" includes preserving public trust in the profession and maintaining good standards of conduct and performance.

The IOP may make an order suspending a doctor's registration or imposing conditions upon a doctor's registration for a maximum period of 18 months. Alternatively, they may decide to take no action.

The IOP hearing in Dr Barton's case was heard on Friday 11 July 2008. The IOP decided to impose conditions on Dr Barton's registration. Details can be found on the internet at http://www.gmc-uk.org/concerns/hearings_and_decisions/fitness_to_practise_decisions.asp

In summary, the IOP placed a condition on Dr Barton that she 'must not prescribe diamorphine and must restrict her prescribing of diazepam in line with BNF guidance'. She must provide evidence that she has complied with this condition to the GMC. Her employers and any prospective employers will be informed of the restriction. The condition will be imposed on her registration for 18 months and will be reviewed within the next 6 months.

If you have any further queries then please do not hesitate to contact me.

Yours sincerely

Code A
for **Field Fisher Waterhouse LLP**

FILE COPY**Strictly Private & Confidential****Code A**

Our ref: TET/GML/00492-15579/7744734 v1

Your ref:

Code A

Assistant Solicitor

Code A

25 June 2008

Dear **Code A****General Medical Council - Dr Jane Barton**

I write further to our previous correspondence to update you on the current position of the GMC Fitness to Practise investigation.

You may be aware that recently the Portsmouth and South East Hampshire Coroner has announced his intention to open Inquests into the deaths of ten people who died at Gosport War Memorial Hospital.

After careful consideration, and upon the receipt of legal advice, the GMC has decided to postpone the Fitness to Practise Panel Hearing regarding Dr Jane Barton until the Inquest has been held into the deaths of the ten patients at the Gosport War Memorial Hospital. Eight of these patients were amongst those due to be considered at the Fitness to Practise Panel Hearing. The GMC has taken legal advice and has decided that on balance it is preferable to await the outcome of the Inquest. The outcome of the Inquest could give rise to further fitness to practise allegations or could lead to the GMC revising the charges that they are proposing to bring and so could be highly relevant to the GMC proceedings. Given the Inquest primacy will also allow Dr Barton to deal with that inquiry and evidence for that process, ahead of her having to finalise her response to the Fitness to Practise Panel.

The GMC Fitness to Practise Hearing will be relisted once we have been informed by the Coroner of the date of the Inquest. At present I do not know when this will be, but will of course keep you fully informed.

In the meantime I am continuing with my preparation for the Hearing, which includes finalising any outstanding witness evidence. This will ensure that once I have further information from the Coroner the GMC will be ready to re-list the Hearing without any further delays.

I appreciate that you may be disappointed by this news but hope that you understand the reasons above. If you would like to discuss this matter then please do not hesitate to contact either myself or

Code A

The Coroner may contact you directly regarding the Inquest. Any queries regarding the Inquest should be directed to him. For your information his details are:

Code A

May I take this opportunity to thank you again for your ongoing assistance. My colleagues and I appreciate your co-operation.

Yours sincerely

Code A

for **Field Fisher Waterhouse LLP**

Code A

From: Code A
Sent: 06 February 2008 16:51
To: Code A
Subject: RE: Problems in September

Firstly, I would like to acknowledge receipt of your signed production statement in the post. I had overlooked this when I last wrote to you.

I have spoken to Code A and am due to meet with her next week and she may be able to explain the position more accurately then. I am happy to explain the reason why we would require you as a witness though.

For GMC hearings we cannot rely on a written statement, the witness must give evidence in person. There are only 2 exceptions to this - if the evidence is agreed by the defence then the statement can be read (this is not our decision to make though and it is unlikely to happen), or if the witness is physically unfit to attend. If the witness is on holiday then we can arrange for video link evidence to be presented.

Where will you be on holiday? It may be that we could call you after you return - although this may not fit in with the running order for the evidence. Unfortunately, at this time it is too soon for me to tell.

Please do raise any concerns you have about giving evidence with either me or Code A

Thanks

Code A

Code A | Solicitor
for Field Fisher Waterhouse LLP

Code A

From: Code A
Sent: Monday, February 04, 2008 7:14 PM
To: Code A
Subject: Re: Problems in September

Dear Code A Thankyou for your e mail, yes I will not be available from the 5th to the 16th of September. I understand from our RCN rep that you do not require everyone to give evidence. This being so, perhaps you will excuse me? Code A

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

Code A

Sent: Monday, February 04, 2008 11:44 AM
Subject: RE: Problems in September

Dear Code A

Thanks for your e-mail. I am sorry that was unable to reply to you last week - unfortunately I have been unwell.

06/02/2008

Could I ask if you will be out of the country from 6 to 16 September? It is within this period that we will most likely require your attendance. However, we can arrange for you to give evidence by videolink if you have problems with coming to London.

Have you had a chance to read through your witness statement? If there is nothing else that you would like to add I would be grateful if you could return your production statement to me.

Thanks

Code A

Code A Solicitor
for Field Fisher Waterhouse LLP

Code A

Consider the environment, think before you print!

Field Fisher Waterhouse LLP Portland Tower Portland Street Manchester M1 3LF
Tel+44 (0)161 238 4900 **Fax**+44 (0)161 237 5357 **E-mail** info@ffw.com
Web www.ffw.com **CDE823**

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This e-mail may contain privileged and confidential information. If you receive it in error please tell the sender and do not copy, distribute or take any action in reliance upon it. You should ensure this e-mail and any attachments are virus free. E-mail is not a 100% virus-free or secure medium. It is your responsibility to ensure that viruses do not adversely affect your system and that your messages to us meet your own security requirements. We reserve the right to read any e-mail or attachment entering or leaving our systems without notice.

Field Fisher Waterhouse LLP is a limited liability partnership registered in England and Wales (registered number OC318472) and is regulated by the Solicitors Regulation Authority. A list of its members and their professional qualifications is available at its registered office, 35 Vine Street, London, EC3N 2AA.
We use the term partner to refer to a member of Field Fisher Waterhouse LLP, or an employee or consultant with equivalent standing and qualifications.

From: Code A

Sent: Sunday, February 03, 2008 5:24 PM

To: Code A

Subject: Problems in September

Dear Code A Further to my communication of last week. This is to inform you that I am unavailable from the 6th until the 16th of September also the 24th September until the 9th of October. Please will you let me know when you receive this?

Yours Sincerely Code A

Code A

01 FEB 2008

30th Jan.

Code A

Dear Sirs,

I am unavailable from
6th - 16th September due to
holidays.

I would like to have on
record, that I have always found
an excellent doctor
and had the utmost faith in
her.

Code A

Yours Faithfully

Code A

Code A

From: Code A
Sent: 04 February 2008 11:44
To: Code A
Subject: RE: Problems in September

Dear Code A

Thanks for your e-mail. I am sorry that was unable to reply to you last week - unfortunately I have been unwell.

Could I ask if you will be out of the country from 6 to 16 September? It is within this period that we will most likely require your attendance. However, we can arrange for you to give evidence by videolink if you have problems with coming to London.

Have you had a chance to read through your witness statement? If there is nothing else that you would like to add I would be grateful if you could return your production statement to me.

Thanks

Code A

Code A | Solicitor
for Field Fisher Waterhouse LLP

Code A

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To: Code A
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Yours Sincerely Code A

FILE COPY**Strictly Private & Confidential****Code A**

Our ref: TET/ALW/00492-15579/6447833 v1

Your ref:

Code A

Assistant Solicitor

Code A

16 January 2008

Dear **Code A****General Medical Council - Dr Jane Barton**

I am instructed by the General Medical Council, the governing body of the medical profession.

As you may be aware the General Medical Council, as a result of the outcome of the investigations carried out by Hampshire Constabulary, has now decided to refer Dr Barton for a hearing before its Fitness to Practise Panel. The Panel will consider whether her fitness to practise is impaired.

I have been instructed to prepare the case for hearing and I note that you assisted Hampshire Constabulary with their investigations. I have been provided with all of the investigation material from Hampshire Constabulary, including witness statements, which will be used as evidence by the General Medical Council at the hearing.

If you made statements to any other body, for example the Commission for Health Improvement, then I would be grateful for your further information in this regard. In particular, if you could forward me copies of any additional information that you may have then this would be exceedingly helpful.

I anticipate that I will need to call you as a witness for the GMC Fitness to Practise hearing. If you have no new evidence than that which you have already discussed with the Police this will take the form of you producing your previous statement and then giving evidence in relation to this.

I have therefore prepared a production statement on your behalf. As you will see this produces copies of your witness statements made to the police dated 15 December 2004 and the transcripts of your interviews with the Police dated 29 June 2000. Unfortunately I cannot use your statement for the GMC proceedings unless I have a signed production statement. I am sure that you will appreciate the

importance of your evidence and I would like to take this opportunity to thank you in anticipation of your co-operation.

It is important that you read your original statement to the Police carefully. If you are happy with it and do not wish to add anything the please sign the production statement and return it to me. My contact details are: Field Fisher Waterhouse LLP, Portland Business Centre, Portland Tower, Portland Street, Manchester, M1 3LF.

I have enclosed a pre-paid envelope for your ease.

However, if you feel there are details that you would like to add to your statement or anything that you'd like to discuss regarding your previous statement, or would like to discuss the case generally please do not hesitate to contact me on Code A or alternatively via email at

Code A

I will be visiting Hampshire with regard to this case between 29 and 31 January 2008. I would be happy to meet with you in person to discuss any concerns which you may have and to explain the nature of your involvement in more detail.

I would also like to take this opportunity to let you know that you will be required to give evidence at the General Medical Council hearing in London. The hearing has been provisionally listed for **8 September – 31 October 2008**. It is likely that your attendance will be required during September and I would therefore be grateful if you could provide me with details of any dates that you will be unavailable during that month for example if you have any holidays booked. Further, it would be helpful if you could confirm that I have the correct correspondence address for you, and if you could also provide a contact telephone number and email address for me.

Thank you for your assistance in this matter. I look forward to hearing from you.

Yours sincerely

Code A

for **Field Fisher Waterhouse LLP**

Code A

Code A

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

1. I am an E grade staff nurse and qualified in 1976. I began working at Gosport War Memorial Hospital in 1982 and worked on both the children's ward and the male ward, before the male ward was turned into Daedalus Ward to deal with Elderly Services.
2. Exhibited to this statement and marked **MC/1** is a copy of the witness statement dated 15 December 2004 I made in relation to events involving Dr Barton.
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I believe that the facts stated in this witness statement are true

Signed:**Code A****Dated:**30th January 2008
.....

General Medical Council

Dr. Jane Barton

Exhibit MC/1

This is the Exhibit marked "MC/1" referred to in the statement of Margaret Couchman:-

Statement dated 15 December 2004

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Code A

General Medical Council

Dr. Jane Barton

Exhibit MC/2

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General Medical Council

Dr. Jane Barton

Exhibit MC/3

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