



Field Fisher Waterhouse

FFW/115/06

**GENERAL MEDICAL COUNCIL**

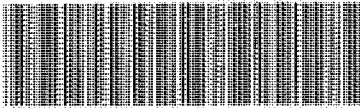
-and-

**DR BARTON**

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**WITNESS INFORMATION  
(NURSES AND OTHER PROFESSIONALS)**

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X378093

7510000378093

BARTON

WITNESSES  
(Nurses)

- Fleda Shaw.
- Tina Douglas
- Mazel Littlepound
- Anita Tubbitts
- Fiona Walker

FREDA  
SHAW

**FILE COPY****Strictly Private & Confidential****Code A**Our ref: TET/GML/00492-15579/7872413 v1  
Your ref:Tamsin Hall  
Assistant Solicitor**Code A**

Direct Dial)

14 July 2008

Dear Ms Shaw

**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](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

**Tamsin Hall**  
for **Field Fisher Waterhouse LLP**

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

Our ref: TET/GML/00492-15579/7752831 v1  
Your ref:

Tamsin Hall  
Assistant Solicitor  
**Code A** (Direct Dial)

26 June 2008

Dear Ms Shaw

**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 Sarah Ellson.

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:

Mr Horsley  
Her Majesty's Coroner for Portsmouth and East Hampshire  
Coroner's Office  
Room T20  
The Guildhall  
Guildhall Square  
Portsmouth  
PO1 2AJ

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

Yours sincerely

**Tamsin Hall**  
for **Field Fisher Waterhouse LLP**

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

Our ref: TET/GML/00492-15579/6903900 v1

Your ref:

**Tamsin Hall**  
Assistant Solicitor**Code A**

Direct Dial)

05 March 2008

Dear Ms Shaw

**General Medical Council - Dr Jane Barton**

Thank you very much for sending me back your signed witness statement.

As discussed when I met you, I will be in touch in due course to confirm arrangements for you to give evidence at the hearing.

Thank you for your ongoing assistance with this matter.

Yours sincerely

**Tamsin Hall**  
for **Field Fisher Waterhouse LLP**



Matter: Barton

Date: 25/02/08

Attending: Freda Shaw

Telephone call	IN	OUT	In Person	
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Freda Shaw

Police had written in statements. is in most of the statements.

Happy to keep as it is though as I explained it logically follows on in many in the same.

Seems a bit abrupt -> some told rehab. we are continuing care. some to residential care but not many went home.

We didn't know what state they'd be in before arrive.

Action to be taken:

Time occupied: 0.1

Initials: TET

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

Our ref: TET/ALW/00492-15579/6844200 v1

Your ref:

**Tamsin Hall**  
Assistant Solicitor**Code A**

(Direct Dial)

22 February 2008

Dear Ms Shaw

**General Medical Council - Dr Jane Barton**

I write further to our meeting last week. Thank you very much for taking the time to meet with myself and Adele.

As promised, I have drafted a witness statement upon your behalf based on what you told me at our meeting and have exhibited your existing police witness statements.

It is important that you read the statement carefully and let me know if there are any amendments that you would like me to make. I have enclosed two copies of your statement, one of which is for you to keep and the other is for you to sign and return to me in the envelope enclosed. If you have any amendments that you wish to make please could you telephone me on **Code A** and I will incorporate these into your statement and send you an amended version for signature.

Yours sincerely

**Tamsin Hall**  
for **Field Fisher Waterhouse LLP**

FILE COPY

Strictly Private & Confidential

**Code A**

Our ref: TET/GML/00492-15579/6749426 v1  
Your ref:

Tamsin Hall  
Assistant Solicitor

**Code A**

Direct Dial

07 February 2008

Dear Ms Shaw

**General Medical Council - Dr Jane Barton**

Further to our recent conversation I write to confirm that I will meet with you on Wednesday 13 February 2008 at 1400 hrs at the Dolphin Day Hospital.

I look forward to meeting with you next week.

Yours sincerely

**Tamsin Hall**  
for **Field Fisher Waterhouse LLP**

**FILE COPY****General Medical Council****Dr Jane Barton****Statement of Freda Shaw**

I, **Freda Shaw**, will say as follows:

1. I am currently employed at the Dolphin Day Hospital and I started there in May 2007.
2. Prior to that I was a Grade E staff nurse on Dryad Ward at Gosport War Memorial Hospital and have worked at the hospital since March 1992. I left Dryad Ward in September 2004 and went to work on Daedalus Ward.
3. I make this statement further to statements that I previously made to Hampshire Police.
4. Exhibited to this statement and marked "FS1" is a copy of the witness statement dated 12 June 2003 I made in relation to the use of syringe drivers on the wards.
5. Exhibited to this statement and marked "FS2" is a copy of the witness statement dated 6 August 2004 I made in relation to the care of Elsie Devine.
6. Exhibited to this statement and marked "FS3" is a copy of the witness statement dated 6 August 2004 I made in relation to the care of Leslie Pittock.
7. Exhibited to this statement and marked "FS4" is a copy of the witness statement dated 15 March 2005 I made in relation to the care of Arthur Cunningham.
8. Exhibited to this statement and marked "FS5" is a copy of the witness statement dated 14 April 2005 I made in relation to the care of Robert Wilson.
9. Exhibited to this statement and marked "FS6" is a copy of the witness statement dated 11 July 2005 I made in relation to the care of Sheila Gregory.
10. Exhibited to this statement and marked "FS7" is a copy of the witness statement dated 26 July 2005 I made in relation to the care of Helena Service.
11. Exhibited to this statement and marked "FS8" is a copy of the witness statement dated 30 September 2005 I made in relation to conversations with Shirley Hallman regarding the use of syringe drivers.

12. Exhibited to this statement and marked "FS9" is a copy of the witness statement dated 6 December 2005 I made in relation to the care of Enid Spurgin.
13. I can confirm that I have been given the opportunity to add to or amend these statements. I wish to make the following amendments:-
- (a) In my statement of 11 July 2005 (FS6) I would like to clarify that I worked at Broadfield Hospital for ten months not a year.
  - (b) In my statement of 6 December 2005 on page 4 I would like to clarify that a healthcare support worker would not have taken a swab. I think that this may have been a nursing student as this is a nursing procedure.
  - (c) I would like to state that due to the passage of time I cannot now specifically recall what was said that the time of the incidents regarding the statements. I cannot recall much further information than that in my statement.
  - (d) I cannot recall any concerns being raised by the nursing staff at the time. I would never put up a syringe driver if I did not think it was necessary. I would not have just initiated a syringe driver myself and I would follow the doctor's instructions.
  - (e) I used to work during the day either from 7.30 am to 1.30 pm on an early shift or 2.15 pm to 8.30 pm if later.
  - (f) I would carry out ward rounds with Dr Barton if I was on duty that day and no sister was present or I was Senior Nurse that day.
  - (g) As far as I am aware when using syringe drivers they were always used appropriately.
  - (h) I feel that I would have been able to raise any concerns at the time if I had any. I have questioned doctors about their treatment in the past.
  - (i) I think that the patients at the Gosport War Memorial Hospital were treated very well. We received lots of thank you cards from patients and their relatives. The patients were all given baths and their hair was washed. Things like this make the patients more comfortable and make the relatives happy to see the patients more comfortable. I think that Dryad Ward was very good at this.
  - (j) The atmosphere on Dryad Ward was very good. There was a good rapport between the staff. Most of the staff enjoyed their job and got on quite well.

- (k) I found Dr Barton to be very good.
- (l) On Dryad Ward some of the patients were confused and had dementia and some were totally dependent. Most of the patients were very poorly and had multiple problems. A problem was that some relatives were told that the patients were coming to Gosport War Memorial Hospital for rehabilitation but that was not the reason why they were coming to the hospital.
- (m) Part of my job was to spend time speaking to the relatives about what the ward was and giving them a lot of support and explaining things to them. I would always discuss a patient's treatment with the relatives and we told them everything.
- (n) In relation to my statement of 6 August 2004 regarding the care of Elsie Devine I would like to add that Mrs Devine's daughter complained that I put a time limit on her mother's death. I have never and would have never said this to a relative. The time of a patient's death simply would be unknown. I would never give a time.

14. 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:** .....

**Freda Shaw**

**Dated:** .....

Hall, Tamsin

From: Leonard, Gillian  
 Sent: 31 January 2008 16:28  
 To: Hall, Tamsin  
 Cc: Watson, Adele  
 Subject: Barton

Tamsin

Freda Shaw called regarding your visit 11-14 February. She would like to speak to you before sending her letter/statement back. Her number is Code A and she is available after 4pm most days.

Thanks

Gillian Leonard | Secretary to Sarah Ellison, Tamsin Hall, Laura Kelly and Kelly McMahon  
 for Field Fisher Waterhouse LLP

dd: Code A

5/02/08.

(0.2) units.

GWMH would be best, work in  
 day hospital. Ward Mgr would.

Wednesday would be best - clinics  
 in the afternoon better

14:00.

Head towards

2 entrances Dolphin day hospital

Freda Shaw.

wards nothing like when Dr B there.  
 Taken over by mental health, empty at  
 moment, not worth me looking at.  
 Moved out of wards.

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

Our ref: TET/ALW/00492-15579/6447887 v1

Your ref:

**Tamsin Hall**  
Assistant Solicitor**Code A**

Direct Dial)

16 January 2008

Dear Ms Shaw

**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 12 June 2003, 12 June 2003, 6 August 2004 (x2), 15 March 2005, 14 April 2005, 11 July 2005 and 6 December 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 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

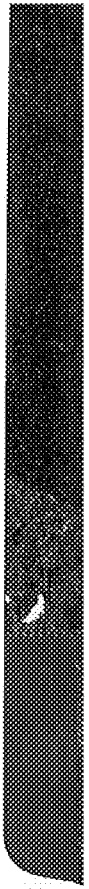
**Tamsin Hall**  
for Field Fisher Waterhouse LLP



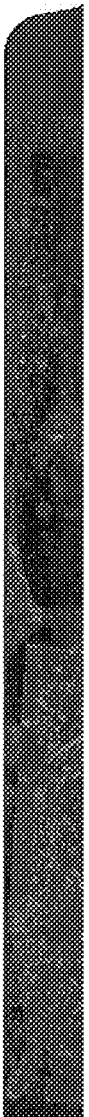
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LP





# Code A

# Code A

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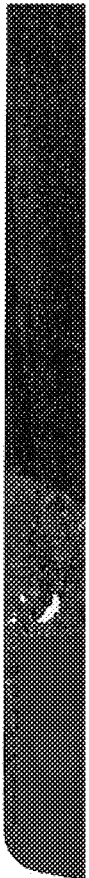
# Code A

# Code A



RW



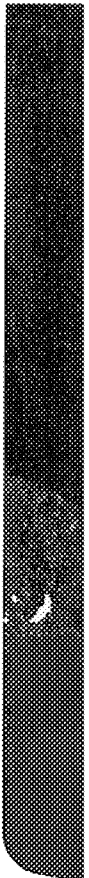


SG



AC

ES



HS



## General Medical Council

Dr Jane Barton

# Statement of Freda Shaw

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14. 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**

**Freda Shaw**

Dated:

...25-2-08.....

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FS1**

This is the Exhibit marked "FS1" referred to in the statement of Freda Shaw:-

- Statement dated 12 June 2003 (regarding use of syringe drivers on the ward)

# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FS2**

This is the Exhibit marked "FS2" referred to in the statement of Freda Shaw:-

- Witness statement dated 6 August 2004 (relating to the care of Elsie Devine)

# Code A

# Code A



# Code A

# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FS3**

This is the Exhibit marked "FS3" referred to in the statement of Freda Shaw:-

- Witness statement dated 6 August 2004 (relating to the care of Leslie Pittock)

# Code A

# Code A

# Code A

# Code A



# Code A

# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FS4**

This is the Exhibit marked "FS4" referred to in the statement of Freda Shaw:-

- Witness statement dated 15 March 2005 (relating to care of Arthur Cunningham)

# Code A

# Code A

# Code A

# Code A



# Code A

# Code A

# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FS5**

This is the Exhibit marked "FS5" referred to in the statement of Freda Shaw:-

- Statement dated 14 April 2005 (relating to the care of Robert Wilson)

# Code A

# Code A

# Code A



# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FS6**

This is the Exhibit marked "FS6" referred to in the statement of Freda Shaw:-

- Statement dated 11 July 2005 (relating to care of Sheila Gregory)

# Code A

# Code A

# Code A

# Code A

# Code A

# Code A



# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FS7**

This is the Exhibit marked "FS7" referred to in the statement of Freda Shaw:-

- Witness statement dated 26 July 2005 (relating to the care of Helena Service)

# Code A

# Code A

# Code A

# Code A

# Code A

# Code A



# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FS8**

This is the Exhibit marked "FS8" referred to in the statement of Freda Shaw:-

- Witness statement dated 30 September 2005 (relating to conversations with Shirley Hallman regarding the use of syringe drivers)

# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FS9**

This is the Exhibit marked "FS9" referred to in the statement of Freda Shaw:-

- Witness statement dated 6 December 2005 (relating to care of Enid Spurgin)

# Code A

# Code A

# Code A



# Code A

# Code A

# Code A

TINA  
DOUGLAS

**FILE COPY****Strictly Private & Confidential****Code A**Our ref: TET/GML/00492-15579/7871526 v1  
Your ref:**Tamsin Hall**  
Assistant Solicitor**Code A** (Direct Dial)

14 July 2008

Dear Ms Douglas

**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](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

**Tamsin Hall**  
**for Field Fisher Waterhouse LLP**

**Strictly Private & Confidential**

**Code A**

Our ref: ALW/00492-15579/7807722 v1

Your ref:

4 July 2008

Dear Ms Douglas

**General Medical Council - Dr Jane Barton**

Further to our telephone conversation today please find enclosed two further copies of your witness statement as requested.

If you have any queries or require assistance please do not hesitate to contact me on 0161 238 4947.

Yours sincerely

**Adele Watson**  
for **Field Fisher Waterhouse LLP**

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

Our ref: TET/GML/00492-15579/7744804 v1

Your ref:

**Tamsin Hall**  
Assistant Solicitor**Code A**

Direct Dial)

25 June 2008

Dear Ms Douglas

**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 Sarah Ellson.

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:

Mr Horsley  
Her Majesty's Coroner for Portsmouth and East Hampshire  
Coroner's Office  
Room T20  
The Guildhall  
Guildhall Square  
Portsmouth  
PO1 2AJ

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

Yours sincerely

**Tamsin Hall**  
for **Field Fisher Waterhouse LLP**

**FILE COPY****Strictly Private & Confidential****Code A**Our ref: ALW/00492-15579/7789187 v1  
Your ref:

2 July 2008

Dear Ms Douglas

**General Medical Council - Dr Jane Barton**

Further to Tamsin Hall's letters of 4 June and 25 June 2008 I still do not appear to have received a signed copy of your witness statement.

I would be extremely grateful if you could now return the signed statement to me by **Friday 11 July 2008**. Please telephone me on **Code A** if you do not think this will be possible.

Yours sincerely

**Adele Watson**  
for **Field Fisher Waterhouse LLP**

**Strictly Private & Confidential**

**Code A**

Our ref: ALW/00492-15579/7617703 v1

Your ref:

4 June 2008

Dear Ms Douglas

**General Medical Council - Dr Jane Barton**

Further to Tamsin Hall's letter of 29 May 2008 I enclose an updated version of your statement. This exhibits three police statements to your production statement instead of one which I had previously sent. I apologise for any inconvenience this may cause you.

I would therefore be grateful if you would ignore the first statement sent out to you and instead read through the enclosed statement and make any changes you feel necessary, and then sign, date and return to me in the envelope provided. The second copy is for you to keep for your own records.

I look forward to receiving your completed statement, however if in the meantime you have any queries please do not hesitate to contact me on **Code A**

Yours sincerely

**Adele Watson**  
for Field Fisher Waterhouse LLP

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

Our ref: ALW/00492-15579/7581878 v1  
Your ref:

29 May 2008

Dear Ms Douglas

**General Medical Council - Dr Jane Barton**

Further to my letter of 8 May 2008 I do not appear to have received your signed or amended draft witness statement.

If there is any problem with the statement, please do not hesitate to contact me. Otherwise, I should be grateful if you would now return the statement at the earliest opportunity.

Yours sincerely

**Tamsin Hall**  
for **Field Fisher Waterhouse LLP**

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

Our ref: ALW/00492-15579/7351414 v1

Your ref:

8 May 2008

Dear Ms Douglas

**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 9 October 2003 and 2 February 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 for me.

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

Yours sincerely

**Tamsin Hall**  
for **Field Fisher Waterhouse LLP**

**General Medical Council**

**Dr Jane Barton**

**Statement of Tina Marie Douglas**

I, **Tina Douglas**, will say as follows:

1. I qualified as an RGN in 1988.
2. I was employed at Gosport War Memorial Hospital during 1993 whilst also working at the Queen Alexandra Hospital on permanent nights. I worked on Dryad ward from 1995 until 1996 when I went on maternity leave.
3. I make this statement in relation to the investigation into Dr Barton by the General Medical Council.
4. I have previously made two statements to the Hampshire Police and exhibit these to this statement.
5. Exhibited to this statement and marked "TMD/1" is a copy of the witness statement dated 2 February 2005 I made in relation to the care of Ruby Lake.
6. I can confirm that I have been given the opportunity to add to or amend these statements but do not wish to do so.
7. 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:** .....

**Tina Douglas**

**Dated:** .....

# Code A



# Code A

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# Code A

# Code A

# Code A

# Code A

General Medical Council

Dr Jane Barton

## Statement of Tina Marie Douglas

I, **Tina Douglas**, will say as follows:

1. I qualified as an RGN in 1988.
2. I was employed at Gosport War Memorial Hospital during 1993 whilst also working at the Queen Alexandra Hospital on permanent nights. I worked on Dryad ward from 1995 until 1996 when I went on maternity leave.
3. I make this statement in relation to the investigation into Dr Barton by the General Medical Council.
4. I have previously made three statements to Hampshire Police and exhibit these to this statement.
5. Exhibited to this statement and marked "TMD/1" is a copy of the witness statement dated 9 October 2003.
6. Exhibited to this statement and marked "TMD/2" is a copy of the witness statement dated 12 August 2004 I made in relation to the care of Leslie Pittock.
7. Exhibited to this statement and marked "TMD/3" is a copy of the witness statement dated 2 February 2005 I made in relation to the care of Ruby Lake.
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**

Tina Douglas

Dated: ..... 07/08 .....



**General Medical Council**

**Dr. Jane Barton**

## **Exhibit TMD/1**

This is the Exhibit marked "TMD1" referred to in the statement of Tina Douglas:-

- Statement dated 9 October 2003

# Code A

# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit TMD/2**

This is the Exhibit marked "TMD2" referred to in the statement of Tina Douglas:-

- Statement dated 12 August 2004 (in relation to Leslie Pittock)

# Code A

# Code A

# Code A



# Code A

# Code A

# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit TMD/3**

This is the Exhibit marked "TMD3" referred to in the statement of Tina Douglas:-

- Statement dated 2 February 2005 (in relation to Ruby Lake)

# Code A

# Code A

# Code A



# Code A

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# Code A

**General Medical Council****Dr Jane Barton****Statement of Tina Marie Douglas**

I, **Tina Douglas**, will say as follows:

1. I qualified as an RGN in 1988.
2. I was employed at Gosport War Memorial Hospital during 1993 whilst also working at the Queen Alexandra Hospital on permanent nights. I worked on Dryad ward from 1995 until 1996 when I went on maternity leave.
3. I make this statement in relation to the investigation into Dr Barton by the General Medical Council.
4. I have previously made three statements to Hampshire Police and exhibit these to this statement.
5. Exhibited to this statement and marked "TMD/1" is a copy of the witness statement dated 9 October 2003.
6. Exhibited to this statement and marked "TMD/2" is a copy of the witness statement dated 12 August 2004 I made in relation to the care of Leslie Pittock.
7. Exhibited to this statement and marked "TMD/3" is a copy of the witness statement dated 2 February 2005 I made in relation to the care of Ruby Lake.
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:** .....

**Tina Douglas**



**Dated:** .....

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit TMD/1**

This is the Exhibit marked "TMD1" referred to in the statement of Tina Douglas:-

- Statement dated 9 October 2003

# Code A

# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit TMD/2**

This is the Exhibit marked "TMD2" referred to in the statement of Tina Douglas:-

- Statement dated 12 August 2004 in relation to Leslie Pittock

# Code A

# Code A



# Code A

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# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit TMD/3**

This is the Exhibit marked "TMD3" referred to in the statement of Tina Douglas:-

- Statement dated 2 February 2005 in relation to Ruby Lake

# Code A

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# Code A



HAZEL  
LITTLEPODS

**Hall, Tamsin**

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**From:** Ellson, Sarah  
**Sent:** 16 July 2008 17:34  
**To:** Hall, Tamsin  
**Subject:** FW: Hazel Littleproud

**Sarah Ellson | Partner**  
for Field Fisher Waterhouse LLP

**Code A**

---

**From:** Code A  
**Sent:** Wednesday, June 11, 2008 6:41 PM  
**To:** Ellson, Sarah  
**Subject:** Hazel Littleproud

Hello Sarah

Re; our telephone conversation today, please find the following information;

In the first place my reason for offering any information is that during the time I worked at the War Memorial I became very distressed by some of the practices of the senior staff there toward the patients. I approached my then line manager on a couple of occasions, only to be informed that she was very unhappy at her placement on the ward as she had wanted to work on the Surgical ward. During my time there, I saw some questionable practice which probably is of no relevance to your case but in the end I had to leave as I was becoming depressed and was fortunate to find employment elsewhere. I was aware of an investigation relating to a great deal of Deaths at the hospital a few years after I left and I did not offer information at the time as I was going through a marriage break down and also became pregnant with 2 children, one of whom is autistic. Recently I had heard on the radio that the investigation had re-opened and I felt that I should at least offer information from my time there as Dr Barton was the ward GP at that time.

I began working at the Gosport War Memorial in 1993 and left to work at the Hampshire Autistic Society in October 1994. I worked as a Nursing Auxiliary on the Daedalus Ward, which was labelled as Long stay/ Rehabilitation. I worked between 30-35 hours per week and my surname then was Clewlow.

From the commencement of my employment Dr Barton was the ward GP and my superior was the ward sister, Sheila Joines. When I joined the staff team I was informed that they were nicknamed, 'Dr Death and Sister Morphine'. The nickname was given to them due to the high number of elderly patients who Dr Barton prescribed Syringe Drivers for which contained Madazolam and Diarmorphine. Once the syringe driver had been set up and the medication introduced, the patient died quite soon after, in a matter of a few days or less. I am absolutely sure that Dr Barton would have a plausible reason for the administration of this form of medication, however, it was ironic then that every patient that Sister Joines found 'noisy' or too 'needy' was administered with this form of medical treatment and clearly their nick names were justified at least amongst the staff team at the time who were happy to share this information with me when I started working there! Basically Sarah, each morning we would have a ward strategy speak from Sister during which she quite often bellowed into different rooms for the poor patients who were making any noise to be quiet and on occasions even demanded shutting the door on patients who were crying for assistance! Shortly after when we had begun our tasks, Dr Barton would arrive to do her rounds with Sister Joines and together they would discuss the treatment for each patient and as I say, it is sad that it was usually those who were most demanding that ended up with the syringe driver.

I hope this has been of some use, at least, although you are not investigating this period of time, you will be aware of some concern in the years prior to the time of your investigation. Please let me know if I can be of any further assistance to you,

Regards

16/07/2008

Hazel Littleproud

**Hall, Tamsin**

---

**From:** Hall, Tamsin  
**Sent:** 16 July 2008 18:23  
**To:** Code A  
**Cc:** Watson, Adele; Ellson, Sarah  
**Subject:** Dr Barton - your documents

Hi Roy

I hope you are well.

I am just carrying out final disclosure checks and I would like to make sure that I have complied with my legal duties of disclosure. As I have been carrying out the investigation I have had to keep coming back to you to ensure that I have a complete set of, for example, exhibits and other documentation. The defence have recently raised an issue as to whether all of the relevant information is in our possession.

In order that I can answer this would it be possible for you to provide me with a complete list of all of the documents that you hold? Adele and I can then go through and crosscheck against our files and request copies of any information which we do not have.

As I think you are aware, due to the Hampshire Coroner's decision to open and Inquest the GMC have made the decision to postpone the Fitness to Practise Hearing until after the Inquest as 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.

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](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.

As previously discussed with you, in due course I may need to draft a short production statement on your behalf exhibiting the documents you have provided so as to show their provenance. Presently the defence are considering whether they will require me to do this. Once I have had their decision I will let you know.

Thanks for your ongoing help.

16/07/2008

Regards

Tamsin

**Tamsin Hall | Solicitor**  
for Field Fisher Waterhouse LLP

**Code A**

Mobile

**Code A**

Matter: BACTOS

Date: 11/6/8

Attending: Ms Littleprad

Telephone call 

IN	OUT
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In Person 

--

CWMH

Started nursing Nursing Academy under  
sister of Dr. Baska  
1913/4 → left 1914

Wdy may precede at westgate  
You want to auto it all down  
will email me I'd let you know if  
we can use Dr. Baska still practicing?

Action to be taken:

I say not sure if there are  
any conditions (peer review)

Time occupied: (2-1)

Initials: DL

Matter: BARTON

Date: 10/6/8

Attending: Hazel Littlewood

Potential witness

**Code A**

Telephone call

IN	OUT
----	-----

In Person

--

Left message on home phone

to speak to H Littlewood on mobile not  
good time to speak agree to speak tomorrow

(C.I.)

Action to be taken:

Time occupied: \_\_\_\_\_

Initials: \_\_\_\_\_

**FORCE ENQUIRY CENTRE****MESSAGE FOR****OFFICER** : - DS 1212 STEPHENSON    **STATION** : - JW

<b>FROM : -</b>	HAZEL LITTLEPROUD
<b>ADDRESS : -</b>	<b>Code A</b>
<b>TEL NO : - used to call in</b>	<b>Code A</b>
<b>TEL NO : for return call and available time</b>	<b>Code A</b>
<b>EMAIL ADDRESS</b>	
<b>MESSAGE : -</b>	<p>CALL INTO FEC- AS PER CONVERSATION- MANY THANKS:</p> <p>INFT WISHSES TO SPEAK WITH AN OFFICER THAT HAS KNOWLEDGE OF THE RE-OPENED INVESTIGATION INTO THE DEATHS AT THE GOSPORT WAR MEMORIAL HOSPITAL IN LATE 1990'S</p> <p>INFT HEARD THE NEWS APPEAL THAT THEY HAD DECIDED TO RE-OPEN- INFT WORKED AT THE HOSPITAL BETW 1993-1994 AS A NURSING AUXHILARY-</p> <p>HAVING READ THE REPORT- SHE FEELS IT IS HER DUTY TO TELL POLICE WHAT SHE SAW</p> <p>ADVISES MANY OF THE PROCEDURES THAT SHE WITNESSED WERE QUESTIONABLE AND SHE ADVISES SHE LEFT HER EMPLOYMENT THERE BECAUSE OF THESE PROCEDURES</p> <p>CAN CONTACT PLEASE BE MADE TO DISCUSS FURTHER</p> <p>MANY THANKS</p>
<b>RECEIVED BY : -</b>	12634 SENIOR AT TIME / DATE 1400 15/05/08



Please note if you are leaving a message for a member of the public to call you back and you wish to speak with them direct, please give them your six digit extension number. Switchboard will then try to put them through, otherwise they will be put through to the FEC and a message will be taken and emailed to your station as per FEC policy.

ANITA  
TUBBETT

**Watson, Adele**

---

**From:** Hall, Tamsin  
**Sent:** 10 July 2008 11:55  
**To:** Watson, Adele  
**Subject:** FW: Barton

Here is contact number - please add to contacts list and print for file too.

**Tamsin Hall | Solicitor**  
for Field Fisher Waterhouse LLP

**Code A**

---

**From:** Leonard, Gillian  
**Sent:** Thursday, July 10, 2008 11:08 AM  
**To:** Hall, Tamsin  
**Subject:** FW: Barton

Please find below Anita Tubbritt's contact number, as requested.

Thanks

**Gillian Leonard | Secretary to Sarah Ellson, Tamsin Hall, Laura Kelly and Kelly McMahon**  
for Field Fisher Waterhouse LLP

**Code A**

---

**From:** Leonard, Gillian  
**Sent:** Tuesday, April 15, 2008 9:19 AM  
**To:** Hall, Tamsin  
**Cc:** Watson, Adele  
**Subject:** Barton

Tamsin

Anita Tubbritt called. She has received your letter advising that you are in the area on 17/18 April. Unfortunately she is on nights and it will not be convenient to meet with you then as she will be sleeping during the day.

Can you please call her on **Code A** to discuss.

Thanks

**Gillian Leonard | Secretary to Sarah Ellson, Tamsin Hall, Laura Kelly and Kelly McMahon**  
for Field Fisher Waterhouse LLP

**Code A**

10/07/2008

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

Our ref: ALW/00492-15579/7540240 v1

Your ref:

**Adele Watson**

Paralegal

**Code A**

16 July 2008

Dear Mrs Tubbritt

**General Medical Council - Dr Jane Barton**

Further to our telephone conversation this morning please find enclosed a copy of your draft production statement. I would be grateful if you could check that you are now happy with your statement and then sign and send it back to me in the envelope provided. The additional copy is for your own records.

If you would like to make any changes to your statement please telephone me on **Code A** to discuss them further.

Yours sincerely

**Adele Watson**  
for **Field Fisher Waterhouse LLP**

**FILE COPY****General Medical Council****Dr Jane Barton****Statement of Anita Tubbritt**

I, **Anita Tubbritt**, will say as follows:

1. I am currently a Senior Staff Nurse at Royal Hospital Haslar. I am still employed by Gosport War Memorial Hospital but have been moved to Royal Hospital Haslar whilst refurbishments are taking place on some of the wards. I have held this post for two years but prior to this I was a Senior Staff Nurse on Sultan ward working night shifts for 18 months.
2. Exhibited to this statement and marked **AT/1** is a copy of my police transcripts dated 28 June 2000.
3. Exhibited to this statement and marked **AT/2** is a copy of my witness statement dated 25 October 2004.
4. Exhibited to this statement and marked **AT/3** is a copy of my witness statement dated 1 December 2004.
5. Exhibited to this statement and marked **AT/4** is a copy of my witness statement dated 9 December 2005
6. Exhibited to this statement and marked **AT/5** is a copy of my witness statement dated 27 April 2006.
7. I can confirm that I have been given the opportunity to add to or amend this statement and do not wish to do so.
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:** .....

**Anita Tubbritt**

**Dated:** .....

**General Medical Council**

**Dr. Jane Barton**

# Exhibit AT/1

This is the Exhibit marked "AT1" referred to in the statement of Anita Tubbritt:-

- Transcript dated 28 June 2000 (10:19 – 10:58 hrs)

# Code A



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**General Medical Council**

**Dr. Jane Barton**

## **Exhibit AT/2**

This is the Exhibit marked "AT2" referred to in the statement of Anita Tubbritt:-

- Statement dated 25 October 2004 regarding Elsie Devine



# Code A

# Code A

# Code A

# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit AT/3**

This is the Exhibit marked "AT3" referred to in the statement of Anita Tubbritt:-

- Statement dated 1 December 2004 relating to Ruby Lake

# Code A

# Code A



# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit AT/4**

This is the Exhibit marked "AT4" referred to in the statement of Anita Tubbritt:-

- Statement dated 9 December 2005 relating to Enid Spurgin

# Code A

# Code A

# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit AT/5**

This is the Exhibit marked "AT5" referred to in the statement of Anita Tubbritt:-

- Statement dated 27 April 2006 relating to Geoffrey Packman



# Code A

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**FILE COPY****Strictly Private & Confidential****Code A**Our ref: TET/GML/00492-15579/7871591 v1  
Your ref:**Tamsin Hall**  
Assistant Solicitor**Code A**

Direct Dial)

14 July 2008

Dear Ms Tubbritt

**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](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

**Tamsin Hall**  
**for Field Fisher Waterhouse LLP**



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

Our ref: TET/GML/00492-15579/7745267 v1

Your ref:

**Tamsin Hall**  
Assistant Solicitor**Code A** (Direct Dial)

25 June 2008

Dear Ms Tubbritt

**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 Sarah Ellson.

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:

Mr Horsley  
Her Majesty's Coroner for Portsmouth and East Hampshire  
Coroner's Office  
Room T20  
The Guildhall  
Guildhall Square  
Portsmouth  
PO1 2AJ

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

Yours sincerely

**Tamsin Hall**  
for **Field Fisher Waterhouse LLP**

Matter: Barton

Date: 10/7/08

Attending: Anika Tubbitt

**Code A**

Telephone call

IN	OUT
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In Person

• Rang Anika to arrange convenient date to discuss statements.

Wed 16th July @ 10am

Action to be taken:

Time occupied: 0-1

Initials:

**Code A**

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

Our ref: TET/GML/00492-15579/7745267 v1

Your ref:

**Adele Watson**

Paralegal

**Code A**

3 July 2008

Dear Ms Tubbritt

**General Medical Council - Dr Jane Barton**

Further to your earlier communications with my colleague, Tamsin Hall, I would like to arrange a mutually convenient time to contact you so that we can discuss the details of your witness statement. I understand that you already have copies of your police witness statements and would like to have the opportunity to go through the statements and add to or amend the information contained in them.

Tamsin has told me that you work night shifts and I would therefore be grateful if you could contact me either on **Code A** or via email at **Code A** to discuss this matter further.

I look forward to hearing from you.

Yours sincerely

**Adele Watson**  
for **Field Fisher Waterhouse LLP**

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

TET/00492-15579/7053042 v1

**Tamsin Hall**  
Assistant Solicitor**Code A**

02 April 2008

Dear Ms Tubbritt

**General Medical Council - Dr J 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.

I anticipate that I will need to call you as a witness for the GMC Fitness to Practise hearing. I would be grateful if you would telephone me as a matter of urgency in order that I may arrange a mutually convenient time for me to come and interview you regarding your evidence.

I enclose with this letter a copy of the statements dated:

1. Interview transcript dated 28 June 2000 (regarding patient Gladys Richards)
2. 25 October 2004 (regarding patient Elsie Devine)
3. 01 December 2004 (regarding patient Ruby Lake)

4. 09 December 2005 (regarding patients Enid Spurgin)
5. 27 April 2006 (regarding Geoffrey Packman)

that you have previously given to the Police in order that you may refresh your memory.

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 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.

I am planning on visiting Hampshire again on 17 and 18 April 2008 and wonder if this might be convenient for you to meet me?

Yours sincerely

**Tamsin Hall**  
for **Field Fisher Waterhouse LLP**

FIONA  
WALKER

Discussed 15/6/09

**General Medical Council**

Dr Jane Barton

- 8 MAY 2003

**Statement of Fiona Lorraine Walker**I, **Fiona Walker**, will say as follows:

1. I began training as a nurse in 1968 and in 1982 I commenced working at the Gosport War Memorial Hospital as a night sister.
2. I was employed at Gosport War Memorial Hospital until 2003.
3. I make this statement in relation to the investigation into Dr Barton by the General Medical Council.
4. I have previously made several statements to the Hampshire Police and exhibit these to this statement.
5. Exhibited to this statement and marked "FLW/1" is a copy of my witness statement dated 23 January 2003.
6. Exhibited to this statement and marked "FLW/2" is a copy of the witness statement dated 19 October 2004 I made in relation to the care of Elsie Devine.
7. Exhibited to this statement and marked "FLW/3" is a copy of the witness statement dated 1 December 2004 I made in relation to my responsibilities at the hospital and Leslie Pittock.
8. Exhibited to this statement and marked "FLW/4" is a copy of the witness statement dated 1 December 2004 I made in relation to the care of Elsie Lavender.
9. Exhibited to this statement and marked "FLW/5" is a copy of the witness statement dated 19 October 2005 I made in relation to the care of Arthur Cunningham.
10. I would like to explain that the dosage written at the bottom of page 4 means increases of 20mg each day commencing on 24 September 1998 were administered via the syringe driver, i.e.
  - (a) 24/9/98 – 40mg Diamorphine over 24 hours
  - (b) 25/9/98 – 60mg Diamorphine over 24 hours



Disclosed 15/5/07

**General Medical Council**

Dr Jane Barton

**Statement of Fiona Lorraine Walker**1. **Fiona Walker**, will say as follows:

1. I began training as a nurse in 1968 and in 1982 I commenced working at the Gosport War Memorial Hospital as a night sister.
2. I was employed at Gosport War Memorial Hospital until 2003.
3. I make this statement in relation to the investigation into Dr Barton by the General Medical Council.
4. I have previously made several statements to the Hampshire Police and exhibit these to this statement.
5. Exhibited to this statement and marked "FLW/1" is a copy of my witness statement dated 23 January 2003.
6. Exhibited to this statement and marked "FLW/2" is a copy of the witness statement dated 19 October 2004 I made in relation to the care of Elsie Devine.
7. Exhibited to this statement and marked "FLW/3" is a copy of the witness statement dated 1 December 2004 I made in relation to my responsibilities at the hospital and Leslie Pittock.
8. Exhibited to this statement and marked "FLW/4" is a copy of the witness statement dated 1 December 2004 I made in relation to the care of Elsie Lavender.
9. Exhibited to this statement and marked "FLW/5" is a copy of the witness statement dated 19 October 2005 I made in relation to the care of Arthur Cunningham.
10. I would like to explain that the dosage written at the bottom of page 4 means increases of 20mg each day commencing on 24 September 1998 were administered via the syringe driver, i.e.
  - (a) 24/9/98 – 40mg Diamorphine over 24 hours
  - (b) 25/9/98 – 60mg Diamorphine over 24 hours

(c) 26/9/98 – 80mg Diamorphine over 24 hours

The doses would have been gradually increased to ensure that adequate pain relief was being provided. Assessment of pain relief required would have been made by nursing staff before administration.

11. Exhibited to this statement and marked “FLW/6” is a copy of the witness statement dated 30 November 2005 I made in relation to the use of syringe drivers and the care of Enid Spurgin. X
12. Exhibited to this statement and marked “FLW/7” is a copy of my police interview transcript dated 20 June 2000 (10:39 – 11:07 hrs)
13. I can confirm that I have been given the opportunity to add to or amend these statements but do not wish to do so, other than the amendment above.
14. 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 th

**Code A**

e true

Signed:

**Fiona Walker**

Dated:

..... 6.5.09 .....

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FLW/1**

This is the Exhibit marked "FLW1" referred to in the statement of Fiona Walker:-

- Statement dated 23 January 2003

# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FLW/2**

This is the Exhibit marked "FLW2" referred to in the statement of Fiona Walker:-

- Statement dated 19 October 2004 regarding Elsie Devine

# Code A

# Code A



**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FLW/3**

This is the Exhibit marked "FLW3" referred to in the statement of Fiona Walker:-

- Statement dated 1 December 2004 relating to Leslie Pittock

# Code A

# Code A

# Code A

# Code A

# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FLW/4**

This is the Exhibit marked "FLW4" referred to in the statement of Fiona Walker:-

- Statement dated 1 December 2004 in relation to Elsie Lavender



# Code A

# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FLW/5**

This is the Exhibit marked "FLW5" referred to in the statement of Fiona Walker:-

- Statement dated 19 October 2005 regarding Arthur Cunningham

# Code A

# Code A

# Code A

# Code A



# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FLW/6**

This is the Exhibit marked "FLW6" referred to in the statement of Fiona Walker:-

- Statement dated 30 November 2005 regarding Enid Spurgin

# Code A

# Code A

# Code A

# Code A

# Code A

**General Medical Council**

**Dr. Jane Barton**

## **Exhibit FLW/7**

This is the Exhibit marked "FLW7" referred to in the statement of Fiona Walker:-

- Interview dated 20 June 2000 (10:39 – 11:07 hrs)



# Code A

# Code A

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# Code A

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# Code A

**FILE COPY****Strictly Private & Confidential**

**Code A**

Our ref: **Code A**  
Your ref:

21 April 2009

Dear Ms Walker

**General Medical Council - Dr Jane Barton**

Further to our communications last year I now enclose an amended version of your witness statement which incorporates your changes. I would be grateful if you could read through your statement and if you are now happy with its content, please sign, date and return to me as soon as possible.

If you have any queries regarding your statement, or the case in general please do not hesitate to contact me on **Code A** or via **Code A**

I look forward to hearing from you.

Yours sincerely

**Adele Watson**  
for **Field Fisher Waterhouse LLP**

**FILE COPY****General Medical Council****Dr Jane Barton****Statement of Fiona Lorraine Walker**

I, **Fiona Walker**, will say as follows:

1. I began training as a nurse in 1968 and in 1982 I commenced working at the Gosport War Memorial Hospital as a night sister.
2. I was employed at Gosport War Memorial Hospital until 2003.
3. I make this statement in relation to the investigation into Dr Barton by the General Medical Council.
4. I have previously made several statements to the Hampshire Police and exhibit these to this statement.
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7. Exhibited to this statement and marked "FLW/3" is a copy of the witness statement dated 1 December 2004 I made in relation to my responsibilities at the hospital and Leslie Pittock.
8. Exhibited to this statement and marked "FLW/4" is a copy of the witness statement dated 1 December 2004 I made in relation to the care of Elsie Lavender.
9. Exhibited to this statement and marked "FLW/5" is a copy of the witness statement dated 19 October 2005 I made in relation to the care of Arthur Cunningham.
10. I would like to explain that the dosage written at the bottom of page 4 means increases of 20mg each day commencing on 24 September 1998 were administered via the syringe driver, i.e.
  - (a) 24/9/98 – 40mg Diamorphine over 24 hours
  - (b) 25/9/98 – 60mg Diamorphine over 24 hours

(c) 26/9/98 – 80mg Diamorphine over 24 hours

The doses would have been gradually increased to ensure that adequate pain relief was being provided. Assessment of pain relief required would have been made by nursing staff before administration.

- 11. Exhibited to this statement and marked "FLW/6" is a copy of the witness statement dated 30 November 2005 I made in relation to the use of syringe drivers and the care of Enid Spurgin.
- 12. Exhibited to this statement and marked "FLW/7" is a copy of my police interview transcript dated 20 June 2000 (10:39 – 11:07 hrs)
- 13. I can confirm that I have been given the opportunity to add to or amend these statements but do not wish to do so, other than the amendment above.
- 14. 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:** .....

**Fiona Walker**

**Dated:** .....



**Strictly Private & Confidential**

**Code A**

Our ref: ALW/00492-15579/8027705 v1  
Your ref:

6 August 2008

Dear Ms Walker

**General Medical Council - Dr Jane Barton**

Further to our telephone conversation earlier this week please find enclosed relevant extracts from Arthur Cunningham's notes and also from the Controlled Drugs book. I hope these pages will assist you in answering my query regarding doses of Diamorphine in the lead up to Mr Cunningham's death.

I would be grateful if you could write a paragraph explaining the entry that I have queried and return this with any other amendments you have made to your statement so that I can incorporate the changes in to a new draft statement.

If you have any queries, or believe that there are significant pages missing from the notes I have sent, please contact me on 0161 238 4947.

Yours sincerely

**Adele Watson**  
for **Field Fisher Waterhouse LLP**

Matter: Barbar

Date: 5/8/08

Attending: Fiona Walker

**Code A**

Telephone call

IN	OUT
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In Person

Dismissed dosages - she would need to see either prescription chart or controlled drugs book to comment on these but looks like it was increased by 20mg on each occasion.  
 I will get copies of relevant sections posted out to her.

Action to be taken:

Time occupied: 0.1

Initials: FW

Strictly Private & Confidential

**Code A**

Our ref: ALW/00492-15579/7928830 v1

Your ref:

21 July 2008

Dear Ms Walker

**General Medical Council - Dr Jane Barton**

Thank you for returning your statement. Unfortunately due to an administrative oversight two documents that should have been exhibited to your statement were not attached, therefore there should be six statements and one interview exhibited in total. Please accept my apologies for this error and find enclosed a new, updated production statement with exhibits.

I would be grateful if you could check the additional statement, now placed at FLW/5, and make any amendments as necessary. More specifically I would be grateful if you could comment on page 4 where there is a list of Diamorphine doses, and clarify whether individual doses of 20mg were given on each occasion, or whether increases by 20mg on each day were administered therefore accumulating the dose from 20mg, 40mg, 60mg to 80mg. I need to be sure there had not been a misinterpretation of the notes by Hampshire Police and would appreciate as detailed an explanation as possible on this point. I have enclosed the relevant notes relating to this episode but if you feel further notes are required please let me know.

I would therefore be grateful if you could telephone me on **Code A** to discuss this matter further.

Thank you for your kind assistance.

Yours sincerely

**Adele Watson**  
for Field Fisher Waterhouse LLP

**FILE COPY****Strictly Private & Confidential****Code A**Our ref: TET/GML/00492-15579/7871620 v1  
Your ref:**Tamsin Hall**  
Assistant Solicitor**Code A** (Direct Dial)

14 July 2008

Dear Ms Walker

**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](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

**Tamsin Hall**  
for **Field Fisher Waterhouse LLP**

**FILE COPY****Strictly Private & Confidential****Code A**Our ref: TET/GML/00492-15579/7745357 v1  
Your ref:**Tamsin Hall**  
Assistant Solicitor**Code A**

(Direct Dial)

25 June 2008

Dear Ms Walker

**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 Sarah Ellson.

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:

Mr Horsley  
Her Majesty's Coroner for Portsmouth and East Hampshire  
Coroner's Office  
Room T20  
The Guildhall  
Guildhall Square  
Portsmouth  
PO1 2AJ

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

Yours sincerely

**Tamsin Hall**  
for **Field Fisher Waterhouse LLP**

# Code A

27 MAY 2008

25.5.08.

Dear Tamsin, I have no changes to make in my original statements. Please note my correct contact address above

Tel no:-

mobile:-

Email:-

# Code A

No holidays have been booked for September.

Yours sincerely

# Code A



**FILE COPY****Strictly Private & Confidential****Code A**Our ref: ALW/00492-15579/7351454 v1  
Your ref:

8 May 2008

Dear Ms Walker

**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 23 January 2003; 19 October 2004; 1 December 2004 (x2) and 30 November 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 for me.

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

Yours sincerely

**Tamsin Hall**  
for **Field Fisher Waterhouse LLP**

JEFFREY  
NATTLING

**Code A**

25 FEB 2009

Ms Adele Watson  
Field Fisher Waterhouse  
27<sup>th</sup> Floor  
City Tower  
Piccadilly Plaza  
Manchester  
M1 4BD

23 February 2009

Dear Ms Watson

**General Medical Council – Dr Jane Barton**

Thank you for your letter of 11<sup>th</sup> February 2009. I am reluctant to assist with this case. You will be aware that the inquest is about to take place and, no doubt, I will be called to give evidence on behalf of Portsmouth Hospitals NHS Trust. I would not wish to take part in any other proceedings which may affect the unbiased nature of any evidence I give to the inquest.

I am sorry not to be able to assist you further

Yours sincerely

**Code A**

**FILE COPY**

BY RECORDED DELIVERY

**Code A**Our ref: ALW/00492-15579/9343322 v1  
Your ref:Adele Watson  
Paralegal**Code A**

11 February 2009

Dear Mr Watling

**General Medical Council - Dr Jane Barton**

I write further to our previous letters dated 15 July, 24 October and 12 November 2008 and in addition to numerous phone calls made to your home.

I still urgently need to speak to you in relation to this matter, more specifically regarding the preparation of a statement dealing with the matters previously discussed with my colleague Sarah Ellison, and set out in our letter dated 15 July 2008.

If you now feel unsure about assisting with the case I would be grateful if you could contact me on **Code A** to discuss your concerns further and we can hopefully seek resolution to any issues that you may have.

Thank you for your co-operation. I look forward to hearing from you.

Yours sincerely

**Adele Watson**  
for **Field Fisher Waterhouse LLP**

Matter: \_\_\_\_\_

Date: 11/12/08

Attending: \_\_\_\_\_

**Code A**

Telephone call

IN	OUT
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In Person

--

- Rang home number - no answer  
checked for work number (his wife had previously said he was at work when I rang a couple of weeks ago). Told he had retired from Boksmonth.
- Rang home number again - left voicemail.

Action to be taken:

Time occupied: \_\_\_\_\_

Initials: \_\_\_\_\_

**FILE COPY****Code A**

Our ref: TET/00492-15579/7859685 v1

Your ref:

**Tamsin Hall**  
Assistant Solicitor**Code A**

(Direct Dial)

15 July 2008

Dear Mr Watling

**General Medical Council - Dr Jane Barton**

I write further to my colleague Sarah Ellson's telephone conversation with you last month. Thank you for agreeing to provide us with further information on behalf of the General Medical Council in this matter.

I am the solicitor with day to day conduct of this matter and it would be helpful if you would contact me in the first instance, with any queries you may have. My contact details are listed above.

In due course, you may be required to attend the General Medical Council to give oral evidence on the basis of your expert report. The case was originally given a provisional hearing date of 8 September 2008 for 8 weeks in London, however as you may already be aware it has now been postponed so that a Coroner's inquest can take place. An alternative date has not yet been decided although I will keep you informed of progress on this point.

Despite this I am still keen to meet disclosure deadlines so that the defence can prepare their case in the interim period and would like to **receive your finalised statement by 4 August 2008**. I would be grateful if you would confirm that you will be able to meet this deadline by return.

I enclose the witness statement dated 31 May 2000 you gave to Hampshire Police. Unfortunately I am not in possession of all of the exhibits. I have requested these from Hampshire Police but it would be helpful if you could provide me with further copies if you still have them in your possession.

I would like to elaborate upon the information provided in the above statement and for you to give me the benefit of your expertise as a pharmacy manager by providing me with some additional

information.

### **Topics to cover in your additional statement**

I would be grateful if you could provide me with information in answer to the following general questions:

1. What is your employment history?
  - (a) How long were you the Pharmacy Services Manager for the Portsmouth Hospitals NHS Trust? (please give dates)
2. Please set out the structure of the Pharmacy department during 1998 – 2000. Who was in direct charge of medicines for GWMH?
3. Did you have any professional or personal contact with Dr Barton and, if so, in what capacity?
4. Were any audits carried out regarding the drugs prescribed at GWMH between 1998 – 2000?
5. Did you have any knowledge of any discrepancies / irregularities in prescribing practices at GWMH at that time?
6. Please provide copies of any relevant policies regarding the administration/prescription of drugs.

### **General questions**

7. Please list your qualifications.
8. How should a hospital drug chart be used?
9. What does a pharmacist require a doctor to write on a drug chart to allow a controlled drug prescription to be issued (both on the prn and regular side and when using a syringe driver)?
10. Please explain the restrictions for prescribing controlled drugs.
11. Which drugs are categorised as controlled drugs?
12. Please give some further information about the use of diamorphine, oramorph, hyoscine, midazolam.
13. Please give some further information about the use of syringe drivers.
14. In what circumstances should drugs be prescribed as prn?



15. Are there any circumstances where a doctor should include a variable dosage range in a prescription?

### **Comment on medical records**

I may, in due course, provide you with copies of some or all of the drugs charts for the patients who are included in the charges for the GMC hearing. I have instructed a medical expert to prepare expert reports on a wide range of issues and these may be well supplemented with your comments.

I think it is advisable for you to firstly prepare a more generic statement, covering the topics above, and then for me to ask you to comment on the medical records as necessary in due course.

### **Format**

I appreciate that I have requested a significant amount of information above. If it would help for you to give me a call then please do and we can discuss your involvement further. It would also be helpful if you could indicate how you would prefer me to contact you for example by e-mail.

I anticipate that once you have provided me with the further information requested (either verbally or in a written document) I will re-format the information and incorporate it into a formal witness statement.

Alternatively, if you would prefer to meet in person to discuss the above then please let me know and I, or one of my colleagues, would be happy to visit you in Hampshire or at a location convenient to you.

Many thanks for your kind assistance with this matter.

Yours sincerely

**Tamsin Hall**  
for **Field Fisher Waterhouse LLP**

# Code A

# Code A

Matter: BARTON

Date: 4/7/8

Attending: Jeff Welling

Telephone call  IN  OUT

In Person

I intro myself - hope you can help  
Manager of Trust that provided pharmacy services

One of your pharmacist provided services into GMSPH  
Discuss we are for GME - explain no property in a  
contract fee to opt to deliver  
I have a file (no patient info) - you saw records  
at the time - don't know that name - difficult  
to remember - detail

Issue at time not written up "as required"  
you were manager of at the time - graduation

Action to be taken:

20-30 mg - surprised you. You can  
Comment on drug charts + interpretation  
Time occupied: \_\_\_\_\_ Initials: \_\_\_\_\_

\* Also further write the guidance, at the  
time - you further write that - approved  
for we written the organization Healthcare Trust  
contracted but not pharmacy (Green book)

You are returning in 2 weeks time  
You have file at home.  
(No patient records)

Willing to assist with like email  
+ will go from home (1 after meeting  
if required)

You'll send us your ~~new~~ home email  
Probably ok to do heavy next year.

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

Our ref: ALW/00492-15579/7541881 v1

Your ref:

**Adele Watson**  
Paralegal**Code A**

29 May 2008

Dear Mr Watling

**General Medical Council - Dr Jane Barton****General Instructions**

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.

Together with our barristers we have been considering whether we can utilise your experience as a Pharmacy Services Manager to cover points that have been raised by our primary expert as needing clarification.

The Fitness to Practise Panel hearing concerning Dr Barton has been listed for a hearing date from **8 September 2008 until 31 October 2008 in London**. If you are able to assist, you will be required to attend the General Medical Council to give oral evidence on the basis of your report. I am unable to confirm the precise dates at present but will do so as soon as I am able.

Our primary expert has suggested we may require evidence as to:

1. How a hospital drug chart should be used?
2. What a pharmacist requires a doctor to write on a drug chart to allow a controlled drug to be

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prescription to be issued (both on the prn and regular side and when using a syringe driver)?

It would be helpful to have a copy of your CV and to know if you have ever provided expert evidence previously.

Now that you have some idea of what is involved, I would like to discuss your ability to assist in this matter and, if appropriate, your time estimate for preparing the report and to organise a convenient time with you to have a short telephone conference about the work involved.

I would be grateful if we could work towards having your report prepared by the end of June. Perhaps we can discuss if this date is acceptable to you.

Many thanks for your kind assistance with this matter.

I look forward to hearing from you.

Yours sincerely

**Adele Watson**  
for **Field Fisher Waterhouse LLP**