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Code A

10 July, 2001

Your ref: MIC/D.Supt/JJ/MK

Detective Superintendent John James
Major Incident Complex
Fratton Police Station
Kingston Crescent, North End
Portsmouth
Hampshire PQ2 8BU

Dear Detective Superintendent James

RE: OPERATION ROCHESTER

Enclosed please find a copy of my Medical Report concerning the above.

Yours sincerely

Code A

Brian Livesley

**Medical Report:
concerning the case of Gladys Mable Richards deceased**

Prepared for:

Hampshire Constabulary
Major Crime Complex, Fratton Police Station, Kingston Crescent,
North End, Portsmouth, Hampshire PO2 8BU

by:

Code A

For the purpose of ... providing an independent view about treatment given to Mrs Gladys RICHARDS and the factor(s) associated with her death.

Synopsis

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Code A

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The writer's declaration

1. This report consisting of thirty-four pages is true to the best of my knowledge and belief and I make it knowing that if tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.

Introduction

2. The documents with which I have been provided and the visits I have made to the hospitals involved in this enquiry are listed in the Appendix A.
 - 2.1. Appendix B contains facts of the environment provided by the statements of Mrs Gillian MACKENZIE (the elder daughter of Mrs Gladys RICHARDS (deceased)) and Mrs Lesley Frances LACK (the younger daughter).
 - 2.2. I have indicated any medical terms in **bold type**. I have defined these terms in a glossary in Appendix C.
 - 2.3. I have included in Appendix D references to published material.
 - 2.4. Appendix E contains details of my qualifications and experience.
 - 2.5. This report has been presented on the basis of the information available to me—should additional information become available my opinions and conclusions may be subject to review and modification.

Information relating to Mrs Gladys Richards (deceased)

3. Mrs Gladys Mable RICHARDS (né Code A) and died on 21st August 1998 aged 91 years.

3.1.

Code A

- 3.1.1. Code A is a retired Registered General Nurse. She retired during 1996 after 41 years continuously in the nursing profession. For 25 years prior to her retirement she was involved in the care of elderly people. For 20 years prior to retirement she held supervisory and managerial positions in this particular field of nursing.
- 3.2. Code A a private registered nursing and residential home at Lee on the Solent, Hampshire. Dr J BASSETT is a general practitioner who visits.

- 3.3. The Royal Hospital Haslar is an acute general hospital in Gosport, Hampshire serviced by the Armed Forces at the time of the incident but available as a National Health Service facility to local people.
- 3.4. Gosport War Memorial Hospital is part of the Portsmouth Healthcare NHS Trust.
- 3.4.1. Daedalus ward is a continuing care and rehabilitation ward at Gosport War Memorial Hospital.
- 3.5. Dr Jane Ann BARTON is a registered medical practitioner who in 1988 took up a part-time post as clinical assistant in elderly medicine. This post became centered at Gosport War Memorial Hospital. She retired from this part-time post in the year 2000.
- 3.6. Mr Philip James BEED is the clinical manager and charge nurse on Daedalus ward at Gosport War Memorial Hospital. Ms Margaret COUCHMAN and Ms Christine JOICE are registered general nurses who were working on Daedalus ward at the time of the incident.
- 3.7. Dr Anthea Everista Geredith LORD is a consultant physician, within the department of elderly medicine of Portsmouth Healthcare NHS Trust, who was usually responsible for the patients on Daedalus ward and who was on study leave on 17/18 August 1998.
- 3.7.1. Other consultant physicians from the department of elderly medicine provide on-call consultant physician cover when Dr LORD is absent from duty.

Relevant aspects of Mrs RICHARDS's medical history

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APPENDIX A

14. I have received and read the following documents:-

14.1. The letter of DCI BURT dated 22nd November 1999 that gave an initial overview of the case.

14.2. The documents in the file DCI BURT presented at our meeting on 28th January 2000 as follows:-

14.2.1. 1) Draft (unsigned) statement (MG11) of Lesley HUMPHREY.

14.2.2. 2) Copy of PEC (NHS) T Health Record (LH/1/C).

14.2.3. 3) Copy of RHH Medical Record (AF/1/C).

14.2.4. 4) Draft (unsigned) statement (MG11) of Gillian MACKENZIE.

14.2.5. 5) Draft (unsigned) statement of Lesley LACK.

14.3. The documents in the file DCI BURT presented at our meeting on 8th March 2000 including those pursuant to my request of 28th January 2000 (documents WX1, WX2, and YZ were forward to me on 9 March 2000) as follows:-

14.3.1. A Typed copy of Notes prepared by Mrs LACK and given to Portsmouth Healthcare NHS Trust

14.3.2. B Typed copy of additional page of notes which was prepared by Mrs LACK but, apparently, not passed to Portsmouth Healthcare NHS Trust

14.3.3. C Typed copy of Notes prepared by Mrs LACK and given to Social Services

14.3.4. D Typed copy of comments made by Mrs LACK in respect of letter from Portsmouth Healthcare NHS Trust which represented a response to her Notes of complaint (A)

- 14.3.5. E Typed copy of comments made by Mrs LACK in respect of a Report prepared by Portsmouth Healthcare NHS Trust which resulted in the letter referred to above
- 14.3.6. F As D above but made by Mrs MACKENZIE
- 14.3.7. G As E above but made by Mrs MACKENZIE
- 14.3.8. HI Copy of letter written by Mrs MACKENZIE to DI MORGAN (OIC of initial investigation) plus 5 copies newspaper cuttings
- 14.3.9. JK Copy of Coroner's Officer's Form
- 14.3.10. L Copy of letter from Dr REID to S/Cdr SCOTT
- 14.3.11. M Copy of Report made by Dr LORD during original investigation
- 14.3.12. N Copy of additional newspaper cutting
- 14.3.13. O (1) Typed copy of signed statement of Anne FUNNELL (RHH)
- 14.3.14. O (2) Typed copy of signed statement of Lesley HUMPHREY (Portsmouth Healthcare NHS Trust)
- 14.3.15. O (3) Copy of signed statement of Lesley LACK
- 14.3.16. O (4) Copy of final draft of Gillian MACKENZIE's statement
- 14.3.17. PQ Copy of schedule of x-ray images (RHH)
- 14.3.18. R Copy of Risk Event Record (Portsmouth Healthcare NHS Trust)
- 14.3.19. S (1) Copy of letter which DCI BURT has sent to Lesley HUMPHREY (Portsmouth Healthcare NHS Trust) raising various issues
- 14.3.20. S (2) Copy of entries in medical directories 1998/1999 - Dr Jane Ann BARTON
- 14.3.21. S (3) Copy of letter from Mrs MACKENZIE to DCI BURT
- 14.3.22. S (4) Copy of documents which accompanied the two Portsmouth Healthcare NHS Trust x-ray images
- 14.3.23. T Copy of various documents which featured in a Social Services Case Conference stemming from receipt of Mrs LACK's Notes of complaint (C above)
- 14.3.24. UV Copy of Death Certificate - Mrs RICHARDS
- 14.3.25. WX1 Witness Statement of Mrs Gillian MACKENZIE dated March 6 2000
- 14.3.26. WX2 Copy of letter from DR J.H. BASSETT to Mrs MACKENZIE with an addendum of five pages being a photocopy from 'Toxic Psychiatry' a book by Dr Peter BREGGEN published by Harper Collins.
- 14.3.27. YZ Two extracts from 'Criminal Law. Diana Rowe. Hodder & Stoughton 1999.'

14.4. On 8th March 2000, in the presence of DCI BURT, I visited:-

- 14.4.1. the Gosport Memorial Hospital and followed the passageways along which Mrs Richards was conveyed and the ward areas in which she was treated; and,
- 14.4.2. the Royal Hospital Haslar and followed the passageways along which Mrs Richards was conveyed and the ward area in which she was treated.

14.4.2.1. At the Royal Hospital Haslar, on 8th March 2000, in the presence of DCI BURT, I was also shown twelve (12) radiographs relating to Mrs Richards' treatment there on 12th April 1998, 17th July 1998, 14th August 1998, 29th July 1998, and 31st July 1998.

14.5. In addition I have read the following the documents given to me by DCI BURT on 12th May 2000 consisting of the following which are numbered below as listed in the two containing ring binders:

- 14.5.1. E 25 Copy of Glen Care Homes file Re: Gladys RICHARDS supplied by Glen Care Homes
- 14.5.2. E 22 Copy of Hampshire County Council Social Services file Re: Gladys RICHARDS
- 14.5.3. E23 Copy of Glen Care Homes file Re: Gladys RICHARDS supplied Nursing Homes Inspectorate
- 14.5.4. E 24 Copy Portsmouth and South East Hampshire Health Authority GP Patient Records of Gladys RICHARDS
- 14.5.5. D 63 Police letter 090300 to Miss CROSS, Haslar Hospital with further questions
- 14.5.6. D 65 Letter 100400 from Miss CROSS at Haslar including Patient transfer order and further medical records
- 14.5.7. D 104 Letter 080200 from Mrs. MACKENZIE with notes Re: draft statement
- 14.5.8. D 108 Portsmouth NHS Trust Dept. of Diagnostic Imaging report folder
- 14.5.9. D 110 Copy typed Gladys RICHARDS Death Certificate dated 240898

14.6. I have also read the documents given to me by DCI BURT on 19th July 2000, consisting of copies of the statements made by:-

- 14.6.1. JOICE Christine
- 14.6.2. GIFFIN Sylvia Roberta
- 14.6.3. PULFORD Monica Catherine
- 14.6.4. WALKER Fiona Lorraine
- 14.6.5. MARJORAM Catherine
- 14.6.6. BALDACCHINO Linda Mary
- 14.6.7. PERKINS Margaret Joan
- 14.6.8. TUBBRITT Anita
- 14.6.9. COUCHMAN Margaret
- 14.6.10. WALLINGTON Kathleen Mary
- 14.6.11. FLETCHER Anne
- 14.6.12. COOK Joanne
- 14.6.13. MOSS JEAN Kathleen
- 14.6.14. TYLER Christina Ann

- 14.7. I have also read statements, provided on 30th August 2000 by DCI BURT, made by:
- 14.7.1. Doctor Jane Ann BARTON
 - 14.7.2. Phillip James BEED
- 14.8. I have also received from DCI BURT on 8th September 2000 and read copies of:-
- 14.8.1. A letter dated 18th August 2000 from Mrs Gillian MACKENZIE to DCI BURT.
 - 14.8.1.1. Enclosed with this letter was a copy of a letter dated 9th August 2000 from Ms Jill BAKER to Mrs Gillian MACKENZIE to which had been added a petition form.
- 14.9. A letter dated 21st August 2000 from Mrs Gillian MACKENZIE to DCI BURT.
- 14.9.1. Enclosed with this letter was a copy of a letter dated 14th December 1998 from Ms Lesley HUMPHREY, Quality Manager at Portsmouth Healthcare NHS Trust Central Office to Mrs Gillian MACKENZIE. This had enclosed with it a copy of a letter dated 22nd September 1998 from Mr Max MILLETT, Chief Executive of Portsmouth Healthcare NHS Trust.
- 14.10. Copies of Witness Statements (taken by Mrs S HUTCHINGS who led the initial Internal Inquiry as Investigating Officer of Portsmouth Healthcare NHS Trust) as follows:-
- 14.10.1. On 3rd September 1998 statement consisting of four pages from Mrs Jenny BREWER – Staff Nurse Daedalus Ward to which is attached an additional statement (three pages) by Staff Nurse Brewer (the first page of this three pages is headed Portsmouth Healthcare NHS Trust and has been signed on page three by S. N J Brewer RGN and dated 9-9-98 (Reference D142)).
 - 14.10.2. On 8th September 1998 statement consisting of five pages from Mr Philip BEED – Clinical Manager Daedalus Ward (Reference D143).
 - 14.10.3. On 9th September 1998 statement consisting of three pages from Ms Christine JOICE – Staff Nurse Daedalus Ward (Reference D144).
 - 14.10.4. On 8th September 1998 statement consisting of two pages from Ms Monica PULFORD – Enrolled Nurse Daedalus Ward (Reference D145).
 - 14.10.5. On 3rd September 1998 statement consisting of four pages from Ms Margaret COUCHMAN – Staff Nurse Daedalus Ward (Reference D146).

- 14.11. A copy of the National Council for Hospice and Specialist Palliative Care Services paper entitled 'Ethical decision-making in palliative care'.
- 14.12. On 5th and 6th October 2000 I received from Hampshire Constabulary and subsequently read:-
- 14.12.1. The records of the interviews conducted with Dr Anthea Everista Geredith LORD on 27th September 2000.
- 14.12.2. During these interviews Dr LORD produced as listed in the Officer's Report by Code A the following documents:-
- 14.12.2.1. Drug Therapy Guidelines for subcutaneous fluid replacement as approved by the Elderly Medicine and Formulary & Medicines Group of Portsmouth Hospitals and Portsmouth Healthcare updated for 1998.
- 14.12.2.2. Consultants' Rota for August 1998 of the Department of Medicine for Elderly People (Ref: CI/28.7.98).
- 14.12.2.3. Memorandum from Mrs. L HUMPHREY of Portsmouth Health Care NHS Trust to Dr. LORD dated 17th December 1998 and headed 'Mrs. Richards deceased, Gosport War Memorial Hospital, 21st August, 1998.'
- 14.12.2.4. Letter from Dr R I REID, Medical Director of Portsmouth Health Care NHS Trust giving approval of study leave for Dr. LORD for the dates of 17/18 August 1998.
- 14.12.2.5. Consultants' Timetable of the Department of Medicine for Elderly People from 4.5.98 – 8.2.99.

Appendix B

Facts of the environment - obtained from the statements of Mrs RICHARDS's daughters

Code A

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was present and that this [the use of a syringe driver] was the kindest way to treat my
mother. She

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her death. Emergency. Because the witness driver was deemed to be essential

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Memorial Hospital

Appendix C

Glossary

Acetabulum is the name given to the two deep socket into which the head of the thigh bone (femur) fits at the hip joint.

ADL [activities of daily living] are those physical activities of daily life necessary for normal human functioning and include getting up, washing, dressing, preparing a simple meal, etc.

Analgesia is the relief of pain. This can be achieved by physical means including warmth and comfortable positioning as well as by the use of drugs. The aim is to keep patients pain free with minimal side effects from medication.

Bronchopneumonia is inflammation of the lung usually caused by bacterial infection. Appropriate antibiotic therapy, based on the clinical situation and on microbiological studies, will result in complete recovery in the majority of patients. It can contribute to the cause of death in moribund patients.

Co-codamol is a drug mixture consisting of paracetamol and codeine phosphate, which is used for the relief of mild to moderate pain.

Cyclizine is a drug used to prevent nausea and vomiting, vertigo, and motion sickness.

Dementia is the name given to a condition associated with the acquired loss of intellect, memory, and social functioning.

Diamorphine, also known as heroin, is a powerful opioid analgesic.

Haematoma is an accumulation of blood within the tissues, which clots to form a solid swelling.

Haloperidol, a drug used in the treatment of psychoses including schizophrenia and mania and also for the short-term management of agitation, excitement, and violent or dangerously impulsive behaviour. Dosage for all indications should be individually determined and it is best initiated and titrated under close clinical supervision. For patients who are elderly the normal starting dose should be halved, followed by a gradual titration to achieve optimal response. It is not licensed for subcutaneous administration (see **licensed** below).

Hemiarthroplasty is the surgical remodelling of a part of the hip joint whereby the bone end of the femur is replaced by a metal or plastic device to create a functioning joint.

Hyoscine is a drug used to reduce secretions and it also provides a degree of amnesia and sedation, and has an anti-vomiting effect. Its side effects include drowsiness.

Lactulose is a preparation taken by mouth to relieve constipation.

A **microgram** is one millionth of a gram and is not to be confused with a milligram dosage of a drug, which is one thousand times larger.

Midazolam is a sedative drug about which there have been reports of respiratory depression. It has to be used with caution in elderly people. It is used for intravenous sedative cover for minor surgical procedures. It is also used for sedation by intravenous injection in critically ill patients in intensive care. It can be given intramuscularly. In the management of overdose special attention should be paid to the respiratory and cardiovascular functions in intensive care. It is not licensed for subcutaneous administration (see **licensed** above).

Morphine is an opioid analgesic used to relieve severe pain.

Oramorph is a drug used in the treatment of chronic pain. It contains morphine and is in the form of a liquid. 10mls of Oramorph at a strength of 10mgs of morphine sulphate in 5mls of liquid is an appropriate first dose to give to a person in severe pain, which had not responded to other less potent, pain relieving drugs.

Respiratory depression is the impairment of breathing by drugs or mechanical means which leads to asphyxia and, if uncorrected, to death.

Subcutaneous means beneath the skin.

A **syringe driver** is a power driven device for pushing the plunger of a syringe forward at an accurately controlled rate. It is an aid to administering medicinal preparations in liquid form over much longer periods than could be achieved by injecting by hand. In this case the syringe driver used was a Sims Graseby MS 26 Daily rate syringe driver which operates over periods of 24-hours.

Tradazone is a drug used in the treatment of depressive illness, particularly when sedation is required.

Unlicensed medicines. In order to ensure that medicines are safe, effective and of suitable quality, they must have a product licence (now called a market authorisation) before being marketed in the United Kingdom. Unlicensed drugs are not licensed for use for any indication or age group. Licensing arrangements constrain pharmaceutical companies but not prescribers. The Medicines Act 1968 and European legislation make provision for doctors to use unlicensed medicines. Individual prescribers of unlicensed medicines, however, are always responsible for ensuring that there is adequate information to support the quality, efficacy, safety and intended use of a drug before using it.

A **Zimmer frame** is a lightweight, but sturdy, frame the patient can use for support to assist safe walking.

APPENDIX D

Texts used for reference have included:

1. Adam J. ABC of palliative care: The last 48 hours. *British Medical Journal* 1997; 315: 1600-1603.
 - 1.1. This paper is from the widely read, British Medical Journal which is published weekly and received by about 30,000 general practitioners and 45,000 hospital doctors in England and Wales. It records that treatment with opioids (viz. morphine and diamorphine) should be individually tailored, the effect reviewed, and the dose titrated accordingly.
2. *ABPI Compendium of data sheets and summaries of product characteristics 1998-99: with the code of practice for the Pharmaceutical Industry.* Datapharm Publications Limited, 12 Whitehall, London SW1A 2DY.
3. Breggin P R. *Toxic psychiatry. Drugs and electroconvulsive therapy: the truth and the better alternatives.* 1993. HarperCollins Publishers. London. pp. 578.
4. British Medical Association and the Royal Pharmaceutical Society of Great Britain. *British National Formulary.* Number 32 (September 1996). The Pharmaceutical Press. Oxford.

5. *Cecil Textbook of Medicine*. eds. J.C. Bennett & F. Plum. W.B. Saunders Co. 20th Edition. 1996.
6. Letter from Clive Ward-Able (Medical and Healthcare Director) and Lee Neubauer BSc (Hons) (New Product Specialist), Roche Pharmaceuticals.
 - 6.1. A copy of this letter has already been supplied to the Police and reports that the product licence does not cover the administration of Hypnovel® (midazolam) by subcutaneous injection.
7. Roche Pharmaceuticals. Hypnovel® [midazolam]. Summary of product characteristics.
8. Letter from Dr R J Donnelly, Medical Director of Janssen-Cilag Ltd.
 - 8.1. A copy of this letter has already been supplied to the Police and reports that Haldol™ decanoate (haloperidol) is not licensed for subcutaneous use.
9. Letter from Miss Jo Medlock, Manager of Medical Information and Pharmacovigilance, Norton Pharmaceuticals.
 - 9.1. A copy of this letter has already been supplied to the Police and reports that Serenace™ (haloperidol) ampoules are not licensed for subcutaneous administration.
10. MeReC. Pain control in palliative care. *MeReC Bulletin National Prescribing Centre*. 1996; 7 (7); 25-28.
 - 10.1. MeReC is the abbreviation for the 'Medicines Resource Centre'. This bulletin is sent free to all general practitioners in England and Wales and also to NHS Hospital and Community Pharmacists. The list of those who receive this bulletin is updated every few weeks.
11. Sims Graseby Limited. *MS 16A Syringe Driver. MS 26 Syringe Driver: Instruction manual*. Sims Graseby Limited. 1998.

Appendix E

The writer's qualifications and experience including the management of dying patients

I, Brian Livesley, qu
My principal additio

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- allow for the appropriate palliative care of patients dying from non-cancer conditions. More
1. Livesley B, Ellington S. Report on the independent comprehensive review of the care of elderly people at St. Christopher's Nursing Home, Hatfield. East and North Hertfordshire Health Authority, 1996. (by invitation)

2. Livesley B. Memorandum of recommendations and evidence submitted to the Health Committee on long-term care provision and funding. Volume II; pp. 114-22. London: HMSO, 1996. (by invitation)

signed **Code A** date *10th July 2001*
BRIAN LIVESLEY