



H A M P S H I R E C o n s t a b u l a r y

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Mr D Connors *N118*
Branch Crown Prosecutor
Crwon Prosecution Service
Crown House
Winston Churchill Avenue
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Dear Mr Connor

Allegation of Unlawful Killing

This file of evidence stems from an allegation that Gladys Mable RICHARDS (Code A) Code A was unlawfully killed by staff at the War Memorial Hospital, Gosport, Hampshire while receiving treatment as an in-patient during 1998.

Mrs RICHARDS was initially admitted to the Royal Hospital Haslar, Gosport, Hampshire on Wednesday 29th July 1998 after having suffered a fall at the 'Glen Heathers' Nursing Home in Lee-on-Solent, Hampshire. Mrs RICHARDS had sustained a broken neck of femur, on her right side, as a result of the fall.

On Tuesday 11th August 1998 Mrs RICHARDS was transferred to Daedalus Ward at the War Memorial Hospital.

On Thursday 13th August 1998 Mrs RICHARDS suffered a further fall, while at the War Memorial Hospital, and as a result was re-admitted to the Royal Hospital Haslar on Friday 14th August 1998. Mrs RICHARDS was found to have a dislocated right hip which was manipulated back into its socket.

On Monday 17th August 1998 Mrs RICHARDS was returned to Daedalus Ward at the War Memorial Hospital.



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On Friday 21st August 1998 Mrs RICHARDS died while in Daedalus Ward at the War Memorial Hospital. Mrs RICHARDS death was certified by Dr Jane BARTON who had been responsible for her care at the War Memorial Hospital. The cause of death was given as bronchopneumonia. Mrs RICHARDS was cremated.

Dr BARTON is a Gosport based General Practitioner who is contracted to provide clinical support to the War Memorial Hospital which does not have a 'resident' complement of doctors.

Whilst receiving treatment at the War Memorial Hospital Mrs RICHARDS was attended to, more or less continuously, by her two daughters Mrs Lesley LACK and Mrs Gillian MACKENZIE.

During the course of their mother's hospitalisation both daughters expressed concern and dissatisfaction at the nature and quality of treatment and care, given to Mrs RICHARDS, at the War Memorial Hospital. No such concerns were expressed so far as the Royal Hospital Haslar was concerned.

Mrs LACK and Mrs MACKENZIE maintained notes during the time they spent with their mother at the War Memorial Hospital and may, perhaps, be considered to be more informed, as observers, than the average patients family.

Mrs LACK is a retired (1996) Registered General Nurse with 41 years nursing experience. During the last 20 years of her career she held supervisory and managerial positions and was primarily involved in the care of the elderly. Mrs MACKENZIE is an intelligent, articulate, determined and well read individual with a particular interest in medical issues.

Mrs MACKENZIE contacted the Police, at Gosport, on Sunday 27th September 1998 and alleged that her mother had been unlawfully killed as a result of the treatment she had received at the War Memorial Hospital.

A police investigation was conducted and, after a file of papers was submitted to the Crown Prosecution Service, the reviewing CPS lawyer concluded that there was insufficient evidence to justify a criminal prosecution.

On learning of this outcome Mrs MACKENZIE expressed her dissatisfaction with the quality of the police investigation. In fact she has made a formal complaint which is currently being investigated by Superintendent WHITING of the Hampshire Constabulary's Professional Standards Department.

Detective Superintendent LONGMAN, since retired, was tasked to review the investigation and, as a result, I was instructed to re-investigate the death of Mrs RICHARDS.



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The investigation has focused on the period Wednesday 29th July 1998, the date Mrs RICHARDS was admitted to the Royal Hospital Haslar, until Friday 21st August 1998, the date she died at the War Memorial Hospital, inclusive.

Statements have been obtained from Mrs LACK and Mrs MACKENZIE and evidence has been obtained from both the Royal Hospital Haslar and the Portsmouth Health Care NHS Trust which is responsible for the War Memorial Hospital. Medical records, relating to Mrs RICHARDS, have been obtained from both hospitals and staff have been interviewed. In the case of the War Memorial Hospital Dr BARTON, and the key nursing staff, have been interviewed under caution.

Bearing in mind the complex and highly specialised nature of this investigation I decided to engage the services of a medical expert in the care of the elderly. I approached the National Crime Faculty, at the Police Staff College, Bramshill, and was referred to Professor Brian LIVESLEY.

All materials, accruing as a result of the police investigation, have been referred to Professor LIVESLEY and his report is incorporated with this submission.

Professor LIVESLEY is profoundly concerned by the circumstances of this case and it will be seen that he is quite clear in his opinion that Mrs RICHARDS was unlawfully killed. In addition to Dr BARTON he believes that certain members of the nursing staff, namely Philip BEED, Margaret COUCHMAN and Christine JOICE, may also be culpable.

Professor LIVESLEY has indicated that it would be considerable benefit if he could be afforded the opportunity of meeting a CPS representative or Counsel, familiar with the issues arising from this case, in order to discuss the detailed presentation of his evidence. The Senior Investigating Officer would also welcome such a conference at the earliest opportunity.

Furthermore, such is the level of concern felt by Professor LIVESLEY about the facts of this case that he has recommended that further enquiries be carried out to determine if other patients at the War Memorial Hospital have been affected in a manner similar to that of Mrs RICHARDS.

The advice of the Crown Prosecution Service is sought as regards the criminal culpability of Dr BARTON and the other, named, nurses. The Senior Investigating Officer would also welcome an opportunity to discuss the issues of corporate liability and the implications of a further phase to this investigation, this potentially, may evoke a substantial amount of local and national media interest.

Yours sincerely

Ray BURT
Detective Chief Inspector