

General Medical Council

Dr Jane Barton

Statement of Richard Oliver Samuel

I, Richard Oliver Samuel, will say as follows:

1. I am the Director of Corporate Affairs for Hampshire Primary Care Trust. I have been employed in this position from October 2006 to the present day. This role encompasses responsibility for PCT-wide performance, legal issues and matters regarding the public interest, clinical quality, patient safety and assurance.
2. Between 2001 and 2004 I was employed at Hampshire Strategic Health Authority as the Assistant Chief Executive. This role included responsibility for the commissioning of inquiries and investigations.
3. The role of the Strategic Health Authority at that time was to performance manage and provide strategic guidance to PCTs across Hampshire and the Isle of Wight.
4. Between 2004 and 2006 I worked for North Hampshire and Blackwater Valley and Hart Primary Care Trusts in a number of roles including the Deputy Chief Executive. I include this for completeness; however it is not relevant to the investigation into Dr Barton.

Strategic Health Authority investigation

5. My first knowledge of the investigation into events at Gosport War Memorial Hospital (GWMH) was whilst I was employed at the Strategic Health Authority in 2001. I was responsible for liaising with the Police and the Commission for Healthcare Inspection (CHI) around their respective investigations into the care and treatment of patients at Gosport War Memorial Hospital in.
6. Between August 1998 and October 2001 nine complaints were received relating to three ward areas (Daedalus, Dryad and Sultan Wards) at Gosport War Memorial Hospital that were handled by the then Portsmouth Healthcare NHS Trust in line with the NHS Complaints Procedures. Each of these complaints was the subject of an investigation resulting in the recommendations which formed the basis of actions identified in an integrated action plan and achievements. (Attachment RS1) Contextually there were over four hundred letters of thanks in the same period.
7. I believe that the first complainant went to the Police at the same time as making a complaint to the Trust, in 1998/9. However I am unaware of the outcome of this first Police investigation. I understand that around 2000 a second Police investigation was commenced but similarly, I am unaware of the outcome of this. In 2002 a third Police investigation began. The conclusion of this investigation was presented to the Crown Prosecution Service, which concluded that there was insufficient evidence to prosecute any members of staff and the Police consequently ended their investigations.

8. On 22 October 2001 the Commission for Healthcare Inspection commenced an investigation into the care and treatment of patients at Gosport War Memorial Hospital. The concerns raised in the CHI report, published in July 2002 resulted in the Strategic Health Authority setting up a dedicated phone line to provide concerned members of the public with information about the ongoing investigation. Within a week of setting up the phone line, over 100 people had called in with concerns of their own about the care and treatment at Gosport War Memorial Hospital. This information was passed, with callers consent, to the Police.
9. I will now provide some background information regarding Gosport War Memorial Hospital, the role of the Clinical Assistant and of Dr Jane Barton. This background is provided on behalf of Hampshire Primary Care Trust. I do not, however, have direct personal experience of working at Gosport War Memorial Hospital or with Dr Barton in her clinical capacity.

Background – Gosport War Memorial Hospital

Gosport War Memorial Hospital situated on the Gosport peninsula was opened on 19th April 1923 with 26 beds. In May 1932 an extension including the provision of an Out Patient Department was opened. GWMH was handed over to the newly formed NHS in 1948.

In 1963 Out Patient and Accident and Emergency Departments were opened followed in 1966 by new departments for Physical Medicine and X-ray. During the 1960's Redclyffe Annexe was donated to the hospital.

1991 saw the commencement of a two-phase development, including new wards and Day Hospitals for the elderly and the transfer of Maternity Services to a new Maternity ward. More recently GWMH had 113 beds. The hospital does not admit patients who are acutely ill and has neither an A&E department nor intensive care facilities.

A full range of outpatient services was provided, although the bulk of these relate to Portsmouth Hospitals NHS Trust. Occupational Therapy, Podiatry, Speech and Language Therapy and Community Dental services were also to be found at the site.

In 1998, three wards (Dryad, Daedalus and Sultan) at Gosport War Memorial Hospital admitted older patients for general medical care. This was still the case in 2002.

Gosport WMH is currently undergoing extensive remodelling of the interior lay-out of the hospital and adjoining health centre in order to accommodate services currently located at royal Hospital Haslar (RHH) including the accident treatment centre (minor injuries). This work will be completed by summer 2009 to coincide with the completion of the redevelopment of Queen Alexandra Hospital at Cosham. The remodelled GWMH will provide minor injuries services co-located with GP out of hours, expanded out-patients, diagnostics and therapies in addition to the current facilities.

As part of this scheme a new GP surgery is required to re-house the practice that currently occupies the Health Centre on the GWMH site. This is a LIFT scheme and was approved at outline business case (OBC) stage by the former PCT Board.

GWMH was originally under the management of the Portsmouth District Health Authority prior to the formal establishment of Portsmouth HealthCare NHS Trust in 1994. Between 1994 and 2002 Portsmouth HealthCare NHS Trust (PHCT) provided a range of community and hospital based services for the people of Portsmouth and the surrounding areas of south east Hampshire.

PHCT was organised into six divisions, two of which were relevant to this investigation; the Fareham and Gosport division, which managed the GWMH and the department of medicine for elderly people¹.

Following the dissolution of PHCT in April 2002, services were transferred to local primary care trusts (PCTs), including Fareham and Gosport PCT, which became operational as a level four PCT in April 2002. Arrangements were made for each PCT to host provider services on a district wide basis but each PCT retained responsibility for commissioning its share of district wide services from the host PCT. Fareham and Gosport PCT managed many of the staff, premises and facilities of a number of sites, including GWMH. Medical staff involved in the care of older people, including those working at the GWMH were employed by East Hampshire PCT.

The Department of Health proposed the replacement of Health Authorities with a smaller number of Strategic Health Authorities and the Isle of Wight, Portsmouth and South East Hampshire Health Authority was replaced by Hampshire Strategic Health Authority which became NHS South Central.

Document - 1988 – 1994 Executive Structure (Attachment **RS2**). The organisational charts include the service management structure (Community Hospitals) document dated 21/11/00 (Attachment **RS3**) and Fareham & Gosport Locality Division structure document dated 18/09/01 (Attachment **RS4**)

Document - Patient Flows diagram dated 24/10/01 (Attachment **RS5**). Document - Department of Medicine for Elderly People – Services provided – undated (Attachment **RS6**)

Plan of Daedalus and Dryad Wards, GWMH (Attachment **RS7**)

Dr Jane Barton – employment history

10. Dr Jane Barton is a GP working at the Forton Medical Centre.
11. The PCT is not aware of any complaints that have been made regarding her as a GP, however under the NHS Complaints Regulations General Practitioners have the right to handle complaints directly; therefore the PCT would not necessarily be aware of any complaints received at the Practice.
12. Document - copy of a letter from Hampshire Area Health Authority (Teaching) Portsmouth and South East Hampshire Health District to Dr Jane Barton dated 1 December 1980 confirming Dr Barton's appointment to the general practitioner medical staff of GWMH commencing 1st April 1980. (Attachment **RS8**)

¹ *Investigation into the Portsmouth HealthCare NHS Trust at Gosport War Memorial Hospital Report Commission for Healthcare Improvement, (CHI) July 2002.*

13. Document - copy of a letter from Hampshire Area Health Authority (Teaching) Portsmouth and South East Hampshire Health District to Dr Jane Barton dated 1 December 1980 confirming Dr Barton's appointment to the general practitioner medical staff of GWMH commencing 1st April 1980. (Attachment RS8)
14. Document - job description for Clinical Assistant in Geriatric Medicine. (Attachment RS9) To the best of my knowledge I believe there was continuity of employment from 1980 however Hampshire PCT does not have any documentary evidence of this.
15. Attached is a copy of Dr Jane Barton's application form for the post of Clinical Assistant in Geriatric Medicine, provided without discussion with Dr Barton. (Attachment RS10) The Personnel file remains blank until confirming that Dr Barton was employed as Clinical Assistant in Geriatric Medicine at Gosport War Memorial Hospital on 1 May 1988. She left this post on 30 June 2000.
16. Attached is a copy letter dated 28 April 1998 to Dr Jane Barton from Portsmouth and South East Hampshire Health Authority. (Attachment RS11)
17. From 1st October 2002 onwards Dr Barton voluntarily undertook not to prescribe benzodiazepines or opiate analgesics. Patients requiring ongoing therapy with such drugs were transferred to other partners within the practice with their agreement so that their care was not compromised. Dr Barton elected not to accept any house visits if there was a possible need for such drugs to be prescribed. Medicines Review Management has reviewed this on a regular basis since 2002 providing the PCT with ongoing auditable assurance. No breaches or problems have been evident throughout this time and the review process continues.
18. 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:

Richard Oliver Samuel

Dated: