

Dr.JA Barton

Clinical Assistant Elderly Medicine

148, Forton Road

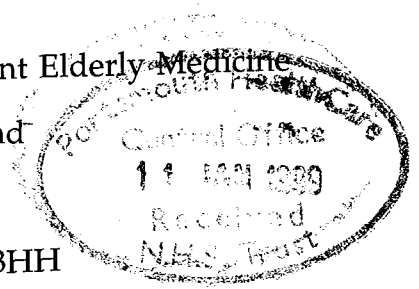
Gosport

HANTS PO 123HH

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8th January 1999



Lesley Humphrey

Portsmouth Healthcare Trust

St James Hospital

Dear Lesley,

re Gladys Richards deceased.

I enclose a letter from the MDU in response to my telephone conversation with and subsequent letter to them outlining the details of the case and enclosing the relevant documents.

Could you in your turn let me have the letters about which Dr Morgan is asking ie the initial letter of complaint and any information you have about the response of the Police to the complaint.

I have no doubt, in this case, that if her daughter is denied a criminal prosecution approach to her mothers treatment she will investigate the civil route and therefore the access of the MDU to any relevant information would be most helpful.

I am grateful for your help and support,

Yours Sincerely

Code A



Our ref: DM/SV/9900079
Your ref: JAB/VSS

7th January 1999

PRIVATE & CONFIDENTIAL

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Union Limited**

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London W1N 2EA
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Please quote this number when communicating
with The MDU about this matter: **9900079**

Dear Dr. Barton,

Re: *Gladys Richards (deceased)*

Thank you for your letter of the 4th January '99 received here at The MDU on the 6th addressed to my colleague Dr. Farquhar. Dr. Farquhar is at the Manchester office and I have taken the liberty of dealing with this matter here in London.

I am sorry to hear that there has been a complaint formulated to Portsmouth Health Care Trust. Are both the daughters the named complainants ?

You have clearly set out the concerns you have relating to potential criminal investigation for alleged failure to give the mother intravenous fluid prior to her death.

You indicate the Trust has shown relevant paperwork to their own solicitors. I am unclear however who is asking for an opinion about your behaviour in this case and particularly whether it follows the Bolam principle. From the information that you have submitted to The MDU, it would appear that Dr. Lord is supportive and indeed has already indicated in her statement dated 22.12.98 that '... parenteral fluids are often not used as they do not significantly alter the outcome.'

The Bolam test in essence says that a practitioner can expect to avoid liability in the Courts if it is found that a reasonably competent practitioner in a similar position would have acted in a similar way. The relevant clinical management would need to be supported by a responsible body of relevant professional opinion. Dr. Lord appears supportive and as such, it would appear that the Bolam test could apply.

The complaint has been made to Portsmouth Health Care NHS Trust. To advise you further, I would need to see further documentation which would include i) the initial letter of complaint ii) any response you produced and iii) all communications/correspondence between yourself and the Trust in relation to this matter.

How far has the complaints procedure gone in this case? You indicate that the family have approached the police. When do you believe this to have taken place? Have the Trust solicitors formally written to you? May I see copy correspondence? Who actually asked you to approach The MDU for comment regarding the Bolam principle?

As far as complaints procedures are concerned, as you were acting as, I understand, a clinical assistant to the Trust, the complaints procedure needs to be investigated under the auspices of the Trust. You are an employee of the Trust providing services to the Gosport Memorial Hospital. The Trust will have its own complaints procedures. For completeness, I enclose a copy of an MDU booklet on NHS Trust complaints procedures which I hope is of assistance.

Notwithstanding the above comments, if you are approached by the police to provide a statement or to attend an interview, I would be grateful if you could contact The MDU as a matter of urgency so that appropriate representation can be discussed.

I wait to hear from you further.

Yours sincerely,

Code A

Dr. David Morgan