

General Medical Council

Dr Jane Barton

Statement of Gillian MacKenzie

I, **Gillian MacKenzie**, will say as follows:

1. I am the eldest daughter of the late Mrs Gladys Richards and the sister of Lesley Lack.
2. I make this statement in relation to the General Medical Council's investigation concerning Dr Jane Barton. I have previously given accounts to the police in relation to the care received by my mother. On 17 August 1998, before my mother died, my sister and I started the complaints procedure at the hospital which generated some correspondence. I later completed an investigation information form for the Commission for Healthcare Improvement (10 December 2001) and I attended an interview with them in London. I have also, since the death of my mother, had access to records and documents which I have reviewed but my access to them has been limited, some of them I only obtained in 2004. (Some of the comments I made on the records I was shown were not subsequently included in police statements.)
3. I previously assisted the Hampshire Police with their investigations. Exhibited to this statement and marked as follows are copies of my various witness statements and interviews transcripts:-
 - (a) "GM/1" – witness statement prepared by the police in accordance with my dictation signed and dated 27 April 1999. This statement was primarily in relation to my complaint about the first two investigations by Gosport Police. It was made to officers from the Professional Standards Department as a result of my letter to Sir John Hoddinott on 20 November 1998.
 - (b) "GM/2" – transcript of first interview with DCI Ray Burt 17 November 1999.
 - (c) "GM/3" – transcript of second interview with DCI Ray Burt 17 November 1999

The interview was recorded at my suggestion to assist with the preparation of my statement.
 - (d) "GM/4" – witness statement prepared by the police on my behalf signed and

dated 6 March 2000 (after I had made corrections to earlier drafts).

4. I also attach:-

- (a) "GM/5" – investigation information form for the Commission for Healthcare Improvement
- (b) "GM/6" – my notes on the reverse side of A3 photocopies of the Gosport War Memorial medical records (and Dr Lord's report). These were made in 2004 after I had received copies of the notes from the police.
- (c) "GM/7" – A police transcript of my handwritten letter to Superintendent Williams dated 19 January 2005 attaching my comments on the Haslar medical records. [The police should have the original letter and comments].
- (d) "GM/8A" – Original notes and comments which formed complaint/questions to the Trust in my sister's handwriting but jointly compiled by us both [YET TO BE LOCATED]
- (e) "GM/8B" – Police document containing (in typed text) our questions/comments and the Trust's response – with handwritten annotations by me with my response/comments (as requested by police)

5. The police interviews and my police witness statements cover a large number of issues. They include details of my wide ranging concerns about the care provided to my mother and my particular concerns about the circumstances of my mother's death (and her subsequent death certificate) and the Gosport War Memorial Hospital. I was also given an opportunity to comment on medical records and some of the material obtained by the police in the course of their investigation (although not until 2003/4).

6. I understand that this statement is for the purposes of the General Medical Council's investigation concerning Dr Jane Barton and therefore whilst some of the background information may assist this statement primarily deals with the involvement of Dr Jane Barton and matters which I have directly witnessed.

7. Before I married my career was in personnel management and for a brief period in 1978, for about 18 months, I did some further work in personnel management. To the extent that I comment on medical records or treatment in this or my police statements I can only provide my lay opinion. I have come across and informally studied some medical and legal issues as result of my interest in law, psychology and psychotherapy, attending workshops, short courses etc.

*Gaining, at Sussex University, Colleges of Further
Gen. Education, course (Research)*

Background

8. I live in Eastbourne and I am currently 74 years of age. I approximately four and half years older than my sister Lesley from whom I was estranged from around the age of 25.
9. Since my father's death in 1974 my mother lived either in close proximity to my sister or in nursing homes. My sister is a nurse and my mother resided with her whilst she was manager of a number of nursing homes. They lived separately from the nursing home, although in Basingstoke my mother had to move into a warden assisted flat and eventually into the Nursing Home itself.
10. In around 1993/4 my mother transferred to "Glen Heathers" nursing home in Lee-on-Solent. I was not told about the move at the time but once I had tracked her down I occasionally went to visit her there. She always used to recognise me although over time she grew frailer. When I visited I would take her out to lunch.
11. I remember visiting on her ninetieth birthday (13 April 1997) when there was a party in the nursing home. I recall her being able to hold a conversation and she was perfectly normal.
12. According to my sister in around January 1998 my mother deteriorated and become unwell. I went to see her in around February 1998 and several times after that and, as set out in my police documentation, at around that time, in April 1998 I went to visit her general practitioner Dr Bassett to discuss the prescribing of tranquilisers and other medication (which seemed to be a cocktail of contradictory drugs).
13. From around January 1998 I went to see my mother more often as Lesley was on holiday and I did not want her to feel abandoned. I noticed then that my mother seemed to be more confused. She was agitated and unsteady on her feet and I have since learned she had had a number of falls. I was concerned about the effect of the drugs she was having and was unsure whether her confusion was due to that or dementia.
14. One difficulty my mother had with conversation and disorientation was because she had lost her hearing aids and her glasses in the Nursing Home. She also had bad cataracts and had lost much of her sight in one eye.

Admission to Haslar Hospital

15. I recall receiving a telephone call on 30 July 1998 from my niece Mrs Karen Reed informing me that my mother had been admitted to Haslar Hospital and was shortly to have an operation for a broken hip. I learned that she had had a fall in the nursing

home. I immediately attended, driving down from Eastbourne and was able to stay with her during her admission to the Haslar Hospital from 30 July to 11 August, apart from on two days when I returned to Eastbourne.

16. While she was in the Haslar Hospital my mother was noticeably more alert than she had been in January 1998. I attribute this to her being on less medication.
17. In the Haslar Hospital her food and liquid intake and her urine output were carefully monitored. At one point she was on a drip and a catheter. She was eating well.
18. As she made progress at the Haslar Hospital she was able to walk the length of the ward using a zimmer frame and accompanied by a nurse on either side.
19. Towards the end of my mother's time at Haslar Hospital we were introduced to Dr Reid (I believe Dr Lord was away). My sister and I had mentioned to the staff at Haslar that we did not wish our mother to return to the Glen Heathers nursing home. We both thought she should go to another nursing home. Accordingly the Hospital called in Dr Reid who was medical director of the Portsmouth Healthcare Trust. At that time Haslar Hospital were ready to discharge my mother back to the nursing home. Dr Reid came in to assess whether she could instead be admitted to the Gosport War Memorial Hospital.
20. It was decided that my mother could be sent to the Gosport War Memorial Hospital for rehabilitation while we used the time to find an alternative nursing home. The surgeon thought she should go there for two to four weeks. We asked Dr Reid if it could be longer, perhaps six weeks if we needed more time to find an alternative nursing home.
21. By the end of her time at Haslar Hospital mother was more alert than she had been and, although she could not speak coherently in long sentences, she could make herself understood. She was also eating well. I understand that Haslar Hospital had stopped giving her the Trazodone drug that she had been receiving at the nursing home. She was still receiving Haloperidol at night. I have previously expressed my view that the staff at the Haslar were fantastic and did a good job of looking after my mother.
22. Having been to see Gosport War Memorial Hospital on the Saturday I came home shortly before my mother was transferred to the Gosport War Memorial Hospital on Tuesday 11 August 1998. On transfer my mother was accompanied by my sister who I believe must have given as my mother's history a diagnosis of Alzheimer's. There is nothing on the medical files going back 10 years that this medical diagnosis was ever made.

Gosport War Memorial

23. Prior to my mother's admission to Gosport War Memorial Hospital my sister and I went to see the hospital and were shown a room with a big glass window, opposite the nursing desk. I recall that we discussed the possibility that my mother, who remained independent to some extent, might seek to get up to go to the toilet and might fall. I felt this room was better than a ward bed as the nursing staff would see if she tried to get up and if she fell.
24. Initially after my mother had transferred to the War Memorial Hospital I had a call from sister saying that she had settled in well. On the second day Lesley was more concerned and described her as "zonked out".
25. Within a couple of days I had a late night phone call from my sister who was distressed and told me that my mother had had a fall.
26. I travelled back to Gosport the following morning and found that my mother had been transferred back to the Haslar Hospital having required her hip to be manipulated back in place. After she returned from the operating theatre (under IV sedation) she was quite groggy and took some time to recognise me and to process information. I am concerned that the Haslar Hospital had not been fully informed as to her medication whilst at the Gosport War Memorial Hospital. However, during that two or three days she made a good recovery and was quite alert. I believe it was mentioned to Lesley by one of the Accident and Emergency surgeons that she was dehydrated. She was kept in Haslar for two or three further days before being returned to the Gosport War Memorial Hospital.
27. I was concerned about what had happened to my mother at Gosport War Memorial Hospital and I had not seen her there myself. However, having spoken to Lesley it was decided by Haslar Hospital that my mother would go back to Gosport.
28. It was my understanding that during her stay at Gosport between 11 and 14 August 1998 my mother had been sedated (as she had been at the nursing home); this time she had received oramorph (according to the drug charts).
29. On 17 August my mother transferred back to the Gosport War Memorial Hospital. My sister and I arrived there to visit her at about 12.15 having been told she would be there at approximately 12 o'clock. As soon as we went through the doors of the ward we could hear mother moaning and to me it appeared that she was moaning in pain. My sister commented to me that mother had made such noises at the nursing home in order to attract attention.
30. She was making a loud groaning noise, she sounded in pain. I can clearly picture

arriving at her bed. The bed was against the wall. My mother was not lying back, she had her legs in front of her but angled towards the wall and she was having to twist to be fed by the care worker. She had a sheet and possibly a blanket on top of her. I pulled back the bed clothes because I was concerned by her apparent pain. Her legs were not straight and her entire weight was placed on her right hip as a result of this position.

31. At the time she was being fed by a care assistant and I therefore went out on to the corridor and asked for a qualified nurse. I believe nurse Margaret Couchman came to assist Lesley move mother and place a pillow between her legs. I have described this in more detail in my police documentation. Both my sister and I remained with my mother throughout this time.
32. After my mother had been made more comfortable we met the nurse manager Phillip Beed. He acknowledged that my mother was in considerable pain. Lesley went out of the room (I think that she may have gone to contact Haslar). Mr Beed then returned with an injection. I asked him what it was and he said "diamorphine". I said very strongly that mother should not be given diamorphine as we did not know what was wrong with her. I suggested she should be given something else. I said that I hoped we were not thinking about euthanasia here as I would not tolerate that. It seemed to me that diamorphine was a very strong medication to be giving when my mother had still not been seen by the doctor. Mr Beed then left the room and while he was gone Lesley returned she said she understood I had had a word with Mr Beed and that he was just doing his job. I said not with diamorphine. Mr Beed returned and gave my mother an injection which I understood was to ease the pain, I assumed it was not diamorphine given our earlier conversation. That injection which I witnessed does not appear on the drug chart. *My Sister, the Lark, also witnessed that injection GHR*
33. Mr Beed then tried to make arrangements for my mother to have further x-rays. There were some difficulties with the paper work for the x-ray which are set out in my police documentation. Eventually Dr Barton came to the ward at about 3.30pm. We were asked to leave while she examined my mother. She came out and said that they would arrange for x-rays.
34. At this stage my mother was still conscious. My sister and I accompanied her to the x-ray department. I remember I was holding my mother's hand very tightly. Her fingernails were in my hand and she appeared to be in a lot of pain and did not want me to leave her. My sister was going to go into the x-ray department but was told she could not go in. We waited outside and could hear my mother moaning and then there was silence.
35. When my mother came out of the x-ray department she appeared unconscious. We asked what had been seen on the x-ray and my sister specifically asked if she could see

the x-ray. She was told she could not. The people present for this conversation were just Lesley and I and the radiologist, my mother was there but not conscious.

36. We returned to my mother's room and I saw Dr Barton go past my mother's door and I went out after her. Lesley and I followed her down the corridor and asked her what had happened. By this stage (before going down to the x-ray department) my sister Lesley had been making enquiries about whether our mother could be readmitted to the Haslar Hospital and Lesley had been told they were prepared to have her back.
37. *que* In our conversation with Dr Barton we were told that mother had not dislocated her hip again? Lesley mentioned that the Haslar Hospital were prepared to have my mother back; Dr Barton appeared to be annoyed when she mentioned this. She looked annoyed or angry from her facial expression and said words to the effect that our mother was her patient and she thought our mother had had more than enough trauma for one day. She indicated she would decide what would happen to her.
38. We were told by Dr Barton that there would be a review the following morning and in the meantime the hospital would seek to keep our mother pain free overnight and we should return early at about 9am the next day. This conversation was between me, my sister and Dr Barton, no-one else was present in the corridor. We stayed quite late on the Monday. Lesley went home about 9pm or 10pm., I stayed a little longer. Mother did not open her eyes during that day once she had come out of the x-ray department.
39. We arrived back early on the Tuesday morning and Mr Phillip Beed asked us to go into his office. (I think that my sister and I had different impressions of him, I did not take to him from the first moment I saw him whilst Lesley thought he was wonderful.)
40. We were sat in the office when Mr Beed told us that our mother had a massive haematoma and that there was nothing further that could be done. My immediate interpretation was that she had suffered a massive haemorrhage and I expressed that I would like mother to go back to the Haslar Hospital. Lesley asked if there was anything that could be done and Mr Beed said the only thing they could do was to ensure that mother had a pain free death. He said he proposed to put her on a syringe driver with diamorphine.
41. My sister was very upset by this but we were told that there was nothing we could do. I reiterated that I would like mother to go back to the Haslar Hospital unless she was so close to dying that it was thought she might die in the ambulance. Mr Beed said that that was possible and I said that, in that situation, she should stay at the Gosport War Memorial Hospital.
42. I recall Lesley asked what could be done for a haematoma but Mr Beed's reply was that nothing could be done. I am sure that there was no mention of any surgery or a

general anaesthetic.

43. My sister and I were given the impression that our mother was very close to death and I assumed that the hospital would not start a syringe driver with morphine until a patient was indeed very close to death. (I spent time at the Royal Marsden hospital when my husband was admitted and had therefore learned about syringe drivers and this treatment over a period of two years). We went back to sit with our mother and Phillip Beed came in and set up the diamorphine. We "agreed" to this treatment because we thought she was very close to dying.
44. Lesley was greatly upset about the diamorphine because we understood that mother would not regain consciousness or see us and that we would not have a chance to have a conversation with her again.
45. However we sat with our mother and I spoke to her a bit that day, hoping she might hear my voice. During this time Lesley telephoned members of the family and later her youngest daughter (my niece) arrived with her baby.
46. We saw Dr Barton that morning at around 11:30am. I was there with my sister, my niece and the baby. Dr Barton came to the doorway of the room and made a comment about the baby being there. She said words to the effect that she presumed things had been explained to us about the syringe driver. We indicated that they had. We were both aware of the use of syringe drivers in end of life situations.
47. Dr Barton then went on to tell us that we should expect a chest infection next. I thought that the comment about a chest infection was strange because if mother was so close to death I did not know if there would be time for her to get pneumonia, I was expecting her to die within a few hours; that was the impression we had both been given by Philip Beed.
48. There was no mention at all of any interventional surgery that might be undertaken to relieve the haematoma. I am confident that Dr Barton did not mention surgery as I have a clear recollection of our conversation. I am confident that there was no discussion about whether my mother would stand an anaesthetic, had such a conversation taken place it might have been relevant to refer to hip replacement and dislocation which had both been treated without general anaesthetic (they had been done under IV sedation).
49. That day, Tuesday 18 August, I stayed with my mother until very late (past midnight). My son arrived from London. When my son arrived Tuesday night/Wednesday morning he asked to see a doctor but was told there was no one to speak to.
50. On the Wednesday night my sister also sat with me all night long. We both remained

at Gosport War Memorial Hospital until Friday evening when my mother died.

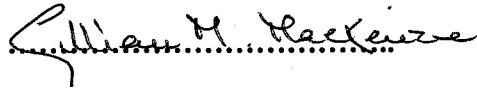
51. I can confirm that my mother was never alone from the time she was placed on the syringe driver. After the conversation about a chest infection Dr Barton did not come and see her again to my knowledge, she certainly never came while I was there.
 52. We were not attended to by the nursing staff to any great extent. When mother died I had to go out and find a nurse.
 53. It was somewhat of a surprise to me that my mother survived until Friday night given that she had been placed on the diamorphine syringe driver on Tuesday. I had been given the impression that she would die within hours on the Tuesday. *There is no mention in the medical file or Death Certificate of a haematoma skull.*
- Relevant Matters After My Mother's Death

54. When I got home after my mother had died, but before the funeral, I contacted (I believe) Mrs Humphreys at Gosport War Memorial Hospital to raise our concerns about my mother's treatment. My sister had made notes on behalf of us both (we were together as she wrote these) and had a number of questions (**GM8A**). I was particularly anxious to ask why a decision had been made for mother to only have painkilling medication and not any hydration. I was concerned that it had taken my mother five days to die and that dehydration would have contributed to her death. I was not satisfied with the report/answers produced and have outlined my concerns in the police documentation **GM8B**.
55. In my police interview I was taken to a number of documents which were prepared (not always by me) after my mother's death dealing with our concerns about her treatment. I gave my answers and explanations for those documents to the best of my ability at the time which can be seen in the police documentation.
56. I was concerned to hear that Dr Barton felt that the family had been involved at the stage where a decision was made to provide nothing but pain relief. I very specifically deny any suggestion that Dr Barton made us aware of the surgical intervention necessary for haematoma that would have required a general anaesthetic. This was never discussed at all, the only discussion we had about a haematoma was with Phillip Beed who indicated nothing could be done expect to give pain relief to provide a pain free death.
57. I have also discussed with the police concerns I had about the death certificate which gave the cause of death as pneumonia. On receiving a copy of the letter (the Trust response to our complaint/questions) from M Millet dated 22 September 1998 I spoke to Lesley. As a result of my concerns having spoken to Lesley, I telephoned Gosport police station on Sunday 27 September 1998.

- 58. My statement dated 27 April 1999 largely sets out a number of my concerns about the way the police investigated my concerns about my mother's death. I understand these are not directly relevant to the GMC investigation but they provide some further details. Eventually, after interviewing my sister in 2004 (when she made a statement about the cause of death) and my interview with the police in September 2005, Superintendent Williams informed me he agreed that my mother had not died on pneumonia, he had consulted with an expert and the conclusion was that my mother had died of dementia. I do not accept that this was her cause of death.

- 59. 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: 

Gillian MacKenzie

Dated: 