

20 DEC 2006



Mr Bernard Page

Code A

Date 20 December 2006

Your ref

Our ref 4/LXM

Direct dial Code A

Direct fax 0845 498 7333

Code A

Dear Mr Page

General Medical Council - Dr Barton

We are instructed by the General Medical Council in relation to the investigation of the above doctor. The General Medical Council has been notified by Hampshire Constabulary that the Crown Prosecution Service does not intend to prosecute any individual following completion of their investigation of deaths at the Gosport War Memorial Hospital.

As you are probably aware, the role of the General Medical Council is to investigate allegations of serious professional misconduct, then present those allegations and the evidence in support of the allegations to a Fitness to Practise Panel. The Fitness to Practise Panel considers whether the practitioner is guilty of serious professional misconduct, and if so, what sanction should be imposed upon the practitioner. The sanctions available to the Panel are to issue a reprimand, impose conditions upon the practitioner's practice, to suspend the practitioner, or to erase the practitioner from the medical register.

Whilst the police will have been considering the issue of whether there was any conduct capable of forming a criminal offence, the General Medical Council considers a very different test: whether the conduct falls below the professional standards set out in its Guidance "Good Medical Practice". Good Medical Practices describes the principles and standards of competence, care and conduct expected of the practitioner. Therefore, the fact that the Crown Prosecution Service does not intend to prosecute poses no bar to the General Medical Council's own investigation.

I will now be liaising with Hampshire Constabulary to obtain information from them which will be relevant to our investigation on behalf of the General Medical Council. Upon consideration of the relevant information, I will contact you with further details.

Yours sincerely

Code A

Luisa Morris
FOR EVERSHEDS LLP

Eversheds LLP
1 Callaghan Square
Cardiff
CF10 5BT

Tel 0845 497 9797
Fax 0845 498 7333
Int +44 20 7497 9797
DX 33016 Cardiff
www.eversheds.com



INVESTOR IN PEOPLE

Eversheds LLP is a limited liability partnership, registered in England and Wales, registered number OC304065, registered office Senator House, 85 Queen Victoria Street, London EC4V 4JL. Regulated by the Law Society. A list of the members' names and their professional qualifications is available for inspection at the above office. For a full list of our offices please visit www.eversheds.com

car_lib1\1736124\1\morrslx