

Memorandum

31358773

3881

**Regulating doctors
Ensuring good medical practice**

To: Paul Philip
From: Stephanie McNamara
Code A
Copy: Rachael Bruce
Date: 29 March 2010

Dr Jane Barton: possible outcomes following CHRE review

Statement issued at hearing's conclusion:

GMC comment following determination of the panel considering the fitness to practise case of Dr Jane Barton

29 January 2010

Responding to the decision, Niall Dickson Chief Executive of the General Medical Council said:

"We are surprised by the decision to apply conditions in this case. Our view was the doctor's name should have been erased from the medical register following the Panel's finding of Serious Professional Misconduct. We will be carefully reviewing the decision before deciding what further action, if any, may be necessary."

Statements for sign-off

1. If the GMC is not able to take further action following the Panel's decision in the case of Jane Barton:

"The GMC has already clearly expressed the view that doctor's name should have been erased from the medical register following the Panel's finding of Serious Professional Misconduct.

"Following our review of the Panel's decision to impose conditions on Dr Barton's registration, it is clear that we are unable to take any further action.

"When the Office of the Health Professions Adjudicator (OHPA) is established, the GMC will have the power to appeal decisions where we feel that the outcome of a case has been unduly lenient in order to protect the public. Until such a time, we have no powers to appeal the decisions of GMC Panels. "

Questions:

*What did the GMC's review entail? What have you done?
What can't the GMC take this any further?*

2. If the CHRE does not appeal:

"We are disappointed by the CHRE's decision not to appeal this case. Our view was the doctor's name should have been erased from the medical register following the Panel's finding of Serious Professional Misconduct.

"When the Office of the Health Professions Adjudicator (OHPA) is established, the GMC will have the power to appeal decisions where we feel that the outcome of a case has been unduly lenient in order to protect the public."

3. If the CHRE appeals:

"We welcome the CHRE's decision to appeal the outcome in the case of Dr Jane Barton. As this is an ongoing case it would be inappropriate for us to comment any further."