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Code A

From: Code A
Sent: 26 April 2010 12:16
To: Code A Tyrieana Long Code A
Subject: FW: Red Top 2010-379: Gillian Mackenzie
Attachments: 00456954.pdf

Hi Code A Ty

FYI Paul has asked that Peter Swain respond to this letter (Ben had asked that we check with Paul who should respond as Mrs Mackenzie has requested that Niall respond directly).

Code A

From: Code A
Sent: 26 April 2010 12:06
To: Peter Swain Code A
Cc: Code A
Subject: Red Top 2010-379: Gillian Mackenzie

Hi Peter

Red Top 2010-379 / DO SR1-323562346; deadline 30/04/10

Please see the attached letter from Mrs Gillian Mackenzie to Code A and copied to Niall Dickson regarding the outcome of Dr Barton's hearing.

Paul has asked that you respond, but he would like to see the letter before it is sent out. Please copy me in when you forward the draft to Paul and I will ensure it's put before him.

Thanks,

Code A

From: Code A
Sent: 21 April 2010 13:34
To: Paul Philip Code A
Cc: Christine Couchman Code A
Subject: 00456954 Mackenzie

Paul

Mr Mackenzie has sent Niall a copy of his letter to Code A regarding Dr Barton. For FtP to reply.

Thanks

Code A

Code A

Chair
General Medical Council

Code A

18 May 2010

General
Medical
Council

Mrs G M Mackenzie

Code A

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Dear Mrs Mackenzie

Thank you for your letter of 15 April 2010 to **Code A** of my team, copied to Mr Dickson. I have been asked to respond.

I acknowledge at the outset your fundamental disagreement with the decision of the Fitness to Practise Panel to impose conditions on Dr Barton's registration.

Although the GMC currently has responsibility for the administration of Fitness to Practise Panels, the Panels themselves are independent of the GMC. We expressed our own reservations at the time the decision was announced. Under the current legislation, the power to challenge the decisions of Panels for undue leniency rests with the Council for Healthcare Regulatory Excellence (CHRE). As you know CHRE decided not to appeal against the decision of the Panel.

The Government has decided that the administration of fitness to practise panels should be made entirely independent of the GMC, to be taken over by the Office of the Healthcare Professions Adjudicator (OHPA). The current timetable is for OHPA to assume this responsibility from April 2011.

One immediate change arising from OHPA's creation will be that the GMC will then have a specific power allowing us to challenge decisions we consider unduly lenient.

We cannot comment on the quality of the police investigation. For our part, we reviewed the evidence the police had collected and identified the most serious of the various cases. We prepared and presented the evidence in support of those cases with an outcome that the majority of the alleged facts were found proved and Dr Barton was judged to be guilty of serious professional misconduct. Whether one agrees with the Panel's decision on sanction, to our knowledge there is no evidence not presented to the Panel that might have significantly altered the weight of the case against the doctor.

As I say, I fully acknowledge your strength of feeling about the outcome of the hearing. We will of course assist any subsequent independent inquiry that may be called into this case. Given the decision of CHRE not to pursue an appeal, I regret we have no power to take the matter further at this stage.

Yours sincerely

Peter Swain
Head of Case Presentation
Standards and Fitness to Practise Directorate

Code A