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BMA House, Tavistock Square, London, WC1H 9JP

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Professor Peter Rubin
Chair
General Medical Council
Regent's Place
350 Euston Road
London
NW1 3JN

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2 March 2010

You will recall that I raised with both you and Niall Dickson my concerns at the public statement made by Niall¹ on the conclusion of the fitness to practise hearing into the conduct of Dr Jane Barton. I said that I considered that such a statement by the Chief Executive of the GMC, criticising the decision of one of its own fitness to practise panels, to be inappropriate and an unwelcome departure from established practice.

This matter was raised at a meeting of our Political Board last week and the members of that board asked me to write to you formally to put upon record their extreme disquiet at this development. It was pointed out at the meeting that the doctor concerned had gone through the full rigours of the GMC's fitness to practise procedures, procedures that lasted many years, and that a public intervention at the conclusion of this process from the GMC's Chief Executive was tantamount to an interference in due process, which had concluded with 11 conditions being imposed upon the doctor's work. On at least one occasion in the past, the GMC has invited the Council for Healthcare Regulatory Excellence (CHRE) to review a case where the GMC felt that a decision had been unduly lenient (that of **Code A** in October 2004) but the public statement made at that time merely confirmed that the case had been referred and no individual from the GMC gave such a forthright opinion as that expressed by Niall on 29 January this year.

I am aware that, from April 2011, responsibility for fitness to practise hearings will transfer from the GMC to the Office of Health Professions Adjudicator (OHPA), but this will not occur for over a year and, in that time, a number of cases will be heard by the GMC's panels. I hope, therefore, that Niall, or indeed any other GMC spokespeople, will not feel compelled to make any further public criticisms of the decisions of its own panels as this has the effect of undermining the confidence of the profession in its regulatory body. My colleagues and I would very much welcome your assurances on this.

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Dickson as saying the following on 29 January 2010:

"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."

Chief Executive/Secretary: Tony Bourne

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