

Code A

30410506

3856

From: Julian Graves **Code A**
Sent: 18 February 2010 09:11
To:
Cc: **Code A**
Subject: New request
Attachments: Fw: 5 member review panel. Request for Review.; RE: FOI Request

Follow Up Flag: Follow up
Flag Status: Flagged

Code A

From: Christine Couchman Code A
Sent: 18 February 2010 08:56
To: Julian Graves Code A
Subject: Fw: 5 member review panel. Request for Review.

Importance: High

Julian

Please see below regarding our earlier emails this week.

If you can reply in respect of the FOI only we will deal with the remaining matters.

Thanks.

Chris

----- Original Message -----

From: Neil Marshall Code A
To: Christine Couchman Code A
Cc: Paul Philip Code A
Sent: Tue Feb 16 09:31:51 2010
Subject: FW: 5 member review panel. Request for Review.

Chris

Please see the e-mail below from Code A The text of the message of 2 February to which she refers is also attached (further down). This was copied to Niall Dickson and to OCCE.

Did OCCE send that through to you as DO's correspondence? And if so, did you ask for a draft from anyone? I have ignored it up to now on the assumption it would come to you and that you would put it out to Robert (as AD for Adjudication). I assume Robert would need some clarification from Paul / Niall as to what he meant when he said we would 'review' the position after the outcome in Barton.

I will reply to Code A points about my qualifications etc., but it would be good if I could tell her who at the GMC will deal with her 2 Feb e-mail (if anyone).

Thanks, Neil

-----Original Message-----

From: Code A
Sent: 16 Feb 2010 04:43
To: Neil Marshall Code A
Cc: doctors4justice Code A
Subject: Re: 5 member review panel. Request for Review.
Importance: High

Dear Neil,

I refer to the email I sent on the 2nd February 2010 which you read.

It would be useful to be made aware of the kind of timeframe we are looking at for a response. From experience, the timeframe may range from 1-10 years.

Perhaps, you may be able to be more accurate.

It would be useful for me to understand your current role at the General Medical Council. Perhaps you would like to detail all your roles since you commenced work there. A number of doctors also wanted to know what your qualifications are [GCEs, CSEs etc]. We are also keen to understand what kind of appraisal you are given on a yearly basis. You may wish to consider this an FOIA request.

Many thanks.

Regards

Code A

----- Original Message -----

From: "Neil Marshall" [Code A]
 To: [Code A]
 Sent: Tuesday, February 02, 2010 1:27 PM
 Subject: Read: 5 member review panel. Request for Review.

Your message

To: OCCE; Neil Marshall [Code A] Niall Dickson [Code A]
 Code A
 Cc: doctors4justice [Code A]
 Subject: 5 member review panel. Request for Review.
 Sent: Tue, 2 Feb 2010 12:54:21 -0000

was read on Tue, 2 Feb 2010 13:27:33 -0000

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General Medical Council

3 Hardman Street, Manchester, M3 3AW

Regents Place, 350 Euston Road, London, NW1 3JN

The Tun, 4 Jacksons Entry, Holyrood Road, Edinburgh, EH8 8AE

Regus House, Falcon Drive, Cardiff Bay, CF10 4RU

9th Floor, Bedford House, 16-22 Bedford Street, Belfast, BT2 7FD

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Dear Mr Marshall,

RE: Request for Review.

It has been brought to my attention that Jane Barton was dealt with considerably leniency. This therefore puts the General Medical Council in a position to review a number of cases of injustice. I note from the Portsmouth News, a 5 member review panel is being created to review the decision made by the panel members in the case of Jane Barton.

The article stated Para 3 "In an unprecedented move, the General Medical Council - which appointed the five-strong independent panel - will now review the decision"

It is therefore clear that the GMC can review final decisions if it wishes. My specific concerns are the following cases

1. GMC v [Code A] - Struck off . The allegations concerned a matter that related to his time before medical school. This was a draconian decision given Dr Jane Barton was simply given conditions.
2. GMC v [Code A] has detailed his case many times through various forums. Again to strike him off was clearly far too draconian.
3. GMC v [Code A] We all know the reason the GMC has prosecuted [Code A] Her case contained a drunk panellist who was found guilty of SPM at the SRA. All the experts who have persecuted her in the process have had conflicts of interests with respect to religion. [Code A] Conditions should be reviewed urgently and lifted.
4. GMC v [Code A]. He was struck off for no tangible reason. There were no patient concerns and it is clear he was a whistleblower who acted in good faith. An "attitudinal problem" simply because he does not speak the Queens English is not enough of a reason to strike him off. It appears that the GMC have sanctioned him because they dislike him.
5. GMC v [Code A] case was never prosecuted by the police and as such did not meet the criminal standard. This case should never have been prosecuted by the GMC and as we both know the complainant has a dubious history.
6. GMC v [Code A] As we all are aware, the GMC have been persecuting this muslim doctor with a draconian 18 months suspension at IOP. This is far more draconian than any conditions given to Dr Jane Barton.

As Jane Barton is allowed back on conditions, please review the sanctions here with a view to making a more reasoned decision in this case.

It is well known and established that a different tests of "Misconduct" are used in various cases in the court [a comparison is R v GMC Ex Parte Pal and R v GMC Ex Parte Remedy UK]. It is clear that one test is used for the Caucasian doctor and one test is used for the foreign doctor. The statistics show that the GMC have struck off many foreign doctors on frivolous grounds. <http://news.bbc.co.uk/1/hi/health/6940121.stm>

My colleagues above have threatened to judicially review the General Medical Council. It is clear that Jane Barton is given an element of leniency not seen by foreign doctors. We therefore cite racial discrimination, discrimination on the grounds of Article 14 of the Human Rights Act with an impact on Article 6. A refusal to grant a review upon request will of course be construed as a breach of Section 2 of the RRA namely victimisation.

As a way to move forward, I would be grateful if you would allow the doctors above to

1. Submit arguments for their cases for consideration of a review.
2. The GMC should provide us with their Equality Policy and reasons why the above doctors' decisions were more severe than that of Dr Jane Barton.

Please confirm receipt. We hope to receive a response.

Regards

Code A

For Doctors4Justice.net

Code A

From: Julian Graves Code A
Sent: 16 February 2010 14:50
To: Christine Couchman Code A; Andrew Bratt Code A; Andrew
 Ledgard Code A
Subject: RE: FOI Request

Chris

We regularly receive requests along these lines in relation to case examiners - and refuse them under the personal data exemption. My feeling is that it would be better for my team to respond directly to the request for the sake of consistency - unless you feel otherwise.

Regards

Julian

From: Christine Couchman Code A
Sent: 16 Feb 2010 14:44
To: Andrew Bratt Code A; Julian Graves Code A; Andrew Ledgard Code A
Subject: FOI Request

Andrew, Julian, Andrew,

We have had a request under the FOI for information about Neil Marshall's qualifications and employment history. The request was sent to him and to OCCE. I don't think that can have been the first time we have had such a request and I thought I recalled that we had some form of standard response but I may be mistaken!

Can you let me know what, if anything, we have said before in response to such requests please?

Thank you.

Chris