



General Medical Council	
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**FPD Director's Correspondence  
Activity Sheet No 1**

↳ letter from Peter  
↳ write to Liam  
logat

To: *Paul Phillip*

From: FPD Secretariat

Date: *23/4/04*

Item No/OPCE log no: *2004-194*  
 FPD complaint reference: *Liam*  
 Caseworker allocated: *Linda Quinn*  
 Correspondent's name: *Sir L Donaldson*  
 Doctor(s) concerned: *Dr J. Barton*

**Action Required:**

- Reply direct (no copy to Secretariat)
- Reply direct (copy to Secretariat)
- Draft reply for:
  - President
  - Chief Executive
  - Director
- Draft reply from caseworker for Director's approval
- Supply Case Summary (form-attached)
- Complete complaint information
- Complete time taken information
- Case file to be sent to FPD Secretariat with response
- Other - *Paul to decide*

**Deadline for return to FPD Secretariat  
(Chris Couchman/Sheila Bennett):**

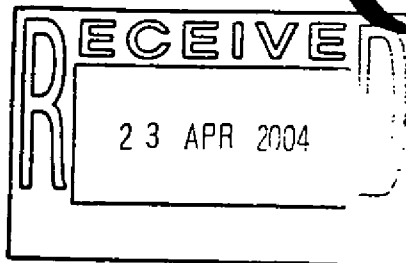
*30/4/04*

2004-194

From the Chief Medical Officer, Sir Liam Donaldson

Cinda Quinn  
Paul PhilipDepartment  
of Health

22 April 2004

Richmond House  
79 Whitehall  
London  
SW1A 2NSTel: +44 (0)20 7210 5150-4  
Fax: +44 (0)20 7210 5407

Code A

[www.doh.gov.uk/cmo](http://www.doh.gov.uk/cmo)**Personal and confidential**Mr Paul Philip  
Director of Fitness to Practise  
General Medical Council  
178 Great Portland Street  
London W1W 5JE

A handwritten signature in dark ink.

Code A

**A Review of Deaths of Patients at Gosport War Memorial Hospital**

Thank you for coming to our meeting on 11 February 2004 to discuss progress at the Gosport War Memorial Hospital and in particular Professor Baker's Report.

As you know, following allegations about the care and treatment of elderly patients at Gosport War Memorial Hospital, both the Police and the Commission for Health Improvement (CHI) have investigated allegations dating back to 1997. These focused on prescribing practices in a small number of wards in the hospital.

While initial investigations by the Police were inconclusive, investigations were reopened last year following further allegations about patient care. That investigation, into 62 deaths, is continuing and is unlikely to conclude before the summer of 2004.

In the meantime, on 5 September 2002, in the light of concerns raised by both the police and CHI, I commissioned Professor Richard Baker (who undertook the audit of Dr Shipman's patients) to carry out a review of patient deaths at Gosport Hospital. I received Professor Baker's final report towards the end 2003.

At our meeting, we discussed the status of that report and that we were constrained from publishing at this time because of the continuing police investigation. However, I do have concerns about some of the issues raised in the report, particularly in relation to Dr Jane Barton, which, following our meeting, I think you need to be aware of.

As you will appreciate, because Dr Barton has not seen the report nor has she had an opportunity to comment on any of its contents, we discussed the possibility of the report being used to provide you with background information about the history of events and allegations at Gosport War Memorial Hospital. I agreed that on that



basis to make a copy of the report available to you in confidence, provided that it is not disseminated or discussed more widely than is necessary. Clearly, in view of the Police investigation you would not be able to use the report for GMC evidential purposes at this time.

If you are content, I should be grateful if you would confirm this and I will send you a copy of the report in confidence.

Kind Regards

**Code A**

**SIR LIAM DONALDSON  
CHIEF MEDICAL OFFICER**

12 May 2004

Sir Liam Donaldson  
Chief Medical Officer  
Department of Health  
Richmond House  
79 Whitehall  
London SW1A 2NS

GENERAL  
MEDICAL  
COUNCIL

*Protecting patients,  
guiding doctors*

Dear Liam

**A review of deaths of patients at Gosport War Memorial Hospital**

Thank you for your letter of 22 April 2004 regarding the above. I can confirm that it would be useful for the GMC to see a copy of Professor Baker's report, although, as you point out, without the authority to disclose this to Dr Barton, it will not be possible for the GMC to use this for evidential purposes. I would be happy to keep you up to speed with our progress on this matter. I would be grateful if you could mark Professor Baker's report for my special attention, to avoid any confusion at this end on receipt.

As stated at our meeting on 11 February, the GMC is in a difficult position vis à vis taking the matters relating to Dr Barton forward without access to any information which the police may have arising from their investigation. You will recall that the police are unwilling to confirm to the GMC that the nature of the information is significant from the perspective of the continued right of Dr Barton to practise. However, they have confirmed that, even if they did have such information, they would not share this with the GMC, as it would compromise their investigation and any possible subsequent prosecution that might take place.

Since our meeting on 11 February, I have met with senior investigating officers to attempt to find a solution to this problem, given the GMC's (and, indeed, your own) concerns in relation to Dr Barton. Although they confirmed that the investigation is on-going, little progress on the position stated above was made. Given this, we are instructing specialist counsel to advise on the respective positions of the police and the GMC to ascertain our position, should we choose to invoke Section 35A of the Medical Act 1983 and ask the court to use its powers to demand any relevant information from the police.

In the meantime, we have recently written to the police, setting out the position as we understand it and, once again, formally requesting disclosure in the interests of the protection of the public. I enclose a copy of our letter.

Please do feel free to contact me at any time on this matter.

Yours sincerely

**Code A**

Paul Philip  
Director of Fitness to Practise

tel: **Code A**

fax: **Code A**

e-mail: **Code A**