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Title STATEMENT OF CHRG RE JR BARTON GMC PANEL DECISION

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STATEMENT

Immediate: 31 March 2010

Dr Jane Barton: GMC Panel decision 'lenient but not unreasonable in law' review finds.

The Council for Healthcare Regulatory Excellence (CHRE) has reviewed the decision of the GMC Fitness to Practise Panel to allow Dr Jane Barton to continue practising as a doctor under conditions¹.

CHRE has every sympathy with the families concerned with the deaths of patients treated by Dr Barton at Gosport Memorial Hospital and understands the strong feelings they and many others have. Medical regulation, however, is not about punishment or blame but about whether or not a doctor is fit to practise medicine.

The GMC panel found that, although Dr Barton made many errors in the past, she could practise safely with the restrictions that the panel placed on her work.

It is the opinion of CHRE that erasure should have been the result of this case. Erasure would have ensured that patients were fully protected. Erasure would have maintained confidence in the medical profession and ensured that the public retained trust in the system of regulation. The GMC panel's decision in our view was lenient but not so unreasonable that it could be appealed.

We have carefully reviewed all the evidence and the panel's thinking. We have concluded that although we do not agree with their decision it was reasonable in law for them to reach that conclusion.

We note that Dr Barton has retired from clinical practice although she remains on the GMC register and that, if she were to work, the restrictions set by the panel would remain in force.

The legal test that we must pass has not been met² and therefore CHRE cannot refer the decision to the High Court.

ENDS

¹ Decision of the GMC Fitness to Practise Panel, 29 January 2010

² For CHRE to refer a decision by a health professional regulator to the High Court it must find the regulator's decision to be 'unduly lenient' and 'manifestly inappropriate'. It must also be necessary for the protection of the public.

NOTES TO THE EDITOR

1. The Council for Healthcare Regulatory Excellence promotes the health and well-being of patients and the public in the regulation of health professionals. We scrutinise and oversee the work of the nine regulatory bodies that set standards for training and conduct of health professionals.

We share good practice and knowledge with the regulatory bodies, conduct research, and introduce new ideas about regulation to the sector. We monitor policy in the UK and Europe and advise the four UK government health departments on issues relating to the regulation of health professionals. We are an independent body accountable to the UK Parliament.

2. The Council for Healthcare Regulatory Excellence (CHRE) is the overarching, independent body overseeing the regulatory work of nine regulatory bodies:

- The General Chiropractic Council
- The General Dental Council
- The General Medical Council
- The General Optical Council
- The General Osteopathic Council
- The Health Professions Council
- The Nursing and Midwifery Council
- The Pharmaceutical Society of Northern Ireland
- The Royal Pharmaceutical Society of Great Britain.

- 3 For further details of CHRE's work please visit or to view the full report of CHRE's case meeting visit : www.chre.org.uk