



Other Document Form

MC7

Number:

1555

Title

E-MAIL 23/7/08 FFW re disclosure

(Include source and any document number if relevant)

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Examined - further action to be taken

Further action no(s)

When satisfied all action raised, Office Manager to endorse other Document Master Form.

Receiver

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Statement Reader

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O/M

SIO

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Code A

From: Code A
Sent: 23 July 2008 10:51
To: 'Hall, Tamsin'
Subject: RE: Dr Barton - your documents

Tamsin

I have put the list in the post today with an explanation, hope that is sufficient. Any queries please get back to me.

Is the coroner aware of the GMC's decision to postpone the fitness to practise hearing?

Code A

From: Hall, Tamsin [mailto:tamsin.hall@hampshire.gov.uk] Code A
Sent: 16 July 2008 18:23
To: Code A
Cc: Code A
Subject: Dr Barton - your documents

Code A

I hope you are well.

I am just carrying out final disclosure checks and I would like to make sure that I have complied with my legal duties of disclosure. As I have been carrying out the investigation I have had to keep coming back to you to ensure that I have a complete set of, for example, exhibits and other documentation. The defence have recently raised an issue as to whether all of the relevant information is in our possession.

In order that I can answer this would it be possible for you to provide me with a complete list of all of the documents that you hold? Adele and I can then go through and crosscheck against our files and request copies of any information which we do not have.

As I think you are aware, due to the Hampshire Coroner's decision to open and Inquest the GMC have made the decision to postpone the Fitness to Practise Hearing until after the Inquest as the outcome of the Inquest could give rise to further fitness to practise allegations or could lead to the GMC revising the charges that they are proposing to bring and so could be highly relevant to the GMC proceedings. Given the Inquest primacy will also allow Dr Barton to deal with that inquiry and evidence for that process, ahead of her having to finalise her response to the Fitness to Practise Panel.

The GMC Fitness to Practise Hearing will be relisted once we have been informed by the Coroner of the date of the Inquest. At present I do not know when this will be, but will of course keep you fully informed.

The GMC therefore referred the matter to be considered by the Interim Orders Panel (IOP). Cases are referred to the Interim Orders Panel (IOP) where the doctor faces allegations of such a nature that it may be necessary for the doctor's registration to be restricted whilst the allegations are resolved, for the protection of members of the public or in the public interest or in the interests of the doctor.

As well as the protection of the public, the "public interest" includes preserving public trust in the profession and maintaining good standards of conduct and performance.

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The IOP may make an order suspending a doctor's registration or imposing conditions upon a doctor's registration for a maximum period of 18 months. Alternatively, they may decide to take no action.

The IOP hearing in Dr Barton's case was heard on Friday 11 July 2008. The IOP decided to impose conditions on Dr Barton's registration. Details can be found on the internet at http://www.gmc-uk.org/concerns/hearings_and_decisions/fitness_to_practise_decisions.asp

In summary, the IOP placed a condition on Dr Barton that she 'must not prescribe diamorphine and must restrict her prescribing of diazepam in line with BNF guidance'. She must provide evidence that she has complied with this condition to the GMC. Her employers and any prospective employers will be informed of the restriction. The condition will be imposed on her registration for 18 months and will be reviewed within the next 6 months.

As previously discussed with you, in due course I may need to draft a short production statement on your behalf exhibiting the documents you have provided so as to show their provenance. Presently the defence are considering whether they will require me to do this. Once I have had their decision I will let you know.

Thanks for your ongoing help.

Regards

Tamsin

Tamsin Hall | Solicitor
for Field Fisher Waterhouse LLP
dd Code A

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