

In reply please quote

FPD 2002/0941

17 April 2002

**GENERAL
MEDICAL
COUNCIL**

*Protecting patients,
guiding doctors*

Mrs M Jackson

Code A

Dear Mrs Jackson

Thank you for your letter of 11 April 2002 about Dr Jane Barton.

I have enclosed a leaflet which explains the GMC's remit and how we assess complaints and I hope you find this information helpful. It is important that you read it so that you understand from the outset what we can, and cannot, do. Our role is to license doctors to practise in the United Kingdom. Although we provide guidance to doctors about what constitutes good medical practice, not all alleged breaches of that guidance will warrant formal action by us. We have power to take action against a doctor *only* where their behaviour justifies our restricting or removing their permission to practise medicine. In legal terms this behaviour is described as 'serious professional misconduct' or 'seriously deficient performance'. In short, we are able to use our powers where we consider a doctor to be a threat to patients' health or well-being.

I should explain that no decision has yet been made about whether we can take action on the matters which you have raised. To help us decide whether we can assist, please complete the attached consent form and return it to us by 2 May 2002. If you answer no to any of the questions on the form it is unlikely that we can take this matter forward. I am also enclosing a form requesting your permission for us to obtain copies of your late mother's medical records as they will be relevant to our consideration of your complaint. These forms should be completed and returned in the envelope provided. However, if you already have copies of your mother's medical records in your possession, please send them to us as soon as you can.

I am afraid that we are unable to consider your complaint about Phillip Beed as he is not a doctor and falls outside our jurisdiction. If Mr Beed is a nurse, you should contact the UKCC, who have responsibility for considering complaints about the conduct of nurses, at the address below:

**United Kingdom Central Council for Nursing Midwifery & Health Visiting
(UKCC)**

23 Portland Place

How the GMC Assesses Complaints

What we do

We license doctors to practise medicine in the UK. We have legal powers to restrict or stop the practice of doctors whose conduct, performance or health suggests they pose a serious ongoing risk to patients. This sort of behaviour is called:

- serious professional misconduct
- seriously deficient performance, and
- serious impairment of fitness to practise

Our powers are defined by law, in the Medical Act 1983, as amended by the Medical (Professional Performance) Act 1995.

What sort of information do we need before we can restrict or stop the practice of a doctor?

In order to take action we need direct evidence which suggests that a doctor is not fit to practise. So, we usually need statements from witnesses to the events in question, and any available documentary evidence, such as medical records.

Who decides whether we can act?

Medical members initially assess complaints; if a case is serious enough and is supported by direct evidence it will be considered by a committee of GMC doctors and lay people. If we cannot help, we will say why. All cases must go forward to a committee, unless a lay member agrees with the decision that no action should be taken.

What happens if we can't act?

Sometimes, one complaint may not be enough to justify restricting or stopping the practice of a doctor. However, we keep complaints for up to three years, and can look at them again in the light of any new complaints we may receive. With your consent, we will usually tell the doctor about your complaint, and that we can look at it again.

Can you appeal, if we decide we can't act on your complaint?

Under the law, our decisions on complaints are final. For this reason, it is important that you send us at the outset any information which you think supports an allegation that the doctor is not fit to remain in unrestricted practice.

Further information

If we have sent you this leaflet with a letter informing you of our decision on your complaint, you can telephone your caseworker on the direct dial number shown at the end of the letter. Otherwise, please call our General Office on 020 7915 3603.

London

W1N 3AF

Tel: 020 7637 7181

Fax: 020 7436 2924

Upon receipt of your reply, we will give further consideration to the matters you have raised. Your enquiry has been allocated the reference number FPD 2002/0941. It would be very helpful if you could quote this reference when you write or speak to us.

Yours sincerely

Code A

Miss Helen Morran
Fitness to Practise Directorate

Code A

e-mail: Code A