

Your ref:

Our ref: 2002/ Code A

24 May 2002

First Class Post

Mrs M Jackson

Code A

GENERAL MEDICAL COUNCIL

*Protecting patients,
guiding doctors*

Dear Mrs Jackson

Drs Jane Barton and Althea Lord

I am writing regarding the complaint you made to the GMC about Dr Barton and Dr Lord. Please accept my apologies for the delay in updating you on our consideration of your complaint.

As you are aware the circumstances surrounding your mother's death were reviewed by Hampshire Constabulary. Once it had been established that no charges would be brought, the police passed their case papers to the GMC to consider whether, issues of criminality aside, there were any matters of professional performance or misconduct which warranted formal consideration under our fitness to practise procedures.

This information, together with your letter of 11 April 2002, has now been reviewed by both a medical and non-medical member of the Council responsible for considering complaints and information about doctors. Both members were sorry to learn of your mother's death and have asked me to pass on their condolences.

I have also been asked to explain that the Medical Act 1983 (as amended) gives the GMC powers to take formal action in response to a complaint or information about the conduct or performance of an individual registered doctor *only* where there is evidence that the doctor's behaviour is so serious that it could justify restricting or removing the doctor's registration. The Act describes behaviour of this sort as "serious professional misconduct" or "seriously deficient performance". Whilst not specifically defined in the Act a generally accepted definition of these terms is conduct or performance which is so seriously below the standard expected of a doctor that it calls into question the doctor's right to registration.

Whilst acknowledging that Dr Lord was the consultant in charge of your mother's care following her transfer from Queen Alexandra Hospital to the Gosport War Memorial Hospital, the members noted that day-to-day medical care was the responsibility of the clinical assistant, Dr Barton and the ward nursing staff.