

## MEDIA INTEREST ALERT

You must use this form to alert the SHA to issues which are likely to be of more than passing interest to local or national media. Please include actual and potential media issues. Send the form to the South Central SHA comms team at [comms@southcentral.nhs.uk](mailto:comms@southcentral.nhs.uk). Please note this form may be used to brief the SHA Executive team and the DH. *Please ensure all available information is included and provide updates as required.*

Name of NHS Organisation:	Date of Incident :	Interested media :	Date due to air/print :
NHS Hampshire	January 18 to 29, 2010  Date Submitted : January 5, 2010	BBC TV and Radio (national and local) Channel 4 The Independent The Portsmouth News	

### Details of Incident :

The GMC Fitness to Practice Panel that is considering the case of Dr Jane Barton is due to reconvene on January 18, 2010 for two weeks. The last public session of the Panel was on August 20, 2009 when it announced its findings so far and that the case would be adjourned as there was only one day left in the Panel diaries at that time.

The first two days have been assigned as reading days for the Panel with the first session held in public scheduled for Wednesday, January 20, 2010.

### Background:

The case is being considered by a Fitness to Practise Panel applying the GMC Professional Conduct Committee Rules 1988.

The hearing began on Monday, June 22, 2009 with 15 detailed charges relating to 12 patients being read. Eight of these patients were covered by the inquests - Elsie Devine, Robert Wilson, Ruby Lake, Enid Spurgeon, Arthur Cunningham, **Code A** Helena Service and Sheila Gregory. Four are new cases - Gladys Richards (this case will be subject to an inquest later in the year), Jean Stevens, Eva Page and Alice Wilkie.

Dr Barton immediately admitted a number of elements of the charges – most notably that in 11 cases 'her actions in prescribing (some but not all) of the drugs were potentially hazardous'; that in 11 cases 'the prescription created a situation whereby drugs could be administered which were excessive to the patient's needs'; in 10 cases that 'the dose range was too wide' and that notes in all cases were inadequate.

The GMC Panel held a public session on August 20, 2009 to announce its findings on facts. It has been determined that the facts are sufficient to support a finding of serious professional misconduct – 'the Panel has made multiple findings that Dr Barton's conduct has been inappropriate, potentially hazardous and/or not in the best interests of her patients. It has concluded that the facts found proved (both admitted and otherwise) would not be insufficient to support a finding of serious professional misconduct.'

### Next steps

The Panel will invite Counsel for the GMC to adduce evidence, if he wishes to do so, as to the circumstances leading up to the facts which have been found proved, the extent to which those facts indicate serious professional misconduct on Dr Barton's part and as to her character and previous history. The Panel will then invite Counsel for Dr Barton to address it on her behalf in relation to those matters and also to adduce evidence in mitigation, if he wishes to do so.

The Panel will then proceed to consider whether Dr Barton has been guilty of serious professional misconduct in respect of the facts that have been found proved and, if so, they will go on to consider whether or not they should make any direction regarding her registration.

### Action taken:

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A handling plan has been put in place which updates the arrangements which were put in place during August 2009. This includes:

- Making contact with interested media to see what their plans are and to re-establish contact with the journalists who will be covering the Hearing.
- Diary planning to ensure communications team attendance on key days.
- Ensuring other Trust communications teams are briefed.
- Daily liaison with the GMC Press Office once the Hearing reconvenes.
- Identifying prospective parliamentary candidates so they can be briefed if necessary.
- Briefing the chair of the Hampshire Overview and Scrutiny Committee.
- Refreshing the Q&A which was prepared for the use by the communications team.
- Sharing the prepared statement with key staff (CEO, SHA, etc).
- Ensuring communications teams of Portsmouth Hospitals NHS Trust, Hampshire Community Health Care and Hampshire Partnership Foundation NHS Trust and modern matrons brief current staff at Gosport War Memorial Hospital.

### Your response to media :

Before the Panel reaches a decision we will not comment on the Hearing as it is ongoing. We will answer questions about fact as required (ie current services at the Hospital).

A media statement was approved by our legal advisers and the SHA in preparation for August 2009. This statement will be used once the Panel has announced its decision.

### Additional Notes: (e.g. details of further actions required)

### Contact Details:

**Senior person dealing with incident :** Sara Tiller, associate director of communications and engagement

**Media alert submitted by :** Elizabeth Harris, communications and engagement adviser