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Registrant: BARTON, Jane

Email received: 13/05/2010 10:38:33
Sent From: [redacted] Code A
Subject: 100512 TB email to Bakers re advice

From: Tim Bailey
Sent: 12 May 2010 15:02
To: Ludlam, Joanna
Cc: Briony Mills
Subject: CHRE Barton case - follow up advice

Dear Joanna

We have received the above letter from Blake Laphorn solicitors who are representing unnamed clients interested in the Barton case. I also attach my proposed response.

In view of the vague reference to judicial review, we would be grateful if you would advise whether my proposed response leaves us open to particular risks.

Can you tell us how much your advice will cost?

Thanks very much.

Tim

Timothy Bailey
Scrutiny Manager

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- [100512 TB letter to Blake laphorn.doc](#)

John C White
Blake Laphorn
New Kings Court
Tollgate
Chandlers Ford
Eastleigh
Hampshire
SO53 3LG

12 May 2010

Dear Mr White

Thank you for your letter of 11 May 2010.

We note the points you make in relation to the CHRE Case Meeting's decision on the case of Dr Barton.

The full reasons for the decision are available on our website. You will see from this that the Case Meeting considered that the appropriate sanction for Dr Barton was erasure – that is to say that the CHRE Case Meeting members, if they had been sitting as the GMC panel, would have decided to erase her name from the register. However, as you have no doubt advised your clients, the powers and function of the CHRE are different. We must work within the statutory framework that gives CHRE its powers, and we must take account of the way that this framework has been interpreted by the courts. In this context we did not consider that we were likely to succeed in challenging the decision in the courts on the statutory grounds of “undue leniency”, in the way this has been interpreted by the courts.

I am sure you will advise your clients on any further legal rights they may have in this matter.

Yours sincerely

Tim Bailey
Scrutiny Manager