

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. 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: NHS Hampshire	Date of Incident : March 31, 2010 Date Submitted : March 11, 2010	Interested media :	Date due to air/print :
Details of Incident : Dr Jane Barton has informed us that she intends to retire from general practice on March 31, 2010.			
Background: Dr Jane Barton was subject to 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, Leslie Pittock, 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.' The Panel then adjourned until January 2010. On January 18, 2010 the hearing reconvened for two weeks. On January 29, 2010 the GMC Panel concluded that Dr Barton was guilty of serious professional misconduct and imposed a number of conditions that her registration would be subject to for a period three years. <u>Next steps</u> All final stage fitness to practice decisions made by regulator's committees, including the GMC, are reviewed by the Council for Healthcare Regulatory Excellence. The information on their website says: Under Section 29 [of the National Health Service Reform and Health Care Professions Act 2002], we review all final stage fitness to practise decisions made by the regulators' committees and panels. We can refer such decisions to court if we consider that they are unduly lenient and that referral is necessary in order to protect the public. The decision to refer a case to court is taken by members of a 'Section 29 case meeting'. We only refer cases to court under our Section 29 jurisdiction when there is no other effective means of protecting the public. Although referral has resulted in some inappropriate decisions being changed, resulting in greater public protection, the real value of Section 29 is the impact that this work has on future decisions. The main purpose of section 29 is to improve the quality of the regulators' fitness to practise processes and the quality of committees decisions across the regulatory bodies. Often, cases we look at give rise to learning points which we feed back to the regulators in order to maintain and encourage good practice.			

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We will know by April 1, 2010 if the Council for Healthcare Regulatory Excellence decides to refer the decision to the High Court.

Action taken:

The quote below has been prepared for reactive media enquiries about Dr Barton's retirement. The last section in italics will be reviewed before it is issued as we will know if the GMC decision is being referred to the High Court by April 1, 2010.

Your response to media :

A spokesperson for NHS Hampshire said:

"Dr Jane Barton informed us that she intends to retire from general practice on March 31, 2010. As a result of her retiring from general practice we will remove her name from our Medical Performers List which means that, unless she applies to join any other Medical Performers List in England, she will be unable to practice. If she chose to apply to join a Medical Performers List she would need to declare details of the restrictions placed upon her as a result of the recent GMC Fitness to Practice Hearing [*and any other decisions made by the High Court*]."

ENDS

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