

Code A**12 February 2010****Dr Jane Barton: possible outcomes post GMC hearing**

Statement issued at hearing's conclusion:

*GMC comment following determination of the panel considering the fitness to practise case of Dr Jane Barton**29 January 2010*

Responding to the decision, Niall Dickson Chief Executive of the General Medical Council said:

"We are surprised by the decision to apply conditions in this case. Our view was the doctor's name should have been erased from the medical register following the Panel's finding of Serious Professional Misconduct. We will be carefully reviewing the decision before deciding what further action, if any, may be necessary."

Statements for sign-off*If the GMC is not able to take further action following the Panel's decision in the case of Jane Barton:*

We would like to offer our deepest sympathy to the families and friends of those who died at Gosport War Memorial Hospital between January 1996 and November 1999, and who continue to be affected by their losses.

The GMC has already clearly expressed the view that Dr Barton's name should have been erased from the medical register following the Panel's finding of Serious Professional Misconduct, which was reflected in Tom Kark's strong submissions to the Panel, arguing that erasure was the only appropriate sanction for the doctor.

However, following our review of the Panel's decision to impose conditions on Dr Barton's registration, due to the nature of the appeals process, (NB we need to explain why this is?) it has become clear that we are unable to pursue a review of this sanction any further.

If the CHRE decides not to pursue the case:

We are extremely disappointed by the CHRE's decision not to pursue this case and would like to offer our deepest sympathy to the families and friends of those who died at Gosport War Memorial Hospital between January 1996 and November 1999, and who continue to be affected by their losses.

If the CHRE decides to appeal

We welcome the CHRE's decision to appeal the determination on sanction made by a GMC panel in relation to Dr Jane Barton. Tom Kark, on behalf of the GMC, argued strongly that the only appropriate sanction in relation to Dr Barton was one of erasure.

The vast majority of doctors in this country do an excellent job often in difficult circumstances and deserve the confidence and support of the public.

Where our standards have not been met, we must - and will - act to protect patients and the public interest.