



01200540

General Medical Council	
Original was a Photocopy	
Original was Poor Quality	
Date rec for scan	- 7 OCT 2015
Original has been Photocopied to improve Scan Quality	
Document had physical objects ref:	

RED TOP (S&FTP) CORPORATE COMPLAINT

Assignee: Joanna Farrell

Section: RIT

Date: 01-02-13

Ref:	2013-83		
SR No.:	PCC SR-476948852 / DOJRI-634898235		
Complaint Ref(s):	E1-69PIZN		
Correspondent's Name:	Code A	UID:	Code A
Doctor(s) concerned:	Prof. Christopher Bulstrode	UID:	Code A
Subject:	Asking if GMC admonished Prof Bulstrode for failing to declare his interest in his sister's case - Dr Jane Barton		

Action Required:

- Reply direct
- DO to review

Draft reply for:

- Draft for AD / HoS
- Corp. Comps Mgr (CC)
- DCE / Director (PP)
- Chief Executive (ND)
- Chair (PR)

Complaint Info:

- 1st
- 2nd
- 3rd - ref. to CCM
- Further

Deadline for

referral back to DO / CCM: 08-02-13

DEADLINE: 15-02-13

NOTES:

E1-69PIZN - rwd 27/12/10
-closed 10/02/11 - d/s prof. incidental.

SB to ack.

JF's draft (ND to see, or d/w as part of joint response?)

At 103 - Reply sent CC

Code A

From: Code A
Sent: 01 February 2013 12:05
To: Paul Philip (020 7189 5124)
Cc: Code A; Christine Couchman; Code A; Ben Jones; Code A
Subject: To action: email from Code A re Professor Christopher Bulstrode non-declaration of interest in his sister's case

Dear Paul,

To action

Please see below an email from Code A raising concerns about Professor Christopher Bulstrode and the non-declaration of interests in Dr Jane Barton's case.

Please could you draft a response for Niall's review.

Kind regards,

Code A
Executive Policy Officer
 OCCE
 020 7189 5016

From: Niall Dickson; Code A
Sent: 01 February 2013 07:39
To: Code A
Subject: Fwd: Professor Christopher Bulstrode non-declaration of interest in his sister's case

Begin forwarded message:

From: Code A
Date: 31 January 2013 19:59:22 GMT
To: Niall Dickson; Code A
Subject: Professor Christopher Bulstrode non-declaration of interest in his sister's case

Dear Mr Niall Dickson,

Professor Christopher Bulstrode was on GMC Council and failed to declare his interest in his sister's case, Dr Jane Barton who was before GMC's FTP.

Did he ever receive any admonition from GMC because of that?

There is public interest in knowing that people cannot get away with breach of GMC policy.

Thanking you for your kind attention.

Yours sincerely

Code A

E1-69PIZN.

Code A

From: Code A
Sent: 27 December 2010 16:10
To: GMC Fitness to Practise
Subject: Ref: Professor Christopher Bulstrode, GMC registration Number: Code A

27th December 2010 to email address: practise@gmc-uk.org

My Reference: Case Number: 271220102

Dear Investigator at the General Medical Council, UK,

Ref: Professor Christopher Bulstrode, GMC registration Number: Code A

This is a formal complaint about Professor Christopher Bulstrode.

1. I have been informed that Professor Bulstrode failed to declare his conflict of interests as a member of your Council when his sister, Dr Jane Barton became the subject of the lengthy GMC Fitness to Practice Proceedings.
2. There is something called shame as well as decency and it does not require human beings to read law books or any guidance to know what is the right thing to do. In the case of Professor Bulstrode, of course, it is not immediately obvious that he is the brother of Dr Jane Barton, because of the different surnames and he might have thought that he would be able to get away with it if it is true that he did not declare his conflict of interests.
3. As the GMC does have Code of Conduct for medical practitioners and I rather presume that your department does not need me to point out to you the relevant sections. However, I shall do it if you ask me to, but please, read it first before you do ask me and provide me with at the same time, please, with an explanation what difficulty you have in interpreting Code of Conduct regarding declaration of the conflict on interests.
4. I shall await your reply by email.
5. Please, provide your reference number in response to this complaint.

Thanking you for your kind attention,

Code A

Code A

From: Code A
Sent: 01 February 2013 14:14
To: Code A
Subject: RE: Professor Christopher Bulstrode non-declaration of interest in his sister's case

Dear Code A,

Many thanks for your email to Niall Dickson, our Chief Executive. I wish to acknowledge safe receipt of your correspondence in the Office of the Chair and Chief Executive.

The matters you raise are currently being considered and a response will be forthcoming in due course.

Kindest regards,

Code A

Office of the Chair and Chief Executive

General Medical Council
 350 Euston Road
 London, NW1 3JN

Begin forwarded message:

From: Code A
Date: 31 January 2013 19:59:22 GMT
To: Niall Dickson Code A
Subject: Professor Christopher Bulstrode non-declaration of interest in his sister's case

Dear Mr Niall Dickson,

Professor Christopher Bulstrode was on GMC Council and failed to declare his interest in his sister's case, Dr Jane Barton who was before GMC's FTP.

Did he ever receive any admonition from GMC because of that?

There is public interest in knowing that people cannot get away with breach of GMC policy.

Thanking you for your kind attention.

Yours sincerely

Code A

10 February 2011

In reply please quote: RK/1-69P1ZN

By email

Code A

Dear **Code A**

Ref: Professor Christopher Bulstrode, GMC registration Number: **Code A**

Thank you for your email of 27 December 2010 with regards to the above. I also acknowledge receipt of your email of 7 February 2011, requesting an update on your complaint. I apologise for the delay in replying.

We have considered the content of your email and can provide you with the following information:

Professor Bulstrode was an elected member of Council from 1 July 2003 to 31 December 2008. Professor Bulstrode also served on the Resources Committee from September 2003 to September 2005, on the Education Committee from September 2003 to October 2008, and was a trustee of the GMC pension scheme from November 2003 to March 2008.

In November 2004 a decision was made by Council to exclude any Council members from sitting on fitness to practise panels and therefore Professor Bulstrode would not have sat on a fitness to practise panel after November 2004. We have checked our records of sittings of the Committee on Professional Performance, the Professional Conduct Committee, the Assessment Referral Committee and the Health Committee between 1 July 2003 and 30 November 2004. I can confirm that we have no record of Professor Bulstrode having sat on any of these panels.

In relation to our knowledge of the relationship between Professor Bulstrode and Dr Barton, I can confirm that the suggestion that they are related was put to our Press Office by a journalist in the summer of 2009. We were not aware of their relationship prior to this. Given that Professor Bulstrode was not a Council member at the time of the hearing, and as a Council member from 2003-2008 would have had no involvement or influence in the case, we did not pursue this.

I can confirm that we do have a signed copy of Professor Bulstrode's statement of commitment to the code of conduct dated 2/6/2003 which included a section for the declaration of interests. The form does not mention Dr Jane Barton. Please note that the guidance issued in 2003 contained specific reference to the interests that should be declared. I've attached a copy for your ease of reference - you will see that the list did not extend to specifically cover the declaration of a family association to a registered doctor.

We have therefore decided that a GMC investigation is not warranted and we will not be taking any further action.

Yours sincerely

Code A

Fitness to Practise Directorate

Code A

Enc: Code of Conduct 2003.

Code A

From: Code A
Sent: 01 February 2013 14:40
To: Joanna Farrell Code A
Cc: Clare Moley Code A
Subject: Red Top 2013-83: Code A

Hi Joanna

Red Top 2013-83 / PCC SR1-476948852; deadline for draft back to DO 08/02/13 E1-69P1ZN

Please see the email below from Code A asking if we admonished Prof Christopher Bulstrode for failing to declare his interest in his sister's case (Dr Jane Barton).

Code A complained about Prof Bulstrode in this respect - E1-69P1ZN.

Please can you prepare a draft for Niall to review and sign out; Paul P is to approve first so please do pass the draft to me. OCCE have ack'd.

Thanks,

Code A

From: Code A
Sent: 01 February 2013 12:05
To: Paul Phillip Code A
Cc: Code A Christine Couchman Code A
 Code A Ben Jones Code A
Subject: To action: email from Code A re Professor Christopher Bulstrode non-declaration of interest in his sister's case

Dear Paul,

To action

Please see below an email from Code A raising concerns about Professor Christopher Bulstrode and the non-declaration of interests in Dr Jane Barton's case.

Please could you draft a response for Niall's review.

Kind regards,

Code A

Executive Policy Officer
 OCCE

Code A

From: Niall Dickson Code A
Sent: 01 February 2013 07:39
To: Code A
Subject: Fwd: Professor Christopher Bulstrode non-declaration of interest in his sister's case

Begin forwarded message:

From: Code A
Date: 31 January 2013 19:59:22 GMT

To: Niall Dickson Code A

Subject: Professor Christopher Bulstrode non-declaration of interest in his sister's case

Dear Mr Niall Dickson,

Professor Christopher Bulstrode was on GMC Council and failed to declare his interest in his sister's case, Dr Jane Barton who was before GMC's FTP.

Did he ever receive any admonition from GMC because of that?

There is public interest in knowing that people cannot get away with breach of GMC policy.

Thanking you for your kind attention.

Yours sincerely

Code A

Code A

From: Customer Service Manager
Sent: 04 March 2013 16:25
To: Code A
Subject: Response to your recent emails
Attachments: Bright reply 04-03-13.doc; Code A; closure ltr re Prof Bulstrode.doc

Dear Code A

Please find my response dated 4 March 2013 in response to your recent emails, along with an enclosure - letter dated 10 February 2011.

Yours sincerely

Christine Couchman
Head of the Deputy Chief Executive's Office
and Corporate Complaints Manager

4 March 2013

General Medical Council

By email

Code A

Regent's Place
350 Euston Road
London NW1 3JN

Telephone: 0845 357 8001
Facsimile: 0845 357 9001
Email: gmc@gmc-uk.org
www.gmc-uk.org

Dear **Code A**

I am writing in response to your various emails sent to various GMC staff over the last couple of weeks. I feel it would be useful to respond in one comprehensive letter and cover all of your points in one go rather than in a piece meal fashion.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Professor Christopher Bulstrode

In your email to Mr Dickson of 31 January 2013 you have asked if Professor Bulstrode was admonished for failing to declare his conflict of interest in his sister's case. Dr Jane Barton's case was heard by a Fitness to Practise panel.

These allegations were put to us and formally considered by our triage team in February 2011 under our reference E1-69P1ZN. We closed this complaint at triage and explained the reasons for our conclusion that it was not appropriate for us to take any action against Professor Bulstrode. Our closure letter was detailed and I am enclosing a copy of it here for your ease of reference. We explained the dates that Professor Bulstrode was elected as

a Council member and that he had not sat as a panellist from 1 November 2004. We were told about his relationship with his sister by a journalist in 2009 in advance of her hearing but by that time he was not a council member and would have had no involvement or influence on her case.

You say in your recent email that it is a matter of public interest in knowing that people cannot get away with breach of GMC policy and I would agree with that. However, when Professor Bulstrode signed his statement of commitment to the Code of Conduct for a Council Member in 2003, he was not required to declare any family association to a registered doctor. He did not breach any GMC guidance at that stage. Clearly if a family member who was a doctor had a case coming before a Fitness to Practise panel a panellist would be required to declare an interest, but that was not what happened in Professor Bulstrode's case. By the time his sister's case was being considered he was no longer a Council Member and so was not obliged to declare anything.

Professor Bulstrode had not acted inappropriately during the time he was a Council member, he did not breach any of our guidance. There was no legitimate basis for us taking any action against.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Religious Uniforms

It is clear that you have held the view for some time that religious uniforms should not be worn by those who work with mental health patients and this has been fully considered in the past. You sent Mr Dickson a signed petition on this point recently which was responded to by Ben Jones – Director of Strategy and Communication. You raised this issue again in an email to Mr Jones on 6 February 2013.

You have provided us with a copy of a Press release from the European Court of Human Rights which is entitled 'Right to manifest religion at work is protected but must be balanced against rights of others'. This refers to the Chamber judgment in the case of *Eweida & Others v The United Kingdom* dated 15 January 2013, in support of your view.

Clearly it is important that there is an appropriate balance between the rights of those wishing to manifest their religion with the rights of others. Our current guidance to doctors: 'Personal beliefs and medical practice - guidance for doctors' (March 2008) and specifically the section in relation to clothing and other expressions of religious belief or culture appear to be in line with this Judgment.

I have noted your other more recent emails in relation to this issue and your comments about the Pope resigning; however, I do not believe these are relevant to our consideration of your concerns.

[REDACTED]

[REDACTED]



Summary

I have tried to respond to the issues you have risen recently although a lot of the correspondence relates to concerns you have raised on various previous occasions so the focus has been on the "new" elements. I do not believe it is helpful to go over old ground where there is really nothing I or anyone else at the GMC can usefully add. I appreciate you are likely to be disappointed by parts of my response but I would like to reassure you that your complaints have been taken seriously and all of your correspondence has been carefully considered.

You will be contacted in due course by colleagues in triage and the Rule 12 team to update you on the relevant cases discussed above.

Yours sincerely

Code A

Christine Couchman
Head of the Deputy Chief Executive's Office
and Corporate Complaints Manager

Code A

Encl: Letter dated 10 February 2011 re Prof Bulstrode

10 February 2011

In reply please quote: RK/1-69P1ZN

**General
Medical
Council**

By email

COPY

Code A

3 Hardman Street
Manchester M3 3AW

Telephone: 0161 923 6200

Facsimile: 0161 923 6201

Email: gmc@gmc-uk.org

www.gmc-uk.org

Dear **Code A**

Ref: Professor Christopher Bulstrode, GMC registration Number: Code A

Thank you for your email of 27 December 2010 with regards to the above. I also acknowledge receipt of your email of 7 February 2011, requesting an update on your complaint. I apologise for the delay in replying.

We have considered the content of your email and can provide you with the following information:

Professor Bulstrode was an elected member of Council from 1 July 2003 to 31 December 2008. Professor Bulstrode also served on the Resources Committee from September 2003 to September 2005, on the Education Committee from September 2003 to October 2008, and was a trustee of the GMC pension scheme from November 2003 to March 2008.

In November 2004 a decision was made by Council to exclude any Council members from sitting on fitness to practise panels and therefore Professor Bulstrode would not have sat on a fitness to practise panel after November 2004. We have checked our records of sittings of the Committee on Professional Performance, the Professional Conduct Committee, the Assessment Referral Committee and the Health Committee between 1 July 2003 and 30 November 2004. I can confirm that we have no record of Professor Bulstrode having sat on any of these panels.

In relation to our knowledge of the relationship between Professor Bulstrode and Dr Barton, I can confirm that the suggestion that they are related was put to our Press Office by a journalist in the summer of 2009. We were not aware of their relationship prior to this. Given that Professor Bulstrode was not a Council member at the time of the hearing, and as a Council member from 2003-2008 would have had no involvement or influence in the case, we did not pursue this.

I can confirm that we do have a signed copy of Professor Bulstrode's statement of commitment to the code of conduct dated 2/6/2003 which included a section for the declaration of interests. The form does not mention Dr Jane Barton. Please note that the guidance issued in 2003 contained specific reference to the interests that should be declared. I've attached a copy for your ease of reference - you will see that the list did not extend to specifically cover the declaration of a family association to a registered doctor.

We have therefore decided that a GMC investigation is not warranted and we will not be taking any further action.

Yours sincerely

Code A

Fitness to Practise Directorate

Code A

Enc: Code of Conduct 2003.