

Peter Walsh, chief executive of Action Against Medical Accidents (AvMA)

We rely on the GMC to uphold standards and protect the public from dishonest and incapable doctors. Their role is hugely important as set out in the Shipman inquiry.

In this case the GMC argues that their procedures have not been invoked because Mr Powell did not write to them in a way that made it clear he was making a formal complaint.

This decision casts serious doubt on calls its ability to carry out its role. They are saying that even if they know about serious allegations against a doctor, they will not investigate unless someone writes to them and makes a formal complaint. This refusal to be proactive is potentially extremely dangerous for the public. If they have any reason to believe that a doctor is unfair to practice then at the very least they should be keeping a watching brief or else stepping-in immediately. If not, dangerous doctors could slip through the net

The GMC have not been able to provide AvMA with any cases where they have investigated alleged cover ups. It is impossible that this never happens so at the very least this demonstrates they have given the issue little priority.

The GMC stance is a liar's charter. While the GMC isn't condoning cover-ups, the message they are giving is that if you keep it from us for five years, you will get away with it. They are not disputing whether or not there was a cover up in Robbie's case, but they are saying that it is not worth investigating because it happened more than five years ago.

Two grounds for the Judicial Review which AvMA believe raises questions about whether the GMC is fit for purpose, because they got it so wrong in this case. Heads will role, if not the whole organisation; too many senior people have backed this irrational decision.

The five year rule should not have been applied because the GMS knew about the substance of the complaint back in 1995. But even if they hadn't known, are they saying they don't investigate serious complaints about incompetence or dishonesty unless a formal written complaint is made?

Even if we accept the five year rule, the GMC have misunderstood their own rule because they have failed to invoke the discretionary powers which are available in cases where there are exceptional circumstance or when there is a public interest reason for doing so.

A failure to diagnose Addison's disease led to Robbie's death because of medical negligence. The medical negligence claim was settled, though Mr Powell's notes give you the messy background. The issue here is that despite evidence of forged medical notes, testimonies from health centre staff etc, the GMC have decided not to investigate the five doctors who are all still practicing. They initially agreed to take a watching brief while criminal investigations took place. Two investigations did not lead to a charge because of procedural reasons (you can get more details) but the CPS made clear there was sufficient evidence for 30 charges and expected, as did the Powell family, the GMC to investigate. But in May 2008 the GMC said the new five year rule meant they would not investigate the allegations.

Points to note:

The Welsh Health board referred the five doctors to the GMC in 2005 - this did not result in an investigation.

GMC had to settle a defamation case against Mr Powell after calling him a liar in 2003

Peter Walsh is checking with the lawyers about what evidence we can see and/or use.

They have all the conclusions and statements made by the police in the two investigations and the CPS. Mr Powell is a grieving father but has become a legal expert over the last 18 years. They have had a total nightmare and faced barriers at every step and he will get caught up in this; he does understand that we need to keep to the points of the JR.

Connett has emphasised the need to home in on the wider implications for the public and patient safety.