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SENT BY FAX & POST: 0207 389 8040

3 February 2010

Our Ref: 516130/000003/JCW/GOSPORT/HP

Your Ref:

Dear Sirs

**Re: Gosport War Memorial Hospital – Dr. Jane Barton
GMC Panel Determination – 29.01.10**

We represent a number of families in relation to the Gosport War Memorial Hospital Inquest and arising out of the treatment provided by the clinical assistant, Dr. Jane Barton.

We note that on 29 January 2010 the independent Panel found that Dr. Barton was guilty of serious professional misconduct, to a criminal standard. However the Panel failed to strike Dr. Barton off the medical register. It is our view that this failure by the Panel was inexplicable and completely unacceptable having regard to the following :-

- (i) The seriousness of the events: All the patients in question died. The Inquest found that in cases Dr. Barton's treatment was inappropriate and contributed those patients' deaths.
- (ii) The need to maintain public confidence that the interests of patients will be protected: In this instance the Panel conducted this balancing exercise wrongly and reached an unsustainable conclusion.
- (iii) Conditions are an inappropriate, inadequate and unworkable response to the proven facts of the case against Dr. Barton, where the only proportionate and appropriate sanction is to strike Dr. Barton off the medical register.
- (iv) Dr. Barton presented the Panel with letters from colleagues and patients which the Panel found persuasive. Inevitably these documents would lack any objectivity. Dr. Barton would only approach colleagues whose support she knew she could count upon. Also, it is well known that the doctor-patient relationship is often very close. Patients would be unduly influenced by that relationship. The Panel said that the colleagues and patients were aware of the allegations against her at the time that they wrote in support of Dr. Barton. However clearly at the time of writing those letters those colleagues and patients would not have been aware that the allegations of serious professional misconduct against Dr. Barton would be proven to a criminal standard of proof and upheld across the board.

These letters have not been open to scrutiny. The relatives have not been permitted to produce their own material of this nature. In taking into account this information the Panel was taking in account unreliable and irrelevant information which led it to arrive at irrational conclusion. Furthermore this part of the process lacked transparency and objectivity.

- (v) Delay on the part of bringing the charges was also used as a reason not to strike Dr. Barton off the register. In the summing up, the Panel concluded that the legal authorities were neutral as to what consideration should be given to the delay. However we point out that these proceedings ought to have been brought against Dr. Barton many years ago. Had they been

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brought at the appropriate time then Dr. Barton would have been struck off the medical register. Delay should make no difference to that sanction.

- (vi) The Panel cannot say with any certainty that the ten years of practice since the allegations demonstrates that Dr. Barton has been acting safely or would practice safely in the future. We do not believe that the Panel was in a position to make that judgement. It therefore again took account of information which was unreliable and irrelevant leading it to arrive at an irrational conclusion.
- (vii) Dr. Barton's lack of insight and her lack of any regret. She says that she would have done the same thing again.

We are shocked and disturbed by the outcome of the Panel's determination. We therefore urgently ask you to investigate this matter before public confidence is eroded further.

We look forward to hearing from you. Should you have any questions concerning this letter, please ask to speak to John White.

Yours faithfully,

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Blake Laphorn