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Registrant: BARTON, Jane

**Email received:** 22/03/2010 14:28:51

**Sent From:** Code A

**Subject:** 100322 GMC view on case - Paul Philip telephone note

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From: Tim Bailey  
Sent: 22 March 2010 13:07  
To: Michael Andrews; Harry Cayton  
Cc: Briony Mills  
Subject: GMC view of Barton case

Paul Philip at the GMC phoned me. This was in response to my email this morning asking him for details of the GMC's concerns, if any, about their panel's decision on the Barton case. He was speaking from Belfast and so unable to respond today by email, and so gave me his response on the phone.

He said that the GMC had been surprised by the decision. Paul said that the GMC's concerns were not based on any technical failings by the panel. He said the panel had put great emphasis on the length of time that had passed and the fact of no intervening adverse events, and it had made many Cohen type arguments. However the GMC considered that, although the conditions probably do protect the public, the degree with which Dr Barton had been found to have deviated from Good Medical Practice would bring the profession into disrepute. This was why the GMC had sought erasure. However the legal advice they had since received says that the panel's decision probably was within the broad range of what it was reasonable to arrive at. If we do refer the matter to court, the GMC would present to the court its views including the advice it had received on reasonableness.

Tim

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