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**Code A**

**SENT BY FAX & POST: 0207 389 8040**

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

Your Ref:

23 March 2010

Dear Sirs

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

We write further to our letter dated 24 February 2010. On 22 March 2010 we learned through information from families of the deceased in this case that Dr Barton tendered her resignation on 19 March 2010.

Our very firm view remains that the only appropriate sanction for Dr Barton is erasure from the Medical Register. We understand that also to be the position of the General Medical Council. It therefore seems to us inappropriate that Dr Barton should seek to avoid sanctions by resigning. This is our view because of the particular seriousness of the failings in respect of Dr Barton's conduct in this case which led to the deaths of patients. Further, we point out that Dr Barton's legal team had argued that it was in the interests of a section of the community that she continued to practice. It appears that this submission carried significant weight with the Independent Panel. However, if Dr Barton knew she was going to resign and in particular, now that she has resigned, then consideration by the Independent Panel of that point as mitigation in her favour is irrelevant.

Please can you update us in relation to the latest position concerning the Appeal against the Independent Panel's determination. Having acted for the families during the Inquest hearing in March/ April 2009, it is our very firm view that :-

- (i) The sanctions imposed by the Independent Panel were far too lenient, given the gravity of the serious professional misconduct which Dr Barton committed;
- (ii) In these circumstances, the only appropriate course of action is that Dr Barton is erased from the Medical Register;
- (iii) The sanctions imposed by the Independent Panel failed to protect the public; not only because they failed adequately to address Dr Barton's individual conduct, but also because erasure in this case is necessary as a "red line" to protect the public from the possibility of being exposed to such serious misconduct from any medical practitioner.

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

Yours faithfully

**Code A**

Blake Lapthorn