



DR KNAPMAN & PARTNERS

FAX

Fax to number:

Code A

Attention:

DR BOB BUTTON CHIEF EXEC. LMC

Date:

27.7.01

From:

Dr. Knapman & Partners (DR. JANE BARTON)

Number of pages:

8 INCLUDING THIS ONE.

Additional comments:

**Isle of Wight, Portsmouth and
South East Hampshire
Health Authority**



Our Ref :PO/VMS/061201

Finchdean House
Milton Road
Portsmouth PO3 6DP

Tel: 023 9283 8340
Fax: 023 9273 3292

Direct Tel: Code A
Direct Fax:

06 July 2001

STRICTLY PRIVATE & CONFIDENTIAL

Dr J Barton
148 Forton Road
Gosport
Hants
PO12 3HH

Dear Dr ~~Barton~~ *Jame*

Further to our meeting last week I agreed to inform you that the Health Authority has initiated its "Procedure for the Identification and Support of Primary Care Medical Practitioners whose Performance is Giving Cause for Concern". I have asked the Performance Screening Group to convene and consider what, if any, further action it recommends.

I expect this stage should be completed by the end of July 2001.

Yours sincerely

Code A

DR PETER OLD
Director of Public Health
Isle of Wight Portsmouth and South East Hants Health Authority

Code A

Subj: Good News
Date: Friday, June 29, 2001 4:07:19 pm
From: John.Kirtley (Code A)
To: jbarton (Code A)

Jane,I have checked out with Penny the situation re PCG Chair payments.Penny has agreed these can continue,unchanged.However ,there is a caveat.The caveat is this will be for three months,with a review after two months.

Clearly ,the aim is that the situation will be resolved well within the two months and,assuming no problems,the payments will simply run on from then,without a break,as you resume the Chair.

If there were "problem/issues" to be resolved then the arrangement could be extended for a further period,eg 3 more months.

There is one other possible scenario,which I set out purely so you have the full story.If the HA decided that you must be removed as Chair of the PCG then,month three payment in effect acts as a months notice.

Sorry to be brutal and to have to set all this out.However,it is good news really, as assuming a positive outcome, there will be no break in the payments.

Please phone if you want to discuss.Sorry if there is a delay in this reaching you but our system is routed through Finchdean House and their system is currently down.

----- Headers -----

Return-Path: <John.Kirtley (Code A)>
 Received: from rly-xc04.mx.aol.com (rly-xc04.mail.aol.com [172.20.105.137]) by air-xc02.mail.aol.com (v7B_r3.8) with ESMTTP, Fri, 29 Jun 2001 11:07:19 -0400
 Received: from mail2.nhs.uk (mail2.nhs.uk [194.72.23.227]) by rly-xc04.mx.aol.com (v79.20) with ESMTTP id MAILRELAYINXC48-0629110647; Fri, 29 Jun 2001 11:06:47 -0400
 Received: from (relay.nhs.uk) [194.62.42.123]
 by mail2.nhs.uk with esmtp (MultiThread MTA)
 id 15Fzon-0005wB-00; Fri, 29 Jun 2001 16:04:25 +0100
 Received: from img3.nhs.uk (194.62.42.15) by relay.nhs.uk (Syntegra-4 5.1.050)
 id 3B3B60B50000CFD5 for jbarton (Code A); Fri, 29 Jun 2001 16:04:25 +0100
 Received: by img3.nhs.uk (NPIex 2.0.108); 29 Jun 2001 16:04:25 +0100
 X400-Received: by /PRMD=NHS NATIONAL INT/ADMD=NHS/C=GB; relayed: 29 Jun 2001 16:04:25 +0100
 From: John.Kirtley (Code A)
 To: jbarton (Code A)
 Subject: Good News
 X400-MTS-Identifier: [/PRMD=nhs s and w hn/ADMD=nhs/C=gb;ELROND-010629150350Z-544]
 Message-Id: <"/GUID:9982A8F7216CD51190280090273F6A78"@MHS>
 Date: 29 Jun 2001 16:04:25 +0100

Ms Penny Humphris
Chief Executive Health Authority
Finchdean House
St Marys Hospital
Portsmouth

Dr Jane Barton
Chair Gosport PCG

Code A

1 July 2001

Dear Penny,

Following a visit from your Director of Public health at extremely short notice last Friday 28th June I understand that I am being investigated under the

"Local procedure for the identification and support of primary care medical practitioners whose performance is giving cause for concern".

In addition it is felt by the Health Authority that I should stand down from the Chair of the Primary Care Group.

IS REFERRAL TO THE "FAILING DOCTORS SCHEME" THE APPROPRIATE PROCEDURE?

I was informed that the referral to this procedure which will investigate all my General Practice activities is as a direct result of my appearance the previous Thursday in front of the Interim Orders Committee of the GMC.

This appearance concerned an alleged criminal case which has been ongoing for three years and is known to you. The incident took place while carrying out my duties as a Clinical Assistant working for Portsmouth Health Care Trust in August 1998 .

The GMC committee considered all the evidence and determined that it was

not necessary for protection of members of the Public , in the public interest or in my own interest that a suspension order should be made. In other words in their view there was no case to answer.

Notwithstanding the findings of the above, the Health Authority has decided to proceed now, some three years after the event, with the Poor Performance Process whose grounding principles supposedly include a prompt and effective raising of matters, the confidence of all parties involved and protection of doctors against vexatious allegations (Section 2.1)

Under Section 3 of the terms of reference for the Performance procedure it states that that there are two separate parts to the process; the first of which, the **performance screening group** which can be called at short notice, determines the appropriate course of action. I have been informed that this part of the process has been convened and that my case has been referred directly to the second stage **performance reference panel** without any consultation with me or the screening group having any knowledge of the details and findings of the GMC enquiry.

In addition, the guidance (section 4.2) states that criminal activity should be directed to the correct process rather than being considered under the Poor Performance Procedure. Does not an appearance in front the GMC constitute the correct procedure?

MY POSITION AS AN EMPLOYEE OF THE HEALTH AUTHORITY

I was asked at the same interview whether I felt it was appropriate for me to continue to represent the Health Authority in public in my role as Chair of the PCG. As I do not consider I have done anything wrong, a view supported by the GMC, I can see no reason to do this. However, if the

Health Authority do not feel it appropriate for me to represent them in public then you should suspended me from my position with an unambiguous statement giving the reason for this.

Having worked for you for some years during which time I have always had immense respect for your fairness and balanced views, I am conscious that the the tone of this letter is contentious, but I do feel there is a worrying underlying moral principle about the protection of doctors once the unstoppable momentum of complaint and investigation has begun.

This post Shipman" yard arm" clearing culture with the associated ritual humiliation leaves the medical profession unacceptably vulnerable and the long term consequences this will have on recruitment and retention will be devastating.

Yours Sincerely

Signed in original

JA Barton

**Isle of Wight, Portsmouth and
South East Hampshire
Health Authority**



Finchdean House
Milton Road
Portsmouth PO3 6DP

Direct Line
Direct Fax **Code A**

Tel: 023 9283 8340
Fax: 023 9273 3292

Our Ref: PH/JD/070301jb.doc

3 July 2001

Dr Jane Barton

Code A

Dear Jane

Thank you for your fax yesterday and for our telephone conversation and I do understand the distress you are feeling in this difficult situation.

It is understood that the GMC hearing came about as a result of the police contacting the GMC as a result of their investigations. Although the GMC has decided that there is no case to answer, we are still awaiting the outcome of the CPS deliberations and are aware that the police are investigating some further cases although we have no details of these. We have therefore initiated the local procedure and have convened the screening panel stage with a request that they complete their work within the next two weeks and report to the reference panel.

As far as continuing as Chair of the PCG is concerned, I think that it would be appropriate for you to stand aside until this matter is concluded. This is because I think the forthcoming public meetings will put you in the public eye and it would be difficult if any aggrieved relative chose a public meeting in which to raise these issues. Such an event could also have an adverse effect on the creation of the new organisation. The Health Authority would continue to pay the remuneration to you for this post either until the matter is concluded or to 31 March 2002, whichever is earlier.

I have suggested the words to "stand aside" rather than "suspend" because I believe the latter imply more sense of blame which would be entirely inappropriate. However, I am happy to use any form of words which you would prefer. I have attached two draft statements for you to consider, the first of which could be used by you at any meetings and the second by us if we receive any press enquiries. I would not propose that this be used except in response to specific inquiries.

I am extremely sorry that this course of action has become necessary and I hope the issues can be brought to a speedy conclusion.

Yours sincerely

Code A

Penny Humphris
Chief Executive

Internet Address: **Code A**

Attached

Statement for Jane to use in PCG

As some of you will know, the GMC has recently looked at a particular case in which I was involved. Although reassured by the GMC's findings, further investigations are underway and the Health Authority has advised that I should step aside as PCG Chair while these are in progress, especially in view of the forthcoming application to become a PCT. I will therefore not be continuing as PCG Chair for the time being. Thank you for all your support.

Statement for use if press queries are received – exact comment to depend on question asked

The GMC has recently looked at a particular case in which Dr Barton was involved and found there was no case to answer. We are reassured by these findings but, as a matter of routine in these circumstances, local investigations are continuing.

Or

The GMC has recently looked at a particular case in which Dr Barton was involved and found there was no case to answer. We are reassured by these findings but, as a matter of routine in these circumstances, local investigations are continuing and Dr Barton will be standing aside as PCG Chair until these are concluded.