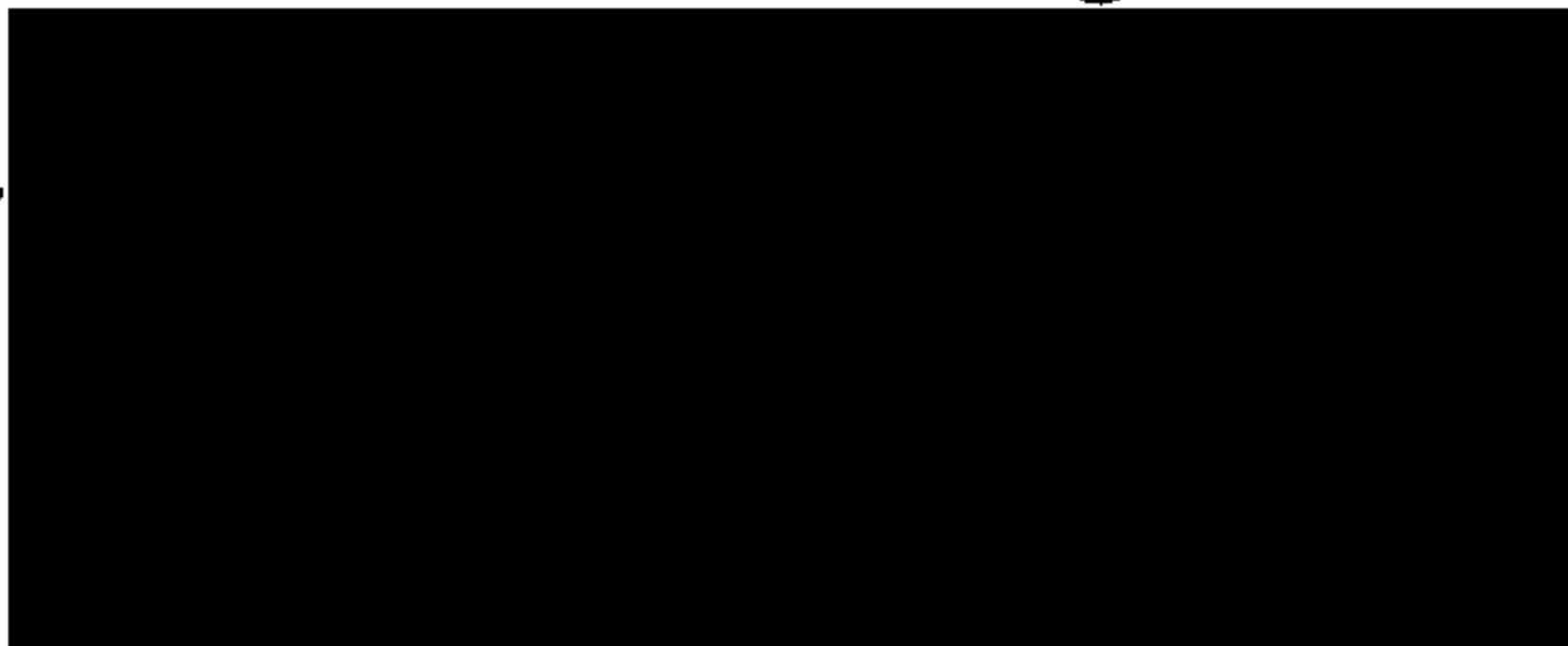


In reply please quote: CF/FPD/2004/3139

25 November 2004

Mr and Mrs Ferguson



**GENERAL  
MEDICAL  
COUNCIL**

*Protecting patients,  
guiding doctors*

Dear Mr and Mrs Ferguson

Thank you for your letter of 6 November 2004 about doctors Campbell, Quinn, Hanrahan, Jenkins, Nesbitt and Kelly.

The GMC licenses doctors to practise in the UK and maintains the register of qualified doctors. We can restrict or remove a doctor's registration if their fitness to practise is found to be impaired. We can also issue a warning if there is evidence to suggest the doctor's behaviour or performance has fallen seriously below the standard expected. We can normally only consider complaints where the events giving rise to the complaint happened within the last five years.

On the face of it, information you have provided could indicate that doctors Campbell, Quinn, Hanrahan, Jenkins, Nesbitt and Kelly's fitness to practise is impaired. This is a decision that will be taken later by our Case Examiners after we have carried out an investigation.

I now need your written consent to allow us to disclose your complaint to doctors Campbell, Quinn, Hanrahan, Jenkins, Nesbitt and Kelly and their employer(s) so they are aware of the issues that we are looking at. This is fundamental in our consideration of complaints and without your consent it is unlikely that we would be able to consider your complaint any further. Please complete the attached consent form and return it to me in the envelope provided by **2 December 2004**.

In addition to completing the disclosure consent form, it would help if you could provide:

1. A detailed account of your specific allegations against doctors Campbell, Quinn, Hanrahan, Jenkins, Nesbitt and Kelly (including dates if possible), together with any supporting documents you may have. If you do not have these to hand then please do not delay in returning the consent form, as we will request them later on if we needed them.
2. Relevant medical records for your daughter. If you do not have these we can obtain them if you complete and return to us the enclosed medical records consent form.
3. Details of any inquest into your daughter's death. Please include any transcripts of the inquest hearing, details of when and where the hearing took place, including any case reference number. If an inquest was held but you do not have the official transcript, please write giving your consent for us to try and obtain this.

4. A copy of the post-mortem and coroner's report.
5. The date when the television programme 'When Hospitals Kill' was transmitted.

If obtaining any of the requested information is going to delay your return of the consent form then please just return the consent form immediately and contact me to discuss a timescale for the other information.

Please contact me on the telephone number below if you have any questions.

Yours sincerely



**Ceri Fiona Floyd**  
**Investigation Officer**  
**Fitness to Practise Directorate**

Direct Line: [REDACTED]

Direct fax: [REDACTED]

E-mail: cfloyd [REDACTED]

Encs:

1. Disclosure Consent Form
2. Medical Records Consent Form
3. Investigating concerns fact sheet
4. Pre-Paid Envelope

# General Medical Council

## GMC Disclosure Consent Form

GMC Case Reference Number: CF/FPD/2004/3139

Name of Complainant: MR & MRS FERGUSON

1) Name of doctor(s) who you are complaining about:

2) Complainant's Name(s):

3) Status: (e.g. patient, patient's relative, patient's next of kin, patient's solicitor etc)

I agree that the GMC can disclose my complaint and any information I provide in connection with it to the doctor(s) above and their employers. I also agree that the doctor(s) can disclose to the GMC any information about me that is necessary for the GMC to consider my complaint.

4) Signature(s):

Date:

5) Tel. No. & Email:

6) Patient's Name:



# General Medical Council

## GMC Medical Records Consent Form

GMC Case Reference Number: CF/FPD/2004/3139

Name of Hospital(s)/Surgery where records are held:

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Period for which medical records are required (Please complete)

From: \_\_\_\_\_ To: \_\_\_\_\_

If the patient is deceased please complete the section below.

I, \_\_\_\_\_ (Name of Next of Kin or legal  
representative of patient) authorise the GMC to obtain copies of the medical  
records of \_\_\_\_\_ (Name and date of  
birth of patient) from the above places for the period which the GMC deems  
relevant in relation to my complaint. I confirm that I have the legal authority to make  
this request.

Next of Kin/Legal  
Representative's Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

# **General Medical Council – Fitness to Practise Procedures**

## **Investigating concerns**

### **Introduction**

1. The GMC regulates all registered doctors in all branches of medicine or academic research, including hospital doctors and general practitioners, whether in the NHS or in private practice.
2. The GMC is responsible for registering doctors to practise in the UK. Its statutory purpose is to protect, promote and maintain the health and safety of the public by ensuring proper standards in the practice of medicine. Our fitness to practise procedures focus on whether a doctor's fitness to practise is impaired to such an extent that we need to take action on registration. This means that we are looking to see whether the issues are so serious that the doctor's registration should be restricted or removed – in effect, whether the doctor should be prevented from working, or allowed to work only under certain conditions.
3. We can take action if the doctor's fitness to practise is impaired. This may be for a number of reasons:
  - misconduct;
  - deficient performance;
  - a criminal conviction or caution in the British Isles (or elsewhere for an offence which would be a criminal offence if committed in England or Wales);
  - physical or mental ill-health;
  - a determination (decision) by a regulatory body either in the British Isles or overseas.
4. We can also take action where the doctor's fitness to practise is not impaired but there has been a significant departure from the principles set out in the GMC's guidance for doctors, *Good Medical Practice*, but a restriction on the doctor's registration is not necessary. A warning may be issued to the doctor in these circumstances. This will be disclosed to a doctor's employer and to any other enquirer during a five-year period. A warning will not be appropriate where the concerns relate exclusively to a doctor's physical or mental health.

### **Investigation of concerns**

5. The GMC's procedures are divided into two separate stages: 'Investigation' and 'Adjudication'. In the investigation stage we investigate cases to assess whether we need to refer them for adjudication. The adjudication stage consists of a hearing of those cases we have referred by a Fitness to Practise (FTP) panel.



6. When we begin to investigate a complaint, we will normally need to obtain further information from the complainant. We will also need their consent to disclose the complaint to the doctor.

7. We will disclose the complaint to the doctor and ask him/her to provide details of his or her employer/s or sponsoring body. The doctor will have an opportunity to comment on the complaint.

8. Our investigation will depend very much on the nature of the concerns raised with us. Our investigation staff will decide on the most effective forms of investigation for the case. An investigation may include:

- obtaining further documentary evidence from employers, the complainant or other parties;
- obtaining witness statements;
- obtaining expert reports on clinical matters, etc;
- an assessment of the doctor's performance;
- an assessment of the doctor's health.

### **Case Examiners**

9. At the end of the investigation by the GMC of allegations against a doctor, the case will be considered by two senior GMC staff known as case examiners (one medical and one non-medical). They can:

- conclude the case with no further action;
- issue a warning;
- refer the case to a Fitness to Practise (FTP) Panel;
- agree undertakings on health and performance issues following a health or performance assessment.

10. No case can be concluded or referred to a FTP panel without the agreement of both a medical and non-medical case examiner. If they fail to agree, the matter will be considered by the Investigation Committee, a statutory committee of the GMC.

11. We will inform both the doctor and the complainant of the case examiners' decision and their reasons.

### **Warnings**

12. If the case examiners or the Investigation Committee decide that the doctor's fitness to practise is not impaired, they may issue a warning. A warning will be appropriate where the concerns indicate a significant departure from the standards set out in the GMC's guidance for doctors, *Good Medical Practice*, or if there is a significant cause for concern following assessment

13. The Investigation Committee will also meet to consider those cases where the case examiners decide to issue a warning, but where the doctor has disputed the facts, or requested that the matter be considered at a hearing of the Investigation Committee. The hearing will take place in public

A separate fact sheet is available about warnings.

### **Interim Orders Panel**

14. At any stage of the investigation we may refer the doctor to an Interim Orders Panel (IOP). An IOP can suspend or restrict a doctor's practice while the investigation continues.