

Data Protection Officer

From: Data Protection Officer
Sent: 31 July 2019 17:31
To: Data Protection Officer
Subject: FW: Bawa-Garba
Attachments: s40A: Dr Bawa-Garba; BAWA-GARBA.SECTION40A.ADVISE.doc.docx; BAWA-GARBA.SECTION40A.GROUNDSOFAPPEAL.doc.docx; Submission to Registrar Dr Bawa-Garba.docx

From: Anthony Omo (020 7189 5117)
Sent: 26 June 2017 17:31
To: Charlie Massey [REDACTED]
Cc: Susan Goldsmith (020 7189 5124) <susan.goldsmith@gmc-uk.org>; Private Office <PrivateOffice@gmc-uk.org>
Subject: FW: Bawa-Garba

Charlie,

Please see below and the attached.

Jim's email summarises the case the doctor faced and our concerns. I agree this is one we should appeal subject to you being content.

Thanks

Anthony

From: Jim Percival (0161 923 6583)
Sent: 26 June 2017 15:42
To: Anthony Omo (020 7189 5117)
Cc: Mohammad Shahid (0161 923 6599)
Subject: FW: Bawa-Garba

Anthony

I now have the submission for you on the Dr Bawa-Garba case. This is of course the case of the Doctor convicted of gross negligence manslaughter, but who was suspended (not erased) by the Tribunal.

As you are likely aware, this was a conviction case (for gross negligence manslaughter, for which the doctor received a 24 month custodial sentence, suspended for 24 months). The facts underpinning the conviction related to the doctor's emergency treatment of Patient A, a six year old, who presented with sepsis. The doctor did not pursue the investigation and treatment of Patient A's condition with the urgency, priority and attention it demanded. The MPT noted that the jury was satisfied that the doctor's negligence significantly contributed to Patient A's death or its timing.

In the light of the seriousness of the conviction and its underpinning facts, and with the over-arching statutory patient safety and public interest principles in mind, there was a clear mishandling on the part of the MPT in its assessment of remediation and mitigation in this case, for the reasons set out in the submission and in Counsel's advice. One particularly powerful component to the submission, in the grave circumstances of this case, is the failure to have regard to the reputation of the profession, and that matters of personal mitigation are less relevant in professional conduct settings in relation to the public interest (*Bolton v Law Society* [1993] EWCA Civ 32).

As per my previous email, Counsel's advice is that there are Grounds of Appeal in this case, notably in failing to have sufficient regard to the public interest (as distinct from issues of remediation), and that the GMC has a good chance (above 50%) of convincing a court that the MPT's decision was wrong in the relevant sense.

As the hearing concluded on 13 July 2017 we would need to issue any appeal, if we were so instructed, **on or before 11 July 2017**. Whilst this would appear to give us more time than usual to consider our position on appeal, I note that Patient A's family have been making enquiries as to our position regarding any appeal and that the case has attracted some media interest, which you may feel warrants an expedited approach.

I await your instructions accordingly.

Kind regards

Jim

Jim Percival

Principal Legal Adviser and Deputy General Counsel
GMC Legal
General Medical Council

Telephone: 0161 923 6583

Email: jim.percival@gmc-uk.org

From: Mohammad Shahid (0161 923 6599)

Sent: 26 June 2017 15:01

To: Jim Percival (0161 923 6583)

Cc: Lucy Evans (0161 923 6497)

Subject: Bawa-Garba

Kindest

Mohammad Shahid

Senior Legal Adviser
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