

Shipman inquiry finds GMC has “fundamental flaws”

Clare Dyer *legal correspondent, BMJ*

The General Medical Council, which regulates UK doctors, has “fundamental flaws” and its responsibility for disciplinary hearings that decide whether a doctor is fit to continue to practise should be handed over to an independent body, the Shipman inquiry concluded this week.

In a hard hitting report that she acknowledged would be “bruising” for the GMC, the inquiry’s chairwoman, the appeal court judge Dame Janet Smith, said the council should no longer act as both investigator and judge under its new fitness to practise procedures. From November, these have replaced the old disciplinary regime under which panels decided whether doctors had been guilty of serious professional misconduct (*BMJ* 2004;329:1366, 11 Dec, News Extra).

Dame Janet said it was inappropriate for the same body to carry out the investigative and judicial function and that she would have made the recommendation to hive off the final stage even if the GMC had not, as she found, continued to perpetuate a doctors’ culture of “mutual self interest” at the expense of patients.

She stopped short of recommending that the GMC should

lose the right to regulate doctors altogether, but she put the profession on notice that it could ultimately lose the power of self regulation.

She said it should be allowed to try to further improve the fitness to practise procedures and a new revalidation scheme for doctors, due to start in April 2005. Subsequent to the report, the government has announced that it is to review the GMC revalidation scheme. (See p 8.)

Dame Janet said that in three to four years’ time, an independent body, either the Council for Healthcare Regulatory Excellence or another body on its instructions should evaluate the GMC to see if it was operating effectively in protecting patients.

“If they are not operating satisfactorily by then, the time will have come to consider whether that function should be undertaken by a different body.”

The report is the fifth from the inquiry into the activities of the serial killer GP Harold Shipman, set up by the government to try to ensure patients are protected in the future. Shipman, who was found by the inquiry to have murdered at least 215 of his patients with fatal injections of diamorphine over more than 20 years, committed suicide in prison last year just before his 58th birthday.

The GMC pointed out that it had brought in the biggest reform package in its 150 year history, with sweeping changes to the way it investigates and disciplines doctors, 40% lay membership, and five-yearly revalidation of doctors from next April.



Dame Janet Smith said the GMC perpetuated a culture of “mutual self interest” among doctors

But Dame Janet said: “I am by no means convinced that the new GMC procedures will adequately protect patients from dysfunctional or underperforming doctors. I have concluded that there has not yet been the change of culture within the GMC that will ensure that patient protection is given the priority it deserves.”

Her report called for a lay majority on the GMC and more lay members on disciplinary panels.

Dame Janet said the revalidation process had been so watered down since the GMC originally proposed it that it no longer provided adequate protection for patients and needed to be strengthened to achieve that purpose.

The report made more than 100 recommendations. These included:

- A telephone helpline for patients and health professionals to raise concerns about doctors’ performance or conduct
- A central database of infor-

mation about every doctor in the United Kingdom to which primary care trusts and employers would have access

- Improved monitoring of prescribed drugs
- The GMC to be accountable to parliament
- The GMC’s constitution to be changed so it has more appointed members who are “not beholden to an electorate” and do not see themselves as representing doctors
- Patients to have the chance to refuse to be treated by a doctor who is subject to conditions.

The GMC welcomed Dame Janet’s conclusion that it could not have suspected Shipman’s true nature and could not be criticised for allowing him to return to unsupervised general practice in 1977 after his conviction for drug offences in 1976. (See p 1.) □

Safeguarding Patients: Lessons from the Past—Proposals for the Future is available at www.the-shipman-inquiry.org.uk

GMC drops charges against two GPs who signed Shipman’s forms

Owen Dyer *London*

Two doctors who counter-signed cremation forms for patients murdered by Harold Shipman have had charges against them dropped by the General Medical Council. The GMC’s fitness to practise panel ruled that it lacked sufficient evidence to find Dr Peter Bennett and Dr Rajesh Patel guilty of serious professional misconduct.

Three other GPs accused in the case, Jeremy Dirckze, Stephen Farrar, and Alastair MacGillivray, saw their applications for dismissal refused and were told that their hearings will continue. A sixth GP, Susan Booth, was not present or represented at the hearing, and her case will also continue.

Lawyers for the GPs, who all live in Hyde, Greater Manches-

ter, submitted applications for the charges to be dismissed, arguing that the evidence against them was “tenuous, weak, and inconsistent.” GMC rules dictate that when the evidence has been presented cases should be stopped if the panel considers that the factual charges have not been proved or if the evidence does not appear sufficiently grave to warrant a finding of serious professional misconduct.

In the cases of Dr Bennett and Dr Patel the panel found that although both GPs “could be found guilty of professional misconduct” a finding of serious professional misconduct was

inappropriate for “a single incident in a long career in general practice.”

Dr Bennett signed a “cremation form C” for Ethel Bennett (no relation), who was murdered by Shipman in 1988. Dr Patel signed a form C for Marjorie Waller, killed by Shipman in 1996.

The other doctors are accused of failing to note warning signs in more than one death. Together, the six signed a total of 214 form Cs for Shipman over an 18 year period. Of these, 124 were for patients later ruled to have been unlawfully killed. □