



21st Feb 2009 Press Release

Letter in the British Medical Journal–
“The GMC's Procedures and their enactment, in reference to Professor Southall's hearing.
Leonard Williams” (17 February 2009)

Once again PACA is concerned to find information about the actions of the GMC in the case of a highly respected paediatrician involved in child protection work that shows a failure to follow natural justice and due process in their disciplinary procedures.

Dr Leonard Williams, who is a member of PACA, was asked to give evidence at a review fitness to practice hearing about Professor Southall at the GMC in 2008. His pre-hearing instructions were that he should accept the findings of the 2004 panel, and debate whether the sanctions imposed upon Professor Southall should be lifted. As such there was no need to read Professor Southall's original report. In his written evidence, he accepted and reiterated the criticisms of the 2004 panel but argued that it was right, with the passage of time, to lift those sanction. However while giving oral evidence; he was questioned about the merits of the 2004 hearing.

Shortly after giving his evidence, Dr Williams was sent information which convinced him that some of the statements that he had made about the actions of Professor Southall in the Clark case had been incorrect. As required by the GMC's own advice to expert witnesses, he was required to make this clear in writing to the panel/judge and he attempted to do this by writing to Professor Southall's defence team, instructing that his letter be shown to the panel. An objection was raised to the entry of this letter and the legal assessor who works for the GMC advised that the panel should not see Dr Williams' letter.

We find this decision almost unbelievable and once again reveals injustice meted out to Professor Southall. The result was that the GMC Panel criticised some of Professor Southall's actions based on incorrect expert data. The media picked up the criticisms and ran with those rather than the main findings, which were that Professor Southall had been correct in contacting the child protection team following his viewing of a television programme that to him raised concerns about the safety of a child and a possible miscarriage of justice resulting in a mother being imprisoned. The GMC Panel also determined that the concerns he had raised about a nosebleed in a 6 week old baby 10 days before that baby was, according to the Criminal Court, suffocated, were not only appropriate but also supplemented by new research that had been published since his hearing before the GMC in 2004. The adverse reports in the media were also compounded by an article in the British Medical Journal which made strong reference to the criticisms. (NEWS: Southall is allowed to return to child protection work. Dyer BMJ 2008; 337: a1811)

One important consequence of this relates to Professor Southall's imminent appeal in the High Court against the actions of the GMC in 2006–2007. The incorrect criticisms of some of Professor Southall's report, produced for a pre-trial liaison meeting for the Family Court, may have impaired his Appeal if it

wasn't for the integrity of Dr Williams, who has made public the failure of the GMC to address his incorrect expert evidence.