

Failure of Medical Regulation - time for an inquiry into the integrity of the GMC after David Southall's appeal win

PACA is delighted that justice has been achieved in the case of David Southall, with the Court of Appeal today overturning the decision of the GMC's Fitness to Practise (FtP) Panel in December 2007 to erase his name from the medical register.

The Appeal Court determined that the GMC Panel had been prejudiced by an inappropriate view that David Southall should not have undertaken an interview of a mother to investigate the death of her child. The three judges considered the Panel's approach "was not one based on evidence". PACA always considered the finding of the FtP Panel perverse and another example of the GMC's harassment of leading child protection doctors.

The GMC's FtP Panels have found both Professor Sir Roy Meadow and Professor David Southall OBE guilty of serious professional misconduct for their honestly held opinions and their actions arising from them, even though these were based on extensive experience in complex child protection cases. Both are internationally acclaimed and eminent in the field of Fabricated and Induced Illness (FII, formerly known as Munchausen Syndrome by Proxy), yet GMC Panels ordered their names to be erased from the medical register. In 2006, Mr Justice Collins considered irrational the FtP Panel's statement that Roy Meadow's conduct was "fundamentally incompatible with what is expected by the public from a registered medical practitioner". As of today, both erasure decisions have been overturned in the Appeal Court.

PACA considers that the GMC should apologise to both Professor Sir Roy Meadow and Professor David Southall OBE for the disciplinary actions against them, which have so unjustly damaged their professional reputations and careers.

PACA considers that the GMC has been too readily influenced by a skilful and hostile media campaign undertaken by a small number of parents and their advocates involved in alleged child protection cases. As a result, the GMC has:

- failed to recognise repeat and malign complaints, which aimed to discredit paediatricians and other doctors involved in child protection cases
- failed to assess and investigate such cases in a competent and impartial way
- made unjust decisions on what constitutes reasonable and competent behaviour of doctors involved in child protection
- inappropriately sanctioned leading child protection doctors, such as Professor David Southall OBE and Professor Sir Roy Meadow
- contributed to a generalised disengagement with child protection work, which has serious consequences for vulnerable children.

Two years ago, the Royal College of Paediatrics and Child Health voted overwhelmingly at their AGM to express their grave concerns about the GMC's actions in these cases. PACA considers there should now be an inquiry into the integrity with which the GMC and their panels operate. In addition, PACA expects the GMC to do everything to encourage doctors to

report child protection concerns and engage in child protection work, by making them feel safe from disciplinary actions, unless the doctor has been shown to have acted incompetently or with malice.

Additional Notes for Editors

The GMC have held four 'Fitness to Practise' Hearings against David Southall:

- in 2004, Professor Southall voiced his concerns to child protection authorities that a mother had probably NOT murdered her infants after hearing a TV interview, in which her husband talked about an episode in their child involving a nose bleed and difficulty breathing 10 days before the child's death. Professor Southall was sanctioned for sharing his opinion with the appropriate authorities, even though his research had shown how such episodes in infants were an important indicator of possible abuse; this has since been confirmed by other studies.
- In 2006-7, a mother alleged that Professor Southall had accused her in an interview of hanging her son, despite the evidence of the accompanying senior social worker who claimed he never made such an accusation. Reading the transcripts of this hearing, obvious flaws are identified in the panel's reasoning, with the impression that those prosecuting the case, i.e. the GMC, and those hearing the case, i.e. their FtP Panel, had no understanding of child protection.
- In 2008, Professor Southall and two colleagues were accused of research misconduct in a trial of a newborn breathing device, called CNEP, run in London and Staffordshire between 1989 and 1992. After 6 weeks of evidence from the GMC acting as prosecutor, the GMC Hearing was dismissed for lack of evidence.
- in 2008, Professor Southall had a further hearing regarding the GMC's sanction which prevented him from undertaking child protection work as a result of his 2004 hearing. After hearing from 5 experts in child protection, this sanction was removed and he was able to work without restrictions.

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