



NEWS

Bawa-Garba: legal advice to GMC was incorrect, chief executive acknowledges

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The BMJ

The head of the UK General Medical Council has acknowledged that the legal advice the regulator received during the Hadiza Bawa-Garba case was incorrect.

In an interview for a BBC documentary the GMC's chief executive, Charlie Massey, said that if the same case arose now he would not have appealed the June 2017 tribunal verdict that decided to suspend Bawa-Garba but not to strike her off after the death of 6 year old Jack Adcock and would not have taken her to the High Court.^{1,2}

Massey was being interviewed by Samantha Batt-Rawden, a trainee in emergency and intensive care medicine in Surrey and chair of the Doctors' Association UK, as part of a BBC Radio 4 documentary exploring why doctors are leaving the NHS.³

In a discussion of the effect of the Bawa-Garba case on the wider profession, Batt-Rawden asked Massey what led to the decision to appeal the Medical Practitioners Tribunal Service verdict and take the trainee paediatrician to court.

Massey replied, "I said at the time that I felt I had no option but to appeal that decision. The High Court decision have upheld that view, and then the Court of Appeal overturned that view. It clarified that the legal advice I had was with hindsight not correct and I completely accept that. If that case came up now, that Court of Appeal judgment would mean that I wouldn't have appealed that case."

Reflecting on Massey's comments in a BMJ Opinion piece Batt-Rawden said it had become clear during her interview that the GMC's tone had changed since the Bawa-Garba case.⁴ She wrote, "There appeared to be genuine reflection on the part of the GMC, and it seemed that some real learning had taken place."

She added, "Clearly, there is more to do. The GMC will have to show that they are capable of real change to regain doctors' trust. These words, although reassuring, must be translated into affirmative action."

bmj.com **News** Bawa-Garba: "At rock bottom I had to remember why I wanted to be a doctor" doi:10.1136/bmj.l4130

- 1 Dyer C. Doctor convicted of manslaughter is suspended from register for a year. *BMJ* 2017;357:j2928. doi:10.1136/bmj.j2928 28619882
- 2 Dyer C. GMC begins High Court appeal over suspension of paediatrician convicted of manslaughter. *BMJ* 2017;359:j5718. doi:10.1136/bmj.j5718 29222125
- 3 My name is Sammy—I'm thinking of leaving the NHS. BBC. <https://www.bbc.co.uk/programmes/m0005i3h>.
- 4 Batt-Rawden S. A change of tone from the GMC—but can they win back doctors' trust? *BMJ Opinion*. Jun 2019. <https://blogs.bmj.com/bmj/2019/06/12/a-change-of-tone-from-the-gmc-but-can-they-win-back-doctors-trust>.

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