



PRESS RELEASE

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**GMC SLAMS DOOR ON JUSTICE IN CASE OF ROBBIE POWELL AND
ALLEGED COVER UP BY DOCTORS**

The General Medical Council (GMC) today slammed the door shut on what could be the last chance of justice for the family of Robbie Powell, the ten year old boy who died following medical errors in South Wales nearly twenty years ago, or of the doctors accused of forging his medical records in an attempted 'cover up' either being held to account or clearing their names. The patient safety charity Action against Medical Accidents (AvMA) have had to abandon their High Court action to force the GMC to at least investigate the doctors, having been "priced out" of the unique test case. Although the court has ruled that the charity had "a realistic prospect of success" in its judicial review that was due to be determined in a substantive hearing shortly, the charity failed to secure a 'protected costs order' from the court, which would have limited the costs it would have to pay if it lost to a manageable amount. AvMA appealed directly to the GMC's chief executive and chair offering to forego any costs of its own if they agreed to do the same, in order to let the case be determined by the court. The GMC have refused, leaving AvMA with no option but to drop the action or face potential bankruptcy if they continued with the case.

AvMA chief executive Peter Walsh said:

"This is a sad day not only for Robbie's parents but for anyone concerned with justice and the upholding of medical professional standards such as honesty. It is incredible that the GMC does not think allegations of forgery which the Crown Prosecution Service described as having an evidential base to justify prosecution, are not even worth investigating, and can also ignore the wishes of the NHS Local Health Board, Powys, and others to have an investigation. Whether intentionally or not, the GMC seem to be creating a "liars' charter" whereby those who are successful in covering up for long enough will evade investigation, leave alone sanctions. It is also disappointing that the GMC have rejected the opportunity to have its own decision making and policies tested in court, even with our offer of foregoing any costs. What have they got to hide?"

"It can not be satisfactory that an important test case such as this can simply be "priced out" of court. It seems money talks louder than principles. However, we are determined that some good will come of all this. This case underlines the need for a legal 'Duty of Candour' in healthcare for which we have been campaigning, and

which the Department of Health are considering. It is only fitting that this legal duty should be known as 'Robbie's law', as it was Robbie's case that highlighted the absence of such a duty in British law and would also be in honour of Robbie and his parents' remarkable struggle for justice. We are also seeking the establishment of an independent appeal mechanism, without which it is more or less impossible for charities, let alone ordinary people, to challenge bizarre GMC decisions such as this."

Will Powell, Robbie's father, said:

"As a family we have been let down by, amongst others, the coroner, the NHS investigating authorities, the Welsh Office, the Police, CPS, Civil Courts, European Court of Human Rights, Independent Police Complaints Commission and the government for almost 20 years. It comes as no surprise to us that we have now been let down by the GMC and again by the so-called British justice system. We have been forced to relive the events leading to Robbie's death for almost two decades. We know that the doctors' failures which led to Robbie's death were unintentional and anyone is capable of making mistakes. However, rather than accept the consequences of their failures, all the evidence suggests that the GPs consciously and collectively decided to falsify Robbie's medical records and provide false statements to create a defence that they would otherwise not have. The cover up of Robbie Powell's death continues to this day but now with the assistance of the GMC. We call on everyone to support AvMA's campaign for 'Robbie's law' – the legal Duty of Candour, and other much needed reforms."

For the full amazing story of Robbie, and his parents' struggle for justice click here:
http://www.avma.org.uk/data/files/robbies_story_updated_july_2008.pdf

For further information on AvMA's judicial review of the GMC, click here:
http://www.avma.org.uk/data/files/briefing_post_1st_hearing.pdf

For further information on the campaign for 'Robbie's law' click here:
http://www.avma.org.uk/pages/legal_duty_of_candour_-_robbies_law.html

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