

Case Study – Jack Adcock (April 2019 update)

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A doctor convicted of negligence over the death of a six-year-old boy can practice again, a medical tribunal has ruled.

Dr Hadiza Bawa-Garba has not worked since November 2015 when a jury convicted her of gross negligence manslaughter in her treatment of Jack Adcock.

Jack, from Glen Parva, developed sepsis and died of cardiac arrest at Leicester Royal Infirmary in February 2011.

A two-day review hearing to decide if Dr Bawa-Garba's fitness to practise was still impaired and whether she was safe to return to work, unrestricted, concluded at the Medical Practitioners Tribunal Service (MPTS) today.

The panel reviewing the case decided yesterday that Dr Bawa-Garba's fitness to practise remained impaired because of the length of time she had been out of practice.

However, the tribunal has now concluded that the doctor should be allowed to work, but under conditions for a period of two years, to begin once her current suspension expires in July.



Image:
Raymond's Press

The conditions include that Dr Bawa-Garba must be closely supervised by a clinical supervisor, she must have an educational supervisor and she must allow the General Medical Council (GMC), which maintains the official register of medical practitioners in the UK, to exchange information with any person involved in monitoring her compliance with her conditions.

Among the doctor's failures were making an incorrect diagnosis of gastro-enteritis on initial examination of the youngster, who had Down Syndrome and a heart condition, and not acting on a clinical reading which "ought to have been a clear indicator" of sepsis, the MPTS hearing was told.

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She was subsequently sentenced in December 2015 at Nottingham Crown Court to two years in jail, suspended for the same period. Lawyers told that hearing that in light of the conviction the career of Dr Bawa-Garba - who had wanted to be a doctor since the age of 13 - was over.

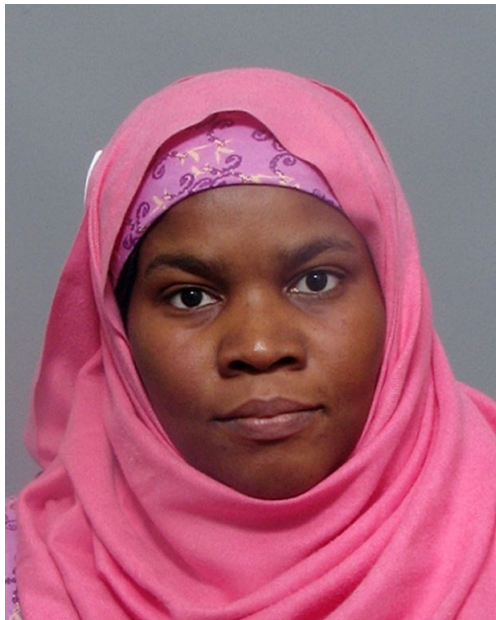
The MPTS later barred her from practise for 12 months.

However, the GMC took the case to the High Court to appeal against the sanction, saying it was "not sufficient", and Dr Bawa-Garba was struck off in January 2018.

The doctor appealed against the striking off, and last August the Court of Appeal ruled her name should be restored to the medical register, and her case be sent back to the MPTS.

Today, a tribunal determined that a raft of conditions be imposed on her registration for 24 months from the end of July, when her 12-month suspension ends.

Earlier this week, Dr Bawa-Garba told the hearing: "This case will live with me for the rest of my life."



Dr Hadiza Bawa-Garba
(Image: Leicestershire Police/PA Wire)

Jack's parents, Nicky and Victor Adcock, oppose Dr Bawa-Garba being allowed to practise again, and attended the hearing in Manchester.

The doctor gave evidence from her home via video-link after recently giving birth to her fourth child.

Dr Bawa-Garba told the tribunal she had rung Mrs Adcock two days after the death of Jack, referred to as Patient A, to say she was sorry.

She added: "Following that, I wrote a letter through my solicitors to apologise and I also apologised publicly in front of the court in London.

"I would like to use this opportunity today to say I am sorry for Patient A's death."

Mrs Adcock, sitting in the public gallery, interjected: "Eight years too late."

The doctor continued: "This case will live with me for the rest of my life. I am truly sorry for my role in Patient A's death."

Tribunal chairman Claire Sharp then warned people in the public gallery not to make comments while Dr Bawa-Garba was giving evidence.

Mrs Adcock replied: "It's difficult when you listen to lies though."

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The tribunal heard that Dr Bawa-Garba had not dealt with patients face-to-face for more than four years.

Dr Bawa-Garba was "on the cusp" of becoming a consultant prior to her conviction but, if allowed to return to work, would take a step back in grade "some years" in which she would undergo a national recruitment process where all paediatric trainees are reassessed, the tribunal was told.

Speaking yesterday, her barrister, Michael Hayton QC, said: "That will put her to the test quite literally to show she is capable of performing at an adequate level."

He conceded there was a series of failures on her part that led to her performing far below acceptable standards in 2011, but added: "It is right to say that these failings stand in isolation from what went before and what went subsequently to Patient A's attendance at the hospital eight years ago."

Mr Hayton said that placing conditions on her registration would "protect her, protect her patients and to secure the belief of the public that this is a profession that is dealing with this case appropriately".



Jack Adcock

(Image: Family Handout/PA Wire)



Nicola and Victor Adcock, mother and father of Jack Adcock, outside court.

Photo: Alex Britton/PA Wire

Speaking at the conclusion of the tribunal, a spokesman for the GMC said: "We would like to acknowledge how difficult this process has been for the Adcock family and our thoughts are with them.

"The GMC and Dr Bawa-Garba's representatives both submitted to the medical practitioners tribunal that her fitness to practise remains impaired due to the length of time she has been out of practice. It is important the doctor's return to practice is safely managed."

He added: "The tribunal agreed, making a finding of impairment, and they have imposed conditions on Dr Bawa-Garba's registration for two years in order to allow her to return safely to practice."