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News

Southall is cleared of serious professional conduct

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The child protection paediatrician David Southall has been cleared of serious professional misconduct by the General Medical Council over actions he took in two cases between 13 and 22 years ago.

A GMC fitness to practise panel found him not guilty of serious misconduct in keeping special case files separate from hospital medical records on two children without sufficient signposting, and sending a copy of a letter detailing child protection concerns about one of the children to the paediatrics department at the child's local hospital, without addressing it to a specific paediatrician.

Several paediatricians called on behalf of Dr Southall gave evidence that both were minor errors. Dr Southall sent the letter about Child H in 1990 to the referring paediatrician, Robert Dinwiddie, a consultant respiratory paediatrician at Great Ormond Street Hospital, questioning whether the child's parents were acting in his best interests.

Dr Southall told the panel he had sent a copy of that letter to an unnamed paediatrician at the Royal Gwent Hospital, without asking the parents' permission, because he wanted to alert a specialist there about the child's tracheostomy and the child protection concerns in case he was taken to hospital in an emergency.

Dr Dinwiddie told the panel that if he had been in Dr Southall's position he would have tried to identify an individual but, the panel noted, "he did not criticise your actions in relation to the letter on any other point."

Another paediatrician, Leonard Williams, told the panel that it was "useful to name somebody" but that he routinely sent letters containing sensitive information to unnamed clinicians and that virtually every hospital sent letters to "child health departments" in child protection cases.

"The panel accepts that the breach of confidentiality was justified by your child protection concerns about Child H and your professional duty in relation to his safety," said panel chairman Jacqueline Mitton.

She said the panel accepted that it was reasonable for Dr Southall to create special case files for Child D and Child H, who were seen in tertiary referral units, first at the Royal Brompton Hospital in London and then at North Staffordshire Hospital in Stoke, and were having their main care elsewhere.

The panel accepted there was some justification for moving Child H's special case files to Stoke when Dr Southall relocated there in 1992, but was "concerned" that a number of documents that should have been in the main hospital file at the Brompton were moved to Stoke.

"However, the panel has accepted the evidence from the expert witnesses that your basic intentions were good and that no great damage was caused to the integrity of the hospital medical records," said Dr Mitton.

The hearing began in 2006 but was adjourned several times, including for lengthy legal proceedings when Dr Southall challenged a finding on a third charge—that he had accused a mother, Mandy Morris, of murdering her son—and a decision to strike him off the medical register.

In May 2010, when the Court of Appeal quashed the GMC panel's finding that he had accused Mrs Morris of killing her son because the panel had given inadequate reasons, it sent the case back to the GMC to decide whether to retry it with a fresh panel. However, despite an indication from the three judges that they were "far from convinced" that a retrial would be in the public interest, the GMC has still not said whether it will drop the case.