

GENERAL MEDICAL COUNCIL

FITNESS TO PRACTISE PANEL

**(applying the General Medical Council's Preliminary Proceedings
and Professional Conduct Committee (Procedure Rules) 1988)**

On:
Thursday, 23 August 2007

Held at:
St James's Buildings
79 Oxford Street
Manchester M1 6FQ

Case of:

JAYNE LAVINIA MARY DONEGAN MB BS 1983 Lond

Registration No: 2826367

(Day Twelve)

Panel Members:

Mrs S Hewitt (Chairman)

Mr J Brown

Ms J Goulding

Dr M Goodman

Mr R Grey QC (Legal Assessor)

MR I STERN, QC, and MR S SINGH, Counsel, instructed by Clifford Miller, Solicitors,
appeared on behalf of the doctor, who was present.

MR T KARK, Counsel, instructed by Field Fisher Waterhouse, Solicitors, appeared on
behalf of the General Medical Council.

Transcript of the shorthand notes of Transcribe UK Ltd

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I N D E X

FITNESS TO PRACTISE

DETERMINATION on facts

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(The Panel continued to deliberate in camera)

STRANGERS HAVING BEEN READMITTED

THE CHAIRMAN: Good morning, everybody. In these particular circumstances we propose to give our decision in this case before handing down the determination. Do either counsel have any observations on that approach? *(No response)* In that case, I am going to ask the Legal Adviser if this proposal is in accordance with the regulations.

THE LEGAL ASSESSOR: Of course, you are proceeding under the 1988 rules and Rule 27(3) does not for a moment preclude your announcing your finding and presumably then, if you wish, to hand down your determination a bit later, so there is no reason why you should not do what you wish to do.

THE CHAIRMAN: Dr Donegan, I am going to read out the determination and please remain seated.

D E T E R M I N A T I O N

THE CHAIRMAN: Dr Donegan, the Fitness to Practise Panel met and operated under the Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) Rules 1988.

The Panel has given careful consideration to all the evidence adduced in this case and the submissions made by Mr Kark and those made by Mr Stern. The Panel accepted the advice given by the Legal Assessor.

The Panel has borne in mind that the burden of proof rests on the GMC and that the standard of proof required is that the Panel must be sure. The Panel has considered each head and sub-head of charge separately. Accordingly, it has made the following findings on the facts:

Heads 1 and 2 have been admitted and found proved.

Head 3 has been admitted and found proved, as amended.

Heads 4 and 5 have been admitted and found proved.

Heads 6(a), (b) and (c) have been found not proved.

Head 6(d) has been found not proved, as amended.

Heads 7(a), (b), (c) and (d) have been found not proved.

Having reached findings on the facts, the Panel then considered whether the facts admitted and found proved would be insufficient to support a finding of serious professional misconduct.

The Panel concluded that they would be insufficient.

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Accordingly, the Panel finds that you are not guilty of serious professional misconduct.

The Panel will give its reasons for this decision in full in a determination to be announced later and our proposal is that it will be tomorrow morning at 10 o'clock.

B

MR STERN: Madam, may I, first of all, thank you for adopting the procedure that you have adopted, because not only does that relieve the obviously difficult burden upon Dr Donegan but also, as you know, it helps me personally because I am due to have a family holiday this evening and have had frantic phone calls from my wife. So I am personally very grateful as, I am sure, Dr Donegan is as well, rather than having to wait until tomorrow morning for that, so I am very grateful.

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Secondly, this. I hope you will not see it as in any way discourteous if I am not here tomorrow. Mr Singh, of course, will be here and will, of course, remain should there be any matters that need any submissions from this side, although I doubt that will be the position.

May I therefore take it that you have no difficulty in me leaving?

THE CHAIRMAN: The Panel does not. Mr Kark, have you any observations?

D

MR KARK: No.

THE CHAIRMAN: In fact it is up to Dr Donegan whether she wants to be here.

E

MR STERN: Whether she wishes to be here, thank you, madam, as well, that is very kind. May I just thank the Panel because obviously we had these papers over many months before you did and, if I may say so, I am sure I speak for my learned friend as well, with enormous alacrity you picked up what is, certainly for lay people, immensely complex material and did so speedily and got to the heart of the issues and the points very quickly. So I am sure my learned friend and I are very grateful for that. May I also thank the learned Legal Assessor for his calm, courteous and helpful assistance both during the hearing and, of course, outside the hearing as well in determining matters that my learned friend and I needed his help with, so I am very grateful for that.

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THE CHAIRMAN: Very well. We will now go back into camera and we require those of you who wish to be here at 10 o'clock tomorrow morning.

STRANGERS, THEN, BY DIRECTION FROM THE CHAIR, WITHDREW
AND THE PANEL DELIBERATED IN CAMERA

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*(The Pane later adjourned until 10.00 a.m.
on Friday, 24 August 2007)*

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