

20 February 2007

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Dear Mr Scott,

Your complaint about Dr Alastair Benbow

Thank you for your email of 12 February 2007.

The main statutory objective of the GMC is to protect, promote and maintain the health and safety of the public. One of the ways in which we do this is by maintaining the integrity of the medical register (on which all doctors wishing to practice medicine in the United Kingdom must be included) by ensuring that those doctors on the register are fit to practice and taking appropriate and proportionate action against those whose fitness to practise may be "impaired" (by virtue of misconduct, ill-health, performance, criminal conviction or regulatory determination). If we continue with your complaint it would almost certainly fall within the misconduct category.

Our statutory powers are contained within the Medical Act 1983 (as amended) (a copy of which is enclosed for ease of reference). I note that you suggest that the GMC should undertake a *criminal* investigation of Dr Benbow, bring charges against him in relation to endangerment of 'at risk' children and strike him off. I would therefore specifically draw your attention to Part V-Fitness to Practise and Medical Ethics of the Medical Act 1983 (as amended), which sets out in detail the scope and application of our powers which do not extend to the courses of action you have mentioned.

Your complaint relates to statements made by Dr Benbow, in his capacity as head of European clinical psychiatry at GlaxoSmithKline, on a BBC Panorama programme broadcast on the 29 January 2007, in relation to the safety of paroxetine (seroxat) on depressed adolescents and children. You have helpfully enclosed with your complaint extracts from Paroxetine clinical trial 329, which, as I understand it, has only, recently come into the public domain.

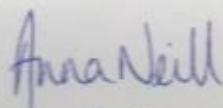
In order for the GMC to determine whether Dr Benbow's fitness to practise may be impaired by reason of misconduct, we would need to consider the nature of the allegations you are making (taking into account all the circumstances of the case and our guidance in Good Medical Practice) and whether there is tangible evidence to support a finding of misconduct.

Whilst I appreciate that the allegations you make regarding Dr Benbow's conduct have caused you concern, at present there is nothing in your complaint in its current form to suggest that his medical abilities are affected as result of the comments you say he made. Therefore, if you wish the GMC to consider this matter further I should be

grateful if you would provide me with further details of the allegations you are seeking to make against Dr Benbow, including specific details/ particulars of how Dr Benbow (other than purely by employment) was directly involved in the actions you allege. Any allegations made against Dr Benbow would ultimately have to be proved to the criminal standard and I therefore hope you can appreciate that we would need evidence of how Dr Benbow would have been aware of this information and then acted in the way you allege. If you can provide any additional documentation which supports your complaint, then this would be most helpful. It would be of particular help if you could provide me with a videotape or DVD of the programme in question if you are able to do so.

I look forward to hearing from you by **Friday 2 March 2007**.

Yours sincerely



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