

Witness Name: Benjamin Hartley
Statement No.: WITN3525006
Exhibits: WITN3525007-WITN3525040
Dated: 8 November 2019

INFECTED BLOOD INQUIRY

SECOND WRITTEN STATEMENT OF BENJAMIN HARTLEY

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 15 October 2019.

I, Benjamin Hartley, of the General Medical Council, 3 Hardman Street, Manchester M3 3AW will say as follows: -

Introduction

1. This statement is made further to my previous statement dated 3 July 2019 (WITN3525001) ('Previous Statement') and should be read in conjunction with my Previous Statement. Please see paragraphs 1 to 3 of my Previous Statement for details of my role and responsibilities.
2. Where I have relied on other sources of information for this statement, I have stated those sources.

System searches

3. I refer to paragraphs 86-90 of Charlie Massey's witness statement dated 17 July 2019 (WITN3365001) and the content of my Previous Statement. In preparing to disclose those witness statements, we realised there were gaps in the documentation in relation to Rule 12 reviews¹. I confirmed at paragraph 45 of my Previous Statement that we would continue to search through our records for any further relevant documents and disclose any further relevant information to the inquiry.
4. I did not have any direct involvement in the searches and this is not something that is within my knowledge or expertise. However, colleagues within the GMC's Information Governance Team have confirmed the following to me.

¹ Rule 12 of the Fitness to Practise Rules 2004 gives the GMC's Registrar the power to review and reopen decisions to close investigations into doctors' fitness to practise. Please refer to Charlie Massey's witness statement (WITN3365001) and my Previous Statement (WITN3525001)

5. We have undertaken a thorough system-wide search to locate any missing Rule 12 documentation within our hardcopy and electronic records.
6. By way of background, Rule 12 reviews were not managed by a single centralised team until 2012. As a result, documents relating to Rule 12 reviews are stored across a variety of older hardcopy files and electronic systems which contain limited indexes and search functionality. This made our searching more difficult.
7. Having conducted detailed searches within these systems, we have located a small number of additional documents relating to the Rule 12 reviews conducted for Mr Mackie and Mr **GRO-A**'s complaints relating to Professor Christopher Ludlam.

Documents for disclosure

8. The documents that were located are attached to this witness statement as Exhibits WITN3525007-WITN3525040. They comprise of 32 individual documents and two hardcopy files.
9. If any additional relevant material is identified, we will of course liaise with you for further disclosure.

Redaction

10. You will note that we have applied four redactions to the exhibits. These can be found at page 12 of WITN3525007 and pages 152, 170 and 199 of WITN3525008. The information that has been redacted is personal data that relates to other cases involving unrelated doctors that are not relevant to the Inquiry's terms of reference. The information is confidential to the parties who were involved in those cases. The nature of the information redacted is as follows:
 - a. WITN3525007, p12 – these are handwritten notes by a former Principal Legal Adviser at the GMC. At the top of the page is a reference to another case concerning an irrelevant doctor which is crossed out.
 - b. WITN3525008, pp 152 and 199 – these are internal emails between the former Principal Legal Adviser and other GMC staff. In both emails there are postscripts which refer to another irrelevant case. Only the personal data which identifies the parties has been redacted.
 - c. WITN352008, p170 - these are also handwritten notes by the former Principal Legal Adviser. At the top of the page is a reference to another case concerning an irrelevant doctor which is crossed out. Beneath that is a summary note of a telephone call made to another member of GMC staff regarding an irrelevant case.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed _____

GRO-C

Dated _____

08 / 11 / 19