Case study

professional standards authority
for Health and Social Care

Fitness to Practise appeal

Failure to consider the seriousness of the registrant's sexual motivation

Background/context

This was a General Medical Council (GMC) Section 40A appeal which the PSA joined. It related to a doctor who had behaved inappropriately and sexually harassed seven colleagues between May 2017 and September 2020. We joined the GMC's appeal and brought a separate ground over the panel's failure to evaluate the registrant's sexual motivation and its significance for seriousness.

The outcome

The court agreed and held:

"There is, in short, no credible innocent explanation of the doctor [name's] conduct, given the factual findings of the Tribunal. The Tribunal was either wrong not to include a proper consideration of his motive in its deliberations and/or, by virtue of that omission's constituting a serious procedural irregularity, reached an unjust result, namely, that Dr [name]'s fitness to practise was not impaired."



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Outcome (continued)

The decision was quashed, a finding of impairment substituted, and the decision on sanction remitted back to a new panel to consider. After we joined the GMC's appeal, the GMC changed its guidance about charging and considering sexual motivation and sexual harassment.

Find out more

- Read the full judgment in this appeal
- Our power to appeal regulators' final fitness to practise decisions
- Our oversight of regulators