

Recommendation and Manager's Final Comment Decision (Post Detailed Case Review)

"This case was discussed with Harry Cayton, [REDACTED] and [REDACTED]. It was agreed that for the reasons set out in the DCR this was not a decision where the only reasonable outcome was erasure. The Panel had considered all relevant principles and applied the case law appropriately. They had also provided a reasoned decision which made clear reference to the ISG.

Despite the nature of the ground re deference, this was not a case where it was felt a case meeting was required. That argument appeared without merit given the established case law in relation to deference. It was not clear that the Authority would be disadvantaged by this argument if it was accepted or rejected. We have commissioned research into deference and note the argument we made in Jagjivan as to our special position which was rejected by the court.

We will keep in touch with the GMC and seek clarification as to whether they will proceed with this ground.

Whilst it was noted that we seek parity across regulatory proceedings, we noted that it was reasonable for panels to come to different decisions about registrant's involved in the same incident.

No case meeting."