Case study

professional standards authority
for Health and Social Care

Fitness to Practise appeal

Cross admissibility test

Background/context

The PSA were successful in bringing an appeal against a General Medical Council (GMC) panel decision involving two vulnerable female patients, Patients A and B, who were unknown to each other and were treated by the Registrant on different days in different Accident and Emergency Departments. Both patients reported that the Registrant had spoken in a 'hypnotic' manner and asked them to remove their clothes.

The Registrant also touched Patient A in a sexually inappropriate way. In examining the evidence separately, the panel wrongly directed itself as to the test for the cross admissibility of evidence and wrongly interpreted and applied the test, resulting in the charges not being found proved.

Outcome

The judgment is significant because it gives a comprehensive analysis of the law in this area and sets out several matters a panel will need to consider when determining the issue of cross-admissibility in regulatory cases [see para 47]. The decision was quashed and remitted back to a new panel to consider.

▶ Read the full judgment in this case

▶ Find out more about our power to appeal regulators' final fitness to practise decisions

