GMC: Showing Insight in Fitness to Practise Hearings

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How does a doctor show insight when they dispute the allegations?

In April 2019, the High Court handed down a decision in the case of Blakely v GMC [2019] which considered the issue of demonstrating insight when a doctor does not accept allegations faced in fitness to practise proceedings.

In this case, Dr Blakely was found to be misleading and dishonest for arranging covert recordings of consultations between a colleague and patients, without knowledge or consent. Dr Blakely was concerned that her colleague was undercharging and losing the company money. When patients found out about the recordings, Dr Blakely told them that she had acted on advice from the GMC and CQC, which was later proved incorrect. Dr Blakely was initially suspended for a period of six months. At a review hearing, she was suspended for a further nine months after the reviewing Tribunal considered that she had not demonstrated sufficient insight into her dishonest behaviour and there was a risk of repetition.

The High Court dismissed Dr Blakely's appeal on the basis that the Tribunal had not erred in law. This case demonstrates the difficulties faced by doctors who deny the allegations against them. How can a doctor demonstrate sufficient insight when they deny the allegations? The High Court suggested that doctors could accept the findings of the Tribunal, with the benefit of hindsight, even if they did not accept their conduct was dishonest at the time. However, the false acceptance of the Tribunal's findings can often be undone through cross-examination and result in a positive demonstration of a doctor's lack of insight.

The High Court suggested an alternative would be to accept that the public would view the conduct as dishonest even if the doctor does not accept that they were.

This is a complex issue, frequently seen in fitness to practise proceedings. Those facing an investigation by their regulator, should obtain early legal advice, so that tactical considerations can be given to any issues that arise.

If you require advice or assistance regarding a GMC investigation, please contact our experienced healthcare

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