

## PUBLIC RECORD

Date: 15/10/2021

Medical Practitioner's name: Dr Bethany Hutchinson  
GMC reference number: 7524775  
Primary medical qualification: MB BCh 2016 Cardiff University

Type of case	Outcome on impairment
Review - Conviction / Caution	Not Impaired
Review - XXX	Not Impaired

**Summary of outcome**

Conditions revoked

**Tribunal:**

Legally Qualified Chair	Mr William Hoskins
Medical Tribunal Member:	Dr John Garner
Medical Tribunal Member:	Dr Matthew O'Meara
Tribunal Clerk:	Ms Jennifer Coakley

**Attendance and Representation:**

Medical Practitioner:	Present and represented
Medical Practitioner's Representative:	Ms Vivienne Tanchel, Counsel, instructed by the MDDUS
GMC Representative:	Mr Nicholas Hall, Counsel

## Attendance of Press / Public

In accordance with Rule 41 of the General Medical Council (Fitness to Practise) Rules 2004 the hearing was held partly in public and partly in private.

## Overarching Objective

Throughout the decision making process the tribunal has borne in mind the statutory overarching objective as set out in s1 Medical Act 1983 (the 1983 Act) to protect, promote and maintain the health, safety and well-being of the public, to promote and maintain public confidence in the medical profession, and to promote and maintain proper professional standards and conduct for members of that profession.

## Determination on Impairment - 15/10/2021

1. This determination will be read in private. However, as this case concerns Dr Hutchinson's conviction a redacted version will be published at the close of the hearing with those matters relating to XXX removed.
2. At this review hearing the Tribunal has to decide in accordance with Rule 22(1)(f) of the General Medical Council (GMC) (Fitness to Practise) Rules 2004, as amended ('the Rules') whether Dr Hutchinson's fitness to practise is impaired by reason of XXX and/or a conviction or caution for a criminal offence.

## The Outcome of Applications Made during the Impairment Stage

3. The Tribunal granted an application by Ms Vivienne Tanchel, Counsel, on behalf of Dr Hutchinson, made pursuant to Rule 41 of the Rules, for the public to be excluded from the proceedings XXX. Mr Nicholas Hall, Counsel, on behalf of the GMC, had no objection to the application.

## Background

4. Dr Hutchinson qualified in 2016 and, prior to the events which are the subject of the hearing, Dr Hutchinson, as part of her training, completed foundation years 1 and 2. At the time of the events Dr Hutchinson was practising as a supervised GP trainee at Barcroft Medical Centre in Salisbury.
5. Dr Hutchinson self-referred to the GMC on 17 November 2018 following an incident which occurred on 16 November 2018. Witnesses observed Dr Hutchinson driving erratically then mounting a kerb, before exiting the car and falling into a verge. Shortly after, Dr Hutchinson failed a roadside breath test when breathalysed by a police officer. The alcohol level recorded after testing at the police station was 121 micrograms of alcohol in 100ml of breath, with the legal limit being 35 micrograms of alcohol in 100ml of breath. Dr Hutchinson

was arrested for driving whilst being over the prescribed limit of alcohol. The police officer found a half full bottle of vodka and a bottle of wine in Dr Hutchinson's car.

6. Following the incident, Dr Hutchinson was convicted on 7 December 2018 at the South East Wiltshire Magistrates Court of driving a motor vehicle after consuming so much alcohol that the proportion of it in her breath exceeded the prescribed limit. Dr Hutchinson was sentenced to eight weeks imprisonment suspended for 12 months together with a rehabilitation activity requirement to comply with any instructions of the responsible officer to attend appointments or to participate in any activity as required by the responsible officer up to a maximum of 10 days. She was also disqualified from driving for a period of 29 months, which would be reduced after satisfactory completion of a drink drivers rehabilitation programme.

7. XXX.

8. Dr Hutchinson made full admissions to the allegations she faced at the Medical Practitioners Tribunal hearing which took place in November 2020 relating to her conviction, suspended sentence and XXX.

9. The 2020 Tribunal determined that a finding of impairment by reason of Dr Hutchinson's conviction was required to uphold public confidence and maintain and uphold standards in the medical profession. XXX.

10. The 2020 Tribunal determined that imposing a period of conditions on Dr Hutchinson's registration for 12 months would be the appropriate, necessary and proportionate sanction to allow her to XXX whilst completing her training and exams and beginning work as GP Registrar.

11. The 2020 Tribunal considered that it may assist a reviewing tribunal if Dr Hutchinson provided reflections on her progress and XXX up to date reports from her XXX and educational supervisors.

## The Evidence

12. The Tribunal has taken into account all the evidence received. This included XXX, reports from Dr Hutchinson's Workplace Reporters, Clinical Supervisor, XXX. The Tribunal also took into account XXX Dr Hutchinson's reflective piece.

## Submissions

13. In summary, on behalf of the GMC, Mr Hall submitted that the Tribunal should find that Dr Hutchinson's fitness to practise is no longer impaired and should revoke her conditions. Although he stated that it is a matter for the Tribunal to decide, Mr Hall submitted that this would be appropriate given XXX her employers confirming good practice and no concerns, and her compliance with her GMC conditions.

14. In summary, on behalf of Dr Hutchinson, Ms Tanchel submitted that Dr Hutchinson's fitness to practise is no longer impaired. She submitted that Dr Hutchinson has done everything she possibly could to comply with the conditions and XXX; her insight is commendable. Ms Tanchel highlighted some positive comments from the documents provided and submitted that they demonstrated that Dr Hutchinson is truly a credit to her profession, that she no longer poses any risk to the wider public interest or patients and that she will continue to behave in the way that is required of her to meet her professional obligations.

### The Relevant Legal Principles

15. The Tribunal reminded itself that the decision of impairment is a matter for the Tribunal's judgement alone. As noted above, the previous Tribunal set out the matters that a future Tribunal may be assisted by. This Tribunal is aware that it is for the doctor to satisfy it that she would be safe to return to unrestricted practise.

16. This Tribunal must determine whether Dr Hutchinson's fitness to practise is impaired today, taking into account her conduct and XXX at the time of the events and any relevant factors since then such as whether the matters are remediable, have been remedied and any likelihood of repetition.

17. The Tribunal bore in mind that it is for the doctor to demonstrate to the Tribunal that her fitness to practise is no longer impaired. It took account of paragraph 163 of the *Sanctions Guidance* (November 2020 edition), which states:

*'163 It is important that no doctor is allowed to resume unrestricted practice following a period of conditional registration or suspension unless the tribunal considers that they are safe to do so.'*

### The Tribunal's Determination on Impairment

#### Conviction or Caution

18. The Tribunal bore in mind that findings of the 2020 Tribunal and the seriousness of Dr Hutchinson's conviction for driving a motor vehicle after consuming so much alcohol that the proportion of it in her breath exceeded the prescribed limit. It reminded itself that the 2020 Tribunal considered that a finding of impairment by reason of conviction was required to uphold public confidence and maintain and uphold standards in the medical profession. It also bore in mind the interlinked nature of Dr Hutchinson's conviction and XXX.

19. This Tribunal took into account that, albeit only by about one month, this is an early review. The Tribunal had regard to the evidence of the positive steps Dr Hutchinson has taken since the 2020 hearing and was satisfied that she has demonstrated sufficient progress to fulfil the public interest in terms of her conviction. It was of the view that a reasonable and

fully informed member of the public looking at Dr Hutchinson’s reflective piece and the evidence of what she has done since she was convicted would consider that she has discharged the responsibilities she had arising out of her conviction.

20. This Tribunal has therefore determined that Dr Hutchinson’s fitness to practise is no longer impaired by reason of a conviction or caution for a criminal offence.

XXX

21. XXX.

22. XXX.

23. XXX.

24. XXX.

25. XXX.

26. The Tribunal also had regard to the documents from Dr Hutchinson’s Workplace Reporters, XXX, all of whom had the opportunity to raise any concerns they may have had. No concerns have been raised.

27. In the GMC reports and letters from Dr A, Consultant in Old Age Psychiatry and Dr Hutchinson’s Workplace Reporter, no concerns were raised. In Dr A’s letter dated 12 September 2021, he explained that he has acted as Clinical Supervisor during Dr Hutchinson’s placement in Older Adult Psychiatry at Fountain Way in Salisbury. He stated that Dr Hutchinson performed well and above the expected level for a junior doctor at her stage of GP training and he had no reason to doubt her fitness to practice during her six month placement.

28. XXX.

29. XXX.

30. This Tribunal has therefore determined that Dr Hutchinson’s fitness to practise is not impaired by reason of XXX.

31. Accordingly, the Tribunal determined to revoke the current substantive order of conditions with immediate effect.