

PUBLIC RECORD

Dates: 15/07/2024 - 17/07/2024

Medical Practitioner's name: Dr Fidel GALLO BENITEZ
GMC reference number: 3707764
Primary medical qualification: LMS 1992 Universidad de Sevilla

Type of case	Outcome on facts	Outcome on impairment
New - Conviction	Facts relevant to impairment found proved	Impaired
New - Misconduct	Facts relevant to impairment found proved	Impaired

Summary of outcome

Suspension, 4 months.

Tribunal:

Legally Qualified Chair	Miss Gillian Temple-Bone
Lay Tribunal Member:	Mr Darren Shenton
Medical Tribunal Member:	Dr Gabrielle Downey

Tribunal Clerk:	Mx Nate Caruso-Kelly
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Attendance and Representation:

Medical Practitioner:	Present, not represented
GMC Representative:	Mr Thomas Moran, 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 Facts and Impairment - 16/07/2024

1. This determination will be handed down in private. However, as this case concerns Dr Gallo Benitez's misconduct and conviction a redacted version will be published at the close of the hearing.

Background

2. Dr Gallo Benitez qualified in 1992 at Universidad de Sevilla. At the time of events, Dr Gallo Benitez was employed by the South London and Maudsley ('SLAM') NHS Foundation Trust ('the Trust') as a Consultant Psychiatrist. Dr Gallo Benitez had been employed by the Trust as a Consultant Psychiatrist since 2001, working at various hospitals in the area.

3. The allegation that has led to Dr Gallo Benitez's hearing can be summarised as follows. With regard to Ms A, it is alleged that whilst at a December 2014 Christmas outing, Dr Gallo Benitez asked if he could pinch her bottom. Further, it is alleged that between around 15 March 2015 and 1 July 2018, Dr Gallo Benitez sent Ms A messages via WhatsApp and text, some of which were of a sexual nature, a sexual discriminatory nature and were sent despite Ms A indicating that she was not interested in a sexual relationship with him and did not want to receive messages of that nature. It is further alleged that Dr Gallo Benitez's actions were sexually motivated and constituted sexual harassment as defined in Section 26(2) of the Equality Act 2010. Ms A made a complaint about Dr Gallo Benitez' behaviour on 17 October 2018 to the Trust.

4. With regard to Ms B and Mr C, it is alleged that in Autumn 2016 at XXX, Dr Gallo Benitez put his arms around Ms B and kissed her on the cheek, tapped Mr C in the groin, and threatened Ms B and Mr C that their careers would be damaged after Mr C stated that the contact was an assault. Ms B reported the alleged assault to the police the same day.

5. With regard to Ms D, it is alleged that in December 2016, after the work Christmas party, Dr Gallo Benitez shared a taxi with Ms D, during which he started to massage Ms D's shoulders without asking, asked Ms D to come into his house, and despite knowing that Ms D was engaged to be married, told her not to get married and to 'sleep around' while she was young. It is further alleged that in August 2017 at a works social event, when a colleague dropped her Oyster card on the floor and bent down to pick it up, Dr Gallo Benitez asked Ms D to 'slap her arse' or words to that effect.

6. It is further alleged that on 15 July 2019 at Bromley Magistrates' Court, Dr Gallo Benitez pleaded guilty to having been, on 15 June 2019 at Lewisham Hospital car park, in charge of a mechanically propelled vehicle whilst unfit to drive through drink and, when suspected to have been in charge of a vehicle and having been required to provide a specimen of breath for analysis failed to do so without reasonable excuse. Finally, it is alleged that on 15 July 2019 Dr Gallo Benitez was sentenced to pay a fine of £923 and his driving licence was endorsed with 10 penalty points.

7. The initial concerns regarding the conviction were raised with the GMC by Dr Gallo Benitez on 19 July 2019.

The Allegation and the Doctor's Response

8. The Allegation made against Dr Gallo Benitez is as follows:

That being registered under the Medical Act 1983 (as amended):

Misconduct

Ms A

1. Whilst at the December 2014 Christmas drink outing you asked your colleague Ms A if you could pinch her bottom.
Admitted and found proved.
2. Between around 15 March 2015 and 1 July 2018, you sent messages via WhatsApp and text message to your colleague, Ms A, as outlined in Schedule 1 (the 'Text Messages') that:
 - a. were of a sexual nature;
Admitted and found proved.
 - b. were of a sexual discriminatory nature;

Admitted and found proved.

- c. were sent despite Ms A indicating that she:
 - i. was not interested in a sexual relationship with you;
Admitted and found proved.
 - ii. did not want to receive messages of a sexual nature from you.
Admitted and found proved.
- 3. Your conduct towards Ms A as set out at Paragraphs 1 and 2 was sexually motivated.
Admitted and found proved.
- 4. Your conduct towards Ms A as set out at Paragraph 2 constituted sexual harassment as defined in Section 26(2) of the Equality Act 2010, in that you engaged in unwanted conduct of a sexual nature which had the purpose or effect of violating the dignity of Ms A, or creating an intimidating, hostile, degrading, humiliating or offensive environment for her.
Admitted and found proved.

Ms B and Mr C

- 5. In Autumn 2016 whilst at XXX you:
 - a. put your arms around Ms B and kissed her on the cheek;
Admitted and found proved.
 - b. tapped Mr C in the groin;
Admitted and found proved.
 - c. threatened Ms B and Mr C that their career would be damaged, or words to that effect, after Mr C stated that the contact as set out in paragraph 5.b. was an assault.
Admitted and found proved.

Ms D

6. In December 2016, after the works Christmas party, you shared a taxi with Ms D, a colleague, during which you:
- a. started to massage Ms D's shoulders, without asking;
Admitted and found proved.
 - b. when the taxi stopped outside your house you asked Ms D to come with you, into your house, or words to that effect;
Admitted and found proved.
 - c. despite knowing that Ms D was due to get married, told Ms D, words to the effect of:
 - i. not to get married;
Admitted and found proved.
 - ii. to 'sleep around' whilst Ms D is young.
Admitted and found proved.
7. In August 2017 whilst at a works social event celebrating a colleague's retirement, when a colleague dropped their oyster card on the floor and bent down to pick it up, you asked Ms D to 'slap her arse', or words to that effect.
Admitted and found proved.

Conviction

8. On 15 July 2019 at Bromley Magistrates' Court you pleaded guilty to the following:
- a. on 15 June 2019 at Lewisham Hospital Car Park SE13 were in charge of a mechanically propelled vehicle, in a public place, namely Lewisham Hospital Car Park SE13, whilst unfit to drive through drink, contrary to section 4(2) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988;
Admitted and found proved.
 - b. on 15 June 2019 at Lewisham Hospital Car Park SE13 when suspected of having been in charge of a vehicle and having been

required to provide a specimen or specimens of breath for analysis by means of a device of a type approved by the Secretary of State pursuant to section 7 of the Road Traffic Act 1988 in the course of an investigation into whether you had committed an offence under section 3A, 4, 5 or 5A thereof, failed, without reasonable excuse, to do so, contrary to section 7(6) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

Admitted and found proved.

9. On 15 July 2019 you were sentenced to:

a. a fine of £923;

Admitted and found proved.

b. a 10 point endorsement on your driving licence.

Admitted and found proved.

And that by reason of the matters set out above your fitness to practise is impaired because of your:

a. misconduct in respect of paragraphs 1, 2, 3, 4, 5 6 and 7;

To be determined.

b. conviction in respect of paragraphs 8 and 9.

To be determined.

The Admitted Facts

9. At the outset of these proceedings, Dr Gallo Benitez made admissions to all paragraphs of the Allegation, as set out above, in accordance with Rule 17(2)(d) of the General Medical Council (GMC) (Fitness to Practise) Rules 2004, as amended ('the Rules'). In accordance with Rule 17(2)(e) of the Rules, the Tribunal announced all paragraphs of the Allegation as admitted and found proved.

Impairment

10. The Tribunal now has to decide in accordance with Rule 17(2)(l) of the Rules whether, on the basis of the facts which it has found proved as set out before, Dr Gallo Benitez's fitness to practise is impaired by reason of misconduct and, or a conviction for criminal offences.

The Evidence

11. On behalf of the GMC, witness statements were received from the following witnesses who were not called to give oral evidence:

- Ms A, dated 22 October 2021, and 18 June and 23 August 2023;
- Ms B, dated 25 May 2023;
- Mr C, dated 6 June 2023; and
- Ms D, dated 16 June 2023.

12. The Tribunal also received the following documentary evidence:

- Records of WhatsApp and text messages between Ms A and Dr Gallo Benitez, dated between July 2014 and July 2018,
- An email from Ms A to the Trust Clinical Director dated 17 October 2018,
- Records of Trust investigation meetings with Ms A, Ms B, Mr C, and Ms D, held in October and November 2018,
- Police documents including redacted MG5 dated July 2020,
- Email from Dr Gallo Benitez to the GMC dated 19 July 2019 regarding his convictions,
- Certificate of conviction from Bromley Magistrates' Court dated 15 July 2019,
- Statement of Dr Gallo Benitez's Responsible Officer Dr E, dated 17 May 2024,
- XXX
- Certificate for 'an Introduction to the Themes and Ambitions for GMP Part 1&2' course, dated 5 December 2023; and
- Certificate for 'Maintaining Professional Boundaries' course, dated 9-11 April 2024.

13. Dr Gallo Benitez provided his own witness statement dated 9 June 2024 and gave oral evidence at the hearing.

14. Dr Gallo Benitez, in his oral evidence, given on oath, stated that at the time of the misconduct and conviction he was going through a difficult period in his life. XXX together with a busy professional life caused him further stress. Dr Gallo Benitez stated that whilst he was working very hard at the time, 2 or 3 times a year he would go to parties and drink too much, and that he was unaware of the effect of his behaviour on others whilst he was intoxicated. He stated that after the parties his colleagues would say they had fun and so he was shocked by the complaints from Ms B, Mr C and Ms D when he was made aware of them. He further stated that he believed he had been friends with Ms A and when she made her complaint in 2018, he was distraught that he had made her feel uncomfortable and has now come to understand the power differential in the relationship. He stated that because she was his XXX colleague, he did not believe there was a power differential at first.

15. With regard to the misconduct, Dr Gallo Benitez stated that in his appraisal last year it was identified that the course 'Maintaining Professional Boundaries' would be helpful, and he has since attended this course. He further set out that he has attended seminars on sexual harassment and has read Good Medical Practice (2013, as amended) ('GMP'). He stated that when he was drinking, he would not think about the consequences of his actions on other people, and he is now more aware of how people may perceive his 'flirting' as intimidating and that it may make them uncomfortable.

16. Dr Gallo Benitez further stated that when he was younger it was acceptable to pay women compliments and that he believes the difference in attitudes is a generational issue. He accepted that his comments to Ms A went beyond paying compliments and he stated this was because he honestly believed they were friends and that she had been flirting with him. He stated that it was not his intention to sexually harass Ms A, but he accepts that it was perceived that way by her, and he would have liked to have personally apologised to her for his actions.

17. With regard to the conviction, Dr Gallo Benitez stated that he was very tired and had drunk several pints of beer. He stated that he had no intention to drive the car and was only planning to have a nap before going home. He further stated that he did not provide a breath specimen because he had already admitted to the police officer that he was over the limit.

18. XXX. He XXX accepted that he had been sober when he had sent some of the sexual messages to Ms A. He stated that there were other factors besides alcohol in his behaviour with Ms A and described this as a 'vulnerability' to flirting with women. He accepted that his behaviour was totally inappropriate, the sexual messages went beyond flirting, and that he realised this when Ms A made a complaint against him in 2018.

19. XXX

20. Dr Gallo Benitez stated that he has been abstinent from alcohol for two years and he maintains a strict structure and schedule to his days to ensure he has 'peace and tranquillity' in his life, as well as engaging in hobbies and socialising with friends. XXX. He stated that he is currently not in a relationship and is focusing on himself.

21. Dr Gallo Benitez stated that he has good relationships with his colleagues, a large proportion of which are women, and he has had no further complaints made against him since these events. He stated that in 2018 he was only made aware of Ms A's complaint. He

only became aware of the other complainants when provided with information from the GMC. He was shocked that his behaviour had that kind of effect on his colleagues. He stated that this experience has made him more aware of his own vulnerabilities and the vulnerabilities of others. He stated that he is now conscious that behaviour one person might view as flirting can be viewed differently by another person, and he now considers how his actions could be perceived. He stated that he tries to keep himself up to date on the new guidance regarding social and professional behaviours and boundaries and is aware that this is a changing area of medical practice and society.

22. Finally, Dr Gallo Benitez stated that he understood that his behaviour affects the trust that the public has in the profession, and that his behaviour would be viewed as damaging to the profession by the public, as well as a waste of time for the GMC, the police and the hospital.

23. When asked about insight he explained that he began developing insight when Ms A made the complaint against him. He admitted that when she described him as ‘predatory’ in a text message, he was angry. Now he fully accepts that what was predatory about them was that he kept texting her despite her telling him that she was not interested in a sexual relationship and some of the messages were unacceptable and inappropriate. Developing insight is a process and he is continuing his education in this regard. He stated that he has learned a lot about himself, is more aware that people react differently and now understands the power differential. The course on Professional Boundaries taught him of the importance of his behaviour both inside and outside hospital including when socialising. He stated that he took responsibility for his behaviour.

24. He is now divorced and single. When asked if his fitness to practice is currently impaired he replied ‘no.’

Submissions

25. On behalf of the GMC, Mr Moran submitted that Dr Gallo Benitez’s fitness to practise is impaired. With regard to the misconduct, Mr Moran submitted that this amounted to serious misconduct. He submitted that the following factors aggravate the seriousness of the misconduct. In relation to Ms A, he submitted that Dr Gallo Benitez was aware that she was vulnerable because of her personal circumstances XXX; the duration of the messages which continued over three years, from 2014 to 2018; the conduct was sexually motivated; Ms A made it clear numerous times that the sexual messages were not wanted; and XXX.

26. Mr Moran further submitted that there was a power differential in each of the four cases, although it was less apparent with Ms A, XXX. He further submitted that Dr Gallo Benitez's attempt to intimidate Ms B and Mr C into not reporting his actions was an aggravating factor. In summary, Mr Moran submitted that this was serious misconduct which requires a finding of misconduct and impairment.

27. With regard to the conviction, Mr Moran submitted that these offences are both imprisonable and although they led to a fine and penalty points in this case, the Tribunal should consider all the circumstances and whether Dr Gallo Benitez has been entirely candid about the circumstances of the conviction or is minimising them. Mr Moran accepted that any enquiry into the circumstances of the conviction is limited as the Tribunal is unable to call evidence on the matter and Dr Gallo Benitez has stated that his version of events was accepted in the Magistrates' court. He submitted that nevertheless these are serious convictions and the failure to provide a specimen cannot be explained by the assertion that Dr Gallo Benitez did not believe that he needed to provide a sample, having admitted to being intoxicated.

28. Mr Moran accepted that alcohol played a significant role in these events and XXX, the risk of repetition has been addressed insofar as alcohol was a factor. Mr Moran submitted that the conduct cannot be attributed to alcohol alone, as some of the misconduct occurred when Dr Gallo Benitez was not intoxicated, and there appears to be a link between difficult personal events and incidents of misconduct.

29. Mr Moran submitted that there remains a risk of repetition in this case as difficult events will inevitably occur which will put pressure on Dr Gallo Benitez. Mr Moran submitted that it is likely there is something more deep seated in Dr Gallo Benitez causing him to behave this way, and while he has identified his background in Seville as a reason, he has been in the UK for long enough [30 years] to know how to behave here. Mr Moran submitted that the misconduct goes far beyond paying innocent compliments to women. Both cultural factors and alcohol cannot be relied upon to explain the misconduct entirely.

30. Mr Moran submitted that Dr Gallo Benitez's comments about people's 'perception' of his misconduct are a way of minimising it and carries with it the suggestion that there are some people who would perceive his conduct in an innocent way, which is not correct when you consider his behaviour as a whole. Mr Moran submitted that nobody could perceive this conduct in any way other than how they in fact perceived it. In summary, Mr Moran submitted that even if it is found that Dr Gallo Benitez has full insight into his misconduct and has fully remediated with a low risk of repetition, the seriousness of the conduct as a whole is such as to require a finding of impairment to uphold public confidence in the profession.

31. Dr Gallo Benitez accepted the seriousness of the episodes of his misconduct and took full responsibility for them, as well as for the conviction. With regard to the conviction, he stated that this was now five years ago and while he understands the seriousness, he pleaded guilty at the time and had the appropriate sentence imposed.

32. With regard to the misconduct, Dr Gallo Benitez submitted that some of the misconduct was now 10 years ago, and he understands the seriousness of some of his actions and apologised for the effect of his behaviour on other people. He accepted that Ms A was going through difficulties in her life and that they discussed these at length. He submitted that they had lengthy conversations almost daily and he honestly believed Ms A was his friend. He submitted that the length of time the misconduct continues is a mitigating factor as it shows the length of the friendship, and further that they worked together on a regular basis and had conversations about personal matters and flirted.

33. Dr Gallo Benitez accepted that alcohol played an important part in his actions. He further submitted that he has been in the UK for 30 years and understands the culture differences between the UK and Spain. He submitted that his comments about the perception of other people means that at times his behaviour did not have the intended effect and he apologised that the consequence was making people uncomfortable when some others may not perceive it that way.

34. Dr Gallo Benitez further submitted that in the last five years he has maintained public confidence in the profession. He submitted that the complaints were taken seriously at the time and were dealt with by the Trust investigation and NHS investigation. He stated that he was excluded from work for three months and given a final written warning which was extended after his conviction, which he submitted was an adequate consequence for his actions. He submitted that he has systems in place to ensure that he does not behave this way again and there have been no further incidents in the last five years.

35. Dr Gallo Benitez submitted that this process has made him more aware of the effect of his behaviour on other people and his own vulnerabilities. He submitted that full insight does not exist, but it is a gradual process and is quite dynamic in nature. He is trying his best to continue improving his insight into different aspects of himself and his behaviour. He submitted that when he faced stressful circumstances in 2022 there was no repetition of the behaviour and he stated that his coping mechanisms will ensure that this does not happen again when another stressful circumstance inevitably arises. Regarding the risk of repetition, he submitted that periods of stress will occur XXX. He has not repeated the behaviours and misconduct with which this Tribunal is concerned. He submitted he was very very sorry about

these very very serious episodes of misconduct, but he considers that his patients trust him, the Trust trusts him and he believes he is Fit to Practise.

The Relevant Legal Principles

36. The Tribunal reminded itself that at this stage of proceedings, there is no burden or standard of proof, and the decision of impairment is a matter for the Tribunal's judgement alone.

37. In approaching the decision, the Tribunal was mindful of the two-stage process to be adopted: first whether the facts as found proved amounted to misconduct, and that the misconduct was serious and then whether the finding of that misconduct which was serious, could lead to a finding of impairment.

38. The Tribunal must determine whether Dr Gallo Benitez's fitness to practise is impaired today, taking into account Dr Gallo Benitez's conduct 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.

The Tribunal's Determination on Impairment

Misconduct

39. The Tribunal considered the matters at paragraphs 1, 2, 3, 4, 5, 6, and 7 of the Allegation together. The Tribunal found that the matters admitted and found proved amount to conduct which falls seriously short of the standards required of a doctor. The Tribunal found that Dr Gallo Benitez's misconduct as a whole was a clear departure from the following paragraphs of GMP:

'35 You must work collaboratively with colleagues, respecting their skills and contributions.

36 You must treat colleagues fairly and with respect.

37 You must be aware of how your behaviour may influence others within and outside the team.'

40. The Tribunal further found that each incident individually amounted to misconduct. The Tribunal found that the misconduct in relation to Ms A was particularly serious in that it was sexually motivated behaviour which continued over an extended period of time and Ms

A made herself clear repeatedly that she did not welcome the behaviour. The Tribunal noted that Ms A stated on 12 November 2016, in a WhatsApp message *'I know you're newly single and looking to enjoy your freedom but just to be clear: I am not available for sex. Don't send me any more sexy lady pictures and no to lunch until this is less awkward'*. Ms A stated on 25 March 2018 at 15.03 pm *'you have 'crossed the line again'*. She further stated, *'switching off so don't bring sex into it again'*, then in June 2018, she stated *'WTF no more messages'* and in July 2018 *'I'm blocking this number'*.

41. The Tribunal noted that the inappropriate messages from Dr Gallo Benitez continued for another two years after the 2016 message. The Tribunal found that Ms A had clearly set out the boundaries of the friendship on multiple occasions and there was no room for misinterpretation or confusion due to cultural differences.

42. The Tribunal was mindful that while Ms A and Dr Gallo Benitez XXX, Dr Gallo Benitez was XXX senior to Ms A and she was vulnerable due to her personal circumstances, of which Dr Gallo Benitez was aware. The Tribunal noted that Ms B, Mr C, and Ms D were all junior to Dr Gallo Benitez, and therefore it found a significant power differential was evident on each occasion. The Tribunal found that this was particularly apparent in the incident with Ms B and Mr C, as Dr Gallo Benitez had used his position to threaten to damage their careers.

43. The Tribunal accepted that most of his misconduct was XXX, however it found that this did not diminish the seriousness of Dr Gallo Benitez's behaviour which occurred on at least four occasions with different colleagues. The Tribunal noted the repeated nature of this misconduct and was concerned that it occurred on each occasion with junior colleagues and therefore showed an element of predatory behaviour. The Tribunal found that Dr Gallo Benitez, as the senior Consultant, should have been setting an example for his junior colleagues, but was not.

44. The Tribunal therefore found that Dr Gallo Benitez's conduct, on each occasion and taken as a whole, fell so far short of the standards of conduct reasonably to be expected of a doctor so as to amount to serious misconduct.

Conviction

45. The Tribunal considered whether the nature of the conviction was so serious in Dr Gallo Benitez's case as to lead to impairment.

46. The Tribunal concluded that Dr Gallo Benitez pleaded guilty to two criminal offences. The offences involved Dr Gallo Benitez being in charge of a vehicle while under the influence

of alcohol and subsequently refusing to provide a breath specimen to police. The Tribunal found that this was a departure from paragraph 1 of GMP:

'1 Patients need good doctors. Good doctors make the care of their patients their first concern: they are competent, keep their knowledge and skills up to date, establish and maintain good relationships with patients and colleagues, are honest and trustworthy, and act with integrity and within the law.'

47. The Tribunal found that Dr Gallo Benitez's conviction involved an offence which had the potential to seriously undermine public confidence in the profession.

Impairment

48. The Tribunal having found that the facts found proved amounted to misconduct and conviction, went on to consider whether Dr Gallo Benitez's fitness to practise is currently impaired by reason of misconduct and conviction.

49. In determining whether a finding of current impairment of fitness to practise is necessary, the Tribunal looked for evidence of insight and remediation, and the likelihood of repetition, balanced against the three elements of the overarching statutory objective. The Tribunal considered whether Dr Gallo Benitez's fitness to practise is impaired by reason of misconduct and conviction together.

50. The Tribunal first considered Dr Gallo Benitez's insight into his actions. The Tribunal noted that Dr Gallo Benitez has made full admissions to the Allegation and expressed profuse apologies in this hearing. The Tribunal further noted that Dr Gallo Benitez has acknowledged the effect his actions had on others, however he maintains that at the start of his friendship whereas he was flirtatious with Ms A, that she was also *'flirtatious'* from the beginning. He further stated that if others felt a different way about his actions, then this was a matter of their perception rather than his intention. The Tribunal was concerned that while Dr Gallo Benitez is clearly now aware of the impact of his actions on others, he does not fully accept that his behaviour was inappropriate, particularly in regard to his messages to Ms A, from the outset.

51. XXX. The Tribunal was mindful that while some of the texts between Dr Gallo Benitez and Ms A apparently occurred when he was not intoxicated, alcohol played a significant role in the physical interactions he had with three other colleagues and Ms A herself stated that she believed Dr Gallo Benitez was drunk on several occasions when he sent her inappropriate

messages. The Tribunal found that Dr Gallo Benitez has shown that he now has coping mechanisms and strategies in place to deal with stress XXX.

52. The Tribunal further took into account the statement of Dr Gallo Benitez's Responsible Officer, which stated that no further concerns have been raised about his conduct and he continues to work well with female colleagues and medical students in particular some who have praised his teaching. The Tribunal found that this is a positive indication that Dr Gallo Benitez is developing insight into and improving his behaviour.

53. The Tribunal determined that while Dr Gallo Benitez has gone some way to addressing the causes of his misconduct, he continues to minimise the impact of his behaviour and therefore it concluded that his insight is developing.

54. The Tribunal then considered whether Dr Gallo Benitez has remediated the misconduct. The Tribunal was mindful that sexually motivated behaviour is difficult to remediate, but not impossible.

55. The Tribunal noted that Dr Gallo Benitez has attended a course on 'Maintaining Professional Boundaries', as well as other seminars on sexual harassment. While the Tribunal was concerned that this course was only undertaken earlier in 2024, it appeared to have been suggested as part of Dr Gallo Benitez's appraisal process and the Tribunal found that this showed Dr Gallo Benitez continued to reflect on his practice and discuss these incidents at work.

56. The Tribunal found that Dr Gallo Benitez has done extensive work to address the underlying causes of his misconduct. As set out above, he has identified a link between excessive alcohol use and the misconduct. As a result, he has sought XXX help to better deal with stressful personal circumstances and has sought to control his lifestyle and social activity to reduce his exposure to situations where this misconduct might occur again, most notably he has remained abstinent from alcohol. He has imposed a structure on his working week, getting up at 6 am, arriving at work by 7.30 am, leaving work between 4 and 4.30 pm daily, XXX, and then going to bed at 10 or 10.30 pm. His strategy is his routine. He likes football, jazz and classical music and visits his father every 2 to 3 months in Spain.

57. The Tribunal found that although these matters were difficult to remediate, Dr Gallo Benitez has done what he can to reassure the Tribunal that he has remediated the misconduct and conviction as best he can.

58. The Tribunal then considered the risk of repetition. The Tribunal noted that Dr Gallo Benitez has continued to work as a Consultant at the Trust since the incidents, following a three-month exclusion, and no further incidents have been reported. The Tribunal noted that Dr Gallo Benitez's Responsible Officer confirms that he continues to make a positive contribution at work. The Tribunal found that this was a positive indicator and that the risk of repetition is low.

59. The Tribunal further found that Dr Gallo Benitez has significantly altered his lifestyle, and while it was concerned to an extent that this change was an avoidance of the triggers for his misconduct and conviction, it has prevented a repetition of the conduct in the last six years and therefore has so far been an effective strategy for him.

60. The Tribunal noted that while the incidents with Ms B, Mr C, and Ms D were one-off occurrences. Both Ms B and Mr C challenged him at the time. Dr Gallo Benitez's behaviour with Ms A was ongoing and persistent for several years. The Tribunal was mindful that although Dr Gallo Benitez's thoughts on his relationship with Ms A may not have changed, it was satisfied that he was unlikely to act this way with a colleague again.

61. The Tribunal therefore found that the risk of repetition was low.

62. With regard to the misconduct, the Tribunal found that a member of the profession would find Dr Gallo Benitez's behaviour, particularly his conduct towards Ms A, to be deplorable. The Tribunal bore in mind the sexually motivated and persistent nature of the misconduct, as well as Ms A's vulnerability.

63. With regard to the conviction, the Tribunal found that Dr Gallo Benitez's failure to provide a specimen aggravated the seriousness of the conviction. It further found that there may have been a risk to the public, had Dr Gallo Benitez driven his car while intoxicated, however it found that the sentence imposed at the time was an effective punishment.

64. The Tribunal therefore found that Dr Gallo Benitez has, in the past, brought the profession into disrepute, in regard to his conviction and his misconduct. Further, he has, in the past, breached fundamental tenets of the profession, in regard to his conviction and his misconduct.

65. The Tribunal concluded that a finding of impairment is necessary to promote and maintain public confidence in the profession and to promote and maintain proper professional standards and conduct for members of that profession.

66. The Tribunal has therefore determined that Dr Gallo Benitez’s fitness to practise is impaired by reason of misconduct and conviction.

Determination on Sanction - 17/07/2024

67. Having determined that Dr Gallo Benitez’s fitness to practise is impaired by reason of misconduct and conviction, the Tribunal now has to decide in accordance with Rule 17(2)(n) of the Rules on the appropriate sanction, if any, to impose.

The Evidence

68. The Tribunal has taken into account evidence received during the earlier stages of the hearing where relevant to reaching a decision on sanction. Dr Gallo Benitez also gave oral evidence on oath during this stage of the hearing.

Submissions

69. On behalf of the GMC, Mr Moran submitted that the appropriate sanction in this case is one of suspension. Mr Moran submitted that the mitigating factors are as follows: Dr Gallo Benitez has shown a degree of insight into his behaviour, he has provided evidence of remediation, he has no previous adverse findings of impaired fitness to practise, he was dealing with personal difficult circumstances at the time, and there has been a significant lapse of time since the events occurred. Mr Moran submitted that the aggravating factors are as follows: the misconduct involved sexual discrimination and was of a sexual nature, some of the misconduct occurred while Dr Gallo Benitez was under the influence of alcohol, and the misconduct and conviction occurred in Dr Gallo Benitez’s personal life.

70. Turning to the available sanctions, Mr Moran submitted that taking no action would not be appropriate as there were no exceptional circumstances in this case which would justify it.

71. With regard to conditions, Mr Moran submitted that none of the factors which indicate that conditions may be appropriate are relevant in this case – health, performance, concerns in a specific area of practice, or lack of knowledge of English. Mr Moran submitted that while Dr Gallo Benitez has been successfully practising under an Interim Order of conditions while under investigation by the GMC, and although this may suggest that conditions are workable, they would not reflect the seriousness of the misconduct and are intended to address different types of cases.

72. When considering the seriousness of the misconduct, Mr Moran submitted that the Tribunal should take into account that discrimination under the Equality Act 2010 has been admitted and the sexual nature of the misconduct. Mr Moran further submitted that the Tribunal should take into account that doctors are expected to uphold the law, which includes their use of drugs and alcohol, although he accepted that Dr Gallo Benitez has successfully XXX maintained abstinence for a significant period of time.

73. With regard to suspension, Mr Moran submitted that the following factors are present which may indicate that suspension is the appropriate sanction: Dr Gallo Benitez's conduct is a serious departure from GMP but not so difficult to remediate that complete removal from the register is in the public interest, significant remediation has already taken place, there is no evidence of repetition since the incidents, and the Tribunal is satisfied that there is developing insight and a low risk of repetition.

74. Mr Moran submitted that with regard to the conviction, the Tribunal should be mindful not to punish Dr Gallo Benitez a second time for offences he has already been found guilty of. Mr Moran thereof resubmitted that suspension was the appropriate and proportionate sanction in this case.

75. Mr Moran submitted that when considering the effect of a suspension on Dr Gallo Benitez, the Tribunal should be mindful that Dr Gallo Benitez has been aware of the date of the hearing for some time and consequently the risk of an order being imposed, and it should not refrain from imposing suspension for this reason.

76. Dr Gallo Benitez submitted that he has made full admissions to the Allegation to the GMC and to the court for his driving offence, taking responsibility for his unacceptable behaviour. He stated that he has brought the profession into disrepute and understands that his behaviour fell seriously short of the professional standards the public would expect of a doctor, and below the standards set out in GMP.

77. With regard to Ms A, Dr Gallo Benitez stated that he clearly did not understand when Ms A said the 'stop messaging' that she meant it, and he is sorry and he apologised unreservedly for his actions. He accepted that his evidence may have come across as lacking insight into the impact of his actions, however he stated that he still has good memories of his friendship with Ms A and that they supported each other through difficult periods of time in their personal lives.

78. With regard to Ms B and Mr C, Dr Gallo Benitez apologised for his behaviour and stated that when he threatened their careers this was in the heat of the moment. He would never have acted on such a threat nor was he in a position to affect their careers. He stated that he had apologised to Mr C the next morning and later apologised to Ms B.

79. With regard to Ms D, Dr Gallo Benitez submitted that there was a clear power differential in this instance, and he was unaware that he had acted inappropriately until he was provided with the GMC statement Ms D had prepared for these proceedings. Of the occasion of his behaviour, he had asked her the following Monday if she'd had a good time and he gave her £5 for the taxi fare. He apologised and expressed regret at this hearing that he had made her uncomfortable.

80. Dr Gallo Benitez stated that the NHS investigation and Trust investigation in 2018 had been very useful in helping him understand the effect of his behaviour on others and as a consequence he had XXX to deal with his personal issues and the way 'he was with women, banter and joking.' He stated that he had already been sanctioned by his Trust in 2019 with a one-year final written warning, which was extended to two years following his conviction in July 2019. He further stated that this involved weekly meetings with his line manager, which were gradually reduced as the warning expired. He submitted that he has made good progress since then and engaged in remediation, such as attending courses and webinars and reading GMP, attending a webinar about sexual harassment in the workplace and a course on professional boundaries. He reminded the Tribunal that it has previously found that his insight is good, and the risk of repetition is low.

81. With regard to the mitigating factors, Dr Gallo Benitez submitted that he has already been sanctioned by the Trust, there have been no further incidents for over five years, his insight is continually improving and has led to a change in his behaviour, and he is much more aware of the effect of his actions on other people. XXX.

82. He submitted that his insight is improving, and that his growing awareness can lead to personality and behavioural change. He accepted that his flirting behaviour had a very negative effect and now he thinks before doing anything.

83. He explained that he is quite old and a senior clinician therefore it's more important for him to behave well when dealing with junior colleagues. He is proud to be the third generation of doctors in his family and is committed to the overarching objective. He will continue to try his best.

84. Dr Gallo Benitez submitted that if the Tribunal could consider a sanction other than suspension, then that would cause less disruption at his work because he is the only senior consultant. However, his consultant colleagues would cover. He stated that he is very aware of the importance of continuous care for his patients. He submitted that some members of the public might see that a doctor committing serious misconduct several years ago, sanctioned by the NHS, which the doctor has been trying to remedy ever since, where the likelihood of repetition is low, maybe they will think it better the doctor is back on the ward rather than suspended.

85. Dr Gallo Benitez stated that he would be willing to continue to work under the conditions which have been imposed on him since May 2021, and these would not be onerous on him. He further stated that a short suspension would not have a significant impact on his finances, but he would be concerned for his patients. He would probably use that time to stay XXX in Spain.

The Tribunal's Determination on Sanction

86. The decision as to the appropriate sanction, if any, to impose is a matter for the Tribunal exercising its own judgement. In reaching its decision, the Tribunal has taken The Sanctions Guidance (2024) ('SG') into account and has borne in mind the overarching objective.

87. The Tribunal reminded itself that the main reason for imposing any sanction is not to punish or discipline doctors, even though they may have a punitive effect. Throughout its deliberations, the Tribunal applied the principle of proportionality, balancing Dr Gallo Benitez's interests with the public interest. The Tribunal bore in mind that the interest of the medical profession as a whole was more important than that of an individual doctor.

88. The Tribunal first considered and balanced the aggravating and mitigating factors in this case.

Aggravating Factors

89. The Tribunal found the following aggravating factors were present. With regard to Ms A, Dr Gallo Benitez's actions persisted over a period of several years, despite Ms A making it clear that she did not welcome any sexualised messages. Ms A was particularly vulnerable due to her personal circumstances. There was an element of predatory behaviour in Dr Gallo Benitez's conduct with Ms A and she perceived it as such. His behaviour had a profound effect upon Ms A.

90. The misconduct involved four colleagues on at least three occasions. There was a power imbalance present between Dr Gallo Benitez and Ms A, Ms B, Mr C, and Ms D. The Tribunal has found that these incidents were sexual motivated, and all occurred within Dr Gallo Benitez's personal life, although they did involve colleagues.

91. Finally, the Tribunal considered that Dr Gallo Benitez's misconduct and conviction both involved the misuse of alcohol on a number of occasions.

Mitigating Factors

92. The Tribunal found the following mitigating factors were present. As stated in the determination on impairment, Dr Gallo Benitez has developed significant insight into his actions and undertaken work to remediate his behaviour, both of which contributed to the finding of a low risk of repetition.

93. The Tribunal further noted that the conviction took place five years ago, and the last instance of misconduct was now six years ago. There has been no recurrence of the misconduct or offending behaviour since then.

94. The Tribunal found that Dr Gallo Benitez was facing difficult personal circumstances at the time, XXX. The Tribunal further noted that Dr Gallo Benitez has addressed concerns XXX and remains abstinent.

95. Dr Gallo Benitez has offered an apology to all those involved, including his employer and his regulator. He has shown genuine remorse and regret for his actions and made full admissions at the outset of these proceedings. The Tribunal noted that he pleaded guilty at the earliest opportunity to his conviction and reported it five days later to the GMC.

96. Dr Gallo Benitez was unrepresented throughout this hearing. The Tribunal noted that he was articulate and well prepared to present his case.

No action

97. The Tribunal first considered whether to conclude the case by taking no action.

98. The Tribunal determined that, in view of the serious nature of its findings on the facts and impairment, it would be neither sufficient, proportionate nor in the public interest to conclude this case by taking no action. The Tribunal determined that there were no exceptional circumstances and therefore there could be no justification to conclude the case by taking no action.

Conditions

99. The Tribunal next considered whether it would be appropriate to impose conditions on Dr Gallo Benitez's registration. It bore in mind that any conditions imposed should be appropriate, proportionate, workable, and measurable.

100. The Tribunal found that while Dr Gallo Benitez has complied with conditions as part of his Interim Order and this may indicate that he would comply with any further conditions imposed, the seriousness of the misconduct and conviction are such that conditions would not be sufficient to maintain public confidence in the profession and uphold proper professional standards. The Tribunal was therefore satisfied that the imposition of conditions would not be an appropriate or proportionate response.

Suspension

101. The Tribunal considered the relevance of the following paragraphs of The Sanctions Guidance (2024) ('SG'):

'91 Suspension has a deterrent effect and can be used to send out a signal to the doctor, the profession and public about what is regarded as behaviour unbefitting a registered doctor. Suspension from the medical register also has a punitive effect, in that it prevents the doctor from practising (and therefore from earning a living as a doctor) during the suspension, although this is not its intention.

'92 Suspension will be an appropriate response to misconduct that is so serious that action must be taken to protect members of the public and maintain public confidence in the profession. A period of suspension will be appropriate for conduct that is serious but falls short of being fundamentally incompatible with continued registration (ie for which erasure is more likely to be the appropriate sanction because the tribunal considers that the doctor should not practise again either for public safety reasons or to protect the reputation of the profession).

'93 Suspension may be appropriate, for example, where there may have been acknowledgement of fault and where the tribunal is satisfied that the behaviour or incident is unlikely to be repeated. The tribunal may wish to see evidence that the doctor has taken steps to mitigate their actions (see paragraphs 24–49).'

102. The Tribunal found that the misconduct and conviction in this case are so serious that a suspension is the least restrictive sanction required to maintain public confidence in the profession and uphold proper professional standards and conduct.

103. The Tribunal found, in its determination on impairment, that Dr Gallo Benitez has undertaken significant remediation and shown good insight such that there is a low risk that the behaviour will be repeated in the future. The Tribunal was satisfied that there is sufficient evidence that Dr Gallo Benitez has taken steps to mitigate his actions and prevent repetition of the misconduct.

104. The Tribunal then went on to consider the factors which may indicate that suspension is the appropriate sanction. The Tribunal found that the following paragraphs are relevant in this case:

'97 Some or all of the following factors being present (this list is not exhaustive) would indicate suspension may be appropriate.

a A serious departure from Good medical practice, but where the misconduct is not so difficult to remediate that complete removal from the register is in the public interest. However, the departure is serious enough that a sanction lower than a suspension would not be sufficient to protect the public.

...

e No evidence that demonstrates remediation is unlikely to be successful, eg because of previous unsuccessful attempts or a doctor's unwillingness to engage.

f No evidence of repetition of similar behaviour since incident.

g The tribunal is satisfied the doctor has insight and does not pose a significant risk of repeating behaviour.'

105. The Tribunal found, in its determination on impairment, that there has been a serious departure from paragraphs 1, 35, 36, and 37 of GMP, however Dr Gallo Benitez has shown evidence of significant remediation, including attending courses, abstaining from alcohol XXX. Nonetheless, as set out above, the Tribunal was of the view that any sanction lower than suspension would not mark the seriousness of the misconduct and conviction.

Erasure

106. Before determining that a suspension was the appropriate sanction, the Tribunal considered the sanction of erasure.

107. The Tribunal was mindful that Dr Gallo Benitez has provided evidence that he is a skilled doctor and a valuable member of staff at the Trust, where he has worked for many years. The Tribunal therefore took into account the public interest in keeping an otherwise good doctor on the register.

108. The Tribunal considered, as set out at paragraph 92 of the SG, that while Dr Gallo Benitez's misconduct and conviction were undoubtedly serious and may be considered to be fundamentally incompatible with continued registration, Dr Gallo Benitez has shown significant insight and remediation and there has been a significant period of time since the events with no repetition. The Tribunal therefore found that the conduct falls short of being fundamentally incompatible with continued registration.

Sanction determination

109. The Tribunal therefore determined that a period of suspension was the appropriate and proportionate sanction in this case.

Length of suspension

110. When considering the length of suspension, the Tribunal found that a short period of suspension was proportionate in these circumstances. The Tribunal was mindful that any length of suspension is a significant sanction which prevents a doctor from practising. The Tribunal took into account the public interest in returning a doctor to practice and found that a short suspension would allow Dr Gallo Benitez to return to work whilst marking the seriousness of his conduct.

111. The Tribunal therefore found that a suspension of four months was the proportionate and appropriate sanction.

Review hearing

112. The Tribunal determined not to direct a review of Dr Gallo Benitez's case. The Tribunal was of the view that Dr Gallo Benitez cannot be expected to undertake any further

significant remediation or development of insight in the next four months, given the work he has already done. The Tribunal therefore found that a review would serve no purpose.

Determination on Immediate Order - 17/07/2024

113. Having directed that Dr Gallo Benitez's registration be suspended for four months, the Tribunal has considered, in accordance with Rule 17(2)(o) of the Rules, whether Dr Gallo Benitez's registration should be subject to an immediate order.

Submissions

114. On behalf of the GMC, Mr Moran submitted that the GMC does not seek an immediate order.

115. Dr Gallo Benitez submitted that an immediate order is not required.

The Tribunal's Determination

116. The Tribunal has taken into account the relevant paragraphs of the SG which state:

'172 The tribunal may impose an immediate order if it determines that it is necessary to protect members of the public, or is otherwise in the public interest, or is in the best interests of the doctor....'

117. The Tribunal bore in mind that no patient safety concerns have been raised in this case and therefore an immediate order is not necessary to protect members of the public and is not otherwise in the public interest.

118. This means that Dr Gallo Benitez's registration will be suspended 28 days from the date on which written notification of this decision is deemed to have been served unless he lodges an appeal. If Dr Gallo Benitez does lodge an appeal, he will remain free to practise unrestricted until the outcome of any appeal is known.

119. The interim order is hereby revoked.

120. That concludes the case.

**Record of Determinations –
Medical Practitioners Tribunal**

Schedule 1

1	'Hi [Ms A]. I have got a really nice nurse girlfriend of mine who thinks you are really awesome...Any interest in meeting her?! X'	18:36 Sunday 15 March 2015
2	'Cheers [Ms A]! No, [XXX]...Enjoy the rest of Sunday! X'	21:07 Sunday 15 March 2015
3	'[XXX]...X'	21:11 Sunday 15 March 2015
4	'[XXX] so you were not far off...X	21:11 Sunday 15 March 2015
5	'And, always remember you have got me if you need a hug... X'	21:56 Sunday 15 March 2015
6	'Are you busy next Friday? X'	22:07 Sunday 15 March 2015
7	'I always loved your bum and, after you allowed me touching it, I am looking forward to meet and kiss [XXX]...SORRY TO BE NAUGHTY! X'	22:13 Sunday 15 March 2015
8	'My dear [Ms A], I gave you my private	21:28 Monday 25 May 2015
9	'mobile number for a reason...We are f... FRIENDS!!! X'	21:29 Monday 25 May 2015
10	'Dear [Ms A], could you please let me know if you fancy a hug because I do need one?!'	05:51 Monday 28 December 2015
11	'Thought of you as I do need a hug...'	13:31 Monday 28 December 2015
12	'Next week, I am back to work but would appreciate a hug!'	17:19 Monday 28 December 2015
13	'[XXX]'	05:33 Sunday 5 June 2016
14	'My charge would only a lovely hug!!!! X'	13:48

**Record of Determinations –
Medical Practitioners Tribunal**

		Sunday 5 June 2016
15	'Just thinking of you...'	06:48 Sunday 30 October 2016
16	'Yes thanks [Ms A], the party was good, lots of [XXX] girls not like you... X'	07:12 Sunday 30 October 2016
17	'Would it be wrong if I said that I'd love to give you a proper hug?!?'	07:16 Sunday 30 October 2016
18	'Only thinking about kissing [XXX] who does need to be looked after...'	07:20 Sunday 30 October 2016
19	'Sorry [Ms A], please do let me know if you'd only like me to address you in a formal way... X'	07:44 Sunday 30 October 2016
20	However, if you'd like a hug whenever..., please do say so... XXX	09:37 Sunday 30 October 2016
21	'I could definitely give you a kiss massage before 8 pm tonight...X'	09:51 Sunday 30 October 2016
22	'Many thanks [Ms A]. I only wanted to make sure you are 100 % OK and that, if you needed anything, we will always be around to support you...Many thanks. Best regards, Fidel'	11:40 Sunday 30 October 2016
23	'The offer for whatever you need outside work is still there [Ms A]'	11:50 Sunday 30 October 2016
24	'X'	11:50 Sunday 30 October 2016
25	'Sorry [Ms A], probably my texts didn't reflect what I meant to tell you...I am extremely happy you have got a new "friend" as I want the best for you and I do believe it's crucial for you to be satisfied in every way...Please do not hesitate to contact me if you need anything...Love, Fidel'	15:22 Sunday 30 October 2016
26	'Glad to hear that [Ms A]! I'd love to have you as a good mate and, as we have discussed before, I do think you need	20:45

**Record of Determinations –
Medical Practitioners Tribunal**

	a regular sex life like I will have...Always remember though that mates are good for things (support) and bad things (when we say stupid things usually when drunk...)...Let's catch up soon...'	Sunday 30 October 2016
27	'I am seeing a lovely nurse who [XXX] and, to be honest, two women are better than one!...'	20:58 Sunday 30 October 2016
28	I am enjoying it a lot, thanks! I have always loved Bachelor's life...Maybe you need to try it!!! X'	21:09 Sunday 30 October 2016
29	'Night night. X'	21:36 Sunday 30 October 2016
30	'Sorry, I think I told you but don't worry...Glad to hear you hope to come for the Xmas party, looking forward to it! X'	19:28 Thursday 10 November 2016
31	'Don't worry, take it easy...Although quite busy with the packing and looking for places, maybe we can go for lunch to your local pub or have a takeaway at yours before then... X'	19:38 Thursday 10 November 2016
32	'Cheers! We could have a takeaway at yours at a convenient time for you without disrupting little [REDACTED] routine...'	19:46 Thursday 10 November 2016
33	'Rejected to spend the night with a lovely nurse yesterday...I am slowly getting back on track [Ms A]... '	09:57 Saturday 12 November 2016
34	'Not unhappy at all [Ms A], when I am myself I chose who to sleep with... X'	10:18 Saturday 12 November 2016
35	'Sure 100% we'll try each other sometime as we do like each other...Bloody Spanish!!!'	10:42 Saturday 12 November 2016
36	'And it's entirely and completely up to [Ms A] when would that be...'	11:03 Saturday 12 November 2016
37	'Inappropriate to a female friend?! Sorry, English is not my first language... X'	11:28 Saturday 12 November 2016
38	Image of a naked or partially clothed woman	17:10

**Record of Determinations –
Medical Practitioners Tribunal**

		Saturday 12 November 2016
39	'Sorry, one last question, If I said I also miss you, would that be rude?!'	23:46 Friday 31 March 2017
40	'And more than willing to give you a massage to recover if you wanted to! X'	10:09 Saturday 16 December 2017
41	'Never say never! You were so sweet when you kissed me... X Fidel'	16:55 Saturday 16 December 2017
42	'If you say so... it would have been nice anyway... X'	18:31 Saturday 16 December 2017
43	'Don't be angry lovely girl! X'	19:15 Saturday 16 December 2017
44	'Seriously think you should introduce your sister to an extremely handsome bloody Spanish Consultant!!!!...'	23:27 Saturday 24 March 2018
45	'Clearly missing a friend's basic needs which is against basic human rights.... X'	00:19 Sunday 25 March 2018
46	'Sorry, I can only apologise! X'	04:48 Sunday 25 March 2018
47	'...[XXX] went to her brother's yesterday and this friend of mine [XXX] came over...She asked me about you and I said that you are lovely, very sexy [XXX]...Great Saturday, she has just left...X'	12:06 Sunday 25 March 2018
48	'Please do have in mind that, culturally in Spain, you are allowed to flirt with girls until they say no...'	17:07 Sunday 25 March 2018
49	'And, please do remember, you do need to keep [XXX] satisfied! X'	21:44 Saturday 30 June 2018
50	'And my previous message didn't mean at all refusing to have a sexual relationship with you which I'd love to but is and will be 100% entirely up to you! X'	22:02 Saturday 30 June 2018

**Record of Determinations –
Medical Practitioners Tribunal**

51	'Just to add that I give the best kiss massages in the world just in case you'd like one! Z'	22:18 Saturday 30 June 2018
52	'Good morning [Ms A], Read all messages I sent you again worried I said something wrong but I can't find anything I did not meant to say at the time... I'd love to know why you are so upset with me now as I don't really understand...X'	05:55 Sunday 1 July 2018
53	'Many thanks [Ms A], You do not know how bad I feel when 'normal comments saying nice things' are thought as "predatory"... I am extremely upset but do not worry about me... Enjoy your Sunday!'	07:57 Sunday 1 July 2018
54	'How would you feel if I said I feel victimised by my colleagues because I am not English?!'	08:01 Sunday 1 July 2018
55	'As you well know, we are at [XXX] and I do not have any powers about you or your career so I do feel insulted when you call me a "predator" because I flirted with you the same you do with me and you know that!'	08:08 Sunday 1 July 2018
56	'And please, tell me that I am wrong and you have never flirted with me and I will never ever flirt with you again!!!'	08:20 Sunday 1 July 2018
57	'If you say you have never flirted with me, I am really amazed [Ms A]!!! Apologies and, do not worry, we'll be here if you need any help! X'	08:27 Sunday 1 July 2018
58	'Why are you so nasty to me ?! It must be your period?!'	08:31 Sunday 1 July 2018