

PUBLIC RECORD

Date: 19/02/2021

Medical Practitioner's name: Dr Robert WALTON

GMC reference number:	2805795
Primary medical qualification:	MB BS 1983 University of London
Type of case	Outcome on impairment
Misconduct	Not impaired

Summary of outcome

Order revoked

Legally Qualified Chair:

Legally Qualified Chair:	Mr Rob Ward
--------------------------	-------------

Review on the Papers

This case was reviewed on the papers, with the agreement of both parties, by a Legally Qualified Chair.

Overarching Objective

Throughout the decision making process the chair 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

1. I have noted the background to Dr Walton's case, which was first considered by a Medical Practitioners Tribunal in June 2019, where Dr Walton's fitness to practise was found to be impaired by reason of his misconduct and a sanction of suspension was imposed. The GMC appealed successfully in December 2019; the matter was remitted to a new Medical Practitioners Tribunal. In September 2020, a Medical Practitioners Tribunal found Dr Walton's fitness to practise was to be impaired by reason of his misconduct. It determined that, while the misconduct was serious, there were no patient safety issues arising out of the case. The Tribunal determined that the dishonest conduct, having occurred on more than one occasion and over a period of months, could not be described as isolated and could be considered persistent. This took it to the upper end of the scale of suspension. The Tribunal recognised that there remained further work to be done regarding his appreciation of his own misconduct 'rather than the impact of his working environment and relationships with colleagues'. The 2019 Tribunal took into account the time already spent on suspension to reduce the new order of suspension to seven months, which took effect from 20 October 2020, with no immediate order being necessary.

2. In order to provide assistance at this review, the Tribunal at the previous hearing recommended that Dr Walton provide:

- Evidence of his deeper reflection on the role his personal conduct played in the dishonesty found proved by the Tribunal, rather than the hostile working environment he said he experienced and his relationship with University colleagues;
- An updated PDP;
- Evidence that he has maintained his medical knowledge and skills.

3. Dr Walton and the GMC have agreed that this review should be considered on the papers in accordance with Rule 21B of the General Medical Council (Fitness to Practise) Rules 2004. They have provided agreed terms of a decision which I could make at this review.

4. I have considered all of the evidence presented to me. Dr Walton's legal advisers' submissions dated 22 January 2021 emphasised the reflective process that he had undertaken. For the avoidance of doubt, the submissions on the need for practitioners due to the Covid pandemic were not persuasive because only a doctor who is fit to return to unrestricted practise will be allowed to do so, regardless of the global emergency faced. The GMC's submissions agree that Dr Walton's fitness to practise is not impaired and that the sanction currently in place should be revoked.

5. I have taken into account that since the previous order was made, Dr Walton has achieved progress. Indeed, the Case Examiner opined:

'Professor Walton is an experienced GP who has ensured his clinical knowledge is up-to-date. There is no doubt that his skills will be useful during the current upsurge in

**Record of Determinations
Medical Practitioners Tribunal
Review on Papers**

Covid-19 cases as the pandemic situation continues. He has supplied some in-depth reflections, acknowledging the useful role of the mentoring sessions he has undertaken.'

6. I have borne in mind the statutory overarching objective which is 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 the medical profession.

7. I have determined that Dr Walton's fitness to practise is no longer impaired by reason of his misconduct.

8. In reaching this decision, I have taken into account the following evidence:

First, the Agreement Form, signed by Dr Walton and an Assistant Registrar (on behalf of the GMC) earlier this week, which indicated the agreed view that Dr Walton's fitness to practice was no longer impaired and that the suspension should be revoked with immediate effect.

Secondly, the reflective statement dated 22 January 2021. Dr Walton undertook reflection with a mentor (Dr A). Dr Walton has gained insight into his misconduct, including considering what an objective observer would think (linking this to the overarching objective), and demonstrating remediation through explaining how he would act differently, which indicates a reduction in the risk of repetition. For example:

'Practising medicine is a privilege and with that privilege comes important responsibilities. There is an unwritten contract with the public such that doctors have a monopoly on use of medical knowledge and considerable autonomy in clinical practice. In return for these benefits it is essential that the trust of the public is maintained so our behaviour must always be to the very highest standards of probity and must also be seen to be so. I have not lived up to these standards..... The public would consider my behaviour as dishonest. I did not make these omissions dishonestly but the perception by the public that I was deceitful is sufficient to undermine trust both in myself and in the profession at large..... I have been introduced to the idea of reflecting on my own cognitive processes to examine my own decision making to assess whether the mechanism used to arrive at a particular decision was appropriate. Knowledge of my weaknesses both psychological and situational can aid accurate assessment to improve decision making in particular situations. This reflective practice is important in employment situations as well as in clinical work where I already practise it routinely.'

Record of Determinations
Medical Practitioners Tribunal
Review on Papers

Thirdly, the updated PDP dated 13 January 2021 lists Dr Walton's key lessons from his remediation process. For example:

'When I return to work as a GP locum I will identify formal structures within any organisation in which I am employed and ensure that I comply with all the obligations arising from that employment by engaging fully with those structures. I have greatly increased awareness of my own cognitive distortions – particularly around

- a. expecting that people should behave in a certain way rather than accepting how they are
- b. making someone else responsible for my own distress
- c. taking the role of a victim
- d. making decisions based on personal feelings alone rather than available facts
- e. assuming knowledge of the intentions and thoughts of others
- f. assuming knowledge of the outcome of events before they happen
- g. focussing on the negative aspects of an event whilst ignoring the positive.'

Fourthly, the CPD certificate for Hot Topics Urgent Care dated 8 January 2021 with a programme explaining what the course involved, combined with the fact that Dr Walton returned to practise in 2020 in the period between the High Court appeal ruling and the second Medical Practitioners Tribunal, demonstrated that Dr Walton has kept his clinical skills and knowledge up to date.

9. My reasons for my decision are as follows. First, Dr Walton has demonstrated insight into his dishonest misconduct (notwithstanding that he does not accept that he was deliberately dishonest), including how it affected others and how others (including a neutral observer) would view his misconduct. Secondly, Dr Walton has remediated his misconduct through a thorough reflective process and a candid PDP process. Thirdly, Dr Walton has reduced his risk of repeating the misconduct as a consequence. Fourthly, the need to uphold the standards of the profession and the need to maintain public confidence have been met through Dr Walton's served suspension and the remediation that he has achieved. Patient safety was not a concern in this case and he has kept his clinical knowledge and skills up to date. Fifthly, Dr Walton being suspended for any further period would serve no useful purpose and risks his clinical knowledge and skills being adversely affected.

10. In light of my decision, I direct that Dr Walton's current period of suspended registration be revoked with immediate effect.

11. Notification of this decision will be served on Dr Walton in accordance with the Medical Act 1983, as amended.

Record of Determinations
Medical Practitioners Tribunal
Review on Papers

Confirmed
Date 19 February 2021

Mr Rob Ward, Chair