

PUBLIC RECORD

Dates: 08/05/2024 - 09/05/2024

Medical Practitioner's name: Dr Shailendra KURMI

GMC reference number: 7685529

Primary medical qualification: MBBS 2014 Kathmandu University -
Nepalgunj Medical College

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

Summary of outcome

Erasure
Immediate order imposed

Tribunal:

Legally Qualified Chair	Mrs Julia Oakford
Lay Tribunal Member:	Mr Darren Shenton
Medical Tribunal Member:	Dr Candida Borsada

Tribunal Clerk:	Mrs Rachel Horkin
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Attendance and Representation:

Medical Practitioner:	Not present, not represented
GMC Representative:	Ms Ceri Widdett, Counsel

Attendance of Press / Public

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

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 - 08/05/2024

Background

1. Dr Kurmi qualified in 2014 from Kathmandu University - Nepalgunj Medical College.
2. The allegation that has led to Dr Kurmi's hearing can be summarised as follows: on 10 October 2023 at Chelmsford Crown Court, Dr Kurmi was convicted of attempting to meet a girl under 16 years of age following grooming, attempting to cause another child aged 13 to 15 to watch/look at an image of sexual activity and attempting to engage in sexual communication with a third child. It is also alleged that on 27 November 2023, Dr Kurmi was sentenced to imprisonment for a total of 4 years. A forfeiture and destruction order for his phones was made. He was also ordered to sign the Sexual Offenders Register for an indefinite period and made subject to a Sexual Harm Prevention Order for 10 years.

Alleged Facts behind the Conviction

3. Between 6 and 10 September 2023, via a chat site, "Chat Avenue" Dr Kurmi contacted 'V3' (Victim 3) who advised him that she was 13 years of age. After having been made aware of her age, Dr Kurmi sent sexually explicit messages to V3. V3 and Dr Kurmi also communicated via WhatsApp where Dr Kurmi sent further explicit messages to V3 as well as moving images (GIFs) of a sexual nature. Dr Kurmi suggested that V3 research the sexual acts shown in the GIFs so that they could conduct them when they met. Dr Kurmi also sent V3 pictures via WhatsApp of an Asian male's face and informed V3 that the pictures were of him.
4. Dr Kurmi arranged to meet V3 on 10 September 2023 at a hotel in Harlow and suggested to V3 that they go into the hotel separately to avoid arousing suspicion. However, when he arrived, he was apprehended by an online child activist Group, Broken Dreams. The police were called and Dr Kurmi was arrested.
5. Between 5 and 11 September 2023, via Chat Avenue, Dr Kurmi, whose profile showed him as a 16 year old male, made contact with V1 (Victim 1), an undercover online police operative purporting to be a female child, whose profile showed her to be a 12 year old girl. Dr Kurmi told V1 that he was a 30 year old male. Dr Kurmi also contacted V1 via Snap Chat and sent sexualised messages. He also informed V1 that he wished to meet and they arranged to meet later that week. Dr Kurmi asked V1 to take part in video calls but V1 declined.
6. Between 4 and 8 September 2023, whilst using a profile that stated he was a 16 year old male, Dr Kurmi made contact with V2 (Victim 2), also an undercover police operative, via Chat Avenue. Dr Kurmi also sent V2 a Snap Chat friend request. V2 informed Dr Kurmi that she was an 11 year old female and Dr Kurmi replied that he was "older". Dr Kurmi asked V2 about her sexual experience, asked her if she knew how to perform oral sex and also asked for a photograph of her breasts. He also asked her if she had watched pornography. Dr Kurmi

asked V2 if anyone knew that they were talking and informed V2 that when they were in a hotel together she should refer to him as her “step-dad”.

7. The Allegation made against Dr Kurmi is as follows:

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

1. On 10 October 2023 at Chelmsford Crown Court you were convicted of:
 - a. [Count 1] attempting to meet a girl under 16 years of age following grooming;
To be determined
 - b. [Count 2] attempting to cause a child aged 13 to 15 to watch / look at an image of sexual activity;
To be determined
 - c. [Count 3] attempting to engage in sexual communication with a child.
To be determined

2. On 27 November 2023 at Chelmsford Crown Court:
 - a. you were sentenced to imprisonment for concurrent periods of:
 - i. 4 years for the offence as set out in paragraph 1a;
To be determined
 - ii. 15 months for the offence as set out in paragraph 1b;
To be determined
 - iii. 8 months for the offence as set out in paragraph 1c;
To be determined
 - b. the Court ordered that your phones that had been seized were to be forfeited under the Sentencing Act 2020 and destroyed;
To be determined
 - c. ordered to sign the Sexual Offenders Register for an indefinite period;
To be determined
 - d. you were made subject to a Sexual Harm Prevention Order for 10 years.
To be determined

Documentary Evidence

8. The Tribunal had regard to the documentary evidence provided by the parties. This evidence included but was not limited to:

- Police MG5 report summaries dated 1 November 2022 and 10 September 2023;
- Certificate of Conviction from Chelmsford Crown Court;
- Email received from Chelmsford Crown Court dated 5 February 2024;
- Emails from Chelmsford Crown Court dated 12 February 2024 and 20 March 2024;
- Her Honour Judge A’s KC sentencing remarks dated 27 November 2023

The Tribunal’s Approach

9. In reaching its decision on facts, the Tribunal has borne in mind that the burden of proof rests on the GMC and it is for the GMC to prove the Allegation. Dr Kurmi does not need to prove anything. The standard of proof is that applicable to civil proceedings, namely the balance of probabilities, i.e., whether it is more likely than not that the events occurred.

The Tribunal’s Analysis of the Evidence and Findings

10. Dr Kurmi is not present or represented at this hearing. The Tribunal heard no witness evidence and has received no evidence from Dr Kurmi indicating that he is not the person subject to the conviction.

11. The Tribunal noted Rule 34(3) and to 34(5) of the Rules, which provides:

‘(3) Production of a certificate purporting to be under the hand of a competent officer of a Court in the United Kingdom or overseas that a person has been convicted of a criminal offence or, in Scotland, an extract conviction, shall be conclusive evidence of the offence committed.

...

(5) The only evidence which may be adduced by the practitioner in rebuttal of a conviction or determination certified in the manner specified in paragraph

...

(3) is evidence for the purposes of proving that he is not the person referred to in the certificate or extract.’

12. The Tribunal reminded itself that in professional disciplinary proceedings, save for exceptional circumstances, a registrant cannot go behind the conviction and seek to assert that they were not guilty of the offences of which they were convicted or seek to re-litigate the matters giving rise to the conviction before the Tribunal.

13. The Tribunal noted that the certificate of conviction from Chelmsford Crown Court is neither signed or dated. However, it accepted that it was sufficient evidence as there was an

accompanying email dated 5 February 2024 from Chelmsford Crown Court. The Tribunal is satisfied that the certificate of conviction satisfies Rule 34 (3).

14. Dr Kurmi was convicted of attempting to engage in sexual communication with a child, attempting to cause another child to watch a sexual act and attempting to meet a third child following grooming and received a custodial sentence of four years.

15. The Tribunal is satisfied that the Certificate of Conviction satisfied Rule 34 (3) and that the conviction relates to Dr Kurmi.

16. Accordingly, the Tribunal finds the allegation proved in its entirety.

The Tribunal's Overall Determination on the Facts

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

3. On 10 October 2023 at Chelmsford Crown Court you were convicted of:
 - a. [Count 1] attempting to meet a girl under 16 years of age following grooming;
Determined and Found Proved
 - b. [Count 2] attempting to cause a child aged 13 to 15 to watch / look at an image of sexual activity;
Determined and Found Proved
 - c. [Count 3] attempting to engage in sexual communication with a child.
Determined and Found Proved

4. On 27 November 2023 at Chelmsford Crown Court:
 - a. you were sentenced to imprisonment for concurrent periods of:
 - iv. 4 years for the offence as set out in paragraph 1a;
Determined and Found Proved
 - v. 15 months for the offence as set out in paragraph 1b;
Determined and Found Proved
 - vi. 8 months for the offence as set out in paragraph 1c;
Determined and Found Proved
 - b. the Court ordered that your phones that had been seized were to be forfeited under the Sentencing Act 2020 and destroyed;
Determined and Found Proved
 - c. ordered to sign the Sexual Offenders Register for an indefinite period;

Determined and Found Proved

- d. you were made subject to a Sexual Harm Prevention Order for 10 years.

Determined and Found Proved

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

To be Determined

Determination on Impairment - 09/05/2024

17. 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 Kurmi's fitness to practise is impaired by reason of his conviction.

18. The Tribunal was not provided with any further evidence at this stage.

Submissions

19. Ms Widdett submitted that Dr Kurmi has breached a number of fundamental tenets of Good Medical Practice (GMP) and drew the Tribunal's attention to paragraphs 1 and 65.

20. Ms Widdett submitted that Dr Kurmi's conduct took place over several weeks and that he made determined and persistent efforts to engage children in sexual conversations. Further he tried to persuade children into sex acts and to meet children for sex. Ms Widdett submitted that there is no evidence that Dr Kurmi has any insight or has attempted to remediate. Ms Widdett submitted that, whilst Dr Kurmi has not put any patients at risk, his conduct does present a serious risk to the safety of the public, particularly young children, and that is evidenced by his sentence, the fact that he been required to sign the Sexual Offenders Register for an indefinite period and has been made subject to a Sexual Harm Prevention Order for 10 years. Ms Widdett submitted that Dr Kurmi has brought the medical profession into disrepute and his actions seriously undermine the public's trust in the profession. Ms Widdett submitted that an order is necessary under all three limbs of the overarching objective.

The Relevant Legal Principles

21. The Tribunal accepted the advice of the Legally Qualified Chair.

22. 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.

23. The Tribunal must determine whether Dr Kurmi’s fitness to practise is impaired today, taking into account his conduct at the time of the events and any relevant factors since.

24. The Tribunal has borne in mind all relevant paragraphs of GMP and in particular paragraphs 1 and 65 which form the basis of the fundamental tenets of the profession:

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.

And

65 You must make sure that your conduct justifies your patients’ trust in you and the public’s trust in the profession.

25. The Tribunal was mindful that whilst there is no statutory definition of impairment, it applied the approach to impairment as set out by Dame Janet Smith in The Fifth Shipman Report and adopted by the High Court in *CHRE v NMC and Paula Grant [2011] EWHC 927 Admin*:

...

b. Has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or

c. Has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or

...

26. The Tribunal had regard to the principles established in the case of *Cohen v General Medical Council [2008] EWHC 581 (Admin)* which require the Tribunal to consider:

a. whether the conduct can be easily remediated;

b. whether it has been remediated; and

c. whether there is a risk of repetition.

27. Further, the Tribunal had regard to the principle established in the case of *Council for the Regulation of Health Care Professionals v General Dental Council and Alexander Fleischmann [2005] EWHC 87 (Admin)* that:

“...unless the circumstances plainly justify a different course, a practitioner should not be permitted to resume his practice until he has satisfactorily completed his sentence.”

The Tribunal’s Determination on Impairment

Conviction

28. The Tribunal accepted that the doctor was the subject of a “sting”, that is undercover operations, but this in no way minimised his criminal culpability as he acted in a proactive and predatory manner and believed that he was dealing with real children.

29. The serious nature of the offending behaviour was evidenced by the sentence imposed at the Crown Court relating to attempting to meet a girl under 16 years of age following grooming; attempting to cause a child aged 13-15 to watch/look at an image of sexual activity and attempting to engage in sexual communication with a child. These convictions resulted in Dr Kurmi receiving a four year term of imprisonment together with an indefinite requirement to be registered on the Sex Offenders Register and subject to a 10 year Sexual Harm Prevention Order. This conviction, in essence, speaks for itself showing how extremely serious the matters before the Tribunal are.

30. The Tribunal has borne in mind that it has no evidence from Dr Kurmi and therefore has no information regarding his insight regarding these matters.

31. The Tribunal reminded itself that Dr Kurmi was ordered to sign the Sexual Offenders Register for an indefinite period and made subject to a Sexual Harm Prevention Order for 10 years. However, the Tribunal found that it has no evidence to suggest that Dr Kurmi has reflected upon or attempted to remediate the behaviour that led to his imprisonment. The Tribunal considered that such serious conduct would be very difficult to remediate if not impossible. The Tribunal was satisfied that there is no evidence before it to suggest that there is a low risk of repetition of the conduct that led to Dr Kurmi’s imprisonment.

32. In reaching its decision, the Tribunal bore in mind the sentencing remarks of Her Honour Judge A KC:

“Such factors as those that you put forward do not come close to explaining why you wanted to have sex with children. You deny the only sensible explanation, that you are attracted to children, so there is no real remorse or reflection here.”

33. There was no evidence before the Tribunal to suggest that Dr Kurmi sought to abuse his position of trust as a doctor in order to sexually abuse patients. However, the Tribunal determined that due to the very serious nature of the offences for which Dr Kurmi was imprisoned, he does pose a real risk to public safety and that a finding of impairment is necessary to maintain the health, safety and well-being of the public.

34. Further, the Tribunal was satisfied that a reasonable and properly informed member of the public would be surprised and concerned if no finding of impairment were made. The Tribunal determined that public confidence in the profession and the regulator would be seriously undermined if a finding of impaired fitness to practise was not made. The Tribunal, therefore, concluded that a finding of impaired fitness to practise was required to declare and uphold proper standards of behaviour and to maintain public confidence in the profession.

35. Accordingly, the Tribunal therefore determined that Dr Kurmi’s fitness to practise is impaired by reason of his conviction

Determination on Sanction - 09/05/2024

36. Having determined that Dr Kurmi’s fitness to practise is impaired by reason of his 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.

37. The Tribunal took into account evidence received during the earlier stages of the hearing where relevant to reaching a decision on sanction. The Tribunal received no further evidence at this stage of the hearing.

Submissions

38. On behalf of the GMC, Ms Widdett submitted that erasure of Dr Kurmi from the register is necessary in order to satisfy the overarching objective. Ms Widdett referred the Tribunal to the relevant paragraphs of the Sanctions Guidance (SG). Ms Widdett submitted that there are no exceptional circumstances that would warrant taking no action and that conditions would not be appropriate, proportionate, workable or measurable. Ms Widdett submitted that given the nature and seriousness of Dr Kurmi’s offending and the lack of insight and remediation, suspension is also not appropriate nor proportionate. Ms Widdett submitted that erasure is the only appropriate and proportionate response.

The Tribunal’s Determination on Sanction

39. The Tribunal accepted the advice of the Legally Qualified Chair.

40. The decision as to the appropriate sanction to impose, if any, is a matter for this Tribunal exercising its own judgment. The Tribunal is required to consider the least restrictive sanction first before going on to consider more serious sanctions. In reaching its decision, the Tribunal has taken account of the SG and the Statutory Overarching Objective.

41. Throughout its deliberations, the Tribunal has applied the principle of proportionality balancing Dr Kurmi’s interests with the wider public interest. It considered its decision on facts and impairment and took those determinations into account during its deliberations on sanction.

42. The Tribunal reminded itself that the purpose of a sanction is not to be punitive, although it may have a punitive effect.

43. In reaching its decision, the Tribunal first considered the aggravating and mitigating factors present in this case.

Aggravating Factors

44. The Tribunal considered that the following to be aggravating factors in this case.

45. The Tribunal considers that paragraphs 55 and 56 of the SG are relevant in these circumstances:

55 Aggravating factors that are likely to lead the tribunal to consider taking more serious action include:

...
e sexual misconduct
f sexual offences and/or child sex abuse materials

56 Tribunals are also likely to take more serious action where certain conduct arises in a doctor's personal life, such as (this list is not exhaustive):

...
c inappropriate behaviour towards children or vulnerable adults
d misconduct involving violence or offences of a sexual nature
...

46. The Tribunal reminded itself of the very serious nature of Dr Kurmi's offending in that he believed that he was in contact with real children and that the messages sent were often sexual in nature. The Tribunal further reminded itself that Dr Kurmi made arrangements to meet with one of the victims, whom he believed to be a real child aged 13, so that they could engage in sexual activity.

47. The Tribunal also reminded itself of its previous findings that there is no evidence of insight or remediation in this case and that remediation may not even be possible.

Mitigating Factors

48. The Tribunal was not made aware of any other fitness to practise findings against Dr Kurmi, nevertheless the Tribunal considered that this would not be a mitigating factor in any case. It considered there to be no mitigating factors in this case.

49. The Tribunal has particularly borne in mind paragraphs 117, 119 and 150 of the SG,

117 However, the tribunal should bear in mind that the sentence or sanction previously imposed is not necessarily a definitive guide to the seriousness of the offence. There may have been personal circumstances that led the court or regulatory body to be lenient. For example, the court may have expressed an expectation that the regulatory body would erase the doctor. Similarly, the range of sanctions and how they are applied may vary significantly amongst other regulatory bodies

119 As a general principle, where a doctor has been convicted of a serious criminal offence or offences, they should not be permitted to resume unrestricted practice until they have completed their sentence.

150 Sexual misconduct seriously undermines public trust in the profession. The misconduct is particularly serious where there is an abuse of the special position of trust a doctor occupies, or where a doctor has been required to register as a sex offender. More serious action, such as erasure, is likely to be appropriate in such cases.

50. The Tribunal went on to consider sanction starting with the least restrictive.

No action

51. In coming to its decision as to the appropriate sanction, if any, to impose in Dr Kurmi's case, the Tribunal first considered whether to conclude the case by taking no action.

52. The Tribunal considered that there are no exceptional circumstances in which it might be justified in taking no action. It was satisfied that taking no action would not be sufficient, proportionate nor in the public interest.

Conditions

53. The Tribunal next considered whether it would be sufficient to impose conditions on Dr Kurmi's registration. It has borne in mind that any conditions imposed would need to be appropriate, proportionate, workable and measurable.

54. The Tribunal determined that, given the very seriousness of Dr Kurmi's offences and the Tribunal's findings on impairment, a period of conditional registration would not adequately reflect the serious nature of his conviction, nor could any conditions be devised that would protect the public interest and maintain public confidence in the medical profession.

55. The Tribunal has, therefore, determined that it would not be appropriate or proportionate to impose conditions on Dr Kurmi's registration.

Suspension

56. The Tribunal noted that 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 unbecoming a registered doctor. However, the Tribunal considered that Dr Kurmi's convictions were so serious and his conduct so deplorable that it is fundamentally incompatible with continued registration.

57. The Tribunal has received no evidence that Dr Kurmi has insight into his conduct or that he taken steps to remediate his actions and that remediation may even be impossible in

these circumstances. The Tribunal also reminded itself that Dr Kurmi has not engaged with these proceedings and it was not satisfied that Dr Kurmi's offending behaviour that led to his imprisonment and these proceedings, is unlikely to be repeated. For these reasons, the Tribunal determined that suspension would not be proportionate, would not protect the public and would not address the public's trust and confidence in the medical profession.

Erasure

58. When considering whether erasure would be proportionate in these circumstances, the Tribunal has considered paragraph 109 of the SG:

109 Any of the following factors being present may indicate erasure is appropriate (this list is not exhaustive).

a A particularly serious departure from the principles set out in Good medical practice where the behaviour is fundamentally incompatible with being a doctor

b A deliberate or reckless disregard for the principles set out in Good medical practice and/or patient safety.

...

e ...exploiting vulnerable people

f Offences of a sexual nature, including involvement in child sex abuse materials

...

j Persistent lack of insight into the seriousness of their actions or the consequences.

59. The Tribunal reminded itself of its previous finding that Dr Kurmi has no insight into his conduct and further reminded itself that, in her sentencing remarks, Her Honour Judge A KC stated that Dr Kurmi had shown "...no real remorse or reflection..." during the criminal proceedings.

60. The Tribunal considered that Dr Kurmi's offences breached fundamental tenets of the medical profession and, in all of the circumstances, the Tribunal determined that the only proportionate and appropriate sanction is erasure, to protect the public, to maintain public confidence in the profession, the regulator and its process and uphold professional standards.

Determination on Immediate Order - 09/05/2024

61. Having determined to erase Dr Kurmi's name from the medical register, the Tribunal has considered, in accordance with Rule 17(2)(o) of the Rules, whether his registration should be subject to an immediate order.

Submissions

62. On behalf of the GMC, Ms Widdett informed the Tribunal that there is currently an interim order of suspension in place and asked that an immediate order of suspension be imposed. Ms Widdett drew the Tribunal's attention to paragraphs 172 and 173 of the SG:

'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, ...

173 An immediate order might be particularly appropriate in cases where the doctor poses a risk to patient safety. For example, where they have provided poor clinical care or abused a doctor's special position of trust, or where immediate action must be taken to protect public confidence in the medical profession.

Ms Widdett submitted that an immediate order of suspension is necessary both to protect members of the public and to protect public confidence in the medical profession.

The Tribunal's Determination

63. The Tribunal determined that given the seriousness of its findings and having found that the serious nature of Dr Kurmi's offences makes him fundamentally incompatible with continued registration, an immediate order of suspension is necessary to protect the public, is in the public interest and is required to uphold public confidence in the profession.

64. The Tribunal considered that the immediate order would serve to protect the public and is otherwise in the public interest should Dr Kurmi seek to appeal the Tribunal's decision.

65. The Tribunal determined to impose an immediate order of suspension on Dr Kurmi's registration.

66. This means that Dr Kurmi's registration will be suspended from the date on which notification of this decision is deemed to have been served upon him. The substantive direction, as already announced, will take effect 28 days from that date, unless an appeal is made in the interim. If an appeal is made, the immediate order will remain in force until the appeal has concluded.

67. The interim order will be revoked when the immediate order takes effect.

68. This concludes the case.

ANNEX A – 08/05/2024

Application on Service & Proceeding in Absence

69. Dr Kurmi is neither present nor represented at this hearing.

70. Ms Ceri Widdett, Counsel on behalf of the GMC, provided the Tribunal with documents regarding service of these proceedings on Dr Kurmi. This included a copy of the GMC Notice of Allegation letter sent to HMP XXX, where Dr Kurmi is currently imprisoned, dated 26 March 2024. The Tribunal was given a copy of the Medical Practitioners Tribunal Service (MPTS) Notice of Hearing letter, dated 27 March 2024, which was posted to HMP XXX and received a proof of delivery from Royal Mail dated 28 March 2024. This address was the last known address for Dr Kurmi as the GMC was aware that he was not at his registered address.

71. The Tribunal accepted the legal advice of the Legally Qualified Chair.

72. The Tribunal had regard to the service bundle provided by the GMC, as well as Ms Widdett's submissions. Having considered all of the evidence before it, the Tribunal was satisfied that all reasonable efforts have been made to properly serve Dr Kurmi with notice of the hearing and that notice had been served in accordance with Rules 15 and 40 of the General Medical Council (Fitness to Practise) Rules 2004 (as amended) ('the Rules') and paragraph 8 of Schedule 4 to the Medical Act 1983 (as amended).

Proceeding in Dr Kurmi's absence

73. The Tribunal went on to consider whether it would be appropriate to proceed with this hearing in Dr Kurmi's absence pursuant to Rule 31 of the Rules. The Tribunal was conscious that the discretion to proceed in the absence of a doctor should be exercised with utmost care and caution, balancing the interests of the doctor with the wider public interest.

74. Ms Widdett invited the Tribunal to proceed in Dr Kurmi's absence. Ms Widdett submitted that Dr Kurmi has voluntarily and deliberately absented himself from the proceedings. Ms Widdett submitted that Dr Kurmi was given the opportunity to attend this hearing and he has not responded to any of the correspondence sent to him and has not made an application for a postponement and no request for an adjournment today. Ms Widdett submitted that to adjourn would serve no useful purpose, as there is no indication that the doctor would be willing to attend at a later date. She concluded that therefore, it is in the public interest for this hearing to proceed in order to achieve a fair economic and efficient disposal of the allegations.

75. The Tribunal accepted the advice of the Legally Qualified Chair.

76. The Tribunal considered that these are potentially serious matters for which Dr Kurmi is currently imprisoned. The Tribunal found that Dr Kurmi has not engaged with the GMC or these proceedings. The Tribunal was satisfied that Dr Kurmi was aware of the investigation process and was also satisfied that Dr Kurmi had voluntarily absented himself from these proceedings. The Tribunal also acknowledges that there has been no application for an adjournment nor, if it did adjourn, would it secure the attendance of the doctor. When balancing Dr Kurmi's interests with the public interest in these matters, the Tribunal accepted that it was in public interest to proceed with this hearing today.

77. Therefore, in accordance with Rule 31, the Tribunal has determined to proceed in Dr Kurmi's absence.