

**PUBLIC RECORD****Dates:** 09/06/2025 – 13/06/2025; 17/06/2025 - 18/06/2025**Doctor:** Dr Sarah BENN**GMC reference number:** 3334454**Primary medical qualification:** MB ChB 1990 University of Leicester

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

**Summary of outcome**

Suspension, 12 months

**Tribunal:**

Legally Qualified Chair	Mrs Julia Oakford
Lay Tribunal Member:	Ms Karen Naya
Registrant Tribunal Member:	Dr Sarah Jeffery
Tribunal Clerk:	Ms Fiona Johnston

**Attendance and Representation:**

Doctor:	Present, not represented Not present, not represented (18/06/2025)
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**Record of Determinations –  
Medical Practitioners Tribunal**

GMC Representative:	Mr Adam Lodge, Counsel
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**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 and Impairment - 13/06/2025**

**Background**

1. Dr Benn qualified in medicine at the University of Leicester in 1990. Dr Benn then spent 32 years in clinical practice with most of her career acting as a GP. Dr Benn retired from medical practice in 2022, surrendering her licence to practise, but remaining on the medical register.
2. The background to the Allegation against Dr Benn is as follows. On 25 February 2023, Dr Benn was arrested for the offence of criminal damage. It was alleged that she had chalk sprayed the gates and a wall at Sequani Limited in Ledbury, a company involved in animal testing.
3. Dr Benn's protest was against the using of animals for testing purposes.
4. Dr Benn attended Kidderminster Magistrates Court on the 1 September 2023 and entered a guilty plea to the charge of criminal damage and was sentenced. Dr Benn appealed the sentence to the Crown Court at Worcester.
5. On 26 April 2024 the Crown Court allowed the appeal and sentenced Dr Benn to a community order for 12 months, with a requirement not to enter Sequani Ltd, Bromyard Rd,

**Record of Determinations –  
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Ledbury and not to go within 250 metres of the company address during that period. She was also ordered to pay £125 compensation. Further, she was deprived of her rights in respect of the spray paint and paraphernalia used in the commission of the offence.

6. Dr Benn self-referred herself immediately to the GMC.

**The Allegation and the Doctor's Response**

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

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

1. On 1 September 2023 at Kidderminster Magistrates' Court you were convicted of criminal damage, in that on 25 February 2023 at Sequani Ltd Bromyard Road, without lawful excuse, you damaged entrance road gates and outer walls by mean of spray painting, to the value of £500 to Sequani Ltd, intending to destroy or damage such property or being reckless as to whether such property would be destroyed or damaged.

**Admitted and found proved**

2. On 26 April 2024 you were sentenced to:

a. a community order for 12 months, with a requirement not to enter Sequani Ltd, Bromyard Rd, Ledbury and not to go within 250 metres of the company address during that period;

**Admitted and found proved**

b. pay compensation of £125.00;

**Admitted and found proved**

c. an order depriving you of rights in respect of spray paint paraphernalia, pursuant to s.143 of the Powers of Criminal Courts (Sentencing) Act 2000.

**Admitted 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**

## The Admitted Facts

8. At the outset of these proceedings, Dr Benn admitted all of the alleged facts, 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 these paragraphs and sub-paragraphs of the Allegation to be admitted and found proved.

9. Dr Benn asked the Tribunal to note her objection to the accuracy of paragraph 1 of the Allegation, in regard to the term 'spray paint' as per her conviction. She asked the Tribunal to consider that she had used a 'chalk spray' in her actions. The GMC did not object to her request. The Tribunal agreed to proceed on the understanding that chalk spray was used in her offence.

## Impairment

10. In light of Dr Benn's response to the Allegation against her, there are no facts to be determined. The Tribunal therefore had to determine whether Dr Benn's fitness to practise was impaired by reason of her conviction.

11. At the outset of the impairment stage, Mr Lodge informed the Tribunal that Dr Benn was currently subject to an existing order of suspension which the Tribunal would need to review.

12. The Legally Qualified Chair (LQC) advised the Tribunal that Rule 21A of the General (Fitness to Practise) Rules 2004 Medical Council now applied:

*"(1) If since the previous hearing, a new allegation against the practitioner has been referred to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal, it shall first proceed with that allegation in accordance with rule 17(2)(a) to (j).*

*(2) The Medical Practitioners tribunal shall thereafter proceed in accordance with rule 22 except that, when determining whether the fitness to practise of the practitioners is impaired and what direction (if any) to impose under section 35D (5),(6), (8) or (12) of*

*the Act, it shall additionally have regard to the findings in relation to the new allegation."*

13. The LQC advised that the reference to Rule 17 related to the findings of facts stage and that the Tribunal will now proceed under Rule 22 to consider whether Dr Benn's fitness to practise is impaired in relation to the conviction and whether her fitness to practise remained impaired in relation to the matter to be reviewed.

### The 2024 Tribunal Background

14. The 2024 Tribunal hearing related to Dr Benn engaging in climate change peaceful protests on 26 April 2022, 4 May 2022 and 14 September 2022 within a prohibited buffer zone at Kingsbury Oil Terminal, in breach of an injunction granted. She was arrested and bailed on condition that she comply with the terms of the injunction and appear at the High Court of Justice on 4 May 2022.

15. Dr Benn did not comply with those bail conditions. She failed to answer her bail on 4 May 2022 and returned to the Kingsbury Oil Terminal. Dr Benn took part in a further protest. She was arrested again on that date and remanded in custody until 11 May 2022. She appeared before her honour, Judge Kelly, and was found to be in breach of the injunction of the 14 April 2022 and in contempt of court. Judge Kelly noted that Doctor Benn had been in custody for eight days so no further sanction was imposed as a result.

16. On 14 September 2022, Dr Benn once again attended at the Kingsbury Oil Terminal and engaged in a peaceful protest within the prohibited buffer zone. She was once again arrested and again she appeared before her honour, Judge Kelly on 21 September 2022. Dr Benn was found to be in breach of the injunction and in contempt of court and received a second custodial sentence, this time for 32 days imprisonment. These matters were referred to the Medical Practitioners Tribunal Service.

17. The 2024 Tribunal concluded that Dr Benn's actions fell so far short of the standards of conduct reasonably to be expected of a doctor as to amount to misconduct which was serious. The 2024 Tribunal determined that it was clear that Dr Benn's actions were deliberate, and she knew what she was doing, repeating her actions three times.

18. The 2024 Tribunal noted that Dr Benn was clear that, in her view, she was entirely justified in what she did and had no intention of stopping or changing her behaviour. The

2024 Tribunal found that Dr Benn had limited insight into the impact of her actions beyond the operations of the Terminal. The 2024 Tribunal determined that she had failed to recognise the importance of following the requirements of Good Medical Practice (2013) ('GMP') in relation to her responsibilities as a registered medical practitioner. The 2024 Tribunal determined that Dr Benn's fitness to practise was impaired by reason of misconduct and referred to the absence of full insight or remediation.

19. The 2024 Tribunal determined to suspend Dr Benn's registration for five months and directed a review hearing. The 2024 Tribunal determined that it would be of assistance to the review Tribunal if Dr Benn were to provide evidence of any reflections, insight and remediation in relation to the importance of compliance with the law.

20. Dr Benn appealed the decision of the 2024 Tribunal. The High Court upheld the decision of the suspension of Dr Benn's registration for 5 months. The suspension therefore took effect from 22 January 2025, the date the High Court announced its decision following the hearing on 3 and 4 December 2024.

### **Witness Evidence**

21. The Tribunal received a written statement, dated 24 February 2025, from Dr Benn and she gave oral evidence at the hearing.

### Summary of evidence

### **Documentary Evidence**

22. The Tribunal had regard to the documentary evidence provided by the parties at the facts and impairment stages. This included but was not limited to:

- Emails between Dr Benn and the GMC;
- Dr Benn's charge sheet relating to the criminal damage offence;
- Certificate of Conviction;
- Certificate of appeal;
- Dr Benn's Rule 7 comments;
- MPTS 2024 determination;
- GMC commissioned report - Promoting and maintaining public confidence in the medical profession – full report (January 2019);

- Appeal Judgment of Mrs Justice Yip;
- Various testimonials;
- Bundle of emails from members of the public supporting Dr Benn;
- Petition circulated on Change.org;
- Correspondence between the BMA and GMC regarding Dr Benn;
- Statement of UK Health Alliance on Climate Change;
- Statements of the Doctors' Association UK; and
- Doctors' Association UK survey results summary.

## Submissions

### On Behalf of the GMC

23. With regards to the new matter, on behalf of the GMC Mr Lodge submitted that the Tribunal may consider the offence that Dr Benn was convicted of and then sentence an isolated incident, and very much at the lower end of the scale in terms of seriousness.

24. However, he submitted that the circumstances of that offence should not be looked at in isolation. The Tribunal are aware that the offence took place in February 2023, around 5 months after the doctor put herself in contempt of court by breaching an injunction, resulting in a sentence of 32 days in custody. He submitted that this is an aggravating feature, and it establishes a pattern of behaviour, that the doctor deliberately breaks the law in order to further a cause in which she holds very strong and genuine beliefs, and her interactions went beyond on that occasion.

25. He submitted that Dr Benn is not only willing to break the law, but at that time was indicating that she was refusing to be bound by the law. He said that in her Rule 7 response the doctor herself acknowledged that there was no acceptable justification for her actions. She said that her actions may have had an adverse effect on those that worked in the facility and an impact upon police and public resources.

26. Mr Lodge submitted that most importantly, the doctor recognised the potential for a criminal conviction to negatively affect public trust in her as a doctor and in the medical profession in general.

27. He submitted that as animal welfare matters are concerned, Dr Benn said she is unlikely to repeat the sort of behaviour as witnessed here, but the Tribunal will remember the evidence that her regrets are partly born out of the fact that her actions had little impact.

28. He submitted that two years have passed since that offence with no repetition of behaviour. He said that the Tribunal may well conclude that there is a low risk of repetition. However, the GMC would say that the Tribunal should have regard to all the facts of that conviction, in particular, how soon after her custodial sentence she attended another protest.

29. He submitted that Dr Benn's conviction was not consistent with promoting and maintaining proper professional standards and the conduct expected of a doctor. He submitted that her actions did amount to serious breaches of the standard set out in GMP and expected of a doctor.

30. Mr Lodge concluded that in respect of the conviction that a finding that Dr Benn's fitness to practise is not impaired would undermine public confidence in the profession.

#### **Review matters**

31. Mr Lodge submitted that, with respect to the doctor's insight, the Tribunal should consider the likelihood of repetition and whether the matters found proved have been remediated. The Tribunal have heard evidence from the doctor this morning that little, if anything appears to have changed. He submitted that her attitude and conduct, since the last hearing, if anything, is as firm in her views now as she was then.

32. He submitted that in evidence, Dr Benn volunteered that she had been planning to take part in further protests outside Parliament, which may involve breaking the law again.

33. He submitted that this hearing is not about climate change or attitudes towards climate change and the belief that urgent action is required, and it is not concerned with an individual's right to engage in lawful protests, even vigorous protest. This hearing is about Dr Benn using her position as a member of the medical profession to bring weight to the arguments that she and others are so desperate to advance, combined with her stated intentions to continue to act outside of the law.

34. He submitted that she partially justifies her actions on the basis that public opinion is with her, and the Tribunal has heard evidence and seen evidence in the bundles as to public attitudes on matters touching on issues raised in this hearing. Mr Lodge submitted that this cannot be taken as being representative of the views of the public as a whole.

35. He submitted that her actions have the potential to undermine trust in the profession. Judge Yip, in her High Court judgment at paragraph 115, described Dr Benn's past actions and future intentions as being capable of undermining public trust in the profession.

36. He submitted it is clear from her own evidence and the material before the Tribunal that the doctor has no intention of disengaging from unlawful, albeit peaceful, actions. He submitted that her intentions to continue to act outside the law, are incompatible with her status as a member of the profession.

#### **Dr Benn's submissions**

37. Dr Benn submitted that she is uncertain whether this conviction means that her current fitness to practise is impaired and, if impaired, what the appropriate sanction might be.

38. Dealing with the circumstances she submitted that the events of February 2023 were a carefully planned non-violent protest, which resulted in trivial damage to a company. She submitted that she pleaded guilty at the first opportunity.

39. She submitted that she did not use her professional status as a doctor, in contrast to the direct action she has taken in the context of climate when she had alluded to her doctor status. She said she had made clear in her comments to the GMC when it was considering whether to refer her to a Tribunal that she regretted taking part in the actions that led to this conviction.

40. She submitted that her regret is not because of the consequences to herself, but because it was misguided on her part to believe that any outcome might result that would be of help to animals in laboratories. She said she has reflected and now sees the potential for her actions and this conviction to undermine trust in doctors.

41. She submitted that some people would observe her breaking the law by causing damage to property and even if they have sympathy for the motivating cause, will not consider that law breaking is justified. They may even see her as a professional activist ready to jump into disruption and illegality for any number of causes.

42. She submitted her actions might well be seen as someone with a reckless disregard for the law as and when it suits them and justified only by some higher purpose.

43. In relation to the likelihood of recurrence, she submitted that she now only takes part in legal protests in the field of animal rights. She continues to actively campaign against animal experimentation, but her actions have all been entirely legal.

44. Dr Benn highlighted the GMC's commissioned research on maintaining public confidence, in particular as it related to convictions (published in 2019). She submitted that it is highly relevant in deciding whether her fitness to practise might be impaired due to undermining public trust or the reputation of a professional.

45. Dr Benn submitted that the research suggests that the public does not automatically expect the GMC to be involved where a doctor commits a criminal offence outside the workplace. As to whether the GMC should get involved appears to be whether the doctor has for example intentionally harmed another individual.

46. She submitted that it is expected that the GMC should base its response on whether the criminal behaviour had the potential to affect the doctor's ability to practise safely and effectively, or there was a pattern of criminal behaviour, or the behaviour suggested that the doctor was dishonest, aggressive or deceitful.

47. Dr Benn submitted that her criminal act posed no risk of harm to another person, nor did it affect her ability to practise safely and effectively. It was not dishonest, aggressive or deceitful. It was motivated by conscience and a desire to make the world a kinder place.

48. She submitted that it was never about personal gain or even personal convenience, she has anticipated and accepted the consequences. She has been punished through the legal system and has now given an undertaking not to repeat those actions.

49. Dr Benn submitted that in relation to the review matter her position remains the same, that her fitness to practise was never impaired and that the decision of the MPTS last year and the Appeal Court in 2024 were wrong.

50. She submitted that since first breaking the law during climate activism in 2019, she has not gone off on a spree of law breaking in multiple other areas.

51. She submitted that she has acted in an unconventional way, but in a way chosen because other ways have so far been ineffective, and it was only as a desperate measure of last resort. She has acted the way she has because the safety of patients, the safety of the whole of humanity, is seriously and increasingly compromised by the unfolding of the climate emergency.

52. She submitted during her previous hearing and the appeal case, much was made about the potential for a doctor being imprisoned for whatever reason, to undermine public trust and the reputation of the medical profession. Further, it was suggested that the fabric of society would be somehow weakened if her actions went unpunished. However, she submitted things change over time, including what the public and the profession view as disreputable. She submitted that whatever happens to her at the hands of the court and her professional regulators, her children will know that she has '*tried her damnedest*' to protect them and everyone.

53. In summary, she submitted that she does not agree that her actions at Kingsbury Oil Terminal in 2022 were serious enough to impair her fitness to practise.

### The Relevant Legal Principles

54. 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 its judgement alone.

55. The Tribunal must determine whether Dr Benn's fitness to practise is currently impaired by reason of her conviction and the review matters, taking into account her conduct at the time of the events and any other relevant factors such as any development of insight, whether the matters are remediable or have been remediated, and the likelihood of repetition.

56. The Tribunal also had to have regard to the public interest and the need to declare and uphold proper standards of behaviour and to maintain confidence in the profession.

57. The LQC referred to the case of *Khan v General Pharmaceutical Council* (2016) UKSC where it was held that the focus of a review hearing is upon the current fitness of a doctor to resume practice, judged in the light of what they have, or have not, achieved since the date of the original hearing when the suspension was imposed. The review committee will look at the particular concerns articulated by the original tribunal and seek to discern what steps, if any, the doctor has taken to slay them. The Tribunal will therefore ask itself does the doctor's fitness to practise remain impaired.

58. The LQC also advised that in practical terms there is a persuasive burden on a doctor at the review hearing to demonstrate that they have fully acknowledged their misconduct i.e. shown insight and remediated.

#### Tribunal's Determination on Impairment

##### Impairment in relation to conviction

59. The Tribunal had regard to Dr Benn's written and oral evidence.

#### Summary of Dr Benn's evidence

60. Dr Benn explained that, since her childhood, she has been distressed and appalled by the cruelty of humans to other humans and to animals and particularly the cruel treatment of animals. She finds particularly difficult because they are they are voiceless. In relation to climate change she felt a '*mounting sort of helplessness and anxiety while busily recycling and hoping for the best*'.

61. Dr Benn said she finally ventured into environmental activism as a more meaningful response, which was around about 2019. At that time, she decided to shrink her carbon footprint by becoming vegan. That led her to look very critically or more critically at the different ways that animals are exploited for human convenience.

62. Dr Benn explained there had been a coordinated National Day of Action at animal testing facilities to highlight to the general public what was going on there. She said that about midday she and four other women approached the gate. There were no staff and

nobody around. She had the spray chalk which was like a spray gun, and she sprayed the red chalk over the metal gate and two of the signs that said Sequani and chalked the wording '*stop this.*' They sat down outside the gates and she was then taken into custody and released on bail later that day.

63. Dr Benn explained that she sprayed the gates and the signage at the Sequani facility because of the animal testing that was carried out there. She said that a little internet research would quickly confirm that this kind of thing still happens at Sequani. Dr Benn explained that this was not to offer a form of excuse, but it would help the Tribunal to understand her actions and motivations, and this would enable her to give an honest and accurate answer as to whether she might do such a thing again.

64. Dr Benn explained that she spent 32 days in prison for breaking the injunction forbidding protest of any kind. She said that she was in physical confinement in a small indoor space for very prolonged periods of time, which was a difficult part of the experience. Her prison day revolved around the 30 minutes fresh airtime and a walk outside in a small area.

65. Dr Benn said that she would never take for granted again the freedom to just walk outside into her garden or down the road to the shop.

66. Dr Benn told the Tribunal that she did regret taking part in this particular action. Realistically, it had no chance of doing anything other than being in the local paper with a photograph, raising a little bit of local attention, it was not going to change anything for the long term.

67. She said that the consequences have been significant for her, she appealed the original sentence which she felt was too severe, so it has involved some costs. With regards to the protest, she said that she could have arranged for other people to come and clean up afterwards. She explained that chalk spray is designed to be environmentally friendly, and it washes off with water. She could have also participated in the protests on the other side of the road quite legally. Dr Benn said that she pleaded guilty at the first opportunity and complied fully with her sentence, which the original sentence was 100 hours of community service plus some compensation.

68. With regards to breaking the law in terms of animal experimentation, she has not done this since February 2023. Instead, she has continued with giving talks in schools about animal experimentation from an animal rights perspective, she outreaches to the general

public, and she supports charities like *Viva!*, who campaign against animal experimentation. Also, she emphasised that she has never harassed or intimidated an individual in the course of her actions.

69. Dr Been said that she carries out voluntary work for the vegan society who also promote cruelty free products, and she continues to sign petitions to her MP when something relevant comes up.

70. With regards to the professional reputation and the impact of her actions, she said that she did not make any allusion to her status as a medical professional as a doctor.

#### Conviction - impairment

71. The Tribunal, in considering whether Dr Benn's fitness to practise is currently impaired and in assessing the seriousness of the conviction had regard to paragraphs 1 and 65 of GMP which states:

*'1 Patients need good doctors. Good doctors ...act with integrity and within the law.*

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

72. It determined that these paragraphs were engaged.

73. The Tribunal reminded itself that the question of whether or not Dr Benn's fitness to practise is impaired is a matter for its judgment alone. The Tribunal deliberated carefully on all of the evidence and the circumstances of Dr Benn's conviction.

74. The Tribunal had before it the Certificates of Conviction from Kidderminster Magistrates Court, dated 1 September 2024, and Worcester Crown Court, dated 26 April 2024, which evidenced that Dr Benn had not acted within the law as she had been convicted of criminal damage to property valued under £5000 contrary to s20 Criminal Justice and Courts Act 2015 and was subsequently sentenced. Dr Benn's sentence included a community order and a compensation order.

75. The Tribunal considered that the conviction was serious in the context of the other matters that Dr Benn is appearing before the Tribunal for, which made this conviction not just an isolated case to be dealt with, but rather a pattern of offending.

76. The Tribunal was next assisted by the guidance provided by Dame Janet Smith in the Fifth Shipman Report, as adopted by the *High Court in CHRE v NMC and Paula Grant [2011] EWHC 297 Admin*. The Tribunal noted that any of the following features are likely to be present when a doctor's fitness to practise is found to be impaired:

- 'a. Has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- 'b. Has in the past 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*
- 'd. Has in the past acted dishonestly and/or is liable to act dishonestly in the future.'*

77. The Tribunal considered which limbs of the *Grant* test were engaged in the case of Dr Benn.

78. In relation to limb a: '*Has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm*' – The Tribunal found that there was no evidence that Dr Benn had harmed patients, and this limb was not engaged.

79. In relation to limb b: '*Has in the past and/or is liable in the future to bring the medical profession into disrepute*' – The Tribunal found that Dr Benn's conviction, which included causing £500 of criminal damage to property, undoubtedly brought the profession into disrepute. The Tribunal considered this limb of the *Grant* test engaged.

80. In relation to limb c: '*Has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession*' – The Tribunal considered that Dr Benn's convictions breached fundamental tenets of the medical profession. In particular, her criminal conduct breached paragraph 1 of GMP as she had not acted within the law. The Tribunal considered this limb of the *Grant* test engaged.

81. In relation to limb d: '*Has in the past acted dishonestly and/or is liable to act dishonestly in the future.*' – The Tribunal noted that there was no allegation of dishonesty in this case and so this limb of the *Grant* test was not engaged.

82. The Tribunal next considered Dr Benn's level of remorse and insight. Dr Benn had pleaded guilty at the first opportunity. The Tribunal was of the view that Dr Benn had expressed genuine regret from an early stage, had accepted responsibility and the consequences of her actions. Dr Benn had accepted why her actions had been serious. The Tribunal had regard to her Rule 7 response dated 25 July 2024:

*'I regret spraying chalk at Sequani in February 2023 and accept that I did not have acceptable justification which would make sense to the majority of the general public or the profession..... I am also sorry for the use of police and court resources in dealing with me, especially when both are under such pressure'.*

83. The Tribunal bore in mind that Dr Benn had completed her sentence requirement within the allotted timescale and had paid the compensation order. Dr Benn had self-reported promptly to the GMC the following day after being arrested. In Dr Benn's reflective statement, she expressed an understanding of her motivation for her offending and understood the wider impact of her actions.

84. The Tribunal was of the view that Dr Benn had some insight into her actions. She has not acted unlawfully in the pursuit of her activism against animal experimentation since February 2023. However, despite this and the remorse expressed in her Rule 7 response, the Tribunal heard her oral evidence that the reasons for this change are because she feels the action had little effect on drawing attention to her cause, and, in hindsight, was unlikely to bring about change. She told the Tribunal that this is what she regrets, not just the wider impact of her actions, in regard to undermining public confidence in the profession.

85. The Tribunal considered that Dr Benn's remediation was still ongoing. It noted that Dr Benn had only engaged in legal campaigning against animal experimentation since spraying chalk at Sequani. Dr Benn now carries out voluntary work and she continues to sign petitions.

86. Dr Benn has given an undertaking, not to engage in further unlawful direct action in the pursuit of ending animal experimentation. However, against the background of the review matters, the Tribunal noted that the offence took place in February 2023, around 5 months after the doctor put herself in contempt of court by breaching an injunction,

resulting in a sentence of 32 days in custody. She has expressed that she would engage in unlawful climate change activism in the future. Therefore, the Tribunal concluded that the current conviction could be regarded as part of a pattern of ongoing offending. As a result, the Tribunal determined that there is a risk of repetition.

87. Considering the nature and seriousness of Dr Benn's convictions and taking account of her current degree of insight and remediation, the Tribunal considered that a finding of impairment was necessary. The Tribunal considered that there remained a risk of repetition of the conduct and thus a finding of impairment was necessary to promote and maintain public confidence in the medical profession, and to promote and maintain proper professional standards and conduct for members of the profession.

88. The Tribunal has therefore determined that Dr Benn fitness to practise is impaired by reason of her conviction.

#### Tribunals Determination on Review matters

##### **Summary of Dr Benn's evidence**

89. Dr Benn explained that global climate is unravelling in our planetary life support system, and it is failing faster and faster. She said that people can either accept the evidence that the terrified climate scientists are all agreeing on and the evidence of collective own experience and recollection or shut it out.

90. Dr Benn said that at her hearing in 2024, she cited a wealth of evidence about the scientific consensus on the severity of the climate emergency, about the urgency of tackling it, about the lack of progress. She explained her decision to take nonviolent but disruptive action with Just Stop Oil was a desperate attempt to highlight the situation and to provoke public discourse. She highlighted how historically nonviolent direct action had driven social change.

91. Dr Benn said she felt that the 2024 Tribunal and the High Court dismissed her belief that the evidence of climate change presents exceptional circumstances and therefore justifies exceptional actions. She admitted to breaking the law out of an act of desperation. She said it really upsets and enrages her the facts about climate emergency are alluded to her deeply held belief and convictions. She said that her thoughts on these topics are

completely unchanged, so she does not regret for a moment what she did that resulted in her imprisonment in 2022.

92. Dr Benn explained that she does regret that it did not have the impact at the time that she wanted. She said she does not regret that she held a placard that said no new oil and stood on a grass verge on a public road outside an oil terminal. She said her actions did break a High Court injunction forbidding protest at that site. But it was in a way designed to cause no impact on the general public and presented no risk to anyone.

93. Dr Benn explained that until the governments and institutions face up to this and tell the truth about the real situation, then she will continue to blow her whistle as loudly as she can, and this may well involve breaking the law.

94. She said that she does not want to break the law. However, handing out leaflets trying to engage with her MP, and going on a march, '*does not cut it anymore*'. She said that the situation is simply too urgent, and we may already have passed tipping points and are locked into a really terrible future for us and our children.

95. Dr Benn said that she needs to be able to tell her children who are all adults now that she did try her best rather than just signing petitions and talking to her MP, but it is not enough, and it is not quick enough.

96. She said that in April this year, she had planned to go with Just Stop Oil, again to Westminster, to the seat of our government to simply sit down and occupy the area adjacent to Parliament. She said she may break the law again, be charged, be convicted and possibly be remanded.

97. She said that, by causing such disruption and such pressure on the system, leaders were prepared to talk and to take meaningful action to bring about the rapid end to burning fossil fuels, which must be done to secure a liveable future.

98. However, Dr Benn said that the plan was not enacted, it was called off because the number of people who committed to following through was just too small, but she was all signed up, ready to go, whether or not it involves breaking the law or being in contempt of court by breaching an injunction she had fully planned to be there.

99. She said that if this stance is seen as lack of insight on her part, then so be it.

As she sees it, it is a lack of insight on the part of those who might make such a judgement.

The Tribunal's decision

100. The Tribunal had regard to the determinations of the 2024 Tribunal. It bore in mind that the 2024 Tribunal was of the view that Dr Benn's actions were repeated, planned, and deliberate. Dr Benn had not demonstrated sufficient insight into her misconduct or remediated her actions. The 2024 Tribunal found that there remained a risk of repetition.

101. This Tribunal then had regard to that which the 2024 Tribunal indicated a reviewing Tribunal may be assisted by, any reflections, insight and remediation in relation to the importance of compliance with the law for a doctor. This Tribunal was mindful that there is a persuasive burden upon the doctor at a review hearing to demonstrate that their fitness to practise is no longer impaired.

102. The Tribunal considered Dr Benn's written reflective statement and her oral evidence at this hearing. The Tribunal acknowledged that Dr Benn maintained her position with regards to climate change and justifying her decision to repeatedly not comply with the law. It recognised that Dr Benn clearly held strong feelings about the findings against her and she assisted the Tribunal in providing detailed evidence in support of those beliefs.

103. With regards to insight and remediation, Dr Benn was able to demonstrate her understanding of how and why she had behaved in the way she did and was able to recognise the impact of her actions. However, it was also mindful of the submissions made by Dr Benn and evidence in support regarding what she considered to be the inadequate response to her beliefs and to highlight climate change: '*My thoughts on these topics are completely unchanged, so I don't regret for a moment what I did that resulted in my imprisonment in 2022*'.

104. With regards to Dr Benn's insight, the Tribunal concluded that her insight is still limited, she still does not accept that her actions were wrong. The Tribunal took the view that Dr Benn's level of insight has remained static from the time of the incident, throughout her custodial sentence and has not developed in the lead up to or throughout this MPTS review hearing. The Tribunal was therefore not assured that there was no risk of repetition in this case.

105. The Tribunal noted that there had been minimal consideration of remediation from Dr Benn. The Tribunal noted that Dr Benn has served 32 days imprisonment and despite Dr Benn accepting the fact of her conviction, the Tribunal determined that there is no evidence of remediation before it. In fact, Dr Benn has reiterated her view in stating that she would act outside of the law in the future if she felt it was necessary: '*I will continue to blow my whistle as loudly as I can in as effective a way as I can, and this may well involve breaking the law. I don't want to break it.*'

106. The Tribunal does not doubt that Dr Benn holds her beliefs sincerely and it respects Dr Benn's right of freedom of expression. The Tribunal therefore acknowledged Dr Benn's desire to raise awareness of climate change. The Tribunal also acknowledged her role in raising awareness of the threat of climate change and the activities she has taken part in to raise awareness, and it found that she had the opportunity to, and did, engage in peaceful and lawful activism.

107. The Tribunal considered the evidence provided by Dr Benn which showed that there is a proportion of the public who support her actions. However, the Tribunal did not accept that a properly informed member of the public would condone her breaking the law in the manner in which she did, particularly as she is aware of, and actively uses, lawful means of protesting and raising awareness for her causes. The Tribunal therefore found that Dr Benn was not justified in breaking the law regardless of her beliefs.

108. The Tribunal was mindful that Dr Benn's conduct in the Allegation had not occurred in the course of her professional life, and it took into account the evidence and testimonials provided. It noted that Dr Benn had spent 32 years in clinical medical practice, though now retired she had been a competent and well-liked doctor and that there had been no concerns about her clinical practice. However, it noted when questioned by Mr Lodge, Dr Benn's evidence was that she uses her professional status as a doctor to draw attention to her actions on climate change: '*And that's why I yes, I have used my professional sort of status, the doctor bit and yes, I will absolutely continue to do so because I think it's really important....i have noticed that as soon as somebody, if there's somebody wanting to talk, you know, to have someone to interview or to talk to or whatever. As soon as they find out that someone involved in direct action is a doctor, they want to talk to you. They want to interview you.*'

109. The Tribunal then considered the risk of repetition. The Tribunal has found that she has limited insight into her actions and has not remediated her misconduct. The Tribunal

took into account Dr Benn's evidence that she is willing to act outside of the law in the future, if she believes it to be necessary. The Tribunal therefore concluded that there is a significant risk of repetition.

### Conclusion

110. The Tribunal determined that Dr Benn differentiates between the two causes (animal experimentation and climate change) in terms of choosing to breach the law. It concluded that her actions, taken as a whole, reflect a sustained pattern of unlawful behaviour. This pattern suggests that Dr Benn believes she can selectively choose which laws to follow. A reasonable, well-informed member of the public, as well as her professional peers, would not necessarily share this view. In this context, her behaviour falls significantly outside the accepted standards and norms of the profession.

111. The Tribunal concluded that a finding of impairment was necessary in this case in respect of limbs b and c of the overarching objective:

- b promote and maintain public confidence in the medical profession; and*
- c promote and maintain proper professional standards and conduct for the members of the profession.*

112. In light of its conclusions above, and after having considered the conviction and the review case 'in the round', the Tribunal considering the nature and circumstances of Dr Benn's conviction and taking account of her current degree of insight and remediation, the Tribunal considered that a finding of impairment was necessary in order to uphold limbs b and c of the over-arching objective. The Tribunal considered that there remained a risk of repetition of the misconduct and offending. Therefore, a finding of impairment was necessary in the public interest and to uphold professional standards.

113. The Tribunal has therefore determined that Dr Benn's fitness to practise is impaired by reason of her conviction and remains impaired in relation to the misconduct found by the 2024 Tribunal.

Determination on Sanction - 18/06/2025

1. Having determined that Dr Benn's fitness to practise remained impaired by reason of misconduct and is currently impaired because of a conviction, the Tribunal now has to decide in accordance with Rule 22(h) of the Rules on the appropriate direction (sanction), if any, to impose.

**Submissions**

On behalf of the GMC

2. On behalf of the GMC, Mr Lodge submitted that suspension is the appropriate and proportionate sanction. Mr Lodge referred throughout to The Sanctions Guidance (2024) ('the SG'). Mr Lodge submitted that the 2024 Tribunal determined that a period of suspension of five months was necessary to mark the doctor's misconduct and to send out a message to her and the profession that such misconduct was not acceptable. He submitted that a further period of suspension would allow the doctor sufficient time to gain the requisite insight and to provide evidence which might assist the reviewing tribunal, who were to consider her case further.

3. With regards to the aggravating and mitigating features, he submitted that the Tribunal may conclude that the matters are aggravated by the conviction matter coming so soon on the heels of previous breaches of the injunction, which resulted in a prison sentence.

4. In respect of the review matter, he submitted the circumstances are aggravated by the doctor's own evidence and her intention to continue to act in respect of climate change. Dr Benn has acknowledged that she may be arrested as a result of her actions in the interest of the climate change. He submitted that Dr Benn lacks full insight and continues to minimise the seriousness of her misconduct and the impact that it may have upon the public's view of the profession. In fact, he submitted she continues to use her profession, her position as a registered doctor, to bring additional attention to the issue, which she is so concerned about.

5. Mr Lodge submitted that things have not moved forward since the last Tribunal hearing and as such the reasons why suspension remains the appropriate sanction at this stage.

6. In terms of mitigating factors, at the time of the offence, giving rise to the conviction, he submitted that there were no previous fitness to practise proceedings, albeit she had in fact served some time in custody for contempt of court.

7. In respect of the conviction, he submitted that there is some insight. However, it has been somewhat tempered by the nature of her remorse or her regret that her actions did not have greater impact.

8. With regards to the review, he submitted that insight is still limited since the last hearing and the risk of repetition of the conduct which brought the doctor before the Tribunal remains.

9. Mr Lodge submitted that suspension is the appropriate and proportionate sanction.

10. He submitted that there is an acceptance by the doctor that her conviction could undermine public faith in the profession, but there is also no evidence that she has taken steps to remediate her actions. He further submitted that there has been no repeat of such behaviour related to animal activism and the doctor states that she would not break the law again in that regard. He submitted that the conviction on this occasion is very much at the lower end of the scale in terms of seriousness.

11. In relation to the review matter, he submitted that there has been no apology for her actions regarding breaking the law and breaking the injunction. Dr Benn has stated that she will continue with her actions and in light of that stated position, there is a clear likelihood of repetition.

12. Mr Lodge submitted that there is no suggestion that the doctor's behaviour has impacted upon patient care, treatment or safety. He submitted that Dr Benn has maintained that her actions are motivated to protect patients from the harmful effects of rising carbon emissions and to raise awareness.

13. He submitted that in light of all of the relevant factors suspension could still satisfy the public interest and is still a proportionate response to all of the circumstances in the case.

14. With regard to erasure, Mr Lodge submitted that despite the disregard for the principles set out in GMP, erasing Dr Benn's name from the medical register would be

disproportionate, taking into account that the behaviour is not fundamentally incompatible with continued registration.

Dr Benn's Submissions

15. Dr Benn submitted that this case is all about her attitude to the expectation that a doctor should uphold the law in order to maintain public trust and the reputation of the profession. She observed the law for 52 years of her life and she explained in detail the reasons why she felt that the exceptional circumstances of the climate emergency have compelled her in the last six years to break the law as an act of desperation and necessity.

16. Dr Benn submitted that she has been under investigation by the GMC since she self-referred after being arrested during a climate protest in 2019, the year that Parliament declared a climate emergency. She said that as one GMC case closed, another was opened, although no restrictions were ever placed on her clinical practice, which she continued with for another three years until she stopped medical work in 2022. She submitted that at that point she wished to remain a registered doctor, as it gives her a louder voice in relation to climate change.

17. She submitted that the 2024 Tribunal suspended her from the register and stated that her impaired fitness to practise was in principle easily remediable. However, this tribunal has correctly ascertained that a year later her position is completely unchanged since she was imprisoned for breaking the civil injunction.

18. Dr Benn submitted that she has lived the majority of her days as a law-abiding member of the community because that is how she wants to live her life. However, the circumstances that led her to break the law have not gone away so remediation is not a simple matter.

19. She submitted that the GMC is well aware, that she has been involved in other nonviolent climate protests since first breaking the injunction at Kingsbury in 2022. She submitted that she has a Crown Court jury trial due to start in February 2027 for public nuisance.

20. She submitted that she was tried at Westminster Magistrates Court in September 2023. This was for failure to comply with section 12 of the Public Order Act when taking action again with Just Stop Oil. She was found not guilty due to police not having correctly

imposed the section 12. She said that she has kept the GMC informed throughout and that the earliest opportunity and they're aware of all this.

21. Dr Benn submitted that according to the SG, the Tribunal have found her fitness to practise to be impaired. In respect of the new matter, further suspension with a review does fit with sanctions guidance. For all the reasons laid out by Mr Lodge a suspension is appropriate for misconduct that is not so difficult to remediate.

22. She submitted that the matter of remediation is not simple, she is at liberty to protest, to exercise her freedom of speech and so on, but must not break the law. She submitted that she is not willing to engage in remediation.

23. She submitted that she does have insight and that a further suspension for the review matter would serve no purpose. She said she will not be engaging in further proceedings. However, she submitted that the Tribunal should not erase her from the register. She said that guidance suggests that no action cases are rare, but she feels her cause is such a case.

24. She submitted that a period of suspension could be imposed in response to the new matter to send a message to me and the public and the profession. As for the review matter, she submitted that nothing will change and a future Tribunal will be faced with the same situation again with her lack of regret, remediation and insight.

25. Dr Benn submitted that in her opinion, it would be perfectly possible, even if politically uncomfortable, for the GMC to rethink the way that doctors like herself who have been suspended for similar actions are dealt with. The GMC could use their voice to tell the truth. She said this is a medical emergency and the GMC could use their influence and time and resources in addressing this emergency in whatever way they can. Further, she stated that the Tribunal members could, as individuals, consider refusing to hand down a sanction to signal to the MPTS and the GMC the need for a different approach to addressing Dr Benn's circumstances and the issue of climate change protests.

### The Tribunal's Approach

26. The Tribunal was reminded that the decision as to the appropriate direction (sanction), if any, to impose was a matter for its judgement.

27. The Tribunal was advised to have regard to the Sanctions Guidance, and to give cogent reasons if it departed from that guidance.

28. The Tribunal also bore in mind that the purpose of a sanction is not to be punitive, albeit that a sanction may have a punitive effect.

29. It reminded itself that, in determining whether to give a direction (a sanction) and, if so-which, the Tribunal should have regard to the principle of proportionality and should consider the available sanctions in ascending order, i.e. start by considering the least restrictive option.

30. The Tribunal had to have regard to the statutory overarching objective in section 1 of the Medical Act 1983 throughout its deliberations.

### **The Tribunal's Determination on Sanction**

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

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

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

### **Aggravating Factors**

34. The Tribunal found the following aggravating factors were present: As to the review matter, the Tribunal reminded itself of its conclusion, at the impairment stage, that Dr Benn does not accept that she has done anything wrong or needed to apologise. She has not properly reflected on and acknowledged her misconduct. Dr Benn has very little insight into

her misconduct and not made any attempt to remediate. She believes that she is compelled as a doctor to act as she did because of the risk to public health posed by climate change.

35. The conviction happened 5 months after she breached the injunction.

36. She has refused to accept in these proceedings that she failed to adhere to paragraphs 1 and 65 of GMP (2013). She has stated without reservation that were she deems it necessary she will undertake illegal activism in relation to climate change in the future. Dr Benn's actions showed a repeated and deliberate failure to adhere to the standards set out in GMP (2013).

37. Dr Benn accepted that she uses her position as a doctor in pursuing her climate change activism as she stated that she will draw more attention for her actions. She stated that the press for example were more interested in speaking to her as she was a doctor than for example a '*plumber*'.

38. There remains a significant risk of repetition, as Dr Benn has refused to remediate her misconduct in relation to the review matter.

#### Mitigating Factors

39. The Tribunal found the following mitigating factors were present. Dr Benn admitted the Allegation in its entirety at the earliest opportunity and has maintained that admission throughout these proceedings.

40. Dr Benn self-referred to the GMC on each occasion. The Tribunal bore in mind that it was her duty as a registered medical practitioner, however it considered that she had made efforts to keep the GMC fully informed of any issues relating to her climate change actions.

41. The Tribunal acknowledged that her views on the public health implications of climate change are genuinely held. Dr Benn has had no personal gain from her actions, she has suffered personal hardship including 32 days spent in prison.

42. The Tribunal considered the testimonials which Dr Benn provided, it noted that she had a previously unblemished career and there have been no patient safety issues. The testimonials are supportive of her as a competent clinician and her actions in relation to climate change.

43. Throughout its deliberations on the appropriate and proportionate sanction to impose, if any, the Tribunal had in mind the aggravating and mitigating factors. The Tribunal considered each sanction in ascending order of severity, starting with the least restrictive.

44. The Tribunal considered the data provided by Dr Benn in support of her actions on climate change and her submission that she should not necessarily be held to account for her actions by the GMC. The Tribunal concurred with the comments of Judge Yip at paragraph 92 of her judgment following Dr Benn's appeal to the High Court from the decision of the 2024 Tribunal,

*'I accept that the Tribunal's view that the majority of the public would not condone breaking the law in the manner in which Dr Benn did was supposition. The evidence presented to the Tribunal did not establish a majority view one way or the another. The same can be said of the fresh evidence. There is evidence of some strong support for Dr Benn but the evidence does not go further. The acknowledged limitations of the Doctors Association do not allow it to be viewed as representative of the public as a whole.'*

#### No action

45. The Tribunal bore in mind that a sanction can have a deterrent effect and can be used to send a signal to the doctor regarding what behaviour is unbefitting a registered doctor. The Tribunal considered that Dr Benn has spent periods of time in custody, which included 32 days imprisonment, and has been suspended from the medical register for five months. Dr Benn has experienced significant personal loss from the consequences of her actions. The Tribunal respects Dr Benn's right of freedom of expression and that climate change issues are worldwide concerns. However, the Tribunal do not accept that breaking the law was justified.

46. The Tribunal determined that there are no exceptional circumstances in this case which would warrant the taking of no action having regard to the Tribunal's determination on impairment. It considered that the taking of no action would not be sufficient, proportionate, or in the public interest or uphold professional standards.

## Conditions

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

48. The Tribunal noted paragraph 81 of the SG:

*'81 Conditions might be most appropriate in cases:*

- a involving the doctor's health*
- b involving issues around the doctor's performance*
- c where there is evidence of shortcomings in a specific area or areas of the doctor's practice*
- d where a doctor lacks the necessary knowledge of English to practise medicine without direct supervision.'*

49. The Tribunal found that none of the circumstances which might indicate conditions were appropriate were present in this case. There are no concerns about Dr Benn's health, performance, or her knowledge of English. It further noted that Dr Benn has no intention of returning to clinical practice. It considered the nature of her actions leading to the finding of misconduct and conviction and decided that any conditions the Tribunal may impose would not address the issues in this case. Further, it found that Dr Benn's attitude towards continuing future potentially illegal actions in relation to climate change would make any conditions unworkable.

50. The Tribunal concluded that a period of conditional registration would not be an appropriate or proportionate sanction to satisfy the public interest or uphold standards for the profession.

## Suspension

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

**'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.'*

52. The Tribunal had found, in its determination on impairment, that there has been a serious departure from paragraphs 1 and 65 of GMP (2013) on both the conviction and the review matter.

53. As to the review case, the Tribunal noted that the 2024 Tribunal had, at that time, viewed Dr Benn's misconduct as potentially remediable. However, the Tribunal considered that matters had moved on since the 2024 Tribunal; in particular, in light of the new conviction and the oral evidence which this Tribunal has received from Dr Benn during the hearing. The conviction and review case now have to be assessed together alongside this Tribunal's findings as to the extent of Dr Benn's insight and remediation.

54. The Tribunal bore in mind that the concerns raised by the 2024 Tribunal remain. It considered that Dr Benn has had opportunities to demonstrate progress, but no evidence of remediation, remorse or insight has been provided. Dr Benn has already had more than a year to reflect upon the 2024 Tribunal's findings; there has not been any progression in her insight. In her oral evidence to the Tribunal, she remained adamant that she had done nothing wrong. It also noted that Dr Benn reinforced her motivation for acting outside the

law, stating she would do it again if necessary for climate issues. The Tribunal determined that there remains a real and significant risk of repetition.

55. As to the conviction, Dr Benn has provided some evidence of insight and remediation into her actions. It noted that from the outset of the proceedings, Dr Benn stated she regretted her actions and would not break the law again in relation to animal welfare as her criminal damage (chalk spraying) had not had the impact she would have expected in that it did not force a change in the law or public attitude and it was unlikely, her view, to do so. She has perused legal means of campaigning in this regard since the conviction.

56. The Tribunal considered that in both the conviction and the review case, there was a serious departure from GMP. The Tribunal was mindful that that Dr Benn's motivations for protesting were genuinely held beliefs about climate change. It noted that Dr Benn had stated that she took part in these protests as part of her obligations as a medical practitioner to protect public health and continues to use her profession as a registered doctor to bring additional attention to the issue.

57. The Tribunal balanced the aggravating features against the mitigating features in this case, including Dr Benn's long and otherwise unblemished clinical career.

58. The Tribunal found that suspension could send a message to the profession and the public that her misconduct and conviction were unacceptable and not in the public interest; it could uphold and promote and maintain proper professional standards and conduct for members of the profession and it could mark the seriousness of Dr Benn's misconduct and conviction. However, the Tribunal noted that Dr Benn openly stated that she would not remediate, would disengage with her regulator going forward and continue to take action not in accordance with the law if she considered herself that her action was just and right. The Tribunal found that the suspension imposed by the 2024 Tribunal had not affected her attitude towards the law and the expectation of a registered doctor to act in accordance with GMP. Further she had used her status as a doctor to promote her views on climate change even when acting outwith the law.

59. The issue for the Tribunal was whether her misconduct and conviction were now fundamentally incompatible with continued registration. The Tribunal concurred with the 2024 Tribunal that her misconduct could be easily remediated. It considered that there was still a possibility that she could gain insight if there was a further period of suspension as there had not been an actual conviction or finding against her relating to illegal action against

climate change since the 2024 Tribunal's decision as far as this Tribunal is aware. The Tribunal also noted that Dr Benn had changed her position regarding unlawful protests regarding animal rights. Further it could not consider that the conviction and misconduct was of such a level of seriousness as to be fundamentally incompatible with continued registration. A long period of suspension could satisfy the public interest and the need to maintain and promote standards for the profession as set out in limbs B and C of the overarching objective.

- b promote and maintain public confidence in the medical profession; and*
- c promote and maintain proper professional standards and conduct for the members of the profession*

#### **Erasure**

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

61. The Tribunal next had regard to the factors in paragraphs 108 and 109 of the SG in considering whether erasure could be the appropriate sanction:

**108** *Erasure may be appropriate even where the doctor does not present a risk to patient safety, but where this action is necessary to maintain public confidence in the profession. For example, if a doctor has shown a blatant disregard for the safeguards designed to protect members of the public and maintain high standards within the profession that is incompatible with continued registration as a doctor.*

**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.*

.....

*d Abuse of position/trust (see Good medical practice, paragraph 65: 'You must make sure that your conduct justifies your patients' trust in you and the public's trust in the profession').*

.....

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

62. The Tribunal concluded, having considered these paragraphs, that erasure would be disproportionate and was not appropriate as her conviction and misconduct were not fundamentally incompatible with continued registration.

63. The Tribunal found that Dr Benn does not present a risk to patient safety but there is a limited risk of repetition with regard to the conviction and a significant risk of repetition in relation to the misconduct under review,

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

#### **Length of suspension**

65. When considering the length of suspension, the Tribunal found that a period of suspension of the maximum 12 months was proportionate in these circumstances.

#### **Review hearing**

**164** *In some misconduct cases it may be self-evident that, following a short suspension, there will be no value in a review hearing. However, in most cases where a period of suspension is imposed, and in all cases where conditions have been imposed, the tribunal will need to be reassured that the doctor is fit to resume practice – either unrestricted or with conditions or further conditions. A review hearing is therefore likely to be necessary, so that the tribunal can consider whether the doctor has shown all of the following*

*a they fully appreciate the gravity of the offence*

*b they have not reoffended*

66. The Tribunal determined to direct a review of Dr Benn's case. A review hearing will convene shortly before the end of the period of suspension. The Tribunal wishes to clarify that, at the review hearing, the onus will be on Dr Benn to demonstrate whether matters have changed. The persuasive burden will be on Dr Benn to show that her fitness to practise is no longer impaired.

67. It therefore may assist the reviewing Tribunal if Dr Benn were to provide evidence of any reflections, insight and remediation in relation to the importance of compliance with the law for a doctor. Dr Benn will also be able to provide any other information that she considers will assist the review hearing.

68. The MPTS will send Dr Benn a letter informing her of her right of appeal and when the direction will come into effect. The current order of suspension will remain in place during the appeal period.

69. Dr Benn informed the Tribunal, while giving her submissions on sanction that she would not be attending the remainder of the hearing. Mr Lodge on behalf of the GMC was content to proceed with the case in Dr Benn's absence.

70. In summary, the Tribunal was satisfied that Dr Benn had voluntarily absented herself from the proceedings and it considered there is a strong public interest in proceeding in Dr Benn's absence to ensure the expeditious consideration of this case. The Tribunal therefore decided to proceed in Dr Benn's absence.