

PUBLIC RECORD**Dates:** 29/08/2025**Doctor:** Dr Monika MATKO**GMC reference number:** 7312162**Primary medical qualification:** MD 2003 University of Szeged Medical and Medicine Sciences Centre

| Type of case | Outcome on impairment |
|------------------------------|-----------------------|
| Review - Language impairment | Impaired |

Summary of outcome

Suspension, indefinite

Tribunal:

| | |
|-----------------------------|---------------------|
| Legally Qualified Chair | Mr Sean Ell |
| Registrant Tribunal Member: | Dr Laura Florence |
| Registrant Tribunal Member: | Dr Gabrielle Downey |
| Tribunal Clerk: | Mrs Rachel Horkin |

Attendance and Representation:

| | |
|---------------------|------------------------------|
| Doctor: | Not present, not represented |
| GMC Representative: | Mr Gurdit Singh, 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 Impairment - 29/08/2025

Background

1. Dr Matko qualified in 2003 from the University of Szeged Medical and Medicine Sciences Centre in Hungary. She moved to the UK and gained full GMC registration in 2012, specialising in Infectious Diseases.
2. Concerns about Dr Matko's knowledge of the English language were initially raised to the GMC on 16 May 2019, from Dr A, Executive Medical Director/Responsible Officer at University Hospitals of Derby and Burton NHS Foundation Trust ('the Trust').
3. On 17 September 2019, Dr Matko was directed, by the GMC, to undergo an assessment of her knowledge of the English language using either the academic version of the International English Language Testing System ('IELTS') or the medicine version of the Occupational English Test ('OET').
4. Dr Matko's OET results from 7 December 2019 showed that she had achieved a B in the category of Speaking and a C in the categories of Listening, Reading and Writing. The scoring criteria requires applicants to achieve a B across all four criteria.

The 2021 Tribunal

5. Dr Matko's case was first considered by a Medical Practitioners Tribunal hearing held between 10 and 11 February 2021. Dr Matko was neither present nor represented at the hearing. The 2021 Tribunal had regard to the OET results, noting that Dr Matko achieved scores well below the required minimum standard in three out of the four categories. As Dr Matko failed to meet the minimum acceptable standard when taking the OET, the 2021 Tribunal determined that her fitness to practise was impaired and imposed a six month order of suspension.

The 2021 Review on Papers ('RoP')

6. Dr Matko and the GMC agreed that the first review hearing should be considered on the papers in accordance with Rule 21B of Rules. The LQC took into account that following the 2021 Tribunal hearing, Dr Matko had undertaken an IELTS on 29 May 2021. Dr Matko's score was below the GMC's required standard for an IELTS academic test, which requires a

score of at least 7.0 in each testing area and an overall score of 7.5. The LQC was satisfied that Dr Matko's fitness to practise remained impaired by reason of her lack of knowledge of the English language. The LQC imposed a further period of suspension for 12 months.

The 2022 RoP

7. The LQC considered the case as a RoP on 8 August 2022. Dr Matko and the GMC agreed that Dr Matko's registration should be subject to a further period of suspension for 12 months. Dr Matko underwent a further IELTS test in July 2022. Dr Matko failed to achieve the standard required by the GMC and, consequently, the LQC found that Dr Matko's fitness to practise remained impaired by reason of her knowledge of the English Language. The LQC imposed a further 12 month period of suspension.

The 2023 Tribunal

8. Dr Matko's case was reviewed by a MPT on 25 August 2023. The 2023 Tribunal took into consideration the results of Dr Matko's most recent OET, in which she achieved a grade C in listening and reading, and a grade C+ in speaking and writing. The 2023 Tribunal determined that Dr Matko's fitness to practise remained impaired by reason of not having the necessary knowledge of English and imposed a further 12-month period of suspension. The 2023 Tribunal determined that it would not be proportionate to impose an indefinite order of suspension as Dr Matko continued to make efforts to improve and work towards proving she had the required knowledge of the English language.

The 2024 Tribunal

9. Dr Matko's case was reviewed by a MPT on 30 August 2024. The 2024 Tribunal received an email from Dr Matko informing it that she intended to sit an OET exam in November 2024. Dr Matko provided a number of documents including Continuous Professional Development certificates (CPD) and a list of courses undertaken. The 2024 Tribunal noted that Dr Matko's last test was in April 2023. The 2024 Tribunal determined that Dr Matko's fitness to practise was impaired by reason of her knowledge of the English Language and imposed a further 12-month suspension. The 2024 Tribunal determined not to impose an indefinite order of suspension as Dr Matko had indicated that she intended to undertake a further OET exam in November 2024.

10. The 2024 Tribunal considered that it may assist the reviewing Tribunal if Dr Matko were to provide:

- Evidence that she has a good command of the English language. This should be in the form of satisfactory OET (medical profession version) or IELTS test scores unless there are truly exceptional circumstances justifying other evidence;
- A written reference from her workplace or other voluntary position that details her language skills;

- Evidence that she has kept her knowledge and skills up to date in the form of appropriate CPD which could include work shadowing doctors and written reflections on her learning.

Today's hearing

11. At this review hearing the Tribunal now has to decide, in accordance with Rule 22(1)(f) of the General Medical Council (GMC) (Fitness to Practise) Rules 2004, as amended ('the Rules'), whether Dr Matko's fitness to practise is impaired by reason of not having the necessary knowledge of English.

The Outcome of Applications Made during the Impairment Stage

12. The Tribunal determined that service of the notice of this hearing had been effected in accordance with Rule 40 of the GMC (Fitness to Practise) Rules 2004 as amended ('the Rules'), and paragraph 8 of Schedule 4 to the Medical Act 1983, as amended. The Tribunal also determined to proceed with the hearing in Dr Matko's absence in accordance with Rule 31 of the Rules. The Tribunal's full decision on this matter is included at Annex A.

The Evidence

13. The Tribunal has taken into account the previous determinations provided and the correspondence sent from the GMC to Dr Matko dated between 20 December 2024 and 28 May 2025.

14. Dr Matko provided documents which included:

- References from Macmillan Cancer support dated 14 May 2025 and Premier Community dated 19 May 2025;
- List of CPD courses undertaken.

15. Dr Matko emailed the GMC on 28 May 2025 advising that she did not take the OETs exam in November 2024 due, in part, to financial pressures. Dr Matko also wrote that she works as a carer and,

"I still visited free online courses, practiced test sheets, took part in test exams and collected my CPD points proving my professional development."

Submissions

16. On behalf of the GMC, Mr Gurdit Singh, Counsel reminded the Tribunal this is now the second review hearing where Dr Matko has not provided updated English Language test results. Mr Singh further reminded the Tribunal that Dr Matko indicated to the previous review hearing that she would undertake further testing in November 2024 however, she

confirmed in May 2025 that she had not done this. Dr Matko is yet to specify when she is due to take another English language test.

17. Mr Singh submitted that there is no objective evidence that Dr Matko now has a good command of the English language as evidenced by test results. Mr Singh further submitted that there is also no evidence of exceptional circumstances to justify the Tribunal concluding in the absence of objective test results that Dr Matko's fitness to practise is not impaired.

18. Mr Singh acknowledged the two references provided by Dr Matko but submitted that there is no explicit reference in the testimonials as to Dr Matko's understanding of the English language.

19. Mr Singh referenced Dr Matko's list of learning that she has provided but stated that she has not provided any certificates or any written reflections regarding this learning. Mr Singh also drew the Tribunal's attention to the fact that Dr Matko has not received any feedback from her request to the Nottingham University Hospitals NHS Trust ('Nottingham' - where Dr Matko tried to get a shadowing position) as of the 20 May 2025.

20. Mr Singh submitted that this Tribunal can properly conclude that a finding of impairment is required in order to protect, promote and maintain the health, safety and well-being of the public and otherwise in order to promote and maintain public confidence in the medical profession and to promote and maintain proper professional standards.

The Relevant Legal Principles

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

22. This Tribunal must determine whether Dr Matko's fitness to practise is impaired today, taking into account any relevant factors such as whether the matters are remediable, have been remedied and any likelihood of repetition.

The Tribunal's Determination on Impairment

Not Having the Necessary Knowledge of English

23. When reaching its decision the Tribunal reminded itself of the relevant paragraphs of the Guidance for medical practitioners tribunals on dealing with concerns about a doctor's knowledge of English including,

'7. In almost all cases, where a doctor fails to achieve the minimum acceptable outcome it will result in a finding of impairment. However, there may be exceptional

circumstances to justify the tribunal in making a finding that the doctor's fitness to practise is not impaired.'

24. Dr Matko has not passed one of the approved English Language tests to the required standard. She last undertook an English language examination in April 2023, when she was unsuccessful in meeting the required standard. Having failed to achieve the minimum acceptable standard, the Tribunal proceeded to consider whether there were exceptional circumstances to find that Dr Matko's fitness to practise is not impaired.

25. The Tribunal considered the evidence provided by Dr Matko. The Tribunal had regard to Mr Singh's submissions about the lack of CPD certificates and the absence of any work shadowing, however, the Tribunal was satisfied these were not factors to go against Dr Matko. The Tribunal acknowledged the difficulties in obtaining a shadowing position and further acknowledged the efforts that Dr Matko has made to keep her CPD up to date and to obtain references. The Tribunal determined that the absence of certificates was not of itself evidence that Dr Matko had not undertaken these courses as she claimed. The Tribunal was however persuaded by Mr Singh's submission that in the absence of any reflections on her learning, little weight could be attached to them in ascertaining Dr Matko's current level of English.

26. The Tribunal acknowledged that both references provided are overall positive about Dr Matko. The Volunteer Lead for Macmillan Beyond Diagnosis Service confirmed that feedback from clients about Dr Matko, "*is always positive*" and also confirmed that "*staff describe Monika as very supportive, friendly and open. Monika is confident in her role and works well towards the support plans for clients, regularly keeping staff up to date*". The Tribunal took into account that although the references spoke positively of Dr Matko, neither was specifically a reference as to her level of knowledge of English. As such the Tribunal considered them to be of little value in ascertaining if Dr Matko had the minimum acceptable standard of English to be allowed to return to unrestricted practice.

27. The Tribunal reminded itself that Dr Matko had informed the previous Tribunal that she would undertake a further English language test but has not done so. The Tribunal has taken into account all of the personal reasons given by Dr Matko for not undergoing another examination. However, the Tribunal is not satisfied that there are exceptional circumstances based on the evidence before it, that would, in the absence of successfully passing a required English language test, justify a finding that Dr Matko's fitness to practise is no longer impaired. The Tribunal considers that a finding of impairment remains necessary to satisfy the overarching objective.

28. This Tribunal has therefore determined that Dr Matko's fitness to practise remains impaired by reason of not having the necessary knowledge of English.

Determination on Sanction - 29/08/2025

29. Having determined that Dr Matko's fitness to practise is impaired by reason of not having the necessary knowledge of English, the Tribunal now has to decide in accordance with Rule 22(1)(h) of the Rules what action, if any, it should take with regard to Dr Matko's registration.

The Evidence

30. The Tribunal received no further evidence at this stage of the hearing.

Submissions

31. Throughout his submissions, Mr Singh referred the Tribunal to relevant paragraphs of the Sanctions guidance ('SG'). Mr Singh reminded the Tribunal that the decision for the appropriate sanction in this case is a matter for it alone and that sanctions are to protect the public rather than punish the doctor although any sanction may have a punitive effect.

32. Mr Singh submitted that a sanction of indefinite suspension is both an appropriate and proportionate outcome in this case. Mr Singh reminded the Tribunal that indefinite suspension was an option open to previous tribunals but was not imposed due to Dr Matko's indicating that she would undertake a further English language test. Mr Singh stated that this is the third hearing where indefinite suspension has been an option for the reviewing Tribunal. He reminded the Tribunal there are no objective test results and no information as to when Dr Matko may take another English language test. Mr Singh further submitted there is a lack of meaningful progress demonstrated by Dr Matko since the previous hearing.

33. Mr Singh submitted that a period of 12 months suspension would not satisfy the overarching objective and is unlikely to lead to any meaningful progress in this case.

34. Mr Singh submitted that Dr Matko has provided some, albeit limited, insight into her impairment. Mr Singh reminded the Tribunal that there has also been a second failure to provide written reflections and submitted that the evidence provided by Dr Matko is not robust enough to allay the concerns of the previous Tribunals.

The Relevant Legal Principles

35. The decision as to the appropriate sanction, if any, to impose is a matter for the Tribunal exercising its own judgment by reference to the SG. It must consider the least restrictive sanction first and then, if necessary, consider the other sanctions. The Tribunal must consider its determination on impairment and take those matters into account during its deliberations on sanction.

36. The Tribunal recognised the purpose of a sanction is not to be punitive but to protect patients and the wider public interest, although it may have a punitive effect. It reminded itself that in deciding what sanction, if any, to impose, it should consider the sanctions available, starting with the least restrictive.

The Tribunal's Determination

37. The Tribunal bore in mind its finding at the impairment stage along with the submissions of Mr Singh. The Tribunal considered which sanction, if any, it should impose starting with the least restrictive.

38. The Tribunal considered the aggravating and mitigating factors.

Aggravating Factors

39. Dr Matko made a commitment to the previous reviewing tribunal to undertake a further English language test but is yet to do so. Further, Dr Matko has made no commitment to this Tribunal that she has arranged to undertake a further English language test. The Tribunal reminded itself that in her email to the GMC dated 20 May 2025, Dr Matko advised,

'I am recently taking part in an OET course, improving my written and verbal English and planning to sit for an OET exam in the near future.'

However, Dr Matko has not provided any evidence regarding her progression through this OET course and has given no date for any future OET exam.

40. Dr Matko has not provided written reflections on her learning as suggested by the previous Tribunal.

Mitigating Factors

41. Dr Matko has undertaken roles allied to the medical profession and has tried to improve her English language skills.

42. The references provided are positive in terms of Dr Matko's written English.

No action

43. The Tribunal first considered whether it would be appropriate to take no action in this matter.

44. The Tribunal could not find any exceptional circumstances in this case to justify taking no action. It concluded that it would not be sufficient, proportionate or in the public interest to take no action. In addition, it considered that the overarching objective would not be satisfied if no action were taken. In the light of this the Tribunal went on to consider conditions.

Conditions

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

46. The Tribunal considered that, whilst Dr Matko has taken some steps to improve her knowledge of English language there is no objective evidence that she has met the required standards. The Tribunal also noted the length of time that has passed since these concerns were first raised to the GMC and the number of English language tests in which Dr Matko has failed to meet the required standards. There is no evidence before this Tribunal to suggest that a period of conditions would assist Dr Matko in reaching the required skills. Therefore, the Tribunal determined that it could not formulate conditions that would adequately uphold the overarching objective and conditions would not be workable or proportionate in this case.

Suspension

47. The Tribunal next considered whether it would be appropriate and proportionate to suspend Dr Matko's registration.

48. Taking all the circumstances into account, the Tribunal determined to suspend Dr Matko's registration. The Tribunal concluded that suspension is necessary to uphold the overarching objective, particularly in protecting the public and maintaining public confidence in the profession,

Length of suspension

49. The Tribunal noted that this is the fifth review of Dr Matko's case and that she has been subject to an order of suspension since February 2021. The Tribunal was satisfied that Dr Matko was made aware that indefinite suspension was a potential outcome at this hearing, as she was advised that the Tribunal had this power in the MPTS Notice of hearing. Further, the 2024 Tribunal had set out in its determination that although indefinite suspension was not proportionate at that time, a future Tribunal may conclude that a sanction of indefinite suspension was required.

50. The Tribunal took into account that Dr Matko has now not undertaken an English language test since April 2023. Although, she had indicated to the 2024 Tribunal she intended to undergo a further examination, she still has not done so. There is no indication before this Tribunal when Dr Matko will take a further English language examination. Although Dr Matko has continued to engage by providing two references and her CPD record, the Tribunal considered there is little evidence of any real progress since Dr Matko's last results in April 2023. The Tribunal has not been provided with any details about the OET course Dr Matko is currently enrolled on. The Tribunal is satisfied that the circumstances of this case are unlikely to change over the next 12 months and that an order imposing an indefinite suspension is therefore necessary to protect public safety and to otherwise meet the requirements of the overarching objective.

**Record of Determinations –
Medical Practitioners Tribunal**

51. The Tribunal has directed to suspend Dr Matko's registration indefinitely. The MPTS will send Dr Matko a letter informing her of her right of appeal and when the direction and the new sanction will come into effect. The current order of suspension will remain in place during the appeal period.

52. This concludes the case.

Annex A – 29 August 2025

Application on Service and Proceeding in Absence

Service

53. Dr Matko is neither present nor represented at these proceedings.

54. The Tribunal was provided with a copy of a Service bundle from the General Medical Council (GMC). This included a GMC information letter and draft bundle dated 18 July 2025 and the Medical Practitioners Tribunal Service (MPTS) notice of hearing ('NoH') letter dated 17 July 2025. Both of these letters were sent to Dr Matko's registered email address.

55. The Tribunal was also provided with an email sent from Dr Matko to the MPTS dated 18 July 2025 in which she acknowledged the NoH.

56. Mr Singh submitted that proper notice was sent to Dr Matko on 17 July 2025 via email and contained all of the information required by the Rules. Mr Singh reminded the Tribunal that Dr Matko had confirmed that she had received the GMC letter and draft bundle, Mr Singh submitted that all the proper effort had been made to serve Dr Matko with notice of this hearing.

57. The Tribunal had regard to the above documents and the submissions from Mr Singh. The Tribunal is satisfied that notice of this hearing was served to Dr Matko's registered email address in a timely manner and that she has acknowledged it. In all the circumstances, the Tribunal determined that notice of this hearing had been served on Dr Matko in accordance with Rule 40 of the GMC's (Fitness to Practise) Rules 2004, as amended, ('the Rules'), and paragraph 8 of Schedule 4 to the Medical Act 1983, as amended.

Proceeding in the doctor's absence

58. The Tribunal then went on to consider whether it would be appropriate to proceed with this hearing in Dr Matko'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 the appropriate care and caution, balancing the interests of the doctor with the wider public interest.

59. The Tribunal had regard to the email sent from Dr Matko to the GMC dated 14 August 2025 in which she advised that she was not planning to attend this hearing.

60. Mr Singh submitted that Dr Matko is aware of this hearing, has chosen not to attend and, as such, this matter can proceed.

**Record of Determinations –
Medical Practitioners Tribunal**

61. The Tribunal balanced Dr Matko's interests with the public interest in deciding whether to proceed in her absence. The Tribunal is satisfied that Dr Matko has voluntarily absented herself from this hearing and it is appropriate to proceed in her absence.

62. The Tribunal noted that Dr Matko had not requested an adjournment of these proceedings. The Tribunal is satisfied that, as an adjournment could not guarantee Dr Matko's attendance at a subsequent hearing, an adjournment would serve no useful purpose.

63. In accordance with Rule 31, the Tribunal considers that it is appropriate and in the public interest to proceed in Dr Matko's absence.