

PUBLIC RECORD**Date:** 10/06/2025**Doctor:** Dr Sunita KHAMBRA

GMC reference number:	6119124
Primary medical qualification:	MB BS 1988 University of Delhi
Type of case	Outcome on non-compliance
New - Non-compliance with a performance assessment	Non-compliance found
Summary of outcome	
Suspension for 12 months	
Review hearing directed	
Immediate order imposed	

Tribunal:

Legally Qualified Chair	Mr Ali Sarwar
Lay Tribunal Member:	Ms Morgan Phillips
Registrant Tribunal Member:	Dr Jamal Zaidi
Tribunal Clerk:	Ms Racheal Gill Ms Angela Carney

Attendance and Representation:

Doctor:	Not present, not represented
GMC Representative:	Ms Emma Gilsenan, 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 consideration of Non-compliance 10/06/2025

The outcome of applications made at the outset of proceedings.

1. The Tribunal accepted the GMC's submissions, made pursuant to Rules 15 and 40 of the Rules, that notice of this hearing had properly been served on Dr Khambra. The Tribunal decided, pursuant to Rule 31 of the Rules, that this hearing should proceed in her absence. The Tribunal's full decision on these applications is included at Annex A.

Background

2. Dr Khambra qualified at the University of Delhi in 1988. She first registered with the GMC in 2005, working in Birmingham between 2005 and 2007. Dr Khambra practised in India between 2007 and 2024. In April 2024, Dr Khambra commenced a role as a Consultant Anaesthetist at The Northern Care Alliance ('the Trust'). Dr Khambra resigned from this role in August 2024.

3. On 14 January 2025, the Trust submitted an online referral form from NCA to the GMC. This referral detailed that, while employed by the Trust, Dr Khambra had failed to demonstrate the competencies required for independent consultant practice in anaesthesia and had required ongoing supervised practice. It stated that 33 specific concerns had been raised by a range of colleagues, which Dr Khambra had denied, before resigning from her role to seek employment elsewhere. The referral was raised after the Trust was contacted for an employment reference, and concerns were raised that Dr Khambra had not been transparent about the issues she had whilst working at the Trust.

4. On 30 January 2025, the GMC sent a letter to Dr Khambra via email, to inform her that an Assistant Registrar had issued a direction for her to undergo a Performance Assessment ('PA') and that failure to comply with the direction might result in her case being

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referred to a Medical Practitioners Tribunal (MPT) to consider her non-compliance. Dr Khambra responded to the GMC email on the same day, disagreeing with the concerns raised by the Trust, and stating that she intended to relinquish her GMC licence to practise.

5. On 7 February 2025, Dr Khambra telephoned the GMC and stated that she did not agree to the PA and intended to leave the UK. An email was sent to her the same day, asking her to confirm in writing that she did not wish to undertake the PA. No response was received. Further emails were sent to her on 12 and 18 February and 5 March 2025, but no reply was received.

6. On 31 March 2025, Dr Khambra was notified of the decision to refer her case to an MPT non-compliance hearing.

Today's proceedings

7. The Tribunal has convened to consider Dr Khambra's case. It is required to consider, under Rule 17ZA of the Rules, whether Dr Khambra has failed to comply with an assessment under Schedule 1 of the Rules which relates to Performance Assessments.

The Evidence

8. The Tribunal received documentary evidence which included but was not limited to:

- Online referral form from the Trust, dated 14 January 2025;
- Letter from GMC to Dr Khambra with the Direction to undertake a Performance Assessment (PA), dated 30 January 2025;
- Telephone note of call made by Dr Khambra to the GMC, dated 7 February 2025; and
- Emails to Dr Khambra from the GMC, dated 7, 12 and 18 February and 5 and 31 March 2025.

Submissions

9. On behalf of the GMC, Ms Gilsenan submitted that the Tribunal should consider the applicable paragraphs of the 'Non-Compliance Guidance for Medical Practitioner Tribunals' ('the Non-Compliance Guidance'). When considering the issue of non-compliance with the GMC Direction, Ms Gilsenan invited the Tribunal to consider the two-limb test: whether Dr Khambra has failed to comply with the GMC's Direction and whether there was a good reason for the failure to comply.

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10. Ms Gilsenan submitted that Dr Khambra has failed to comply with the GMC's direction to undergo a PA since 30 January 2025. Ms Gilsenan submitted that Dr Khambra has had sufficient time to engage and complete a PA, but Dr Khambra has not taken any steps to comply with the direction at this stage. Ms Gilsenan also submitted that Dr Khambra had confirmed via a telephone call on 7 February 2025 with the GMC that she did not agree with the undertaking of the PA and had no intention of complying with the GMC Direction to do so. Ms Gilsenan also said that Dr Khambra had indicated her intention to leave the UK and return to India. Ms Gilsenan submitted that the GMC has taken all reasonable steps to encourage Dr Khambra to comply, as evidenced by the email reminders and there was sufficient evidence that Dr Khambra has failed to comply with the GMC's direction to undergo a PA.

11. Ms Gilsenan turned to the list in the Non-Compliance Guidance which sets out examples of good reasons for failing to comply with a GMC direction. She submitted that there are no good reasons from that list for Dr Khambra's failure to comply. She also submitted that Dr Khambra has created a risk to public protection because the GMC cannot investigate the numerous performance concerns raised which were considered serious enough to warrant issuing a Health Professional Alert Notice (HPAN).

The Tribunals' approach

12. Whilst the Tribunal bore in mind the submissions made, the decision regarding non-compliance is one for the Tribunal to reach, exercising its own judgement.

13. The Tribunal had regard to the Non-Compliance Guidance. In particular, it considered whether there had been non-compliance by Dr Khambra with the GMC direction to undergo a PA.

14. The Tribunal reminded itself that at this hearing the onus is on Dr Khambra to demonstrate compliance with the GMC's Direction to undergo a PA.

The Tribunals' Decision on Non-Compliance

15. The Tribunal accepted that the Direction for Dr Khambra to undergo a Performance Assessment (PA) was reasonable. It noted, however, that Dr Khambra has failed to comply with this direction to date. Despite multiple reminders from the GMC, as outlined above, she has not engaged with the process. The Tribunal considered the repeated efforts made by the GMC to secure Dr Khambra's cooperation and noted her consistent lack of meaningful engagement. Instead of indicating any intention to undergo the PA, Dr Khambra has explicitly

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stated her refusal and her intention to return to India. No objective evidence has been provided by Dr Khambra to suggest that her non-compliance poses a reduced risk to the public.

16. The Tribunal concluded that Dr Khambra has failed to provide any valid justification for her ongoing refusal to undergo the GMC-directed PA. It acknowledged Dr Khambra's stated belief that she was being unfairly targeted. However, she provided no supporting evidence to substantiate this claim or to excuse her non-compliance.

17. In light of the above, and after considering the Non-Compliance Guidance, the Tribunal determined that Dr Khambra has not complied with the Direction to undergo a Performance Assessment and did not have a good reason not to do so.

Determination on Sanction 10/06/2025

15. Having determined that there is non-compliance by reason of Dr Khambra's failure to comply with an assessment under Schedule 1 of the Rules which relates to Performance Assessments (PAs), the Tribunal must now consider what direction, if any, to make.

Submissions

16. On behalf of the GMC, Ms Gilsenan submitted that a sanction of suspension is necessary and appropriate in this case. She referred the Tribunal to the Non-Compliance Guidance and to the Sanction Guidance (the SG). Ms Gilsenan told the Tribunal that Dr Khambra is currently suspended on an interim basis.

17. Ms Gilsenan submitted that it would not be appropriate to take no action in this case given the Tribunal's findings of non-compliance. In relation to conditions, Ms Gilsenan referred the Tribunal to paragraphs C11 and C12 of the Guidance which state:

'C11 Conditions restrict a doctor's practice or require them to do something. For example, a restriction can limit a doctor to work only in NHS posts, no longer carry out a particular procedure, or require the doctor to undergo medical supervision or retraining.'

C12 Conditions should be appropriate, proportionate, workable, and measurable.'

18. Ms Gilsenan submitted that conditions would not be workable, given that Dr Khambra indicated her intention to return to India. Ms Gilsenan said that, whilst Dr Khambra has provided reasons that she believes the referral to the GMC was unfair, she has provided no indication that she would comply with conditional registration in the future. Further, Ms Gilsenan stated that Dr Khambra has already indicated that she would not comply with a PA.

19. In relation to suspension, Ms Gilsenan referred the Tribunal to paragraphs C22 - C28, of the Non-Compliance Guidance and submitted that suspension is appropriate where a doctor has explicitly stated that they would not comply with the Direction to undertake a PA.

The Tribunal's approach

20. The Tribunal reminded itself that it is not making any finding of impairment.

21. The Tribunal was mindful that the main reason for making any direction is to protect the public. A direction is not made to punish or discipline doctors, even though it may have a punitive effect. In reaching its decision, the Tribunal has taken the Non-Compliance Guidance into account and borne in mind the overarching objective.

22. Throughout its deliberations and in conducting its risk assessment, the Tribunal applied the principle of proportionality, balancing Dr Khambra's interests with the public interest.

The Tribunal's Decision

23. The Tribunal bore in mind its finding of non-compliance, along with the evidence already adduced and the further submissions of Ms Gilsenan.

No Action

24. The Tribunal first considered whether to conclude Dr Khambra's case and take no further action. However, it determined that in view of its findings on non-compliance and wide-ranging concerns raised about Dr Khambra's clinical practice which may pose a potential risk to the public, it would not be appropriate, proportionate, nor in the public interest to conclude this case by taking no action.

Conditions

25. The Tribunal next considered whether it would be appropriate to impose a period of conditions on Dr Khambra's registration. The Tribunal has borne in mind that any conditions must be appropriate, proportionate, workable and measurable.

26. The Tribunal is of the opinion that a period of conditional registration would not be appropriate or proportionate in this case. The Tribunal noted that Dr Khambra previously indicated that she intended to return to India, and therefore considered that conditions would not be workable. Furthermore, Dr Khambra has demonstrated an unwillingness to engage with her Regulator, the GMC, and had failed to comply with the GMC Direction to undertake a PA. The Tribunal could not be satisfied that Dr Khambra would comply with conditional registration.

Suspension

27. Having determined that the imposition of conditions would not be appropriate the Tribunal considered whether to suspend Dr Khambra's registration.

28. The Tribunal considered Dr Khambra's non-compliance with the direction to undertake a PA, and the wide-ranging concerns regarding her clinical practice. The Tribunal bore in mind that suspension has a deterrent effect and can be used to signal to the doctor, the medical profession, and the public what standards and behaviour are expected from a registered doctor.

29. The Tribunal noted that an order of suspension also sends a message about the importance the role the GMC and MPTS play in ensuring that a doctor's practice meets the expected standards and behaviour and that the public is adequately protected where fitness to practise concerns have been raised, and that a failure to engage with these organisations is a serious matter. It considered that the circumstances of this case warranted such a message to be sent.

30. Accordingly, the Tribunal has determined to suspend Dr Khambra's registration for a period of 12 months. The Tribunal considered that Dr Khambra's requires this period in order to gain insight into her non-compliance and to undertake a PA.

Review hearing

31. The Tribunal determined to direct a review of Dr Khambra's case. A Tribunal will review her case at a hearing to be held before the end of the period of suspension. The onus is on Dr Khambra to demonstrate compliance and if at any time she considers that she has fully complied, Dr Khambra can make a request to the GMC for them to consider arranging an early review of the non-compliance order. The Tribunal reviewing Dr Khambra's case would be assisted by receiving the following:

- Evidence that Dr Khambra has engaged with the GMC
- Evidence that Dr Khambra has undertaken a Performance Assessment
- Any further information Dr Khambra considers will assist the Tribunal.

Determination on Immediate Order 10/06/2025

32. Having determined that Dr Khambra's registration be suspended the Tribunal has now considered, in accordance with Rule 17ZA(h) of "The Rules" and Section 38 of the Medical Act (1983) as amended, whether her registration should be subject to an immediate order.

Submissions

33. On behalf of the GMC, Ms Gilsenan told the Tribunal that the current interim order expires on 9 August 2026 and should be revoked in order to avoid Dr Khambra having two orders running simultaneously on her registration. Ms Gilsenan submitted that an immediate order of suspension should be imposed.

The Tribunal's Decision

34. The Tribunal has taken account of the relevant paragraphs of the Non-Compliance Guidance, including paragraphs C38 to C44. In particular it had regard to:

*'C38 The tribunal may impose an immediate order where it is satisfied that it is:
a necessary to protect members of the public
b desirable in the public interest to maintain public confidence and
uphold proper standards of conduct and behaviour
c in the interests of the doctor.'*

C39 An immediate order might be particularly appropriate in cases where the

doctor poses a risk to patient safety, or where immediate action is required to protect public confidence in the medical profession.

C40 In considering whether to impose an immediate order, the tribunal should have regard to the seriousness of the matter that led to the direction of conditions or suspension being made and consider carefully whether it is appropriate for the doctor to continue in unrestricted practice pending the non-compliance order taking effect.'

35. The Tribunal has noted the wide-ranging concerns relating to Dr Khambra's clinical practice. Further, Dr Khambra has failed to undertake a GMC Performance Assessment and if allowed to practise could pose a risk to patient safety. The Tribunal also considered that an immediate order was necessary to send a message to Dr Khambra, the profession, and the public about what standards and behaviour are expected from a registered doctor.

36. Therefore, the Tribunal determined that it is necessary for the protection of members of the public and is in the public interest to suspend Dr Khambra's registration forthwith.

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

38. The interim order is hereby revoked.

39. That concludes this hearing.

ANNEX A – 10/06/2025

Application on Service and proceeding in absence

40. Dr Khambra was not present or represented at this Medical Practitioners Tribunal ('MPT') hearing. The Tribunal therefore considered whether the relevant documents had been served in accordance with Rules 31 and 40 of the General Medical Council ('GMC') Fitness to Practise Rules 2004 ('the Rules') and paragraph 8 of Schedule 4 of the Medical Act 1983.

GMC's Submissions

41. On behalf of the GMC, Ms Gilsenan submitted that the hearing should proceed in the absence of Dr Khambra under Rule 31. She highlighted that Rule 31 allows proceedings to continue if the practitioner has been properly served with notice of the hearing, and all reasonable efforts to inform them have been made. Ms Gilsenan submitted that this criteria has been met.

42. Regarding service, Ms Gilsenan invited the Tribunal to consider the Service Bundle from the General Medical Council (GMC). This included a screenshot of the contact information held for Dr Khambra on the GMC system, namely her registered postal address and email address. The Service Bundle indicates that, on 12 May 2025, the GMC sent a letter to Dr Khambra via email, indicating that her case had been referred to the MPTS for a non-compliance hearing due to take place on 10 June 2025 and enclosing a draft copy of the hearing bundle. The letter was also sent by post to Dr Khambra's registered address on the same day. The letter was not delivered and was returned to the GMC on 15 May 2025.

43. Ms Gilsenan also drew the Tribunal's attention to a Notice of Hearing letter sent by the MPTS on 9 May 2025, both via email and by post to her registered address, confirming that her hearing would commence on 10 June 2025 and that it was expected to last one day. The MPTS letter also requested confirmation from Dr Khambra as to whether she would be attending and provided information as to the support available in relation to the hearing. The letter was delivered and signed for on 10 May 2025. No response was received.

44. Ms Gilsenan submitted that service had been effected in accordance with Rule 40 of the Rules by reason of the documents set out within the service bundle. She also invited the Tribunal to proceed in Dr Khambra's absence and submitted that when looking at the documentation in the service and proceeding bundle, it was clear that Dr Khambra had deliberately absented herself from today's hearing.

Tribunal's Determination

Service

45. The Tribunal had regard to Rule 40 of the Rules which provides that a notice or document required may be served by ordinary post, or by electronic mail to an electronic mail address, that the practitioner had notified to the Registrar as an address for communications.

46. In light of the evidence showing the Notice of Hearing being served by post and email to Dr Khambra, the Tribunal was satisfied that she had been properly served with the Notice of Hearing in accordance with Rules 15 and 40 of the Rules.

Proceeding in Dr Khambra's Absence

47. In making its determination the Tribunal noted that the decision as to whether or not the hearing should proceed in Dr Khambra's absence was a matter for its discretion and that such discretion was to be exercised with care.

48. The Tribunal noted that the letters sent to Dr Khambra informed her of the date and time of the hearing, her right to attend it, and to be legally represented. She was also informed that the hearing could proceed in her absence if she did not attend. No response was received to the letters or emails. The Tribunal concluded, in light of the information before it, that Dr Khambra was aware of the hearing and had voluntarily absented herself from this hearing.

49. The Tribunal considered that it was in the public interest that the hearing proceeded in a timely manner and that an adjournment would not secure Dr Khambra's future attendance.

50. Accordingly, the Tribunal determined that it was fair and reasonable to proceed in Dr Khambra's absence.