

**PUBLIC RECORD****Date:** 30/05/2025**Doctor:** Dr Mark O'Flynn**GMC reference number:** 3689501**Primary medical qualification:** MB BS 1992 University of London**Type of case**

XXX

Review - Misconduct

**Summary of outcome**

Adjourned to a new tribunal. Extend suspension, 3 months.

**Tribunal:**

Legally Qualified Chair	Mr Nick Flanagan
Lay Tribunal Member:	Ms Jo Palmiero
Registrant Tribunal Member:	Dr Alan Smith

Tribunal Clerk:	Mrs Olivia Gamble
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**Attendance and Representation:**

Doctor:	Present, not represented
GMC Representative:	Ms Isobel Thomas, 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 private.

**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.

ANNEX A – 30/05/2025

### Application to Adjourn Proceedings

1. At the commencement of today's review hearing, Dr O'Flynn made an application under Rule 29(2) of the General Medical Council's (Fitness to Practise) Rules 2004 ('the Rules'), for the hearing to be adjourned for a period of 8 weeks.
2. Dr O'Flynn submitted that there was further evidence in relation to his case that he had been unable to provide to the Tribunal in advance of the Hearing. This further evidence related to XXX
3. Further, Dr O'Flynn informed the Tribunal that XXX.
4. Dr O'Flynn requested that the Tribunal be adjourned for a period of 8 weeks in order for him to obtain the relevant documentation.
5. Ms Thomas, Counsel, on behalf of the GMC, submitted that the GMC objected to the proposed adjournment.
6. Ms Thomas submitted that Dr O'Flynn has known about this hearing and known what was required of him in relation to it, for a significant period of time. Ms Thomas submitted that at the previous hearing, it was made clear to Dr O'Flynn that the onus was on him to produce the documentation and evidence outlined. She stressed that the GMC does not have confidence that this evidence would be provided if an adjournment was granted. Ms Thomas concluded that the Tribunal should refuse Dr O'Flynn's application.

### The Tribunal's Decision

7. In reaching its decision on whether to adjourn the hearing, the Tribunal was mindful of the need to balance the interests of the doctor with those of the GMC, as well as the requirement to uphold the overarching objective and the public interest.
8. The Tribunal was of the opinion that a period of 6-months suspension was a relatively short timeframe to expect a Registrant XXX. It sympathised with Dr O'Flynn in this respect, considering it a positive sign that Dr O'Flynn had attended before the Tribunal today to explain his situation.
9. XXX

10. The Tribunal was mindful of the need to progress the case; the hearing time that had been allocated and the need to deal with cases justly. Whilst the Tribunal was keen to proceed with the matters before it, it concluded that a balance must be struck between using its time efficiently and proportionately, with dealing with proceedings in a fair and effective manner.
11. The Tribunal concluded that it was in the public interest for these proceedings to be adjourned in order for them to be conducted fairly and effectively. It therefore determined that it would be appropriate to accommodate Dr O'Flynn's request.
12. The Tribunal determined to grant Dr O'Flynn's application to adjourn the hearing on the date of Friday 30 May 2025, in accordance with Rule 29(2) of the Rules.
13. The Tribunal emphasised to Dr O'Flynn the importance of ensuring that he used the adjournment time effectively to provide all of the evidence he wanted to put before a reviewing Tribunal.
14. The Tribunal emphasised that this application was granted to allow Dr O'Flynn the further opportunity to obtain and provide further evidence, due to the particular circumstances of his case. It noted that it is vital that Dr O'Flynn provides all the evidence that he wishes to rely on to the MPTS, which will be shared with the GMC in advance of the adjourned review hearing. The Tribunal stressed that the hearing cannot be delayed further should he fail to provide the evidence he wishes to submit within the allowed timeframe.
15. The Tribunal does not wish to be prescriptive about what material Dr O'Flynn provides to the next Tribunal. However, Dr O'Flynn is reminded of the matters identified in the 2024 Tribunal's determination at paragraph 283.

#### **Extending the Current Order**

16. The Tribunal noted that the current order of suspension on Dr O'Flynn's registration is due to expire on 23 June 2025.
17. The Tribunal noted that Dr O'Flynn had no objection to the order of suspension being extended. Ms Thomas, Counsel for the GMC, also agreed that this order needed to be extended to cover the 3-month adjournment period.
18. The Tribunal determined that it is necessary for the protection of patients and in the public interest, to extend the current order of suspension under Section 35D(5)(c) of the

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Medical Act 1983, as amended, for a period of 3 months. The Tribunal determined that a period of 3 months would ensure sufficient time for the hearing to be relisted to a new Tribunal and for Dr O'Flynn to adduce any further evidence he wished to.

19. Unless Dr O'Flynn exercises his right of appeal, the further period of suspension will take effect 28 days from the date when written notice is deemed to have been served upon him. A note explaining Dr O'Flynn's right of appeal will be sent to him. The current order for suspension will remain in effect until the appeal period has expired or any appeal has concluded.
20. This hearing is now adjourned.