



Courts and Tribunals Judiciary

AC-LON-2024-001717

Dr Sarah Benn v General Medical Council

[2025] EWHC 87 (Admin)

Wednesday 22nd January 2025

Judgment Summary

NOTE: This summary is provided to help in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: <https://caselaw.nationalarchives.gov.uk/>

[References in square brackets are to paragraphs in the judgment of the Court]

1. The Court has today handed down judgment in an appeal brought by Dr Sarah Benn against the decision of the Medical Practitioners Tribunal that she should be suspended from the medical register on the basis that her fitness to practice was impaired through misconduct.
2. The misconduct alleged and found proved arose out of Dr Benn's participation in Just Stop Oil protests, whereby she repeatedly breached a High Court injunction resulting in her imprisonment.
3. The Appellant contended that the Tribunal were wrong to find that her actions amounted to misconduct and that her fitness to practise was impaired. She further contended that the sanction of suspension for five months (with a direction for a review hearing) was excessive and disproportionate.

Factual background

4. Dr Benn is a retired general practitioner, who worked in the NHS for over 30 years. She ceased clinical practice in 2022. Since then, she has devoted the majority of her time to environmental activism and voluntary work. She relinquished her licence to practise but remained on the medical register. [4-6]
5. In deliberate contravention of a High Court injunction, Dr Benn took part in a protest involving the obstruction of the access road into and out of the Kingsbury Oil Terminal.

She was arrested, brought before the court and bailed on condition that she comply with the terms of the injunction. On 4 May 2022, Dr Benn did not answer her bail. Instead, she engaged in another protest whereby she and about 10 others stood on the grass verge outside the Terminal holding placards and banners. She was arrested once again and spent a week in custody. [7]

6. On 14 September 2022, Dr Benn engaged in another protest at the Terminal. On that occasion, more than 50 people attended. Some of them, including Dr Benn, sat down in the road, obstructing vehicle access. The protest remained peaceful. A large number of police officers attended to clear the obstruction. The protestors were asked to leave. When they refused, they were arrested. On 21 September 2022, Dr Benn was sentenced to 32 days' imprisonment, which she served. [8]

The proceedings before the Medical Practitioners Tribunal

7. Dr Benn admitted the factual allegations made against her. The conduct which was found proved (on Dr Benn's admissions) was summarised by the Tribunal as breaking the High Court injunction on three occasions, with the final instance resulting in a sentence of imprisonment for 32 days. [19]
8. The Tribunal found that Dr Benn's conduct "fell so far short of the standards of conduct reasonably to be expected of a doctor as to amount to misconduct which was serious". [25]
9. The Tribunal went on to say that a finding that Dr Benn's fitness to practise was impaired was required to protect and maintain public confidence in the profession and to promote and maintain proper professional standards and conduct. [26-30]
10. The Tribunal determined that suspension for five months was proportionate to the misconduct and would allow adequate time for the development of insight and remediation. The Tribunal further directed that there should be a review hearing shortly before the end of the suspension when the onus would be on Dr Benn to demonstrate that matters had changed so that her fitness to practise was no longer impaired. [33-34]

The Court's decision

11. The Court accepted that there were some errors in the Tribunal's reasoning but upheld their decision for the reasons set out in the judgment.
12. *Good Medical Practice*, the guidance issued to doctors, contained an expectation that doctors will maintain high standards of professional and personal conduct and reflected a general expectation that doctors will conduct themselves within the law. [88]
13. Whatever her motivations, Dr Benn's conduct amounted to misconduct in the ordinary sense of the word. Dr Benn recognised this when giving evidence, describing it as a "no brainer" and saying "of course it is misconduct" in the ordinary sense. She acknowledged that it was not acceptable conduct and that "it's not within the norms of behaviour and boundaries set by the governing body of the profession". The misconduct was sufficiently serious as to be marked with a term of imprisonment. [95]

14. A finding by the Tribunal that there was some disruption to the public and public services reflected the evidence and it was appropriate to take it into account on the issues of misconduct and impairment. [58-66]
15. Dr Benn relied on her motivations to explain and justify her deliberate and unlawful misconduct, inviting the Tribunal to endorse her views on the climate emergency. However, it was her conduct not her beliefs that brought Dr Benn before the Tribunal. The motivations that underpinned the conduct could not convert that which is otherwise obviously misconduct into something less. [96-97]
16. On her own evidence, Dr Benn intended to act in a way that did not meet the standards of behaviour to be expected of a doctor. That was a deliberate part of her tactics. She made it clear that she was conducting herself as a doctor. She intended that her misconduct would attract additional attention because she was a doctor and doctors are trusted voices within society. She relied upon that public trust and the fact that it would be considered shocking for a doctor to act unlawfully to spread her message. In doing so, she recognised that she was acting outside the boundaries set for the medical profession. These factors provided a connection with the medical profession such that, although the acts were committed outside medical practice, they crossed the dividing line into professional misconduct. [98-99]
17. The Court acknowledged strong support for Dr Benn, at least amongst some sections of the public and the profession. It has been said previously that popular outcry is not proof that a particular set of events gives rise to any matter falling within a regulator's remit. Equally, popular outcry cannot form a basis for concluding that misconduct falls outside the regulator's remit. [108-109]
18. The Appellant accepted that, even if the compelling scientific case in relation to climate change and the need for action is accepted, there is room for difference of opinion about what needs to happen and how it should be achieved. These are matters that society as a whole has to tackle. Dr Benn takes the view that the situation is so desperate that what is now required cannot be achieved by lawful means. However, society functions by all citizens abiding by the law. A doctor's status as a trusted professional is called into question if she not merely breaks the law but refuses to be bound by the law. [113]
19. Dr Benn was perfectly entitled to campaign vigorously and to protest. She was entitled to do so invoking her status as a doctor to engender trust and support for her views. What she was not entitled to do was to rely on her status as a member of the medical profession and the special trust that brings while repeatedly defying a court order (causing public disruption on the final occasion) resulting in her imprisonment. [114]
20. The special trust which Dr Benn relied upon to bring greater attention to the cause she sought to advance would be lost, or significantly undermined, if doctors generally decided that they could disregard the law in pursuit of a cause they felt very strongly about. To that extent, Dr Benn's conduct was capable of undermining public trust in the medical profession. [115]
21. Even if that were not so, the need to maintain proper professional standards and conduct must be considered. Dr Benn's behaviour had been found to have fallen far below what was reasonably to be expected of a medical professional. The finding that Dr Benn's fitness to practise was impaired was not based merely on historical wrongdoing but also

took account of Dr Benn's stated intention to continue to behave in the same way. It was not wrong to regard Dr Benn's conduct in repeatedly breaching the injunction (to the extent she was imprisoned) and her stated intention to continue to act outside the law as being incompatible with her status as a member of the profession, whatever her motivations. [116-117]

22. Having regard to the conclusions in relation to misconduct and impairment of fitness to practise, suspension was a necessary and proportionate response. It was reasonable to allow Dr Benn the opportunity to reflect on the impact of her stated intent to continue her misconduct on her standing as a medical professional. On the other hand, her clearly stated belief is that the need for action to avert climate disaster overrides the requirement to act within the law or the normal bounds of the profession. In those circumstances, the fact and length of the suspension was necessary and proportionate and it was also necessary and reasonable to direct a review hearing. [121-126]