

Published 25 March 2013 | Comes into effect 22 April 2013

This guidance was updated on 25 May 2018 to reflect the requirements of the General Data Protection Regulation and Data Protection Act 2018.

# Sexual behaviour and your duty to report colleagues

1 In *Good medical practice*<sup>1</sup> we say:

- 25c If you have concerns that a colleague may not be fit to practise and may be putting patients at risk, you must ask for advice from a colleague, your defence body or us. If you are still concerned you must report this, in line with our guidance and your workplace policy, and make a record of the steps you have taken.
- 53 You must not use your professional position to pursue a sexual or improper emotional relationship with a patient or someone close to them.

2 In this guidance, we explain how doctors can put these principles into practice. Serious or persistent failure to follow this guidance will put your registration at risk.

3 To maintain the trust of patients and the public, you must never make a sexual advance towards a patient or display sexual behaviour. Sexual behaviour – for example, making inappropriate sexual comments – does not necessarily involve touching the patient.

4 If a patient tells you about a breach of sexual boundaries, or you have other reasons to believe that a colleague<sup>2</sup> has, or may have, displayed sexual behaviour towards a patient, you must promptly report your concerns<sup>3</sup> to a person or organisation able to investigate the allegation.

If you suspect a doctor has committed a sexual assault or other criminal activity, you should make sure it is reported to the police.

5 You must offer support to any of your patients affected by a colleague's breach of sexual boundaries.

6 You should respect patient confidentiality<sup>4</sup> when reporting your concerns. But, the safety of patients must come first at all times. If you are satisfied that it is necessary to identify the patient, you should explain to the patient why disclosure is necessary. You should seek the patient's consent to disclose information, unless it is not appropriate or practical to do so.<sup>5</sup> If consent to disclosure is refused but you judge disclosure is in the public interest, you must tell the patient of your intention to disclose the information. In all cases, you should only disclose relevant information.

## References

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- 1 General Medical Council (2013) *Good medical practice* London, GMC.
- 2 Anyone a doctor works with, whether or not they are also doctors.
- 3 You must also follow our guidance on raising and acting on concerns about patient safety. General Medical Council (2012) *Raising and acting on concerns about patient safety* London, GMC.
- 4 You must also follow our guidance on confidentiality (paragraphs 63–70 on disclosures for the protection of patients and others). General Medical Council (2017) *Confidentiality: good practice in handling patient information* London, GMC.
- 5 See paragraph 14 of *Confidentiality* guidance for examples of when this might not be the case.