General Medical Council

Meeting of the s.40A Panel to consider the case of Dr Adam Chesters (6102644)

Held on 7 October 2026

Panel members present ('the Panel')
Charlie Massey, Chief Executive (in the Chair)
Pushpinder Mangat, Medical Director and Director, Education and Standards
Anthony Omo, General Counsel and Director of Fitness to Practise

In attendance
Dawn Crook, Senior Legal Adviser
Katherine Ince, Head of Office of the Chair and Chief Executive (Panel Secretary)

Purpose of this note

1 This meeting note records a summary of the Panel's consideration of the relevant decision of the Medical Practitioners Tribunal ('MPT') which considered the Doctor's case ('the decision'), and the Panel's decision on behalf of the General Medical Council as to whether or not to exercise the power to appeal the decision pursuant to section 40A Medical Act 1983 (as amended) ('the Act').

The relevant decision

2 The Senior Legal Adviser confirmed that the decision was a relevant decision for the purposes of s.40A of the Act. The decision not to find the doctor's fitness to practise impaired before then issuing a warning was a decision not to give a direction under s35D of the Act, and accordingly fell within the meaning of s40A(1)(d) of the Act as confirmed by the Court of Appeal in its judgment in the case of Raychaudhuri v General Medical Council [2019] 1 WLR 324, at [47]-[53].

Consideration

3 The Panel considered the record of the MPT's determination and the legal advice in detail.

4 The Panel was deeply troubled by the behaviour of Dr Chesters which they felt was an abuse of his more senior position.

The GMC is a charity registered in England and Wales (1089278) and Scotland (SC037750).

5 The Panel was concerned that the tribunal appeared to have placed too much emphasis on Dr Chesters' good character when considering his evidence. The Panel felt that the tribunal's approach led to inconsistencies in how they balanced the evidence from Dr Chesters and that of the complainants.

6 The Panel was also troubled by the way in which the tribunal treated the evidence concerning alleged rumours about Dr Chesters' previous behaviour to lessen the credibility of the witnesses, as opposed to this evidence being, at the very least, neutral, or potentially aggravating in terms of the possible pattern of inappropriate behaviour.

7 The Panel was concerned that there were a number of inconsistent findings which undermined their confidence in the tribunal's approach generally. Notably, the Panel was concerned with the tribunal's approach to the harassment allegations, in that they failed to properly consider the elements of harassment, or in the alternative failed to provide any, or inadequate, reasons for their conclusions that the conduct did not amount to harassment.

8 Based on their assessment of all the relevant information, the Panel concluded that the warning issued is insufficient to protect the public.

9 The Panel therefore decided to appeal the MPT's decision pursuant to section 40A of the Act.



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Charlie Massey (Chair)

15 October 2026
Dated

Background

10 This case concerns the determination of an MPT, which concluded on 14 September 2026, considering the matter under Part 4 of the General Medical Council (Fitness to Practise) Rules 2004 ('the Rules').

11 The determination of the MPT, which includes the background, allegations and the MPT's determinations on Facts, Impairment and Sanction, can be accessed here.

The General Medical Council's power to appeal pursuant to s.40A

12 With effect from 31 December 2015, the General Medical Council acquired the power to appeal to the High Court (or equivalent courts in Scotland and Northern Ireland where relevant) against relevant decisions of a MPT if it considers that the decision is not sufficient (whether as to a finding or a penalty or both) for the protection of the public.

13 The basis upon which the GMC will consider whether or not to exercise this power to appeal is described in "Appeals by the GMC pursuant to s.40A of the Medical Act 1983 ('s.40A appeals') – Guidance for Decision-makers" ('the Guidance').

14 Decisions concerning the exercise of the s40A power to appeal were originally delegated by the Council to the Registrar. However, following recommendations from Sir Norman Williams' Review Council agreed that decision-making in prospective appeals involving decisions of MPTs be delegated to a three person Executive Panel comprising: the Chief Executive and Registrar as Chair; the Medical Director and Director of Education and Standards; and the Director of Fitness to Practise (or their nominated Deputies).

15 As the Guidance makes clear, when considering whether to bring a s.40A appeal in a particular case, it will be necessary to consider the following questions:

a. Based on their assessment of all of the information held, and in the particular circumstances of the case, and having regard to the factors set out in the Guidance, does the Panel consider that the MPT's decision is not sufficient to protect the public?

b. If the Panel is of the view, on its assessment of all the information held, in the particular circumstances of the case, that there are grounds to consider that the MPT's decision is not sufficient, it will consider whether exercising the power of appeal would further, rather than undermine, the achievement of the over-arching objective.

c. If the answer is yes, then the GMC may exercise its power of appeal.

d. In considering that question the Panel will be required to consider and weigh a number of competing factors (including its assessment of the prospects of success of the appeal, and the nature and importance of the issues which would be aired).