

Public Minutes

# Minutes of the Investigation Committee

## Oral hearing on 22 July 2025

This hearing has been conducted in accordance with the [General Medical Council \(Fitness to Practise\) Rules 2004](#) (*The Rules*).

<b>Name of Doctor</b>	<b>Marieodile Gerval</b>
<b>Doctor's UID</b>	<b>4261065</b>

<b>Outcome</b>	Warning issued
<b>Hearing location:</b>	Held virtually via MS Teams

<b>Committee Members</b>	Mr Ian Kennedy (Chair – Lay)
	Dr Zahir Mohammed (Medical)
	Mrs Antionette Foers (Lay)

<b>Legal Assessor</b>	Miss Eleanor Platt KC
<b>Panel Secretary</b>	Mr Gareth Eaton

<b>GMC Representative</b>	Mr Adam Lodge, Counsel
<b>Doctor's attendance</b>	Dr Gerval attended
<b>Doctor's representative</b>	Dr Gerval represented herself

## Background

- 1 On 23 October 2024 Dr Gerval contacted the GMC, by email, explaining that on Sunday 20 October 2024 she was stopped by Lancashire Constabulary whilst driving. She had been breathalysed and tested 'just over the legal limit for driving' with a reading of 48 micrograms per 100 millilitres of breath. Dr Gerval confirmed that she did not intend to plead guilty to this offence and that there were 'various factors' about the event which she did not consider were transparent.
- 2 On 13 November 2024 Dr Gerval was informed that the GMC would be undertaking a review of her fitness to practise. During a telephone conversation with the GMC on this date, Dr Gerval confirmed that she was due to appear in court on 15 November 2024.
- 3 On 22 November 2024 the GMC contacted Dr Gerval to enquire as to the outcome of the court case. Dr Gerval confirmed that she had pleaded guilty to the offence and had received a conviction.
- 4 The Committee has been provided with a court extract from Preston Magistrates' Court which confirms that on 15 November 2024 Dr Gerval was convicted of driving a motor vehicle with an alcohol concentration above the prescribed limit. The court extract confirmed that, as a result of the conviction, she was disqualified from holding, or obtaining, a driving licence for 14 months and was fined £576.
- 5 On 29 January 2025, once its investigation was complete, the GMC wrote to Dr Gerval in accordance with rules 7 and 11 of the Rules, confirming that the GMC case examiners were minded to conclude the case with a warning. The letter gave Dr Gerval the opportunity to accept the warning proposed by the case examiners and to submit representations for their consideration before they made a final decision on the outcome of her case.
- 6 On 26 March 2025 Dr Gerval's legal representative responded to the GMC. They invited the case examiners to conclude Dr Gerval's case with no further action saying that, whilst the doctor accepted the facts, the broader context and circumstances of Dr Gerval's situation should be taken into consideration.
- 7 They provided additional narrative in respect of the circumstances of the offence in that, during the day of 20 September 2024, Dr Gerval had gone for a walk with a colleague/friend and had consumed a glass of wine at around 5pm. Later, on the same day, Dr Gerval had attended a social club where she had consumed two further glasses of wine. It was on the journey home, at approximately 00:10, that Dr Gerval was stopped by the Police.
- 8 The GMC were provided with a reflective statement from Dr Gerval in which she acknowledged that the conviction carries serious implications, not only for herself but for her colleagues, her employer, the medical profession and public trust. It was confirmed that Dr Gerval had also undertaken a Drink Drivers' Awareness Course in February 2025 and it was stated that this

reinforced her commitment to responsible decision-making when consuming alcohol. Dr Gerval have since committed to consuming no alcohol when planning to drive.

- 9 Notice of this hearing was served on 02 May 2025 and the allegations referred for consideration by the Committee were particularised in this notice. They were that:

“1. On 15 November 2024 at Preston Magistrates’ Court, Dr Gerval was:

a. convicted of driving a motor vehicle with an alcohol concentration above the prescribed limit, contrary to sections 34(1) and 34A of the Road Traffic Act 1988;

b. sentenced to:

- i. disqualification from holding or obtaining a driving licence for 14 months;
- ii. a fine of £576.00.

- 10 The Committee is convened today to determine whether a warning should be issued.

## GMC Submissions

- 11 Mr Lodge, Counsel on behalf of the GMC, submitted that a warning was an appropriate and proportionate outcome in this case. He said on 15 November 2024 Dr Gerval was convicted of driving a motor vehicle with excess alcohol in her system. He submitted that this behaviour does not meet with the standards required of a doctor. It risks bringing the profession into disrepute and must not be repeated. The required standards are set out in *Good medical practice* and associated guidance. In this case, paragraph 81 of *Good medical practice* is particularly relevant: ‘You must make sure that your conduct justifies patients’ trust in you and the public’s trust in the profession’. Whilst this failing, in itself, is not so serious as to require any restriction on Dr Gerval’s registration, it is necessary in response to issue a formal warning.
- 12 Mr Lodge submitted that the GMC has a legal duty to protect the public, which is split into three distinct parts and requires the GMC to act in a way that; protects, promotes and maintains the health, safety and wellbeing of the public (‘patient safety’), promotes and maintains public confidence in the profession and promotes and maintains proper professional standards and conduct for members of the profession. He also referred the Committee to the GMC *Guidance on warnings* which states that examples of convictions that may result in a warning include one-off drink driving offences where the GMC are satisfied that there are no underlying health concerns.
- 13 Mr Lodge said on the day in question, Dr Gerval had one glass of wine in the afternoon and two further glasses during the evening before driving home. He said that in doing so, she placed herself, any potential passengers, and other road users at risk of harm. Mr Lodge submitted that it is important in the interests of maintaining public confidence in the profession and upholding proper standards that Dr Gerval is issued with a warning. He said this would send a clear

message to the profession that driving whilst over the legal alcohol limit is not the standard required of a doctor.

- 14 Mr Lodge said the GMC has sympathy with the complex circumstances Dr Gerval referred to in her submissions and the impact that these had on her. He said Dr Gerval had shown a genuine regret for the incident and had demonstrated insight. He said the incident appears isolated and unlikely to be repeated and Dr Gerval has taken rehabilitative steps to reflect on the conviction. However, Mr Lodge submitted that it is in the wider public interest that the Committee issues Dr Gerval with a warning.

## Dr Gerval's Submissions

- 15 The Committee was provided with Dr Gerval's written submissions, dated 13 July 2025 and she also provided submissions in person asking the Committee to conclude the case with no further action.
- 16 In her submissions Dr Gerval said she accepts full responsibility for the incident and remains profoundly remorseful. She does not in any way seek to diminish the seriousness of incident. However, Dr Gerval asked that the GMC exercise its discretion and recognise that a formal warning, in this case, would not serve the public interest. Nor would it reflect the depth of personal accountability and insight she has demonstrated or allow her to continue to serve patients without a lasting professional mark.
- 17 Dr Gerval submitted that the GMC's own *Sanctions Guidance (2020)* affirms that not all criminal convictions inevitably lead to warnings. Specifically, paragraph 74-76 states that case examiners must weigh the context, personal circumstances and the public interest. Dr Gerval said there is room for compassion and recognition of humanity within this framework and the courts have repeatedly affirmed this approach. In *R (Sanders) v GMC [2009] EWHC 2118 (Admin)*, the High Court underscored that proportionality and context are key, and that case examiners must take an evaluated proportional approach – it is about measured judgment. Dr Gerval said that she does not seek to minimise her error but urge the GMC to consider the full breadth of her circumstances.
- 18 Dr Gerval said the incident occurred XXX. She had been the victim of prolonged and traumatic stalking which commenced in late 2021, XXX. XXX. Further, despite Dr Gerval's repeated efforts to obtain justice through the courts and the Crown Prosecution Service ('CPS') serious failures occurred XXX.
- 19 Dr Gerval said that the CPS has since formally acknowledged failings in how her case was handled and admitted that the offender was charged with a lesser offence than warranted. She said this miscarriage of justice and her voice not being heard XXX. In May 2024 Dr Gerval was granted a lifelong restraining order against the perpetrator as further events continued. She said this has afforded her some sense of protection and she continues to rebuild Dr Gerval's life with a lessened sense of fear.

20 XXX.

21 XXX.

22 In relation to the incident itself, on the evening in question, Dr Gerval said her decision to drive was made in error but without malice XXX. Dr Gerval said she never intended to break the law or put anyone at risk though she fully accepted that she did, and she had learned deeply from that mistake.

23 In Dr Gerval's submissions she told the Committee the conviction had already brought shame, introspection, and emotional pain which she has tried to respond to with integrity, openness, and profound personal growth. Since the conviction, she has taken extensive steps to reflect and learn and has completed a comprehensive drink-driving awareness course. As a result of which, Dr Gerval have committed to never again consume alcohol when planning to drive.

24 Dr Gerval informed the Committee that she has re-read and internalised the principles of *Good Medical Practice 2024* as well as actively engaging with therapeutic support. She asserted the incident was an isolated occasion which will never happen again. Dr Gerval also asked the Committee to take account of her fear that a warning may be used by the man convicted of stalking her. Dr Gerval feared he may seek to further damage her reputation and harm her well-being.

## Committee Determination

25 Dr Gerval has accepted the allegations as they were particularised in the Notice of Hearing both in her response to the case examiners and at this hearing. As such, in respect of the entirety of allegation 1, the allegation is admitted and found proven.

### **The Committee's approach to considering a warning**

26 The Committee is aware that the GMC has a legal duty to protect the public. The Medical Act 1983 splits this duty into three distinct parts and requires the GMC to act in a way that:

- protects, promotes and maintains the health, safety and wellbeing of the public ('patient safety')
- promotes and maintains public confidence in the profession
- promotes and maintains proper professional standards and conduct for members of the profession.

- 27 In addition to the part warnings play in maintaining public confidence and upholding standards for the profession, they also serve to indicate formally to a doctor the behaviour or performance that has significantly departed from the professional standards expected and should not be repeated. The GMC *Guidance on warnings* states that they should be viewed as a deterrent. They are intended to remind the doctor that repetition of the given conduct is likely to result in a finding of impaired fitness to practise, which may lead to restrictions being placed on their registration.
- 28 In the light of Dr Gerval's conviction the Committee considered whether her conduct was sufficiently serious to warrant a formal response by way of a warning, to maintain public confidence in the profession and to uphold standards of conduct for its members. In determining this, and in line with the GMC *Guidance on warnings*, the Committee considered whether:
- a) there has been a clear and specific breach of the professional standards
  - b) Dr Gerval's conduct approached, but just fell short of, that which would pose a risk to public protection
  - c) a repetition of the given conduct is likely to elevate the seriousness to a degree where Dr Gerval would pose a risk to public protection and restrictive action by the GMC would be necessary.
- 29 The Committee's role is not to review the case examiners' decision on whether a warning is appropriate, but to consider the matter afresh.

### **Committee's decision on a warning**

- 30 At the outset of its decision, the Committee wishes to state that it is sympathetic to the ordeal Dr Gerval encountered in relation to her having been stalked over several years. XXX.
- 31 The Committee acknowledges that Dr Gerval has shown a genuine expression of regret for her actions which led to her conviction. It has heard today that Dr Gerval drove her car having consumed three glasses of wine during the afternoon and evening and she believed that she was under the legal limit at the time that she drove.
- 32 The Committee is satisfied that Dr Gerval have taken steps to learn from her mistake and that the risk of repetition appears low. It also notes her early self-reporting of the incident to the GMC, that she pleaded guilty at first appearance at court, her clear remorse about happened and the steps taken towards remediation. Dr Gerval has provided the Committee with a number of very positive testimonial letters from colleagues who are aware of the circumstances and speak highly of her and her medical practice. The Committee has not seen anything that raises doubts about Dr Gerval's ability to work safely as a doctor.

- 33 The Committee has regard to the fact that Dr Gerval has considerable support from her colleagues and patients regarding her practicing as a doctor and that this incident occurred away from Dr Gerval's medical duties and during a period when she had gone through a significant ordeal. The Committee considers that Dr Gerval is at a stage in her career where the imposition of a warning should not have a disproportionate impact on her career progression.
- 34 However, the Committee is concerned that on the day in question, at a social event, Dr Gerval consumed two glasses wine, which were bought for her by a friend. Earlier that day she had also had a glass of wine after a walk. Dr Gerval could not be certain of the amount of alcohol within each glass. Later in the evening, she decided to drive home which she said was some miles away and included driving on a motorway. The Committee considers that Dr Gerval placed herself, other road-users and the general public in danger as result of these actions.
- 35 The Committee has decided that the conviction, arising from Dr Gerval's actions, represents a clear and significant breach of the standards expected of a doctor. Whilst the Committee is sympathetic to Dr Gerval's unique and challenging personal circumstances, it can find no link between them and her decision on that day to drink alcohol and then drive home. The Committee accept that Dr Gerval holds a concern that the man convicted of stalking her will use a warning as a further opportunity to harass her. However, it is also aware that Dr Gerval's conviction for drink driving is already in the public domain and she has the protection of a life-long restraining order against him.
- 36 The Committee has taken all the matters put forward by Dr Gerval into account and weighed them against the public interest. It has concluded it is in the public interest, on the detailed facts of this case, that a warning is required. The Committee finds that issuing Dr Gerval with the following warning is an appropriate and proportionate outcome:

On 15 November 2024 Dr Gerval was convicted of driving a motor vehicle with excess alcohol in her system. This does not meet the standards required of a doctor. It risks bringing the profession into disrepute and it must not be repeated.

The required standards are set out in *Good medical practice* and associated guidance. In this case, paragraph 81 of *Good medical practice* is particularly relevant:

*You must make sure that your conduct justifies patients' trust in you and the public's trust in the profession.*

Whilst this failing in itself is not so serious as to require any restriction on Dr Gerval's registration, it is necessary in response to issue this formal warning.

This warning will be published on the medical register in line with our publication and disclosure policy, which can be found at [www.gmc-uk.org/disclosurepolicy](http://www.gmc-uk.org/disclosurepolicy).

That concludes the determination of the Investigation Committee in this case.

**Mr Ian Kennedy**  
**Investigation Committee Chair**