

Consultant surgeon successfully appeals Tribunal's decision to erase him from the medical register.

17 March 2021



Kevin McCartney, instructed by Taiyaba Waheed at Hempsons, represented a consultant orthopaedic surgeon who was erased from the medical register in July 2020 for allegedly sexually assaulting three female members of staff.

On appeal the Court found that the Tribunal had placed undue weight on the demeanour of the complainants and had adopted a fundamentally flawed methodology when assessing the credibility of witnesses and determining the facts, which had arguably reversed the burden of proof. The case provides guidance as to the proper approach when assessing credibility.