

General Pharmaceutical Council

Fitness to Practise Committee

Principal Hearing

Remote videolink hearing

29 May – 3 June 2025 and 4 August – 8 August 2025

Registrant name:	Pradyuman Gadaria
Registration number:	2051582
Part of the register:	Pharmacist
Type of Case:	Misconduct
Committee Members:	Vishal Misra (Chair) Jignesh Patel (Registrant member) Mel Palmer (Lay member)
Committee Secretary:	Ivana Raimundova (29 May – 3 June 2025) Sameen Ahmed (4 August – 6 August and 8 August 2025) Chloe Butler (7 August 2025)
Registrant:	Present and represented by Briony Molyneux
General Pharmaceutical Council:	Represented by Olivia Rawlings, Case Presenter
Facts proved:	Particular 3.1 (in entirety); 4.1.1; 4.1.2; 5.1.1; 5.1.2; 5.3; 9.1 (in entirety); 12.1 (proved in relation to Particular 9 only)
Facts proved by admission:	Particular 3.2 (in entirety); 4.1; 5.1; 6 (in entirety); 9.2; 9.3 (in entirety); 10 (in entirety); 12.2
Facts not proved:	Particular 4.2.1; 5.2; 12.1 (in relation to Particulars 3, 4, 5, 6 and 10.2)

Fitness to practise:	Impaired
Outcome:	12-month suspension
Interim measures:	Interim suspension

This decision including any finding of facts, impairment and sanction is an appealable decision under *The General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010*. Therefore, this decision will not take effect until Wednesday 10 September 2025 or, if an appeal is lodged, once that appeal has been concluded. However, the interim suspension set out in the decision takes effect immediately and will lapse when the decision takes effect or once any appeal is concluded.

Particulars of Allegation

You, a Registered Pharmacist, whilst working as a Pharmacist at Leeds Teaching Hospitals NHS Trust ('the Trust'):

3. *In respect of Colleague C, you:*
 - 3.1 *In or around 2015 to 2018, on one or more occasions:*
 - 3.1.1 *Hugged Colleague C;*
 - 3.1.2 *Hugged Colleague C without her permission;*
 - 3.1.3 *Opened your arms for a hug making it difficult for Colleague C to pass you;*
 - 3.2 *Sent Colleague C messages on Instagram, including:*
 - 3.2.1 *On 6 March 2019, stating: "As always, you get a proper hug when I actually see you!";*
 - 3.2.2 *On 2 June 2019, stating: "wife material";*
 - 3.2.3 *On 8 October 2019, stating: "If u still about and fancy a drink let me know".*
4. *In respect of Colleague D, you:*

- 4.1 *Between approximately 2015 to 2019, on one or more occasions hugged Colleague D without her permission;*
 - 4.1.1 *From behind;*
 - 4.1.2 *For a prolonged period;*
- 4.2 *Between approximately 2018 to 2019, on one or more occasions you:*
 - 4.2.1 *Sent Colleague D a message on Instagram inviting her to meet up with you socially;*
 - 4.2.2 *Sent Colleague D a message on Instagram complimenting her physical appearance.*
- 5. *In respect of Colleague E, between approximately 2016 to 2021, you:*
 - 5.1 *Frequently hugged Colleague E;*
 - 5.1.1 *Intensely;*
 - 5.1.2 *For a prolonged period of time;*
 - 5.2 *Hugged Colleague E after she explicitly stated that she did not want a hug, or words to that effect;*
 - 5.3 *On one or more occasions, removed Colleague E's bleep from her person/ clothing in order to hug her.*
- 6. *In respect of Colleague F, between approximately 2017 to 2020, you:*
 - 6.1 *On one or more occasions hugged Colleague F without her permission;*
 - 6.2 *Liked Colleague F's photographs on Instagram;*
 - 6.3 *On one or more occasions, sent private messages to Colleague F on Instagram, including complimenting Colleague F's physical appearance.*
- 9. *In respect of Colleague J, between approximately March 2019 to August 2020, you:*
 - 9.1 *On one or more occasions:*
 - 9.1.1 *Put your hand over Colleague J's bra strap in the middle of their back;*

- 9.1.2 *Rubbed the area in 9.1.1 slowly; -*
 - 9.2 *On one or more occasions hugged Colleague J;*
 - 9.3 *Sent Colleague J messages on Instagram in which you:*
 - 9.3.1 *Commented "Witt woo" in relation a photograph of Colleague J's hair;*
 - 9.3.2 *Told Colleague J "Maybe don't resist" in relation to sleeping, with a wink emoji at the end of the message;*
 - 9.3.3 *Told Colleague J "I'm lucky to have seen you recently".*
- 10. *You:*
 - 10.1 *On 16 December 2020, were advised about your hugging and/or touching of colleagues and how they were perceived by members of staff by the Trust; and*
 - 10.2 *In spite of the advice given to you, continued to hug and/or touch members of staff.*
- 12. *Your actions set out at 3, 4, 5, 6, 9 and/or 10.2:*
 - 12.1 *Were sexually motivated; and/or*
 - 12.2 *Transgressed proper professional boundaries.*

Documentation

Document 1- Council's hearing bundle

Document 2- Council's skeleton argument

Document 3 – Chronology (from the Council)

Document 4 - Registrant's bundle

Witnesses

Colleague C - gave evidence at facts stage.

Colleague D - gave evidence at facts stage.

Colleague E - gave evidence at facts stage.

Colleague F - gave evidence at facts stage.

Colleague J - gave evidence at facts stage.

Determination

Introduction

1. This is the written determination of the Fitness to Practise Committee at the General Pharmaceutical Council ('the Council').
2. This hearing is governed by *The Pharmacy Order 2010* ('the Order') and *The General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010* ('the Rules').
3. The statutory overarching objectives for these regulatory proceedings are:
 - a. To protect, promote and maintain the health, safety and well-being of the public;
 - b. To promote and maintain public confidence in the professions regulated by the Council; and
 - c. To promote and maintain proper professional standards and conduct for members of those professions.
4. The Committee also has regard to the guidance contained in the Council's *Good decision making: Fitness to practise hearings and outcomes guidance* as revised March 2024.
5. A Principal Hearing has up to three stages:

Stage 1. Findings of Fact – the Committee determines any disputed facts.

Stage 2. Findings of ground(s) of impairment and impairment – the Committee determines whether, on the facts as proved, a statutory ground for impairment is established and, if so, whether the Registrant's fitness to practise is currently impaired.

Stage 3. Sanction – the Committee considers what, if any, sanction should be applied if the Registrant’s fitness to practise is found to be impaired.

Service of Notice of Hearing

6. The Committee has seen a letter dated 29 April 2025 from the Council headed ‘Notice of Hearing’ addressed to the Registrant and sent to their registered email address as noted on the Register.
7. The Committee was satisfied that there had been good service of the Notice of Hearing (‘Notice’) in accordance with Rules 3 and 16 of the Rules.

Application to amend the particulars of allegation

8. The Committee heard an application from Ms Rawlings under Rule 41 to withdraw particulars 1, 2, 7, 8 and 11 (inclusive of all sub-allegations), to amend particular 12 so that reference to “1, 2, 7, 8 and 11” were deleted. Particulars 5 and 9 had typographical errors:
 - a. Particular 5 was drafted as ‘15.1.1’ and ‘15.1.2’ and needed to be amended to ‘5.1.1’ and ‘5.1.2’.
 - b. Particular 9 needed to be amended from ‘10.1.1’ and ‘10.1.2.’ to ‘9.1.1’ and ‘9.1.2.’
9. Ms Molyneux accepted the amendments.
10. The Committee was of the view that the amendments were necessary and did not prejudice any party in any way. The amendments were necessary because the withdrawn particulars could not be properly evidenced due to the underpinning material being deemed inadmissible prior to this hearing. The typographical errors needed correcting as a matter of course. Thus the amendments were accepted.

Registrant’s response to Particulars of allegation

11. The Registrant admitted and denied some particulars:

a. The Registrant admitted particulars:

- i. 3.2.1
- ii. 3.2.2
- iii. 3.2.3
- iv. 4.1
- v. 4.2.2
- vi. 5.1
- vii. 6.1
- viii. 6.2
- ix. 6.3
- x. 9.2
- xi. 9.3.1
- xii. 9.3.2
- xiii. 9.3.3
- xiv. 10.1
- xv. 10.2; and
- xvi. 12.2

b. The Registrant denied particulars:

- i. 3.1.1
- ii. 3.1.2
- iii. 3.1.3
- iv. 4.1.1

- v. 4.1.2
- vi. 4.2.1
- vii. 5.1.1
- viii. 5.1.2
- ix. 5.2
- x. 5.3
- xi. 9.1.1
- xii. 9.1.2; and
- xiii. 12.1

- 12. In the light of the above, and by the application of Rule 31(6) of the Rules, the admitted factual particulars were found proved.
- 13. The Committee went on to receive evidence and submissions regarding the remaining disputed particulars.

Background

- 14. The Registrant first registered with the GPhC on 31 July 2000. He was employed by Leeds Teaching Hospitals NHS Trust ('the Trust') until his dismissal on 22 November 2022 following the Trust's disciplinary process and hearing on 18 November 2022. Over time, he had the responsibility of acting as a supervisor for foundation pharmacists. He would occasionally hug members of staff whilst at work.
- 15. The concerns first came to the attention of the GPhC by way of a self-referral from the Registrant dated 24 March 2022.
- 16. The allegations in this case concern the Registrant's conduct towards five females who were colleagues of his at the relevant times – between 2015 – 2021. He was their superior, professionally. All five female complainants allege unsolicited physical

contact happening at work whilst on shift including intense hugging, rubbing of backs and touching of bra straps. Four of the five complainants further allege receiving contact via social media (Instagram) which included comments on their physical appearance and use of wink emojis.

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18. In December 2020, concerns about the Registrant were raised through the Freedom to Speak Up Guardian anonymously by female members of staff requesting that the Registrant stop initiating physical contact with them. On 16 December 2020, the Registrant was given advice about hugging/touching colleagues and how this was perceived by the Trust.
19. Two further reports were made about the Registrant touching/hugging staff members in unsolicited contexts in January 2022. This led to an internal Trust investigation in February 2022.
20. As part of its internal investigation stage, the Registrant stated that since he had been spoken to in December 2020, he modified his behaviour by not greeting colleagues with a hug and only 'hugged' colleagues as a support in difficult situations and always obtained consent. He stated that since February 2022 he has ceased all physical contact with work colleagues. However, Colleagues allege conduct in January 2022 who make no mention of being asked for consent.
21. On 18 November 2022, the Trust completed its disciplinary process and hearing of the Registrant, leading to his dismissal from the Trust on 22 November 2022. On 1

December 2022, the police asked the Council to pause their investigation whilst the matter was reviewed by the rape and serious sexual offending unit. The Registrant appealed the outcome of the Trust's disciplinary hearing on 19 December 2022 and on 15 February 2023 this appeal was dismissed by the Trust. On 11 September 2023 the Crown Prosecution Service confirmed to the Council, via the police, that the criminal investigation was closed and that the Registrant would not be charged with any criminal offences.

Decision on Facts

22. In reaching its decisions on facts, the Committee considered the documentation listed at the start of this determination, oral evidence and the submissions made by the Council and Ms Molyneux.

Colleague E

23. The Committee heard oral evidence from Colleague E. Her evidence was that the Registrant was her senior at the time of the incident. She further explained that when she referred to "intense" hugs in her statement, she meant hugs that were longer than she would expect from a colleague. She explained that she would expect a hug from a colleague to last 1-2 seconds with a pat on the back. She described the Registrant's hugs as longer than this and with both arms. Colleague E further described incidents when she was hugged whilst wearing her bleep. She described asking the Registrant not to hug her because if she was hugged whilst wearing her bleep this would 'squish' uncomfortably into her body. She explained that she used the wearing of the bleep as an excuse to avoid hugs from the Registrant as she was feeling uncomfortable with the hugs. She described the bleeps as 10cmx3cm plastic boxes that simply clipped to clothing. She stated that the Registrant would simply unclip the bleep and then hug her.
24. Colleague E was cross-examined by Ms Molyneux. Colleague E stated that she had a good relationship with the Registrant. She described him as chatty, helpful and supportive as a colleague. She stated that she found the Registrant approachable,

and she recalled that he would speak about his wife and family openly. Colleague E stated that she did not think of the Registrant as predatory or as someone who was deliberately seeking to make her uncomfortable. Whilst she thought that the hugs were longer than she thought appropriate for work, she did not consider them to have any sexual motivation. She made clear that she did not consider the Registrant to have touched her in a sexual manner. She clarified that she considered hugging to be particularly inappropriate in the context of the COVID-19 pandemic, in light of being unable to hug friends and family. She stated that she thought the Registrant's behaviour (particularly during the COVID-19 restrictions) was odd and unnecessary, particularly the length of the hugs; however, she did not feel the need to raise any concerns about it. She noted that she would still be hugged when she was wearing gloves and an apron and working.

25. Colleague E explained that she did not want to be hugged whilst working but did not wish to outright stop the Registrant from hugging her at all. She stated that she was aware of the Registrant's health issues and so she was apprehensive about putting a firm stop to any hugs, and she did not want to say no to all hugs. She stated that she could not remember ever taking her bleep off herself but conceded that this may have happened; however, she definitely recalled the Registrant removing her bleep.
26. She conceded that they had exchanged numbers and would message over WhatsApp. Colleague E accepted that the messages between her and the Registrant slowed down over time as they saw each other less frequently at work. Any lack of reply was unrelated to the hugs. She accepted that she had babysat the Registrant's guinea pigs. She explained that her roommate liked animals, and that she would have done this for any colleague. She stated that she never told the Registrant that she did not want a hug and thus, never gave him the chance to change. She again reiterated her feelings of conflict around refusing hugs from the Registrant.
27. The Committee asked questions of Colleague E as well. She clarified for the Committee that she considered the Registrant to be a "*friendly colleague*" but not a friend. She explained that she has friends from work, and they will meet and socialise

outside of a work context. She did not meet and/or socialise with the Registrant outside of a work context. She explained that because the Registrant had been very open with her there was friendliness in their relationship. He would speak to her a lot and she knew a lot about him as a result, but that she would not describe him as one of her friends *per se*. She further clarified that the hugs would happen anywhere at work, in the aseptics department, in the office and/or in the corridor. She stated that other colleagues were sometimes present, or they may not be at the time of the hugs. The hugs were not different based on who else was present in the vicinity.

Colleague D

28. The Committee heard oral evidence from Colleague D. She described the Registrant as a senior pharmacist with oversight responsibilities. She stated hugs from the Registrant would last too long and made her uncomfortable. She clarified that the hugs were particularly uncomfortable in a professional setting. She described the Registrant giving her firm hugs and described a hug from behind whilst she was working at an aseptic bench. She described this hug as prolonged and firm as well.
29. Colleague D's witness statement described messages from the Registrant on Instagram. She described comments from the Registrant on her physical appearance that made her feel awkward. She also described messages from the Registrant suggesting that they meet for coffee. She was unclear as to whether this was to be a meeting for coffee whilst at work or outside of the work context. She confirmed this in oral evidence.
30. Colleague D was cross-examined by Ms Molyneux. Colleague D accepted that she had worked with the Registrant over 2 rotations that lasted 3 months each. She accepted that by the time she made her initial internal statement to the Trust, she had been working for 7 years and had not raised any concerns about the Registrant either internally or externally. She accepted that she found the Registrant to be a

helpful, friendly and welcoming colleague. She accepted that she had never told him that she did not want to be hugged. She clarified that she did not feel that she could have told him to stop hugging her as she did not want to cause any drama, conflict or be seen to be causing a fuss, in short, she did not want to make anyone feel uncomfortable. She accepted that her statement revealed concerns about the Registrant's actions towards other colleagues, especially juniors, but despite this she did not report it earlier. She accepted that she had not reported the Registrant's conduct as she did not think it was "bad enough" to report. However, she clarified that she did not know who she could have reported his conduct to and that workplace culture had changed over the course of her career. She explained that at the time when she was giving her statement to the GPhC, she was asked more 'probing' questions about the Registrant's conduct and that she had had more time to reflect upon it. She stated that she could not remember who added whom on Instagram but that her profile was not set to private. She accepted that she remained friends with the Registrant on Instagram, she never blocked him, never told him that he was making her uncomfortable and never deleted him. She accepted that the messages on social media did not spur her to report the Registrant. She accepted that the Registrant did not ever proposition her. She accepted that there was a difference between conduct that is inappropriate and over-friendly, and conduct that is sexually motivated. She accepted that the Registrant's conduct towards her was not sexually motivated.

31. The Committee asked questions of Colleague D. She explained that she has a greater understanding of boundaries in the workplace now, with the benefit of age, experience and hindsight as opposed to when she started her career. She understands now that being made to feel uncomfortable at work is not acceptable. She stated that times had changed and that she would like to empower people to resolve issues such as these. She explained that Leeds, as a hospital, had not been clear on who to go to or where to go to if your manager is male and making you uncomfortable. She explained that the change in workplace culture had come about in the last few years, describing a system of "freedom to speak up champions" to whom concerns could be raised confidentially. She did not believe that this system

was in place prior to 2022. She also explained that the Registrant's hugs would be at the top of the body, with his arms at her shoulders and that the hugs would be delivered both when other colleagues were around and/or when they were alone. She explained that if the complaint pertained to sexual behaviour, then she would need more support than is available through this system. She stated that if someone approached her with these kinds of concern, she would encourage them to speak up and escalate the matter.

Colleague F

32. The Committee heard oral evidence from Colleague F. She stated that the Registrant would hug her from behind whilst she was sitting on a chair and that in doing so he would touch the top of her shoulders when she was sitting on a chair. She stated that she could not remember where his arms would be, her back would be touching his front and that the hugs were not very tight. In her witness statement, Colleague F noted that the hugs felt uncomfortable because of the environment they were in or because they were unexpected. She could not recall any language from any Instagram messages she received from the Registrant, and she could not remember how the messages made her feel. She described the Registrant as "*over-friendly*." She stated that she was 23 or 24 at the time of the incidents she described.
33. Colleague F was cross-examined by Ms Molyneux. Colleague F stated that she believed that the Registrant was over-friendly. She accepted that there were times when she had no issue with the Registrant hugging her, it was only when the hugs were unexpected. She accepted that others had different experiences to her, and she accepted that she had spoken to others between her internal statements and her formal witness statement to the GPhC. She conceded that it was only at the beginning of the Trust's investigation that she decided that the Registrant's behaviour was inappropriate. She also accepted that it was the way that others described their experiences that framed how she was looking back on her own experiences with the Registrant.

34. She accepted that the Instagram messages that she received from the Registrant were over-friendly but that she did not read any further into them. She accepted that she never told the Registrant that his hugs or his messages on social media made her uncomfortable. She accepted that the Registrant was a friendly, welcoming and helpful colleague. She stated that she did not tell the Registrant that he was making her uncomfortable due to her age and feeling that she did not have that kind of relationship with the Registrant. She accepted that she could have spoken to someone else about the Registrant's behaviour but that she only came forward once the Trust's investigation had started. She accepted that there was a distinction between over-friendly and sexual behaviour. She did not consider the Registrant's actions to be sexually motivated.
35. The Committee asked Colleague F if she could recall who had added whom on Instagram and she said that she could not. She confirmed that her Instagram is set to private.

Colleague J

36. The Committee heard oral evidence from Colleague J. She stated that the Registrant would hug her and that she found this immediately uncomfortable. She described freezing. She described the Registrant hugging her and touching her bra strap, in the middle of the strap where the clips were. She stated that the Registrant would always touch the same part and that he did this on more than one occasion, always over her clothing. She stated that she could not be sure if the Registrant knew that he was touching her bra strap and she maintained that he did not seem to be flirting with her. She clarified that her clothing was usually "smart professional clothing." She explained that her blouse material would be thin and that she only ever wore one layer as the wards were warm and she never wore a jumper. She explained that after the COVID-19 pandemic, they would wear scrubs at work as opposed to the clothing she previously described. She therefore believed that the Registrant must have been aware of touching her bra strap.

37. Colleague J described receiving messages over social media from the Registrant. She explained that she cannot, after some 5 years, recall how she felt when she received the messages, however she reads them differently once she realised how his messages had affected others and after having reflected on them herself. In particular, she described the wink emoji at the end of one particular message as inappropriate as the Registrant was her clinical supervisor and said that she would never send such an emoji to someone she was mentoring. She described the Registrant approaching her and informing her that a complaint had been raised about his behaviour. She felt uncomfortable at this and felt that the Registrant was “sussing her out.” She explained that she did not want him to know that she had instigated the complaint and she wanted to maintain a professional relationship with the Registrant. She explained that she would have to walk through his office to work, and she was shocked that the Registrant had spoken about the complaint to her and she wanted to act normal and go about her work. She explained that she had wanted him to get a warning and for the matter to end.
38. Colleague J was cross-examined by Ms Molyneux. Colleague J accepted that the first statement she gave internally would have been around November 2020. She accepted that after her first 3-month rotation, the Registrant was her supervisor. **PRIVATE.** She accepted that she made her complaint after a ski trip with a colleague who disclosed similar experiences in terms of hugs and/or messages. She accepted that there had been a delay between the ski trip (January 2020) and her raising her complaint and she clarified this was because the colleague had left in August 2020, that she was on her own and she felt that no-one would believe her. She explained the Registrant had been in the Trust a long time and that she had only been there for a few years. She also described feeling overwhelmed during the COVID-19 pandemic and that this also contributed to the delay. She explained that she was only 25 at the time of these incidents, she was working and studying. She explained that working in a hospital was very tough and that it was easier to just “let things go.” In any event, she did not know of any pathways to report the Registrant’s conduct and did not know of any avenues of support available to her. She finally reported the matter once another manager encouraged her to do so. She accepted that she had been

influenced by others' complaints. She explained that she always believed the Registrant's conduct to be inappropriate and that it always made her uncomfortable. She described just wanting to finish her rotation with a good outcome. She accepted that she did not think that the issue was bad enough to go to the police, but she clarified that no-one had ever touched her bra strap before and has not ever touched it since whilst at work. She accepted that she described the conduct as "minor." However, she clarified that she believed the Registrant was engaging in intimate touching and abusing his position of power in relation to her own position. She further clarified that she only considered the Registrant's actions as "minor" in the sense that she considered there to be more serious forms of inappropriate touching. She explained that she was angered by the Registrant's conduct, describing an incident in July 2020 when she was alone in a room and shouted "fuck you" after the Registrant had hugged her and left. She explained that she hardly ever swore and so by doing so, this demonstrated the degree of anger and frustration she felt.

39. Colleague J explained that at the time, she was not properly aware of the concept of sexual harassment. She explained that there was no guidance available on the work intranet and that she did not have a proper conceptual framework through which to process the Registrant's conduct. She explained that she had subsequently searched the term on the internet and defined sexual harassment as "unwanted sexual behaviour that makes someone feel upset, scared, offended or humiliated." She clarified that she felt that the Registrant's actions left her feeling degraded. She explained that she felt degraded and intimidated by the Registrant standing over her and hugging her whilst she was seated. She explained that the Registrant first touched her bra strap approximately midway through her rotation and thereafter touched her bra strap weekly. She demonstrated an open palm rubbing up and down her back to explain how the Registrant would touch it. She accepted that he did not grab the bra strap or fondle it. She clarified that he would rub her back in the bra strap area and lower on her back, not too high to the neck area.
40. Colleague J explained that the Registrant had sought to add her as a friend on Instagram. She ignored this initial request as he was her supervisor, and she thought

it weird. Approximately a week later, though Colleague J clarified she could not be sure on exact timescales, he added her again. This time, she accepted his friend request. The first message she received from the Registrant over Instagram was in May 2020 and she accepted that this was at a time when the Registrant was no longer her supervisor. She accepted that she could have declined his request again. She stated that she made an “error” by accepting his second friend request.

41. In terms of the messages she received from the Registrant, she accepted that the first message she received from him was in relation to her passing her prescribing course. She accepted that she was the first person to use an emoji in their chat. She accepted that the message she received from him on 9 July 2020 was in response to her first haircut after the COVID-19 restrictions eased; she explained that the photo was mostly of the back of her head with some of the side of her face visible. She explained that “wit woo” was a “*builder’s whistle*.” She explained that she would not use this language with her friends. She accepted that some people may see this as funny and/or friendly banter. She clarified that some people may see it as sexual behaviour. She believed that the message was sexual in nature. She accepted that the message from him that said he was “lucky to have seen” her did not have to be interpreted as sexually motivated, but she read it as a reference to him having recently touched her back. She accepted that she had sent an ‘x’ in a message to the Registrant, but that this was blasé and she did not think much about it. She accepted that there is a distinction between sexually motivated behaviour and inappropriate over-friendly behaviour. She stated that she could not recall how she felt at the time of the incidents, but given the history and context of them, she felt that the Registrant’s conduct was sexually motivated.
42. Overall, Colleague J explained that she was initially shocked by the Registrant’s actions, but after the Registrant was warned about his behaviour and continued to hug, she was angered. She clarified that by July 2020 she considered the Registrant’s actions to be sexual harassment.

43. The Committee asked Colleague J questions, and she explained that her witness statement to the GPhC was made through a solicitor who was asking her questions. She described her first statement as having been drafted on her laptop in bed. She explained that there was no structure to it, she simply wanted to write it and be done with it. With hindsight, she would have liked it to be more formal. She explained that being interviewed and asked questions about these incidents had made a big difference and helped her frame her experiences. Colleague J did accept that she had not been given a deadline to write her first account and that she had not been under any external time pressure to produce it.

Colleague C

44. The Committee heard oral evidence from Colleague C. She stated that she was 33 at the time of his hearing, and at the time that she was working with the Registrant, she was 23. Colleague C became a registered pharmacist in August 2015 and was a specialist trainee pharmacist from 2015-2018.
45. During the period that she was a specialist trainee pharmacist, she was also studying for a post graduate diploma. The diploma was linked to her role as a trainee specialist pharmacist in that she built her portfolio from her time on the wards. Prior to her working in the paediatric ward (around 2016-2017), she would have had some contact with the Registrant. This contact would have come about from both of them being in aseptics at the same time.
46. Colleague C described that the Registrant had oversight of paediatrics when she worked there. She stopped working with the Registrant directly in or around May 2017. She would still see him because all specialities would work in aseptics.
47. Colleague C was unable to explain exactly when but stated that the Registrant would hug her throughout the working timeline above. Meaning that the Registrant would hug her, including in corridors, both when they were working together and at times that she worked in a different department to him. She explained that she knew him well between 2016 and 2019.

48. Colleague C described the hugs as “*difficult to avoid*” and longer than she would expect from a friend or colleague. She explained that the corridor in aseptics was narrow and that the Registrant would approach her with extended arms. Thus, it was hard for her to avoid him, and she would allow him to hug her because she did not want to make things awkward. She described the hugs as making her feel uncomfortable, always from the front and such that their full torsos would be touching. She went on to explain that the corridors of aseptics was where she would mostly interact with the Registrant.
49. Towards the late part of 2018 into the early part of 2019, Colleague C explained that she began to actively avoid the Registrant because he was making her feel uncomfortable. As she was both working in a different hospital and thus not directly with the Registrant, this was not difficult for her to do. She would infrequently see the Registrant but described an incident where she crossed the road to avoid him. She clarified that her ability to work was not affected. She stated that it made her uncomfortable having to avoid him.
50. Colleague C also received communication from the Registrant over social media. Specifically over Instagram. She was unable to recall who had added whom on Instagram and believed that her profile was probably set to ‘public’ rather than ‘private’ at the time in question. She did not welcome the messages from the Registrant.
51. She explained that she considered receiving the message “*hugs x*” from the Registrant to be strange and she would not have welcomed this from someone senior at work. She took the reference to a “*proper hug*” in one of the messages to mean that the Registrant would give her a hug in person once he saw her. She explained that her response to this of “*haha*” was because she did not know what to say or do.

52. She explained that she did not reply to most of the Registrant's messages. She was able to comment that a message about her face matching her top would have been in response to her face being flushed from a run and that she would have been wearing a red or pink running top. She also received a message that read "*Proof that ur wife material!! Hope ur well x.*" She explained that she believed the Registrant was saying that she was worthy of being someone's wife. She considered the message to be very odd.
53. Colleague C was able to explain that a message from the Registrant reading "*If ur still about and fancy a drink let me know*" was him asking if she was still in Town and wanted to catch up. She stated that whilst she would expect a message like this from a friend, she would not expect it from a senior colleague and that this was not something she would have done with the Registrant. She explained that her reply to this of "*Aw I'm back home now just popped in after the gym*" was a way of 'getting out' of an awkward social situation. She clarified that in August 2019, when these messages were sent, she was not working with the Registrant and so this was a social request, not a work-related catch up.
54. Colleague C explained that she began to ignore the Registrant's messages after some time. She explained that she considered the behaviour to be unusual and pushing professional boundaries. Thus she felt that she should ignore it.
55. Colleague C was cross-examined. She accepted that she had described the Registrant as a senior colleague. She accepted that the Registrant had been her supervisor at times. She accepted that in her internal statement she described him as "very helpful." She also accepted describing him as "quite professional" and "good at his job" and "supportive." She accepted that she had not raised any complaints about his behaviour or asked for the hugs to stop. She described the hugs as akin to hugs from a good friend that she had not seen in a long time. She also accepted that the majority of messages between them were general chit-chat. She stated that she did not consider any of his behaviour towards her to be sexual.

56. Colleague C also accepted that the Registrant did not follow her about in the hospital. She accepted that when she saw the Registrant in corridors, these would be chance encounters. She felt that the Registrant was overstepping his boundaries. She reiterated that whilst the hugs were an example of overstepping professional boundaries, they were not sexual in nature. She accepted that messages relating to meeting up had not been construed by her as an invitation to go on a date. She accepted that the message about 'wife material' had been sent to her in response to a photograph of roast chicken or roast turkey. She was asked again if she believed that the Registrant's behaviour was odd but not sexual and she agreed again.
57. The Committee asked her about the last Instagram message she received from the Registrant which read "*better than purple scrubs.*" She believed that this was a message in response to something she was wearing. She had responded to this message with a love heart emoji. She explained that her understanding of professional boundaries came naturally. She had learned about professionalism and professional boundaries further over her career in the past decade. She explained that she probably did not know of any reporting mechanisms in place at the time, but likely became aware of them in 2018. She explained that understanding of whistleblowing has grown in the last few years.
58. Colleague C stated that she had not considered making a report earlier. She stated that she had accepted that this was just the way that the Registrant behaved and it was not until her friends and colleagues began to comment and to ask her if she thought it strange that she began to form her views on it.
59. As a result of the Committee's questions, Ms Molyneux clarified with Colleague C if she had received whistleblowing training. Colleague C explained that senior colleagues had explained what whistleblowing is and that she could not remember if this had been a formal training session.

The Registrant

60. The Registrant, through Ms Molyneux, confirmed that he would not give oral evidence. Ms Molyneux explained that she had undertaken a full conference with the Registrant and that he had confirmed the position with her. Ms Molyneux reminded the Committee that the Registrant had provided a witness statement, reflections and a bundle.
61. The Committee reminded itself as to adverse inferences. It was confirmed with Ms Molyneux that the Registrant was aware that adverse inferences could be drawn from his failure to give evidence. The Committee reminded itself that the test for applying adverse inferences was in R (Kuzmin) v General Medical Council [2019] EWHC 2129 (Admin) at paragraph 61.
62. When considering each particular of allegation, the Committee bore in mind that the burden of proof rests on the Council and that particulars are found proved based on the balance of probabilities. This means that particulars will be proved if the Committee is satisfied that what is alleged is more likely than not to have happened.

Particular 3:

In respect of Colleague C, you:

3.1 *In or around 2015 to 2018, on one or more occasions:*

3.1.1 *Hugged Colleague C;*

3.1.2 *Hugged Colleague C without her permission;*

3.1.3 *Opened your arms for a hug making it difficult for Colleague C to pass you;*

3.2 *Sent Colleague C messages on Instagram, including:*

3.2.1 *On 6 March 2019, stating: "As always, you get a proper hug when I actually see you!";*

3.2.2 *On 2 June 2019, stating: "wife material";*

3.2.3 *On 8 October 2019, stating: "If u still about and fancy a drink let me know".*

The Committee took into account relevant evidence from the Council and Ms Molyneux. The Committee was of the view that all of the particulars in 3.2 were proven by admission. The Committee has seen all of the relevant social media messages and screenshots. There is no dispute from the Registrant that he sent the messages.

With regard to the particulars in 3.1, looking at each in turn, the Committee was of the following view.

3.1.1 – The Committee found Colleague C to be a credible and compelling witness. It was noted that she was clear and consistent throughout her accounts in both the internal and GPhC investigations and throughout these proceedings. When subjected to cross-examination, Colleague C made appropriate and thoughtful concessions. Her evidence was measured and balanced.

Turning to the Registrant's evidence on this particular, the Committee notes that he does not recall hugging Colleague C but also concedes that he may have done so. In the Committee's view this concession, combined with the message that comprises this particular makes it more likely than not that it happened.

3.2.1, suggests that it is more likely than not that he did hug Colleague C. Colleague C was able to give detailed accounts of the circumstances in which she was hugged. The Registrant, on the other hand, is able to provide detailed context behind specific messages together with details about Colleague C's personal life, such as Colleague C having suffered a fire in her flat. The Committee finds it implausible that the Registrant cannot remember if he did or did not hug Colleague C, particularly given that Colleague C recalls he hugged her many times.

3.1.2 – The Committee noted that Colleague C accepted that there may have been occasions where the Registrant did ask for permission to hug her, but also that she definitely recalls times when he hugged her without doing so. The Registrant, in his witness statement, accepts that if he hugged Colleague C in greeting, he would not have asked for her

permission. The Committee therefore finds that it is more likely than not that there were occasions when the Registrant hugged Colleague C without her permission.

3.1.3 – The Committee noted that the Registrant, in his witness statement, suggested that if he had hugged Colleague C, it would have been either in aseptics or on the ward. He denied every hugging her in a corridor or similar. However, during Colleague C's oral evidence, it was put to her in cross-examination that she and the Registrant would encounter each other, by chance, in the corridors. It was also suggested that it was during these chance encounters that hugs would be given. This inconsistency in the Registrant's position, suggests, on its own, that it is more likely than not that he did hug her in corridors.

The Committee accepts Colleague C's account of the corridors being narrow and accepts her account of the Registrant approaching her with open arms. It follows that the Committee accepts it would be difficult for Colleague C to pass him.

This particular is found proved.

Particular 4:

In respect of Colleague D, you:

- 4.1 *Between approximately 2015 to 2019, on one or more occasions hugged Colleague D without her permission;*
 - 4.1.1 *From behind;*
 - 4.1.2 *For a prolonged period;*
- 4.2 *Between approximately 2018 to 2019, on one or more occasions you:*
 - 4.2.1 *Sent Colleague D a message on Instagram inviting her to meet up with you socially;*
 - 4.2.2 *Sent Colleague D a message on Instagram complimenting her physical appearance.*

The Committee took into account relevant evidence from the Council and Ms Molyneux. The Committee was of the view that particulars 4.1 and 4.2.2 were proven by admission.

Turning to the remaining particulars in turn, the Committee was of the following view.

4.1.1 - The Committee found Colleague D to be a credible and compelling witness. It was noted that there were some differences between Colleague D's internal accounts and her final witness statement for these proceedings. In particular, the Committee noted that Colleague D did not mention having to pull away from the Registrant's hugs, which she did mention in her final statement. However, the differences in the details in her statements, which were drawn out under cross-examination, were not considered to be particularly glaring. The Committee accepted Colleague D's evidence of having been asked more questions and more focussed questions by the GPhC during its investigation. When subjected to cross-examination, Colleague D made appropriate and thoughtful concessions. Her evidence was measured and balanced. The Registrant offers a bare denial to this particular. He states in his witness statement that he did not ever hug her from behind. Colleague D, in her oral evidence, described a hug from behind, whilst she was working at an aseptics bench, she described the Registrant hugging her such that his chest was touching her back. The Committee notes that this account of being hugged from behind was not specifically challenged in cross-examination. The Committee noted that Colleague D was challenged on a number of issues; these included her failure to initially report the Registrant's conduct and that Colleague D's perception of his behaviour had been coloured by the accounts of other complainants in these proceedings. However, it was not suggested to her that her account of being hugged from behind was either (a) mistaken, or (b) false. Therefore, the Committee finds it more likely than not that the Registrant did hug Colleague D from behind. The Committee noted that more than one complainant described hugs from behind.

4.1.2 – The Committee noted that Colleague D mentioned that the Registrant's hugs were prolonged in her internal statement. She clarified this in her witness statement as hugs that would last for approximately 10 seconds. In her oral evidence she described 'firm hugs,' and also described 'all-encompassing grabs.' She also clarified that she believed an enveloping

hug to be the same thing as an all-encompassing grab but accepted that these phrases can read differently. Although Colleague D was challenged on how her terminology had changed from “prolonged” and “enveloping” to “all-encompassing grabs” and not “grab and go situations”, she was not specifically challenged on whether the hugs were prolonged. In his witness statement, the Registrant states that he did not consider his hugs were firm and prolonged. It was not specifically suggested to Colleague D, in cross-examination that she was either (a) mistaken or (b) false in her assertion that the Registrant gave prolonged hugs. Therefore, the Committee finds it more likely than not that the Registrant did hug Colleague D for a prolonged period.

4.2.1 – The Committee did not have access to the specific Instagram messages. Colleague D no longer had access to the specific messages either. It was put to her in cross-examination that she could not provide clarity on whether the Registrant had suggested meeting in a work environment or in a social context. Colleague D accepted this. She also accepted that the Registrant was not “propositioning” her. The Committee noted that the Registrant, in his witness statement, denied sending her any such message but clarified that he had asked her for a recommendation of somewhere to eat when he visited her hometown **PRIVATE**. Given that the Committee cannot see the original messages and given that Colleague D cannot provide any further context behind the messages, the Committee does not think that it is more likely than not that the Registrant sent her a message suggesting they meet up socially.

This particular is found partially proved (4.2.1 found not proved).

Particular 5:

In respect of Colleague E, between approximately 2016 to 2021, you:

5.1 *Frequently hugged Colleague E;*

5.1.1 *Intensely;*

5.1.2 *For a prolonged period of time;*

- 5.2 *Hugged Colleague E after she explicitly stated that she did not want a hug, or words to that effect;*
- 5.3 *On one or more occasions, removed Colleague E's bleep from her person/ clothing in order to hug her.*

The Committee took into account relevant evidence from the Council and Ms Molyneux. The Committee was of the view that particular 5.1 was proven by admission.

Turning to the remaining particulars in turn, the Committee was of the following view.

5.1.1 – Colleague E, in her witness statement, described the Registrant's hugs as intense because of them being "uncomfortably long" and because of how firm they were. In her oral evidence she described how her bleep, or other items she was wearing, would press into her uncomfortably. The Registrant, in his witness statement says that he accepts, in hindsight, that the hugs may have been tight, but did not consider them to be intense. The Committee found Colleague E to be a credible and compelling witness. It was noted that she was clear and consistent throughout her accounts in both internal investigations and throughout these proceedings. When subjected to cross-examination, Colleague E made appropriate and thoughtful concessions. Her evidence was measured and balanced. The Committee accepts Colleague E's evidence and finds it more likely than not that the Registrant's hugs were tight to the point that they could be described as intense. The Committee noted that Colleague E's descriptions of the hugs effectively mirrored the accounts of other witnesses.

5.1.2 – Colleague E describes the hugs as lasting 5-10 seconds. The Registrant, in his witness statement, suggests that the hugs were 2-3 seconds long and that he, in hindsight, accepts that this could be considered a prolonged hug. The Committee finds it more likely than not that the Registrant did hug Colleague E for a prolonged period of time. Again, the Committee noted that Colleague E's description of the length of the hugs mirrored the description of other witnesses.

5.2 – Colleague E accepted in cross-examination that she did not ever explicitly offer a “hard no” to hugs from the Registrant. She stated that it would make her quite uncomfortable to say “I don’t want to hug” full stop. She stated that she would have said “Please don’t hug me because I’ve got my bleep on” as a convenient excuse. In the circumstances, the Committee was of the view that Colleague E had not explicitly stated that she did not want a hug, and thus particular 5.2 is found not proved.

5.3 – During cross-examination, Colleague E explained that she used her bleep as an excuse to try to deter hugs. She was specifically challenged by Ms Molyneux on this point. It was put to her that she removed the bleep herself. Colleague E stated that she remembered occasions where the Registrant removed her bleep but conceded that there may have been an occasion where she took it off herself, but she could not recall such an occasion. In his witness statement, the Registrant simply denied ever removing Colleague E’s bleep. He suggested at least one occasion where Colleague E removed the bleep herself. The Committee found Colleague E to be a credible witness, who gave a detailed account of where her bleep would be located and how the Registrant would go about removing it. The Committee finds it more likely than not that the Registrant did remove Colleague E’s bleep on one or more occasions in order to hug her.

This particular is found partially proved (5.2 found not proved).

Particular 6:

In respect of Colleague F, between approximately 2017 to 2020, you:

6.1 *On one or more occasions hugged Colleague F without her permission;*

6.2 *Liked Colleague F's photographs on Instagram;*

6.3 *On one or more occasions, sent private messages to Colleague F on Instagram, including complimenting Colleague F's physical appearance.*

The Committee took into account relevant evidence from the Council and Ms Molyneux. The Committee was of the view that this particular was proved by admission.

This particular is found proved.

Particular 9

In respect of Colleague J, between approximately March 2019 to August 2020, you:

- 9.1 *On one or more occasions:*
 - 9.1.1 *Put your hand over Colleague J's bra strap in the middle of their back;*
 - 9.1.2 *Rubbed the area in 9.1.1 slowly; -*
- 9.2 *On one or more occasions hugged Colleague J;*
- 9.3 *Sent Colleague J messages on Instagram in which you:*
 - 9.3.1 *Commented "Witt woo" in relation a photograph of Colleague J's hair;*
 - 9.3.2 *Told Colleague J "Maybe don't resist" in relation to sleeping, with a wink emoji at the end of the message;*
 - 9.3.3 *Told Colleague J "I'm lucky to have seen you recently".*

The Committee took into account relevant evidence from the Council and Ms Molyneux. The Committee was of the view that all of particulars 9.2 and 9.3 were proved by admission. The Committee had sight of the original social media messages that comprise particular 9.3.

Turning to the remaining particulars in turn, the Committee was of the following view.

9.1.1 – The Committee considered Colleague J to be a credible witness. She was candid in cross-examination that her view of events had evolved over time and with experience. She was clear that the Registrant hugged her such a way that his hand was in the middle of her

back and touching her bra strap. She stated that her tops would be one layer, she described wearing thin, smart blouses or scrubs. She explained that the wards were warm and that she did not wear jumpers there. She stated that the Registrant would have been able to feel the bra strap. She accepted that the Registrant did not 'hone in' on her bra strap but rather rubbed up and down her back. The Registrant, in his witness statement accepts that he may have patted Colleague J on the back and that this may have led to him possibly touching her bra strap. Therefore, the Committee is of the view that it is more likely than not that the Registrant put his hand over Colleague J's bra strap in the middle of her back.

9.1.2 – During her cross examination, it was suggested to Colleague J that the Registrant had rubbed her back "in the way that someone would maybe console someone." Colleague J did not accept this. She stated that the rubbing was focused on her bra strap and much lower than the way anyone had ever done when consoling her. This is inconsistent with the Registrant's witness statement where he denies intentionally rubbing Colleague J's back. He seemed to concede he may have accidentally rubbed the bra strap area. The Committee was of the view that if his case was that he was trying to console Colleague J then he must have been doing so intentionally. However, as the Registrant did not give evidence and was not cross-examined it is unclear as to what the Registrant was saying about this particular. Colleague J, on the other hand, stated that the Registrant touched her in the bra strap area on at least 4 or 5 occasions after the first time, usually whilst sat at a computer. This is not consistent with a one-off event where the Registrant was seeking to console her and accidentally touched her bra strap. Therefore, the Committee is of the view that it is more likely than not that the Registrant rubbed Colleague J's bra strap area slowly as she described.

This particular is found proved.

Particular 10:

You:

10.1 *On 16 December 2020, were advised about your hugging and/or touching of colleagues and how they were perceived by members of staff by the Trust; and*

10.2 *In spite of the advice given to you, continued to hug and/or touch members of staff.*

The Committee took into account relevant evidence from the Council and Ms Molyneux.

The Committee was of the view that this particular was proved by admission.

This particular is found proved.

Particular 12:

Your actions set out at 3, 4, 5, 6, 9 and/or 10.2:

12.1 *Were sexually motivated; and/or*

12.2 *Transgressed proper professional boundaries.*

The Committee took into account relevant evidence from the Council and Ms Molyneux.

The Committee was of the view that particular 12.2 is proved by admission.

When assessing sexual motivation, it was submitted, on behalf of the Council that the perception of the complainants was not the determinative factor, rather it was the Registrant's state of mind and the nature of the alleged conduct. The Committee took into account the following case law in reaching its determination.

- *Sait v General Medical Council [2019] EWHC 3279 (Admin)* – in particular, paragraph 12, which makes clear that the “*key indispensable ingredient of motivation related to the individual's state of mind.*”
- *Higgin v General Medical Council [2024] EWHC 1906 (Admin)* – which affirms the above position whilst requiring decision makers to consider whether other plausible motivations could apply.

- *Professional Standards Authority for Health and Social Care v Health and Care Professions Council, Leonard Ren-Yi Yong [2021] EWHC 52 (Admin)* – this case offers some guidance as to the circumstances in which hugs can be sexually motivated, particularly at paragraph 100.

With regard to particular 12.1, the Committee was of the following view.

Particular 3

3.1.1 – The Committee was of the view that the evidence suggests Registrant meant only to be friendly, supportive and/or to seek reassurance from Colleague C when he hugged her. The Committee noted that it was Colleague C's evidence that she did not consider there to be any sexual intent or motive behind the Registrant's hugs. She clarified that she considered the hugs to be an overstep of professional boundaries and 'over-friendly,' but not sexual in nature. The Committee notes that in terms of her evidence, she was in a very good position to judge this; no-one from whom the Committee has heard was in a better position. The Registrant does not seek to contradict this evidence, and so the Committee is of the view that the Registrant hugging Colleague C, whilst deliberate and sometimes not consensual, was not sexually motivated.

3.1.2 - The Committee was of the view that in light of its finding on 3.1.1, the evidence suggests that the Registrant was not sexually motivated to hug Colleague C without her permission. It was an overstep of professional boundaries and 'over-friendly,' but on uncontradicted evidence from Colleague C, the hugs she received were not sexual in nature.

3.1.3 – The Committee noted that Colleague C's evidence was not that the Registrant followed her through corridors or sought her out specifically to hug her. She maintained that the Registrant did approach her in narrow corridors with open arms, such that she would find it difficult to pass him; she maintained that this was not done with sexual intent. It is also the Registrant's evidence, in his witness statement, that any hugging was not done with sexual intent. The evidence suggests a finding that the Registrant's actions in approaching Colleague C with his arms outstretched were not sexually motivated.

3.2.1 – The Committee has seen the underlying social media messages that give context to this message. It is noted that the Registrant said he would hug Colleague C in the context of her having found broken glass in her food. In those circumstances, the evidence suggests that the Registrant was seeking to be supportive or friendly with this message. The Committee was therefore of the view that this message was not sexually motivated.

3.2.2 – As noted above, the Committee was of the view that the context of this message suggests the Registrant was being over-friendly. The Committee did not find it to be sexually motivated.

3.2.3 – The Committee noted that Colleague C accepted that this message had not been a proposition or a request to go on a date. The Committee noted that the Registrant did not specify a place or time to meet. The evidence suggests the Registrant was being over-friendly and Colleague C's uncontradicted evidence supports this finding. Therefore, the Committee did not find it to be sexually motivated.

Particular 4

4.1 – As with Colleague C, Colleague D gave uncontradicted evidence that the hugs were inappropriate, but not sexual in nature. Colleague D's uncontradicted evidence was that she never felt that the contact she had with the Registrant was sexually motivated, it was simply over-friendly. The Committee notes that in terms of her evidence, she was in a very good position to judge this; no-one from whom the Committee has heard was in a better position. The Registrant does not seek to contradict this evidence, and so the Committee is of the view that the Registrant hugging Colleague D was not sexually motivated.

4.1.1 – In light of the finding above, for all the same reasons it follows that the Committee does not find that the Registrant hugging Colleague D from behind was sexually motivated. The Committee notes that Colleague D was clear in her evidence that she did not feel that any of the hugs she received from the Registrant were sexual in nature. This evidence was not challenged.

4.1.2 - In light of the finding above, for all the same reasons it follows that the Committee does not find that the Registrant hugging Colleague D for a prolonged period was sexually motivated.

4.2.2 – In light of the finding above, for all the same reasons, it follows that the Committee does not find that the Registrant complimenting Colleague D's appearance on Instagram was sexually motivated. The Committee noted that Colleague D was clear in her evidence that none of the contact she had with the Registrant was sexual in nature. This evidence was not challenged.

Particular 5

5.1 – As with Colleague D, Colleague E gave uncontradicted evidence that the hugs were inappropriate, but not sexual in nature. The Committee notes that in terms of her evidence, she was in a very good position to judge this; no-one from whom the Committee has heard was in a better position. The Registrant does not seek to contradict this evidence, and so the Committee is of the view that the Registrant hugging Colleague E was not sexually motivated.

5.1.1 - In light of the finding above, for all the same reasons, it follows that the Committee does not find that the Registrant giving Colleague E an intense hug was sexually motivated.

5.1.2 - In light of the finding above, for all the same reasons it follows that the Committee does not find that the Registrant hugging Colleague E for a prolonged period was sexually motivated.

5.3 – The Committee accepts that having found that Colleague E did not explicitly ever state she did not want a hug, the Registrant's motivation in removing her bleep could be seen to be removing her stated objection to a hug. This is a gross transgression of professional boundaries, but in light of Colleague E's evidence and the previous findings of the Committee, the Committee is of the view that it was not sexually motivated.

Particular 6

6.1. - As with Colleague E, Colleague F gave uncontradicted evidence that the hugs were inappropriate, but not sexual in nature. The Committee notes that in terms of her evidence, she was in a very good position to judge this; no-one from whom the Committee has heard was in a better position. The Registrant does not seek to contradict this evidence, and so the Committee is of the view that the Registrant hugging Colleague F was not sexually motivated.

6.2 – As with the Committee’s findings regarding other social media messages, and in light of Colleague F’s evidence of finding her interactions with the Registrant inappropriate and over-friendly, but not sexually motivated, the Committee finds that the Registrant liking her Instagram photos was not sexually motivated.

6.3 – The Committee did not have sight of the original messages underpinning this particular. However, they were reproduced in the Registrant’s witness statement. The evidence suggests that the Registrant was seeking to be friendly and supportive with the message reading “...You looked fab...” in response to a message from Colleague F reading “...Did I look a bit rough haha”. The Committee therefore finds that the private messages sent to Colleague F were not sexually motivated.

Particular 9

9.1.1 – The Committee noted that Colleague J was in a different position to other witnesses. The Committee noted the following. Firstly, the Registrant’s conduct towards Colleague J represented a marked escalation in his behaviour towards younger female colleagues. Secondly, Colleague J was clear in her evidence as to both (a) how the Registrant would touch intimate and inappropriate areas of her body and (b) how this made her feel. She gave very clear evidence that the Registrant touched her bra-strap. She maintained that he would have known he was doing so because he would have felt it. She describes the Registrant having rubbed her back in an intimate area. She gave clear evidence that she

believed that the touching was sexually motivated and not accidental. She was clear in her evidence that the Registrant touched her bra strap, intentionally, on approximately 6 occasions. The Committee notes that in terms of her evidence, she was in a very good position to judge this; no-one from whom the Committee has heard was in a better position. The Committee therefore finds that the Registrant's actions in putting his hand over her bra strap in the middle of her back was sexually motivated.

9.1.2 – In light of the finding above, and for the same reasons, the Committee finds the Registrant slowly rubbing Colleague J's back was sexually motivated. Alongside this, the Committee noted that the Registrant's account on this particular, in his witness statement, is a single sentence denial. He was not subject to cross-examination and the Committee therefore places less weight on his single sentence denial.

9.1.3 – In light of the finding above, because the Registrant's hugs of Colleague J would incorporate the actions particularised in 9.1.1 and 9.1.2, the Committee finds that the Registrant's hugs of Colleague J were sexually motivated.

9.3.1 – Colleague J was clear in her evidence that she considered 'wit woo' to "*be something that builders do when they drive past you when you're running,*" she was challenged that this could be friendly, and she was again clear that none of her friends would ever say 'wit woo' to her. She also stressed that the Registrant was not a friend of hers. She further clarified that "*some people can see [the phrase 'wit woo'] as funny. But given the history it's probably sexual.*" She did not accept that this was simply 'friendly banter.' The Committee notes that in terms of her evidence, she was in a very good position to judge this; no-one from whom the Committee has heard was in a better position. The Committee also accepted Colleague J's characterisation of the phrase 'wit woo'. The Committee noted that the Registrant's actions here are distinguished from his messages to e.g., Colleague F. This message to Colleague J was unsolicited and when seen in the light of his other interactions with Colleague J suggests sexual motivation. The Committee therefore finds that the Registrant commenting 'wit woo' in relation to a photograph of Colleague J's hair was sexually motivated.

9.3.2 – With regard to this message, Colleague J was challenged on whether a winking face emoji was overtly sexual. Colleague J clarified that in the context of her speaking about being in bed, it was sexualised. She clarified that she would never send a winking face to a friend about them being in bed. The Registrant, in his witness statement, suggested that the message was sent “from a place of concern for her health and wellbeing.” It is noted that this is inconsistent with the emoji chosen. The Registrant opted for a flirtatious emoji when sending this message and it was interpreted as sexual by Colleague J. The Committee finds that the sending of this message was sexually motivated.

9.3.3 – With regard to this message, Colleague J suggested that the wider context was that he had sent this message after touching her bra strap a month prior. In this context, she interpreted his message as sexually motivated. As a result Colleague J felt there was a sexual undertone to this message, one that she maintained under cross-examination. The Registrant, in his witness statement, suggests that he meant this message as “praise.” It is unclear what he could be praising Colleague J for in this circumstance. The Committee does not accept that this message could have been “praise.” The Registrant did not subject himself to cross-examination and so no clarification on this point has been given. Ultimately, the Committee finds his account in his witness statement to be implausible. The Committee therefore finds that in light of his conduct towards Colleague J, when he sent this message to Colleague J, it was sexually motivated.

Particular 10.2

10.2 – The Committee only heard evidence from Colleague E who could have been hugged/touched after 16 December 2020. The Committee noted that the specific date range was not available for Colleague F, she had worked with the Registrant until 2019 and her contact with him in 2020 was over social media. In light of this, given the Committee’s findings about the Registrant’s conduct towards Colleague E, the Committee does not consider the Registrant’s actions in this particular to be sexually motivated.

This particular is found partially proved (only the conduct in particular 9 is found to be sexually motivated).

Misconduct and Impairment

63. Misconduct: Having found some particulars of allegation proved, the Committee went on to consider whether the particulars found proved amounted to misconduct and, if so, whether the Registrant's fitness to practise is currently impaired.
64. The Committee took account of the guidance given as to the meaning of 'fitness to practise' in the Council's publication "*Good decision-making: Fitness to practise hearings and outcomes guidance*" (Revised March 2024) ('the Guidance'). Paragraph 2.12 reads:
- "A pharmacy professional is 'fit to practise' when they have the skills, knowledge, character, behaviour and health needed to work as a pharmacist...safely and effectively. In practical terms, this means maintaining appropriate standards of competence, demonstrating good character, and also keeping to the principles of good practice set out in our various standards, guidance and advice."*
65. The Committee took into account the submissions made by Ms Rawlings and Ms Molyneux.
66. Ms Rawlings submitted that the conduct as set out within the particulars of the allegations found proven falls far below the standards expected of a registered pharmacy professional.
67. Ms Rawlings submitted that the breaches of standards set out below amounted to serious reprehensible conduct which fell within the Registrant's pharmacy practice, and therefore, a finding of misconduct should be made on this basis.
68. Ms Rawlings submitted the following breaches of standards.
69. Standard 6: Pharmacy professionals must behave in a professional manner, especially: maintain appropriate personal and professional boundaries with the people they provide care to and with others:

- a. Professional boundaries breached in respect of five colleagues.
 - b. Multiple instances of the registrant's actions comprising the conduct of the allegations causing female colleagues to feel 'uncomfortable' / 'distressed' / 'shocked'.
 - c. Social media use that transgressed professional boundaries.
 - d. Social media use that was sexually motivated in respect of Colleague J.
 - e. Touching of Colleague J that was sexually motivated on 6 occasion.
70. Standard 8: Pharmacy professionals must speak up when they have concerns or when things go wrong, especially: reflect on feedback or concerns, taking action as appropriate and thinking about what can be done to prevent the same thing happening again:
- a. Registrant did not appropriately heed warnings given to him regarding his actions as alleged for example the warning in December 2020 and continued conduct of hugging female colleagues thereafter.
71. Standard 9: Pharmacy professionals must demonstrate leadership, especially: do not abuse their position or set out to influence others to abuse theirs and lead by example, in particular to those who are working towards registration as a pharmacy professional:
- a. Registrant abused his position by targeting female colleagues who were subordinate to him in the workplace.
 - b. Colleague J specifically stated that she believed the Registrant was abusing his position of power in relation to her own position by engaging in intimate touching.
72. She submitted that the Committee should have regard to the following in regard to seriousness:

- a. A pattern of behaviour over a prolonged period and repeated to a number of colleagues indicating a risk of repetition.
 - b. Behaviour becoming widespread because of a targeting of young female colleagues who felt unable to say 'no' to the hugs.
 - c. The behaviour was both virtual and in person, causing greater harm/discomfort to colleagues.
 - d. Hugging/touching continued after being formally advised to stop.
 - e. The sexually motivated behaviour to Colleague J had a significant impact upon her causing her to feel "degraded and intimidated" by the Registrant.
 - f. The Registrant denied the charges in part which may demonstrate a lack of insight.
 - g. The behaviour as a whole was likely to undermine confidence in the profession and bring it into disrepute.
73. The Registrant accepted, through Ms Molyneux that his actions amounted to misconduct.
74. Ms Molyneux submitted, on the Registrant's behalf that his fitness to practise was not currently impaired. She highlighted that he had been a registered pharmacist for some 20 years and had an unblemished record prior to these allegations. She accepted that the Registrant may have been impaired at the time of the allegations but that current impairment was not made out.
75. Ms Molyneux highlighted that the Registrant had undertaken CPD courses on professional boundaries, had expressed remorse in his witness statement and had undertaken CBT therapy.
76. Ms Molyneux noted that only one of the five complainants who gave evidence before the Committee had been subject to sexually motivated misconduct, whilst the other four had been subject to over-friendliness. She submitted that the Registrant was not engaged in predatory conduct and that he had never been told by any of the complainants that his social media contact or his hugs were unwanted.

77. Ms Molyneux highlighted that none of the complainants who gave evidence before the Committee were subject to hugs and/or touches after the Registrant's warning from the Trust in December 2020. She further noted that the conduct did not extend to patients or the wider public.
78. Ms Molyneux submitted that the Registrant was now working in IT and conducting himself professionally. She submitted that this demonstrated his ability to work in a professional setting with professional boundaries in place. She submitted that the Registrant no longer worked as a pharmacist and so he could not show he had modified or developed his behaviour in a pharmacy setting as he had not had the opportunity to practise since his interim suspension.
79. Ms Molyneux submitted that the Registrant's statement showed he had engaged in a great deal of reflection. She submitted that he now understands what is appropriate and what is not. She therefore submitted that he now posed no risk to members of the public and that the public interest was not triggered at this stage.

Decision on misconduct

When considering whether the particulars found proved amounted to misconduct the Committee took into account the Guidance.

80. The Committee considered whether the Registrant had breached any of the Council's Standards for Pharmacy Professionals (May 2017). The Committee determined that there had been a breach of the Standards:
- a. Standard 6: Pharmacy professionals must behave in a professional manner, especially: maintain appropriate personal and professional boundaries with the people they provide care to and with others.
 - b. Standard 8: Pharmacy professionals must speak up when they have concerns or when things go wrong, especially: reflect on feedback or concerns, taking action as appropriate and thinking about what can be done to prevent the same thing happening again.

- c. Standard 9: Pharmacy professionals must demonstrate leadership, especially: do not abuse their position or set out to influence others to abuse theirs and lead by example, in particular to those who are working towards registration as a pharmacy professional.
81. The Committee bore in mind that the Standards may be taken into account when considering the issues of grounds and impairment but that a breach of the Standards does not automatically result in a finding of misconduct (Rule 24(11) of the Rules).
82. The Committee was taken to relevant case law. The Committee noted that pursuant to *Khan v Bar Standards Board* [2018] EWHC 2184 (Admin), misconduct is behaviour that amounts to “seriously reprehensible” conduct.
83. The Committee concluded that, in its judgement, the ground of misconduct is established on the evidence and accepted by the Registrant.
84. The Committee therefore did go on to consider whether the Registrant’s fitness to practise is impaired.

Decision on Impairment

85. Having found that the proven particulars of allegation amounted to misconduct, the Committee went on to consider whether the Registrant’s fitness to practise is currently impaired. In doing so the Committee considered whether the particulars found proved show that actions / omissions of the Registrant:
- *present an actual or potential risk to patients or to the public;*
 - *has brought, or might bring, the profession of pharmacy into disrepute;*
 - *has breached one of the fundamental principles of the profession of pharmacy;*
 - *means that the integrity of the registrant can no longer be relied upon.*
86. The Committee reminded itself of the Guidance. Having borne in mind the submissions of Ms Rawlings and Ms Molyneux, alongside the evidence before the Committee, it is noted that Colleague E described the Registrant’s hugs as an unwanted distraction. The Committee noted that hugs from behind would also be

distracting. Colleague J described psychological distress. It is accepted that the Registrant's actions had the potential to cause an indirect risk to patients in how they impacted upon colleagues.

87. The Committee does find that the Registrant's actions have brought the profession of pharmacy into disrepute. The Committee also finds that his actions breached at least one of the fundamental principles (the standards highlighted at paragraph 68, above) of the profession of pharmacy. The Committee also found that the Registrant's integrity could no longer be relied upon.

Actions Have Brought the Profession of Pharmacy into Disrepute

88. The Registrant's actions amount to serious misconduct. This includes a proven allegation of sexually motivated misconduct. His misconduct spans a period between 2015-2021. This is plainly a prolonged period of time. It is noted that the misconduct was towards junior members of the profession whom the Registrant oversaw or acted as a supervisor to. Witnesses expressed a fear of making the workplace awkward and described their discomfort given their professional relationship of supervisor-supervisee. Colleague E also stated that she felt like she could not say no to hugs for fear of damaging the Registrant's wellbeing. There is no doubt that emotional harm has been suffered by some of the colleagues and it is accepted that the psychological impact upon Colleague J was significant.
89. It is noted that the Registrant was warned about touching or hugging people at work in December 2020. Despite this, on his own admission, the Registrant continued to hug and/or touch people at work. It is accepted that the Registrant did not touch/hug any of the witnesses who appeared before the Committee after December 2020, but the Registrant clearly accepts giving hugs to members of staff in his witness statement after December 2020 despite a clear warning to desist being administered to him by the Trust.

90. The Registrant also engaged in social media contact with colleagues in the particularised date range, and he accepts that this was a breach of professional boundaries. All of the witnesses who appeared before the Committee made it plain that they did not consider the Registrant to be a friend. This social media contact was often unsolicited and in the case of Colleague J, particularly inappropriate. These messages made witnesses who appeared before the Committee uncomfortable. Some colleagues gave evidence of ignoring him in the hope that he would desist from contacting them in this manner.

Breached Fundamental Principles of Pharmacy

91. It is accepted that the Registrant's breaches of the Standards, as noted above at paragraph 68, represent a breach of fundamental principles of the profession of pharmacy.
92. There are a number of ways to meet the Standards. The Committee found that the ways in which the attitudes and standards of the Registrant fell below what would be expected of a pharmacy professional were as follows:
- a. Standard 6: Failing to maintain appropriate personal and professional boundaries with colleagues.
 - b. Standard 8: Failing to reflect on feedback or concerns. Failing to take action as appropriate and failing to prevent the same thing happening again.
 - c. Standard 9: Failing to lead by example, particularly towards those he was supervising.

The Registrant's Integrity

93. The Registrant has shown limited insight in respect of his conduct. He only provided a written witness statement and declined the opportunity to give oral evidence. He was therefore unable to clarify any aspect of his statement that was unclear.
94. In particular, the Registrant's witness statement is very limited as to what impact, if any, he perceives his actions may have had on women he worked with who were both younger than him and professionally junior. It is noted that witnesses explained that at the relative time they did not know how to go about making a complaint of this nature.
95. Ms Molyneux highlighted that none of the witnesses told the Registrant to stop hugging them explicitly and none complained immediately. Witnesses highlighted that they did not know how to bring complaints of this nature until they were made aware of the freedom to speak up protocols. The Registrant, in failing to give oral evidence, is unable to explain how he believes this would have affected his colleagues.
96. The Registrant mentions, in his statement, that he has learned that he should not compliment any colleague, regardless of gender. However, he does not ever address the issues raised by, for example, Colleague J. Colleague J stated that the Registrant was her supervisor, and she felt he had influence over her career trajectory. The Registrant's understanding of this dynamic is unknown.
97. It is particularly concerning that witnesses such as Colleague J and Colleague E describe hugs from the Registrant at a time of COVID-19 restrictions. The Registrant failed to address this concern in his statement and so shows no insight as to the distress, and potential health risks, this may have caused.

Is the Conduct Remediable?

98. It is accepted that the conduct can be remedied. However, it is noted that the Registrant was given a warning about unwanted physical contact and, on his own admission, failed to implement it. He has given no oral evidence as to why he failed

to implement this warning. In the circumstances, the Committee finds the Registrant's witness statement to be very limited evidence.

Has it been Remedied?

99. The Committee notes that the Registrant has provided some limited reflections. He has also provided evidence of having undertaken CPD courses pertaining to professional boundaries and also to having undertaken therapy sessions. However, his failure to give evidence orally leaves the Committee with a lack of understanding about what he has taken away from these courses and sessions and how he implements any learning from them in his life.
100. The Committee notes the references provided by the Registrant, but this does not assist the Committee in assessing the Registrant's own understanding and methods of practical implementation. Whilst the Registrant appears to be conducting himself professionally in his current working environment, the Committee has not heard any evidence about that environment. It is unknown if the Registrant is working with young, junior females. It is unknown if the Registrant has any oversight responsibilities. The failure of the Registrant to give oral evidence leaves these concerns unaddressed.

Is it Unlikely to be Repeated?

101. The Committee notes that the previous warning from the Trust that he received had very limited impact upon the Registrant's conduct. Thus, the Committee finds that there are attitudinal concerns around the Registrant. It is considered that the Registrant has sought to minimise his actions and shown very limited insight into his actions. As noted above; by failing to give oral evidence, the Registrant is unable to clarify anything that is unclear in his statement.

102. The concerns noted above are compounded by the prolonged period of time over which the Registrant's actions were undertaken and that his conduct affected multiple colleagues.

Wider Public Interest

103. The Committee bears in mind paragraph 39 of the High Court's judgment in Fopma v General Medical Council [2018] EWHC 714:

"Put the other way round, a failure to find impairment in any given case, whilst warnings as to future conduct can still be issued, is tantamount to an indication on behalf of the profession that conduct of the kind in question need not have regulatory consequences. If that, depending on the nature of the conduct in question, would itself be an unacceptable conclusion, then that can in any given case be a sufficient basis in itself to justify or indeed compel a conclusion of impairment."

104. It is noted that the Registrant has been found to have fallen below the relevant Standards. The Registrant committed gross breaches of professional boundaries through his hugs/touches and social media messages. The Registrant also showed a marked lack of leadership and a failure to desist from hugs/touches despite being warned by the Trust. The Committee accepts that the sexually motivated misconduct may fall at the lower end of the spectrum, as Ms Molyneux contends. However, sexual misconduct is particularly serious misconduct, wherever it falls on that spectrum. Furthermore, his conduct towards Colleague J represented a marked escalation in his behaviour. It is inconceivable that a finding of no current impairment would be acceptable in light of the above.

105. The Committee therefore finds the Registrant's current fitness to practise to be impaired on public protection and public interest grounds.

Decision on Sanction

106. Having found impairment, the Committee has gone on to consider the matter of sanction. The Committee's powers are set out in Article 54(2) of the Order. The Committee should consider the available sanctions in ascending order from least restrictive, take no action, to most restrictive, removal from the Register, in order to identify the appropriate and proportionate sanction that meets the circumstances of the case.
107. The purpose of the sanction is not to be punitive, though a sanction may in fact have a punitive effect. The purpose of the sanction is to meet the overarching objectives of regulation, namely the protection of the public, the maintenance of public confidence and to promote professional standards. The Committee is therefore entitled to give greater weight to the public interest over the Registrant's interests.
108. The Committee had regard to the Guidance to inform its decision.
109. The Committee took into account the submissions made by Ms Rawlings and Ms Molyneux.
110. Ms Rawlings submitted that removal is the most appropriate sanction in this case. She submitted that lesser sanctions are inappropriate for the following reasons:
- a. Advice and warnings are not appropriate or sufficient.
 - b. Conditions are not suitable as the allegations do not relate to poor performance or shortcomings.
 - c. Suspension may highlight to the public that the Registrant's conduct was unacceptable and unbefitting a member of the pharmacy profession. However, the number of colleagues affected and the prolonged period of time for which the conduct went on may not be appropriately captured by suspension.
 - d. There is a severe risk of repetition of misconduct.

- e. Attitudinal concerns were found.
- f. The power imbalance between the Registrant and the colleagues who gave evidence.
- g. The conduct towards Colleague J was sexually motivated, which undermines public trust in the profession.
- h. The conduct was not the at the most serious end of sexual misconduct, but the wealth of aggravating factors tips the balance from suspension to removal.

111. Ms Molyneux submitted that the Guidance highlights that removal is the sanction for the “most serious conduct.” She submitted that a suspension order may perhaps be appropriate as it would highlight to the profession and the public that the conduct was unacceptable. She reiterated that the sexually motivated misconduct was at the lower end of the spectrum. She highlighted that the Registrant was a family man with strong community ties. She also brought to the Committee’s attention the wealth of testimonials that the Registrant had been able to amass. She submitted that the Registrant was acknowledged to be a competent pharmacist and a supportive colleague. She highlighted that all the colleagues from whom the Committee heard oral evidence maintained that the Registrant was a supportive colleague. She suggested that the Registrant did not abuse his position in that he did not actively seek out junior colleagues to hug, simply that he hugged colleagues who it transpired were professionally his junior. She submitted that there was no evidence before the Committee of any risk of harm to the public. She submitted that the Registrant had expressed remorse in his witness statement and regret for his actions. She highlighted the course and counselling undertaken by the Registrant which would address any risk of repetition. She submitted that the Registrant had been unable to work as a pharmacist currently, and that he had changed his attitude. Ms Molyneux highlighted that the Registrant was a competent pharmacist who was very experienced. She submitted that the circumstances of this case were not incompatible with continued registration. Thus, it was Ms Molyneux’s submission that removal would be disproportionate.

112. The Committee first considered what, if any, aggravating and mitigating factors there may be.
113. The Committee identified aggravating factors, including:
- a. The duration of misconduct a time period spanning from 2015-2021.
 - b. The conduct was towards multiple colleagues, both in person and over social media on multiple occasions.
 - c. The setting of the conduct included in-work interactions and out-of-work interactions.
 - d. The Registrant having been warned previously about his touching/hugging behaviour and had continued regardless. This represents an attitudinal concern.
 - e. The complainants from whom the Committee heard were all professionally junior, younger and were subject to supervision from the Registrant at different points. This is an abuse of power.
 - f. The sexually motivated conduct towards Colleague J. This caused her psychological distress.
 - g. Breach of several standards.
 - h. Limited Insight.
114. The Committee identified mitigating features including:
- a. Previous good character.
 - b. There are expressions of remorse.
 - c. Some reflections.
 - d. The Registrant has undertaken a CPD course and undertaken therapy.
 - e. Large amount of testimonial evidence given in favour of the Registrant.
115. The Committee also considered the following factors to be relevant:

- a. The Registrant initiated hugs from behind. These cannot have been for the purposes of emotional support and/or praise.
 - b. It is unclear what sort of workplace the Registrant works in currently, particularly if he has any oversight responsibilities over junior colleagues.
116. To take no action. As the Committee has found impairment by way of misconduct, this is inappropriate.
117. Warning. As the Committee has found sexually motivated misconduct as part of its findings, this is inappropriate.
118. Conditions of Registration. The Committee next considered the imposition of conditions of Registration. A conditions of registration Order would allow the Registrant to practise albeit with restrictions. The Committee must determine whether a conditions of registration Order would be appropriate given the concerns identified regarding the Registrant's practice, in particular whether conditions would protect the public from harm, be sufficient to mark the seriousness of the matter so as to maintain public confidence in the Registrant, the profession and the regulator, and sufficient to promote professional standards within the profession.
119. The Committee was of the view that there are no workable or monitorable conditions that can be imposed upon the Registrant that address the concerns raised. Thus, the Committee found this to be an inappropriate sanction.
120. Suspension Order. The Committee next considered whether suspension would be a proportionate sanction. The Committee noted the Council's guidance which indicates that suspension may be appropriate where:

"The Committee considers that a warning or conditions are insufficient to deal with any risk to patient safety or to protect the public, or would undermine public confidence. It may be required when necessary to highlight to the profession and to the public that the conduct of the registrant is unacceptable and unbecoming a member of the pharmacy profession. Also, when public confidence in the profession demands no lesser sanction."

121. The Committee has taken into account all of the aggravating and mitigating features present in this matter. The Committee noted that the breaches of professional boundaries were serious, repeated and involved unsolicited contact with members of staff. The Committee also noted that all Colleagues who gave evidence, save Colleague J, described the Registrant's actions as over friendly.
122. The Committee accepts that sexually motivated misconduct is serious misconduct. The Committee also accepts the submissions that the sexually motivated misconduct falls at the lower end of the spectrum in the non-exhaustive list of particularly serious sexual misconduct in the Guidance. Nevertheless, the Committee recognised the impact that this misconduct had upon Colleague J.
123. The Committee accepts that there was an element of abuse of power inherent to the Registrant's actions. However, the Committee also accepted the evidence of the Registrant that he was seeking to be friendly and/or supportive towards colleagues. There is evidence before this Committee to bear that out.
124. The Committee retains serious concerns about the Registrant having been warned by the Trust before about how his hugs/touches were being perceived and how his behaviour was inappropriate for the workplace. It is gravely concerning that the Registrant continued to hug/touch staff members despite this. However, the Committee also noted that the Registrant has undertaken an appropriate course since that time and has also undertaken therapy. The Committee accepts that the Registrant has undertaken some reflection, and it is hoped that this process will stand as a salutary experience for the Registrant.
125. The Committee accepts the testimonial evidence before it. The Committee noted that all the colleagues who gave evidence before it noted he was a very competent and supportive colleague. It is also accepted that the Registrant is an experienced pharmacist. The Committee also accepted submissions that the Registrant did not pose a current risk to patients.
126. In all of the circumstances, the Committee finds that, on balance, the Registrant's actions, whilst serious, did not fall into the category of "*the most serious conduct*." Thus, removal would be disproportionate.

127. The Committee finds that, given the seriousness of the misconduct, the need to maintain professional standards and public confidence in the profession a suspension of 12-months would be appropriate and proportionate.
128. The Committee therefore directs that the Registrant be suspended from the Council's Register for a period of 12-months.

Review Hearing

129. This decision will be reviewed by the Committee before the sanction expires. A future Committee may be assisted by:
- References from the Registrant's current workplace
 - References from any person over whom the Registrant has supervision responsibilities.
 - Evidence of any further training around maintaining professional boundaries.
 - Detailed reflections on maintaining professional boundaries.

Decision on Interim Measure

130. The Committee invited submissions on any interim measures in light of the findings above. The Committee noted that the Registrant was subject to an existing interim suspension. This suspension was revoked.
131. The Committee imposed an interim measure of suspension on the Registrant's registration, to take effect from today's date, pursuant to Article 60 of the Pharmacy Order 2010, pending the coming into force of the Committee's substantive order. The Committee considered that an interim measure would be consistent with the substantive order imposed by the Committee.
132. The Committee took account of the fact that its decision to suspend the Registrant from the Council register will not take effect until 28 days after the Registrant is formally notified of the outcome, or until an appeal is concluded.
133. In light of the Committee's findings, we are satisfied that it is appropriate for an interim measure to be in place prior to the taking effect of the substantive order.

134. The Committee hereby orders that the entry of the Registrant in the register be suspended forthwith, pending the coming into force of the substantive order.
135. This concludes the determination.