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Doctor launches legal challenge over GMC's failure to investigate fellow medic's covid vaccine claims

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A doctor has launched a judicial review against the General Medical Council (GMC) over the regulator's refusal to investigate another doctor's alleged misleading claims about covid vaccines.

Matt Kneale, a junior doctor, has previously complained to the GMC about the conduct of Aseem Malhotra, who has more than 550 000 followers on Twitter and has been posting claims since 2022 that vaccines against covid-19 are linked to cardiac illness and death. However, Kneale was told that the GMC would not be investigating Malhotra because his statements were not sufficiently "egregious" to merit action and he had a right to "freedom of speech." Kneale's appeal against this decision in 2023 was turned down.

He has now filed a claim with the High Court, arguing that the GMC should consider not only whether a doctor's behaviour could harm individual patients but also whether their actions undermined public trust in medicine. He said that this was particularly important when examining statements relating to vaccines, where doctors with a high profile on social media could potentially cause great harm.

A judge will review the papers and decide whether to let the judicial review proceed to a final hearing.

Duty to protect

Kneale said in his witness statement, "I felt compelled to bring these proceedings because I strongly believe that medical professionals should not be using their professional status to promote harmful misinformation. The consequences of a decision to not investigate such cases creates a 'Wild West' where any doctor can state virtually anything online without consequence . . . I strongly feel that the GMC, as the medical regulator, has a duty to protect the public from such harms, and that the public would expect it to act."

In documents filed to the High Court Kneale alleges that Malhotra promoted "unscientific and dangerous information" that escalated as the pandemic progressed and especially after Malhotra's father died in July 2021, which he attributed to the Pfizer vaccine.

Kneale says that on 19 October 2022 Malhotra tweeted, "It's my duty as a cardiologist to urgently inform every Dr, patient & member of the public that the mRNA product is a likely contributory factor in all unexpected cardiac arrests, heart attacks, strokes, cardiac arrhythmia & heart failure since 2021 until proven otherwise #NHS."

Trisha Greenhalgh, an academic GP from Oxford University, commented, "I believe strongly in freedom of speech, and I agree that doctors and scientists can and should challenge the prevailing orthodoxy. But

I do not believe that a doctor should be allowed to make any statement they wish about a vaccine, no matter how misleading.

"Doctors who have a high profile on social media also have high responsibilities to check the accuracy of the information they provide and not use their medical qualification to bolster false claims. That's why I believe the GMC should not routinely wash its hands of such cases."

David Nicholl, a consultant neurologist, added, "The shocking aspect of this case is that the GMC, which was set up to protect the public and uphold trust in the medical profession, has today decided to go to court to defend a doctor's right to mislead the public."

Campaign

Asked about the action against the GMC, Malhotra told *The BMJ*, "Having been one of the first to take two doses of the Pfizer vaccine and even tackle vaccine hesitancy on *Good Morning Britain* amongst high risk ethnic minority groups, I had to change my position when new evidence emerged in keeping with good medical practice. The covid mRNA vaccines have not uncommon and serious adverse consequences including death and should likely never have been approved in the first place."

Kneale, who is working with the Good Law Practice, has set up a campaign page to collect signatures to support this action.¹ A fundraiser has also been set up to help with the costs of the litigation.²

A GMC spokesperson said, "We are aware of these concerns, but we are not able to provide information about individual complaints or concerns. We carefully consider all complaints raised with us and thoroughly examine all relevant information before making a decision about whether it meets the statutory threshold for investigation.

"We take action where there is evidence of a risk to patients or public confidence or a serious breach of proper professional standards or conduct. We do not take this responsibility lightly and realise that our decisions can sometimes be disappointing for complainants."

1 Good Law Project. The GMC must take a stand against doctors who spread false and misleading information about vaccines. <https://glplive.org/gmc-petition>

2 Good Law Project. We need your help to ensure the GMC delivers on its main obligation - to protect the public. 2023. <https://actions.goodlawproject.org/gmc>