

## **Primary Health Lists**

### **The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care) Rules 2008**

Panel:

Professor Mark Mildred – Judge

Dr John Chope – Professional Member

Mr Michael Cann – General Member

**[2014] 2259 PHL**

**Dr YASSIER AL NAGEIM**

**Appellant**

**And**

**NHS ENGLAND  
(Merseyside Area Team)**

**Respondent**

#### **SUPPLEMENTARY DECISION**

1. This decision is to be read with our decision of 5 February 2015.
2. In paragraphs 67-69 of that decision we summarised reasons why we concluded that the Appellant should be included on NHS England's Dental Performers List subject to conditions and outlined the necessary conditions in broad terms.
3. The parties have agreed detailed conditions that fulfil the restriction on the Appellant's practice that we considered necessary. Our decision is that the Appellant should be included on NHS England's Dental Performers List subject to conditions
4.
  - (a) The Appellant must for at least the first 130 full-time equivalent days of clinical dental work after this decision work only under a level of supervision equivalent to the level of supervision of a final year undergraduate dental student.
  - (b) This supervision may be provided only at a University Dental School or by an accredited dental training practitioner.
  - (c) The identity of the School or practitioner (and the dental practice at which the supervision will be provided) must be agreed in advance by NHS England whose approval shall not be unreasonably withheld.
  - (d) Any expense incurred in such supervision shall be paid by the Appellant.
  - (e) For the avoidance of doubt such supervision (and the Personal Development Plan referred to in condition (f)) must address the failings

identified in the Investigation Report presented to the PDL on 16/17 July 2014 and any relevant reports or action plans provided by NCAS and include reviewing patients' presentation and history; taking appropriate radiographs and reporting on them; full periodontal screening and monitoring; requesting special tests and reviewing the outcome of those tests; formulating treatment options; approving treatment plans and inspecting every stage of treatment provided.

- (f) The Appellant must cooperate with the Postgraduate Dean or Director or their nominated Deputy to formulate a Personal Development Plan and meet as requested with any Educational Supervisor appointed by the Dean or Director regularly to discuss progress towards meeting the objectives in that Plan.
  - (g) The Appellant must forward the Plan and any amendments to it and all progress reports to NHS England within 14 days of receiving them.
  - (h) Lectures, courses and CPD events are not to be counted in the time spent on supervised clinical work.
  - (i) The Appellant must allow his Educational Supervisor, his clinical supervisor, NCAS, the GDC and NHS England to share information about the standard of his professional performance and his progress towards achieving the objectives and outcomes set out within his Personal Development Plan and, if appropriate, any NCAS remediation plan.
  - (j) The School or practitioner must provide monthly reports on the Appellant to NHS England.
  - (k) The Appellant must have satisfactory reports and must satisfactorily complete the period of supervision to the reasonable satisfaction of NHS England who will liaise with and rely upon the progress reports of the School or practitioner.
  - (l) If for any reason and at any stage in the supervision period the Appellant wishes to undertake part-time supervised clinical dental work this must be agreed in advance by NHS England who will consult his Educational Supervisor before considering approval (which will not be unreasonably withheld).
5. In order to comply with these conditions the Appellant must complete the supervision to the reasonable satisfaction of NHS England within a continuous period of consecutive working weeks (subject to reasonable and ordinary periods of absence on the part of the Appellant or his clinical supervisor), each of at least 2 clinical working days per week, and no later within 12 months from the date of this decision.
6. To that extent the appeal succeeds.

**Judge Mark Mildred**  
**First-tier Tribunal (Health Education and Social Care Chamber)**  
**Date Issued: 30 March 2015**