

IN THE FAMILY HEALTH SERVICES APPEAL AUTHORITY

Case No: 13505

**ROBIN CHAUDHURI – Chairman
DR. I. LONE – PROFESSIONAL MEMBER
MRS. I. DALE – LAY MEMBER**

BETWEEN

**DR. SHAHEEN AKHTAR
(GMC 3566707)**

Appellant

-and-

LEEDS PRIMARY CARE TRUST

Respondent

DECISION

1. This is an appeal by Dr. Akhtar against the decision of Leeds Primary Care Trust (hereinafter referred to as the “PCT”) to refuse her inclusion on its Performers List, contrary to **Regulation 6, The National Health Service (Performers List) Regulations 2004** (hereinafter referred to the “Performers List”).

2. **BACKGROUND**

Sometime during mid/late October 2006 the PCT received an application from Dr. Akhtar to join its Performers List. Enquiries revealed that Dr. Akhtar had joined Plymouth’s PCT Performers List on our about **August 2004**. Her employers, **Devon Doctors Limited**, provided out of hours medical cover across Devon.

Between **13th August 2004 and 15th October 2004** some 17 recorded “events” (complaints) were noted by Devon Doctors. A meeting was held between Devon Doctors, a local representative from Devon LMC and Dr. Akhtar in **October 2004**. A “*plan of action*” was put into place, but Devon Doctors maintained that all attempts to work with Dr. Akhtar proved to be unsuccessful and in **January 2005** Devon Doctors decided not to utilise Dr. Akhtar’s services again.

In **February 2005** Dr. Akhtar was removed from Plymouth Performers List. It appears that a further meeting took place in **March 2005** (see P1 of the report from GMC IOP Report dated 7/3/07) between Dr. Akhtar and Plymouth PCT.

On **26th October 2005** Plymouth PCT wrote to the GMC and expressed their concerns about Dr. Akhtar's clinical performance. It was stated that Dr. Akhtar posed a threat to patient safety. Subsequently the GMC commenced an investigation.

3. A GMC assessment was undertaken over 5 days during **September and October 2006**. A report was prepared on **23rd January 2007**. The Panel have not had sight of that report. It appears that between **April 2006 and March 2007** Dr. Akhtar was working in Hampshire as a locum through an Agency. No concerns were expressed during Dr. Akhtar's period in Hampshire.
4. On **14th October 2006** the PCT wrote to Dr. Akhtar confirming that her application to join their Performers List had been refused, principally because of the ongoing GMC investigations and the concerns raised by Plymouth PCT. By her letter dated **6th December 2006** Dr. Akhtar seeks to appeal against that decision.
5. The GMC (Interim Order Panel) met to consider the complaints raised by Plymouth PCT on the **7th March 2007**. The Panel concluded that it was necessary for the protection of the public, in the public interest and in Dr. Akhtar's interest to make an order imposing twelve conditions on her registration for a period of eighteen months.
6. The FHSAA Panel convened on **13th March 2007** to consider Dr. Akhtar's appeal. Dr. Akhtar appeared in person. The PCT were represented by Mr. Carroll, a Consultant in Primary Care. The Panel heard oral evidence from Dr. Akhtar. It appears that she was quite shocked and surprised at the decision of the IOP given on **7th March 2007**. She confirmed that:
 - (i) she had personally written to the IOP requesting an early review of her case;
 - (ii) had not sought representation at the hearing before the IOP;
 - (iii) had not provided to the IOP any references from her colleagues in Hampshire.

Mr. Carroll, on behalf of the PCT, also gave oral evidence. He confirmed that he had worked with Dr. Akhtar during 2003 and in fact had provided her with a reference dated **11th March 2003**. The Panel were impressed with the manner in which Mr. Carroll gave his evidence. Mr. Carroll confirmed that, in his view, the issues and concerns raised by Plymouth PCT had been considered and acted upon by the IOP. In those circumstances, he would be happy to recommend an acceptance (subject to compliance with the twelve conditions) of any application by Dr. Akhtar to join the PCT's Performers List.

7. THE PANEL'S DECISION

The Appeal is by way of re-determination. The Panel have the power to make any decision which the PCT could have made. In view of the oral evidence given by Mr. Carroll, it is the unanimous decision of the Panel that Dr. Akhtar's appeal should be allowed, subject to the same conditions as imposed by the IOP. In such circumstances the PCT is required to ask Dr. Akhtar, within 28 days, whether she wishes to be included in the PCT's Performers List subject to those twelve conditions (see **Regulation 15 (4) Performers List Regulations 2004**). If Dr. Akhtar notifies the PCT that she does wish to be included in the said list subject to the conditions, then the PCT shall include her (see **Regulation 15(5) Performers Lists Regulations 2004**). For the avoidance of doubt, the conditions are as follows:

- "1. You must notify the GMC promptly of any professional appointment you accept for which registration with the GMC is required to provide the contact details of your employer;*
- 2. You must allow the GMC to exchange information with your employer or any organisation for which you provide medical services;*
- 3. You must inform the GMC of any formal disciplinary proceedings taken against you, from the date of this determination.*
- 4. You must inform the GMC if you apply for employment outside the UK.*
- 5. You must confine your medical practice to general practice posts within the National Health Service in a training practice approved by the Postgraduate*

Dean and the PCT where your work will be supervised by a named GP Trainer or GP Principal;

6. *You must seek a report from your supervisor for consideration by this Panel, prior to any review hearing of this Panel;*
7. *You must not undertake any locum work;*
8. *You must not carry out any out of hours work unless supervised by the person supervising your general practice work;*
9. *You must not undertake any private practice.*
10. *You must seek and follow the advice of the Postgraduate Dean or GP Trainer about any further training that you may require and the development and implementation of your Personal Development Plan. The GMC Performance Assessment report dated 23rd January 2007 should form the basis of the Personal Development Plan and should include communication skills and time management;*
11. *You must arrange for a mentor as approved by the Postgraduate Dean and arrange for the mentor to provide report(s) for consideration by this Panel, prior to any review hearing of this Panel;*
12. *You must inform the following parties that your registration is subject to the conditions listed at 1. to 11. above:*
 - (a) *any organisation or person employing or contracting with you to undertake medical work;*
 - (b) *any prospective employer (at the time of application);*
 - (c) *The PCT in whose Medical Performers List you are included, or seeking inclusion (at the time of application)".*

8. Any party to these proceedings has the right to appeal this Decision under and by virtue of **S.11 Tribunals and Inquiries Act 1992** by lodging a Notice of Appeal in the Royals Courts of Justice, the Strand, London WC2A 2LL within 28 days from the receipt of this Decision.

ROBIN CHAUDHURI

Chairman

21st March 2007

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