

IN THE FIRST TIER TRIBUNAL

Case No: PHL15273

**MRS J R CRISP TRIBUNAL JUDGE
DR A ARIYANAYAGAN PROFESSIONAL
MRS ISOBEL DALE MEMBER**

B E T W E E N:

**NHS CROYDON
("THE PCT")**

Applicant

And

**DR R SONDHI
Registration No: 2914488**

Respondent

DECISIONS AND REASONS

**Tribunal Primary Health Lists 29th July
2010**

1. This is an application dated the 7th June 2010, by NHS Croydon ("The PCT") for an extension of the period of suspension imposed upon Dr Sondhi under the terms of 13 of the National Health Service (performers lists) regulations 2004 ("The Regulations"). The PCT's application is for an extension for a period of 6 months to the 17th December 2010.

Preliminary Matters – consideration without a Oral Hearing.

1. Pursuant to the application dated the 7th June 2010 The PCT asked for the matter to be considered on the papers without an Oral Hearing. There is no correspondence from Dr Sondhi to confirm whether he wishes for the application to be considered on the papers only however, Dr Sondhi did confirm that he was not opposing the application for an extension of suspension imposed in December 2009.
2. The tribunal procedure (First-Tier Tribunal) (Health, Education, and Social Care Chamber) Rules 2008 rule 23 provides that a Hearing must be held unless each party has consented to the matter being decided without a Hearing we have therefore determined the Application without an Oral Hearing. The Panel considered the application on the 29th July 2010 at the Nottingham Magistrates Court.

Factual Background

1. Dr Sondhi was suspended by The PCT on the 17th December 2009 following allegations which have been made in October 2009 in respect of a number of financial irregularities arising out of Dr Sondhi's position as Medical Director and Chairman of Croydoc the local out of hours provider. An allegation had been made that Dr Sondhi had authorised significant payments to himself and his wife Dr Uddin over a period of at least 1 year.
2. On the 15th December 2009 The PCT wrote to Dr Sondhi to advise that a Hearing had been arranged in respect of whether it would be appropriate for Dr Sondhi to be suspended, such hearing to take place on the 17th December 2010 at 4:45pm. The allegations against Dr Sondhi were as follows: -
 - i That you inappropriately used your position as a General Medical Practitioner and abused your position of trust to secure payments from vulnerable staff and patients to support your financial dealings.

- ii Concerns have been expressed that your behaviour has been perceived as intimidating and threatening.
- iii That you have abused your position of trust as a Director of Croydoc by taking unauthorised monies from the organisation fund without the knowledge of other Directors.
- iv. That your actions potentially put the reputation of Croydoc at risk, as well as threatening it's financial position and contractual relationship with the PCT. Your actions also potentially and adversely impact on the wider NHS and your position as a GP.
- v. As the Operational Medical Director of Croydoc your actions placed patients at risk these included: -
 - a. Putting in place inadequate and inappropriate shift working arrangements;
 - b. Failing to ensure that significant events were reported to the Clinical Governance Committee;
 - c. That you allowed a Doctors name to appear on the weekly evening shift in up to three different slots (all at the same time).
- vi. That the concerns identified may impact upon your position as a provider and performer of general medical services and impact on the care of your patients.
- vii. That a number of businesses are in financial difficulty (for example a number of Nursing Homes that you own with your wife) this increases the risk that you may use your position to inappropriately secure further ongoing funding from staff and patients.

3. At the Hearing which took place on the 17th December 2009, the Panel concluded that insofar as allegation one was concerned that this needed to be investigated further.
4. Allegations 2, 3, 4 and 5 were all of a serious nature and may have an impact on patient care.
5. Allegation 6 reflected a significant concern of the Panel.
6. Allegation 7 was considered not relevant to consideration of the suspension.
7. The Panel noted the very serious nature and extent of the allegations and concluded that it was necessary for the protection of the public and in the public interest to suspend Dr Sondhi from The PCT Performers List under regulation 13(1)(a) while it decided whether or not to exercise its powers to remove Dr Sondhi from the Performers List under regulation 10 or contingently remove Dr Sondhi from the Performers List under regulation 12. The suspension was imposed on the 17th December 2009.
8. Following the suspension, the PCT commenced a full investigation into the allegation and the Counter Fraud investigators were involved, working with The PCT investigation team although, both entities and investigations were being undertaken separately.
9. 33 key witnesses had been identified and 21 interviews had been undertaken. The Terms of reference for the investigation were as follows: -
 - i. Comparing patterns of work done by Dr Sondhi and Dr Uddin with that done by the Doctors.

- ii. To establish whether Dr Sondhi had cancelled shifts at short notice, or failed to turn up, if so to assess outcomes and implications for patient and call handlers.
- iii. To investigate concerns about Dr Sondhi's behaviour, including: -
 - a. Allegations of bullying and intimidation.
 - b. Organisation of his remote Triage work.
 - c. Communication with staff when on overnight rota and any impact that this may have on patient safety.
 - d. Appropriateness of Triage decisions.
 - e. His way of recording information about Triage calls and impact on other staff.
 - f. The way in which he organised the rota work
 - g. The extent and nature of Dr Sondhi's financial arrangements with staff and patients.
 - h. Concerns about validity of claims per sessions done by Dr Sondhi and De Uddin.
 - i. Reviewing evidence of concerns about the existence of "ghost" employees at Croydoc.
 - j. Concerns about accuracy of data in call handling reports from April to May 2008.
 - k. Investigation of any observed irregular accounting practices.
 - l. Investigation of the extent of Doctors splitting a night shift into three and whether any had claimed for a full night shift.

- 10. The PCT have referred the matter to the GMC. The GMC considered the case on the 11th January 2010 and suspended Dr Sondhi from its register for a period of 18 months.

The Law

- 1. Under regulation 13(1)(a) of the regulation, (if a "PCT" is satisfied that it is necessary to do so for the protection of members of the public or is

- a. While it decides whether or not exercise its powers to remove him under regulation 10 or contingently remove him under regulation 12.
- b. By regulation 13(4) the period of suspension under paragraph 1(a) or (b) may extend beyond 6 months if: -
 - i. On the application of The PCT, the FHSAA (now First-Tier Tribunal) so ordered or
 - ii. The PCT applied under sub – paragraph (a) before the expiry of the period of suspension, that the FHSAA has not made an Order by the time it expires, in which case it continues until the FHSAA makes an Order
 - iii. By regulation 13(5) if the (First – Tier Tribunal) does make an Order under 13(4). It shall specify –
 - a. The date on which the date of suspension is to end;
 - b. An event beyond which it is not to continue; or
 - c. Both a date upon which it is to end and in an event beyond which it is not to continue, in which case it shall end on the earlier on that date or the event as the case may be.

Consideration and Decision

1. We must be satisfied that it is necessary to extend the suspension for the protection of members of the public or that it is otherwise in the public interest. We are satisfied on both accounts. The case involves serious matters which may potentially impact upon patient welfare. We are therefore satisfied in principal that an extension of suspension is warranted.

2. The panel note that the GMC have suspended Dr Sondhi from the 11th January 2010 for a period of 18 months.
3. The Panel accept that this is a complex area which requires full investigation and there may be issues of clinical governance as well as a complex investigation in respect of his financial position. It is clear that the investigation will take a considerable amount of time to complete and the Panel are pleased to note that 21 of the 33 key witnesses have already been interviewed and statements taken.
4. We therefore consider that it is appropriate to make an Order as requested by The PCT

Decision and Order

1. Dr Sondhi's suspension from the Performers List shall be extended until the 17th December 2010.