

**IN THE FAMILY HEALTH SERVICES APPEAL AUTHORITY**

**Case Number: 13854**

**Listed at: Harrogate**  
**On: 11<sup>th</sup> September 2007**

**Mr T Jones Chairman**  
**Dr R Rathi Professional Member**  
**Miss K Wortham Member**

**BETWEEN**

**DR H KARRENBERG**  
**Professional Registration Number: 6036905**

**Appellant**

**and**

**DARLINGTON PCT**

**Respondent**

**DECISION WITH REASONS**

**The Appeal and the Background**

1. This is an appeal made by Dr H Karrenberg ("The Appellant") against a decision of Darlington PCT ("The Respondent") to conditionally include him on their Medical Performers List in pursuance of section 8 (1) of the NHS (performers List) Regulations 2004.
2. At the hearing Mr Paul Chapman, Deputy Head of the PCT's Care Support Unit appeared, together with an assistant Ms Graves. Dr Karrenberg appeared. Neither party was legally represented at the hearing.
3. On 16<sup>th</sup> May 2007 the Respondent PCT wrote to the Appellant to advise him of the outcome of his application for inclusion into its Medical Performers List. Therein, it was stated:

"In light of your limited experience working as a GP in the UK, the PCT intends to apply the following conditions:

- 1) That your work as an NHS General Practitioner be restricted to work as an "Out of Hours" GP Locum with any registered Out of Hours service provider in England until compliance with (2) below.

- 2) That you refrain from working in wider NHS General Practice as a GP until such time as you have undertaken, and satisfactorily completed, a programme of induction as determined by the PCT and Post Graduate Institute for Medicine and Dentistry.

The term "wider NHS practice" refers to work as a GP Locum, Principal, Salaried Partner or assistant in respect of any aspect of General Practice other than Out of Hours Services."

4. The Respondent PCT advised the Appellant of his right to appeal to this Tribunal which he did writing to the Tribunal on 11<sup>th</sup> June 2007.
5. The Appellant set his reasons for submitting an appeal in a detailed letter dated 11<sup>th</sup> June 2007. He pointed to having successfully worked in the NHS as a Locum GP in various settings in NHS Practices, Prisons and Out of Hours Services. He had been admitted to another PCT list without restriction and had never been the subject of any GMC investigation since registration in 2001. In that letter, at paragraph 5, reference is also made as to a conversation with Mr Chapman at the PCT concerning a reference sought by the PCT; this was not disclosed to Dr Karrenberg. He saw it only three days before the hearing as the Panel had requested its disclosure.
6. The Respondent PCT replied in a submission of the 18<sup>th</sup> June 2007. The Respondent PCT at paragraph 4 states "This is the first occasion on upon which Dr Karrenberg has indicated that his experience in the UK was wider than the provision of out of hour's services". Also, paragraph 4, reference is made to paragraph 9 of the Appellants original application where when discussing choice of referees stated "so far I have worked in out of hour's services only in the UK. Therefore, I am not involved in any work relationships with other Doctors in the UK". An enquiry of Dr Karrenberg by e mail as to the extent of GP experience by the PCT was said to have had a limited reply.
7. At the hearing we were addressed by both parties. It quickly became apparent that the minutes of a meeting at which Dr Karrenberg's conditional inclusion was decided were not available, nor had they been disclosed. Dr Karrenberg was particularly concerned, if not distressed, believing that his clinical competence was in question, and that the same had come about from the reference from Dr Summers which contained four minor matters. In fairness, Mr Chapman was quick to assure him that this was not the case; whilst Mr Chapman (who is not medically qualified) may have discussed the reference with Dr Karrenberg, the PCT referred this reference to the Clinical Director of the Respondent PCT who thought there was nothing adverse within it. Mr Chapman made it clear there was no issue being taken as to Dr Karrenberg's clinical competence.
8. Dr Karrenberg gave us information as to his work prior to application as a Locum GP in the north east of England, working for Prime Care who provides such services to many PCT's. He has worked in Stockton on Tees, Darlington and Middlesbrough. He did not meet the Doctors he stood in for as a Locum and could not, accordingly, put them forward as referees in connection with his application. We noted the form required a referee to have at least three months knowledge of the applicant. We also noted at page R12 of his application Dr Karrenberg, contrary to that said by the PCT, states twice therein he has worked as a Locum GP in the United Kingdom. He also produced a letter from the St Albans Medical Centre, Bulwell, Nottingham as to his working there as GP Locum since 6<sup>th</sup> November 2006 until 10th May 2007. He was also asked a number of questions by our Medical Member as to general practice, which by way of example, dealt with referral practices, prescribing and information technology which were all dealt with satisfactorily by the Appellant.
9. Mr Chapman for the Respondent PCT could only comment that much of this information was not before PCT; he accepted the extensive experience Dr Karrenberg has gained. He was not in a position to revise the PCT's decision, which he felt was correct based on the information to hand.

## **Our Decision**

10. The Panel hears this appeal by way of re determination, under section 15 (1) of the NHS (Performers Regulations) 2004, the Panel has power to revise the decision or impose different conditions. It is clear to us that there has been a lack of communication which has led to misunderstanding. Even at the hearing, the minutes as to why and in what circumstances the conditions were imposed by the Respondent PCT were not disclosed, or available. The Panel itself, in advance of the hearing, had required disclosure of the reference of Dr Summers, which on our reading of the initial papers, might have been behind the Respondent PCT's decision. It was clear that Dr Karrenberg, albeit it mistakenly, but we find quite understandably, thought his clinical competence was in issue as a result of the same. It is clear that the application form, as completed by Dr Karrenberg, has caused the PCT to perhaps overlook the references made in it as to Locum GP work undertaken by him since March 2005. There is evidence, which was accepted, and which we too accept, that Dr Karrenberg has carried out such work as he has claimed without issue, complaint or concern as to patient safety.
11. Accordingly, we find that there are no reasons to impose conditions upon Dr Karrenberg's application for inclusion on the Respondent's Medical Performers List.
12. We allow the appeal. In accordance with rule 42 (5) of the Procedure Rules, we notify a party to the appeal that they can appeal this decision under section 11 of the Tribunals and Inquiries Act 1992, by lodging a Notice of Appeal in the Royal Courts of Justice, The Strand, London WC2A 2LL within 28 days from the date of this decision.

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Mr T Jones, Chairman  
Harrogate, 11<sup>th</sup> September 2007.