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**Re: Dr Siddiqui v GMC [2013] EWHC 1083 Admin**

### ***Background***

Dr Siddiqui appeared before the Fitness to Practise Panel ('panel') in October 2012. The panel determined that her fitness to practise was impaired by reason of misconduct and suspended her registration for a period of six months.

Dr Siddiqui appealed against the sanction imposed by the panel. Her appeal was considered by HHJ Pelling QC on 25 March 2013.

### ***Appeal***

HHJ Pelling QC sets out the factual circumstances which gave rise to the appeal (paragraphs 2 – 5).

The panel found Dr Siddiqui's fitness to practise impaired not in relation to the original examination of Patient A but impaired in relation to her subsequent conduct. Based on their finding of impairment the panel determined to suspend her registration for a period of six months. The sanction was imposed primarily for the purpose of securing the confidence of the public in the medical profession.

The Judge then goes on to consider the nature of an appeal under Section 40 Medical Act 1983, the relevant guidance and the case law as it related to the issue before him (paragraphs 7-10). He then considers the approach adopted by the panel in the case.

He notes that the approach had to be considered in the context of the submissions that were made on Dr Siddiqui's behalf by the solicitors and counsel then acting for her. The conclusions reached on the primary findings of fact were not the subject of challenge nor was the issue that her fitness to practise was impaired. Counsel, then instructed on the doctor's behalf, had accepted at the panel hearing that he could not resist the finding of impairment in relation to her fitness to practise due to misconduct on the grounds of dishonesty (paragraph 13).

The Judge then goes on to confirm that both counsel appearing in the hearing accepted that suspension was the appropriate sanction (paragraphs 14 and 15).

The panel then considered, in the Judge's view, *"with commendable care the various issues that arose before arriving at a conclusion"*.

He thereafter sets out the relevant part of their reasoning (paragraphs 16-18)

The panel accepted that the dishonesty displayed by Dr Siddiqui was *"...a one-off episode relating to one patient, and there has been no evidence of repetition"*. They also acknowledged that she was approaching retirement and that the proceedings before the panel were themselves likely to have been a salutary lesson.

The panel concluded that the doctor did not have a harmful or deep-seated attitudinal problem, that she had recognised the significance of her dishonesty, but nonetheless that the misconduct displayed by her, whilst falling short of being fundamentally incompatible with continued registration, nonetheless required the imposition of a period of suspension of six months in order that *"the public interest was properly met and the confidence of the public in the integrity of the profession was maintained"* (paragraph 18).

In making her submission before the Judge, Dr Siddiqui submitted that the effects of suspension on her were disproportionate and, therefore, the decision of the panel was wrong (paragraph 19). She went on to say that the period of six months would, in practical terms, preclude her from practising medicine again, deprive her patients of the benefit of her care and took her away from her patients without proper notice being given to those patients or without the proper opportunity to enable the patients to be prepared for the transfer (paragraph 20).

Dr Siddiqui drew particular attention to the very significant number of references that had been supplied on her behalf, specifically by patients, by non-medical employees of her practice, and although they are a lot older, some reports from consultants (paragraph 21).

The Judge refers to the references (paragraph 22) and also a document submitted by Dr Siddiqui to the Administrative Court adding to her skeleton submissions (paragraph 23).

The Judge notes the difficulty with regard to the submission as it focuses attention on the issue concerning stress, which was, undoubtedly (and accepted by the panel to be), an issue in relation to the initial consultation, but failed to focus either sufficiently, or at all, on the dishonesty which the panel was concerned about and which was, in the end, the primary basis upon which it proceeded in relation to the imposition of a period of suspension (paragraph 24).

The Judge concludes:

*“This again... fails sufficiently to grapple with the approach which is required by the case-law which I set out earlier in this judgment and fails to grapple in particular with the effect of dishonesty by professionals so far as confidence in the public is concerned, which is a primary consideration for a Fitness to Practise Panel when considering allegations such as those that faced the appellant”.*

He goes on (paragraph 26):

*“There is nothing in the submissions that have been made by the appellant in this case which leads me to conclude that there is any tenable basis on which I could conclude that the Fitness to Practise Panel’s decision was wrong. Rather, the approach of the Fitness to Practise Panel, set out in the detailed reasons it gave for imposing a period of six months’ suspension, shows that commendably full regard was paid to all the relevant facts and matters that were then before the Panel and displays an entirely satisfactory balancing of all the relevant factors, which are, in essence, exactly the factors that are in play before me”.*

Finally he says (paragraph 27):

*“I accept that whilst this appeal is a rehearing and not a review, I am bound to have particular regard to the conclusions reached by a Fitness to Practise Panel, which has attempted to balance all the relevant issues in an entirely proper and proportionate way, but putting proper emphasis, as in my submission it was bound to do, on the effect on the standing of the profession in the mind of the public of dishonesty displayed by any professional. In my judgment, the material that has been deployed before me does not suggest that the Panel was wrong and therefore this appeal must be dismissed”.*

### ***Salient Point***

- Reminder of the principles to be considered in dishonesty cases (paragraphs 11-12)

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