

PUBLIC RECORD

Date: 01/03/2021

Medical Practitioner's name: Dr Amir MIR

GMC reference number:	5083560
Primary medical qualification:	MB BS 1984 University of Peshawar
Type of case	Outcome on impairment
Deficient professional performance	Impaired

Summary of outcome

Conditions for 18 months

Legally Qualified Chair:

Legally Qualified Chair:	Mr Geoffrey Payne
--------------------------	-------------------

Review on the Papers

This case was reviewed on the papers, with the agreement of both parties, by a Legally Qualified Chair.

Overarching Objective

Throughout the decision making process the chair has borne in mind the statutory overarching objective as set out in s1 Medical Act 1983 (the 1983 Act) to protect, promote and maintain the health, safety and well-being of the public, to promote and maintain public confidence in the medical profession, and to promote and maintain proper professional standards and conduct for members of that profession.

Determination

1. I have reviewed the background to Dr Mir's case, which was first considered by a Medical Practitioners Tribunal in May 2017. At that time, Dr Mir was found to be impaired in respect of XXX his deficient professional performance. He was found not to be impaired by reason of misconduct. XXX In relation to his performance however, a GMC assessment, conducted in July 2015, had found him to be unacceptable in the areas of 'Assessment', 'Clinical Management', 'Relationships with Patients' and 'Working with Colleagues'. That was the basis for the finding of impairment in relation to deficient professional performance. There was cause for concern in the area of 'Record Keeping'. Dr Mir was made the subject of conditional registration for 24 months.

Record of Determinations
Medical Practitioners Tribunal
Review on Papers

2. In May 2019, a review of Dr Mir's case was conducted on paper by a Legally Qualified Chair of the Medical Practitioners Tribunal. It was found that Dr Mir's fitness to practice was still impaired by reason of his performance because a performance assessment remained outstanding and, as such, there was a lack of evidence that the previous performance concerns had been fully remediated. Conditions were imposed on Dr Mir's registration for a period of 4 months. XXX

3. Dr Mir's case was further reviewed by a Medical Practitioner's Tribunal in September 2019. By that time, a further performance assessment had been carried out. It had identified that Dr Mir's performance was acceptable in the domain of 'Working with Colleagues' but unacceptable in the domains of 'Maintaining Professional Performance', 'Assessment', 'Clinical Management', 'Record Keeping' and 'Relationships with Patients'. In addition, Dr Mir had also scored 60.83% in the Knowledge Test, which was below the Standard Set Score. At the time of the review, Dr Mir had not worked in clinical practice since December 2018, had worked two days a week in the year before that, and had not been in clinical practice from August 2015 to January 2018. It was found that Dr Mir remained impaired in respect of his deficient professional performance. He was made the subject of conditional registration for 18 months. The Tribunal noted however that Dr Mir had expressed a willingness to address his deficiencies, had provided a set of comprehensive reflective pieces, and had the potential to respond positively to retraining.

4. It was however stressed at the review that the onus was on Dr Mir to demonstrate that he had fully remediated and developed further insight before he could return to unrestricted practise.

5. Dr Mir and the GMC have agreed that this review should be considered on the papers in accordance with Rule 21B of the General Medical Council (Fitness to Practise) Rules 2004. They have provided agreed terms of an order which I could make at this review.

6. I have considered all of the evidence presented to me, the submissions from the GMC and the signed agreement from Dr Mir to the course it is suggested I take. The parties agree that Dr Mir's fitness to practise remains impaired by reason of his deficient professional performance and that Dr Mir's registration should be subject to a further period of conditional registration for 18 months.

7. I have taken into account that, for most of the time since the previous order was reviewed, Dr Mir has not been in clinical practice. On 16th November 2020, he commenced a new fixed term post for 12 months at The Community Practise in Canvey Island. It involves him undertaking four sessions a week after which there is a debriefing and a review of his record keeping. It appears that he is progressing in a satisfactory manner. He has submitted a PDP which was subject to some suggested changes on the basis that the objectives were vague but there have been no other serious concerns raised.

**Record of Determinations
Medical Practitioners Tribunal
Review on Papers**

8. All of that said, there has been very little opportunity for Dr Mir to deal with the very serious deficiencies that were identified in the last performance assessment. That is the case notwithstanding the evidence of developing insight on his part and his willingness to address the previous findings against him. I find that there remains insufficient evidence of insight and remediation before me to permit Dr Mir to return to unrestricted practise. He has not been practising for long enough. I therefore determine that he remains impaired as a result of deficient professional performance.

9. I have had regard to the statutory overarching objective as set out in s1 Medical Act 1983 which is to protect, promote and maintain the health, safety and wellbeing of the public, to promote and maintain public confidence in the medical profession, and to promote and maintain proper professional standards and conduct for members of that profession. Given the serious nature of the previous findings, I consider, as did the previous Tribunal, that all three limbs are engaged.

10. Like the previous Tribunal, I consider that Dr Mir has the potential to respond positively in due course. In the meantime, the present order for conditions must remain.

11. In reaching my decision as to sanction, I have taken account of the Sanctions Guidance. I have borne in mind that the purpose of the sanction is not to be punitive, but to protect patients and the wider public interest, although it may have a punitive effect.

12. I have applied the principle of proportionality, weighing Dr Mir's own interests with the public interest. The public interest includes amongst other things, the protection of patients, the maintenance of public confidence in the profession, and declaring and upholding of proper standards of conduct and behaviour.

13. I am satisfied that the proposed conditions would be proportionate and sufficient to protect the public and the public interest. I have therefore determined that Dr Mir's registration be made subject to the following conditions for a period of 18 months:

1. He must personally ensure the GMC is notified of the following information within seven calendar days of the date these conditions become effective:
 - a. the details of his current post, including:
 - i. his job title
 - ii. his job location
 - iii. his responsible officer (or their nominated deputy)
 - b. the contact details of his employer and any contracting body, including his direct line manager

Record of Determinations
Medical Practitioners Tribunal
Review on Papers

- c. any organisation where he has practising privileges and/or admitting rights
 - d. any training programmes he is in
 - e. of the organisation on whose medical performers list he is included
 - f. of the contact details of any locum agency or out of hours service he is registered with.
2. He must personally ensure the GMC is notified:
 - a. of any post he accepts, before starting it
 - b. that all relevant people have been notified of his conditions, in accordance with condition 15.
 - c. if any formal disciplinary proceedings against him are started by his employer and/or contracting body, within seven calendar days of being formally notified of such proceedings
 - d. if any of his posts, practising privileges or admitting rights have been suspended or terminated by his employer before the agreed date within seven calendar days of being notified of the termination
 - e. if he applies for a post outside the UK.
3. He must allow the GMC to exchange information with any person involved in monitoring his compliance with his conditions.
4.
 - a. He must have a workplace reporter appointed by his responsible officer (or their nominated deputy).
 - b. He must not work until:
 - i. his responsible officer (or their nominated deputy) has appointed his workplace reporter
 - ii. he has personally ensured that the GMC has been notified of the name and contact details of his workplace reporter.
5.
 - a. He must design a personal development plan (PDP), with specific aims to address the deficiencies in the following areas of his practice:

Record of Determinations
Medical Practitioners Tribunal
Review on Papers

- i. Maintaining Professional Performance
 - ii. Assessment
 - iii. Clinical Management
 - iv. Record keeping
 - v. Relationship with patients
 - b. His PDP must be approved by his responsible officer (or their nominated deputy).
 - c. He must give the GMC a copy of his approved PDP within three months of these substantive conditions becoming effective.
 - d. He must give the GMC a copy of his approved PDP on request.
 - e. He must meet with his responsible officer (or their nominated deputy), as required, to discuss his achievements against the aims of his PDP.
- 6.
- a. He must have an educational supervisor appointed by his responsible officer (or their nominated deputy)
 - b. He must not work until:
 - i. His responsible officer (or their nominated deputy) has appointed his educational supervisor
 - ii. He has personally ensured that the GMC has been notified of the name and contact details of his educational supervisor.
7. He must only work as a GP.
8. He must only work in a group practice setting where there is a minimum of two GP partners or employed GPs (excluding himself). The GPs must be partners or permanently employed GPs who are on the GP register (this excludes locum staff).
9. He must get the approval of the GMC before working in a non-NHS post or setting.
- 10.
- a. He must get the approval of his responsible officer (or their nominated deputy), before working as:

Record of Determinations
Medical Practitioners Tribunal
Review on Papers

- i. a locum / in a fixed term contract
 - ii. out-of-hours
 - iii. on-call.
 - b. He must not work until:
 - i. His responsible officer (or their nominated deputy) has confirmed approval
 - ii. He has personally ensured that the GMC has been notified of the approval of his responsible officer (or their nominated deputy).
- 11. He must not work in any locum post or fixed term contract of less than three months duration.
- 12.
 - a. He must be closely supervised in all of his posts by a clinical supervisor, as defined in the Glossary for undertakings and conditions. His clinical supervisor must be appointed by his responsible officer (or their nominated deputy) and must not previously have acted in that capacity in respect of Dr Mir.
 - b. He must not work until:
 - i. His responsible officer (or their nominated deputy) has appointed his clinical supervisor and approved his supervision arrangements
 - ii. He has personally ensured that the GMC has been notified of the name and contact details of his clinical supervisor and his supervision arrangements.
- 13. He must personally ensure his Performance Assessment report dated 27 July 2019 is shared with:
 - a. his responsible officer (or their nominated deputy)
 - b. the responsible officer of the following organisations:
 - i. his place(s) of work, and any prospective place of work (at the time of application)

**Record of Determinations
Medical Practitioners Tribunal
Review on Papers**

- ii. all his contracting bodies, and any prospective contracting body (prior to entering a contract)
 - iii. any organisation where he has, or has applied for, practising privileges and/or admitting rights (at the time of application)
 - iv. any locum agency or out of ours service he is registered with
 - v. If any organisation listed at (i – iv) does not have a responsible officer, he must notify the person with responsibility for overall clinical governance within that organisation. If he is unable to identify the correct person, he must contact the GMC for advice before working for that organisation.
- c. the responsible officer for the medical performers list on which he is included or seeking inclusion (at the time of application)
- d. his immediate line manager and senior clinician (where there is one) at his place of work, at least 24 hours before starting work (for current and new posts, including locum posts)
- e. his workplace reporter and educational supervisor and clinical supervisor.
14. He must undertake an assessment of his performance, if requested by the GMC.
15. He must personally ensure the following persons are notified of the conditions listed at 1 to 14:
- a. his responsible officer (or their nominated deputy)
 - b. the responsible officer of the following organisations
 - i. His place(s) of work, and any prospective place of work (at the time of application)
 - ii. all his contracting bodies and any prospective contracting body (prior to entering a contract)
 - iii. any organisation where he has, or has applied for, practising privileges and/or admitting rights (at the time of application)
 - iv. any locum agency or out of hours service he is registered with.

Record of Determinations
Medical Practitioners Tribunal
Review on Papers

v. If any of the organisations listed at (i to iv) does not have a responsible officer, he must notify the person with responsibility for overall clinical governance within that organisation. If he is unable to identify this person, he must contact the GMC for advice before working for that organisation.

c. the responsible officer for the medical performers list on which he is included or seeking inclusion (at the time of application)

d. his immediate line manager and senior clinician (where there is one) at his place of work, at least 24 hours before starting work (for current and new posts, including locum posts).

14. In reaching this decision, I have taken into account the serious nature of the previous findings and the fact that, although Dr Mir has taken the positive step of obtaining a clinical post, he remains a long way away from being able to demonstrate that he has fully remediated those findings.

15. The effect of this direction is that, unless Dr Mir exercises his right of appeal, the conditions will take effect 28 days from when written notice of this determination has been served upon him. The current order of conditions will remain in place until the appeal period has ended, or in the event that he does appeal, that appeal is decided. A note explaining Dr Mir's right of appeal will be provided to him.

16. Notification of this decision will be served on Dr Mir in accordance with the Medical Act 1983, as amended.

Confirmed

Date 01 March 2021

Mr Geoffrey Payne, Chair