

PUBLIC RECORD

Date: 26/03/2025

Doctor: Dr Bervin TEO CHONG WEI
GMC reference number: 6122749
Primary medical qualification: MB BS 2005 University of London

Type of case Outcome on impairment
Review - Misconduct Not Impaired

Summary of outcome
Suspension revoked

Tribunal:

Legally Qualified Chair	Mr Simon Bond
Registrant Tribunal Member:	Mr John Hayward
Registrant Tribunal Member:	Dr Sarah Marwick

Tribunal Clerk:	Ms Olivia Gamble
-----------------	------------------

Attendance and Representation:

Doctor:	Present, represented
Doctor's Representative:	Mr Stephen McCaffrey, counsel, directly instructed
GMC Representative:	Ms Sian Jones, Counsel

Attendance of Press / Public

In accordance with Rule 41 of the General Medical Council (Fitness to Practise) Rules 2004 the hearing was held partly in public and partly in private.

Overarching Objective

Throughout the decision making process the tribunal 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 on Impairment - 26/03/2025

1. At this review hearing the Tribunal has to decide in accordance with Rule 22(1)(f) of the General Medical Council (GMC) (Fitness to Practise) Rules 2004, as amended ('the Rules'), whether Dr Teo Chong Wei's fitness to practise remains impaired by reason of misconduct. This is the first review after the original finding of impairment by misconduct at a Medical Practitioners Tribunal hearing in August 2024 ('the 2024 Tribunal').

Background

2. Dr Teo Chong Wei qualified as a doctor in the UK in 2005. Prior to the events which led to the substantive hearing in August 2024, Dr Teo Chong Wei worked as a locum consultant, from April 2020 to October 2021, at James Cook University Hospital (the Hospital) which is part of South Tees Hospitals NHS Foundation Trust. He lived in Singapore from November 2021 and returned to the UK on 3 April 2022. Dr Teo Chong Wei began working as a locum medical consultant at Queens Hospital in Burton-on-Trent, on 8 April 2024.

3. The Allegation that led to the 2024 Tribunal hearing can be summarised as follows: On 3 April 2022, Dr Teo Chong Wei attended the Hospital, wearing a pass that identified him as a consultant, in order to persuade Dr A to take and process a blood sample from him. The GMC alleged that Dr Teo Chong Wei told Dr A that he was a consultant working at the Hospital and that he accessed the Trust's "Web ICE" computer system to submit his blood samples for testing. It was alleged that Dr Teo Chong Wei intended to give the false impression that he was a current employee at the Hospital, when he knew he was not, and that he knew that he no longer had permission to access the Trust's "Web ICE" computer system. The GMC alleged that Dr Teo Chong Wei's actions were dishonest.

4. These concerns were raised with the GMC in April 2022 by the Trust. The referral to the GMC was further to a local investigation which arose from Ms B's email to the Trust on 3 April 2022. In this email, she informed the Trust about an incident which involved Dr Teo

Chong Wei attending the Hospital, whilst claiming to be a working consultant, in order to have his bloods taken and that he accessed the Trust’s “Web ICE” computer system.

5. At the hearing of the 2024 Tribunal, Dr Teo Chong Wei admitted all paragraphs of the Allegation and, on the basis of the evidence, the 2024 Tribunal found the Allegation proved in its entirety. The 2024 Tribunal determined that Dr Teo Chong Wei’s conduct amounted to serious misconduct and that his fitness to practise was impaired by reason of misconduct. The 2024 Tribunal determined to suspend Dr Teo Chong Wei’s registration for a period of 6 months. The suspension was effective from 10 October 2024 and is due to expire on 9 April 2025.

6. The 2024 Tribunal advised Dr Teo Chong Wei that a reviewing Tribunal would be assisted by the following information:

- Evidence which demonstrates he understands why his actions were wrong, the impact his actions had upon his colleagues, public confidence in the medical profession and proper professional standards, learning from his remediation and what steps he has taken to prevent recurrence;
- An action plan outlining in detail how he will arrange future annual blood tests to prevent similar situations arising again in regard to managing his health;
- An update on any training and remediation undertaken in relation to information governance, working with colleagues and probity;
- An updated mentoring report; and
- Any other information that Dr Teo Chong Wei considered would assist the reviewing Tribunal.

The Evidence

7. This Tribunal has taken into account all the documentary evidence received, including, but not limited to:

- Determinations of the 2024 Tribunal;
- Expiry of appeal letter to Dr Teo Chong Wei – dated 10 October 2024;
- Case instruction letter to Dr Teo Chong Wei – dated 18 October 2024;
- MPTS hearing listing notification letter to Dr Teo Chong Wei’s legal representative – dated 6 January 2025;
- Referral of Dr Teo Chong Wei to the GMC by the RO – dated 13 April 2022;

- Reflections of Dr Teo Chong Wei – undated;
- Independent mentoring report – dated 16 February 2025;
- Various CPD certification – various dates;
- Further independent mentoring report – dated 2 August 2024;
- Various testimonials – various dates;
- Emails from Dr Teo Chong Wei regarding course dates.

Submissions of Ms Sian Jones, on behalf of the GMC

8. On behalf of the GMC, Ms Jones submitted that Dr Teo Chong Wei remains impaired by reason of his misconduct.

9. Ms Jones submitted that the GMC accept that Dr Teo Chong Wei has engaged with this process and has produced what the 2024 Tribunal requested in terms of mentoring and his future action plan.

10. Ms Jones further stated that the GMC recognise that the 2024 Tribunal also considered Dr Teo Chong Wei's remorse to be genuine. She acknowledged that Dr Teo Chong Wei's period of suspension was to allow the further development of insight.

11. Ms Jones submitted that it is a matter for the Tribunal to consider whether the CPD undertaken by Dr Teo Chong Wei since the 2024 Tribunal is relevant and whether he has developed further and sufficient insight.

12. Ms Jones submitted that Dr Teo Chong Wei has produced (this morning), a list of dates and titles in relation to courses he has undertaken, but Ms Jones asked the Tribunal to consider whether this evidence was sufficient to remediate his misconduct.

13. Ms Jones submitted that the primary position of the GMC is that better evidence should have been produced by Dr Teo Chong Wei and that accordingly, she asked the Tribunal to find that his fitness to practise remains impaired.

14. Ms Jones concluded that if the Tribunal was to determine that Dr Teo Chong Wei had undertaken adequate remediation, then the GMC's position as to impairment was one of neutrality.

Submissions of Mr Stephen McCaffrey, on behalf of Dr Teo Chong Wei

15. On behalf of Dr Teo Chong Wei, Mr McCaffrey submitted that Dr Teo Chong Wei had made various attempts to obtain better quality copies evidencing the courses that he had undertaken. Mr McCaffrey submitted that Dr Teo Chong Wei's organisational skills should not be held against him and that his engagement with the issues articulated by the 2024 Tribunal could not be doubted.

16. Mr McCaffrey reminded the Tribunal that from the outset, this was a 'full admissions case'. Mr McCaffrey submitted that Dr Teo Chong Wei did not contest any of the allegations including dishonesty and, from the start of the 2024 Tribunal, admitted the Allegation in its entirety.

17. Mr McCaffrey submitted that the 2024 Tribunal had valid concerns, and that Dr Teo Chong Wei now accepts, looking back, that the concerns identified were indeed valid.

18. Mr McCaffrey submitted that Dr Teo Chong Wei was very clear during his evidence today that he accepted that the determinations of the 2024 Tribunal were correct. Mr McCaffrey noted that Dr Teo Chong Wei referred to his actions as 'unscrupulous'.

19. Mr McCaffrey submitted that the 2024 Tribunal made recommendations what Dr Teo Chong Wei needed to focus on and what would be useful for today's Tribunal to consider. He submitted that the 2024 Tribunal's findings were not solely in relation to dishonesty and probity but were also about working with colleagues and information governance.

20. Mr McCaffrey submitted that the value of Dr Teo Chong Wei's mentoring sessions, during which he was challenged on a number of the key issues, were of greater value than obtaining another attendance certificate for a training course.

21. Mr McCaffrey asked the Tribunal to give credit to Dr Teo Chong Wei for facing questions at today's hearing and answering them. He submitted that this is not easy to do. Mr McCaffrey submitted that Dr Teo Chong Wei spoke in a way that the Tribunal can infer was 'different' to the previous hearing. The doctor called his actions unscrupulous but also referred to his conduct, on a number of occasions, as dishonest, unprofessional and disrespectful. Mr McCaffrey further noted that Dr Teo Chong Wei's evidence today was more focused on the impact of his actions on others, rather than on himself.

22. Mr McCaffrey submitted that this Tribunal can be satisfied that, regardless of the presentation or organisation of the evidence presented at today's hearing, Dr Teo Chong Wei has engaged in the relevant topics of mentoring, self-reflection and continued professional development, and that he plans to continue to do so moving forward.

23. Mr McCaffrey submitted that, given the above, the Tribunal should find that Dr Teo Chong Wei is no longer impaired by reason of his misconduct.

The Relevant Legal Principles

24. In a review case, in practical terms, there is a persuasive burden upon the doctor to demonstrate that all the concerns which have previously been identified have been adequately addressed, and that remediation has taken place, so that the doctor is no longer impaired.

25. The Tribunal reminded itself that the decision in relation to impairment is a matter for the Tribunal's judgement alone. The 2024 Tribunal set out the types of evidence that a future Tribunal may be assisted by. This Tribunal is aware that it is for the doctor to satisfy it that he would be safe to return to unrestricted practice.

26. This Tribunal must determine whether Dr Teo Chong Wei's fitness to practise is impaired today, taking into account his efforts to address the concerns around his practice. The LQC referred to *Khan v General Pharmaceutical Council (2017) 1 WLR 169* to the effect that the focus of a review is upon the current fitness to resume practice, judged in the light of what Dr Teo Chong Wei has, or has not, achieved since the date of the suspension. This Tribunal will note the concerns articulated by the original Tribunal and seek to discern what steps, if any, Dr Teo Chong Wei has taken to allay them during the period of suspension. Impairment is concerned with whether the matters are remediable, have been remedied and any likelihood of repetition (*Cohen v GMC [2008] EWHC 581 (Admin) at [62-65]*).

The Tribunal's Determination on Impairment

27. In reaching its decision, the Tribunal bore in mind that its primary responsibility is to uphold the statutory overarching objective which is as follows:

- To protect, promote and maintain the health, safety and well-being of the public;
- To promote and maintain public confidence in the medical profession;

- To promote and maintain proper professional standards and conduct for members of that profession.

28. The Tribunal considered the Determination of the 2024 Tribunal, the submissions of both parties, and the recent documentary evidence from Dr Teo Chong Wei as to his reflections and the steps he has taken to remediate his misconduct since August 2024.

29. The Tribunal reminded itself of the items which the 2024 Tribunal considered would assist today's reviewing Tribunal.

30. The Tribunal considered Dr Teo Chong Wei's oral evidence at this hearing and the documentary evidence he has provided. It was of the view that he had submitted what the 2024 Tribunal had recommended. In particular, the Tribunal noted that Dr Teo Chong Wei had attended a further course on probity and ethics (albeit entitled as a course on 'Remediation') which supplemented a more in-depth course on probity and ethics that he had attended prior to the 2024 Tribunal. During his oral evidence, Dr Teo Chong Wei described to the Tribunal how he had benefited from this further course on probity and ethics, in which he achieved full marks, and how (as part of his remediation) he had worked through a number of scenarios relating to probity, both as part of the course and via the GMC's website.

31. Dr Teo Chong Wei provided the Tribunal with a written description of the steps he intended to take in relation to obtaining blood test results, both in the UK and in Singapore. Dr Teo Chong Wei gave further details of such steps in his oral evidence and the Tribunal was satisfied that this action plan was well considered and would ensure that the misconduct would not reoccur.

32. The Tribunal took the view that it was to Dr Teo Chong Wei's credit that he had engaged in regular mentoring sessions. He described in oral evidence how he had benefitted from being challenged at such sessions and was intending to continue with a process of mentoring. The reports from Dr Teo Chong Wei's mentor described how Dr Teo Chong Wei had made substantial efforts at remediation and expressed the opinion that his insight into his misconduct was well developed.

33. The Tribunal took into account the fact that Dr Teo Chong Wei made full admissions at the outset of the 2024 Tribunal hearing. In his oral evidence to the review Tribunal Dr Teo Chong Wei accepted that his misconduct had been unprofessional, unacceptable and

disrespectful and he displayed genuine remorse. He demonstrated to the Tribunal that he understood and accepted the consequences of his misconduct upon his former colleagues, upon patients of the Hospital, upon public trust and upon the wider profession.

34. When considering the evidence it has before it, the Tribunal determined that Dr Teo Chong Wei's current level of insight is well developed.

35. The Tribunal considered that although the presentation of Dr Teo Chong Wei's remediation documents was somewhat haphazard, he had nevertheless largely focussed his remediation on those concerns articulated by the 2024 Tribunal. It concluded that Dr Teo Chong Wei has now fully remediated such concerns, and it was satisfied that it would now be safe for him to return to practise unrestricted.

36. This Tribunal therefore determined that Dr Teo Chong Wei's fitness to practise is no longer impaired by reason of misconduct.

37. The Tribunal noted that Dr Teo Chong Wei's suspension is due to expire on 9 April 2025. The Tribunal acknowledged that the 2024 Tribunal imposed a 6-month suspension on Dr Teo Chong Wei's registration in order to send a signal to him, the profession and the wider public that his actions were unacceptable and should never be repeated. However, having found that Dr Teo Chong Wei's fitness to practise is not currently impaired, and in the light of the remediation he has undertaken, the Tribunal directed that the suspension be revoked with immediate effect.

38. That concludes this case.