

PUBLIC RECORD

Date: 01/03/2024

Medical Practitioner's name: Dr Clare DAY
GMC reference number: 4703644
Primary medical qualification: MB ChB 2000 University of Birmingham

Type of case	Outcome on impairment
Misconduct	Impaired
XXX	XXX

Summary of outcome
Conditions for six months

Legally Qualified Chair:

Legally Qualified Chair:	Mrs Julia Oakford
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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 - 01/03/2024

1. I have reviewed the background to Dr Day's case, which was first considered by a Medical Practitioners Tribunal from 11 to 19 July, and 8 August, and 30 August to 9 September 2022. Dr Day qualified as a doctor in 2000 and subsequently became a General Practitioner. Between 15 January and 19 February 2020 Dr Day consulted with three patients and failed to record a clinical note of their consultations. Between 17 January and 7 February 2020, Dr Day failed to provide adequate care and treatment for two patients by not arranging onward referrals for further treatment or responding to and/or actioning reminders to complete the referrals.
2. XXX
3. The original Tribunal did not have to draft a determination on facts as all of the Allegation was admitted. In relation to the clinical matters the original Tribunal found these to be serious and that Dr Day lacked full insight and there was a need for further remediation. That XXX. However, that Tribunal was concerned by Dr Day's insight, more generally, as to the need for GMC involvement in her case and was concerned it was only superficial in this regard.
4. From 30 August to 1 September 2022 at the preceding hearing, the Tribunal found Dr Day's fitness to practise to be impaired by reason of her misconduct XXX. The original Tribunal considered that all three limbs of the overarching objective was engaged, and it was necessary to find current impairment in order to protect patient safety, to promote and maintain public confidence in the profession and to promote and maintain proper professional standards for members of the profession. It took into account the conclusions it reached as set out in paragraph 3 above. In relation to sanction, it accepted the evidence of XXX. Further, she XXX had begun to develop insight into her misconduct. It was aware that she had successfully worked under an Interim Order of conditions, and it was likely she would comply with conditions. That Tribunal determined to impose conditions on Dr Day's registration for a period of 18 months.
5. In order to provide assistance at this review the Tribunal at the previous hearing recommended that Dr Day provide:
 - a. Evidence of compliance with her conditions, particularly those pertaining to XXX.
 - b. Evidence of remediation around working as part of a team;
 - c. XXX;

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- d. Up to date testimonials from existing colleagues and appraisal documents;
 - e. Any other evidence of insight and remediation she wishes to provide.
6. Dr Day 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.
7. I have considered all of the evidence presented to me, and the agreed submissions made on behalf of Dr Day and by the GMC. In the submissions, Dr Day and the GMC agree that Dr Day's registration should be subject to a further period of conditions for 6 months.
8. I have taken into account that since the previous order was made the circumstances have not changed and Dr Day's fitness to practise remains impaired by reason of misconduct XXX.
9. In reaching my decision, 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.
10. I have applied the principle of proportionality, weighing Dr Day'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.
11. 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 Day's registration be made subject to the following conditions for a further period of 6 months:

Details of public conditions

- 1. She 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 her current post, including
 - i her job title
 - ii her job location

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- iii her responsible officer (or their nominated deputy)

 - b. the contact details of her employer and any contracting body, including her direct line manager

 - c. any organisation where she has practising privileges and/or admitting rights

 - d. any training programme she is in

 - e. of the organisation on whose medical performers list she is included

 - f. of the contact details of any locum agency or out of hours service she is registered with.
2. She must personally ensure that the GMC is notified:
- a of any post she accepts, before starting it

 - b that all relevant people have been notified of her conditions, in accordance with condition 8

 - c if any formal disciplinary proceedings against her are started by her employer and/or contracting body, within seven calendar days of being formally notified of such proceedings

 - d if any of her posts, practising privileges or admitting rights have been suspended or terminated by her employer before the agreed date within seven calendar days of being notified of the termination

 - e if she applies for a post outside the UK.
3. She must allow the GMC to exchange information with any person involved in monitoring her compliance with her conditions.
4. a She must have a workplace reporter appointed by her responsible officer (or their nominated deputy).

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- b She must not work until:
 - i her responsible officer (or their nominated deputy) has appointed her workplace reporter
 - ii She has personally ensured that the GMC has been notified of the name and contact details of her workplace reporter.
- 5. a She must get the approval of her GMC Adviser before accepting any post.
 - b She must keep her professional commitments under review and limit her work if the GMC Adviser tells her to.
 - c She must stop work immediately (at all places of work or at a specific place of work) if her GMC Adviser tells her to and must get the approval of her GMC Adviser before returning to work.
- 6. She must only work in a group practice setting where there is a minimum of two GP partners or employed GPs (excluding herself). The GPs must be partners or permanently employed GPs who are on the GP register (this excludes locum staff).
- 7. a She must be supervised in all of her posts by a clinical supervisor as defined in the Glossary for undertakings and conditions. Her clinical supervisor must be approved by her responsible officer (of their nominated deputy).
 - b She must not work until:
 - i her responsible officer (or their nominated deputy) has appointed her clinical supervisor and approved her supervision arrangements.
 - ii She has personally ensured that the GMC has been notified of the name and contact details of her clinical supervisor and her supervision arrangements.

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8. She must personally ensure the following persons are notified of the conditions listed at 1 to 7:

- a her responsible officer (or their nominated deputy)
- b the responsible officer of the following organisations:
 - i her place(s) of work, and any prospective place of work (at the time of application)
 - ii all her contracting bodies and any prospective contracting body (prior to entering a contract)
 - iii any organisation where she 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 she is registered with.
 - v if any of the organisations listed at (i to iv) does not have a responsible officer, she must notify the person with responsibility for overall clinical governance within that organisation. If she is unable to identify this person, she must contact the GMC for advice before working for that organisation.
- c the responsible officer for the medical performers list on which she is included or seeking inclusion (at the time of application)
- d her immediate line manager and senior clinician (where there is one) at her place of work, at least 24 hours before starting work (for current and new posts, including locum posts).

XXX

12. In reaching this decision, I have taken into account that although there have been challenges for Dr Day in relation to XXX and having conditions on her registration, she has nevertheless engaged with the XXX process. XXX. I have taken into account the letter dated 20 February 2024 from Dr B, Dr Day's Clinical Supervisor and Workplace Reporter

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who states that if a review took place on 18 March 2024, there will be a very limited number of clinical supervision reports for the Tribunal to consider. Dr Day's representatives submit that Dr Day only recently secured a salaried GP post and that there have been no concerns from her employer. I conclude that a Tribunal in six months time would be in a better position than at present to review this case as XXX, she should have had some months in employment and relevant reports can be provided. In addition, XXX; the public will be protected by the continuation of the conditions, and it is fair to Dr Day to direct a further six months order of conditions.

13. The effect of this direction is that, unless Dr Day exercise her right of appeal, the conditions will take effect 28 days from when written notice of this determination has been served upon her. The current order of conditions will remain in place until the appeal period has ended, or in the event that she does appeal, that appeal is decided. A note explaining Dr Day's right of appeal will be provided to her.
14. Notification of this decision will be served on Dr Day in accordance with the Medical Act 1983, as amended.