

## PUBLIC RECORD

Date: 28/04/2021

Medical Practitioner's name: Dr David AITCHISON

GMC reference number: 2339317

Primary medical qualification: MB ChB 1978 University of Dundee

**Type of case**

Review - Misconduct

**Outcome on impairment**Consideration of impairment  
not reached**Summary of outcome**Adjourned to New Tribunal  
Current conditions extended for 6 months**Tribunal:**

Legally Qualified Chair	Ms Sharmistha Michaels
Lay Tribunal Member:	Ms Deborah Spring
Medical Tribunal Member:	Dr Vivek Sen
Tribunal Clerk:	Ms Angela Carney

**Attendance and Representation:**

Medical Practitioner:	Present and not represented
Medical Practitioner's Representative:	N/A
GMC Representative:	Ms Zoe Dawson, Counsel

**Attendance of Press / Public**

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

## 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 Adjourning and extending the current order - 28/04/2021

1. In the course of dealing with preliminary matters, the Tribunal indicated its concerns to the parties, that given the delays at the outset of the hearing with documents and late service of papers, there was not enough time to deal with Dr Aitchison's review hearing. The review hearing had been listed for one day and there were still further preliminary matters to deal with before the hearing could formally open. It therefore invited submissions from both parties as to whether to adjourn and extending the current order.

## Submissions

2. Ms Dawson stated that due to the difficulties this morning as a result of the late arrival of documents, an adjournment would be appropriate. She submitted that the conditions on Dr Aitchison's registration should remain in place and the order should be extended by the Tribunal. Ms Dawson told the Tribunal that following the late submission of documents by Dr Aitchison, the GMC may wish to make further enquiries or to adduce further evidence to the reviewing Tribunal, which they would not be in a position to do today. Ms Dawson submitted that, as a matter of fairness to both parties and to ensure the case can be dealt with thoroughly at a future review hearing it would be appropriate to adjourn and extend the order.

3. Dr Aitchison submitted he did not object to the proposed adjournment or the extension of the order of conditions. Dr Aitchison added that he found the proceedings XXX and stated that he would like the conditions extended for longer than three months. Dr Aitchison suggested a period of 12 to 18 months to give him time to provide further evidence of his fitness to practise as he has been unable to do so due to his current situation at work.

## The Tribunal's Decision

### Adjournment

4. The Tribunal considered the failure to provide documents to it in a timely fashion and the additional evidence that had been provided to them today, which it had had limited time to consider. It noted that once preliminary matters were dealt with, it was likely that the review hearing would not formally be opened until the afternoon. The Tribunal also considered whether to allow this case to go part-heard would be fair to Dr Aitchison in the circumstances.

5. The Tribunal carefully considered the submissions of the GMC and that there may be a need for them to make further inquiries or adduce further evidence. They also noted that Dr Aitchison did not object to the adjournment.

6. As the hearing had not been opened by this Tribunal, it could be relisted to a new Tribunal. Therefore, in fairness to both parties, as there is insufficient time to open and conclude the hearing today, the Tribunal determined to adjourn this hearing, under Rule 29(2) of the Fitness to Practise Rules 2004, as amended (the Rules).

### Extending the current order

7. The Tribunal has noted that Dr Aitchison's current conditions will expire on 20 May 2021.

8. The Tribunal noted that Dr Aitchison made no objection to the order of conditions being extended. Whilst the Tribunal noted Dr Aitchison's submissions that he would need 12-18 months to provide evidence of his Fitness to Practise, it bore in mind that his last review hearing concluded on 19 November 2019. The Tribunal noted that the 2019 Tribunal considered that a new reviewing Tribunal may be assisted by the following:

- A report from Dr Aitchison's workplace reporter, clinical supervisor and XXX
- A copy of Dr Aitchison's PDP and his progress towards meeting it
- Evidence of any Continuing Professional Development (CPD) undertaken by Dr Aitchison
- Copies of any appraisal report(s) and/or workplace assessment(s) and/or multisource feedback from patients and peers
- Any testimonials and other evidence Dr Aitchison felt may assist the Tribunal.

9. The Tribunal determined that it is necessary for the protection of patients and in the public interest, to extend the current order of conditions under Section 35D(5)(c) of the Medical Act 1983, as amended, for a period of six months. The Tribunal determined that a period of six months would ensure sufficient time for the hearing to be relisted to a new Tribunal, the GMC to make further inquiries and to allow both parties to adduce any further evidence.

10. Unless Dr Aitchison exercises his right of appeal, the further period of conditions will take effect 28 days from the date when written notice is deemed to have been served upon him. A note explaining Dr Aitchison's right of appeal will be sent to him. The current order for conditions will remain in effect until the appeal period has expired or any appeal has concluded.

11. Given that Dr Aitchison is self-represented and the complexity of the case, the Tribunal was of the opinion that Dr Aitchison's review hearing should be relisted for two days.

**Record of Determinations –  
Medical Practitioners Tribunal**

Whilst it has extended the order of conditions and noted Dr Aitchison's XXX about the hearing, the Tribunal determined it was in the public interest for this case to be relisted to a new Tribunal as soon as practicable.

12. The Tribunal directs that all parties must ensure that any documents are provided in a timely fashion to the reviewing Tribunal at least seven days before the next review hearing to avoid any further delays.

13. The hearing is adjourned.

**Confirmed**

**Date** 28 April 2021

Ms Sharmistha Michaels, Chair